

## RETURN

To an Address of the HOUSE OF COMMONS, dated 24th February, 1870, for Copies of all Correspondence between the Government and the Iroquois Indians of Two Mountains, or other parties, relative to the sale or surrender of the Indian Lands, with Copies of Orders in Council or other documents relating to the difficulties existing with said Indians; and also, a statement shewing what reserves are available for such Indians in other parts of the Country.

By Command.

J. C. AIKINS,

Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE,  
Ottawa, 31st March, 1870.

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OTTAWA, 26th March, 1870.

Copies of Correspondence between the Government and the Iroquois Indians of the Lake of Two Mountains and other parties, relative to the sale or surrender of the Indian Lands, with Copies of the Orders in Council and other documents relating to the difficulties existing with the Indians, as called for in Parliament by Address to His Excellency the Governor General, dated 24th February, 1870.

DEPARTMENT OF THE SECRETARY OF STATE FOR THE PROVINCES,  
Indian Branch.

*List of Copies of Documents, re Indians of the Lake of Two Mountains, furnished  
Indian Department to the House of Commons.*

- No. 1.—Memorial of the Iroquois Indians of the Lake of Two Mountains, to the Hon. Sir John A. McDonald, dated 10th December, 1868.
- No. 2.—Petition to His Excellency the Right Honorable Chs. Stanley Viscount Monck from the Indians of the Lake of Two Mountains, 8th August, 1868.
- No. 3.—Deed of Deposit of a certain paper-writing (*papier écrit*). Dated 28th November, 1868.
- No. 4.—Petition from the Algonquin Indians of the Lake of Two Mountains, dated 31st July, 1868.
- No. 5.—Rev. Mr. Mercier, Missionary at the Lake of Two Mountains, to Honorable the Secretary of State, dated 3rd August, 1868.
- No. 6.—Rev. Mr. Baile, Superior of the Seminary of Sulpice, Montreal, to the Hon. the Secretary of State, dated 12th October, 1868.
- No. 7.—Deed of Ratification, by the French King, dated 7th April, 1718.
- No. 8.—Deed of Ratification, by the French King, dated 1735.
- No. 9.—Extract from the Register of Superior Council of Quebec, ordering the registration of Deeds of Ratification.
- No. 10.—Letter from the Attorney General's Office for the Province of Quebec, to Hon. the Secretary of State, transmitting Judge Coursol's Report, relative to the disturbances at the Lake of Two Mountains.
- No. 11.—Judge Coursol's Report on the above.
- No. 12.—The Hon. the Secretary of State to the Iroquois Indians of the Lake of Two Mountains, dated 20th October, 1868.
- No. 13.—Letter from His Excellency the Governor General to the Iroquois Indians of the Lake of Two Mountains, dated 23rd October, 1868.
- No. 14.—The Hon. the Secretary of State to the Montreal Seminary, dated 3rd November, 1868.
- No. 15.—Reverend Messire Baile, Superior of the Seminary of Montreal, to the Hon. the Secretary of State, dated 9th November, 1868.
- No. 16.—The Hon. the Secretary of State to the Iroquois Indians of the Lake of Two Mountains, dated 9th December, 1868.
- No. 17.—Secretary of State to the Algonquins Indians of Lake of Two Mountains, dated 10th December, 1868.
- No. 18.—Petition from the Iroquois Indians to the Governor General, dated 8th February, 1869.
- No. 19.—Telegram from the same to the same, dated February 22nd, 1869.
- No. 20.—Letter from the Governor General's Office to the Indians of the Lake of Two Mountains, dated 23rd February, 1869.
- No. 21.—Letter from the Governor General's Office to the Hon. the Privy Council, enclosing Petition and Telegram above referred to, for report, dated 23rd February, 1869.
- No. 22.—The Iroquois Indians to His Excellency the Governor General, dated 26th February, 1869.
- No. 23.—Letter from the Secretary of State's Office, to the Iroquois Indians, dated 15th March, 1869.
- No. 24.—Reverend Mr. Baile, Superior of the Seminary of St. Sulpice, to the Hon. the Secretary of State, dated 2nd June, 1869.

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- No. 25.—Hon. the Secretary of State to Judge Coursol, dated 8th September, 1869.
- No. 26.—Judge Coursol's Second Report, dated 18th September, 1869, in reference to his Mission at the Lake of Two Mountains.
- No. 27.—Letter from the Under Secretary of State to Judge Coursol, dated 23rd September, 1869.
- No. 28.—The Hon. the Secretary of State to Judge Coursol, dated 14th October, 1869.
- No. 29.—Third Report from Judge Coursol to the Hon. the Secretary of State, dated 27th October, 1869.
- No. 30.—The Hon. the Secretary of State to Judge Coursol, dated 4th November, 1869.
- No. 31.—Petition from the Iroquois Indians of the Lake of Two Mountains to the Hon. the Secretary of State for the Provinces. (No date.)
- No. 32.—Petition to His Excellency the Governor General, from the Iroquois Indians of the Lake of Two Mountains.
- No. 33.—Secretary of State for the Provinces to the Reverend Mr. Baile, dated 26th January, 1870.
- No. 34.—Reverend Mr. Baile to the Hon. the Secretary of State for the Provinces, dated 26th February, 1870.
- No. 35.—Reverend John Borland, Wesleyan Missionary and Chairman of the Quebec District, to the Hon. the Secretary of State for the Provinces, dated 17th February, 1870.
- No. 36.—The Hon. the Secretary of State for the Provinces, to the Reverend John Borland, dated 12th March, 1870.
- No. 37.—Rev. John Borland to the Hon. the Secretary of State for the Provinces, dated 17th March, 1870.
- No. 37½.—Hon. J. Howe to Reverend J. Borland, 26th March, 1870.
- No. 38.—Report from the Indian Office, relative to the complaints of the Iroquois Indians of Lake of Two Mountains, dated 18th March, 1869.
- No. 39.—Report on the Petition of the Algonquin Indians of the Lake of Two Mountains, dated 26th October, 1868.
- No. 40.—Report on the Petition of the Iroquois Indians of the Lake of Two Mountains, dated 9th October, 1868.
- No. 41.—Report of the Hon. the Privy Council on the above, dated 24th May, 1869.
- No. 42.—Extract from Report of the Committee of the Privy Council on land applications, dated 9th August, 1853.
- No. 43.—Extract from Schedule, shewing the distribution of the area of land set apart for the Indians, dated 7th June, 1853.

Grant  
Copy of  
Heads of  
Capitulation

Oct 27 - 49

Documents  
A B C  
1837

(Copy, No. 1.)

PROVINCE OF QUEBEC, }  
DOMINION OF CANADA. }

To the Honorable Sir John Macdonald, C. B., Minister of Justice and Attorney General  
for the Province of Ontario, in the Dominion of Canada, &c., &c.

HONORABLE SIR,—The humble memorial of the Indian Chiefs and Iroquois of the  
Lake of Two Mountains, in the said Dominion, respectfully sheweth:—

That their petition of the 8th day of August now last past (1868), to His Excellency  
Lord Monck, late Governor of the said Dominion, in the French language, a true copy  
of which is now produced (exhibit letter A.), setting forth certain grievances against the  
priests of the Seminary of Saint Sulpice, was to have been referred for adjustment to the  
Honorable the Secretary of State for Canada, as per the accompanying acknowledgment  
(exhibit letter B.)

That much to their loss, prejudice, and detriment, your memorialists are yet suffering  
from the treatment of the priests, who have not desisted from oppressing them since their  
said petition, and have reduced them by their pride, hypocrisy, and avarice, to a most  
lamentable state of destitution and want.

That their circumstances, wretched as they may appear, were considerably aggravated  
by the visit to their otherwise quiet and peaceable village, of a certain number of police-  
men, headed by Mr. Coursolles, a Montreal magistrate, at the pressing and secret  
invitation of the aforesaid priests, who had falsely and maliciously represented their tribe  
as being in open rebellion! Your memorialists not having been favored with the report  
upon this system of portable justice, would believe Mr. Coursolles disposed to make *one*  
upon the request of his superiors in office.

That in addition to the above stated annoyance, the priests have endeavoured to  
silence them into submission to their ghostly authority (since they disbelieve their doctrine  
of purgatory), by threats of the penitentiary and transportation beyond the seas by the  
British government.

That the accompanying letter of the Secretary of State, written evidently under the  
sainted invocation of the priests of the Seminary at the Lake of Two Mountains, lead  
your memorialists to apprehend that justice will not be fairly dealt to them, unless they  
could secure your special protection, as the Minister of Justice. (See document letter C.)

That your memorialists obtained a verbal concession, given by the Reverend Mr.  
Quiblier, then the Superior of the Seminary of Saint Sulpice, at a public meeting or  
council held at the Lake of Two Mountains, in the month of June, 1839, in the presence  
of the officers of the Indian Department, the Iroquois chiefs and warriors of that settle-  
ment, to the effect of cutting and selling firewood out of the lands they then occupied,  
or might hereafter wish to occupy in the Seigniorship of the Lake of Two Mountains. The  
Iroquois Indians having previously obtained a similar permit from His Excellency Sir  
John Colbourne, then Governor in Chief in Lower Canada, of all which certificates are  
now produced, and to which your honor is most respectfully referred. (See document  
letter D.)

That, on being duly notified of the existence of the proofs of such a concession, the  
priests of the Seminary of Saint Sulpice peremptorily denied and refused to admit them?

That your memorialists, furthermore, respectfully refer your honor to the list of  
subscriptions now produced in aid to the suffering Iroquois warriors of the Lake of Two  
Mountains, as a proof of their destitution and poverty, and of the sympathy they have  
enlisted by their well tried loyalty, courage, and good conduct, on the part of their  
neighbours, the respectable Protestants of the adjoining county (see exhibit E.) That  
your memorialists most respectfully conclude by soliciting the intervention of your honor  
in their behalf, and obtain on the part of the priests of the Seminary of Saint Sulpice:

*Firstly*, the recognition of those rights secured to their tribe by the royal proclamation  
of His late Majesty King George the Third, dated the 7th day of October, 1765.

*Secondly*, of the 27th and 49th articles of the treaty of capitulation.

*Thirdly*, of the 3rd section of the ordinance passed in the 17th year George 3rd, Cap. 7th.

*Fourthly*, of the rights and privileges granted to the tenants (*censitaires*) of other seigniories in the province.

*Fifthly*, of the liberty of conscience, the free circulation and preaching of the Gospel by whatever means the Iroquois of the Lake may deem fit to devise.

*Sixthly*, the opening and keeping of Sabbath Schools with Evangelical teachers.

*Seventhly*, of the appointment of Superintendent and other officers of the Indian Department, as existing in the former times (1837), only to be selected from among Protestants, instead of Roman Catholics.

*Eighthly*, of their rights to cut down and make a traffic, to their own best profit and advantage, of the firewood, agreeable to the verbal permit or concession referred to in document letter D.

And your Memorialists, as in duty bound, will ever pray.

(Signed,)

JOSEPH ONASAKENRAL,  
LOUIS KAREN RATENKIATE,  
JEAN AENNAKENRAT,  
THOMAS SAKOKENNI,  
SASATIS KAROMHISNAK8UI,  
LOUIS × KARONHAMMHUE,  
SASIE × TIAHOKATHE,  
SOSE × LOBETRES8ANE,  
NICOLAS × TIKANOTOKENI,  
SOSE × TEHASRIAKEOURA,  
DAVID ATHONDINE,  
PIERRE × TORONHEATON,  
LOUIS SHATEHASMNOTIU.

Lake of Two Mountains, 10th December, 1868.

References :—

1. Petition to Lord Monck, Exhibit A.
2. His Answer, Exhibit B.
3. Letter of the Secretary of State, C.
4. Certificate of James Hughes, D.
5. Subscription List, E.

No. 2.

(Translated from the French.)

DISTRICT OF TERREBONNE, }  
PROVINCE OF QUEBEC. }

To His Excellency the Right Honorable Charles Stanley, Vicount Monck, Baron Monck of Ballytrammon, in the County of Wexford, Baron Monck, of Ballytrammon in the Peerage of the United Kingdom of Great Britain and Ireland, Governor General of the Dominion of Canada, &c., &c., &c.

May it please your Excellency,—

The humble Petition of the undersigned Chiefs of the Iroquois Tribe or Nation of the Lake of Two Mountains, in the District of Terrebonne, duly elected according to the laws, usages, and customs of the said Nation.

Respectfully sheweth,—

That they are the descendants and rightful representatives of that same Indian Nation or Tribe, with whom the British Government made an alliance, and who lived under his special protection long before and after the day of the Royal Proclamation of His late Majesty, George the Third of Glorious Memory, dated 7th day of October, 1763.

That for more than a century, their Nation or Tribe have always remained faithful and loyal to the British Government, notwithstanding the example to the contrary of the other Tribes, and of their co-religionists, the French and the Canadians, during the war of England with France and America, and more recently, the Canadian rebellion.

That their Nation, for this reason, and for motives of personal interest, have always been treated with contempt and harshness by the members of the clergy of the Church of Rome (better known among themselves, under the designation of the gods of this world), who, under the cloak of religion, have assumed the mastership of the Indians here, as well as in other localities,—that scourge of humankind, those oppressors of the children of the Great and only God of the Universe, are at last unmasked!

That for a long time they have been desirous of obtaining the free enjoyment of their rights and privileges as British subjects, but that their wives, and the most timid among them were, at the least sign of dissatisfaction manifested by them against the administration of the priests of the Church of Rome, threatened with anathema and eternal damnation by those holy fathers, full of anger and wrath, and the Sacraments of which church they would deprive them, dead or alive.

Your Petitioners thought better to submit, until the time would arrive when they could break from such shameful superstition.

That your Petitioners, through the intrigues and doings of the seigniors of St. Sulpice, were deprived of the protection of the British Government, and of the scholastic and religious education, more in harmony with their progress in civilization, than that of writing and reading in the Iroquois language, which the priests and seigniors of St. Sulpice, took care to teach to a few only, with a view to impose upon the others and to prevent them from acquiring the knowledge of the rights and privileges pertaining to humanity.

That by the 15th Paragraph of the Royal Proclamation above referred to, it is enacted: "That inasmuch as great frauds and abuses were committed in the purchase of Indian lands, to our prejudice, and to the great dissatisfaction of the Indians, so as to prevent in future such like irregularities, and so that the Indians may be convinced of our justice and firm resolution to prevent every reasonable cause of discontentment, by and with the advice of our Privy Council, We strictly enjoin and command that no person takes upon himself to purchase from the said Indians, any of the lands reserved for the said Indians, in those parts of Our Colonies in which We have been pleased to allow people to settle therein; but if at any time to come, any of the said Indians were inclined to dispose of the said lands, they will be bought solely for us, and in our name, at some public meeting of the said Indians, held to that effect by the Governor or Commander in Chief of Our Colony, respectively, where the said lands shall be situated, and in case such lands be situated within the limits of any Proprietary Government, then they will be subject to the direction and instructions that We or the said Proprietary Government may deem proper to give to that effect."

That your Petitioners in their names and in the name of the Iroquois Nation, believe it to be their duty to point out, amongst other great frauds and abuses committed towards them by the priests and seigniors of St. Sulpice of the Lake of Two Mountains, above mentioned.

1. That they have constantly refused them grants of land for agricultural purposes within the limits of their own residence, according to the laws, usages, and customs in Lower Canada.

2. That they have been deprived of the right of taking firewood for their own use, even on the lands they occupy, whilst the priests and seigniors of St. Sulpice, in the year

1864, under the pretext of opening a road, have cut and carried away, through the medium of French Canadians, more than one thousand cords of wood, such as maple, beech, and birch, on an extent in the domain of the said Seigniory, of half an acre in width and one mile and a half in length, which wood they sold and bartered away, to the great prejudice and detriment of your petitioners, notwithstanding their remonstrances to the contrary.

3. That the above-mentioned priests and seigniors, although refusing to your petitioners and the other Indians the right of taking wood on their own property, did sell before their own eyes, to a French Canadian of the name of André Lacroix, a large quantity of wood of great value, which was taken from a place known as the Great Bay, Indian Land, on an extent of 30 acres.

4. That a certain Jean Baptiste Lacoppre, Iroquois, having made a canoe, which he sold, had the shame of seeing it claimed by Messire Mercier, in the name of the priests and seigniors of St. Sulpice, saying, that he was punishing that Indian for having sold his canoe without the permission of the priests.

5. That the said priests and seigniors of St. Sulpice levy tithes from the Indians without any right so to do, and exact other dues, (under the penalty of anathema and the refusal of the Sacraments) such as baptism, marriages, and burials, which may happen in their midst.

6. That the widow of Thomas Petit-eris, an Iroquois woman, having a family of four children, in possession of a piece of land, containing forty acres in superficies, which she thought she could utilize for her own benefit and that of her family, leased that land to a well to do farmer, for the moiety of the crop, equal in value to a rental of 15 livres currency, the works upon it were commenced when the priest, Mr. Mercier, in the name of his brothers of St. Sulpice, rushed forward like a hawk on its prey, and caused the profits of the poor widow to be entailed in his favor, and only gave her \$30 00, thus conscientiously pocketing, in his quality of priest, a usurious and condemnable profit for everybody else of 100% taken from the poor widow and her orphans.

That your Petitioners believe it to be their duty to respectfully call the attention of Your Excellency to the following articles of the Treaty of Capitulation of 8th September, 1760 :—

1st. The Marquis of Vaudreuil proposed (in article 27) "That the free exercise of the Catholic, Apostolic, and Roman religion shall exist unreservedly, in such a manner as to permit to individuals of all classes, and of every city and country far and near, to continue to assemble in the churches and frequent the Sacraments as heretofore without fear of molestation, either directly or indirectly. The British Government will oblige these individuals to pay to the priests, who will have charge of them, the tithes and all the other dues which they were in the habit of paying under the Government of His Most Christian Majesty."

To which General Amherst, on behalf of His Britannic Majesty, answered, "Granted, as to the free exercise of their religion, the obligation to pay the tithes to the priests shall depend upon the King."

2nd. In article 49, the French general proposed, "That the Indians or the Indian Allies of His Most Christian Majesty, shall be maintained in the possession of the lands which they occupy, if they wish to remain thereon; they shall not be molested under any pretext whatsoever, for having taken up arms and served His Most Christian Majesty, they will have, like the French, liberty of religion, and will keep their Missionaries; it will be permitted to the present Vicar General and to the Bishop, when the Episcopal See shall be filled, to send them new missionaries, when they shall think proper."

To which the English general answered, "Granted, with the exception of the last article, which has already been refused."

3rd. In the paragraph 14 of the Royal Proclamation, it is said and declared, "And we further enjoin and strictly require all persons whatsoever who have voluntarily or inadvertently established themselves upon lands in the localities above designated, or

“upon any other land which, not having been ceded to us, or by us bought, are still reserved for the said Indians as above stated, to leave instantly such settlements.”

4th. In the third clause of the Act passed in the 17th year of the Reign of His Majesty George the Third, Cap. 17, it is enacted that, “On and after the publication of this Act, it will not be permitted to any one to establish himself in any Indian locality or Indian village in this Province, without a written permission from the Governor, Lieutenant-Governor, or Commander-in-Chief of the Province, under the penalty of a fine of 10 livres for the first infraction, and of 20 livres in cases of repetition, and for every subsequent infraction.”

That your Petitioners, in the names of those they represent, regret to so often repeat the same complaints, in order to induce the Government of this Province to maintain them in their rights and privileges, and to order away the priests, missionaries, and seigniors of St. Sulpice, who are the main and direct source of their poverty and misery. Whilst these pretended successors of St. Peter live in a sumptuous palace, all covered with purple and most delicate stuff, their table being loaded with the choicest dainties; they receive also the produce of 22 farms, which French Canadians cultivate for them: the Indians of the Lake are naked, their children will soon tremble with cold, for nothing is left to them; they are hungry and without shelter, nevertheless they are by those pretended fathers and spiritual directors burthened with taxes and tithes, and dragged before the tribunals of justice, like slaves, and cast into prison at the least attempt made by them to exercise their right of proprietorship.

That your Petitioners and the Iroquois Tribe or Nation of the Lake of Two Mountains are submissive and tractable enough to be no longer under the covetous tutorage of priests and seigniors, the presence of whom they wish to have no longer.

That your Petitioners, and the Iroquois Nation or Tribe of the Lake of Two Mountains, are desirous of placing themselves under the kind protection of the British Government, so as to obtain liberty of conscience and educate their children in the English and French languages, the same as children are educated in Evangelical and Protestant Schools.

Therefore, your Petitioners, in the name of the Iroquois Nation or Tribe which they represent, move, that it may please your Excellency to take their Petition, contained in the preceding pages, into consideration, and as containing an exact and faithful statement of their wrongs and of the causes of their dissatisfaction, and to do them justice.

And your Petitioners will for ever pray.

(Affidavit.)

Jose Onasakenral, (the Swan), Louis Kanenrakenhiote (Sanathron), and Jean Osennakenrat, (Xegussa), residing at the Lake of Two Mountains, Indians of the Iroquois Nation or Tribe, having been sworn upon the Holy Evangelists, depose and say; That they understand well, and speak fluently, the French language; that they are the only chiefs of the said Nation or Tribe, having been elected at the village of the Lake of Two Mountains, according to custom, at a meeting held for that purpose on the 25th July last, to act in their name, in all matters in which the said nation may be concerned.

That they have as such full power, until revocation,—that the allegations contained in the said Petition, lecture of which was duly made to them, paragraph by paragraph, and which the deponents declare having heard and well understood, are true and the unanimous sentiments entertained by their Nation towards the priests, which they designate by the words of “the long gowns.”

That they acknowledge the allegations and facts brought forth in the said Petition to be the same as narrated by them, and they declare to have come to St. Andrews at the solicitation of the other Indians, made to them at the aforesaid meeting, so as to have



the said Petition written, and this, of their own free will, and not at the instigation or advice of any English or French Protestants; and the deponents say nothing more, and have signed; lecture of same first having been made.

(Signed,) JOSE ONASAKANRAT (Lecyjne),  
LOUIS KANENRAKENHIATE (Sendrier),  
JEAN OSENNAKENRAT (Tiscessa),  
And 119 more Signatures.

Sworn and Signed before me, one of the Commissioners of the Superior Court of the District of Terrebonne, appointed to receive affidavits to be read in the said court.

S. ANDREWS, Argenteuil.

8th August, 1868.

(Signed,) GASPARD T. DE LA RONDE, C. S. C.

(No. 3.)

[Translated from the French.]

On this 28th day of the month of November, in the year of Our Lord one thousand eight hundred and sixty-eight, before the undersigned Public Notary, duly admitted and sworn in and for that part of the Province of Quebec, formerly called Lower Canada, residing in the District of Terrebonne, personally came and appeared Jose Ononksakosa, alias Ocite, ancient chief of the Iroquois nation, residing at the Lake of Two Mountains, who did say and declared unto us, that he recognizes a certain paper writing (*papier écrit*) written upon a half sheet of foolscap paper, deteriorated and smoky, bearing other certain signs of its being the same paper writing (*papier écrit*) or certificate which was given and delivered to him in person by the late James Hughes, in his lifetime of Saint Polycarpe, Rivière à de l'Isle, in the District of Montreal, Esquire, where the said appearer met him, with a view of obtaining the certificate or paper writing in question, or report of an assembly of the officers of the Indian Department, the Iroquois chiefs, and Indians of the said lake of Two Mountains, held in the Indian village of the Lake of Two Mountains, in the spring of 1839, or thereabouts: That the said late James Hughes was an old Superintendent of Indian affairs, and in that capacity attended, and was present at the said meeting as well as the appearer himself: That they then and there met with the Reverend Messire Quiblier, then Superior of the Seminary of St. Sulpice: That the said late James Hughes was a gentleman every way competent to give evidence of facts come to his knowledge, these facts being witnessed by the appearer himself, the other witnesses being either dead or absent from the country when the report of the said meeting or the certificate in question was handed to him: That the said appearer further says and declares that he recognizes the handwriting and signature of the said late James Hughes, upon the paper writing, certificate or report of the said meeting in question to be the same as that of the late James Hughes, having seen him write and sign his name: The said appearer having had the said paper writing in his keeping and possession ever since then, and that it is the paper writing, certificate or report of the said James Hughes, he affirms in the presence of the Almighty, and which he now deposits in our office, to be placed amongst our Minutes, and give copies to all whom it may concern: That the said appearer was present along with other chiefs and warriors of the Iroquois nation and the said late James Hughes, at the meeting of the month of June, 1839, alluded to: That then and there the Reverend Messire Quiblier, Superior of the Seminary of St. Sulpice, in the presence of the Reverend Messire Dufresne, missionary at the Lake of

Two Mountains; of Lieutenant Colonel Napier, Secretary of Indian affairs; of the late Bernard St. Germain, Interpreter; of the late Dominique Ducharme, (upon certain representations to him made in his capacity as superior of the Seminary of St. Sulpice, by the said chiefs of the Iroquois nation, residing in the said village) granted to the said Iroquois nation, "the right of cutting firewood on such lot of ground, they might subsequently wish to cultivate, and sell the same, but well understood that they should give the preference of such sale to their missionary:" The said appearer further says, that not long before the French Canadian rebellion, during the administration of the brave Sir John Colborne, Governor of Canada, he, the said appearer, in the name of the other Iroquois warriors, personally came before the Governor and represented to him the conduct of the priests of the Seminary of the Lake of Two Mountains, who refused them the right of cutting firewood within the limits of their own lands: That (Sir John Colborne) the said Governor told them in answer, "to cut as much wood as they liked, to place the same in a convenient place upon the banks of the lake, and that he would furnish them the means to have it brought to the Montreal market, at which place they would be able to dispose of it at a higher rate:" That he, the appearer, remarked that he would like that order in writing, and that Sir John Colborne replied, "he did not require it, and to make use of his name:" That he, the said appearer, and the Iroquois of the Lake of Two Mountains, then commenced to cut wood, in conformity to the Governor's order (Sir John Colborne), but the rebellion having subsequently broken out, the Iroquois Indians joined the British Army in the defence of their homes, and the right as to the cutting of firewood was put off to a later period. But the Seminary of St. Sulpice having formally prohibited the exercise of that right, some difficulties arose in consequence, and which later were the cause of Mr. Quiblier granting that concession or permission above referred to,

That, to prevent any doubt as regards the concession or permission granted to the said Iroquois Indians, he, the said appearer, demands a deed in the name of the said Indians of the present declaration, which he has made in the office of the undersigned notary, for the motives above stated.

Done at St. Andrews, Argenteuil, in the office, day, month, and year above stated, and has signed under the number 7,579 B.—Lecture of same first being made.

(Signed,)

JOSEPH OHONKSAT-KOSA,  
JOSE ONONSAKENRAT,  
LOUIS KANENRAKENHIATE,  
M. G. T. DE LA RONDE, N.P.

True copy of the original remain in my office.

(Signed,)

M. G. T. DE LA RONDE.

(Appendice D.)

Paper writing (*papier écrit*), certificate or report of the late James Hughes, mentioned in the deed of deposit and acknowledgment, above and elsewhere written and designated.

ST. POLYCARPE, RIVIERE DE L'ISLE,  
16th, July, 1848.

I hereby certify and declare, that in the month of June, 1839, at a council held at the Lake of Two Mountains, at which were present Messire Quiblier, Superior of the Seminary of St. Sulpice; Messire Dufresne, missionary at the Lake of Two Mountains; Lieutenant Colonel Napier, Secretary Indian Affairs; James Hughes, Superintendent Indian Affairs; Bernard St. Germain, and Dominique Ducharme, and most part of the Iroquois chiefs and principal warriors; that then and there Messire Quiblier, amongst

the different propositions he made to the Iroquois tribe stationed at that village, told them that they might cut firewood on such lots of ground they might occupy at the time, or that they might subsequently wish to cultivate, and sell the same, but well understood that they should give the preference of said sale of wood to their missionary, Messire Dufresne, should he deem fit to purchase the same. No price was mentioned at the time.

(Signed,) JAMES HUGHES,  
Late Superintendent Indian Department.

[Translated from the French.]

In the year one thousand eight hundred and sixty-eight, the 8th day of November we, the undersigned notary public, for that part of the Province of Quebec formerly called Lower Canada, residing at St. Andrews, in the Seigniory of Argenteuil, in the district of Terrebonne, certify to all whom it may concern, that the original of the "paper writing (*papier écrit*), certificate, or report," copy of which is above written, has been brought to us, that it has been recognized and placed amongst our minutes to make use of, and that the copy above mentioned is a true copy of said original, having been by us compared, revised, and corrected, according to the said original.

And we, the said notary, further certify, that at the request of the chiefs of the Iroquois tribe of the Lake of Two Mountains, in the said district, have this day notified and sent to the address of the Reverend Messire Joseph Lafontaine, priest at the Seminary of the Lake of Two Mountains, under envelope prepaid, a copy of the deed of deposit and of the paper writing or certificate which is annexed to it, for the use of the gentlemen of the Seminary of St. Sulpice, so that they may not plead ignorance, and to govern themselves accordingly.

The said Iroquois Indians declare, by these presents, that they intend to avail themselves of the rights and privileges given them, as proved by the said documents.

Done at St. Andrews, Argenteuil, upon the day, month, and year above mentioned ; in testimony whereof we have signed ; lecture first being made.

(Signed,) M. G. T. DE LA RONDE, N. P.  
True copy of the original.

(Signed,) M. G. T. DE LA RONDE.

(Copy, No. 4.)

LAKE OF TWO MOUNTAINS,  
July 31st, 1868.

You that are our first Father on earth, we salute you, the chiefs and all the young warriors of our nation, and all the rest of the nation of Algonquins of this domain—our father whom we always loved, and still love—we ask you to hear our complaint and relieve us of our troubles. We see the smoke of the white man upon all of our grounds that we used to get our living ; our privileges trod upon, and our lands taken from us ; on that land that we now live we have, as it were, nothing to say. The priests take all upon themselves and hinder us of our just rights. We want the same rights as our forefathers had, that is, the control of our own lands. Some of the priests say that we still have the rights if we would look after them, that is, the privileges our forefathers had ; the domain under our own control, instead of the priests controlling us. They, the priests, say that we have no right to the Indian domain, but that they have the sole right. The priests make farms for the whites, and leave very little for us : they are selling the wood very fast, and we are not allowed to sell any ; they refuse to give us wood to build houses with, that is the reason why our nation are leaving the Lake of Two Mountains, and living abroad, very few remaining at the village.

The islands in the Ottawa were in our possession since before the whites came, and the Government wanted to build slides, and promised after they were built to pay us by a yearly rent; it is now long ago (about 36 years); and we have had no benefit or money from the Government for them; also, our equipments were withdrawn from us. We were surprised at that from the Government; we were promised the equipments as long as we lived in this place: our forefathers told us that. We are told now that we are under the laws of the whites, and we want the same privileges extended to us. The priests of this place forbid the whites to treat us the same as the white brethren. Since we are amenable to the laws of the Dominion we want the same privileges as the whites.

(Signed,)                   × CLAKO MI SAKI,  
                                   × BAZIL OBJIK,  
                                   × PALL AKEMWANDI,  
                                   and 22 more signatures.

(No. 5.)

[*Translated from the French.*]

LAKE OF TWO MOUNTAINS,  
                                   3rd August, 1868.  
                                   Oka, P.O.

Our Algonquin chiefs being desirous of presenting themselves to the Honorable Langevin, Minister in charge of the Indian Department, and wishing that I should give them a letter of introduction, I give it with a good will, inasmuch as they deserve it, their conduct being generally very regular.

(Signed,)                   A. MERCIER,  
                                   P.S.S. Director of the Mission.

To the Honorable LANGEVIN.

(No. 6.)

[*Translated from the French.*]

MONTREAL,  
                                   12th October, 1868.

To the Honorable H. L. LANGEVIN, C.B.,  
                                   Secretary of State for the Dominion.

Monsieur le Ministre,—In answer to your letter of the month of September, permit me to remind you, in a few words, of the titles establishing the right of the seminary to the whole of the seigniory of the Lake of Two Mountains.

It will be the best method of answering, to the pretensions of the Indians of our mission, who by evil-minded persons are encouraged to put forth rights which they have never possessed.

This seigniory was conceded to us upon a title very onerous to us, in October, 1717. Our gentlemen petitioned for it, so as to enable them to transfer the Indian mission, which they had, at their own expense, established in our Seigniory of Montreal in 1677, at first at the fort on the mountain, and afterwards at the Sault au Récollet in the domain. It was granted to us by the then Governor and Intendant, to enjoy the same for ever, in the most ample manner, even if the mission was taken away from thence, on the

conditions that the expenses of the transfer of the mission should be paid by us, that we should put up a stone building, a church, and erect a fort for the protection of the Indians and the defence of the colony, against the incursions of the Iroquois. We have faithfully fulfilled those conditions.

The expenses incurred in fulfilling these conditions were so considerable that, on the 26th September, 1733, the Marquis of Beauharnois added new lands to this seigniory. The King of France, in approving of these grants, added a greater extent, in the depth of the land, as an indemnity.

Those are our titles, they are so clear that, in virtue of the Treaty of Peace, concluded between the French crown and that of England at the time of the cession of Canada in 1760, our seigniories were considered as private seigniories, and we had the privilege of selling them and taking the proceeds of such sales to France, the same as the other seigniors who did not wish to remain under the English domination. The gentlemen of St. Sulpice did not, however, like to abandon the colony at a moment when the fruits of their sacrifices were most wanted.

In 1840, the titles of the Seminary of Montreal to those seigniories, which were held in full property, by the Sulpicians of Paris and of Montreal, under the French domination, were confirmed by that famous ordinance, which has been the dawning and the basis of the commutation of the seigniorial rights in the whole Province. You are aware of the sacrifices we then made.

In 1859, in order to facilitate the extinction of the seigniorial rights and thus simplify Lower Canada legislation, we consented and offered, not without new sacrifices, to abide by the common law as regards the commutation of a part of our rights. By the 16th Section of the amended Seigniorial Act of 1859, the non-ceded lands in any of said seigniories have become our unconditional property in *franc alev roturier*, and we can sell any of those lands. Therefore, the lands under cultivation and occupied by the Indians are ours.

We allow them to occupy these lands on the condition that they will be cultivated by themselves or by their children, or by an Indian having resided in the mission for two years. We allow them to take what wood they require for building purposes or for firewood, but we do not allow them to sell it.

To alter this state of things, would be to upset the whole mission.

We, therefore, beg of the Government to declare to the Indians that the seigniory is entirely our own property, and they cannot pretend to any other rights but to those which we may grant them.

It would be for the interest of the Indians, were their delusion in this respect dissipated; the seminary, which has done for them more than has been done in any other place, is anxious to uphold their own rights, but to prevent the mission from falling into trouble.

Be pleased to accept, I pray, the expression of the profound respect with which

I am always, Sir, your very humble and very obedient Servant,

(Signed,)

T. A. BAILE,

Superior, Seminary of St. Sulpice.

(No. 7.)

[Translated from the French.]

This twenty seventh day of April, one thousand seven hundred and eighteen, the king being in Paris, and desiring to be propitious towards the ecclesiastics of the Seminary of St. Sulpice, established in Paris, from whom those of the Seminary of St. Sulpice established at Montreal proceed, and to whom the Sieurs de Vaudreuil and Bégon, Governor and Lieutenant-General, and Intendent of La Nouvelle, France, have granted

by Deed of Concession, on the seventeenth of October, one thousand seven hundred and seventeen, a tract of land of three leagues and a half in front by three leagues in depth, to enable them to transfer there the mission of the Indians of Sault au Récollet, which is under their care, and this on the terms, provisions, and conditions mentioned in the said Deed of Concession, which Deed of Concession His Majesty caused to be laid before him to be approved in favor of the ecclesiastics of the Seminary of St. Sulpice at Paris, and solely on the conditions which are to be mentioned in these presents. His Majesty, by and with the advice of Monsieur le Duc d'Orleans, Regent, has given and granted by and in virtue of these presents to the ecclesiastics of the Seminary of St. Sulpice, established in Paris, that certain tract of land containing three leagues and a half in front, to commence at a brook which runs into the great bay of the Lake of Two Mountains, ascending along the said lake and the River St. Lawrence, by three leagues in depth, the said piece of ground being mentioned in the said Deed of Concession of 1717, in order to transfer there the mission of the said Indians of Sault au Récollet; to have and to hold the same for ever unto the said sieurs ecclesiastics, their successors and assigns, even if the said mission be taken away from thence, in full property, under the title of fief and seignior, with the right of superior, mean, and inferior jurisdiction; with the privilege of hunting and fishing as well within as opposite the said concession, on condition that they shall bear the whole expense necessary for removing the said mission, and also cause a church and a fort to be built there of stone at their own cost, for the security of the Indians, according to the plans thereof, which shall be by them handed over to the Governor and Intendant of La Nouvelle France, to be by them and with their report sent to the Council of Marine for His Majesty's information, and to be approved; which works they shall be held to perform within the space of seven years, subject also to the condition of fealty and homage (*foi et hommage*) which the ecclesiastics of the said seminary, their successors and assigns, shall be held to perform at the castle of St. Lewis, in Quebec, and which they shall hold under the customary duties and dues, and agreeably to the custom of the Prevostship and Viscounty of Paris, followed in La Nouvelle France, and that the appeals from the decisions of the judge who may be established at the said place shall lie before the judges of the Royal Jurisdiction of Montreal. That they shall keep and cause to be kept house and home (*feu et lieu*) on the said concession. That they shall preserve their oak timber fit for shipbuilding, which may be found upon the land which the said ecclesiastics shall have set aside for their principal manor house, and that they shall also stipulate the reserve of such oak timber within the extent of the private concessions made or to be made to their tenants, which said oak timber His Majesty shall be free to take, without being held to pay any indemnity; also, that they shall give notice to the king or to the Governor and Intendant of La Nouvelle France, of the mines, ores, and minerals, if any be found within the limits of the said fief, and leave the necessary roadways and passages. That they shall concede the said uncleared lands under the simple title of a rent of twenty *sols* and a *capon*, for each and every arpent of land in depth, and six *deniers* of *cens*, and that there shall not be inserted in the said concessions any sum of money or any other charge than that of the simple title of *rent*, His Majesty granting them, nevertheless, the permission to sell or grant at a higher rent the lands of which a quarter will have been cleared. The present Deed of Ratification to be registered in the Superior Council of Quebec, for the use of all whom it may concern, and in testimony whereof His Majesty has commanded me to draw up these presents which he has been pleased to sign with his own hand, and countersigned by me, Joint Secretary of State, and of his commands and finances.

(Signed,  
(Signed,)

LOUIS.  
PHILYPIAUX.

The title of concession above written has been registered in the records of the Superior Council of Quebec, according to the command of this day's date, of the King's Procureur General, by me, Clerk of the said Council, at Quebec, the Second of October, 1719.

(Signed,)

RINEL.

On the back is written :—

Received into the Registrar's Office, in Quebec, on Tuesday, the 11th day of June, 1765, at 9 o'clock in the forenoon.

(Signed,)

J. GOLDFRAP,  
Deputy Registrar.

Registered in the said office, on Friday, the 14th day of June, 1765, at 10 o'clock in the forenoon, in the French Register, letter A, page 135.

(Signed,)

J. GOLDFRAP,  
Deputy Registrar.

Registered in the Register of Fealty and Homage (*foi et hommage*).

(Signed,)

J. T. CUGNET.

Compared with the original written on parchment, to us exhibited by Messire Jos. Bourneuf, priest, procurator of the Seminary of Montreal, and immediately returned to himself by the undersigned notaries for the Province of Lower Canada, residing in Montreal, this day, the 18th of June, 1796.

(Signed,)

LOUIS CHABOILLEZ, Not.  
JEAN GUILL. DELISLE, Not.

(Copy.)

(L. S.)

*Guy, Lord Dorchester, Captain General and Governor in Chief of the Province of Lower Canada, etc., etc., etc.*

To all whom these presents may concern :

I do hereby certify that Louis Chaboillez and Jean Guillaume Delisle, are public notaries for the district of Montreal, in the Province of Lower Canada, duly commissioned and authorized as such ; in consequence whereof full faith and entire credit are and ought to be given to their signatures in such capacity, wherever the same may appear.

Given under my Hand and Seal at Arms, at the Castle of St. Lewis, in the City of Quebec, the 25th day of June, 1796, and in the 36th year of His Majesty's reign.

(Signed,)

DORCHESTER.

By His Excellency's Command.

(Signed,)

GEORGE POWNATT,  
Secretary.

True copy of the original kept in the records of the Seminary of Montreal, this 8th day of September, 1868.

(Signed,)

A. MERCIER, P.S.S.

(No. 8.)

[*Translated from the French.*]

This first day of the month of March, one thousand seven hundred and thirty-five the king being at Versailles, and having caused to be laid before him the Deed of Concession made on the twenty-sixth of September, one thousand seven hundred and thirty-three, in favor of the ecclesiastics of the Seminary of St. Sulpice of Paris, by the Sieurs Marquis of Beauharnois, Governor and Intendant General for His Majesty, and Hocquart, Intendant in La Nouvelle France, of a tract of land situated in the said country, and lying between the line of the Seigniorship belonging to the representatives of the late Sieurs de Langloiserie and Petit, and that of the Seigniorship of the Lake of Two Mountains belonging to the said seminary, and in the front extending about two leagues by the Lake

of Two Mountains ; the said tract of land abutting on an angle formed by the two above mentioned lines, together with the ungranted islands and islets, and the beaches adjoining the said tract of land, having also caused the Deed of Ratification of the twenty-seventh April, one thousand seven hundred and eighteen, by which His Majesty conceded to the same seminary the said seigniory called Lake of Two Mountains, and desiring His Majesty to be propitious towards the said ecclesiastics of St. Sulpice of Paris, by confirming the concession of the twenty-sixth of September one thousand seven hundred and thirty-three, he has ratified and confirmed the said concession, to have and to hold the said ecclesiastics, their successors and assigns for ever, as a fief and seigniory, with the right of superior, mean, and inferior jurisdiction, with that of fishing, hunting, and trading with the Indians within the limits of the said seigniory, on the following terms, provisions, and conditions, to wit : That the bearing of the said land will run in depth south one quarter south-west to north one quarter north-east, and not south-west one quarter north-east as inserted by mistake in the Deed of Concession made by the Sieurs de Beauharnois and Hocquart ; that the said ecclesiastics, their successors and assigns, shall be subject to the performance of fealty and homage (*foi et hommage*) to His Majesty on every change of reign, and furnish him also with new census, as well at the castle of St. Lewis in Quebec, of which they shall hold, according to the custom of Paris, followed in La Nouvelle France, without being obliged to pay to His Majesty, nor to his successors (kings) any rent or dues whatsoever, neither for the land to them conceded at the said Lake of Two Mountains by the Deed of Ratification of the Twenty-seventh of April, one thousand seven hundred and eighteen.

That His Majesty will be free to take at all times, without being held to pay any indemnity, the oak timber fit for his service, which may be found on the said conceded lands ; that the said ecclesiastics, their successors and assigns, shall give notice to His Majesty, or to the Governor or Intendant of La Nouvelle France, of the mines, ores, and minerals, if any be found, within the limits of the said concession ; that the appeals from the decision of the judge who may be established at the said place, shall lie before the judges of the Royal Jurisdiction of Montreal ; that within a year and a day they shall keep, and cause to be kept, house and home (*feu et lieu*) on the said concession, in default whereof the said concession shall revert to His Majesty's domain ; that they shall immediately clear, and cause to be cleared, the said tract of land ; that they shall leave on the said concession the King's highways and other roadways which may be found necessary for the public use, and that they shall cause the same conditions to be inserted in the concessions which they shall grant to their tenants, subject to the customary *cens et rentes* and dues for each *arpent* of land as in the adjoining seigniories, considering the nature and circumstances of inheritances, at the time of the said private concessions, the same to be observed by the desire of His Majesty as regards the lands and inheritances in the Seigniory of the Lake of Two Mountains, belonging to the said ecclesiastics, notwithstanding the fixing of the said *cens* and dues and of the quantity of land of each concession set forth in the said deed of one thousand seven hundred and eighteen, to which His Majesty has departed from, and as the said ecclesiastics of St. Sulpice have represented to him that the transfer of the said Indian mission from the Island of Montreal to the Lake of Two Mountains, the stone church, the presbytery, the wooden fort which they have built thereon, have caused them expenses far exceeding the value of the lands conceded to them by the present deed, and by that of one thousand seven hundred and eighteen ; that it would be impossible for them to build thereon a stone fort, as obliged to by the said deed, and that besides, that stone fort would now be useless, the land at the head of the other concessions upon which the said fort was to be erected for the security of the country, being occupied by the widow lady of Sieur d'Argentueil ; and, lastly, that the Indians of the mission of the said Lake of Two Mountains being accustomed to often change their place of abode, and so as to render the said land more profitable, it would, therefore, be necessary to extend the said land further than the three leagues as set forth in the said deed of one thousand seven hundred and eighteen, the land conceded by these presents adjoining the Sieurs Petit and Langloiserie, being of a small extent in depth,



His Majesty has released and releases the said ecclesiastics of St. Sulpice from the obligation of building the said stone fort or any other works, excepting those already made, upon the said land of the said concession of one thousand seven hundred and eighteen, to which His Majesty is now pleased to add an extent of three leagues in depth, if the said extent is not already conceded, and which he now grants and concedes to the said ecclesiastics of St. Sulpice of Paris; to have and to hold in full property and seignior, as well as the old land mentioned in the said first concession, which shall, consequently, be of six leagues in depth. Desiring His Majesty that the said concessions be restricted and subject to the conditions above mentioned without exception, although they may not have been stipulated in either of the said concessions of 1733, or in the said deed of ratification of the 17th April, 1718. And in testimony whereof, His Majesty has commanded me to draw up these presents, which shall be registered in the Superior Council of Quebec, for the use of all whom it may concern, and which he has been pleased to sign with his own hand, and countersigned by me, Councillor, Secretary of State and of his commands and finances.

(Signed,) LOUIS.  
(Signed,) PHILIPPEAUX.

On the back is written:—

Recorded in the records of the Superior Council of La Nouvelle France, to be executed according to its form and tenor, the King's *Procureur Général* having been heard, according to the decree of this day's date, by us, the undersigned councillor, King's Secretary, Clerk in chief of the said Council, at Quebec, the 12th December, 1735.

(Signed,) DAINE.

Received into Registrar's Office, in Quebec, on Tuesday, the 11th day of June, 1765, at 9 o'clock in the forenoon.

(Signed,) J. GOLDFRAP, Deputy Registrar.

Registered in the said office, on Friday, the 14th June, 1765, at two o'clock in the afternoon, in the French Register, letter A, page 137.

(Signed,) J. GOLDFRAP, Deputy Registrar.

Registered in the Register of Fealty and Homage (*foi et hommage*).

(Signed,) T. F. CUGNET.

Compared with the original, written on parchment, and to us exhibited by Messire Joseph Bourneuf, procurator of the Seminary of Montreal, and immediately returned to himself by the undersigned notaries for the Province of Lower Canada, residing in Montreal, this day, one thousand seven hundred and ninety-six.

(Signed,) LOUIS CHABOLLEZ, Notary.  
JEAN GUILL. DELISLE, Notary.

(No. 9.)

[Extract from the Registers of the Superior Council of Quebec.]

Considering the Petition presented this day in this Council, by the superior, procurator and ecclesiastics of the Seminary of St. Sulpice, established at Montreal, the purport of which is that the Council may be pleased to order the registration of the Deed of Ratification granted by His Majesty, on the 1st day of March last, to the sieurs ecclesiastics of the Seminary of St. Sulpice of Paris, of a concession made to them by Messieurs the Governor General and Intendant of this country, on the twenty-sixth

day of September, one thousand seven hundred and thirty-three, of a certain tract of land situated in the said country, and lying between the line of the seigniorship belonging to the representatives of the late Sieurs Langloiserie and Petit, and that of the seigniorship of the Lake of Two Mountains, belonging to the said seminary, and in the front extending about two leagues by the said lake, the said tract of land abutting on an angle formed by the two above mentioned lines, together with the ungranted islands and islets and the beaches adjoining the said tract of land:—considering the said Deed of Ratification, dated as above, signed Louis, and lower down, Phillipeaux, with sign manual, by which His Majesty has ratified and confirmed the said concession of the Lake of Two Mountains, and has added to that of 1718, an extent of three leagues in depth:—having heard the King's *Procureur Général*, the Council has ordained and ordains that the said Deed of Ratification be registered in the registers of the said Council, to have and to hold the said sieurs ecclesiastics of the Seminary of St. Sulpice of Paris, as a fief and seigniorship, on the terms, provisions, and conditions therein contained.

Done at Quebec, at the said Superior Council, on the Monday, the 12th day of December, 1735.

(Signed,) DAINÉ.

Compared with a copy, written on paper, to us exhibited by Messire Joseph Bourneuf, priest, procurator of the Seminary of Montreal, and immediately returned to himself by the undersigned notaries for the Province of Lower Canada, residing in Montreal, this day, the 18th June, 1796.

(Signed,) LOUIS CHABOILLEZ, Notary,  
JEAN GUILL. DELISLE, Notary.

(L.S.)—(Copy.)

*Guy, Lord Dorchester, Captain General and Governor in Chief of Lower Canada, &c.*

To all whom these presents may concern :

I do hereby certify that Louis Chaboillez and Jean Guillaume Delisle, are public notaries for the District of Montreal, in the Province of Lower Canada duly commissioned and authorised as such ; in consequence whereof, full faith and entire credit are and ought to be given to their signatures in such capacity, wherever the same may appear.

Given under my Hand and Seal at Arms, at the Castle of St. Lewis, in the City of Quebec, the twenty-fifth day of June, one thousand seven hundred and ninety-six, and in the thirty sixth year of His Majesty's Reign.

(Signed,) DORCHESTER.

By His Excellency's commands.

(Signed,) GEO. POWNATT, Secretary.

True copy of the original kept in the records of the Seminary of Montreal, the 8th September, 1868.

(Signed,) A. MERCIER, Ptr. P.S.S.

(No. 10.)

[Translated from the French.]

ATTORNEY GENERAL'S OFFICE, PROVINCE OF QUEBEC,  
17th October, 1868.

SIR,—I am directed by the Honorable the Attorney General to transmit to you, for your information, the enclosed copy of a Report of Charles J. Coursol, Esq., Judge of Sessions of the Peace, at Montreal, relative to certain disturbances at the Lake of Two Mountains.

I have the honor, etc., etc.,

(Signed,) JOSEPH A. DEFOY, Assist. C.L.C.

To the Honorable H. L. LANGEVIN, C.B.,  
Secretary of State, Ottawa.

(No. 11.)

*[Translated from the French.]*

MONTREAL, 15th October, 1868.

To the Hon. GÉDÉON OUIMET,  
Attorney General, Province of Quebec.

SIR,—In conformity with the verbal instructions which I have had the honor of receiving from you, on Monday last, I left town on Tuesday morning for the Village of Lake of Two Mountains, accompanied by my first clerk, Mr. René Cotret, the chief of the Water Police, and five men of the same body.

Immediately after my arrival at the village, I caused a search to be made, so as to bring before me a certain Michel SakoSentetha, an Indian of the place, against whom I had issued a writ of arrest, for an assault committed at the Presbytery, on the person of the Reverend Messire Préfontaine, attached to the mission of the Lake as steward.

I was told, soon after my arrival, that the man accused had left his house, to hunt, a few hours before.

I then caused to be brought before me the two chiefs of the Iroquois tribe, who were the true instigators of the dissatisfaction, and threats of disorder made by the Indians (principally by the Iroquois), and of the trespasses which they openly made on the property of the gentlemen of St. Sulpice.

The following are the facts as regards those trespasses :—

Some days ago, one of the chiefs of the Iroquois, named Jose Ononk8otkoso, and some Indians of the same tribe, went on the domain of the gentlemen of the seminary; and after having had stakes planted in different places, he, the chief, solemnly awarded to each Indian present, the piece of land which each one would in future have the right to occupy; authorizing them, in his capacity of chief, to take possession of it immediately, telling them, at the same time, that those lands, as well as the domain, did not belong to the priests, but to the Indians, and that the chiefs had been authorized to put them in possession of properties which they had been deprived of for too long a period.

The Indians to whom the chiefs, without any further formalities, adjudicated certain parts of the property of the gentlemen of St. Sulpice, have not, as yet, followed those dangerous advices, and have, until now, committed no acts of violence on the place of a nature to authorize their arrest. There has been, it appears, some threats, but nothing more. During the course of my conversation with the chiefs, I told them of the imprudence of their words, of the danger of their conduct, of the illegality of their acts, and of the penalties and fines to which they would infallibly be exposed if they persisted upon taking or advising the Indians to take possession of lands which did not belong to them, the present proprietors of which had been in possession and enjoyment of the same before and ever since the conquest, and whose rights and titles had so often been recognized by the tribunals of this country.

After a long discussion with them, they confessed that, during the month of August, 1867, Mr. Spragge, of the Indian Department, at Ottawa, had told them that the gentlemen of the seminary were not the proprietors of those lands, that they were but the administrators of these lands for the benefit of the Indians, that the Indians had a perfect right to take possession of them, and to parcel them out as they thought proper; and that it was upon Mr. Spragge's advice that they had acted in this manner. I told them that they must be in error, that Mr. Spragge could not have given an opinion of that kind, and that there must have been a misunderstanding between Mr. Spragge and themselves; but they persisted in their assertion, and added, that Mr. Spragge had spoken thus in the presence of witnesses.

They finally engaged their word, as chiefs, to say, do, or advise nothing of an illegal nature to the Indians, but that they would, without loss of time, go to Ottawa, to meet the Honorable Mr. Langevin, C.B., so as to obtain from that gentleman exact explana-

tions, and assure themselves, once for all, of the nature of their rights, and of the extent of their privileges; and that, if they were convinced of being in the wrong, they would at once submit and beg pardon.

Seeing these dispositions on their part, which were manifested with frankness—in appearance at least—I told them that I would await the result of their interview with the Honorable Mr. Langevin before I should act, and that I would communicate to the Government the facts above cited. During the night of Tuesday and the morning of Wednesday, I caused new search to be made, so as to discover the Indian, Michel Soka8entetha, but without a better result than the first time, and I do not think that he will return to the village before the departure of the six policemen I have left behind me, in compliance with the urgent request of the gentlemen of the seminary, in order to protect, in case of need, their persons or their property, which might be exposed for a few days longer.

Before terminating this report, I will take the liberty to remark, that in case the chiefs do not go to Ottawa, as promised by them, it would be desirable that the Honorable Mr. Langevin causes them to come before him, to hear their complaints, which are evidently so ill-founded.

I have the firm conviction that the chiefs will immediately follow the advice of the Honorable Mr. Langevin, and be guided, without hesitation, by his decision, for they manifest the greatest confidence in the sentiments of justice which actuate that honorable gentleman towards them.

I am also happy to be able to inform you that during my sojourn at the lake, peace has not been for a single moment interrupted, and that the most perfect order existed at the time of my departure.

I have the honor to be, Sir,

(Signed,) Your very humble Servant,  
CHARLES J. COURSOL,  
Judge, Sessions of Peace.

(Copy.)—(No. 12.)

DEPARTMENT SECRETARY OF STATE,  
INDIAN BRANCH,  
October 20th, 1868.

To Chief Joseph Orontsakoso,  
Care of the Rev. the *Curé*,  
Lake of Two Mountains, P.Q.

Having been informed that some of your principal men have assumed an authority in connection with the lands of the Seigniorship of the Lake of Two Mountains, which was calculated to bring them into serious trouble, and subject them to prosecution at law; I consider that it will be advisable for yourself and one of the other chiefs to come to me at Ottawa, that I may explain to you both, for the information of your people, the exact position of the grant made by the crown of France to the gentlemen of the Seminary of St. Sulpice, in order that future difficulty and embarrassment may be avoided. I shall, therefore, expect your arrival with as little delay as possible.

I am, your obedient Servant,

(Signed) HECTOR L. LANGEVIN,  
Secretary of State.

(Copy.)—(No. 13.)

GOVERNOR GENERAL'S SECRETARY'S OFFICE,  
 QUEBEC, October 23rd, 1868.

SIR,—I am directed by His Excellency the Governor General, to acknowledge the receipt of the petition of the Chiefs of the Iroquois Indians of Two Mountains, and to inform you that it has been transferred to the Department of the Secretary of State for Canada for report.

I have the honor to be, Sir,  
 Your obedient Servant,  
 H. COTTON,  
 For the Governor's Secretary.

The Chiefs of the  
 Iroquois Indians of the Lake of Two Mountains,  
 Province of Quebec.

(No. 14.)

[*Translated from the French.*]

OTTAWA, 3rd November, 1868.

MONSIEUR LE SUPERIEUR,—I am instructed to transmit to you the enclosed copy of a petition of the Iroquois Indians of the Lake of Two Mountains, so as to enable you to place before the Government such explanations as you may deem proper, and to request you to do so at your earliest convenience. It will not be necessary for you to look into the matter as regards the titles of property of the Seignior of the Lake of Two Mountains, as your recent communication on the subject is quite sufficient.

Yours, etc.,  
 (Signed,)

ETIENNE PARENT,  
 Under Secretary.

Messire J. BAILE, Ptr.  
 Superior of the Seminary of St. Sulpice,  
 Montreal.

(No. 15.)

[*Translated from the French.*]

MONTREAL, 9th November, 1868.

To the Honorable H. L. LANGEVIN, C.B.,  
 Secretary of State of the Dominion.

SIR,—In the petition presented by the three Iroquois chiefs of the Lake of Two Mountains, you have an evident proof of what I wrote to you in October last, that evil minded persons were encouraging our Indians to put forth certain rights on our seignior which they never had.

I will not stoop to reply to the coarse insults and caluminous insinuations enclosed in the petition. Our house is enough known by the Government, not to be obliged to show that they have been suggested and inserted in the petition by the same person who dared to insert in the affidavit the forty-eight words erased and void, but which, nevertheless, can still be read. I have, therefore, to satisfy the demand of the Government, but to explain the facts and allegations brought forth in the petition.

Since about 200 years past that the mission has been established on our domain of the Seigniorly of the Lake of Two Mountains, there were always *sisters of the congregation* to teach the little girls how to read and write, the missionaries taught the little boys,—later some lay teachers were paid by us to replace the missionaries. At the present time, the school of the boys of the village is kept by one of the brothers of the Christian schools. For many years past the Indian language has been taught. The Iroquois, Algonquins, and Canadian children assembled together to read, but read in the French language only, in order that distinction of nationality, which has to-day so many serious inconveniences may gradually disappear.

The young Jose Onasakenrat, now the grand chief of the Iroquois, has been educated at our own expense, in our college. You see in which manner he makes use of the education we have given him.

We maintain, at our own expense, those schools—two at the village, and the third at the creek—for the children of those Indians who have established themselves upon their lands.

We have also lately established a work-room, to teach the women and young Indian girls to work. Two years ago, the women obtained a prize for cloths manufactured in the mission. They have again, this year, sent some beautiful cloths to the county exhibition, but they did not succeed in getting any prize.

X	Not including the keeping of the brother, who lodges and boards with our gentlemen, the expense for the three schools amounted to....	\$817 94
	And for the work-room to .....	172 76½
	Forming a total amount of, for this last year, from the 1st October, 1867, to 1st October, 1868 .....	990 70½
X	For the preceding year, the expenses for the work-room and the schools amounted to .....	918 07
	And for repairs to, and contribution at the Nunnery.....	308 89
X	From the 1st October, 1866, to 1st October, 1867 .....	\$1,226 96

The Indians contribute nothing to the support of these schools, we only ask of them to send their children to these schools, but we *have always had a great deal of trouble to obtain that much.*

You perceive, by this short statement, that we have not neglected, and do not at present neglect to give the Indians that education most suited to them. Is there another mission where the Indians are more favoured?

2. In answer to the complaints of the Indians as regards the concession of lands, and the cutting of woods, it will suffice to state that this mission established upon our domain of the Mountain in 1677, was first transferred on our domain of the Sault au Récollet, and from thence, definitely established on our domain of the Lake of Two Mountains in 1777.

The Indians, whom we have always treated as our children, are, therefore, on our own lands; they have, and can only have, but the titles which we think proper to grant them.

What was true, when our domain was seigniorial, is now more incontestible, since by our agreements with the Government in 1859, the domain belongs to us, in *franc-alue roturier.*

This is the manner in which we deal with our Indians in reference to the cultivation of lands. We allow them the enjoyment of the lands, on condition that they will cultivate them; the enjoyment may pass to their children on the same conditions, and we even allow them to sell out that enjoyment to another Indian who has been established in the said mission for two years. We only reserve for us the wood, the cutting and cartage of which we pay them for.

If they want any firewood, or timber for building purposes, we allow them to have it, but we only permit them to take what they want for their own use. They are prohibited from selling wood without our permission, otherwise our forest would have been long since ruined.

Were it not for that wise precaution, where would the Indians obtain their firewood? We have but a few pines capable of being converted into canoes; when the Indians require any, we allow them to take them, but on the condition that they will not sell them. This explains the claim made upon the canoe sold by the Indian La-coppe.

In general, we cut wood on the lands reserved for the Indians at their demand only, either to enlarge their fields, or make new ones; and if sometimes we have cut some without consulting them, it was on unoccupied or deserted lands.

As the domain belongs to us, we have no permission to ask.

The keeping up of the mission becoming every day more onerous, the produce of the hunt not being sufficient to supply the wants of the Indians, we created farms around our domain. When these will yield a plentiful crop, they will suffice to meet the expenses of the mission. In the meantime, the procuracy of the seminary is obliged to advance very large sums of money to keep up, and for the repairs of the establishment of the Lake of Two Mountains.

The following is a statement of the expenses since the 1st October, 1865, to the 1st October, 1868.

Expenses.	Furnished by the Seminary.
1865-1866.....	\$9,050 11 ..... \$4,086 30
1866-1867.....	10,031 55 ..... 5,164 16
1867-1868.....	12,768 51 ..... More than 9,000 00
	<i>\$ 31,850.17</i> account of extra works <i>18,250.46</i>

When the Indians come to us for assistance, we give it to them in the shape of work, unless they are sick or infirm.

Below is a statement of the assistance we have given them during the last three years.

1865-1866, Seed grain advanced and not remitted	\$179 30	
„ Work procured to the Indians .....	2,137 09	
„ Alms .....	650 87	\$2,966 26
1866-1867, Seed grain, &c. ....	163 34	
„ Work .....	2,472 25 $\frac{1}{2}$	
„ Alms .....	603 06 $\frac{1}{2}$	3,238 66
1867-1868, Seed grain .....	112 00	
„ Work .....	2,785 06	
„ Alms .....	714 14	3,611 20
Special assistance given to the Indians in three years.....		\$9,816 12

I make no allusion here to the other work procured for the Indians, such as the cutting of wood, the construction of a wharf, etc., etc., in which they have been employed, either by us, or our workmen.

What mission would procure them so many advantages, and so much assistance?

*179.30*  
*163.34*  
*112.00*  


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*454.64*

*2137.09*  
*2472.25 $\frac{1}{2}$*   
*2785.06*  


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*7394.40 $\frac{1}{2}$*

*650.87*  
*603.06 $\frac{1}{2}$*   
*714.14*  


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*1968.07 $\frac{1}{2}$*

3. For the use of the mission and of our farms, and to give work to the Indians who were in want, we had repairs made to a road, on an extent of nearly twelve miles. Every year, for the last seven years, we have spent, and still spend, nearly one thousand dollars on this road; it was during the construction of this road, and to come to the assistance of the poor, that we did cut wood of little value; the price of that wood was converted into provisions to pay the Indians' labour. For we do not pay them, and will not pay them, otherwise than with provisions, so that the proceeds of their work may turn to the benefit of their families. Were we to pay them in cash, notwithstanding the prohibition of selling liquors to the Indians, the vendors of intoxicating drinks would absorb the greatest part of their labours.

4. Finally, as regards that most odious allegation, that of the widow, Petit Cris, Messire Mercier leased the land in question upon the reiterated solicitations of that widow. He had it valued by a farmer. The Canadian who wished to lease the farm could not give any security, and could not establish himself amongst the Indians without our permission, and Mr. Mercier had it cultivated by the teacher of the school which has been established at the Creek, for the children of those Indians who live in the woods. We have given that widow as much as she could reasonably expect.

I doubt if Mr. Mercier receives the amount which he has paid to that poor woman to assist her in her small trade with the Indians. Her land is at her disposal, whenever she wishes to retake it.

5. As regards the tithes and casual church fees, the amount which we receive from the Indians does not meet the expenses of the service of the church.

		1865-66.			
Tithes .....	\$146 82½			Expenses of the service of	
Casual fees .....	162 98½			church .....	\$279 76
	<u>          </u>	\$309 81			
		1866-67.			
Tithes .....	122 65½			Expenses of the service of	
Casual fees .....	118 84			church .....	379 01
	<u>          </u>	241 49½			
		1867-68.			
Tithes .....	208 81½			Expenses of the service of	
Casual fees .....	58 26			church .....	505 73
	<u>          </u>	267 07½			
		<u>          </u>			
		\$818 38			\$1,164 50

You perceive by this statement, of the last three years, that the expenses are greater than the receipts; besides, most of the tithes and casual church fees come from our farmers, for they pay rent for church pews, whilst the Indians pay nothing for the pews which they occupy.

I trust, Sir, that this statement, which we have been forced to make, will enlighten the Government as regards the conspiracy which is going on, for the purpose of perverting our Indians.

We only ask, so as to be permitted to continue to do the good we have always done, to see the delusion of the Indians dissipated, by solemnly declaring to them that they are upon our own lands, and that they cannot be allowed to remain on them unless they submit to the wise regulations which we have made for their welfare and that of their children.

Be pleased to accept, etc., etc.,

(Signed,)

T. A. BAILE,  
Superintendent of the Seminary of St.  
Sulpice, Montreal.



(Copy.)—(No. 16.)

OTTAWA, 9th December, 1868.

To ALONSA SAKOKENOIE,  
ALONSA RETSITONSENIO,  
IGNACE TONNIONTA KOEN,  
MICHEL SAKOSENKITA and others,  
Iroquois of Lake of Two Mountains.

The statements contained in your petition to His Excellency the Governor General having been examined and inquired into, I have to answer them in the following manner :—

The Seigniory of the Lake of Two Mountains was granted in the year 1718, by the King of France, to the gentlemen of the Seminary of St. Sulpice, and the title, which has been recognized by Act of Parliament, is such as gives to that body the absolute ownership thereof, and, consequently, the Indians have no right of property in the seigniory.

With regard to timber, it is found from explanations given by the Superior of the Seminary, that the Indians are allowed to cut such wood as they require for fuel and for building purposes, but are not permitted to cut wood for sale.

It appears, also, that education is bestowed upon the Indians in the required branches, and in the French language, as that spoken generally in that section of Canada; and, that their religious instruction has received continued attention; and that a very great deal has been done to improve the condition and to contribute to the comfort and welfare of the Iroquois of that seigniory. And, further, that the complaint made that the Indians have been refused concessions of land for agricultural purposes is contrary to the facts of the case, the practice, as explained, being to allot lands for agriculture in proportion as the Indians are prepared to clear them.

Having conveyed to you these particulars, it remains to be added, for the information of the Iroquois Indians of that seigniory, that, by an authority of an Order in Council, there were 1,600 acres of land set apart for the Iroquois of the Lake of Two Mountains, and of Caughnawaga, situated in the Township of Duncaster, in rear of the Township of Wexford, and where, provided they become actual settlers and improve the lands, each family may be located on a farm lot of sufficient extent; and, in that case, it would be ascertained what aid could be given to the Indians by the Government.

Should the lands set apart in that township be insufficient, an endeavour would be made to find some other locality, where the Indians might settle, if they so desired.

I remain, etc.,  
(Signed,) HECTOR L. LANGEVIN.  
Secretary of State.

(Copy.)—(No. 17.)

DEPARTMENT OF THE SECRETARY OF STATE,  
OTTAWA, 10th December, 1868.

To Chiefs CLA-KO-MISCI KI, BAZILL, ALGIK, PALL-AK-AN-WANEH,  
and other Algonquins of the Lake of Two Mountains,  
OKA, P. O., P. Q.

Your letter of the 31st July last was duly received, and enquiry having been made respecting the statements contained therein, the following is the result of those enquiries:

It is found that the titles to the Seigniory of the Lake of Two Mountains, and the Acts of Parliament relating thereto, give to the gentlemen of the Seminary of St. Sulpice, Montreal, the absolute ownership of the said seigniory; and consequently the Algonquin Indians have no right of property therein.

It further appears, from explanations given by the superior of the seminary, that the gentlemen of the seminary allow the Indians such firewood as they require for their own use, and also timber to build with, but the Indians are not allowed to cut cordwood or timber for sale.

It is well to remind the Algonquins that a tract containing 45,750 acres of land, situated upon the Rivers Desert and Gatineau, was set apart in the year 1854 for the Algonquins, Nipissingue and Têtes de Boule Indians, upon which 200 or 300 Indians have become settled, and where each family joining them can, on application to the agent, Mr. John White, obtain a farm lot of about eighty acres, which will be allowed to himself and his family for all time to come, provided they settle and cultivate the same.

With regard to the equipment (alluded to in your letter), as formerly given to the Indians, the fact must apparently have been long ago known to the Indians, that the Imperial Government discontinued annual presents, and only gave to the old and infirm a blanket every year to each such person, and this practice the Government of Canada still follows.

The Indians should likewise know that the Seminary of St. Sulpice has, for several years, been expending, for the benefit of the Indians, a considerably larger sum than they derive from the seigniory; and to assist the Indians, have done much towards providing them with work and employment, and giving help and aid to the poor and infirm.

And, from the information obtained, the conclusion is, that they obtain kindness and consideration from the gentlemen of the seminary.

It is also my duty to point out to you that the Algonquins must respect property, and be content with their present condition, and rest sure that the disposition of the Government is to improve their condition, and elevate them in their social position.

Your obedient Servant,  
HECTOR L. LANGEVIN,  
Secretary of State.

(Signed,)

(Copy.)—(No. 18.)

DOMINION OF CANADA,  
PROVINCE OF QUEBEC.

To His Excellency Sir JOHN YOUNG, C. B., C. G. M., Governor General of the Dominion of Canada, &c., &c., &c.

The humble petition of the undersigned chiefs of the Iroquois nation of the Lake of Two Mountains, Province of Quebec, respectfully sheweth:

That among the most important blessings which the Divine Being had conferred upon mankind may be numbered the happy display of the good and charitable dispositions of eminent persons. Your petitioners had left their homes with a heavy heart, driven by the high hand of oppression from a quarter they had been trained to consider infallible, both in earth and in heaven—to seek the protection of those whose sympathy they could not expect to engage, being strangers to them in nationality and religion; however, they could not, in justice, expect a worse treatment than they had been accustomed to receive from their pretended friends, and they might reach Ottawa, the seat of Government, and land upon the high, magnificent, and solid rock in perfect security, and laugh to scorn the frowning, frothy, and angry roars and threats of the “Chaudières” below, mighty indeed in appearance, but as harmless as the breath of the departed.

That your petitioners arrived at the seat of Government, like Bunyan's pilgrim, with their loads of sins and complaints against their relentless oppressors, and scarcely better provided with this world's goods; but they fortunately carried in their appearance the misery and embarrassment they felt upon being informed that Your Excellency was ready to receive them—they had reached Heaven, and beheld the Sun of Justice smiling upon

their humble and rude appearance, as Your Excellency himself did, on opening the door of his cabinet, bid them "come in my children," they could not have felt more particularly blessed." "Oh! Oh!" said they to each other, after reluctantly parting with Your Excellency, see what reading God's own book has done here, and how truly he must love God when he loves to make us so happy. Let us go home quick, and tell our brethren, our wives, and our children, that we have met with a true servant and minister of God, and that they will not always remain oppressed."

That your petitioners have caused an English translation to be made of the petition in the French language, addressed by them on the 8th August last to Your Excellency's predecessor, Lord Monck, which they now produce (see petition marked exhibit A., and document marked B.), with copies of the petition to the Honorable the Minister of Justice, and certificates of agreement and concession, verbally made with their nation or tribe of Iroquois, by the priests and Seignior of St. Sulpice, which agreement and concession are now denied them.

Whereof your petitioners, labouring yet under the grievances set forth in the above stated references, most respectfully beg that Your Excellency will order their removal and redress.

And your petitioners, as in duty bound, will ever pray.

(Signed,)

JOSE ONASAKENRAT (Lecyjne),  
LOUIS KANENRAKENHIATE (Sendrier),  
SAN ALEMRAKENRAT (CiSessa).

Lake of Two Mountains,  
8th February, 1869.

(Copy, Telegram.)—(No. 19.)

[By Telegraph from Hudson.]

OTTAWA, February 22nd, 1869.

To His Excellency, the Governor General,  
Sir JOHN YOUNG.

May it please Your Excellency, that We, the chiefs of the Iroquois and Algonquin nations, humbly and respectfully ask your promised answer to our deputation without delay, as matters are becoming desperate with us.

(Signed,)

JOSE ONASAKENRAT.  
LOUIS KEMERAKENHIATE,  
SAN ANARAKENRAT.

(Copy)—(No. 20.)

GOVERNMENT OFFICE, OTTAWA,  
February 23rd, 1869.

GENTLEMEN,—I am directed by the Governor General to acknowledge the receipt of your petition, of date the 8th instant, with the documents that accompanied it, and also of your telegram of yesterday, pressing for a reply.

His Excellency has referred these papers to the Privy Council, and I have to inform you that, in accordance with constitutional usage, it will not be possible for His Excellency to take any steps in the premises without the report and recommendation of the responsible ministers.

I have, etc.,  
(Signed,)

F. TURVILLE.

JOSE ONASAKENRAT (Lecyjne),  
LOUIS KANENRATENHIATE, (Sentigon),  
SAN ANARANAKENRAT, (Twissa),

Chiefs of the Iroquois Nation of the Lake of Two Mountains.

(Copy.)—(No. 21.)

GOVERNOR GENERAL'S OFFICE, OTTAWA,  
February 23rd, 1869.

SIR,—I am directed by the Governor General to enclose a petition and telegram from the Chiefs of the Iroquois Nation of the Lake of Two Mountains, with the accompanying documents, and a copy of His Excellency's reply, and to request you to lay these documents before the Privy Council for report.

I have the honor to be, Sir,  
Your obedient Servant,  
H. COTTON.

WM. H. LEE, Esq., etc.,  
Clerk of the Privy Council.

(No. 22.)

[Translated from the French.]

LAKE OF TWO MOUNTAINS,  
26th February, 1869.

To the Governor General.

May it please Your Excellency,—That your memorialists of the Iroquois nation or tribe, have, through the medium of their chiefs, notified the priests' missionaries to leave, and not to return here any more; this being the unanimous desire and sentiment of the said nation.

That, in default of having justice rendered to us, the chiefs, on behalf of the nation, will adopt such means as will ensure the removal of these priests and pretended successors of St. Peter, the nation being unable to any longer tolerate their conduct towards them.

And your memorialists will for ever pray.

(Signed by us Chiefs,)

JOSEPH ONASAKENRAT (Le Cygne).  
LOUIS × KANERAKENHIATE (Seandg).  
JEAN × OGOUVEKENRAT (Tisesse).

2nd March, 1869.

Send this to the Honorable H. Langevin, with a reference to the letter sent a few days ago, and request him to send an answer.

(Signed,) J. Y.

(No. 23.)

[Translated from the French.]

OTTAWA, 15th March, 1869.

GENTLEMEN,—His Excellency the Governor General has transmitted to this Department, for answer, your communication of the 26th February last, informing His Excellency that the chiefs of the Iroquois tribe had notified the missionary to leave the mission, and not to return thither, etc., and I have been requested to inform you that you must respect the law, and the rights of property of the gentlemen of St. Sulpice.

You must understand that to act otherwise would be contrary to law, and that the best method for you to obtain favors from the Government, or from the gentlemen of St. Sulpice, is to submit, unreservedly, to the law, and this without distrust.

The Government has your welfare at heart, and hopes that you will listen to the good advice which is given you, and reject the evil ones which strangers of your nation may offer you, and which cannot but bring misfortune upon you all.

I have, etc.,

(Signed,) E. PARENT,  
Under Secretary of State.

JOSEPH ONASAKENRAT,

And other chiefs of the Iroquois Tribe, Lake of Two Mountains.

(No. 24.)

[Translated from the French.]

MONTREAL, 2nd June, 1869.

SIR,—I have received, about fifteen days ago, the letter which you did me the honor to write, dated 15th May last, with copies of letters you had previously written to the Algonquins and Iroquois Indians of the Lake of Two Mountains; also, a copy of a letter by the Under Secretary of State, the Hon. Mr. Parent, to the same Indians.

I am, honorable Sir, very grateful to you, and to the Under Secretary of State, for having thus reminded these Indians of the duties they owe to us, and of the incontestable rights of this seminary; but, I thank you, more particularly, for having caused to be transmitted to me the authenticated copies of all these documents.

Notwithstanding the great many causes of complaints which we may have against those Indians, yet we do not ask for their removal from the Seigniori of the Lake of Two Mountains. We are, as heretofore, disposed to assist those who have remained faithful to us, according to our means and discretion, as well as those who may be willing to behave themselves as they should.

If, however, the Government came to the conclusion of removing the malcontents to some other locality, we would neither object nor disapprove its doing so, and, if such was the case, the Seminary would not hesitate a moment in allowing such indemnity, as natural equity and positive law would entitle them to, for work and improvements performed.

Be pleased to accept the assurance of the profound respect and sincere gratitude with which I am,

M. le Ministre,

Your most obedient and humble Servant,

(Signed,)

T. A. BAILE,

Superior of the Seminary.

To the Hon. HECTOR L. LANGEVIN,  
Secretary of State.

(No. 25.)

[Translated from the French.]

OTTAWA, 8th September, 1869.

M. LE JUGE,—A certain number of Iroquois of the Lake of Two Mountains, appearing not to be satisfied with their position, I am willing to assist them in obtaining, from the gentlemen of St. Sulpice, the value of the improvements which these Indians may have performed upon the lands they cultivate, such as for houses, barns, sheds, and other buildings, fences, ditches, and clearing. The money which would be paid them by the Seminary of St. Sulpice, at the time when they would leave their houses, would enable them to do as the Algonquins have done, and to establish themselves elsewhere. I have every reason to believe that the seminary will accede to my request on the subject.

You will then have the kindness to go to the Lake of Two Mountains, and in my name convoke the Iroquois who reside there, and state to them the above, accompanied with suitable explanations. And those among them who would be disposed to accept this agreement, might at once come to an understanding with you, as regards the extent of their improvements, of which a statement for each family might immediately be made and signed by yourself and them. You might, at the same time, make the estimate, and transmit to me a report of the whole as soon as possible.

I remain, M. le Juge,

Your very devoted Servant,

(Signed,)

HECTOR L. LANGEVIN,

Secretary of State, Sup. Gen. Indian Affairs.

To C. J. COURSOL, Esq., J. S. P.,  
Montreal.

(No. 26.)

[Translated from the French.]

MONTREAL, 18th September, 1869.

Sir,—I have the honor to report that, in conformity with the instructions contained in your letter of the 8th instant, I proceeded on the 14th instant to the village of the Lake of Two Mountains, and having had an interview with the grand chief, he promised me that he would call a meeting of the Iroquois for yesterday, the 17th instant. Accordingly, I returned to the lake yesterday, and, faithful to his promise, the chief had assembled all the Iroquois now present at Oka.

The chief requested me to state the proposals with which I was intrusted to submit to them, on your behalf. I then, at length, explained to them the object of my mission, and told them, amongst other things, that your object in adopting measures before hand, by which they might be provided with fertile lands, that it was to assist and be useful to them, and that their tribe might prosper.

I, also, told them that it was not your intention to force them to leave the lake, but that you had been informed that a certain number amongst them were not satisfied with their position, and could not obtain enough work to support their families; that they had manifested their desire of accepting lands of the Government, and that you had intrusted me with the mission to inquire as to the veracity of that report.

The chief having explained to the Iroquois what I told him, conferred with them for a while. This conference over, he told me that they were all unanimous in thanking you, as well as the Government, for the solicitude and interest evinced towards them, but that it was impossible for them to maturely consider your proposals, inasmuch as one of the chiefs, and a great number of Iroquois, were absent; some of them being busy harvesting, and others travelling, that they would require a delay of three or four weeks before they would be able to give a final answer; and, added further, that if the two priests of St. Sulpice—Messieurs Tollet and Rive—did not depart from the place, that there would be more difficulties.

That, if these gentlemen were recalled by the seminary, even for a short time, and replaced by others, they had the conviction that they would come to an understanding among themselves, and that peace and unity would be the result. That they were decided upon having no deliberation, or give any answer to your proposals, unless the two gentlemen above named were first removed.

I told them that they were mistaken in thinking that the Seminary of St. Sulpice desired, or had asked for their removal; that, far from it, the superior of the seminary, with whom I had had an interview the previous day, had assured me that the seminary would see, with the greatest sorrow, the departure of the Indians, and that they would consent to such a step, on the conviction, only, that the Iroquois themselves were desirous to depart, and formally express their wish so to do.

I concluded by telling them that I would immediately send to you a report of the result of that meeting, not very numerous indeed, but composed of the most influential men among them, and presided by the chiefs, Joseph Ohasakanrat, and Louis Raniackenkiate, in grand costume, the other chiefs being absent from the lake.

The meeting was put off to the 25th of October next, and a vote of thanks tendered to me by the meeting. Among those who were present at this meeting, we observed Mr. De La Ronde, notary, from St. Andrews, as well as the Rev. Mr. Rivet, Protestant missionary, at Oka, and whom the chiefs had invited to attend.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,)

CHARLES J. COURSOL, J. S. P.

To the Hon. HECTOR L. LANGEVIN,  
Secretary of State, Ottawa.

(No. 27.)

[Translated from the French.]

DEPARTMENT OF THE SECRETARY OF STATE,  
INDIAN BRANCH, OTTAWA,  
23rd September, 1869.

SIR,—I have received instructions from the Honorable the Secretary of State to acknowledge the receipt of your Report of the 18th instant, as regards your mission to the Indians of the Lake of Two Mountains, and to thank you for what you have done in matter.

I am also directed to inform you that he will soon write to you, relative to the same subject.

I have, etc.,  
(Signed,) E. PARENT,  
Under Secretary.

To the Honorable Judge COURSOL,  
Montreal, P.Q.

(No. 28.)

[Translated from the French.]

DEPARTMENT OF THE SECRETARY OF STATE,  
INDIAN BRANCH, OTTAWA,  
14th October, 1869.

M. LE JUGE,—I have the honor to acknowledge the receipt of your Report, dated 18th September last, in which you give me the result of the meeting held by the Iroquois Indians of the Lake of Two Mountains, on the 17th ult. As according to that report they were to have another meeting on the 25th inst.; I wish you would assist at it, and try to impress upon them that I, or the Government, have nothing to do as regards the nomination or removal of the reverend missionaries of St. Sulpice; that those gentlemen are appointed by their ecclesiastical superiors, and that if they have any complaint against them, they ought to submit them, in a respectful manner, before the Superior of St. Sulpice, who will, no doubt, render them justice. That as that matter has nothing in common with the one you have submitted to them, I trust that after weighing well the advantages which would accrue by their acceptance of my propositions, they will not fail to avail themselves of them.

You will be pleased, however, to state the case *de novo* to them.

Before concluding, I have to state that I approve *in toto* of your proceedings in the matter, and which you have conducted with so much zeal and tact.

I have, etc.,  
(Signed,) HECTOR L. LANGEVIN,  
Secretary of State.

The Honorable CHAS. COURSOL,  
Montreal.

(No. 29.)

[Translated from the French.]

MONTREAL, 27th October, 1869.

SIR,—I have the honor to inform you that in conformity with your letter of the 19th inst., I proceeded on the 25th inst. to Oka, to assist at the meeting, which had been put off till that day, so as to obtain from the Iroquois chiefs a final answer to the proposals which you did me the honor to authorize me to submit to them in your name.

The two principal chiefs, Joseph Onasakenrat and Jean Oseneakenrat, were awaiting my arrival, as well as three councillors of the Iroquois tribe, Pierre Triokenensere, Nicolas Dekauatokiare and Joseph Tohaseiakenrat, and a small number of Indians, the greatest part among them having left for the hunt.

The short ceremonies in usage in such a case being over, the grand chief, Joseph Onasakenrat, stood up, and told me, "that on the 12th of October he had assembled the majority of the Iroquois of the Lake of Two Mountains, and had fully imparted and explained to them the nature of the proposition which you had caused to be submitted to them through me, and that the Indians, after a long discussion on the question, on all its bearings, had then unanimously declared that they were not inclined to leave; that they had too much attachment for their birthplace, which constantly recalled to their minds the glorious deeds of their ancestors, to consent to go. That they were well where they were, near the city and villages, where they could earn their livelihood. That further, they intended to cultivate, with courage, and show that the Indians were not as lazy as they were thought to be."

The chief then declared to me, in the name of the tribe, that they were still in the same dispositions.

I left them, telling them that my mission ended there, and that I would send you a special report of their answer.

I have the honor to be, Sir,  
Your very obedient Servant,  
(Signed,) CHAS. J. COURSOL.

(Copy.)—(No. 30.)

DEPARTMENT OF THE SECRETARY OF STATE,  
INDIAN BRANCH,  
OTTAWA, 4th November, 1869.

SIR,—I have the honor to acknowledge the receipt of your letter of the 27th ult., reporting the result of your second interview with the Indians of the Lake of Two Mountains, in connection with the land matters of that seigniory, and I beg of you to accept the thanks of this Department for the trouble you have taken in this matter, and to forward an account of your expenses, and of the number of days employed by you in connection therewith.

I have the honor to be, Sir,  
Your most obedient Servant,  
(Signed,) HECTOR L. LANGEVIN,  
Secretary of State.

The Honorable Judge CHARLES COURSOL,  
Montreal.

(No. 31.)

[Translated from the French.]

PROVINCE OF QUEBEC,  
DISTRICT OF TERREBONE.

To the Honorable Mr. HOWE, Secretary of State and Superintendent of Indian Affairs.

May it please Your Honor, the humble petition of the undersigned chiefs of the Iroquois tribe or nation of the Lake of Two Mountains, in the said district of Terrebone, respectfully sheweth, by an extract given below of a petition dated the 26th July, 1868:

"That their nation, for the reason, and for motives of personal interest, have always been treated with contempt and harshness by the members of the clergy of the Church of Rome (better known among themselves under the designation of the gods of this



‘ World), who, under the cloak of religion, have assumed the mastership of the Indians here as well as elsewhere.”

“ That scourge of human kind, these oppressors of the children of the great and only God of the Universe, are at last unmasked.”

“ That they have been for a long time desirous of obtaining the free enjoyment of their rights and privileges as British subjects, but that their wives, and the most timid among them, were, at the least sign of dissatisfaction manifested by them against the administration of the priests of the Church of Rome, threatened with anathema and eternal damnation by those holy fathers, full of anger and wrath, and the sacraments of which church they would deprive them of, dead or alive.”

That your petitioners thought better to submit until the time would arrive when they could break from such shameful superstition.

(Reference).—In the year 1867, under the pretext of opening a road, they have cut and taken away, by the means of French Canadians, one thousand cords of firewood, taken within the limits of the said Seigniory.

In 1869, those same priests have caused a larger quantity of wood to be cut and carted away, whilst we are withheld from all kind of work, and even prevented from clearing our lands.

If we wished to make some improvements (build a school-house), we were interfered with by these oppressors, who had us arrested and imprisoned, and who appropriated to themselves all the material we had, notwithstanding the authority we hold from the Government.

We, therefore, humbly pray your honor to notify them to discontinue, and thus preserve for us and for our children, and children’s children, our only means of support.

In witness whereof, we have signed.

(Signed,)

JOSEPH ONASAKENRAT, Chief,  
and 15 others.

(No. 32.)

PROVINCE OF QUEBEC,  
DISTRICT OF TERREBONNE.

To His Excellency Sir JOHN YOUNG, Baronet, K.C.B., K.C.M.G., Governor General in and over the Dominion of Canada.

MAY IT PLEASE YOUR EXCELLENCY,—

The humble petition of the Chiefs and other Indians of the village of Oka, in the Seigniory of the Lake of Two Mountains, in the District of Terrebonne, in the Province of Quebec, respectfully sheweth :—

That your petitioners are the offspring (descendants) of the tribes or nations of Indians, with whom the British Government formed a treaty, as allies, and who lived under its benevolent protection a long time, previous to, and since the Royal Proclamation of His late Majesty, George the Third, of glorious memory, dated the 1st day of October, 1763.

That they are the holders and possessors, among other lands, of which this fourth part of the earth (America) is composed—regarded by them, held and enjoyed as their land of promise—Canaan ; now altered, since its pretended discovery by Jacques Cartier, into the appellation of “ Canada.” 1st. Because it was the gift of the Creator of Heaven and Earth. 2nd. By right of conquest, as the allies of England, over the French adventurers and usurpers, upon two occasions, in the year 1629, and the year 1759. 3rd. By the sanction and confirmation of their said possession, by the Royal Proclamation of His late Majesty, George the Third, of glorious memory, in 1763. A true copy of which, upon parchment, was delivered to your petitioners by, or through, the hands of their leader and friend, Sir William Johnson, Baronet, since deceased.

That your petitioners' predecessors were afterwards hunted down and spirited away out of their possessions into smaller allotments, and limited, as well as isolated localities, throughout Canada, among others, the Seigniorship of the Lake of Two Mountains, aforesaid, where their support, keeping, and maintenance, valued to the yearly sum of 16,000 dollars, currency, is publicly, but falsely, declared to have been expended for their profit, benefit and advantage (as set forth in the Journal *La Minerve*, of the 30th September, 1868), by the priests of the Seminary of St. Sulpice, of Montreal, as the agents of the Seminary of that name, of the Faubourg St. Germain *lez* Paris—a foreign religious order of priesthood, under whose sheep-hook they were led to believe themselves happy and safe from the necessity of pursuing an idle or savage life, and in due time to become entitled to be numbered among the civilized nations of the earth.

That your petitioners, while allured and flattered into this false security, were outwitted by the priests of the Seminary of Saint Sulpice, who pressed forward their pretended claim to the said Seigniorship of the Lake of Two Mountains (in particular), and obtained its recognition through the hurried formalities of the enactment contained in the Consolidated Statutes of Lower Canada, chapter 42, the whole to their loss, damage, prejudice, and detriment. That your petitioners, instead of obtaining such support, maintenance, education, and "care of souls," have been at all times made the abject and loathsome slaves and martyrs of the priests of the Seminary of Saint Sulpice, their pretended feudal lords, who caused several of them to be dragged by the secular arm of a police magistrate of Montreal (C. J. Coursol, Esq.), and lodged in the prison of the District of Terrebonne, wherein they were kept in the course of the severe winter of the year 1869, *in duress* several days, until liberated, being guiltless of any offence, by sentence of an honorable judge of the Superior Court. And, in the course of September, now last past, an Indian woman was so cruelly assaulted, and beaten with a broomstick, by Mr. Tallet, yet an officiating priest of the Seminary of the Lake, aforesaid, that her health has been declining since, while the guilty priest is allowed to lord it over his victim, unpunished, although the Superintendent of Indian Affairs, and Commissioner of Indian Lands, for Lower Canada, was made aware of these treatments of the Indians, yet he did not deem proper to interfere, but commanded them to submit to the priests.

That your petitioners have lately placed into the hands of His Excellency the Governor in Chief, several petitions and documents, in support of their claims, which will be produced on the required order, according to parliamentary usage.

That your petitioners humbly submit; 1st. Whether from the fact of having become members of a Christian Church (the Wesleyan Methodist), and, therefore, made free by the truth, as it is in Jesus. they can be in bondage to any man, or body of men, in this Dominion? For their part they are not ashamed of the Gospel of Christ, and can afford here to defy the sneers of the infidel.

2nd. That your petitioners are the more faithful and loyal subjects of Her Majesty the Queen of these realms; that they are taught of their Saviour, by His Gospel, "To fear God, and honor the King" (1 Peter, ii, 17), while their age of majority, required by law, labouring under no legal impediment, having both mind and judgment, and in the enjoyment of every moral and physical capability, they are in no ways inferior to other races in the Dominion, and are as competent to protect their persons and property without any of the restraints put upon your petitioners, by such or similar enactments as the above quoted chapter of the Consolidated Statutes.

3rd. That the priests of the Seminary of St. Sulpice, as the sworn subjects of the Pope, and members of a foreign corporation, to wit: "the Seminary of St. Sulpice, of the Faubourg St. Germain *lez* Paris, in France," from the tenor of their priestly oath, and the fact of an already pledged conscience to a foreign monarch, could not obtain from the Legislature any power, superiority, pre-eminence, or authority ecclesiastical or civil, within these realms, unless relieved from the *Gospel impossibility* of serving two masters at once!

Therefore, your petitioners respectfully pray, that, Your Excellency will vouchsafe to take their petition into consideration, and be pleased to order that all the lands or

property composing the said Seigniori of the Lake of Two Mountains, having been held by them as exclusively appropriated to their use as such Indians—be restored to them as of right. And that the priests or missionaries of the Seminary of St. Sulpice be ordered to remove from the Indian village (Oka) of the Lake of Two Mountains, within as short a delay, and under the penalty as is set forth and contained in and by the act of the Consolidated Statutes of Lower Canada, chapter 14.

And your petitioners, as in duty bound, will ever pray.

(Signed,) JOSEPH ONASAKENRAT (Leeygne),  
 Chief LOUIS KANENRAKENHIATE (Sanation),  
 JEAN × ANENNAKENRAT,  
 BAZIL × OBJIK,  
 VINCENT × REPEIA,  
 CHARLES VINCENT × REPIA,  
 NICOLAS × SEKENATAKE,  
 And 59 other Signatures.

Lake of Two Mountains, 7th February 1870.

OKA, LAKE OF TWO MOUNTAINS, 7th February, 1870.

We, the undersigned, do hereby certify that the above marks of the petitioners, who could not write their names, were voluntarily made, and given in our presence, after the contents of the foregoing petition were translated to them in the Indian language. In faith whereof, witness our hands.

(Signed,) F. X. W. RIVET, Notary.  
 LOUIS KANANRAKENHIATE.

Sworn before me, at Como, Vandreuil,  
 the 7th day of February, 1870.

(Signed,) JOHN HODGSON, J. P.

(No. 33.)

[Translated from the French.]

DEPARTMENT OF THE SECRETARY OF STATE, INDIAN BRANCH,  
 OTTAWA, 26th January, 1870.

REVEREND SIR,—I beg to enclose herein a copy of a document, filed in this office on the 31st ultimo, respecting certain rights of the Indians of the Lake of Two Mountains, in the firewood in that seigniori, in order, that if so disposed, you may offer any explanation connected with the question referred to, which you may feel called upon to do.

I have, etc., etc.,

(Signed,) JOSEPH HOWE,  
 Secretary of State for the Provinces.

Rev. Mr. BAILE,  
 Superior of the Seminary of St. Sulpice,  
 Montreal.

(No. 34.)

[Translated from the French.]

MONTREAL, 26th February, 1870.

To the Hon. Joseph Howe,  
Secretary of State for the Provinces,  
etc., etc.

SIR,—Since the day when you did me the honor to send me the petition of the Indians of the Lake of Two Mountains, relative to the pretended right to cut firewood in that seigniory, there has been presented to the Senate and House of Commons, by those same Indians, a second Petition, more radical than the first, against the right of property of the Seminary of Montreal to the seigniory in question.

I may be permitted therefore, Sir, to present here a few observations as regards this litigation, and to recall to mind, in a few words,

1st. That the seigniory of the lake was acquired by the Seminary of Montreal from the French Government, at a title onerous to them.

2nd. That immediately after the conquest, the Seminary had the liberty to sell it, and bring the price of the same elsewhere, in the same manner as with their other properties, if they had thought proper to do so.

3rd. That the right and title of the Seminary to that seigniory were recognized in the most ample and most unreserved manner, in the charter which was granted them in 1840, by the authority of the British Government.

4th. Lastly, that in 1859, by the transactions effected by the Seminary with the Government of this Province, they became proprietors in *franc aleu roturier* of all their unconceded land.

Those titles can be found in the archives of the Government of Ottawa, and they are so very clear, that if they were not respected, no proprietor could believe himself secured against spoliation.

The Seminary has always allowed the Indians of the Lake to take firewood in the forest for their own use. They have also been allowed, when asked for, to take timber for building purposes. But the seminary has always prohibited them from selling the wood; this being done with a view to their own welfare; knowing, very well, that if they were allowed to sell the wood, the forest would soon be laid waste, and they would soon be unable to procure any therefrom when wanted.

The Seminary has often employed Indians to cut wood and cart the same, either for its own use or to sell it, and always paid them for their work, but never for the price of the wood. When the Indians have taken upon themselves to cut or sell some for their benefit, the Seminary has always energetically objected, and often brought before the tribunals of justice the vendors or purchasers, who were invariably committed.

Thus, in a petition of the 13th March, 1838, to Sir John Colborne, Mr. Quiblier, then Superior of the Seminary, said, "it is about the end of 1837, that listening to selfish advice, some one among them (of the Iroquois) committed considerable depredations in the Domain, took and sold a great quantity of wood."—"That it may please your Excellency to notify them through your Secretary: 1st. To stop and discontinue their depredation. 2nd. To have an understanding with the resident missionary as regards a compensation for damages sustained."

Fifteen days later, in answer to that petition, Mr. Hughes, the Superintendent of the Indians, wrote to Mr. Quiblier:—

"REV. SIR,—Yesterday, the 28th instant, 1838, I had the honor of an interview with His Excellency, in order to put a stop to the disputes pending between the Principal of the Seminary and the said Indians. His Excellency is pleased to command that the Indians be desired (through the Chief Superintendent in Department) to desist cutting more wood on the domain of the Seigniory of the Lake of Two Mountains without permission."

Mr. Qublier, in a letter of the 4th April following, giving an account of this transaction to Mr. Dufresne, then missionary at the Lake of Two Mountains, thus ended his letter: "I have forgotten to tell you this morning, when speaking to the Governor General, in the presence of Mr. Hughes, I told His Excellency, and repeated several times,—“That we had reserved the domain, of our own free will, that we could have sold the same in part or in whole; that if we had not done so, it was for the good of the Indians; that the Indians would have nothing to say in the matter, were we to sell it at present to whomsoever we chose, this is the root of the whole affair. When we do anything for the Indians, we do it because we so wish it. Do not loose sight of this when you speak to Mr. Hughes.”

Mr. Qublier's argument is still more irrefutable since the seminary has been recognised proprietor in *franc alev roturier*.

Mr. Hughes, however, who, by mistake or otherwise, had taken upon himself to allow the Indians to cut and sell wood for their own benefit, was compelled to withdraw that permission.

This is demonstrated by the letter which was sent to him on the 4th April, 1838, by Mr. Rowan, Secretary of Sir John Colborne, by which this Secretary orders him, in the name of the Governor, to go to the lake, and put a stop to the depredations; and afterwards, by the letter which Mr. Hughes himself was obliged to write to the Indians to prove to them the authenticity of Mr. Rowan's letter.

The successors of Mr. Qublier, the superiors of the seminary, and their representatives at the lake, the successors of Mr. Dufresne, have constantly agreed and acted in the same manner as those two gentlemen did towards the Indians, as it is easily proved by their correspondence, and their conduct generally.

Moreover, Sir, last year, your honorable predecessor, Mr. Langevin, having had to examine the pretensions of these poor Indians, as well as a new petition from them to cut wood, and dated the 10th June, 1869, sent them the following reply, dated the 17th of the same month, "I have to inform you that the gentlemen of the Seminary of St. Sulpice, of Montreal, are the *proprietors* of the lands which are in the Seigniorship of the Lake of Two Mountains, and consequently that you have to look to them for permission cut wood upon those lands."

"The Government cannot interfere in the matter."

It, therefore, seems to me that all the difficulties as regards this affair, have been sufficiently, and more than sufficiently examined, discussed, judged, and well judged, and I am, therefore, confident that the honorable the Privy Council, the Senate, and the House of Commons, will be unanimous in rejecting and considering all the new petitions above referred to as worthless.

If, nevertheless, the contrary was the result, if our titles and our rights were again to be threatened, I would earnestly beg of you to have the kindness to notify us, and I am confident that we could easily furnish you with all the necessary documents to justify the preceding arrangements.

I am, etc., Sir,

Your humble and very obedient servant,

(Signed,) T. A. BAILE, Supr.

(Copy.)—(No. 35.)

SHERBROOKE, 17th February, 1870.

To the Honorable JOSEPH HOWE.

MY DEAR SIR,—The Indians at the Lake of Two Mountains, feeling dissatisfied with the conduct of the Roman Catholic priest towards them, resolved upon giving him intimation that they desired any further connection between him and them to cease.

In furtherance of this object, they waited upon him to make the intimation which he, declaring them guilty of an assault, had them arrested, and conveyed to jail; subsequently, he had them again arrested, and put in jail, for alleged trespass, and thus appeared determined to worry and tease them into subjection to his iron rule.

To defend them, under circumstances of such painful treatment, some friends in Montreal—where I then lived—engaged a lawyer, a Mr. Kerr, whose services on those occasions have involved an expense of one hundred and fifty dollars. This, now owing to the mission having fallen into the hands of the Wesleyan Methodists, rests upon them to defray. Having the superintendence of this, and several missions among the French Canadians in the Province of Quebec, it has been suggested to me that I should apply to you to know if you could, out of any funds at your disposal in behalf of the Indians, enable me to meet this demand. It is not a legitimate case for our missionary income to meet, and if we are compelled to pay it, it must be through a special appeal to our friends for that purpose.

If within your province to grant my request, I, with many friends who view the expenditure as one of purest benevolence, to relieve and protect a deeply oppressed people, will feel much obliged.

I might say, if this were the only sum it has been necessary to raise for their help, or which might yet be necessary to obtain for them, I would not trouble you with such an application as the present.

The Honorable Mr. Aikins, to whom I have written on previous occasions in behalf of these poor Indians, is fully informed on the whole matter.

Hoping you will excuse me for thus troubling you, especially at a time when you must be so fully occupied, I beg to subscribe myself,

My dear and honored Sir,

Yours very truly,

JOHN BORLAND,

Wesleyan Minister,

and Chairman of the Quebec District.

DEPARTMENT OF SECRETARY OF STATE FOR THE PROVINCES,  
INDIAN BRANCH, OTTAWA, 12th March, 1870.

REVEREND SIR,—I am in receipt of your letter of the 17th ult., and in reply, I beg to state that, as certain of the Indians of Lake of Two Mountains, to whom you allude, received sentence of imprisonment, it must be inferred that proof must have been before the magistrate that they had infringed the law. And I have further to state, that it is not the practice to pay from Indian funds law costs, unless the incurring of those costs had previously been sanctioned by the Superintendent General of Indian Affairs.

I have, &c.,

(Signed,)

JOSEPH HOWE.

S.S.

To Rev. JOHN BORLAND,  
Wesleyan Missionary, and Chairman of Quebec District.

(Copy.)—(No. 37.)

SHERBROOKE, 17th March, 1870.

HONORABLE SIR,—I beg you to excuse me for once more trespassing on your time and attention, I only do so to correct an erroneous impression, under which I perceive you are laboring. You say, "that as certain of the Indians of the Lake of Two Mountains,

to whom you allude, received sentence of imprisonment, it must be inferred that proof must have been before the magistrate that they had infringed the law." The facts are, they, the Indian Chiefs, went peaceably to intimate to the priest that they did not desire to receive from him any more service, and, therefore, they wished he would leave the place, believing that seigniory was theirs, and that when they choose to change their spiritual advisers, they could do so without let or hindrance.

For this the priest had them arrested and taken to prison, swearing that they intended to do him bodily injury, and, therefore, charged them with an assault.

Several gentlemen in Montreal, being made acquainted with the facts of the case, entered bail in their behalf, and had them released. It was then, at the request of the Indians, that the Methodist Church in Montreal, through me, sent them a missionary.

On his arrival among them they proposed to put up a little building as a place of worship, and commenced to do so by cutting some timber for that purpose. Then, again the priest had them arrested and put in prison, and then again their Montreal friends stepped forward and had them liberated, by becoming their bail. A lawyer was engaged to defend them in both cases. The last arrest for trespass was tried and gained by the Indians. The first charge, for alleged assault, they were prepared to meet, but the priest made no appearance, and so the case was allowed to drop. That the priest should get off so, is a mystery to all who are unaware of the power which priests have at head quarters.

I would not have troubled you with an application for relief in their case, did I not believe, as I do most fully, that they have been deeply injured, and that they deserve, —yea, have righteous claims for assistance, which I am sorry to learn is denied them in more instances than the one on which I have addressed you.

I have the honor to be, Honorable Sir,

Your obedient Servant,

(Signed,)

JOHN BORLAND,

Chairman of the Quebec District.

The Honorable JOSEPH HOWE,  
Secretary of State, Ottawa.

(Copy.)—(No. 37½.)

DEPARTMENT OF THE SECRETARY OF STATE FOR THE PROVINCES,  
OTTAWA, 26th March, 1870.

REVEREND SIR,—My attention was called, shortly after I assumed the duties of this office, to the unhappy disputes in the Seigniory of the Two Mountains, and I have read a great many papers and heard several depositions in reference to the controversy; by the papers on record, it would appear that the Seminary at Montreal owns the seigniory; their title is set forth in a report made by the Honorable Mr. Langevin to the Privy Council, which report was confirmed by that body.

The Minister of Justice takes the same view of the law as Mr. Langevin. I cannot change the law or dispossess the proprietors, nor would it be proper for me to encourage others to dispute rights thus recognized by the highest legal authority.

I am disposed to do what is fair and right to all parties, nor am I influenced by any thing but a sense of public duty. Should you be disposed to come to Ottawa, all the papers shall be opened to your inspection, and I shall be happy to discuss with you any practical measures for the relief or protection of the Indians that you may wish to suggest.

I have, &c.,

(Signed,)

JOSEPH HOWE,

Secretary of State, &c.

The Reverend JOHN BORLAND,  
Chairman of the Quebec District,  
Sherbrooke.

(Copy.)—(No. 38.)

*Report from the Indian Office, relative to Complaints made by the Iroquois Indians of the Lake of Two Mountains.*

Referred to the Honorable the Privy Council.

With reference to the letter of the 23rd ult., from the office of His Excellency the Governor General, accompanied by a copy of a petition (the original of which was addressed to His Excellency Lord Monck) by the Iroquois Indians of the Seigniorship of the Lake of Two Mountains, in which complaint is made of certain disabilities and disadvantages under which they assert that they labour, the undersigned has the honor to state, that having devoted his attention to the questions at issue, upon receipt of the original petition, and one also from the Algonquin Indians of the same settlement, he drew up two reports thereon respectively dated 26th October, and 9th December last, as exhibiting the result of his inquiries in regard to the position of the two bands alluded to; and to these reports he respectfully requests reference. He desires, also, to observe that since their preparation no new facts have been elicited to alter the aspect of the case.

(Signed,)

HECTOR LANGEVIN,  
Secretary of State.

OTTAWA, 18th March, 1869.

(Copy.)—(No. 39.)

*Copy of Report on the Petition of the Algonquin Indians of the Lake of Two Mountains.*

The Petition claims:—

1st. That the Seminary of St. Sulpice have no right to the land or wood, but that they belong to the Indians.

2nd. That the Seminary of St. Sulpice refuses to give timber to the Indians to build houses with.

3rd. That certain islands in the Ottawa River have been taken possession of by the Government for public works, 36 years ago, and no compensation paid to the Indians.

4th. That certain equipments, that used to be paid to the Two Mountains Indians, have now ceased to be paid.

5th. That the Indians should have the same privileges as enjoyed by white people.

On the first point, I have read attentively the petition, and Mr. Spragge's memorandum of the 12th August last thereon, and after carefully reading the titles of the Seigniorship of Two Mountains, and the Acts of Parliament thereto relating, I have no doubt that the Algonquin Indians are altogether in error, and that the comparison established by Mr. Spragge between the land at Sault St. Louis, or Caughnawaga, is quite wrong in every way, the tenure of both being quite different, in so much as the first has reverted to the crown, whilst in the case of the Seigniorship of Two Mountains, it is the absolute property of the Seminary of St. Sulpice, of Montreal, as shown by the title or grant of the 27th April, 1718; by that of the 1st March, 1735; by the permission granted to the gentlemen of the Seminary, by the Treaty of Paris, to sell those Seigniorships and carry away the proceeds to France, if they had chosen to do so; by the 3rd & 4th Vict., c. 30 (now chap. 42 of the Consolidated Statutes of Lower Canada), and by the Seigniorial Act of 1859. The Algonquin Indians of the Two Mountains have, therefore, no right of property in the Seigniorship of Two Mountains, but have the right to remain where they are, at the mission, as long as they think proper, provided they behave peaceably and respect the rights of the Seminary of St. Sulpice.

On the second point, I have ascertained that the Seminary of St. Sulpice do not allow the Indians to cut wood for sale, but that they allow them timber to build with, and cord wood for their own use.



On the third point, I have to observe, that, by the Act, 14 & 15 Vict., c. 106, a large tract is set apart for the use of certain Indian tribes in Lower Canada. And that, by an Order in Council of the late Province of Canada, dated 9th August, 1853, and passed in accordance with, and under this last mentioned Statute, 45,750 (forty-five thousand seven hundred and fifty) acres of land, in the Township of Mamivaki, or River Desert, are set apart specially for the Têtes de Boule, Algonquins, and Nipissingue Indians, being the tribes hunting on the territory between St. Maurice and Gatineau, principally residing at the mission of Lake of Two Mountains. Compensation has, therefore, been given to the Algonquin Indians that may have been appropriated by the Government on the Ottawa River.

On the fourth point, it appears that the Imperial authorities for a long time gave certain equipments, as mentioned, but they have ceased so doing for a number of years, and the Canadian authorities have replaced them by blankets, seed, grain, and other assistance, for the old and infirm Indians.

On the last point; the Indians cannot have the same privileges as the white man, as long as the law remains as it is, but it is the intention of the Department to submit a scheme by which Indians could, under certain conditions, and with certain qualifications, obtain their emancipation, and become, to all intents and purposes, citizens, as the white men are. But in order that such a measure may obtain the sanction of Parliament, and become law, Indians must not violate the law of the land, nor throw, otherwise, obstacles in the way. They must respect property, be content with their present condition, and be sure that the disposition of the Government is to improve their condition, elevate them in their social position, and prepare them for a complete emancipation.

(Signed,)

HECTOR L. LANGEVIN,  
Secretary of State.

OTTAWA, 26th October, 1868.

(No. 40.)

*Copy of Report on the Petition of the Iroquois Chiefs of the Iroquois Tribe of the Lake of Two Mountains.*

The Petition claims:—

- 1st. That the Iroquois Tribe is treated with contempt and harshness by the Roman Catholic Clergy.
- 2nd. That they are deprived, through the gentlemen of the St. Sulpice Seminary, of a scholastic and religious education, in accordance with the progress of civilization, and that they are only taught to read and write the Iroquois language.
- 3rd. That the gentlemen of the St. Sulpice Seminary have always refused to concede to the Iroquois Indians, lands for agricultural purposes within the limits of the Seignior of Lake of Two Mountains.
- 4th. That the said gentlemen refused to them the right to cut wood for fuel for their own use.
- 5th. That the said gentlemen have caused, in 1864, a large quantity of wood to be cut and sold against the will and to the prejudice of the Iroquois Indians.
- 6th. That the said gentlemen have refused to allow the Iroquois Indians to cut timber for building or improvement purposes, whilst they have allowed a white man to have a large quantity of the same for a large sum of money.
- 7th. That the said gentlemen have deprived an Iroquois Indian, named J. Bte. Lacoppre of a canoe he had made himself.
- 8th. That the said gentlemen exact tithes from the Iroquois Indians without the right to do so.

9th. That one of the said gentlemen has in the name of the others, deprived an Iroquois woman of land she had, and has given her but \$15, whilst she was offered \$30 by a white man.

10th. That the Iroquois Indians are proprietors of the land, but the gentlemen of St. Sulpice deprive them of their rights.

11th. That the Iroquois Indians wish to be educated in French and English.

I have read attentively the petition of the Iroquois chiefs, also the letter of the Reverend Mr. Baile, the Superior of the St. Sulpice Seminary, at Montreal, of the 9th November last, and after carefully reading the titles of the Seminary of Two Mountains, and the Acts of Parliament thereto relating, I have no doubt that, as in the case of the Algonquin, the Iroquois chiefs are altogether in error.

The Seigniori of Two Mountains is the absolute property of the Seminary of St. Sulpice, of Montreal, as shewn by the title or grant of the 27th April, 1718, by that of the 1st March, 1735, by the permission granted to the gentlemen of the seminary by the Treaty of Paris to sell those seigniories and carry away the proceeds to France, if they had chosen so to do, by the 3rd and 4th Victoria, chapter 30, (now chapter 42 of the Consolidated Statute of Lower Canada,) and by the Seigniorial Act of 1859; the Iroquois Indians, therefore, have no right of property in the Seigniori of Two Mountains. They may remain where they are at the Mission, in as much as that land has been set apart for their use by the gentlemen of the Seminary of St. Sulpice, provided as long as they behave peaceably, and respect the rights of the seminary.

The above settles complaint No. 10.

Now for the other complaints:—1st. It appears after a proper enquiry, that the gentlemen of the St. Sulpice Seminary, as well as all the Roman Catholic gentlemen who have had to minister spiritually to the Iroquois Indians of Lake of Two Mountains, have always treated the said Indians with kindness, and have provided for their spiritual and temporal wants in the most ample and liberal manner, giving them a good education, teaching them the French language, which is that of the large majority of the population of the Province of Quebec, where they reside, and expending every year for their spiritual wants a much larger sum than that derived from the Indians and French Canadians put together. That the Indians contribute a small sum annually, for the expense of the church, is not denied by the gentlemen of the seminary, but it is considered by the return of the revenue and expenditure, that the Indians receive a much larger sum than they pay. The above is answer to complaints Nos. 1, 2, 8, and 11.

2nd. The answers given by the gentlemen of the seminary to complaints Nos. 3, 4, 5, 6, 7, and 9, are quite satisfactory. They are proprietors, and of course have the right to settle the conditions at which Indians as well as others may cut wood, and the experience of nearly a century and a half is there to shew that the Algonquins and Iroquois Indians that have been under the spiritual and temporal care of the gentlemen of the Seminary of St. Sulpice have always been treated with paternal care, and have on one side increased in numbers, and on the other become a good and religious people.

The Iroquois chiefs should therefore be informed of the above conclusions, and also that by an Order in Council of the 9th August, 1853, 16,000 acres of land, in Dorchester, North River, in rear of the Township of Wexford, have been set apart for the Iroquois of Caughnawaga and Two Mountains, and that therefore they might settle there if they wished. The Government, in that case, would see what aid could be given them, and should those lands be too small in extent, some other locality would be found where they might settle if they wished.

They should be informed also that it is the intention, as on pages 40-41, of Report of 26th October last, about Algonquins.

(Signed,) HECTOR L. LANGEVIN,  
Secretary of State.

Ottawa, 9th October, 1868.

(No. 41.)

*Copy of a Report of the Honorable the Privy Council, approved by His Excellency the Governor General in Council on the 24th May, 1869.*

On a petition from the Iroquois Indians of the Seigniory of the Lake of Two Mountains, complaining of certain wrongs which they allege they suffer at the hands of the reverend gentlemen of the Seminary of St. Sulpice, the proprietors of that seigniory, and praying relief.

The Honorable the Secretary of State reports, that having devoted his attention to the question at issue, both upon the occasion of the receipt of the present petition, and of a former one from the Algonquin Indians, of the same settlement, he prepared two reports thereon, dated respectively 26th October and 9th December, 1868, as exhibiting the result of his inquiries in regard to the position of the two bands alluded to, and to these reports hereunto appended, he requests reference, observing, that since their preparation no new facts have been elicited to alter the aspect of the case.

The Committee concur in the report of the Secretary of State, and submit the same for Your Excellency's sanction.

(Signed,)

Certified.

Wm. H. LEE,  
Clerk, P. C.

(Copy.)—(No. 42.)

*Extract from a Report of a Committee of the Honorable the Executive Council on land applications, dated the 9th August, 1853. Approved by His Excellency the Governor General, in Council, on the same day.*

On the letter from the Honorable Commissioner of Crown Lands, dated 8th June, 1853, submitting for approval a schedule shewing the distribution of the area of lands set apart and appropriated under the Statute 14 & 15 Vict., c. 106, for the benefit of the Indian tribes in Lower Canada.

The Committee humbly advise that the said schedule be approved, and that the lands referred to be distributed and appropriated as therein proposed.

Certified.

W. H. LEE,  
Assistant Clerk, E.C.

To the Honorable,  
Superintendent General of Indian Affairs.

(No. 43.)

*Extract from the Schedule. Shewing the Distribution of the area of Land set apart and appropriated under the Statute, 14 & 15 Vict., c. 106, for the benefit of the Indian Tribes, Lower Canada.*

County.	Township or Locality.	No. of Acres.	Description of the Boundaries.	Names.	Remarks.
Ottawa...	{ Marriwaki or River Desert.. }	45,750	{ A tract on the West bank of the Gatineau, bounded on the North East by the River Desert, and on the North and North- West by the Eagle Branch, averaging 9 miles in front, by 8 miles in depth .....	{ Têtes de Boule, Algonquins, and Nipis- singues .....	{ Tribes hunting on the Territory be- tween the St. Maurice and Ga- tineau, principally residing at the Mission of Lake of Two Moun- tains.
Leinster..	Doncaster ....	16,000	{ A quarter Township in rear of Wexford .... }	{ Iroquois of Caughnawa- ga & Lake of Two Moun- tains .....	Caughnawaga.

(Signed,)

JOSEPH BOUCHETTE.

For the C.C.L., per E. T. FLETCHER.

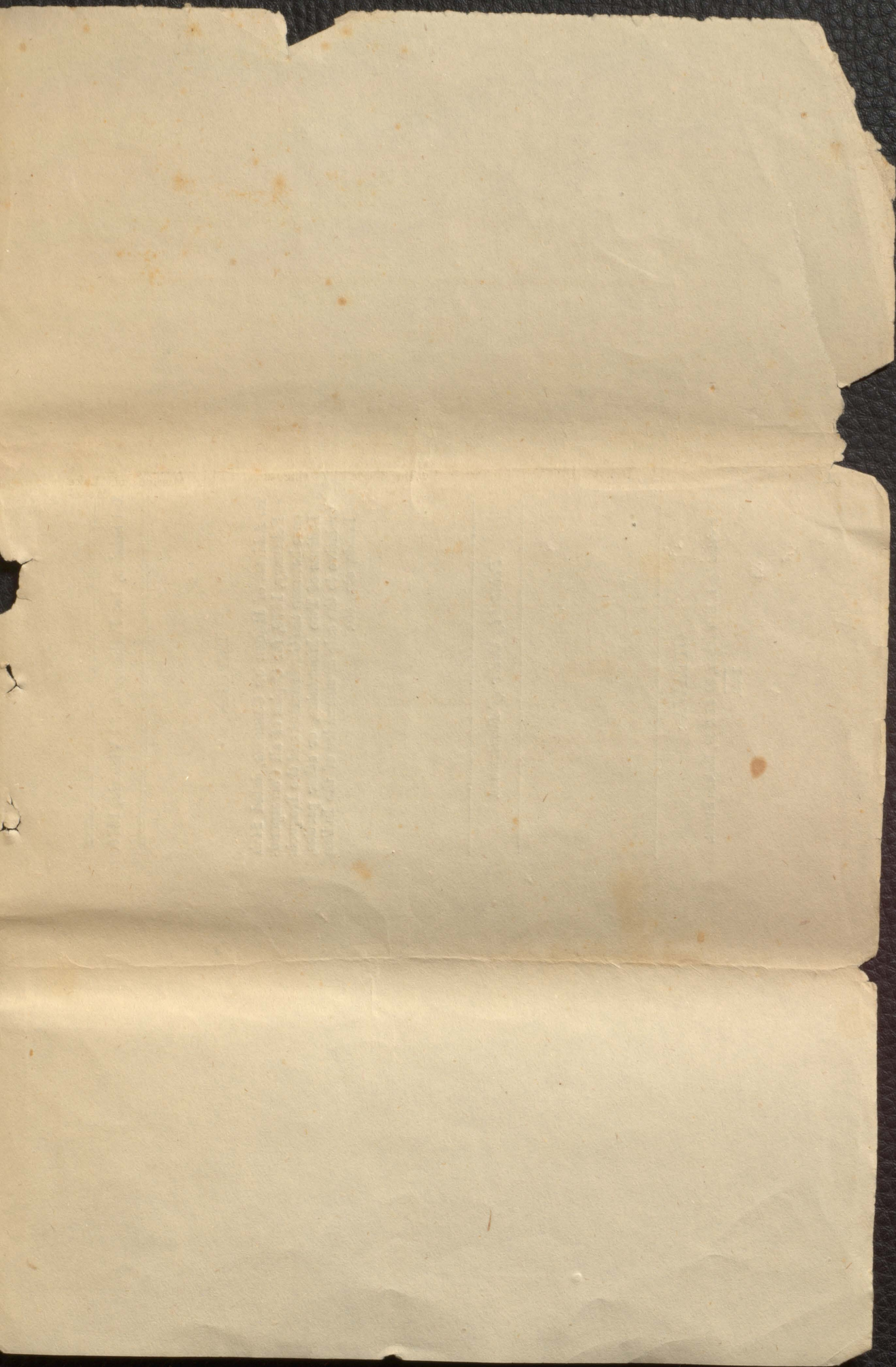
(Signed,) JOHN ROLPH.

Examined and found correct,

(Signed,)

L. VANKOUGHNET.

Crown Land Department,  
Quebec, 7th June, 1853.



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3rd Session, 1st Parliament, 33 Victoria, 1870.

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RETURN

To Address of HOUSE OF COMMONS, dated 24th  
February, 1870, for Copies of all Correspondence  
between the Government and the Iroquois  
Indians of Two Mountains, or other parties,  
relative to the sale or surrender of the Indian  
Lands, etc., etc.

N. O. GREENE,  
MONTREAL.

*No French copies*

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*Printed by Order of Parliament.*

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OTTAWA :

Printed by I. B. TAYLOR, 29, 31 & 33, Rideau Street.

1870.

9823 J.H.

(Confidential.)

In the matter of

THE SEIGNIORY OF THE LAKE OF TWO MOUNTAINS.

and

THE OKA INDIANS,

The opinion of Counsel is requested upon the following inquiries:—

*First*—Does the title of the Corporation of the Seminary of Montreal confer upon that body the absolute ownership of the property known as the Seigniorship of the Lake of Two Mountains?

*Second*—Have the Indians known as the Oka Indians any lawful proprietary claims to that property?

*Third*—What rights are conferred upon those Indians by virtue of their residence on that property, and to the possession of which rights they may be thereby entitled?

A brief reference to the early history and administration of New France, called Canada, is necessary as explanatory of the answers to the above inquiries, and especially in reference to the title of the Seminary of Montreal.

The discovery of the River St. Lawrence by Jacques Cartier was promptly utilized by French adventurers, both Huguenot and Roman Catholic, for trading purposes with the natives of the country, and especially for the trade in furs, which in time became so profitable as to attract the notice of the French Kings, who, appreciating the importance of colonizing the country, found it their interest for that purpose to encourage the private enterprises with material assistance, and finally sanctioned the formation of a commercial company called "La Société du Canada," who were to combine the extension and maintenance of their trade with the gradual settlement of the country from the trading localities where the traffic was carried on.

The religious dissensions of the adventurers among themselves, however, became so violent, and their wilful disregard of the royal design of settlement became so manifest, that the king at once arrested all private trading enterprises, and dissolved the Company recently established, substituting afterwards, in its place, the great proprietary company of the 100 Associates, in whom was concentrated all the available trade of the country, and to whom were granted in full property and domain all the lands of the colony with many other privileges, and specially with power to sub-grant their lands at their pleasure, but subject to the king's supremacy, and under the special condition that the Company would do their utmost to colonize New France and christianize its native inhabitants.

Although colonization and settlement were the chief purposes and designs of the royal will in the formation of the Company of the Associates, these objects were restricted exclusively to native-born French emigrants of the Roman Catholic faith; and were accompanied by a direct and immediate application given to the generally prevalent desire in France at the time for the propagation of Christianity, by the conversion of the aboriginal inhabitants of the Colony to the Roman Catholic faith of the Kingdom, in favor of which the letters patent of the Company declared that the Canadian-born descendants of French inhabitants of the French Colony, and the christianized savages should be held to be natural-born subjects of France, with every privilege belonging to that right, without requiring letters of naturalization therefor.

The Company of the Associates was a lamentable failure, and terminated its few years of precarious and unprofitable existence in utter insolvency, and after a fruitless effort by the king to continue the proprietary scheme by another company which was likewise a failure, he was compelled to resume his grant, and converting Canada into a crown colony brought it under direct royal governance and administration by royal officers, the Colonial Governor and intendant; the Company leaving no record of its existence except some improvidently large grants of unoccupied lands, a very few scanty settlements and some scattered Indian missions.

The king's resumption of the Company's grant of the country did not alter its original nature, because by the public laws of France, lands acquired abroad by conquest, discovery or possession were not united to the personal royal domains, but remained lands lying in grant, at the king's disposal for public uses or to reward meritorious services of his subjects; the law allowing his disposal of them upon such terms as he might please, but retaining over them his supremacy and sovereignty which he could not transfer away. His grants and alienations might be perpetual or temporary, free of charge or duty and even in *franc aien*, free soccage, but subject to his sovereign power. His letters patent for such grants "being held as acts of legislation, the most essential part of sovereignty, to be respected and followed as other laws until changed by like competent legislation"—*Souveraineté du Roi*, 1 vol. p. 82: Thereby enabling the king to continue the fixed policy of settlement, for raising up "a powerful self supporting colony for France," by a system of seigniorial land grants direct from the king to the grantees, according to the feudal tenure of the custom of Paris for such grants, with power to sub-grant to land tenants and cultivators, which was considered to be the most efficacious mode of promoting settlement in the new country: The seigniorial grants being however strictly under the condition of effecting prompt settlement and cultivation, as the special objects of the grant, generally declared in the French technical words "*de tenir ou faire tenir feu et lieu sur la dite concession*," to keep and cause to be kept by their tenants within the year and day, house and home &c., and with the following addition "*de désarter et faire incessamment désarter la dite terre*," to clear immediately or cause to be cleared the said tract of land, with reservation to the king of all mines and minerals for his profit, and of all the oak timber, fit for ship-building, on the grant for his marine service, and with subjection to the penalty of resumption of the Seigniorial grant on breach of the special conditions of settlement.

It is manifest therefore that to subdue the wilderness and to plant a population from the parent state, in other words, colonization and settlement were the paramount objects of the royal policy, and not the mere conversion of the American Savages, or the holding of large tracts of serviceable land as wild and unprofitable hunting grounds; yet though the seigniorial grants were intended for early settlement, the means to be employed and used for accomplishing the purpose were left altogether to the Seigniors themselves, who, however, more or less frustrated or



evaded the royal design, thereby occasioning reiterated royal complaints and threats of resumption of the grants from the seigniors' wilful delay in performing their settlement duties, all shewing the tenacity of the royal insistence of settlement to be effected upon the Seigniors, under the threats of enforcing the reunion penalty attached to the grant, which in fact was from time to time actually enforced against negligent Seigniors, and specially, under the royal declaration of 1743, when reunions to the domains were made of more than twenty Seigniors in one year.

The Colonial Governors at first, and afterwards jointly with the Colonial Intendants, were authorized to make preliminary grants of lands, *en seigneurie*, which were subject to and became effective upon the royal ratification of letters patent, required to be applied for within the year of the issue of the preliminary grant. The royal intervention being always apart of French colonial policy, executive and administrative, and particularly in the cases of land grants, which enabled the king to control them, by the terms and conditions expressed in his letters patent. of ratification, giving legislative effect to the grant by the mere exercise of his royal power, as the sole legislator for the Colonies, and in effect making the ratification to all intents the actual grant, therein exhibiting the will and pleasure of the king, and, as above, expressing the king's command and conditions of grant; and adopting a familiar English law maxim as to grants, shewing that the *habendum* was controlled by the expressed grant and promises of the ratification.

Whilst colonization was in this way promoted by the royal authority, the evangelization of the country was not disregarded, because it was in harmony with popular feeling, but only as in connection with colonization and settlement; the quixotic notion never being entertained by the French kings that their *powerful French colony* could only be formed by the conversion of the savage tribes, who swarmed over almost boundless tracts of country; but christianity accompanied colonization, and by the charter of the 100 Associates they were bound to assist in the support of the clergy who came to the colony, for the twofold purpose of giving spiritual aid and consolation to the settlers and educating the youth of the colony, and also of converting the Indians to christianity. In every settlement three ecclesiastics were to be supported by the Company, and if more were required for the settlements and missions, they were to be sent out and also supported at the expense of the Company, unless cleared land were given to them for their subsistence. Chief among these religious missionaries were the Jesuits, who spread themselves among the Indians near and remote, and formed local missions amongst them, whilst the other orders not so erratic, and among these the Sulpicians, who were seminary and educational priests, established branches of their order, collecting Indians together at their mission places, and there taught christianity to the savage denizens of the Canadian forests, whose pleasure it was to frequent and haunt the settlements for trade or the benefit of spiritual indulgences not always of a religious nature; but ever ready to join any war party organized to attack the towns of foreign Indians or to raid the not distant British provincial settlements. However conscientious and devoted to their christian work the missionaries might be, their humanizing efforts were admittedly not encouraging, and were constantly thwarted by the unceasing and irrational blood-thirsty wars of the Indian tribes and nations with each other, which gradually exterminated the Canadian Indians, and left the final results shewn in the handful of survivors of powerful tribes collected together at Lorette and the Lake of Two Mountains.

A few years after the 100 Associates Company had gone into full operation, a missionary association composed of pious laymen and influential Sulpician priests at Paris was formed there, called the "*Society for the conversion of the Savages of New*

France on the Island of Montreal," and commonly known as "the Montreal Company" ("Compagnie de Montréal"), to whom, through two of its promoters, Monsieur de Lauzon, one of the 100 Associates Company, and grantee from them of the Island and Seigniory of Montreal, transferred his grant by authentic act in March, 1640, subject to the original settlement and other conditions of the grant, for the uses and purposes of the missionary association, which, after ratification by the Associates, was in due course conveyed by those promoters to their association, and finally accepted by its members in March, 1650. Messire Ollier the Curé of St. Sulpice at Paris, and other St. Sulpician priests there, being the first signatories of the accepted conveyance.

Soon after the transfer of 1640 the Society took measures for occupying their grant, and in 1642 a body of emigrants from France, with Messire Ollier de Cassan and other Sulpicians of Paris, took possession and made their first location and establishment at the locality of Montreal, then a wilderness.

To obviate all doubt about the validity of their title and its transfer to the society from Mons. de Lauzon, the arrangements with him were supplemented by direct deeds of grant from the Company of 100 Associates to the Association made in 1640 and 1659, by which the entire Island and Seigniory of Montreal were conveyed to the Society absolutely, who afterwards, finding their conversion duties efficiently performed by the Sulpician priests at Montreal, by authentic deed of donation of 9th March, 1663, conveyed the entire Island and Seigniory to the Seminary of St. Sulpice at Paris, who caused the deed to be duly registered in June following, and the whole was fully ratified by the kings' letters patent in favour of that Seminary, who assumed all debts of the Association.

The Sulpician priests who assisted at the first entry into possession of their Montreal grant in 1642, with the additions to their number from time to time from the parent seminary at Paris, became permanently settled at Montreal, and for facilitating the performance of their duties were formed by the Seminary at Paris into a branch seminary called the Seminary of Montreal, with Messire Ollier de Cassan as their First Superior, to which was committed the care of souls in the rising town and settlement of Montreal, which so continued until the issue of letters patent in May, 1677, solicited and obtained from the King by the Paris Seminary, which constituted the Sulpician Ecclesiastics at Montreal into the legal "*Community and Seminary of Ecclesiastics of St. Sulpice in the Island of Montreal,*" who were charged by the letters patent expressly with the work there of the *conversion of the Indians and the instruction of His Majesty's subjects (conversion et instruction denos sujets, &c., &c.)*; and, moreover, it was ordered by the letters patent that the Island and Seigniory of Montreal, donated in 1663 by the Missionary Association to the Seminary at Paris, should be expressly consecrated to God and attached in mortmain \* \* \* \* \* to be possessed and held for the said pious work and use by the said Seminary and community, freely and absolutely, and by their successors in the order for ever, *en perpétuité*.

Under letters patent, the Seminary of Montreal, whilst continuing their membership with the parent Sulpician Order at Paris, became to all intents a locally and corporate community, apart from that at Paris, with legal capacity to acquire and hold property for its own uses and purposes, and charged, in addition to the original *cure* of Montreal, with that of the outlying settlements at St. Sulpice, Lachine, La Longue Pointe, &c., &c., and had their corporate existence recognized in various public Acts by the ecclesiastical and administrative authorities of the Colony, and also by the king, the sole supreme, executive and legislative power competent to interfere with their legal corporate status, which was expressly continued to be so acknowledged by all of them during the French dominion of Canada.

The Colonial records exhibit several similar corporate erections of communities established in the Colony by letters patent, whose corporate existence still subsists, and is fully recognized as the Ursuline Nuns at Quebec in 1637, the Seminary at Quebec in April, 1663, the Hospital Nuns at Montreal in April, 1669, the Congregational Nuns at Montreal in 1671, &c., &c.

The Sulpician Order at Paris, not only as members of the Missionary Association, but also as donees and transferees from that Association of the Island and Seigniory of Montreal, committed to their Branch Seminary of Montreal all the local work (*œuvre*) assumed by the Sulpician ecclesiastics at Paris, and doing their best to carry out the purpose of the Missionary Association; there being no resident Island Indians, the Montreal Seminary did effect conversions among the savages who frequented the island, and at an early period formed an Indian Mission, located near the foot of the mountain of Montreal, where they collected together and took charge of the wandering Indians of any tribe who were willing to be fed and protected against the hostile Iroquois, and who submitted to be converted to Christianity.

The so-called mission was a mere indiscriminate collection of Indians who came to Montreal from abroad for trading purposes or otherwise, or as refugees from the Iroquois, who had determined to exterminate the French settlers as well as their Indian allies, there being, in fact, no other hostiles against either; yet notwithstanding the constantly harrassing attacks of the Iroquois, the Mission, called the Fort or Mission of the Mountain, slowly increased in numbers by its adventitious additions as above stated; but the Indian converts could not resist vicious temptations in their way, and from their easy access to the town, became demoralized by habits of intemperance to such a degree that in 1692 the Iroquois, in broad day, raided the unguarded Mission and carried off thirty-five of the converts as prisoners without meeting any resistance there.

The removal of the Mission to a distance from such facilities of intemperance became a moral necessity upon the Seminary of Montreal, who, in consequence, in 1701, transferred the Mission to Sault au Recollet, on the domain of the Seigniory, at the back of the Island of Montreal, where it was left undisturbed by any further attacks of the Iroquois, whose power was so far broken by Governor Frontenac's invasion upon them in that year, that after the peace between the French and the Iroquois, which followed soon after, the Iroquois were never again formidable either to the French or their converts. The Mission was kept at the Sault au Recollet till 1717, when, in consequence of the continued intemperance of the converts, from their still near proximity to the town, and its facilities for intemperance, the Seminary at Montreal, unwilling to give up the Mission and to abandon their converts to hopeless barbarism, determined to remove them from the Island altogether to some more remote location where those pernicious habits might be checked, and having found a favorable locality for the Mission on a point of land on the north-west shore of the Lake of Two Mountains, the Seminary of Montreal at once applied for and obtained, in 1717, from the Governor and Intendant, a grant *en seigneurie*, of a tract of then unconceded wilderness land, where the Mission and its converts were forthwith established at the sole expense of the Montreal Seminary and under the terms of their offered engagement with the Government, the Seigniorial grant being made to them like all other such grants, subject to the King's ratification, which followed in the King's letters of 1718, in favor of the Seminary of Paris, who thereby acquired the Seigniory as granted thereof, *to be held by them whether the Mission continued there or not*, and, like all other Seigniorial grants, it was charged with the usual feudal service to the Suzerain Grantor and subject to the usual settlement duties under such seigniorial grants by its tenants and occupants.

By what grant  
was this privilege  
given?

It must be observed that the removed Mission contained a collection of Indians of various tribes: Algonquins, Iroquois, Mohawks, Nipissings and others, either refugees from hostile Indians or prisoners redeemed by the Seminary and charitable settlers of Montreal, both of whom practised that mode of saving prisoners' lives, and to them were added roving Indians who entered the Mission for the sake of food and shelter, all of them being foreign Indians,—the Mohawks and Iroquois from the now State of New York; the Algonquins from the Allumette Island and the upper shores of the Ottawa River; the Nipissings from the distant lake of that name, &c., but none were of the class of *Montreal Island Indians*, the intended converts of the Missionary Association, whose duties were assumed by the Sulpicians as transferees of that Association. To use a modern analogy: the Mission in itself was simply a poor-house or House of Refuge for Indians generally, where they were christianised and supported at the expense of the Seminary of Montreal from its own revenues and where the Indian converts were maintained as long as they chose to continue at the Mission.

revenues here  
received from the  
Indian lands

The Lake Grant as ratified by the letters patent in favour of the Seminary of Paris of 1718, was followed in 1732 by a direct grant to that Seminary of the so-called augmentation which was also duly ratified by letters patent in 1735, which uniting the two grants into one seigniory of the lake, at the same time specially modified not only the terms of the two preliminary grants by the Governor and Intendant, but also altered the terms of the ratification of 1718; none of these modifications, however, are material in this contention, and relieving the Seminary from the strict prompt performance of the settlement duties conditioned upon the Seigniorial grantees, and upon their tenants and sub-grantees in the seigniory, and also discharged the seigniors from the erection of the stone fort which was no longer required.

The effect of the letters patent of ratification of the Seigniory of the Lake of Two Mountains was to place that Seigniory in the same category of property belonging to the Sulpician order as the Seigniory of the Island of Montreal and the Seigniory of St. Sulpice, as held nominally by the head of the Sulpician order as the joint property of all its associated ecclesiastics, wherever their branch establishments might be situated, including, of course, the constituted Seminary of St. Sulpice of Montreal, all in joint proprietorship, according to the law in such cases in France, as held at the place where the head establishment is located, with its local branches in or out of France, the latter acting independently, using their independent right and appropriating their local revenues to support the local work (*l'œuvre*) to be done by the branch establishments, which have two kinds of legal existence, the one as part of the order, the other as a separate and independent corporation, having its proper buildings and rights of property, &c., apart; hence the Sulpician ecclesiastics of the Seminary of Montreal are called ecclesiastics of the order of St. Sulpice at Paris, but those of Paris were never called ecclesiastics of the Seminary of Montreal. The superior officers of each Seminary are distinct, the Seminaries having distinct dates of existence, that at Paris by letters patent in 1645, and that at Montreal in 1677; their existences are locally separate, although they are united together ecclesiastically in the order of St. Sulpice established at Paris.

revenues have  
frequently been  
sent to Paris

Certainly not

The Sulpician properties above mentioned in Canada, though nominally represented by the head establishment at Paris, were actually in the case of the Seminary of Montreal, dedicated to and specially appropriated for pious uses in mortmain in Canada, within the local charge of the Montreal Seminary, who, in fact held the Seigniories as their direct properties, having the exclusive administration of them; the collection and application of their local revenues to local uses without reference to the house at Paris and without aid from that Seminary, but owing to the inadequacy of the local revenues to meet local expenses and the local work (*l'œuvre*) to which the

properties and their revenues were specially appointed; the Montreal Seminary was for several years before the conquest, necessitous receivers from the French king's bounty of an annual contribution from the public funds of France to supplement the local means of support.

A conclusive result drawn from the colonization policy of the French kings, as shewn in the terms and conditions of their seignorial grants, was declared by the unanimous judgment of the the thirteen judges composing the Feudal Tenure Court of 1855, with one dissentient, in answer to the seventeenth proposition submitted to the consideration of the Court: "that, according to the laws in force in Canada before the conquest of the country, the grantees of land in fief or seigniory by the Crown of France had the full and entire property in them, but they could only alienate or sub-grant them at certain fixed rates of rents."

Confirming the contention here with reference "to the Mission of the Lake of Two Mountains for the alleged special instruction and spiritual care of the Algonquin and Iroquois Indians," and to the words of grant as expressed in the preliminary concessions of the Lake Seigniory and its augmentation in 1717 and 1732, and in the royal ratifications of both by the letters patent of 1718 and 1835, the following will be found in the Colonial grant of 1717, by the Governor and Intendant of that date, "We, in virtue of the power jointly intrusted to us by His Majesty, have given, granted and conceded, and by these presents do give, grant and concede unto the said Sieurs Ecclesiastics of the Seminary of St. Sulpice, established at Montreal, a tract of land, to have and to hold the same forever unto the said Sieurs Ecclesiastics, their successors and assigns, even should the said Mission be taken away from thence, in full property under the title of fief and seigniory, &c."

*an entire  
drum, over!*

In the letters patent of 1718, confirming the foregoing, "His Majesty, wishing to favor the Ecclesiastics of the Seminary of St. Sulpice established at Paris, from whom those of the Seminary of St. Sulpice established at Montreal proceed, to whom the concession deed of 1718 was granted, &c., &c., has given and granted by these presents to the Ecclesiastics of the Seminary of St. Sulpice at Paris that certain tract, &c., to have and to hold the same forever unto the said Ecclesiastics, their successors and assigns, even if the said Mission be taken away from thence, in full property under the title of fief and seigniory, &c., &c."

In the colonial grant of the augmentation of 1733, by the Governor and Intendant of that date, the words of grant are: "We, in virtue, &c., &c., have given, granted and conceded, and by these presents do give, grant and concede unto the said Ecclesiastics of the Seminary of St. Sulpice at Paris the above ungranted tract of land, &c., &c., to have and to hold the same unto the said Sieurs of St. Sulpice, their successors and assigns henceforth forever, in fief and seigniory, &c., &c."

The letters patent of 1735 confirmed the grant of 1733: "to the said Ecclesiastics of St. Sulpice at Paris, to have and to hold to the said Ecclesiastics, their successors and assigns forever, as a fief and seigniory, &c., &c."

The preamble of the concession of the Seigniory of the Lake of Two Mountains in 1717 to the Seminary of Montreal, recites, in substance, that the mad drunkenness from which, as Messire Ollier de Cassan, in his history of Montreal says, neither Algonquin nor Iroquois could refrain in their intercourse with the French of the town: "Ils ne la peuvent quitter qu'après être ivres, à n'en, pouvoir plus, et en usage comme furieux." preventing religious instruction and conversion of the Indians, was the real cause of the removal of the Seminary of the Montreal Mountain Indian Mission to the Sault au Recollet, and from the Sault to its final locality at the Lake Seigniory, the

recital is as follows :—" On the petition presented to us by Messieurs, the Ecclesiastics of the Seminary of St. Sulpice, established at Montreal, by which they state that it would be advantageous to the Mission of the Indians of the Sault au Recollet, in the Island of Montreal which is under their care, that it should be immediately transferred above the said island and established on the lands which are situated on the northwest side of the Lake of Two Mountains, which said Mission would be advantageous, not only for the conversion of the Indians, who, being there more distant from the city, would also be deprived of the opportunity of getting intoxicated, on condition that the Ecclesiastics shall, as they offer to do, bear the whole expense of removing the Mission, and that they shall cause the church and fort to be built of stone *on the place* where the said Mission shall be transferred, &c." But the recital does not control or limit the words of the grant, because it is a maxim of all law in the way of grants, and which is nothing more than the conclusion of common sense long formed and approved, and not merely a technical rule of verbal construction, " that if the intention of the King be plainly expressed in the granting part of the concession, the grant shall enure accordingly." The words in the concession grants and royal ratification are too plain to admit of doubtful construction and explicitly convey to the grantees the absolute unlimited property of the grant, namely, the Seigniorship of the Lake of Two Mountains, making no reference to the Indians as having interest in the grant itself, or otherwise than by the removal of the Indian Mission from the Sault au Recollet to the Lake Seigniorship.

It is not allowed to interpret what has no need of interpretation, the old rule affirming "*quoties oñ verbis nulla est ambiguitas ibi nulla expositio contre verba funda est.*"

The granting words here manifestly speak the intention of the parties at the time, who must be presumed to know the object and purpose of the grant as an absolute property to the grantees for ever, *whether the Mission should continue there or not*; plainly expressing a free grant independent of the existence of the Mission which could therefore have no derogating rights against the grantees. The land granted was uncondemned public land at the disposal of the king who had power to make his gift conditional if he so pleased, and to express the continuance and quality of his grant as well as the persons of the grantees. He gave it in full property for ever with only subsidiary conditions: first, that the expense of establishing the Mission at the intended location *on the place where the Mission shall be transferred*, shall be at the expense of the grantees, the Seminary; and second, that the Seigniorship be held by the grantees, the Seigniors, subject to their performance of the feudal services and acknowledgment to the Seigniorial suzerains, and of the settlement duties required to be done on the Seigniorship by all such Seigniorial concessions. As matter of fact the first condition was fulfilled by the transfer of the Mission to the Lake, at the cost and charge of the Seminary for its maintenance there, as before at the Mountain Mission and at that of the Sault au Recollet, namely, for the instruction and conversion of the Indians; and for the last, no record exists indicating any intention or attempt by the French kings, who alone could exercise the right during their dominion in Canada, to forfeit the grant for any breach of their feudal and settlement duties by the grantees.

It is only necessary to add that although the grants of the Lake Seigniorship were confirmed to the Seminary of Paris, of which the Seminary of Montreal was a branch; this was only necessary from the requirements of French law for the purpose of preserving the subordination observed in such ecclesiastical bodies, but did not prevent the Colonial authorities from regarding the Seminary of Montreal as a body

legally constituted, capable of possessing such properties, because the Colonial Government by its grant to the Montreal Seminary acknowledged its corporate existence, constituted under the king's letters patent of 1677, and which was acknowledged in royal and public documents, among others by the order of the king in his Council of State at Paris in 1716 and 1722, which charges the Montreal Seminary with an annual tax for the town fortifications, in both orders, the Council referring to the body as "the Seminary of St. Sulpice, established at Montreal, and possessing building lots in that City of which, as well as the whole Island, it is direct Seigneur, &c." The ratified grants of all the Sulpician Seigniories, Montreal, St. Sulpice and Lake of Two Mountains, were granted to the Head Establishment at Paris, but the constituted Seminary of Montreal was the actual Seigneur who performed on the spot all the pious work for which the grants were made, administered the entire property, made all the required outlay for settlements and charitable establishments within their local works, and whose local charge and duties were in ecclesiastical connection with the Sulpician Order, but independent of the Head Seminary at Paris.

The conquest found the Sulpician property and estates in Canada dedicated for ever to pious work and uses there, namely, the Seigniories of Montreal, St. Sulpice and Lake of Two Mountains, with their dependencies, in the titular possession of the Head Seminary of St. Sulpice at Paris, whilst they were, in fact, in the actual possession as of right, and administered on the spot by the constituted community and Seminary of St. Sulpice at Montreal, the entire estate being the joint property of the order and of its constituted establishments, but subjected locally to the effects and conditions of the conquest expressed in the articles of the capitulation of Montreal of 1760, and of the Treaty of Peace of 1763.

The 34th Article of the capitulations, provides that "All the communities and all the priests shall preserve their moveables, the property and revenues of their Seigniories and other estates which they possess in the colony, and the said estates shall be preserved in their principles, rights, honors and exemptions."

The 35th Article provides that "If any of the priests, missionaries, priests of St. Sulpice, &c., choose to go to France they may do so, and sell their estate either to the French or English, and take the proceeds with them, &c."

And the 37th Article provides that "All Seigniories, &c., and all other persons whatsoever shall preserve their entire property, &c. &c., and be at liberty to keep or sell them as well to the French as to the English, &c. &c." The effect of which provisions is explained by Chief Justice Hay, of the Province of Quebec, in 1766, in his "plans for settling the laws in the conquered Province." After remarking that the country not being surrendered at discretion, but upon capitulation, the King of England was never for a moment the owner of the land of the country, but only of such part as was at the disposal of the King of France, namely, the ungranted lands, and that it was a well known rule of the law of nations adopted and enforced by the law of England, that the laws of a conquered people continue in force till they were expressly changed by the will of the conquering nation, he proceeds, applying those maxims to owners of property in Canada:—"By the articles of the capitulation of Montreal, upon which the whole country was surrendered to General Amherst in 1760, it was expressly provided, that all sorts of property, moveable and immoveable, that does not belong to the King of France shall continue to belong to the present proprietors, whether private persons or bodies politic or religious societies, not excepting those of the Jesuits, and this provision is confirmed in the 4th Article of the Definitive Treaty of Peace of 10th February, 1763, by which it was agreed between the two Crowns that those persons who chose to retire and quit the Province may sell their estates

Articles 34 & 35  
of Capitulation

Article 37  
of Capitulation

Article 4 of  
Treaty 10 Feb 1763

“and effects to British subjects and return to old France or elsewhere, with the “money of such sale, whenever they thought proper, within the space of eighteen “months from the ratification of the treaty.” This delay extended to the 10th of August, 1764. As a necessary consequence all French subjects who remained in Canada became British subjects, by the mere effect of their continued residence in Canada, with full capacity as such subjects to acquire and hold property, moveable and immoveable, in Canada, whilst Frenchmen, proprietors in France, or the returning French subjects became aliens and incapacitated from holding immoveable estate and property in Canada, but having power to sell or dispose of it within the eighteen months after the ratification of the treaty.

It has already been observed that the Seigniorial estates above mentioned were the property of the Sulpician Order for ever, and could not be alienated from Sulpician ecclesiastics; but the conquest was an interfering necessity and prevented the property from longer subsisting for the benefit of the Sulpicians in France, and therefore could only avail for the Sulpician ecclesiastics in Canada who had capacity as British subjects, and therefore to the only ecclesiastics of the Order in Canada, the constituted community and Seminary of St. Sulpice at Montreal, who, from their continued residence in Canada after the conquest, had become British subjects, with the required capacity not only to continue their actual possession of the Canada property of the Order, but to hold it as proprietors in full property. This result is explained by M. Petit, a French colonial Judge, in his work on French Colonial Law, pp. 511—513, which he lays down as established by royal orders and arrets, “That “the property of the several religious Orders in the Colonies must, in case of any “separation from the main body of the Orders, be dedicated to the work to be per- “formed, and to belong to the missionaries by whom it is performed, because the “intention of the donor of such property could only have destined it for the support “and maintenance of the Mission and missionaries on the spot, and not to be held by “ecclesiastics thousands of miles away from the appointed work.”

Again, being forever the joint property of the Order including all its constituted establishments, the lapse by any of the holders in the joint property according to the well-known rule of the common law of France and of the Province, remits the lapsed property and right to the others holding and capable of holding the property; and hence, the Sulpicians in France, having, by the effect of the conquest and cession, become aliens and incapacitated to hold the property of the Order in Canada, they lost their right to it, which reverted to those who had become British subjects in Canada, with capacity to take and hold real property in the province to wit: the community and Seminary of Sulpicians at Montreal, and who, losing nothing of their rights in the Sulpician property in Canada, thereby preserved it for the purposes of its original destination. This may be familiarly exemplified by the rule of law applied as follows: “If one moiety of a community become incapable of its undivided “right in its community property, the other moiety will possess the whole, because “the change in the numbers and quality of the members makes no change in the “community itself, which exists, as before, in the persons of those who retain the “necessary capacity.”

Finally, this power to sell comprehends the power to abandon and transfer property by any act of conveyance of it, and, therefore, the deed of cession, executed at Paris, on 24th April, 1764, within the time of limitation of the Treaty, by the head officer of the Order there in favor of the community and Seminary of St. Sulpice at Montreal, of the right of the Paris Seminary to any possession of the Order in Canada, constituted the Montreal Community and Seminary the proprietors of the rights so abandoned to them. The latter Seminary having full capacity and

*dit de Sulpiciens  
de Montreal  
ne s'occupant  
de la Sulpiciens  
de Paris*

*possibly the  
beyond revenues  
have since been  
sent to the heat  
in Paris*



authority as a constituted body under the letters patent of 1677 to take and hold property in like manner as enjoyed by persons and individuals when not expressly prohibited. The cession was, in fact, a mere partition of property held in common between the Sulpicians in France and those in Canada, possessed in common by both in the two countries before the Conquest. The conquest made both foreigners and aliens to each of the Governments respectively, necessarily separating the bodies, and, therefore, the joint property was necessarily divided also; the French Sulpicians, by the deed of cession, retaining their proprietary rights in France, and abandoning effectively their property right in Canada to the Montreal Sulpicians, instead of selling, renouncing their rights, thereby making a complete partition between the two bodies. The deed of cession was in reality the well-known and usually modern quit claim deed in favor of the proprietor in possession, and in no way required the royal assent or authority for its validity, no change of actual possession being made.

Under the foregoing circumstances the requirements of the conquest were carried into full effect, and the Montreal Seminary acquired full property and possession of the Seigniories; their title to them was indisputable, viz, to the entire Canadian property of the Order, and was never interfered with by the British Sovereign or the Colonial authorities; on the contrary, the right of the Montreal Seminary was recognized in 1781, by the Governor of the Province receiving that body into fealty and homage for their Seigniories, and registering their acts and titles, which included the deed of cession above mentioned. Though the reception to fealty did not give title, it accepted and admitted title, and prevented the Sovereign suzerain from dispossessing or interfering with the vassal, affording a recorded proof of title to the Seignior against the king, who by his acceptance of it, fills the Seignior or fief, and invests the Seignior with it. As Blackstone says, "the ceremony is a token of the protection which the suzerain owes to the vassal, this obligation between them is thereby reciprocal, and if the vassal under the old tenure was bound to serve, he had a right to full protection in return." The reception by the king of the Montreal Seminary in fealty was his royal recognition of its right of legitimate possession and property after the conquest, to which, if necessary, might be added the long possession held in the sight and with the knowledge of the respective governments from 1677. The confirming Act of 1841 completes the chain of title held by the Community and Seminary of Montreal, and contains the royal assurance of Her Majesty in behalf of the Seminary here.

It was enacted in a compromise Act between the Seignior and the tenants of the Seigniories, to get rid of the Seigniorial rates and duties which pressed heavily upon capital and improvements of real property, causing irritating complaints against the Seigniors and demands for the abolition of the title of the Seminary to their property, and its re-union to the Royal Domains, the complainants forgetting that the re-union would not change the Seigniorial tenure of the sub-grants or their feudal burthens, the only difference being the change of Seignior from the Seminary to the Crown, leaving the tenure as it was, which could only be abolished by its absolute abolition, as was effected in 1856; and hence, therefore, the Act of 1841, which was a relief Act for the gradual extinction of the Seigniorial rights and dues, after reciting the proprietary right in and over the Seigniories of Montreal, St. Sulpice and Lake of Two Mountains, as held and claimed by the Seminary since the capitulation of 1760, and claiming to hold those rights still as owners of the said Seigniories, and stating that doubts of their title had been raised, and it was contended that the title to their Seigniories was in Her Majesty. It was declared that to remove those doubts and effect an extinction of the Seigniorial rights and dues, Her Majesty of Her own will and motion, signified Her pleasure that the rights and titles of the ecclesiastics of the

*Contrary to the  
British Constitution*

Seminary of Montreal to those Seigniories should be absolutely confirmed, subject to the terms, conditions and limitations contained in the Act, which were fully and formally agreed to by the said ecclesiastics, and for fulfilling Her Majesty's pleasure the said ecclesiastics and their successors were constituted an ecclesiastical corporation, as named in the Act, to whom the right and title to the several Seigniories above mentioned, with all and every their domain, lands, &c., &c., and their Seigniorial rights and dues should be confirmed and declared good, valid and effectual in law, with power to the corporation so constituted to hold and possess the same as proprietor thereof, as fully in the same manner and to the same extent as the Seminary of St. Sulpice at Paris or the Seminary of St. Sulpice at Montreal, according to its constitution in 1759, or as either or both of the said Seminaries could have done or had a right to do, and therefore the Seigniories were declared to be vested in the said corporation as the true and lawful owners and proprietors of the same, to the only use, behoof and benefit of the Ecclesiastics of the said corporation, of their successors for ever, subject to the terms and conditions in the Act, chief of which were the statutory means and terms provided for the gradual extinction of the Seigniorial rights and dues by a commutation payable by the tenants. The Act of 1841 was full and comprehensive in its terms and effect, in confirming to the Ecclesiastics of the Montreal Seminary the Seigniories and their rights as they were both before and after the conquest, in full possession and property, which were corroborated and confirmed in 1859,—by the subsequent Acts of commutation arrangements between the Provincial Government and the Ecclesiastics for the abolition of the feudal and Seigniorial dues and charges.

With reference to the foregoing my answer to the first inquiry is—

That the title of the corporation of the Seminary of Montreal has conferred upon that body a valid and absolute right of property in their several Seigniories, and constituted that body the sole absolute owners of the property known as the Seignior of the Lake of Two Mountains.

As a consequence of the above answer my answer to the second inquiry is—

That the Oka Indians have not and never had any lawful proprietary claim in the property of the said Lake Seignior.

Before answering the third inquiry, which is as follows:—"What rights are conferred upon those Indians by virtue of their residence on that property, and to the possession of which rights they may be thereby entitled?"

It is proper to observe that the Oka Indians of the mission of the Lake do not appear to have been recognised as the Iroquois tribe by either the French or British or Colonial Governments, nor within the Indian protection Acts for the care of Indians by the Colonial Government since the conquest, nor have they held grants of land in Lower Canada exclusively for their own benefit. The lands of a tribe belong to the entire tribe by grant or concession of some kind, but though grants were made directly to the Abenakis, to the Huron Indians of Lorette, &c., and to the Jesuits especially for the Sillery Indians, the Indians of the Sault St. Louis trust—specially for the Indians established there, there is no trace of such a grant in the colonial records, either direct or intermediate, for the Mission Indians of the Lake of any of the denominations at the Mission there. It is clear that the Oka Indians were not direct participators in the Lake Grant and none such has been produced in their favour. As a matter of fact, the history of the Mission shews that, whether at the original Mission at the Mountain or at that of the Sault au Recollet or finally at the Lake, they were merely waifs and strays collected there by the Christian charity of the ecclesiastics of the

*When the Seminary  
gave up one  
Seignior for another  
they lost the title  
to the one left*

Seminary of Montreal, and that they never had, or pretended to have, title of any kind, either to the Seigniorship of Montreal, their first and second locations, or at the Lake Seigniorship, where they were last located.

It appears, however, that the Oka Iroquois have held and occupied lots of land at the Lake Mission or Seigniorship either by themselves as individuals or by families or as having acquired them by succession to deceased Indian relatives. In connection with this fact, it will be remembered that in the charter to the 100 Associates the king declared that all christianised Indians should be as native-born Frenchmen, with all their privileges, without letters of naturalization, and by the old law of the country, all such had a right to have from Seigniors, upon application, sub-concessions of land for cultivation, in the same manner as such concessions were generally made, and that the concession might be made by the Colonial authorities if refused by the Seignior. The Seigniorial Tenure Court, by its judgment, has declared this to be the law, but no such special applications appear to have been made, and probably would not have been encouraged; yet the Mission allotments, though not of the extent of the ordinary concessions for cultivation, were plainly for protection and maintenance, and constituted property in the holders, either by long recognised possession or by grant, but only to the extent of the lot, and therefore rights of property in the resident Indians on their allotments would seem to be protected by the 16th section of the Act of 1841, which declares that "nothing in the Act contained shall extend to diminish, destroy or in any manner affect the rights, &c., &c., of any person or persons excepting such only as the Act may expressly and especially destroy, diminish or affect."

Although Canada was established as a colony for French Roman Catholics exclusively, that exclusiveness totally disappeared at the conquest, and British Protestant, French Huguenot and protestantized Roman Catholics enjoyed equal rights, and therefore the alleged converted Roman Catholic Mission Indians, specially the Okas, who appear to be only a part of the residents at the Mission, are entitled to all the rights of other Protestants.

Now, among the conditions and considerations for the Confirmation Act of 1841, the vesting of the Seigniorships in ecclesiastics of the Seminary was declared to be for the following purposes, intents and objects only and for none other: among others the care of souls in the parish of Montreal, *the Mission of the Lake of Two Mountains, for the instruction and spiritual care of the Algonquin and Iroquois Indians, &c., &c.*

This last special mission purpose is quite explicit, and it would be a contradiction of its terms to require as a duty and service of the ecclesiastics of the Seminary to afford to the Mission any instruction or spiritual care other than Roman Catholic, and by no process of construction could the plain intent and purpose of this particular statutory duty be made to apply to Protestant instruction and spiritual care.

The duty required at the Mission is simply *instruction and spiritual care* and no more—and anything beyond these claimed by the Indians as of right, such as their proprietary allotments from the ecclesiastics of the Seminary, fall into the category of rights under the law of the Province, which can only be enforced by resort to that law, or be allowed by the ecclesiastics themselves. The Mission purpose is not a trust beyond its expressed requirement of duty, and the English trust relied upon is not within the law of the Province. By a mistake, the alleged trusteeship of the ecclesiastics for the Mission Indians, and the Okas in particular, pertinaciously alleged in their favour, was adopted from an old controversial opinion against the rights of the Seminary a long time after the conquest, and upwards of seventy years ago, for the reunion of the Seigniorships to the Crown, in which the ecclesiastics were

charged and qualified as *Trustees for the Crown*, but not as *Trustees for the censitaires*, tenants or sub-occupants; that alleged trusteeship, however, was never seriously adopted by the Government, and has since remained forgotten and buried until revived for this contention. It would be waste of time to discuss the *substitution of our law* applied in support of the alleged rights of the Oka Indians, because the Lake Seigniory was granted to the ecclesiastics of the Seminary for themselves, their successors and assigns for ever, without any giving over to any other named taker, certainly not the Mission Iroquois, in the event of the lapse of the grant after the termination of the existence of the Corporation of the Seminary, their successors and assigns. There being no one designated to take over the grant after the lapse, when it should occur, there can be no substitution or *fidei commission* in law in favor of the Okas.

Under these circumstances, no doubt can exist, either as to the entire absence of all proprietary right or title to the Lake Seigniory by the so called Oka Indians, or by any other Indians who may have had connection with the mission there, or as to the absolute and indefeasible title of the Seminary of Montreal to that property. Moreover, such of the Oka Indians who are Protestants can have no claim to the spiritual care and instruction of the Lake Mission maintained there by the Seminary for those purposes, but for Roman Catholic Indians only.

It is notorious, however, that since the removal of the Mission to the Lake Seigniory, the Mission Indians have constantly occupied lands in the Seigniory either as farms for agricultural purposes or as emplacements for residence, and this is admitted by the Seminary in its correspondence with the Government by Messire Baile, their Superintendent, dated respectively 12th October and 9th November, 1868, in answer to the complaints of the Iroquois of the Lake as to concessions of land and cutting wood in that Seigniory.—See pp. 12 and 22 of the Return made to the House of Commons, dated 24th February, 1870, of copies of correspondence between the Government and the Iroquois Indians of Two Mountains, &c. &c. Messire Baile says “This is the manner in which we deal with *our* Indians in reference to the cultivation of lands. We allow them the enjoyment of the lands on condition that they will cultivate them; the enjoyment may pass to their children on the same conditions, and we even allow them to sell out that enjoyment to another Indian who has been established in the Mission for two years. We only reserve the wood: if they want any firewood or timber for building purposes, we allow them to have what they want only for their own use,” and more recently in a pamphlet published by the Seminary in 1876 in connection with their litigation with the Indians and called “Historical Document,” in which they declared the pending controversy to be “in no way *nullement* a religious question after stating the removal of the Mission with their Indians to the Lake Seigniory in 1717, and the settlement of the Indians about their church and residences built for them on lots of land which the Indians were allowed to occupy with their families and descendants, it is stated, that as all the world knows, to secure to the Indians the benefit of agriculture, the Gentlemen of the Seminary permitted each head of a family to occupy and cultivate a field containing a certain number of acres of land, as much as was necessary for his wants; and that the permission to occupy and cultivate the lots of ground *conceded* was given on condition that the Indians should hold the lands themselves and their descendants.”

These acknowledged alienations were doubtless intended so far to accomplish and execute the express conditions of all grants of Seigniories, including the grants of the Lake Seigniory, namely to compel Seigniors to sub-grant or concede their granted lands for settlement and cultivation.

At the dates of the Lake grants in 1717 and 1732, the custom of Paris, with its Seigniorial and censual laws, was the common law of the Colony, especially for such tenure as above, together with such special royal enactments therefor, which the king applied to govern all Seigniories, and among those enactments was the Royal Arret of 1711 specially enacted for the colony, which enforced upon all Seigniors the conditions of actual settlement by sub grants and concession of their lands for cultivation by resident occupants: and hence the refusal by a Seignior to concede to applicants was held to be a wilful contravention of the royal enactment.

By the laws in force in Canada, Seigniors had the full and entire demesne of their lands, but could alienate them only in the manner adverted to by sub-grant and concessions, first generally enforced by the Arret of 1711, which compelled them to concede, and to that extent restricted and limited their full demesne right and limited the exercise of the rights of Seigniors in the disposal of their lands, and being an admitted law of public policy any contract by the Seignior in contravention of such laws was not binding. Alienations therefore made in conformity to the law by concessions, gave to the tenants the useful demesne of his sub-grant which he had a right to occupy and enjoy as proprietor, and the same privilege and right followed to a mere occupant of land from the equivalent tenancy under the Seigniors permissive occupation, such as the permissive occupations and tenancies of land mentioned by Messire Baile to Indians for themselves, their children and descendants to succeeding generations, without specific limitation of time for resumption by the Lake Seigniors of the land so permitted to be occupied, which was in law an alienation *en perpétuité*, from the expressed purpose of the parties, that the one should divest himself of the property or possession and the other come into it, not for a merely determinate time however expressed, as for a lease or a *bail à rente* for a specified number of years, but for an undeterminate period prolonged for generations and only terminable at the pleasure of the holders, which in construction of law would amount to a perpetual grant as effectively as if the most proper and pertinent words had been made use of for the purpose, and, therefore, any supposed precariousness of the contract would necessarily disappear in the legal construction of perpetuity and consequent property given by its terms. The case of the Indian widow woman "petit cris," who complained against the Seminary for having been turned out of possession of her farm, is expressively explanatory of the Indian Lake tenancies. She was the Indian widow of an Indian, Thomas Petit Cris, and was left by her husband with four children in possession of a farmland containing forty acres in superficies. Thinking to better utilize the farm for the benefit of herself and family, she leased it to a Canadian, who was to cultivate it for her on shares for the moiety of the crop. Upon this the Missionary at the Lake Mission, an ecclesiastic of the Seminary, took possession of the property without her consent, and had it cultivated by others. The farm appears to have been in her possession and occupancy under the permissive right mentioned by Messire Baile, and was clearly beyond the interference of the Missionary, and finally, after the complaint made, Messire Baile, who refers to the complaint at p. 24 of the return, apparently desiring to cover up the mistaken interference, says: "Her land is at her disposal whenever she wishes to retake it." The case, as already observed, is for explanation only of the Indian right of tenancy.

It must be granted that it is only as tenants and occupants of land in the Lake Seigniorie that the Indian settlers or residents there can have any proprietary interest in the lands, in fact actually conceded to them by their permissions of occupation, although no censual contract had intervened. The Seigniorial Court of 1856 adjudicating under the abolition of Seigniorial Tenure Act of 1854, and its amendments of 1855 finally settled a variety of conflicting Seigniorial controversies, but interposed very inconsiderably in the practical working of the common law as between Seignior

and censitaire or sub-tenant, and in that respect left the common law as it was, uninterrupted or permissive Seigniorial occupants without censual contract or concession; because under the custom of Paris and other French customs not allodial, the general tenure rule, *nulle terre sans Seigneur*, no land without its Seigneur, prevailed and charged the occupying tenant with the same cens and rentes for his land as was paid by neighbouring tenants holding by contract or concession, and, therefore, the Seigneur where censual customs prevailed, even without a censual contract or acknowledgment in his favor, might claim his dues upon a house or property lying within the territory subject to his censive. Dumoulin gives the reason "*la loi est un titre exprès pour le Seigneur*," the law is express title for the Seigneur. The rule in this respect has been adopted by the Act of 1854, for the abolition of the Seigniorial Tenure, and its amending Act of 1855, and in the 8th Section of the Act, Chap. 41 of the Consolidated Statutes of Lower Canada, "An Act for the general abolition of feudal rights and dues," it is provided that, for the purpose of ascertaining the value for each property in the Seignior, "each lot is to be referred to, that is to say, each parcel of land originally conceded or actually owned in the Seignior at the time of making the schedule, whether the land is held for agricultural purposes or as a mere emplacement or building lot," and for the purposes of the Act it provides "that any person occupying or possessing any land in any Seignior with the permission of the Seigneur shall be held to be the proprietor thereof as censitaire."

The commutation of tenure in the Seigniories belonging to the Seminary, including the Lake Seignior, was effected by the Act of 1859, incorporated into the Chap. 41 of the Consolidated Statutes above, under which a large sum of money was paid by the Government for the commutation of the censive tenancies and other accrued rights, for the relief of the censitaire and the satisfaction of the Seigneur, leaving to the latter arrears of certain dues, the full property in the unconceded lands in their several Seigniories, and all landed property held by them within the same, to be disposed of at the discretion of the Seigniors; but which could not affect the holding of the Indians which became allodial in their favor as proprietors thereof, and as they are declared to be by the 8th Section of Chap. 41 of C. S. L. C.

As between the Indian tenants and the Seigniors of the Lake property, the Seminary, the supposed disqualification of the Indians to have and to hold possession of Seigniorial land has been repudiated by the Seigniors themselves in their grants made to the Indian grantees for themselves, their families and descendants, without qualification or limitation of time or descent, and no objection in that respect can invalidate the Indian proprietary rights, accorded and admitted by the Seigniors, the granetes of them, either as proprietary possessors under the common law, or as qualified statutory proprietors under the Abolition Act. If the Indian tenancies have been omitted from the Cadastres with the knowledge of the Seigniors, the loss is theirs, because, although the tenancies have become allodial by law, the commutation gave the commuting Seigniors no other proprietary right than what they had in 1859, when the law effected the general commutation as to tenure of all Seigniorial lands conceded and occupied or not.

The above appears to be the legal as well as the equitable conclusion to be drawn from the premises, and would meet in the latter view the suggestion of Messire Baile in his letter of the 2nd June, 1869, to the Secretary of State, that if the Government concluded to remove the discontented Indians from the Lake Seignior, the Seminary would not hesitate a moment in allowing such indemnity as natural equity and positive law would entitle them to for work and improvements performed.

In answer to the third interrogatory—

The Oka Indians have no rights from mere residence on the Seigniory of the Lake of Two Mountains, except the proprietary rights of continued occupancy of lands held by them under grants or permission to occupy given by the Seigniors to the grantees of the lands for themselves, their children and descendants, and their right to sell their occupancy as above referred to. Such of the Oka Indians as are Protestants can have no claim to further connection with, or spiritual care and instruction from, the Mission or its missionaries.

W. BADGLEY.

MONTREAL, 7th May, 1878.

N. O. GREENE,  
MONTREAL.

IN THE MATTER OF

**THE SEIGNIORY OF THE LAKE  
OF TWO MOUNTAINS.**

AND

THE OKA INDIANS.

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OPINION.

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HON. W. BADGLEY.

Montreal, 7th May, 1878.



To His Excellency the Right Honorable the Earl of Dufferin, K.P., K.C.B., &c., &c.,  
Governor General of the Dominion of Canada, in Council.

*The memorial of the undersigned Iroquois and Algonquin Indians residing in the  
Village of Oka, in the Seigniorie of the Lake of Two Mountains, and others,  
citizens of the City of Montreal and elsewhere, in the Province of Quebec*

*RESPECTFULLY REPRESENTS:*

That for a number of years past, difficulties of a very painful and dangerous nature have existed at the said Village of Oka, between the Indians there located, and the Seminary of St. Sulpice of Montreal, as to the respective rights of the said Indians and Seminary, in the enjoyment of certain lands and forests in said Seigniorie.

That a large majority of said Indians having withdrawn from the Church of Rome, a building was erected to serve them as a Chapel and School-house, for the purpose of religious worship and education.

That this building was destroyed by the said Seminary, on the 7th of December 1875, under circumstances which will be hereinafter mentioned, and since that time the said Indians have been deprived of a suitable building for religious worship, or for the education of their children.

That on or about the 15th of June 1877, the Roman Catholic Church and parsonage which had existed at Oka for a great many years, were destroyed by fire and accusations of incendiarism have since been made, respecting different and opposing classes and parties.

That the said fire occurred while the whole village was in a state of great excitement, over the arrest and conveyance to jail under circumstances of excessive aggravation and cruelty of eight of these Protestant Indians, and the news that nearly forty others were to be arrested, and driven from their homes for acts which were done in the exercise of a legal right in the opinion of the said Indians and of the undersigned as will hereinafter be shewn.

That these arrests were made by the employees of the Seminary, aided by a body of the Provincial Police who had been brought to Oka with arms and ammunition as for a bloody conflict; seeing which a large number of the Indians took up arms, and prepared violently to resist the execution of these warrants which they believed to have issued in abuse of the process of law. That there consequently existed for a number of days, two camps of armed men who might at any moment have come to collision.

That the facts above disclosed, in the opinion of your memorialists, make it the duty of your Excellency's Government on whom devolves the care of these Indians, to adopt immediate and effective measures to settle finally, and in conformity with law and justice these troubles which from their religious aspect threaten to spread among Her Majesty's subjects all over the Dominion, the most dangerous elements of discord and even bloodshed.

That in order to enable your Excellency's Government fully to understand the facts bearing upon these disputes, your Memorialists beg to state the respective contentions of the Seminary and the Indians.

The Ecclesiastics of the Seminary, contend that they are absolute proprietors of the Seigniorie of the Lake of Two Mountains, and in a document signed by their legal representatives and produced on the 24th of August 1876, in a suit now pending in the Superior Court, Montreal, under the number 1310, they base their rights upon the following averments:—

“Que par brevet de concession octroyé à Québec, le 17 Octobre, 1717, par Philippe de Rigaud, Marquis de Vaudreuil, alors Gouverneur de la Nouvelle France et Michel Begon, Intendant de Justice Police et Finances, en la dite Nouvelle France, en vertu du pouvoir à eux conjointement donné par sa Majesté le Roi de France, les dits Gouverneur et Intendant ont donné et concédé aux dits Ecclésiastiques un terrain formant partie de la dite Seigneurie des Deux Montagnes pour y transporter la Mission des Sauvages qui existait alors au Sault-au-Recollet et qui était desservie par les dits Ecclésiastiques, pour par ces derniers en jouir à perpétuité, quand même la dite Mission en serait otée, en pleine propriété à titre de Fief et Seigneurie, avec droit de haute, moyenne et basse justice, droit de chasse,

et de pêche, tant au dedans qu'au devant de la dite Mission, sur le Lac et Fleuve St. Laurent, à condition qu'ils feraient à leur dépens toute la dépense nécessaire pour le changement de la dite Mission et d'y faire bâtir aussi à leurs dépens, une Eglise, un fort de pierre pour la sureté des Sauvages, suivant les plans qui en seraient incessamment remis par les dits Ecclesiastiques aux dits Gouverneur et Intendant, pour être par eux vus et approuvés, les dits batiments devant être finis dans l'espace de deux ans.

“Que le dit brevet de concession a été duement enrégistré au Bureau du Régistrateur Provincial à Québec, dans le Régistre de l'Intendance.”

“Que par un autre brevet de concession, en date du 26 Septembre, 1733, le Marquis de Beauharnois, alors Gouverneur de la Nouvelle France et Jules Hocquart, Intendant de Justice, Police et Finances du même pays ont concédé aux dits Ecclesiastiques, *au même titre que ci-dessus* le restant de la dite Seigneurie, lequel brevet de concession a été également enrégistré au dit Bureau du Régistrateur Provincial au Régistre de l'Intendant.

“Que les dites concessions ont été duement ratifiées par sa Majesté le Roi de France, par ordonnances portant respectivement les dates du 27 Avril 1718, et du 1er Mars 1735.

“Que pour la première de ces ordonnances, il fut accordé sept années au lieu de deux aux dits Ecclesiastiques pour faire les constructions susmentionnées.”

“Que par la seconde des dites ordonnances, le Roi de France exempta les dits Ecclesiastiques de faire construire un fort de pierre, comme étant devenu inutile et déclara que les travaux exécutés à cette époque par les dits Ecclesiastiques dans la dite Seigneurie du Lac des Deux Montagnes étaient suffisants.”

“Que par un ordonnance du Conseil Spécial du ci-devant Bas-Canada, passé dans la troisième année du Règne de Sa Majesté, la Reine Victoria, Chap. 30 et intitulée “Ordonnance pour incorporer les Ecclesiastiques du Séminaire de St. Sulpice de Montréal, pour confirmer leurs titres au Fief et Seigneuries du Lac des Deux Montagnes et du Fief et Seigneurie de St. Sulpice, en cette Province pour pourvoir à l'extinction graduelle des redevances et droits seigneuriaux et pour autres fins,” les dits Ecclesiastiques ont été duement incorporés sous le nom de “Les Ecclesiastiques du Séminaire de St. Sulpice de Montréal,” et que leurs droits et titres à la dite Seigneurie du Lac des Deux Montagnes et à tous et chacun du Domaine, ès-terres, réserves, bâtimens, messuage, tenemens et héritages, situés dans la dite Seigneurie ont été confirmés et déclarés bons, valables et efficaces en loi, aussi pleinement, de la même manière et avec la même étendue que les Ecclesiastiques du Séminaire de St. Sulpice du Faubourg St. Germain de Paris ou du Séminaire de St Sulpice de Montreal, conformément à sa constitution, avant le 18 Septembre 1759, un des deux Séminaires ou chacun d'eux pouvaient ou auraient pu le faire ou avaient droit de le faire, ou pouvaient ou auraient pu jouir, faire et disposer des dits droits et titres ou d'aucune partie d'iceux avant la dite dernière époque.”

“Que par la dite ordonnance, il fut de plus ordonné que la communauté des Ecclesiastiques du Séminaire St. Sulpice de Montréal et leurs successeurs seraient et furent de fait, par icelle ordonnance, investis de la dite Seigneurie du Lac des Deux Montagnes et de tous et chacun les domaines, terres, bâtimens, messuages, tenemens et héritages quelconques, pour les dits Sieurs Ecclesiastiques du Séminaire de St. Sulpice de Montréal et leurs successeurs, les avoir, posséder, faire et en jouir comme les vrais et légitimes propriétaires et possesseurs d'iceux et toutes et chaque part et portion d'iceux pour l'unique usage et avantage des Ecclesiastiques du dit Seminaire et leurs successeurs à perpétuité aux termes, clauses et conditions en icelle ordonnance.”

“Que depuis la dite ordonnance, auparavant et encore les dits Ecclesiastiques ont toujours joui et possédé comme propriétaires des Fief et Seigneurie du Lac des Deux Montagnes.”

“Que depuis plus de cent ans les dits Défendeurs ont toujours joui, comme propriétaires du dit Fief et Seigneurie du Lac des Deux Montagnes et qu'ils en ont toujours été reconnus comme les vrais et légitimes propriétaires et qu'à l'époque de l'empêchement dont il sera parlé ci-après de la part des dits Demandeurs, ès-noms et qualités (to wit : Louis Kanensakenhiate, Joseph Onasakenrat and Jean Osennakenrat three chiefs of the Iroquois Tribe of Indians, members of the Evangelical Methodist Mission and Trustees for the said Mission of the Village of Oka)—ils possédaient le dit Fief et Seigneurie du Lac des Deux Montagnes comme propriétaires *Animo Domino* depuis audelà de cent ans et partant depuis audelà de trente ans.”

“Que par la loi qui pourvoit à l'abolition de la tenure Seigneuriale, dans la dite Seigneurie du Lac des Deux Montagnes, les terres non concédées dans la dite Seigneurie sont devenues la propriété absolue des dits Défendeurs *en franc alleu roturier*.”

“Qu'au nombre des terrains non concédés par les dits Ecclesiastiques dans la Seigneurie du Lac des deux Montagnes et leur appartenant comme susdit exclusivement et absolument se trouve

un emplacement de trente six pieds de front sur quarante cinq pieds de profondeur, plus ou moins situé au village Iroquois, en la Mission du Lac des Deux Montagnes, dans la dite Seigneurie, tenant devant à la rue qui conduit à l'ancienne résidence du Capitaine Ducharme, derrière à une autre rue, du côté Ouest à une maison d'Ecole et du côté Est à une maison à double logement dont l'un est occupé par Jean Toussaint Tigaxka ou représentant."

"Que depuis le commencement d'Août 1872 ou vers cette époque, les nommés Louis Kanensakenhiate, alias Senathyon, Joseph Onasakenrat alias LeCygne et Jean Osennakenarat alias Tigessa, se sont illégalement et sans aucun droit quelconque emparé du dit emplacement et y ont construit ou fait construire la chapelle mentionnée en la déclaration en cette cause, laquelle serait au culte protestant auquel quelques uns des Sauvages de la dite Mission se sont alliés, ayant abjuré le catholicisme."

"Que les dits Ecclésiastiques n'étaient aucunement tenus par leurs titres à la dite Seigneurie du Lac des Deux Montagnes, ni par la loi, de pourvoir aux dissidents de l'Eglise Catholique Romaine, dans la dite Mission du Lac des Deux Montagnes, un local pour l'exercice du culte d'une Religion dissidente quelconque et nommément celle des Methodistes.

"Que la seule Mission du Lac des Deux Montagnes, reconnue par la loi et mentionnée dans les titres des dits Ecclésiastiques est une Mission Catholique Romaine, laquelle a toujours été et est encore desservie par les dits Ecclésiastiques qui y ont une Eglise et des écoles pour les besoins de toute la population, lesquels sont entretenues aux frais et dépens des dits Ecclésiastiques.

"Que voyant les empiétements des dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat, les dits Ecclésiastiques auraient le ou vers le 22 Mai 1875, intenté une action en revendication du dit emplacement sus désigné endernier lieu contre eux, (to wit against Louis Kanensakenhiate and others) laquelle action a été rapportée devant la Cour Supérieure pour le Bas-Canada, dans le Village de Ste. Scholastique, dans le District de Terrebonne, le 21 Juin 1875.

"Que par jugement rendu en la dite cause, par la dite Cour Supérieure, le 16 Octobre 1875, les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat ont été condamnés à déguerpir le dit terrain et emplacement susdésigné en dernier lieu et à en laisser la possession aux dits Ecclésiastiques sous quinze jours de la signification qui leur serait faite du dit jugement, si mieux n'aimaient les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat payer aux dits Ecclésiastiques la somme de \$500, le tout avec dépens.

"Que le dit jugement a été duement signifié aux dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat."

"Que les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat ne s'étant pas conformés au dit jugement, un bref de possession aurait été émané de la dite Cour Supérieure, le six Decembre 1875, enjoignant au Shérif du dit District de Terrebonne d'expulser les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat sans aucun délai et suivant le cours de la loi des premisses ci-dessus décrites en dernier lieu et de placer les meubles et effets qui pourraient se trouver en icelles sur le carreau et de mettre les dits Ecclésiastiques en possessions d'icelles prémisses."

"Que le 7 Decembre 1875, le dit Shérif aurait exécuté le dit Bref de possession, l'un des Défendeurs nommés au dit Bref de possession lui ayant remis la clef de la bâtisse ou chapelle qui se trouvait sur le dit terrain ou emplacement, il l'aurait vidée, aurait mis tous les meubles et effets qu'elle contenait sur le carreau et aurait mis les dits Ecclésiastiques en possession du dit terrain et emplacement dont ils ont joui depuis, paisiblement et sans trouble.

"Que les dits Ecclésiastiques ont ainsi été remis en possession d'une propriété dont ils avaient été illégalement et injustement dépouillés, sous l'autorité de la Justice et qu'ils n'ont commis aucune voie de fait."

"Que les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat n'ayant pas réclamé la bâtisse qui était sur le terrain en question ni les matériaux d'icelle, les dits Ecclésiastiques étaient en droit de faire démolir la dite bâtisse et d'en faire transporter les matériaux dans un lieu où ils ne leur seraient pas nuisibles."

"Que l'action des demandeurs (to wit : Louis Kanensakenhiate and others) est pour toutes les raisons susdites mal fondée et vexatoire."

"Que cette action n'a été inspirée que dans un but de persécution contre les dits Ecclésiastiques et pour exciter contre eux la jalousie et la haine des tribus indiennes qui composent la dite Mission du Lac des Deux Montagnes."

The document just recited *in extenso* then asks for the dismissal of the action brought against them by the three Chiefs above mentioned.

The Plaintiff's declaration sets forth in part the Indians' pretensions as follows :

"That the said Ecclesiastics are the grantees from the crown of the Seigniorship of the Lake of Two Mountains, which was granted to them for the benefit of the Indian Mission formerly located at Sault-au-Récollet, in the Island of Montreal, and that one and the principal condition of that grant, both in the original concession of the 17th of October 1717, confirmed on the 27th April 1718, by the King of France, and in the confirmation of the same by the Crown of Great Britain and Ireland, was the maintenance of the mission of the Lake of Two Mountains for the moral and religious instruction of the Algonquin and Iroquois Indians, as appears by the charter of incorporation of the said Ecclesiastics, contained in the Consolidated Statutes of Lower Canada, chapter forty-two."

"That the said Plaintiffs (to wit: the three Indian Chiefs already mentioned) are part and members of the said Indian tribes of the Lake of Two Mountains, and as such are entitled with their co-members of the said tribes, whom they represent for the purposes hereinafter set forth, to all the benefits secured to them both under the grants and charter above mentioned, and under the public law of the Empire."

"That freedom of worship being a primary and imprescriptible right of all Her Majesty's subjects in every part of the Dominion of Canada, the said Ecclesiastics are bound by the conditions of the said grant and charter, to provide the Indians of the Lake of Two Mountains and amongst them the said Chiefs and their co-religionists, with the means of moral and religious instruction in accordance with their views of what is moral and religious instruction, whatever be the particular form of Christian worship the said Indians choose to adopt or follow, and that the principal means of providing such moral and religious instruction are, the maintenance of public schools and places of worship in accord with the denominational tenets of the said Indians; and that the said grants amply supply the said Ecclesiastics with the means of providing for the moral and religious requirements of the said Indians.

"That in the course of time the said three Chiefs (Plaintiffs) and a considerable number of the said Indians, sought moral and religious instruction at the hands of the Methodist Church of Canada, formerly the Wesleyan Methodist Church of Canada, a religious organization fully recognized by the State, and became members of the said Church.

"That as members of the Methodist Church, the said three Chiefs and their co-religionists are entitled to claim from the said Ecclesiastics, the maintenance of Schools and of a place of worship.

"That the said three Chiefs as Trustees for their said co-religionists, and for the said Mission, on the 16th of August 1872, by Deed of sale from Dame Catherine Kanakweiasta, executed at St. Andrews, before De Laronde, Notary, and duly registered in the Registry Office of the County of Two Mountains, acquired a lot of land situated in the Iroquois portion of the village of Oka, in the said Seigniorship of the Lake of Two Mountains, containing 84 feet French measure in width, by 60 feet in depth, bounded on the west by the Street leading to the old residence of the Captain of the Indian Department, on the south by another Street, on the north by the house of the said Jean Osennakenrat, and did, subsequent to said purchase as aforesaid, in their said qualities, at their own expense, and that of their co-religionists and of other friends of said Mission from monies entrusted to them for said purpose, build a School-house and chapel, wherein to obtain for themselves and their families and children, moral and religious instruction, and to worship God according to the dictates of their conscience, although they had a right to have called upon the said Ecclesiastics to have furnished them therewith, in accordance with the terms imposed upon the said Ecclesiastics and the obligations assumed by them under the said grants.

"That while the said three Chiefs and co-religionists were in the peace of God and of Her Majesty, and in the full and legal possession of the said school and place of worship, the building where they were wont to receive moral and religious instruction, was illegally and maliciously demolished and destroyed by the said Ecclesiastics, and the materials thereof illegally removed and appropriated by them, through their representatives and agents, on the 7th day of December 1875, and that ever since the said three Chiefs and their co-religionists have been deprived of the most effectual means of moral and religious instruction, and of worshipping God according to the dictates of their conscience.

"That the building so destroyed cost \$3000 and could not be rebuilt for less.

"That the said Ecclesiastics are bound not only to rebuild the said chapel and school-house at their own expense, but have caused damages to the extent of \$20,000 which the said Chiefs *à-s-quallité* have suffered from being deprived of a School-house and place of worship ever since the said destruction, and by the illegal acts of the said Ecclesiastics and their servants and employees in that behalf.

Wherefore, the said Chiefs, *ès-qualité* pray that the said Ecclesiastics be condemned to rebuild the said School-house and chapel so as aforesaid destroyed by them, and in the event of their not doing so within a delay to be fixed by this Court, that the said Chiefs, *ès qualité* be allowed to do so at the expense of said Ecclesiastics, and that the latter be further condemned to pay to the said Plaintiffs *ès-qualité* the said sum of \$20,000 with interest and costs."

In this declaration Plaintiffs purposely omitted to mention the judgment relied upon by the Seminary for justifying the demolition of the chapel and school-house, awaiting the assertion of it by the Seminary, to show its illegality and nullity.

The Chiefs contend 1st, That the judgment in question was obtained *ex parte* and by fraud, the Seminary's counsel not having notified their counsel to plead, as had been agreed upon, and not having notified him of their proceeding. 2nd, That even if the judgment were good, it could not be executed before being served upon the Chiefs, by giving each of them an authentic copy thereof. 3rd, That the judgment relied upon was altogether silent as to the chapel, and did not authorize its demolition or order its removal. Proceedings were adopted by the Chiefs before the Superior Court sitting at Ste. Scholastique, to have the judgment declared null as having been obtained by fraud, and the Seminary having demurred to the proceeding, the demurrer was dismissed, implying thereby that if the facts alleged against the judgment are proved, the judgment must be set aside.

In the action of the Chiefs, before the Court sitting at Montreal, the judgment could not be attacked, but the service of an authentic copy upon the Chiefs was denied, and the falsity of the bailiff's service affirmed.

These several suits were pending at Ste. Scholastique and Montreal, when the Seminary resorted to a new method of harassing the Indians at Oka, and depriving them of their possessions by acts of violence. The Indians ever since their establishment at Oka, had been in possession of an enclosed common field of pasture, where their own horses and cattle had been accustomed to graze, and where the cattle of the Seminary and of adjoining farmers were received on payment of pasturage fees to the Indians. The Seminary recently removed a portion of the fence surrounding this common, thereby annexing a portion of the common to an adjoining farm occupied by the Seminary. The Indians looked upon this as the beginning of a system of spoliation, which would gradually deprive them of an incontestable and centenary right, and they removed the fence to the old line. This constitutes the first act of trespass for which 46 of them were put under warrants of arrest. Certain portions of this fence required renewal, and it was repaired with adjacent poles as had been the recognized practice and custom for more than a hundred years. This constitutes the second act of trespass for which nearly half of the whole male population was to be sent to jail to await a trial which might be delayed indefinitely. This is what gave rise to the last turmoil, created by the actual and threatened arrests, and by the appearance at Oka of a posse of armed Provincial Police. During the rising of the whole population, the Catholic parsonage and church were consumed by fire. Nothing so far shows the hand of an incendiary; but whether accidental or not, it appears to be satisfactorily made out, that no attempt was made on the part of any one to stay the progress of the fire.

That your Memorialists feel justified in asserting, from the facts above stated :—

1. That so far the only fact or document which supports the position assumed by the Seminary is in the *ex parte* judgment obtained at St. Scholastique without any trial of the merits, and which the Indians allege was obtained by fraud, and that there is a fair prospect of having it so declared.

2. That the titles under which the Seminary claim an absolute ownership of the Seigniorship of Two Mountains, so far from establishing their claim, actually destroy it. And on this head the Memorialists represent:

That the Seminary invoke as their title the concession deeds of 17th October 1717 and 26th September 1733. The first of these Deeds expresses in the following terms the motive and object of the concession, to wit.

" Sur la Requête à nous présentée par Messieurs les Ecclésiastiques du Séminaire de St. Sulpice établis à Montréal, par laquelle ils nous exposent qu'il seroit de l'avantage de la Mission des Sauvages du Sault au Récollet, dans l'île de Montréal, dont ils sont chargés fust incessamment transféré au-dessus de l'Isle, et établie sur les terres du costé du Nord Ouest du Lac des Deux Montagnes; laquelle Mission seroit avantageuse non seulement pour la conversion des Sauvages, lesquels se trouvant plus éloignés de la ville seroient aussi hors des occasions de tomber dans l'hyvresse, mais aussi à la colonie, qui, par ce moyen se trouveroit à couvert des incursions des Iroquois en temps de guerre; Nous suppliant de leur accorder pour la dite Mission, un terrain de trois lieues et demye de front à commencer au ruisseau qui tombe dans la grande Baye du Lac des Deux Montagnes et en remontant le long du dit Lac et du Fleuve St. Laurent, sur trois lieues de profondeur, à titre de Fief,

&c., &c., aux offres qu'ils font de faire toute la dépense du changement de cette Mission &c., &c., à quoi ayant égard, nous &c. donnons et concédons &c."

As regards the second Deed, the same preamble does not exist, but the Plea of the Ecclesiastics above cited supplies the deficiency by stating that it took place *au même titre que ci-dessus*, meaning evidently for the same object.

Your Memorialists do not now undertake to define what a *Mission* meant at the dates of these concessions; but the facts made patent by these deeds are: At the time the first deed was prayed for the Seminary was burdened with the Indian Mission then located at Sault-au-Recollet on their Seignior, of the Island of Montreal. The Concession was not asked nor granted for the benefit of the Seminary but for that of the Indians exclusively, as long as they would remain there. The deed contains a kind of entail in favor of the Seminary, in case the Indian tribes should either migrate therefrom or become extinct from any cause. According to the laws of the Province of Quebec, at the date of the Concession deeds, as well as at the present time, the Indians were constituted and are still *grévés de substitution*, with all the rights attached to that quality. The Seminary, as *appelés à la substitution*, have no right whatever, except that of supervision to prevent waste.

If a parallel be sought, the Seminary holds the same position as the Dominion Government towards the Caughnawaga Indians and other tribes, and are bound to deal with their wards as the Government are dealing with theirs, that is, to turn the whole income and productions of the Seignior to the benefit of the Indians, including the mines or quarries if any exist, the produce of the forest without waste, the income derived from pasture, the constituted rents of all conceded lands, representing the Seigniorial *cens et rentes*, and the indemnity paid by the Government for the abolition of the *lods et ventes*.

3rd. The reasons given by the Seminary to obtain the grant are both moral and strategical. § 1. The Indians would be removed from a focus of temptation to drunkenness. § 2. The colony would be protected against Iroquois invasions, the Indians of the Mission being thereby burdened with the first brunt of incursions. For the last object the Seminary had assumed the obligation of building stone fortifications, which never were erected, and by the confirmation of their second title in 1735, they were relieved from that expensive duty, because the circumstances had so much changed that it had become unnecessary. At the date of the first concession however, in 1718, the Indians of Two Mountains were relied upon as the vanguard in the protection of the colony, and they placed their lives and the safety of their families at stake as the price of the concession, the Seminary paying the cost of removal and the building of a church and fortifications for their prospective benefits from the grant.

The Seminary as well as the Jesuits, Recollets and other Religious Orders, having establishments in *La Nouvelle France*, had come here with the professed purpose of evangelizing the aboriginal tribes and not for commercial or industrial purposes. All the grants made to the several religious orders, were expressly made for the object of evangelization, and to enable them to foster christian civilization, *as regards the Indians*, and not for the benefit of the emigrants from France.

The first grant from the King of France, of April 27th 1718, to the Seminary is expressly made "to transfer there the Mission of the said Indians from Sault-au-Recollet"; while the second grant of March 1st 1735, was asked for by the Seminary and granted by the King, on account of the cost of removal, and because "the Indians of the Mission of the Lake of Two Mountains being accustomed "to often change their place of residence, and so as to render the said grant more serviceable, it "would therefore be necessary to extend the said grant further than the three leagues, &c."

The Seminary cannot derogate from the spirit and letter of these grants without showing a mutual and reciprocal deviation between themselves and the Crown, whether of France or of Great Britain. In fact they do invoke such a deviation. They contend that by the ordinance of the Special Council and by the Act abolishing the Seigniorial Tenure, they have been acknowledged as absolute proprietors of the soil, with all the rights derived from absolute ownership.

Your Memorialists respectfully contend, 1st. that the ordinance of the Special Council merely confirmed the grant of the King of France, with the same obligations. 2nd, That the Act abolishing the Seigniorial Tenure put the Seignior of Two Mountains under the common law, as it did the Seignior of Sault St. Louis, (Caughnawaga) the abolition being for the Indians respectively, who should receive the constituted rent in lieu of the *cens et rentes*, and the indemnity for the abolition of *lods et ventes*, or the interest of the capital set apart for such indemnity. As regards the ordinance in question, (3 and 4 Vict. cap. 30, now cap. 42 of the Con. Statutes L. C.) it does not derogate in any way from the original grant, but provides that the Seminary of Montreal, shall hold and possess the land in the same manner, and to the same extent as the Seminary of Paris before the conquest,

and places among the charges of the Seminary, the Mission of the Lake of Two Mountains for the instruction and spiritual care of the Algonquin and Iroquois Indians. The rights of the Indians are also preserved by the 16th Section, which provides that nothing in the ordinance shall extend to destroy, diminish, or in any manner affect, the rights and privileges of the Crown, *or of any person* or persons, except only such as the said ordinance expressly and specially destroy, diminish or affect. Even if it did deviate from the original grant, it would be subject to the 1213th article of the Civil Code which says, that: "Acts of recognitions do not make proof of the primordial title, unless the substance of the latter is specially set forth in the recognition. Whatever the recognition contains over and above the primordial title, or different from it, does not make proof against it."

That it was never intended to give the Seminary a title to this Seigniory, free from their obligation to keep up the Mission (which implies the residence of the Indians on the Seigniory, and what is known in this Province as the right of use and habitation), may be seen from the fact that the Ordinance (2 Vict. Chap. 50), which sought to make the Seminary absolute owners, and omitted the clauses in favor of the Indians, never received the Royal assent, or was confirmed by the Imperial Parliament and never became law

And if the Seminary invoke the long ill-usage which the Indians have submitted to, they are met by Act 2,208 of the Civil Code, which says: "No one can prescribe against his title, in this sense that no one can change the nature of his own possession, except by introversion."

The Seminary having at all times invoked the grants of 1717, and 1733, (confirmed in 1718 and 1735) they are bound by their terms, notwithstanding any relaxation therefrom imposed upon a tribe of Indians, rendered helpless through ignorance and poverty.

Their ignorance in the art of reading and writing, or in agriculture, or other industrial pursuits, cannot be made a pretext for depriving them of their rights.

Your Memorialists will not charge the Seminary with the crime of having kept them purposely in their comparative state of ignorance. They only point to the unsatisfactory condition of things at Oka, as a contrast to what exists elsewhere wherever an Indian tribe is located, in order to show that the evil is local, from whatever cause, and that immediate and effective measures should be resorted to, to remedy such a state of things.

With reference to the claims of the Oka Indians to a place of worship, and schools for the education of their families, irrespective of the creed or religious tenets they may adhere to, your Memorialists represent that the Seminary having assumed the functions of the Crown, as regards these Indians, they are bound to deal with them as the Crown is doing with other tribes, in different parts of the Dominion. The Government of Her Majesty would not assuredly measure their care and solicitude for the welfare of the Indians, by the religious bias of the latter; and the Seminary have no right to mete out life and death to the Oka Indians, according to their submissiveness to a creed they cannot conscientiously adopt.

That it has been hitherto impossible to obtain a decision from our Courts, upon such of the foregoing questions as might be therein discussed, inasmuch as the Seminary have only brought a single suit before the Courts in which the questions could be taken up, and having obtained an *ex-parte* judgment by means above pointed out, they are strenuously resisting all efforts to obtain a judicial decision upon the merits, and refuse to bring any action which might serve as a test case; but instead thereof continually harass and annoy the Indians by vexatious criminal proceedings and arrests, although they have never yet obtained a verdict against an Indian on any of these charges.

Your Memorialists finally represent that to leave the poor Oka Indians, deprived of all the means secured to them by the grants above mentioned, to fight out the revendication of their rights against a wealthy Corporation as the Seminary, would be a cruel and inhuman view of the duties of the Government and would enlist in support of the Indians most dangerous elements of sympathy.

Wherefore your Memorialists humbly and urgently pray that your Excellency's Government do adopt such measures as will reinstate the Oka Indians in the management of their affairs under a Government officer to prevent waste, as in other Indian settlements, at least pending the legal proceedings now before the Courts and that the Indians' cases before the Courts be taken up at the expense of the Crown, under such counsel as may be approved of by the Indians themselves, now engaged in these suits.

And your Memorialists, as in duty bound will ever pray.

Petition  
to Govt  
1878