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EIGHTH REPORT

COMMITTEE

OF THE

HOUSE OF ASSEMBLY

OF THE PROVINCE OF QUEBEC

OF

HIS EXCELLENCY THE GOVERNOR IN CHIEF

WHICH RELATES

TO THE

SETTLEMENT

OF THE

CHURCH LANE

AND THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE

APPOINTED BY THE GOVERNOR IN CHIEF

1884

PRINTED BY THE GOVERNMENT OF QUEBEC

1884

EIGHTH REPORT

COMMITTEE

DOCK AND WHARF

OF THE CITY OF BOSTON

IN CONNECTION WITH THE DOCK AND WHARF

SETTLEMENT

AND THE

REVENUE OF THE CITY

OF BOSTON

FOR THE YEAR 1852

1853

BOSTON: PUBLISHED BY

1853



# EIGHTH REPORT

OF THE

COMMITTEE

OF THE

*HOUSE OF ASSEMBLY,*

ON THAT PART OF THE SPEECH

OF

HIS EXCELLENCY THE GOVERNOR IN CHIEF

WHICH RELATES

TO THE

**SETTLEMENT**

OF THE

**CROWN LANDS.**

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE.

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[ORDERED TO BE PRINTED THE TENTH FEBRUARY 1824.]

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QUEBEC :

Printed by NEILSON & COWAN, No. 5, Mountain Street.

1824.

EIGHTH REPORT

OF THE

COMMITTEE

OF THE

HOUSE OF ASSEMBLY,

ON THAT PART OF THE SPEECH

OF

HIS EXCELLENCY THE GOVERNOR IN CHIEF

WHICH RELATES

TO THE

SETTLEMENT

OF THE

CROWN LANDS.

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THE COMMITTEE.

ORDERED TO BE PRINTED THE TENTH FEBRUARY 1861

QUEBEC:

Printed by MILLIKEN & COWAN, No. 2, Rue de la Reine.

1861



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West's Crown Paper

11/10/11



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To the Honorable the Knights, Citizens and Burgesses of the Province of Lower-Canada, in Provincial Parliament assembled.

The Petition of Nicolas Vincent, *Tsawanhonhi*, principal Christian Chief, and Captain of the Huron Nation, established at the Village of Lorette, near Quebec, Gabriel Vincent, *Owawandaronhé*, André Romain, *Tsouhahissen*, Petit Etienne, *Odiaradheité*, Louis Vincent *Sawantan*, Stanislas Coska, *Aharathaha*, principal Chiefs of the Council of the same Huron Nation at the said Village, Michel, *Tsioui Téacheandahé*, Chief of the Warriors of the same Nation at the said Village, Jean Baptiste, *Atsitarès*, Damas, *Thononsotin*, Joseph, *Orontatekha*, Pierre, *Ayetonon*, Martin, *Aronde shonti*, Isaac, *Sharenhesé*, Augustin, *Teoniyonde*, Augustin, *Hodeadété*, Koskta Bastien Barthelemy, *Kouket*, Paul, *Hodouanhont*, Noel, *Akari*, Moise, *Haonona*, Paul, *Ahérenoneshiaonenrat*, Joseph, *Aouendothié*, Fevrier Vincent, *Shashinduja*, Ignace, *Houendadejont*, Ignace, *Kouikar*, George, *Ethodi*, François, *Tekhiondi*, Louis, *Harango*, Louis, *Thoratati*, Etienne Pierre, *Tahertadé*, Pierre, *Ihodi*, Johnny André, *Aihohennête*, Baptiste Pierre Joachim Joseph, *Hadatahayés*, Laurent, *Hateryata*, Laurent, *Tekakhhituronk*, Basil, *Homoaskatha*, Fabien André Clement, *Aouenkocn* and Charles, *Shorontohian*, all Huron Indians residing in the said Village of Lorette.

Humbly Sheweth,

That on the 13<sup>th</sup> day of March in the year 1651, the Company of New France granted to the Indians, ancestors of your Petitioners, a Tract of Land, beginning at the Cape which terminates St. Joseph's Cove, and extending upwards along the Great River St. Lawrence one league, having a depth of four leagues, at the place called in the Huron Tongue *Kamaskda*, and in French Sillery, the whole under the conduct and direction of the Reverend Jesuits and their Successors. That by Letters Patent of the 11<sup>th</sup> April 1658, His Majesty the King of France, confirmed that Grant to the ancestors of your Petitioners: and His Majesty's motive, as expressed in that Instrument, was, that it is most reasonable that they should have and retain in their own country, such extent of Land as may be necessary for their support in common, and for enabling them to live in a settled state. That the said confirmation was made on condition that the Indians aforesaid, should ever be and remain under the conduct and protection of the Fathers of the Society of Jesus, without whose advice and consent they could not convey, grant, sell or alienate the said Lands, nor permit individuals to hunt or fish, without the assent of the said Fathers, to whom His Majesty granted the direction of the affairs of the said Indians, without their being obliged to render any account thereof to any one but their own Superior. That so early as the 31<sup>st</sup> December 1635, the same Company of New France had conceded to Robert Giffard the Seigniorship of Beauport, consisting

\*



of one League of Land along the Bank of the River Saint Lawrence, by one league and a half in depth; and on the 16th April 1647, the same Company of New France had likewise granted to the said Robert Giffard the Seigniorie of St. Gabriel, beginning at the same place as the Grant of Beauport adjacent thereto, as nearly as may be, having a depth of ten leagues, towards the north west. Your Petitioners further represent, that Mr. Giffard experienced no difficulty in taking possession of his Seigniorie of Beauport, but that the Land on either side of that Seigniorie, the Hill of Beaupré on the north-east, and the Seigniorie of Notre Dames des Anges on the south-west, having been conceded before the 16th April 1647, it was impossible to fill up the Concession of the Fief St. Gabriel at the place where Beauport is, unless by means of the Land in the rear of that prior Grant, which would have been according to the Deed of Grant, although coinciding but little with the interests of Mr. Giffard, who, without attending to the tenor of the Deed, removed the Seigniorie of St. Gabriel to a totally different place, gave the same a depth of one league and a half, without any determinate breadth, the same, doubtless being conceded as a remnant, assumed the possession of half a league of land in front, by ten leagues in depth, which remained between the Seigniories of Sillery and that of L'Épinay, and which he gave to the Religious Ladies of the Hôtel Dieu, to whom Mr. De Lauzon, then Governor, gave a Grant thereof on the 20th April 1652, under the name of the Fief St. Ignace, bounded on one side by the Land conceded on the River St. Charles, to Guillaume Couillard, (Fief L'Épinay) and on the other side by the Division Line of the Lands recently granted to the Indians. Thus according to the latter Grant, the Fief St. Ignace was bounded in front by the River St. Charles, on the north-east by the Fief L'Épinay, and on the south-west by the Seigniorie of Sillery, belonging to the Indians. Mr. Giffard, however, carried matters so far as to include within his Seigniorie of St. Gabriel, the greater part of the Seigniorie of Sillery, of which he left the Indians no more than one league and a half in depth, being the interval between the River St. Lawrence and St. Charles. Thus from this moment, the Fief St. Ignace, bounded in front by the River St. Charles, was no longer bounded on the south-west by the Lands of the Indians, since they were thus divested of them, but by the Lands of which Mr. Giffard assumed the possession, and which he denominated the Seigniorie of St. Gabriel; and this manifest encroachment was made without any opposition on the part of the Jesuits, who were not thereby to be losers. In fact, whatever Mr. Giffard and his Spouse had taken from the Seigniorie of Sillery, was given to the Reverend Fathers the Jesuits, as the reward of their good and agreeable services, by Deed of Gift, executed before Mr. Paul Vachon, Notary, on the 2nd November 1667, and they possessed the same from that time to the date of the dissolution of their Order. There still remained to the Indians one league in front, by one league and a half in depth, and the Jesuits were determined to have the whole Seigniorie of Sillery, from which the Seigniorie of St. Gabriel had been dismembered. To attain that end, they availed themselves of their



influence over the minds of the Indians, in order to remove them from the River St. Lawrence; succeeding in occasioning them to abandon their former settlement in Sillery, along the River, to establish themselves at another place more out of the way, within the Fief of Sillery, they thence transferred them to the existing Village of Lorette, situated in the remote part of the true Seigniory of Sillery, and where the Indians still considered themselves at home, not suspecting the Jesuits of having assumed a property of which they were the Administrators and Trustees. After the last mentioned migration of the Indians, the Jesuit Fathers determined to ask for themselves what remained to the Indians of the Fief Sillery, and as there was a deficiency of reasons for so doing, they fabricated some, which served the purpose, and they obtained from Messieurs de Callières and Bochart, Governor and Intendant, a Grant, bearing date the 3rd October 1699, granting to them, from the motives therein assigned, the Seigniory of Sillery, one league in breadth, along the River St. Lawrence, and one league and a half in depth, as far as the Seigniory of St. Gabriel, which terminates the same in the rear. The King of France confirmed with regret, this unjust Grant, by a Letter of 6th May 1702. The Jesuits having so altered the Title of their possession, by obtaining of Mr. and Madame Giffard, and of the King of France, that which belonged neither to the King nor to Mr. and Mrs. Giffard, held possession in fact and for a long time. But Your Petitioners conceive that they could not prescribe against their Wards, who had not faculty of free agency. The Titles of the Jesuits could not have withstood opposition, had any been made, and it was the province of the Jesuits to make such opposition for the Indians, whose administrators and guardians they were. Your Petitioners have heard, that one of the essential characteristics of the Sovereign's liberality, is, that it is ever exerted without prejudice to any right acquired by third persons. And if this be well founded, Your Petitioners conceive, that the King of France could not validly give to the Jesuits, that which he had already bestowed on the Indians. Your Petitioners further represent, that the other Indians of this Country have not been despoiled of their property, and that the Iroquois of St. Regis, and of Sault St. Louis, as also the Abenakis, of St. François, are in the undisturbed possession of the Seigniories, which the French Kings permitted them to retain in their own Country. That Your Petitioners alone, victims of the simplicity of their ancestors, and of the cupidity of the Jesuits, are divested of all, and reduced to utter poverty; even so that in a country of which their ancestors once were masters, they have lost all the right even of hunting, and dare no longer enter the forest, where they are daily expelled with violence by the Proprietors, who consider them as malefactors, and treat them accordingly. Wherefore Your Petitioners pray your Honorable House will consider the justice of their claim, and the extent of their sufferings, and adopt such measures as they may deem meet, in order to obtain for them that justice, which is due from a paternal and equitable Government, to which the Hurons ever have been, as ever they will, remain faithful.—Lorette Village, 26th January 1819.



HOUSE OF ASSEMBLY,

WEDNESDAY, 24th December, 1823.

Ordered, That the Petition of the Chiefs and other Indians of the Huron nation residing at Lorette, be referred to the Committee on that part of His Excellency the Governor in Chief's Speech at the opening of the Session of the Legislature, on the 16th Decr. 1820, which relates to the Settlement of the Waste Lands of the Crown.

Attest

(Signed) WM. LINDSAY, Clk. Assy.

HOUSE OF ASSEMBLY,

FRIDAY, 27th February, 1824.

Ordered, That Mr. Neilson and Mr. Belanger be added to this Committee.

Attest.

(Signed) WM. LINDSAY, Clk. Assy.



[LORETTE INDIANS.]

YOUR Committee began with causing to be laid before them the evidence produced to a Committee of the Assembly in the year 1819, upon a reference similar to that now made to your Committee.

They next examined the Head Chief in the presence of his Council; his answers, which had the unanimous approbation of his Council, will be found in the Appendix to this Report under the Letter (A.)

Your Committee next proceeded to the examination of the Title Deeds and other Documents laid before your Committee by the Petitioners.

For the right understanding of these papers, it was necessary for your Committee to obtain information upon the History of the Huron Nation, whereof the Petitioners form a Remnant, and of the circumstances which preceded and led to the settlement of their ancestors at the Village of Lorette, where the Petitioners now reside.

(a) In the beginning of the Sixteenth Century, the Hurons occupied the rich and fertile country which is bounded by Lake Erie on the South, by Lake Huron on the West, and by Lake Ontario on the East, between the forty-second and forty-fifth degrees of North Latitude; and although considerably diminished in number by their wars with the Iroquois Indians, are said to have amounted to from Forty to Fifty Thousand Souls; there can be no doubt than they formed one of the most powerful Indian Nations upon this Northern Continent.

Under the Treaty of St. Germain, the possession of Canada was in the year 1632 restored to France, and by one of the Stipulations of that Treaty, all traffic therein with the Indians was interdicted to British subjects.

(b) In 1633, the Company of New France re-entered into possession of all that they had ever held in Canada. Mr. De Champlain, who was in that year sent out as Governor resumed a project which he had long formed to attach to himself the Huron Nation, from which the New Colony had so much to hope and fear, and to begin by converting them to Christianity, convinced that this would form the most indissoluble bond of Union between the New Settlers and this powerful Nation. (c) He thought that their conversion would accredit Christianity with the other tribes, and he wished by means of religious missions to prepare the way for the establishment which he had in view in their country, situated most advantageously for trade, and from whence it would be easy to push discoveries to the very extremity of North America.

Although the number of Proselytes down to this time had been exceedingly few, he had still hopes of ultimate success; hopes which are said to have been founded upon the sober judicious and lofty character of

(a) Charlevoix 1 vol. 184-5. 4to. Edition of 1744.

(b) Idem 1 vol. 177-8--181-2.

(c) Idem 1 vol. 185.



the understanding of this people, and upon their habits being more sedentary and laborious than those of any other of the savage nations then known upon this Continent. (*d*)

In the year 1634, the first Mission was established in the Country of the Hurons.

The fruits of their labours were small in the first year, and in the year 1635 they had only administered Baptism to five or six Adults. (*e*)

In 1636, one of the first acts of the Chevalier de Montmagny, upon entering upon the Government of the Colony, was to put into order the Seminary which had been projected the previous year for the children of the Indians, in the Jesuits' College at Quebec, and it was thought proper to begin with the Huron Indians, of whom several families had then recently embraced the Christian Faith. The Indians refused to send their children to this School. (*f*)

In 1638, the country was visited with a malady, which in a short time was communicated from Village to Village and threatened utterly to destroy the Nation. The Missionaries rendered great services by their medical skill, and obtained thereby influence over this people. (*g*)

In 1638, a period when religious zeal as well with the Catholics as with the Protestants was at its height, the Jesuits in Canada urged the expediency of giving to the Indians Land in the neighbourhood of Quebec, where they might live together in the European manner, and receive religious instruction. (*h*)

Entire Communities in Paris and in the Provinces imposed upon themselves penances, and offered up Public Prayers for the success of this enterprise. Persons of the highest rank at the French Court, the Princesses of the Blood, and the Queen herself, entered into and promoted the views of the Missionaries. (*i*)

But no one was more zealous than the Commander de Sylleri, who sent out workmen to Quebec addressed to the Jesuits, to be employed in erecting the necessary buildings for the new Colony of Indians. (*k*)

The Superior of the Jesuits selected a place which has since been known by the name of Sylleri. (*l*)

Many of the Huron Indians were, (*m*) at the solicitation of the Jesuits, induced to settle at this spot; but at the very time of making the settlement, the more sagacious of them seem to have entertained suspicions as to the views of the Missionaries. This is evinced by a (*n*) Speech of an Indian Chief to the Jesuit Missionary in that year, and which is subjoined to this Report under the Letter (B.)

( <i>d</i> )	Charlevoix	1st	vol.	p.	178.
( <i>e</i> )	Idem	1st	—	p.	188.
( <i>f</i> )	Idem	1st	—	p.	199.
( <i>g</i> )	Idem	1st	—	p.	203.
( <i>h</i> )	Idem	1st	—	p.	<i>ibid.</i>
( <i>i</i> )	Idem	1st	—	p.	204.
( <i>k</i> )	Idem	1st	—	p.	<i>ibid.</i>
( <i>l</i> )	Idem	1st	—	p.	<i>ibid.</i>
( <i>m</i> )	Idem	1st	—	p.	205.
( <i>n</i> )	Francisci Creuxii Historia	Canadensis, page 223.			



From 1637 to 1648 (o) the Missionaries were engaged in making converts and the description given by them of the zeal and faith of the *Catachumens* of Sylleri reminds us of the first ages of the Church.

The Indians were taught to believe that miracles were from time to time performed, and the influence of their religious instructors was without limits.

In the years 1649 and 1650 the Huron nation was nearly extirpated by the Iroquois, and the remnant of the Hurons under the guidance of a Jesuit Priest joined their Brethren at Sylleri (p)

On the 11th of March in the year 1651, the Company of New France granted to the Indians residing at Sylleri one league in front by four leagues in depth, at the said place called Sylleri.

On the 13th of the same month, possession was taken of this Seignory by a Jesuit Priest "as Tutor to the Indians."

On the 11th of April 1658 the King of France confirmed the above Grant, assigning as a reason for doing so "that it was very reasonable that they (the Savages) should have and retain in their Country, the extent of ground which shall be necessary for them to live in common, and lead a sedentary life near the French Settlers."

By this deed of confirmation the King of France gave to the Jesuits the entire and uncontrollable administration of the Lands so granted to the Indians.

As well the before-mentioned Grant to the Indians, as the Instrument establishing the taking possession of the Seignory of Sylleri by the Jesuits for the Indians, and the before-mentioned deed of confirmation by the King of France will be found in the Appendix to this Report under the Letter (C.)

In the year 1699 the Superior of the Jesuits in Canada presented to the Governor and Intendant a Petition, wherein they pray "His Majesty might be pleased to transfer to them, in their own right, the Fiefs, Lands and Seigneuries of Sylleri, which down to that time they had enjoyed as administrators of the property of the Christian Indians to whom the said Fief had been given by His Majesty in the month of July 1651, and which the said Indians had been obliged to abandon ten or twelve years previously, to settle elsewhere, as well because the lands under culture were altogether worn out, as because fire wood having been cut upon the said Seignory for nearly forty years, was only to be had at a great distance from the place of their residence."

The Governor and Intendant granted the prayer of this petition, being, as they say, fully informed of the good intentions of the said fathers of the Company of Jesus, in the great aids spiritual and temporal which they render to the Savages of this Country, and of the great pains which they have taken, and the excessive expences which they have

(o) Charlevoix I. 205, 230, and sequente.—Francisci Creuxii Historia Canadensis, pages 362, 367, 426, 492, 495.—And. Histoire de l'Hotel Dieu de Quebec.

(p) Charlevoix I. 295 to 305.



incurred to support the Missions of the said Savages, and to labour for their salvation, and particularly in regard to those who were settled at the said place of Sylleri, for whom, since they have left that place, they have bought at their own costs other Lands in different parts of this Country to settle them thereupon, without which they would have been dispersed.

The description of the Lands granted by this deed is as follows:—

The Fief, Land and Seigneurie of Sillery of a league in breadth upon the River St. Lawrence, and of a league and a half or thereabouts in depth till it reaches the Fief St. Gabriel, which bounds it in the rear, commencing on the North East side at the "*Pointe de Puisseaux*," and on the South West side at a line which separates it from the Fief Guadarville, one of which lines was drawn about twenty five and the other about forty years before, with all the rights and privileges formerly granted to the said Savages.

The influence of the Jesuits at the Court of France, enabled them to obtain from the King of France a Confirmation of this grant "although contrary to a rule which His Majesty had laid down to give no more Lands in Canada to Religious Communities."

These papers will be found in the Appendix to this Report under the letter (D.)

The validity of this Grant of the Fief of Sylleri to the Jesuits may be questioned upon strong Grounds.

They were the priests and spiritual advisers of the Huron Indians.

They took possession of the Seigniory of Sylleri on the 13th March 1651, as the Tutors of the Indians—They continued that possession down to 1699, as admitted in their own petition as Administrators of the property of the Indians.

Under the 131st article of the Ordonnance of Francis the first in 1539, and the declaration of Henry the 2d of 1549, and the 276th article of the Custom of Paris, the Jesuits could not lawfully have accepted a donation of these Lands from the Huron Indians themselves.

Nor do the legal disabilities of an agent or tutor in relation to the acquiring of the property of his principal or pupil depend solely upon the above positive Laws.

"The Office infers a natural disability which *ex vi termini* imports the highest quality of legal disability, a Law which flows from nature, and is founded in the reason and nature of the thing, is paramount to all positive Law. This is not an arbitrary or local disposition, it is the constitution of nature itself, and is as old as the formation of Society, and of course it must be universal, it proceeds from nature and is silently received and made effectual wherever any well regulated system of Civil Jurisprudence is known.

"The ground on which the disability or disqualification rests, is no other than that principle which dictates that a person cannot be both judge and party; no man can serve two masters. He that is entrusted



“ ed with the interest of others, cannot be allowed to make the business  
 “ an object of interest to himself, because from the frailty of nature, one  
 “ who has the power will be too readily seized with the inclinations to  
 “ use the opportunity of serving his own interest, at the expense of those  
 “ with whom he is intrusted.”

“ The danger of temptation from the frailty and advantage for doing  
 “ wrong, which a particular situation affords, does out of the mere  
 “ necessity of the case, work a disqualification ; nothing less than inca-  
 “ pacity of being able to shut the door against temptation, where the dan-  
 “ ger is imminent and the security against discovery great, as it must be  
 “ where the difficulty of prevention or remedy is inherent to the very si-  
 “ tuation which creates the danger.”

“ The wise policy of the Law has therefore put the sting of a disa-  
 “ bility into the temptation, as a defensive weapon against the strength  
 “ of the danger which lies in the situation.”

It does not appear to your Committee that in point of fact the Je-  
 suits had given to the Indians a tract of Land in lieu of the fief of Syl-  
 leri. If they had not, then the Grant obtained from the King of  
 France is founded upon a *suggestio falsi* on the part of the Grantees,  
 viz :—the purchase of other Lands for the Indians by the Priests,  
 which of itself would be sufficient to invalidate the title.

The Huron Indians did not remove to Lorette till the year 1670,  
 as appears by the examinations taken before the Committee in 1819.  
 They were first moved back from Sylleri, to the Côte St. Michel,  
 (Parish of St. Foi) thence to Ancienne Lorette, and thence to their pre-  
 sent residence.

And lastly, the King of France had not the power to make the grant  
 in question, inasmuch as the Fief Sylleri had been previously granted to  
 the Indians.

And inasmuch also as the King of France never had, or pretended to  
 have, the power of revoking his grants *ex mero motu*.

It is to be observed that the Seigniorship of Sylleri, as granted to the  
 Indians in 1651, contained four leagues in depth, whilst it is described in  
 the grant to the Jesuits of 1699, as containing only one and a half leagues  
 and as bounded in the rear by the Seigniorship of St. Gabriel.

Upon referring to the original title of St. Gabriel, bearing date 11th  
 April 1647, it will be found that that Seigniorship is described as follows :

“ Two leagues of Land in New France, beginning from the same pla-  
 “ ces as his present concession, extending along the same as near as possi-  
 “ ble, by ten leagues in depth towards the north-west, to have, hold and  
 “ enjoy the same to himself his heirs and assigns for ever. “ At the  
 “ close of this title it is said ” we enjoin Mr. de Montmagny the King’s  
 “ Governor at Quebec, and for our general company, that he do put the  
 “ said Sieur Giffard into possession of the lands above granted, and that  
 “ he do assign unto the said Sieur Giffard the title and limits thereof,  
 “ and that of the *Procès Verbal* to be thereof made, he do return unto



“ the said Company of New France a Certificate by the return of the  
“ first vessels.”

There being no ungranted Land which answered this description, Mr. Giffard, named in the first grant, obtained a second grant not of any specific Tract of Land, but generally as near as possible out of waste lands either on the north or on the south, as they shall be designated by Mr. de Montmagny, Governor of Quebec, to have, hold, and enjoy the same, &c. &c. &c.

Now, until the designation mentioned in the said last grant was made, no property was conveyed by it. It was in truth rather a promise to grant a certain quantity of Land than an actual grant of any specific tract.

From the manner in which location was made of the Seigniorship of St. Gabriel, two and a half leagues in length by the whole breadth of the Seigniorship of Sylleri were cut off from that Seigniorship, and it would appear to be for this reason that the Jesuits describe the Seigniorship of Sylleri as being only one and a half leagues in depth.

If, previous to the donation by Mr. Giffard to the Jesuits in 1699, a claim had been set up by him to this dismemberment of the Fief of Sylleri, it would have seemed liable to have received the answer that they had been in possession of the entire Fief for more than half a century, under the grant of the 11th March 1651, and the formal taking of possession on the 13th of the same month, and that the title to Mr. Giffard of the 15th day of May 1647, could not be opposed to them unless he shewed that the designation required by that title had been made in due form of law previous to the 11th March 1651.

The Jesuits whether looked upon in the light of Tutors or of Administrators of the Indians were the depositaries of their Titles, and bound to maintain their rights against the whole world. If there were a flaw in these Titles, (which does not appear to have been the case) it was not competent to them even to buy up a better title to part of the Estates of the Indians for their own use, and to the prejudice of their pupils or principals. And if, as on the present occasion, they obtained a donation of portions of Land whereof they had the administration, that donation could not legally or equitably enure to them for their own benefit, but must enure to them for the benefit of their pupils or principals.

The above mentioned Titles to the Fief St. Gabriel and Beauport whereof it purported to be an augmentation, will be found in the Appendix to this Report under the Letter (E.)

In the year 1797, the last of the Jesuits having then departed this life, the Huron Indians presented a Memorial to His Excellency Sir Robert Prescott, in which they stated the claims now under consideration.

His Excellency was pleased to refer this Petition to the then Attorney General, who made a Report unfavorable to the claims of the Hurons.

The Report of the Attorney General, as well as the answer given by General Prescott to the Hurons, will be found subjoined to this Report.

The Huron Indians having obtained a Copy of this Report, and dis-



covering what they conceived to be errors therein, presented afterwards a Petition to His Excellency Sir George Prevost, in which they pointed out the said errors, and prayed a new reference, which was granted. Upon this second reference, a Report was made by the Acting Attorney General, which will also be found in the Appendix to this Report.

In December 1821, a Petition was presented by the Huron Indians to His Excellency the Earl of Dalhousie, upon which he was pleased to order a reference to the Law Officers of the Crown. The Report upon this, the reference, will also be found in the Appendix. The last mentioned papers will be found in the Appendix to this Report under the Letter (F)

The Huron Indians had previously made an application to His Majesty's Government in England through Lieutenant Colonel Bouchette, they were, as might have been expected, referred to the Provincial Authorities.

The examination of Lieutenant Colonel Bouchette upon this part of the subject before your Committee, will be found in the Appendix under the Letter (G.)

Your Committee have carefully examined the three several Reports of the Law Officers of the Crown upon the claims of the Petitioners.

It appears by these Reports, that the before-mentioned Grant of 1651, was on the eleventh day of April 1658 enregistered in the Parliament of Paris.

By the Constitution of France no Acts were required to be enregistered in the Parliament, except Legislative Acts and Acts concerning the State; and once enregistered they could only be set aside by the concurrent authority of the King and the Parliament according to the known maxim, that *unumquodque dissolvitur eodem ligamine quo ligatur*.

It is true that the Deed of 1699, was enregistered in the Superior Council of Quebec, but it is to be observed, that by the Constitutional Law of France, the words "saving the rights of others in the premises, and of the King in all things," are usually expressed in Patents, and when not expressed are implied, and that at this time the Indians had themselves no *legitima persona standi in Judicio*, but were represented by the very Jesuits who obtained the enregistration of the Patent for themselves, which as the Tutors and Administrators of the Indians, it was their duty to have opposed.

So also, the King of France could not more than the King of England re-enter upon Lands granted by him, by reason of any alledged breach of the Conditions of the Grant, without judicial proceeding establishing the forfeiture and re-uniting the Lands to the King's Domain.

No such proceedings appear to have been had, nor indeed does it seem that there were any grounds for pretending that a forfeiture had been incurred.

Under these circumstances their only remedy appeared to be in a Court of Law, by bringing an action against one of the Censitaires, holding



tongue in the name of the whole, and interpreted by Louis Vincent, after a complimentary speech, and expressing the failure of their endeavours to obtain their Lands and their reduced condition,) answered, Yes; and produced a Paper endorsed "Titles relative to the Fief of Sylleri, claimed by the Indians of Lorette 1798;" together with a statement of dates signed "Louis Vincent," and also a certified Copy, signed "Herman Witsius Ryland," of an opinion or report to His Excellency Robert Prescott, Esquire, Captain General and Governor in Chief, by Mr. Attorney General Sewell, dated 3d August 1797.

Q. What knowledge have you of your being the descendants of the Christian Indians formerly established at Sylleri?

A. (Delivered and Interpreted as before.)

Our Ancestors could not write: we have no books; we have it by tradition. In times of old our Chiefs assembled the Nation to hear from its Chiefs the History of the Nation: we follow the same customs and relate to our Children the affairs of our Nation within our own times. The old Chiefs relate what they know of old times. We have it by tradition, that our forefathers came by invitation to Sylleri from the Lakes above.—They were followed by other Tribe to enjoy a Grant of Land from the King of France, after a lapse of time, they were moved back from Sylleri to the Côte St. Michel, (Ste. Foi,) from thence to *Ancienne Lorette*, and thence to our present residence; they wanted us to go to Nicolet which was refused by the Chiefs in Council, because we stood upon our own Land.

Q. Is it regularly related, that you are the descendants of the Indians who were Settled at Sillery, and that the Lands you claim belong to you?

A. Yes.

Q. Is the Paper given in signed "Louis Vincent," containing the dates of the Settlement at *Vieille Lorette*, the Settlement at *Jeune Lorette*, (1697,) the building of the Church, (1730,) the building of the Mill, (1731,) and the Petition to Lord Dorchester, (1791,) conformable to your national traditions?

A. Yes.

Q. Is the whole Council present?

A. Yes, excepting one who is out hunting, Gabriel Vincent, (Wawondrohnin.)

Q. How is the Council appointed?

A. (Spoken and Interpreted as before.)

This is the way, Brothers; when a Chief dies the Council names another and announces him to the assembled Tribe; but when



the Captain or Great Chief dies, Messengers are sent with the intelligence to the seven Nations or Villages of Christian Indians in Lower-Canada, to say that the Mast is fallen, and to tell them to come and help to put it up; a deputation from each assembles at the Village. The Great Chief is named by the Council of the Tribe, and presented to the Deputies of the other Villages.

Q. What is the number of Families in your Village?

A. About 35 Families, 20 persons or thereabouts are absent—those who are absent and even settled out of the Village would have the same right to the Land belonging to the Tribe as those that remain, on their returning among us.

Q. At whose expense were the Church and Mill built?

A. The Church was built at the expense of the Jesuits, the Indians working at the building and furnishing aid in Furs—the Jesuits asked leave of the Council to build the Mill, which was granted and built, as we suppose out of the Revenues of the Estate.

Q. Did the Jesuits usually make you any allowance for your support?

A. Yes—when the Mill was first erected the Jesuits allowed us a Minot of Wheat annually to each Family, but it did not continue long—It was soon reduced to one half, that is, we paid half price.

Q. Have you any allowance from the Jesuits' Estates at present?

A. No, not since forty years ago; the School Master had, 'till the death of the Jesuits, an allowance of one Bushel of Wheat per month. The Commissioners now allow five shillings per month in commutation.

Q. On what account did the Jesuits discontinue the allowance of Wheat?

A. We do not know: when they ceased to give the allowance, we began to ask the Père Giroux for our lands. He said he had been considering of it, and recommended us to apply to Lord Dorchester, which we did in 1791, since time which we have petitioned every Governor who arrived; during General Prescott's administration we received an opinion of the then Attorney General (the one handed in) in answer to our petition, which appeared to us on examination to contain errors in fact; we memorialized Sir James Henry Craig from whom we received no answer: we petitioned Sir George Prevost and received an answer, which appeared to us to be an answer to an application for a Grant of Land: we memorialized Sir John Coape Sherbrooke, stating our claims at length, and pointing out the misconceptions, as we conceived, of our former memorial. That was referred to N. F.



Uniacke, A Caron, and George Pyke, Esquires, but no answers have been received. We afterwards applied to Counsel, who told us, that although our claims appeared well founded, there were no means of enforcing them in a Court of Law by an Action.

Q. What are the names of the Indian Villages of Lower-Canada ?

A. Iroquois, Sault St. Louis, (Great Fire or Council); Hurons, Lorette; Iroquois and Algonquins, Lac des deux Montagnes; Iroquois, St. Régis; Abenakis, St. François; Abenakis, Bécancour.

Q. By what Titles do you hold the Lots on which your Houses are built in the village of Lorette, and the land you possess ?

A. We have no Titles, but those given in: Mr. Berthelot, Agent to the Jesuits' Estates, demanded rents, but we refused. He threatened to prosecute: we wished him to do so: but no prosecutions have taken place.

Q. What are the extent of your present claims and wishes ?

A. We make no claims but for our lands, and the means of educating our children.

ORDERED, That the Rev. Mr. Ant. Bedard, Priest and Missionary, be called before the Committee on Friday next, at ten o'clock, bringing with him the Registers of Births, Marriages and Burials of the Mission, from the earliest period.

ORDERED, That Mr. Ogden, a Member of the House, be also called before the Committee.

Adjourned 'till Friday the 5th instant, at ten o'clock.

FRIDAY, 5th February, 1819.

PRESENT :—Messieurs Neilson, (Chairman,) Taschereau, Davidson, Gauvreau, Vanfelson, Cuvillier, Bellet, and Blanchet.

The Rev. Mr. Antoine Bedard, Priest, Curate of St. Ambroise, and Missionary of the Hurons of Jeune Lorette, called in.

Q. Have you any knowledge that the Huron Indians now settled at Lorette, are the descendants of the Christian Indians formerly established at Sylleri ?

A. I know by the general tradition of the Parish, that the Indians now at Jeune Lorette, are the descendants of the Indians formerly established at Sylleri.

Q. Do the Registers of the Mission confirm that tradition ?

A. I have no Registers earlier than 1761. I think that those of an earlier date must have been deposited in the Prothonotary's



Office, or other Office in Quebec. It is also possible that during the war of 1759, when the Indians and Missionary fled to the woods, they may have been lost.

Q. Are all the Indians at Jeune Lorette Roman Catholics?

A. Yes.

Q. How many families are there now in the Village?

A. Twenty-eight or twenty-nine; the communicants may be seventy.

Q. Are the Lorette Indians a quiet, peaceable, honest, industrious people, and loyal subjects?

A. Yes; I know that they have always been ready and disposed for His Majesty's service, when required. I know of one instance wherein their answer to the Governor, on some occasion during the late war, relating to the public service, had been misrepresented. Their wish was to be employed, but their young men were in the woods, not to return 'till Saturday night.

Q. Do you think the Indians sincerely believe that they have a well founded right to the lands they claim?

A. Yes; they sincerely believe so, and say if it could only be shewn that they have no right to them, they would cease all complaint.

Q. Do you know of any steps taken by them to obtain their lands?

A. Yes; I know of one about the year 1808 or 1809. I believe there is mention of another in this Note, signed J. B. D'Estimauville, Ind. Dept. [which he delivered in, marked 5th Feby. 1819.] I have heard that a Petition was sent to His Royal Highness the Prince Regent by Col Bouchette, and it was reported the answer was favourable.

ORDERED, That Colonel Bouchette be called before the Committee on Thursday next, and that Lewis Foy, Esquire, Secretary to the Commissioners of the Jesuits' Estates, attend the Committee at the same time, and bring with him the earliest Procès Verbal of *bornage* between the Fiefs St. Gabriel and Sylleri.

Adjourned 'till Tuesday at ten o'clock.

TUESDAY, 9th February, 1819.

PRESENT:—Messieurs Neilson, (Chairman), Davidson, Tasche-  
reau, Blanchet, Gauvreau, and Cuvillier.

Lewis Foy, Esquire, Secretary to the Commissioners of the Jesuits' Estates, called in,

Q. Are you in possession of the earliest Procès Verbal of *bor-*



nage between the Fiefs of Syllery and St. Gabriel, or any other Procès Verbal of *bornage* between the said Fiefs?

A. I do not think myself in possession of any Papers belonging to the Commissioners of the Jesuits' Estates, that I can take upon myself to give, without an order of the Commissioners.

Q. Do you know if there exist among the Papers of the Jesuits' Estates, any Procès-Verbal of *bornage* between the Fiefs Sillery and St. Gabriel, or any Papers or Plan shewing their boundary or *trait-quarré* between the said Fiefs, while the latter was in the possession or claimed by Mr. Giffard?

A. I do not think myself authorized to give any information relating to the Documents of their Office, without the orders of the Commissioners.

*Joseph Bouchette*, Esquire, Surveyor General, called in.

Q. Were you at any time authorized by the Lorette Indians to make any representations relating to their claims to part of the Jesuits' Estates?

A. I was requested by the Indians, previous to my departure for England, in 1814, to make representations to the British Government on the subject of their claims to part of the Seigniorship of St. Gabriel. I did so, and I now hand in a copy of my Letter to Henry Goulburn, Esquire, Under Secretary of State, and his reply, which I communicated to Col. De Salaberry, and the Chiefs of Lorette, on my return.

Adjourned.

FRIDAY, 19th February, 1819.

PRESENT:—Messieurs *Neilson*, (Chairman,) *Taschereau*, *Cuvillier*, *Gauvreau*, *Vanfelson*, and *A. Stuart*.

The Hon. Col. *Louis De Salaberry*, Superintendent of the Indian Department Lower Canada, called in and examined.

Q. Have you any knowledge of any claims made by the Lorette Indians on lands in the Fiefs Sillery and St. Gabriel?

A. Yes; I know of several proceedings on their part for these lands, having taking place.

Q. Of what nature were those proceedings, and at what time were they made?

A. At several times during the last twenty years. It was by Petitions or Memorials, as I have understood. I presented one myself to Sir Robert Shore Milnes.

Q. Do you know what were the answers received?

A. I think that on one occasion they were referred to the Law Officers of the Crown in this Province.

Q. Do you know of any decision having been had?

A. I do not think there has been any.



Q. You have had frequent personal intercourse with these Indians; do you think that they sincerely believe their claims are well founded?

A. Yes—they have never varied in their statements to that effect, they speak of two leagues and a half in depth, which it appeared to me they were fully persuaded belonged to them.

Q. Do you know if the Lorette Indians and the other Indians domiciliated in this Province are Roman Catholics?

A. Yes, they are all Roman Catholics.

Q. How many Indian Villages are there in this Province, and what are their names and locations?

A. Lac des deux Montagnes, 3 Tribes, Algonquins, Nipissingues and Iroquois; Sault St. Louis, Iroquois; St. Regis, Iroquois; St. François Abenakis; Becancour, Abenakis; from St. François River to Chaudière River, Abenakis; Hurons, Lorette; towards the Gulph, Micmacs, Malécites or Amalécites.

Q. Do you know if the Indians now domiciliated at Lorette are the descendants of the Huron Indians formerly domiciliated at Sylleri?

A. Yes; it has always been a general tradition, that they are the descendants of the Hurons formerly settled at Sylleri.

Q. What is the general character of the Lorette Indians as individuals?

A. Peaceable and industrious—They are very poor and subsist only by their industry.

Q. What is their character as subjects of the King?

A. Very faithful and devoted to His Majesty's service; during the late war these Indians not having been called upon to go to the frontiers they complained to me of the neglect, and I made a representation to Sir George Prevost on the subject, to which his Excellency answered in substance, that it is very far from his intention to neglect them, but that it was his duty to reserve some brave and faithful warriors to look to the Quebec Frontiers, and it was only on that account that he had not called on them to go to the Frontiers in the District of Montreal—It is within my knowledge that two of the Lorette Indians volunteered with the Voltigeurs, one of whom served as a Serjeant during the war, and both distinguished themselves.

Q. Do you know if any allowance is now made to the Lorette Indians out of the Revenues of the Jesuits' Estates?

A. Not to my knowledge.

Q. What allowances are made to the Lorette Indians by the Military Government, and on what account?

A. Annual presents in Clothes for the Warriors and Women and Children, and eight days Rations at the time they receive their presents; they are also allowed arms and ammunition, as Warriors always ready for Military Service.

Q. Do you know if the old French Government made them the same or similar allowance?

A. From the earliest settlement of the Country I have always



understood that the same allowances were made by the French Government to the Indian tribes domiciliated in this Country—they since have always been extremely useful, both in time of Peace and War, being always ready for the Public Service.

By Mr. VANFELSON.

Q. Were the applications which you have mentioned as having been made to the Government attended to and referred to in the ordinary way for investigation ?

A. Governor Milnes told me on the application that I made, that he would bestow every attention thereon, and would refer it to the Law Officers, and I believe he did so.

Q. Do you know of representations having been frequently made to Government on the part of the Indian Tribes domiciliated in this Province, and whether they were attended to ?

A. I have sometimes made applications on the part of different Tribes, and they were always readily attended to.

Q. Do you know if the Indians of the Sault St. Louis applied for their Seigniorial Property, and if it was restored ?

A. As far as my recollection goes there was such an application, and I have heard that they were partly successful.

By the CHAIRMAN.

Q. Do you know in what state the Church and Parsonage House at Lorette is ?

A. Much in want of repair, but since the extinction of the Order of Jesuits the Indians are no longer able to make the necessary repairs on accounts of their poverty.

Q. Have the Indians ever complained to you of want of means to suppress the disorders frequently occasioned by white people resorting to their Village ?

A. Yes, they say that they can easily keep their own people in order, but that they have no authority over the Whites ; I told them I knew of no remedy but in the Law.

By Mr. TASCHEREAU.

Q. Do you think that it would be desirable to establish Schools in the Indian Villages ?

A. Yes ; I think it would be very useful ; at Lorette they have a Huron School-master whom they have supported in part at their own expense—He also receives something from Government.



THURSDAY, 22d April, 1819.

PRESENT :—Messieurs *Neilson*, (Chairman), *Taschereau*, *Bellet*, *A. Stuart*, and *Blanchet*.

The Committee appointed by a Resolve of the House, of the 26th January last, to whom was referred the Petition of Nicolas Vincent and other Indians settled at the Village of Lorette, with an instruction to enquire into the expediency of making legislative provision for more effectually ameliorating the condition of the Indian Tribes of this Province; Report in part :—

That they have been prevented, by their attention to the other business of the Session, from prosecuting the enquiries referred to them, to the necessary extent.

They have, however, proceeded to examine several persons on the claims and grievances set forth in the Petition of the Lorette Indians, which examinations they now respectfully submit to the House.

J. NEILSON,  
Chairman.

APPENDIX ( A. )

HOUSE OF ASSEMBLY.

THURSDAY, 29th JANUARY 1824.

Mr. *Stuart* in the Chair.

Nicolas Vincent, (*Tsawanhonhi*) first Chief and Christian Captain of the Huron Nation settled in the Village of Lorette near Quebec, One of the Petitioners, accompanied by the whole Council of the said Nation, appeared before your Committee; and his Answers to the questions put to him being interpreted by Michel (*Tsioui Téacheandahé*) Chief of the Warriors of the same Nation in the said Village :—He made Answer to the questions put to him, as follows.

Q. Do the Indians of Lorette apply themselves to Agriculture, and the other modes of earning a livelihood which the surrounding Inhabitants use ?

A. Such of the Indians as have Lands, plant Indian Corn, Sow Potatoes, and a little Corn, but the number is very small. The others live on the produce of Hunting and Fishing, because they have no Lands.



Q. Are Hunting and Fishing sufficient for the support of those whose pursuit they are ?

A. They are both very precarious modes of living ; they must nevertheless be content with them. The Huron Nation had formerly for their Hunting and Fishing Limits, from the Arm of the River Chicoutimy, as far as the Mouth of the River St. Maurice. That Nation used also to Hunt and Fish on the South Shore of the River St. Lawrence as far as the River St. John. Before that time the Hurons had no limits for Hunting and Fishing ; they were Masters of the Country as far as the Great Lakes : Our Ancestors permitted no one to Hunt and Fish on their Lands, and in former times if a Nation came to Hunt upon the Lands of another Nation, their so doing became a cause of War.

I cannot either read or write, but from Tradition from our Ancestors, nearly Two Hundred years ago the Seven Nations made an Alliance with each other, to live in peace, and in common, that is to say, that they were to eat with the same Spoon, (*Micoine*) out of the same Porringer ; that signified that they were all to Hunt together on the same Lands to avoid all disputes with each other.

For the last fifty years the Abenakis of the River St. John, the Micmacs, & the Malecites have come to hunt upon our Lands and destroy all our Chace. When we had the Chace to ourselves, it was a Law among us only to kill full grown Animals ; and to spare the young ones. With respect to Beaver, it was a Law to kill none from June to August, because neither the Fur nor the Flesh was fit for any thing, and to do so was Murder. It was also the Law among us not to kill Partridges, because they are sitting. The other nations who come to hunt on our Lands, are not so considerate. When stealing, one intends to steal effectually, if there be ten dollars in a Bag, one does not leave two of them. These foreign Indians kill both the full grown Animals and the young, and especially Beaver which always resides in the same place. The consequence of that has been, that the Chace has been destroyed and we are reduced to want. We cannot, as our ancestors did, kill the strangers who went to hunt upon their Lands. Even the Canadian Peasantry take upon themselves to hunt and fish, and they destroy every thing ; they spread Snares for wild Pigeons, and are ready to kill us when we pass over the end of their Lands in the Forest. They justify themselves by saying, they have Grants of those Lands, and that on their own Grounds they are Masters. Since these Canadians



have Lands to cultivate, let them cultivate them, and leave to us our rights of hunting and fishing.

Q. Do you think that if the Indians of Lorette had Lands in their neighbourhood, they would try to cultivate them, and to earn their livelihood in that manner?

A. I do not ask for Lands; I am too old to take an Axe on my back, and go and clear new Lands. We demand our own rights; it is the Seigniory which belongs to us.

Q. What prevents the Indians of Lorette and especially the young people from applying themselves to Agriculture, since fishing and hunting are not productive?

A. Because they have no Lands, and are too poor to settle them if they had any.

Q. Do you think that if they had Lands of a good quality, and were supplied with Provisions for from one to three years, they would make settlement?

A. It is not that; it is my Seigniory which I claim. With the income of my Seigniory, I shall consult my Council how I shall do hereafter. The income will assist me to live upon my hunting and fishing.

Q. Have you taken any steps to claim your Seigniory since you were lately here in 1819, and what were those steps?

A. About two years since or thereabouts we presented a Petition to the present Governor to recover our Seigniory. The Second Chief, André Romain, transmitted it to Colonel Ready, Secretary of the Governor in Chief. The Chief went twice for an answer; we have never had an answer.

Q. Have any additional allowances been made to you for the Education of your Children, or to aid you in any way since that time or to make Repairs to your Church, or the other Buildings thereon depending?

A. None whatever.

Q. Have you really need of any, and have you applied for any?

A. We have had great need of some, but have not applied for any.

Q. Why have you not applied?

A. Because we are tired of being refused.

Q. To whom did you apply when you were refused?

A. We have always applied for the repairs of our Church, and some other Applications of that kind to Colonel De Salaberry the Superintendent; he in fact made application for us, but we obtained nothing. I do not speak of the presents granted to us by the Military Government.



Q. What are the Articles manufactured in your Village and brought to market, or out of the Village for sale?

A. Mocassins, Snow Shoes, Sashes, Baskets, Indian Sleighs, Fur Caps, and Mittens, Collars of Porcupine Quills, Purfes, Reticules, Bows, Arrows, Paddles, small Canoes and little Figures of Indians.

Q. Do they find a ready sale for the Articles they manufacture?

A. There is occasionally a sale, but at half the price for which they were formerly sold; we are often obliged to barter them for Marchandize.

Q. Do you think any other branches of Manufacture might be introduced into the Village?

A. Some persons among us are Joiners, others House Carpenters, others are obliged to work as day Labourers, there being much Poverty.

Q. Do they receive any other aid than that granted by the Military Government for their support, independently of what they procure by their labour and industry?

A. No aid whatever.

Q. Are there many persons in the Village who are reduced to ask Alms, and how many.

A. Four Families are reduced to want, their number is about twenty Persons.

Q. Are all the Chiefs of the Council here present in the Committee Room?

A. All except Louis Vincent (*Sawantan*) who is sick.

Q. What are their names?

A. Nicolas Vincent (*Tsawanhonhi*), Gabriel Vincent, (*Owawandaronhé*), André Romain (*Tsouhahissen*), Petit Etienne (*Odiaradheité*), Stanislas Coska (*Aharathaha*), Michel (*Tsioui*, *Téacheandahé*), Jean Baptiste (*Atsitarès*), Damas (*Thononsotin*), Joseph (*Orontatekha*), Pierre (*Ayenoton*), Martin (*Arondé shonti*), Isaac (*Sharenhesé*), Augustin (*Teóniyonde*), Augustin (*Hodeadété*), Koskta Bastien Barthelemy (*Kouket*), Paul (*Hodouanhont*), Noel (*Akari*), Moise (*Haonona*), Paul (*Ahérenonshiaon-enrat*), Joseph (*Aouendothié*), Fevrier Vincent (*Shashinduja*), Ignace (*Haouendadeyont*), Ignace (*Kouikar*), George (*Ethodi*), François (*Tekhiondi*), Louis (*Harango*), Louis (*Thoratati*), Etienne Pierre (*Tahertadé*), Pierre (*Ithodi*), Johny André (*Athohennéte*), Baptiste Pierre Joachim Joseph (*Hadatahayés*), Laurent (*Hateriyata*), Laurent (*Tekakhhuturonk*), Basil (*Homoaskatha*), Fabien André Clément Aouenkoen, et Charles (*Shorontohian*).



Q. Is what you have just stated, the sentiment of all the Chiefs forming the Council, who are here present ?

A. Yes ; unanimously.

Q. Is it the sentiment of the Warriors who are also here present ?

A. Yes ; it is the sentiment of the whole Nation.

The Committee having informed the principal Chief, and the other Chiefs that they had no other Questions to put to them, the said Chiefs on returning said they wished to add "that they were persuaded, and had no doubt that the Seigniory which they claimed, belongs to them :—that they placed all their Confidence in the Justice of their good King, for obtaining what they claimed by their said Petition.

Adjourned.

MONDAY 16th February 1824.

PRESENT,—Messrs. *Stuart, Bourdages* and *Viger*.

Mr. *Stuart* in the Chair.

Ordered, That the principal Chief and Council of the Huron Indians residing at Lorette, be directed to lay before the Committee such other and further Documents and Papers, as they may have in their possession and deem material in support of their Petition.

WEDNESDAY, 18th February 1824.

PRESENT :—Messieurs *Stuart, Bourdages* and *Viger*.

Mr *Stuart*, in the Chair.

Stanislas Coska (*Aharathaha*) one of the Chiefs of the Huron Nation of Indians appeared and made answer as follows :—

Q. Who is the Guardian of the Papers, Titles, and Records which concern the Indians of the Huron Nation at Lorette, and where are the said Papers, Titles, and Records deposited ?

A. They are in the possession of the Council of the said Nation at Lorette.

He then stated that he had been directed by the principal Chief, to produce and lay before the Committee divers documents, which the



Council deem material in support of their Petition; which said Documents are authenticated by Initials, A. S. and are as follows :

A. S. No. 1.—A Letter from His Excellency Robert Prescott, Esqr. to the Chiefs of the Huron Nation of 31st. March 1798.

A. S. No. 2.—General Murray's Certificate of Protection to said Nation dated 5th September 1760.

A. S. No. 3.—Letter from Jon. Sewell, Esq. to Chiefs of said Nation dated 15th October 1795.

A. S. No. 4.—Notarial Acte of the deposit by the Chiefs of the Huron Nation of General Murray's Certificate of Protection.

A. S. No. 5.—Letter from Mr. Berthelot, Agent of the Commissioners of the Estates of the Jesuits to the principal Chief of the Huron Indians, dated 3d. December 1810.

A. S. No. 6.—Order from John Renaud, Grand Voyer, to Captain L'Hero of Indian Lorette, dated Lorette 18th February 1792

A. S. No. 7.—Deed of Concession by the *Père Girault* to the Huron Indians, dated Quebec 11th September 1792.

A. S. No. 8.—Extract of Judgement of the Court of Special Sessions of the Peace, dated 28th January 1804.

A. S. No. 9.—Report by Plamondon, Surveyor, of the Lands conceded at Sylleri (without date.)

A. S. No. 10.—Measurement of the Lands of Mr. Jno. Frank, and those of the Routiers at Sylleri in September and October 1769.

A. S. No. 11.—*Procès Verbal*, by Plamondon, Surveyor, of 22d. July 1769.

A. S. No. 12.—Copy of a Petition by the Huron and Iroquois Indians to Lord Castlereagh, dated London 18th July 1807.

A. S. No. 13.—Copy of *Procès Verbal*, signed, Plamondon.

A. S. No. 14.—Ordinance of the Lieut. Governor in Council on the subject of the Hunting of the Indians, dated 1st. July 1785.

## APPENDIX (B).

IAM, QVOD INDE vsque ab initio tantopere referre ad Dei gloriam putatum erat, vt certas in sedes vagi cogerentur, procedere hoc eodem tempore cepit. Sillerius, inter Melitenses Equites Commendator, vt vocant, vir egregiè pius, ac diuinæ promouendæ gloriæ perstudiosus (quo demùm consilio, ne ipse quidem fortasse satis initio nôrat) cælesti tamen aliquo mentis instinctu, egerat iam per literas è Galliâ cum Gandæo, vt quem locum adamauerat in vacuis illis possessionibus, eò sibi cedere ne grauaretur : in animo sibi esse ibidem excitare domicilium : cetera, si quæ iam tum mente concepta habebat, presserat silentio. Et Gandæus, tametsi iam in possessionem venerat, peramœnam opportunitatem secutus : tamen pro suo proseminandæ fidei studio, cessit lubens. Sillerius autem Iuuenæi literis interpellatus, monitusque nihil tùm quidem fieri posse ad rem Christianam ijs in tractibus stabiliendam conducibilis,



quàm si indigenis ea sedes attribueretur, vbi vagam illam vitam fixâ, quietâque mutarent; haud ægrè & ipse manus dedit, id demùm optimum fore ratus, quod Iuuenæus, locorum, rerumque apprime peritus, expedire censeret. Scribendi porrò causam Iuuenæo præbuit, consilium illud Sillerij, priùs suspensum, & incertum: cùm enim is eâ re vnam se diuinam gloriam spectare profiteretur, opificésque interim misisset ad ædificandum, quasi ex composito res ageretur, Domino Deo vtrobique corda permouente, sub illud ipsum tempus rogatus vagus quidam à Iuuenæo, liberos sibi in disciplinam vt traderet; Quin parentes quoque excipis? subiecit, locum assigna proximè domicilium vestrum, vbi cum totâ familiâ operam vobis dare possim, & quæ de eo à quo cuncta condita, traditis, excipere, audiendo assiduè. Perculit hæc oratio Iuuenæum; neque enim adhuc quisquam eâ ex gente fuerat non modò qui vltro consistere se velle sponderet, sed nequi acquiesceret quidem opportunis, quæ ferebantur, conditionibus: quoniam tamen suspecta meritò erat innata vafrities, vrget, instâtque Iuuenæus, &, nurn ex animo loqueretur, perquirat. Enimuero, inquit Negabamat (id enim viro nomen) vt intùs in animo constitui, ita loquor. Nec cunctandum in tam præclatâ occasione ratus Iuuenæus, offert illicò ædificium illud quod assurgebat: eâ tamen conditione, vt si res minùs probaretur, magno illi Duci, cuius sumptibus ædificatio peragebatur, excederet Negabamat concessâ domo. Cùm deliberaturum se spondidisset, rémque totam cum amico suo quodam, & familiari communicaturum; aliquot antè interiectis diebus cum Francisco Xauerio, de quo suprâ (Nenaskoumat, antè nomen fuerat) adfuit sub noctem: præfatùsque negotia magni momenti meliùs nocte geri, quod absunt molesti sæpè interpellatores; proinde ne grauaerentur Patres in eam noctem hospitium præbere; secundùm cœnam, singulari comitatis significatione appositam, hunc prorsùs in modum exorsus Negabamat. *Agesis, Iuuenæ: iam prouectionis ætatis es: atque adeò indecorum tibi sit mentiri: verum eloquere: an non pollicitus es, te ad habitandum daturum domum, eam quæ extruitur, mihi alterique cuiquam, & vtriusque scilicet familiæ? En, Nenaskoumat, cum quo conueni: vir mitis & placidi ingenii est, vt nosti. Venimus ad te eâ gratiâ, vt resciamus num in proposito perstes. Ac populares quidem omnes quibus est id à me significatum, concilium illud vestrum suspiciant, & mirantur: verùm, vix ac ne vix quidem persuadere sibi possunt tantam vobis liberalitatem inesse, vt cum vestrâ tam magnificâ oratione res ipsa vnquam consensura sit. Proinde, si propositum tibi est mentiri, mentire sanè dum integrum est, hoc est, antequam tuis promissis irretiti, iactemus apud populares, domum nobis concessam, quam deinde tradas nunquam. Apud eos aliquo loco sumus: si postquam prædicauerimus domum nobis attributum iri, fidem deinde sefelleris, ne, eorum sannis & ludibrio obijciemur: id vero viris quàm graue sit, tute nosti. Itaque illud iterum tibi denuncio: re integra mentiri si placet, mentire sanè: neque enim quisquam dum nos rideat. Arrisit hîc Iuuenæus, seriòque contestatus se neuiquam esse mentitum, quæ promississet ex animi sui sententiâ promississe asseueravit: ceterùm, quid futurum esset,*



statuere tum se quidem nequire, quando res ab alio penderet : dedisse se literas ad illum Ducem, cuncta secunda sperare, & qualia ipsi maxime concupiscerent : cùm omnium primi, ipsi id expetiissent, æquum quoque esse eorum potissimè rationem haberi : & verò se eò vsque de illius beneficâ naturâ confidere, cuius opibus domus extruebatur, vt concessurus planè esset quod tam enixè per literas ab ea flagitaretur. Mirum in modum vtrumque hæc exhilarauit oratio : suspensi tamen, atque solliciti ; Illius-ne bonitas, institerunt, vestram bonitatem exæquat ? Cùm non modò exæquare, sed etiam superare Patres affirmarent ; Benè habet, inquit : nam quando ipsi nobis studetis, ac studium illud vestrum rebus comprobatis, vtique Dux ille melior maiora in nos beneficia conferet. Idem, addunt, num prouectæ ætatis est ? Est sanè, inquit Iuuenæus ; Num breui morte defungetur ? Id verò clàm nobis est. Egregiè-ne dat operam precationi ? Planè egregiè. Atque hîc exultantes animis ; Certa res est, aiunt, etenim si is impigrè precatur, diligitur à Deo : si diligitur, superstes per diu erit : si erit superstes, nobis haud dubitanter opem feret, quando-quidem bonus est. Eant nunc præposteri illi veteris Galliæ, sui, rerumque suarum vel amatores, vel æstimatores : ac si nullum hîc socordiæ vestigium agnoscunt, desinant insultare infelicibus, quibus si diuina lux tot antè sæculis affulsisset, quot veteris Galliæ incolæ collustrauit ; næ nauî agricolæ vberiorum fortè messem in supremi patrisfamilias horrea intulissent, quàm ij quorum nonnunquam, præclara scilicet industria tota in herbam luxuriat, quandoque in vepres, paliurosque degenerat. Vt autem ad Canadenses reuertamur ; En, addidère, sumus iam ambo deuexiori ætate : itaque illud nos anxios habet, num postquam è viuis excesserimus, penès posteros nostros mansura sit domus attributæ possessio, an futurum sit vt abigantur. Cùm eam solitudinem Iuuenæus abstersisset, confirmans id apud Gallos ratum, & fixum esse, vt quæ parentum fuissent, ea quam-optimo iure transferrentur ad liberos ; in solenne suum *Ho, ho* erupère, & Quàm bona, aiunt, nuncias, dum ne mentiare ; Mentiri autem te quid attinet, quando jamdiu puer esse desisti. Secundùm hæc, adeunt postridie ad ædificium, lustrant, contemplanturque singula curiosiùs : vix eo aspectu exsatiati contestantur, se, vbi primùm extrema imposita manus ædificio esset, adfuturos ad habitandum : intereà, quoniam hyems imminebat, Nagabamat quidem se ad venationem profecturum ; Nenaskoumat, cui cæli, quàm terræ potiores rationes erant, ne hyeme quidem abfuturum se Iuuenæo in aurem insurrauit, quò Christianæ doctrinæ audiendis Catechesibus operam dare liceret. Ergo ille siluas de more petijt, hic cùm substitisset, in eum quem diximus morbum incidit, quo tanquàm aurum in fornace probatus, qualis quantusque euaserit quæ suprâ exposuimus demonstrant.



## APPENDIX (C.)

## No. 1.

TITLES of the Seigniory of SYLLERI, The Reverend Father Jesuits.

*The Company of New France.*

To all whom these Presents shall come, Greeting:

KNOW ye that it being our desire to collect the wandering nations of New France into certain places, to the end that they may be instructed in the faith and in the Christian Religion: and having known, that some from amongst them had chosen since some years a place called in their Language *Kamaskda d'Angachit*, commonly called by the French Inhabitants Sylleri, or the Bay of Saint Joseph: Considering also that the Fathers Jesuits perceiving that the said place was agreeable to the Savages had caused to be there built a Church, wherein they administer the Sacrament to those whom they have baptized in that neighbourhood: Desirous to favor so great a work and retain these good neophytes near to their Church:—WE have given and by these Presents do give fully and freely the extent of one league of Land from the Cape which terminates the Bay of Saint Joseph, ascending the great River Saint Lawrence, by four leagues in depth, the whole under the conduct and direction of the Fathers' Jesuits who have converted them to the Christian Faith and their Successors, without however derogating from the concessions of certain pieces of Land which we have heretofore made to certain individual Frenchmen within this extent, which said pieces of Land shall be holden of the Christian Captain of the Savages as they were held of us before the present donation, which we make full and entire with all the Seigniorial Rights which we have or could claim, save and except the right of holding Courts which we reserve to ourselves to be exercised by our officers at Quebec: Ceding unto the said Grantees all the other rights which a Seignior can have or enjoy thereon, we give to these new Christians who live in those Countries full power to fish and every right of Fishery in the Great River Saint Lawrence, along the Lands contained in the present Grant and bounded as aforesaid by the said great River Saint Lawrence, without that any other person can or may there Fish but with their leave and permission—Revoking the Grant by Us heretofore given to the Governor of New France, which said revocation is so made by reason and in consideration of the opposition made at the place to the taking of possession in virtue of the said Grant. We give them moreover all the Meadows and Grass and all other things which shall be found on the banks of the said River, and in the interval between high and low water mark opposite to their said Lands, without that any other person not having their permission can



claim to take or carry away any thing from the said Banks or interval—leaving however the Road free to the Public along the River and other necessary places to be regulated by our officers upon the spot. To HAVE and to hold the abovementioned things unto them the said Indians in *franc aleu*, without any rent or service to the Company of New France: We accordingly enjoin the High Steward of New France or his Deputies to put the said Indians into possession of this present Grant, without allowing them to be disturbed in the said possession, in any manner or way whatsoever.

DONE and Decreed in our office at Paris this thirteenth day of March 1651.

And lower down is written,

A. CHIFFAULT,  
Secretary of the Company.

Collated with the original by me, Councillor and Secretary of the King and of the Finances.

(Signed) DUMOLEY.

I do hereby certify the foregoing to be a true Copy of the Entry, as on Record in the Registrar's Office at Quebec in a French Register, intituled, "*Cahiers d'Intendant, Concessions en fief &c.* No. 10 a. 17, folio 79 recto."

Provincial Secretary's Office, Quebec, 28th Feby. 1824.

(Signed) Ls. MONTIZAMBERT,  
Actg. Prov. Secy. & Regr.

No. 2.

IN THE YEAR 1652 and the 6th day of February, appeared before us Nicholas Levieux, Esquire, Lord of Audeville, Civil and Criminal Deputy in the Royal Jurisdiction of Quebec; the Revd. Father Jean Dequen, Superior of the Establishment of St. Joseph in the Bay of Sylleri and Tutor of the Indians, having had to that effect the authority of the Revd. Father Paul Ragneau, Superior of the Company of Jesus in New-France; who exhibited unto us a certain Grant made to the Indians by the Gentlemen composing the Company of New France, bearing date 18th day of March 1651, Signed by the Company of New France, "A. Chiffault" requiring us to put him into possession of the said Grant on the said behalf, and as tutor of the Indians, accordingly as it is unto us in and by the said Grant commanded.



And having seen the said Grant giving unto the Indians one league in front from the Cape which terminates the Bay St. Joseph, ascending the Great River St. Lawrence, by four leagues in depth, we departed from Quebec on the Seventh of the same month about Seven in the morning, accompanied by Louis Théandre Chartier, Fiscal Procurator in the Royal Jurisdiction of Quebec, with Rolland Godet our Clerk, Jean Bourdon Engineer and Surveyor of New France, Pierre Galerneau and Gilles Enard, and proceeded together to the Cape which terminates the Bay St. Joseph, where being the said Revd. Father Jean Dequen, on the behalf aforesaid, and as Tutor of the Indians, pulled off branches of trees, threw a Stone, and did other Acts of taking of Possession, and in the presence of Jean Juchereau de More, for and in the name of Charles Le Gardeur, Esquire, Sieur de Tilly, we have ascertained the line making the separation between the Lands of the Indians and the lands belonging in part to the Sieur de Tilly, and with the consent of the Revd. Father Jean Dequen, for and on the behalf and as Tutor of the Indians, and of the Sieur Demore as aforesaid, the said Bourdon, Engineer and Surveyor of New France, renewed, (marked afresh) the line of separation between the lands of the Indians and the lands belonging in part to the Sieur de Tilly, and planted six cedar Posts, in the mean time, and until Boundaries can be in a more convenient season planted—of which said taking of possession we have granted *Acte* to the said Revd. Father Jean Dequen, on the behalf aforesaid and as Tutor of the Indians, to serve and avail as to law and justice shall appertain, and with the exception of Pierre Galerneau and Gilles Enard, who declared they could not write nor sign their names, the others have signed—“DEQUEN, JUCHEREAU BOURDON, LOUIS CHARTIER, ROLLAND GODET.”

I DO hereby certify the foregoing to be a true Copy of the Entry as on Record in the Registrar's Office at Quebec in a French Register entitled “*Cahier, d'Intendant Concessions en fiefs &c. No. 10 a. 17, folio 83 recto.*”

Provincial Secretary's Office,  
Quebec, 28th Feby. 1824.

(Signed)

Ls. MONTIZAMBERT.  
Actg. Pro. Secy. & Regr.

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No. 3.

LOUIS, by the Grace of God, King of France and Navarre, to all persons present and to come, Greeting :

*The Company of New France* having by an instrument of the 13th March last, given unto the Indians who usually reside near Quebec in



the said Country, one league of Land upon the Great River St. Lawrence, bounded by the Cape which terminates the Bay St. Joseph or Sylleri, towards Quebec, and on the other side by the place or limit where the said league ends in ascending the Great River, by four leagues in depth into the woods or into the lands to the north, with every right of hunting and fishing in the said extent, and in that part of the Great River St. Lawrence, and on the other Rivers, Pools, and Streams which are within the limits of the said Grant or which touch the same; the whole free and clear of dependance, with all the Seigniorial Rights, under the conduct and direction of the Fathers of the Company of Jesus who have converted them to the Faith of Jesus Christ, and without that any Frenchman can or may hunt or fish within the said extent, without the permission of the Christian Captain of that new Church under the conduct, direction, and approbation of the said Fathers. The whole as it is more fully specified and declared by the said Grant.

For the validity and execution of the said Grant it being necessary to provide, and desiring on our part to co-operate so much as in us lieth to the bringing in of those nations; and considering that it is most reasonable that they should have and retain in their Country the extent of land necessary to enable them to live in common, and lead a stationary life near the French Inhabitants.—WITH the advice of the Queen Regent our most honored Lady and Mother, and of our Council which hath seen the said Concession of the said 13th day of March last, hereunto attached under our counter-seal; We have of our special Grace full power and Royal authority in agreeing to and confirming the said Grant of the said Company of New France; Given & granted & hereby give and grant by these presents, signed with our hand, one league upon the Great River by four leagues in depth into the interior, not only at the place specified in the said Grant but also in all places where there shall be a Fort and French Garrison; and to this end it is our will and pleasure that near the said Fort the said Indians shall have one league upon the front at the place where such fort shall be, by four leagues into the interior with all the places of hunting and fishing, and all other advantages which they can obtain from and out of the said extent of ground or rivers adjacent thereto, without any dues or services whatsoever;—whereof we do acquit, exonerate and discharge them, subject however to this, that the said Indians shall always be and remain under the conduct, direction and protection of the Fathers of the Company of Jesus, without the advice and consent of whom it shall not be in their power to release, grant, sell or alienate the said lands which we grant unto them, nor permit hunting or fishing upon the said premises by any individuals, without the permission of the said Fathers, to whom we grant the direction of the concerns of the said Indians, without however that they shall be held or bound to render account to any others than their own superiors. It is our further will and pleasure, that if any Europeans are settled within the said limits they shall hold their lands from the Christian Captains, and under the direction of the said Fathers, in the same manner and way



as the said lands were by the said Europeans held from those who granted the same to them. And that henceforth no lands shall be given or granted within the said extent, but by the order of the Christian Captain, and with the advice and consent of the said Fathers their protectors, the whole for the advantage of those people to attach them by the small profits drawn from their own Country to quit their wandering life, and lead a Christian life under the conduct of their Captain and of the said fathers who have converted them. We accordingly enjoin &c.

GIVEN at Paris in the month of July the year of Grace 1651, and of our Reign the second.

[Signed] LEWIS,

And on the next Leaf by the King, the Queen Regent his mother present—and lower down is written, Inrolled by the King's Attorney General to be carried into execution according to the Form and Tenor thereof.

I do hereby certify the foregoing to be a true Copy of the Entry as on Record in the Registrar's Office at Quebec in a French Register entitled "*Cahier d'Intendant, Concession en fiefs &c. No. 10 a. 17 folio 655 verso.*"

Provincial Secretary's Office,  
Quebec, 28th Feby. 1824.

(Signed)

Ls MONTIZAMBERT.  
Actg. Pro. Secy. & Regr.

No. 4.

LOUIS &c. GREETING :—Our dear and well beloved Father PAUL LEJEUNE, of the Company of Jesus, Priest of the Missions of the said Company in America, hath represented unto us, that by our Letters Patent of the month of July 1651 we had promised the settling of the Christian, natives of the Islands and Continents of North and South America latterly converted to the Faith, upon the clauses and conditions contained in the said Letters Patent, but that because the same were not addressed to you, and you might make difficulties as to the enregistration of them—The said memorialist most humbly supplicated us to be pleased to grant unto him our Letters necessary for the purpose—For these causes, we enjoin you that you do proceed to the enregistration of our aforesaid Letters, and to cause the said Company to have and enjoy the contents thereof, fully and peaceably, according to their form and tenor, notwithstanding that the said Letters Patent have not been addressed unto you, whereof we have relieved, and do by these presents relieve the said Company.

For such is our Pleasure.

GIVEN at Paris the eleventh day of March in the year of Grace 1658,



and of our reign the 15th.

Signed by the King in his Council "Dachau" and sealed. Registered by the King's Attorney General to be executed according to its form and tenor, at Paris in Parliament the eleventh day of April 1658, signed "Du Tillet", collated with the Original by me Councillor and Secretary of the King and of his finances.

(Signed) DUMOLEY.

I do hereby certify the foregoing to be a true Copy of the Entry as on Record in the Registrar's Office at Quebec in a French Register entitled "*Cahier d'Intendant Concessions en Fiefs, &c.* No. 2 a 9, folio 82 recto."

Provincial Secretary's Office,  
Quebec, 28th February 1824. }

(Signed) Ls. MONTIZAMBERT.  
Actg. Provl. Secy. and Regr.

No. 5.

### EXTRACT FROM THE REGISTERS OF PARLIAMENT.

"The Court having seen the Letters Patent of the King given at Paris in the month of July 1651, signed "LOUIS," and on the back by the Queen his mother present "De Lominie", to which is appended the Great Seal of green wax; by which said Letters Patent the said Lord had permitted the Father of the Company of Jesus to re-establish in all the places and Islands in North and South America, with all the rights and privileges contained in the said Letters; and altogether as they now do in this Kingdom, as is more fully set forth in the said Letters, addressing to the Court other Letters Patent of the same month and year, signed and sealed in the same manner, whereby the said Lord had also permitted the establishment of Christian natives of the said Islands and Continent of America latterly converted to the Faith in the said Country, upon the clauses and conditions contained in the said Letter, addressing to the Court Letters of *Surrannation* upon the said Letters of the eleventh of the present month of March, signed by the King in his Council "Pachau," and sealed with the Great Seal of yellow wax. Petition presented to the Court by Father Paul Lejeune of the Company of Jesus in the name and as Priest of the Missions of the Company in America, to the end that the said Letters Patent may be enregistered.—Conclusions of the King's Attorney General,—Having heard the report of Mr. Charles Saveuze, Counsellor in the said Court. All consider—



ed, the Court hath ordered and doth order that the said Letters shall be enregistered at the Clerk's Office of the said Court, to be executed according to their form and tenor.

Done in Parliament the eleventh day of April 1658.

(Signed) Du TILLET.

Collated with the Original by me, Counsellor and Secretary of the King and of His Finances.

(Signed) DUMOLEY.

I do hereby certify the foregoing to be a true Copy of the Entry as on record in the Registrar's Office at Quebec in a French Register entitled "*Cahier d'Intendant Concessions en Fief &c.* No. 10 a 17, folio 82. verso.

Provincial Secretary's Office,  
Quebec, 28th February 1824. }

Signed, Ls. MONTIZAMBERT,  
Actg. Provl. Secy. and Regtr.

#### APPENDIX (D.)

[TITLE DEED of SYLLERI, Revd. Fathers Jesuits.]

HECTOR de CALLIERE, Knight of the Order of St. Louis, Governor and Lieutenant General for the King in all Northern France.

JEAN BOCHART, Knight Lord of Champigny Noroy, and other places, Councillor of the King in His Councils, Intendant of Justice Police and Finances in the said Country.

Having seen the Petition to us presented by the Revd. Father Martin Bouvart, Superior of the Company of Jesus in this Country, and Father François Vaillant, his *Procurator*, praying that it might please us to transfer to them in their own right the Fief Land and Seigniorship of Sylleri, which they have hitherto holden only as Administrators of the Property of the Christian Indians, to whom the said Fief was given by His Majesty in the month of July 1651, and which the said Indians have been obliged to abandon ten or twelve years since, to settle themselves elsewhere as well because the Lands in Culture were altogether worn out, as because fire-wood having been cut thereupon for nearly forty years, none could be had but at a great distance from their residence:— As also to transfer to them in like manner in their own right, and in *Fief*, four perches of land in front by eight in depth, conceded by the late M. de Montmagny, and twenty Toises square of augmentation granted by the late M. D'aillabout, both Governors



General of this Country, to the late *Pachiriny* an Indian Chief at Three-Rivers, whereof the said Fathers the Jesuits have for more than forty years, given, as Tutors and Administrators of the Property of the said *Pachiriny*, Contracts of Concession, to divers individuals Frenchmen to occupy and build upon them, as they have done, in consideration of some small rent, which said *Pachiriny* is now dead, and the said Fathers have remained in the enjoyment of the said lots of Ground, whereof they require us to make unto them a Grant, and being fully informed of the good intentions of the said Fathers of the Company of Jesus in the great spiritual & temporal aids which they afford to the Indians of this Country, and of the great pains they have taken and of the very heavy Expences which they have incurred to support the said Missions of the said Indians, and to labour solidly for their Salvation, and particularly in respect of those who were settled at Sylleri, for whom since they have left that Place, they have purchased, at their own proper costs, other lands in divers places of this Country to settle them thereupon, without which they would have been dispersed. For these reasons we have given and granted in property to the said Fathers Jesuits the said Fief Land and Seigniorie of Sylleri, of one league in breadth upon the River Saint Lawrence, and of one league and a half or thereabouts in depth up to the Seigniorie of Saint Gabriel, which bounds it in the rear beginning on the North East side at the *Pointe de Puisseaux*, and on one side to the South West, by a line which separates it from the Fief of Gaudarville, which lines have been drawn, the one about twenty five years ago, and the other about forty, with all the rights and privileges formerly granted to the said Indian to enjoy the whole in true Fief, holding from the King alone, with superior, *mesne* and inferior Jurisdiction, as they possess all the other lands which His Majesty has been pleased to grant them in this Country; and we do in like manner give and grant unto them by the same Title of *Fief*, and with the same rights and privileges above specified, the said four perches of Land in front by Eight in depth, granted by the late Mr. De Montmagny, and the twenty Toises square of augmentation granted by Mr. D'Aillebout, both Governours General of this Country, to the said late *Pachiriny* an Indian Chief. The whole to be holden by them in Property for ever according to the Custom of Paris, subject to Appeals from the said Courts of Sylleri lying to the Lieutenant General of the Prevôtship of Quebec, and that the said Fathers Jesuits shall be bound to obtain from His Majesty a ratification of these Presents within one year. In Witness whereof we have signed them, and



have caused the Seals of Our Arms to be put thereto, and Countersigned by our Secretaries.

Given at Quebec the 23d October 1699.

(Signed) CHEVALIER DE CALLIERE  
and CHAMPIGNY.

By My Lord,

(Signed) HAUTEVILLE & ANDRE.

Extract of the letter of the King to the Sieurs Chevalier de Callière and Beauharnois, Governor General and Intendant of New France of the 6th May 1702. "His Majesty has also granted the Land of Sylleri demanded by the Fathers Jesuits, although it is contrary to the Rule he has made to give no more of the Lands of Canada to the Religious Communities":—Collated with the Original by us Intendant in the said Country the 25th November 1702.

(Signed) BEAUHARNOIS.

By My Lord,

(Signed) TRECHART.

The above Title of Concession and the Extract of the Letter have been by me, Clerk in the Office of the Sovereign Council in this Country, enregistered in the Registers thereof according to the Decree of this day, the said Grant to be holden by the said Revd Fathers Jesuits according to its form and tenor.

Done at Quebec, the 2d. day of July 1703, Signed "Hubert,"  
"by M. Dupuy."

(Signed) BEGON.

I do hereby Certify the foregoing to be a true Copy of the Entry as on Record in the Registrar's Office at Quebec, in a French Register Entituled "*Cahier D'Intendant, Concession en Fiefs, &c.* No. 10, a 17, folio 84 recto."

Provincial Secretary's Office, Quebec 24th February 1824.

(Signed) Ls. MONTIZAMBERT,  
Actg. Provl. Secy. & Regr.



## APPENDIX ( E. )

*The Company of New France* to all persons present and to come, greeting.

Our greatest desire having always been to establish a strong Colony of native Frenchmen in New France, to the end that by their example the savage people of the said country might be instructed in the knowledge of God, and brought to lead a civilized life under the obedience of the King : We have received willingly those who have offered to assist us in this praiseworthy enterprise, and especially where we have seen in them a disposition to undertake the culture of some part of the Land granted unto our said Company by the late King of Glorious Memory. For these causes, being fully certain of the praiseworthy qualities of Robert Giffard, Lord of Beauport, Councillor and Ordinary Physician of His Majesty, and of the experience and knowledge which he has acquired in the said country, from his long residence therein, as also of his zeal for the Catholic Apostolic Roman Religion, and of his fidelity and affection for the service of the King. For these causes and others, us thereunto moving, we have unto him given, granted and conceded, and in virtue of the power in us vested by the King our Sovereign Lord, we do by these presents give, grant and concede the lands and places hereinafter described : that is to say, Two Leagues of Land in New France, to be taken at the same place as his present Concession, and adjoining it or as near it as may be, by ten leagues in depth, into the Lands towards the north west. The said Robert Giffard to hold the said abovementioned Concessions in full Property, Jurisdiction and Seignior, and to hold the above mentioned things upon Fealty and *Hommage*, which he, his Successors or Assigns, shall be bound to perform at the Fort of St. Louis of Quebec, or at the place which may hereafter be designated by the Company, which Fealty and *Hommage* they shall be obliged to perform at each mutation of possessor, and to pay all dues and rents, which accrue upon Fiefs of that quality, the whole according to and conformable with the custom of Paris, which the Company means shall be observed every where in New France, and upon condition that the Appeals from the Judges who may be appointed over the places above granted, shall be directed to the Parliament and Sovereign Court, which shall hereafter be erected in the name of the said Company at Quebec, or elsewhere in New France. And further, neither the said Sieur Giffard, nor his Successors or Assigns, nor others who emigrate to the said Country for the purpose of settling and cultivating the



above lands shall have a right to trade in Furs with the Indians, unless they be acknowledged as inhabitants of that country, having in that quality a share in the Grant of Indian Trade, made by the said Company to the community of inhabitants according to the agreement made with them.

We enjoin Mr. De Montmagny, Governor of the King at Quebec and for our Company, that he do put into possession the said Sieur Giffard of the lands and places above granted, and that he do assign to him the Title and limits thereof, and that of the *Procès Verbal* which shall be thereof made he shall certify a copy to the Company at the first return of the Vessels. Done and granted in the General Assembly of the Partners in the Company of New France, held at the Office the 11th April 1647.

In witness whereof these Presents have been executed, and the Seal of our Company affixed.

(Signed)

By the Company of New France.

LAMY.

By Deed passed before Paul Vachon, Notary, the 2d day of November 1667, the Sieur Giffard and his Wife appear to have given, by Donation *inter vivos*, to the Revd. Fathers Jesuits of this City, the Lands mentioned in the above Concession.

*The Company of New France* to all those to whom these Presents shall come, Greeting :

It having been represented on the part of the Sieur Giffard, Seigneur of Beauport in New France, Councillor and Ordinary Physician to the King, that he cannot obtain the enjoyment of the lands in the Concession to him made on the 16th day of April last, of two leagues of Land by ten leagues in depth, to be taken in New France, at the same place where he has for a long time past been settled, inasmuch as he is bounded on one side by lands granted to the Revd. Fathers Jesuits, and on the other side by lands granted to the Company of Beaupré, and that the said Grant might not be useless to him, that it might please the Company to transfer and grant in some other place not yet granted either on the north or on the south : For these causes, desiring to favor the said Sieur Giffard, we have given, accorded and granted, the same quantity of Land as that expressed by our said Concession of the



16th day of April last, to be taken at hand, and in ungranted places, either on the north or on the south, as the said lands shall be designated by Mr De Montmagny, Governor of Quebec, to enjoy the same the said Sieur Giffard, upon the same titles and conditions as expressed in our said Concession of the 16th day of April last, which will serve him with these Presents as one and the same Concession.

DONE and granted in the Assembly of the Company of New France, held at the Office the 15th May 1647.

By the Company of New France.

(Signed) LAMY,  
DUPUY,  
BEGON.

I do hereby certify the foregoing to be a true Copy of the Entry as found on Record in the Office of Enrollment at Quebec, in a French Register, intituled "*Cahier d'Intendant N<sup>o</sup>. 2 a 9, folio 73, verso.*"

Provincial Secretary's Office.

(Signed)

JNO. TAYLOR,  
Depy. Sec'y. & Regr.

Quebec, 12th March 1819.

No. 2.

Title deed of the prolongation of the Seigniory of Beauport.--M. Giffard.

JEAN LAUZON, ordinary Councillor of the King in his Privy Councils of State, Governor and Lieutenant General for His Majesty in New France, in the extent of the River Saint Lawrence, to all those to whom these present letters shall come, greeting.

*The Company of New France* having on various occasions been convinced of the zeal of the Sieur Giffard, Esquire, Sieur of Beauport, for the Settlement of the Colony of New France, the great expense which he has incurred for the attainment of this object, the losses which he has on this account suffered even when he was taken by the English with the Fleet in November 1628, the Company had attempted as an acknowledgment to benefit the said Sieur Giffard, and particularly in the Assembly of 16th Ja-



nuary 1634, held at our Hotel in France, had granted unto him one league in front upon the River Saint Lawrence, to begin at the mouth of the River Notre-Dame called Beauport, with one league and a half in depth, and having caused a grant thereof to be executed, in possession of which he had been put by the late Mr. Champlain, to whom the said Grant was addressed as Governor for the time. And the said Tract of Land was then measured and bounded on one side by the said River Notre-Dame de Beauport, and on the other side by the River of the Fall of Mountmorency as appears by an *Acte* signed, "A. Duchesne," and for proof of the Seal and Signature of the late Sieur de Champlain by the Sieurs "Tardif de la Porte and A. Duchesne de la Ville"—Ervel Espenasse, acting Clerk, appointed by A. Chevalier de Montmagny and signed by him.

And moreover by Acts of 16th April and 15th May 1647, Signed "Lamy," and Sealed with the Seal of the said Company, there was further granted unto the said Sieur Giffard, two leagues in front by ten leagues in depth, either near the first Concession or in any other place which should be designated unto him by the Sieur de Montmagny, which it not being possible for him to execute, he had given a portion to the Reverend Mothers Hospitaliers, and had further required of us to extend the Concession of Beauport, which is already one league and a half in depth, and to give him to the depth of four leagues into the interior, and this until meeting with some other extent of ground convenient to him he may fill up the whole quantity granted to him.

For these causes inclining to the prayer of the Sieur Giffard, and until we can give him a larger extent, we in virtue of the power unto us given by the Company of New France have given, granted and conceded, and by these presents do give, grant and concede unto the said Sieur Giffard, Lord of Beauport, two Leagues and a half in depth, upon the league in front of the said Seigniory of Beauport, bounded on one side by the River of Notre Dame de Beauport, the said River comprized, and on the other side by the River of the Fall of Motmorency, to hold the same by himself, his heirs and assigns, for ever in full property, Jurisdiction and Seigniory, with such and like rights as he heretofore possessed and now possesses; the said Seigniory of Beauport to compose thereof one single Fief and to render one single *hommage* as if by the first concession there had been granted unto him four leagues in depth, whereas that Concession contains only one league and a half.—And inasmuch as the said Sieur Giffard is in possession of the said places contiguous to what we have



now granted him by these presents, more ample taking of possession not being necessary :

WE do enjoin our High Steward of New France or his Deputies to cause to be enregistered these presents where they ought to be enregistered, to deliver unto the said Sieur Giffard the *Acte* thereof, and to maintain him, his heirs and assigns, in the enjoyment of the said Lands as to right appertaineth.

In faith whereof we have signed these presents and have caused to be thereunto affixed the Seal of our Arms, and Countersigned by one of our Secretaries, at the Fort of Saint Louis of Quebeck, this 31st day of March 1653.—Signed, " *De Lauzon* ".—And lower down by my Lord " *Peuvret* ".—And lower is written as followeth :—

Collated by me the undersigned Paul Vachon, Notary Royal in New France, residing at Beauport, upon the Original in parchment to me presented by Joseph Giffard, Esquire, Lord of Beauport, and forthwith returned unto him.

Done the 4th May 1675.

(Signed)

VACHON, Not. Roy. with *Paraphe*.

The Year 1753, the fourth day of April, the foregoing Concession was by me, Clerk of the *Senechaussée* of New France, Jurisdiction of Quebec, enregistered at the *Greffe* of the said place, at the requisition of the Lord of Beauport therein named, whereof *Acte* was granted.

Done the day and year afore said. Thus signed

ROLAND GODET, Greffier, with *Paraphe*.

LAMY,

VACHON, Notary, with *Paraphe*.

I do hereby Certify the foregoing to be a true Copy of the Entry, as on Record in the Registrar's Office at Quebec, in a French Register, intituled, " *Cahier d'Intendant Concessions en Fief, &c. No. 10 a 17, folio 675. recto.* "

Provincial Secretary's Office.

(Signed)

LS. MONTIZAMBERT,  
Actg. Prov. Sec'y. and Regr.

Quebec, 28th February 1824.



## APPENDIX (F).

## No. 1.

To His Excellency ROBERT PRESCOTT, Esquire, Captain-General and Governor in Chief, in and over the Provinces of Upper and Lower-Canada, &c. &c. &c.

May it please your Excellency.

In obedience to the commands which I have had the honor to receive from your Excellency, I now respectfully submit my Report upon the Petition presented by the Indians of the Huron Nation settled at the Village of Jeune Lorette, respecting their claims to the Seigneurie of Sillery and the Fief of Saint Gabriel commonly called Jeune Lorette.

The claims of the Indians are not (upon the face of their Petition) for Sillery and Saint Gabriel specifically, but by consultation with their Chiefs, I find that these are the tracts of Land to which they make pretensions—Pretensions which they do not support by any titles, and of which they produce no evidence except the tradition of their Village.

I have taken every step in my power, and made repeated researches in the public records of the Province, to ascertain on what this tradition was founded, both with respect to Sillery and Saint Gabriel. As to the former, I am enabled to state to your Excellency, that in 1651, the Jesuits, by Petition to the Company of New France, who were then the Proprietors of Canada, stated that it was their anxious desire to collect the Indians in one spot in order to instruct them in the Christian Religion—that some of the new Profelytes had actually settled at Sillery near Quebec, for which reason, they asked for the Indians a grant of Land adjoining to that spot. The Company acceded to their request, and by Letters Patent, dated the 13th March 1651, granted to the Indians the Seigneurie of Sillery of one league in front by four leagues in depth.

This grant which was confirmed by the King of France, by Letters Patent dated in July 1651, was by him ordered to be enregistered in the Parlemènt de Paris on the 11th March 1658, and was enregistered on the 11th of April 1658.

It is, I conceive, upon this point, that the tradition of the Indians respecting Sillery is founded. It was at one time, most certainly theirs, and continued to be theirs until the year 1699. In this year Martin Bouvart, superior of the Jesuits, and Francis



Vaillant their Attorney, presented a Petition to Monsr. De Calliere and Monsr. Bochart the Governor and Intendant of Canada, in which they stated, that the King of France had granted Sillery to the Christian Indians in 1651, who had however abandoned it for ten or twelve years then last past, and had fixed themselves elsewhere; that they had abandoned it, because the Land was entirely worn out, and because having cut firewood upon the spot for upwards of 40 years, what remained, was then very far removed from their habitations.—For these reasons they (the Jesuits) prayed a grant of Sillery of which they observed, they had always been in possession as Administrators of the Property of the Indians.

What evidence was submitted to the Governor and Intendant to support the allegations of this Petition, does not appear, but it seems they were satisfied they were true, for by Letters Patent of the 23d of October 1699, they granted to the Jesuits the Seigneurie of Sillery to hold in their own right and to their own use.—The Patent recites as motives for the grant, the facts set forth in the Petition, and observes that the Governor and Intendant were apprised of the good intentions of the Jesuits, of the great spiritual succours which they had given to the Indians, and of the enormous expenses which they had incurred to support the different Missions which they had established, particularly that at Sillery.—It further adds, that after the Indians abandoned Sillery, the Jesuits had at their own expence purchased for them different tracts of Land in various parts of the Country, on which they were now settled and that without this assistance, the Indians inevitably must have been dispersed, and have lost the benefit of the Christian Religion.

This second grant of Sillery was ratified and confirmed by the French King on the 6th May 1702, and enregistered in the Supreme Council at Quebec on the 2d July 1703.

Under this grant the Jesuits took immediate possession of Sillery, and as they have remained in possession ever since, I am necessarily of opinion that their title is good against the pretensions of the Indians.

As to the Fief of St. Gabriel, I cannot find the smallest ground for the claim made by the Hurons.

The whole was originally granted by Letters Patent, dated the 16th of April 1647, to the Sieur Robert Giffard, and the part possessed by the Jesuits, which is that claimed by the Indians, was by Giffard and his wife, (Marie Reuonard) given to the Jesuits by Deed of Donation, passed before Paul Vachon, Notary, on the 2d November 1667, and it was afterwards regularly confirmed to the Jesuits by the French King's "Letters d'amortissement."



The motives which led Giffard and his wife to make the gift are, as expressed in the Deed of Donation, friendship, and to recompense the Jesuits for several "*bons et agréables services*," which they had rendered, but whether to Monsieur or to Madame Giffard, does not particularly appear.

I have only to add for your Excellency's information, that the Indians are not at all mentioned in the above Deed of Donation. And as the Jesuits have since the 2nd of November 1667, been uninterruptedly possessed of the Fief of Saint Gabriel, and still hold it by virtue of the above Deed, and of the King's "Lettres d'amortissement," I am of opinion that the claims of the Indians are totally unfounded.

All which nevertheless is respectfully submitted by

Your Excellency's

most obedient and

most humble servant

(Signed)

J. SEWELL,

Quebec, 3d August 1797.

Attorney General.

A true Copy from the Original delivered to the Indians of Lorette in Council at the Castle of St. Lewis, Quebec, 8th August 1797.

By order of His Excellency General Prescott,

HERMAN WITSIUS RYLAND.

No. 2.

MY CHILDREN,

I have well considered the Papers which you put into my hands in the last Council which I held with you.

It appears by those Papers that in the year 1651 the Company of New France upon the Petition of the Reverend Fathers Jesuits, caused to be drawn up Letters Patent by which the Seigniory of Sillery was given, "to the Indians who usually live near to Quebec," and that in a short time afterwards this Donation was confirmed by His Majesty the King of France. That in the year 1699, upon a Representation made by the same Reverend Fathers Jesuits, it pleased the Governor and Intendant of the Province to

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revoke the Letters Patent above mentioned, and to cause others to be drawn up whereby the Seigniory of Sillery was given in property to the Reverend Fathers Jesuits, and that this second Donation was ratified and confirmed by the King of France, the 6th of May 1702, and Enregistered in the Supreme Council of Quebec the 2d July 1703.

My Children,

You must know that the King of France had a power which the King of England has not, that is to say, that what he gave one day he could take back the next, and give it to another, and thus change the possession of a Property as often as he pleased. But the Kings of England more just have not for many ages exercised such a power; they leave to the Law alone, which is equal for all, the right of deciding upon properties, and when once a property is legally given, the King looks upon the Donation as sacred and changes it never.

My Children,

I have entered into this explanation to shew to you the impossibility of granting your present demands.

At the Castle of Saint Louis at Quebec,  
this 31st March 1798.

(Signed)

ROBERT PRESCOTT.

By Order of His Excellency,

(Signed) "*Herman Witsius Ryland*"

No. 3.

To His Excellency Sir George Prevost, Baronet, President of the Province of Lower-Canada and Administrator of the Government of the said Province, Lieutenant General and Commander in Chief of all His Majesty's Forces in the Provinces of Lower and Upper-Canada, &c. &c. &c.

May it please Your Excellency,

In obedience to Your Excellency's commands signified in Captain Coore's letter of the 25th instant, directing me to communicate with the Deputation of the Lorette Indians, and to ascertain the justness of their claim to a part of the Seigniory of St. Gabriel, as stated in their Memorial to Your Excellency of the same date, I have now the honor to report, that immediately upon re-



Receipt of Your Excellency's commands, I obtained from the said Indians such information as they could offer upon the subject, and have since attentively examined the Title Deeds relating to the said Seigniory of St. Gabriel in the possession of Mr. Pyke Secretary to the Commissioners for Administering the Estates heretofore belonging to the late Order of the Jesuits in Canada.

By these it appears, that the first Grant of the Lands in question was made at Paris, on the 16th April 1647, by the then Company of New France, to one Robert Giffard, Seignior of Beauport, as containing *two* leagues in front by *ten* in depth, thus described in the Original Deed of Concession thereof, "*c'est à savoir deux lieues de terres en la Nouvelle France, à prendre aux mêmes endroits de sa précédente Concession*" (that is, Beauport) "*et rangeant icelle, ou de proche en proche autant qu'il se pourra faire, sur dix lieues de profondeur dans les terres vers le nord ouest.*" The land so conceded was granted to him, his Heirs and Assigns for ever, "*à titre de Fief et Seigneurie,*" subject to the performance of Fealty and *Hommage* at the Castle of St. Lewis upon each mutation of the said property, and charged with the usual fine or *quint* according to the custom of Paris. Of this Grant it would appear, that Giffard in the same year 1647, made a Donation to the Ladies of the Hotel-Dieu at Quebec, of *half* a league in front by the whole depth, which Donation was afterwards on the 20th of August 1653, confirmed to the said Ladies by Mr. De Lauzon the then Governor of Canada, and it is thus described, "*une demie lieu de front sur la Rivière St. Charles sur dix lieues de profondeur demembrée du Fief St. Gabriel, à prendre d'un coté aux terres concédées sur la Rivière St. Charles au Sieur Guillaume Couillard, d'autre part, à la ligne qui fait la séparation des terres depuis peu accordées aux Sauvages, d'autre bout par derrière, aux terres non concédées, et par devant à la Rivière St. Charles.*"

I likewise find, that on the 2nd November 1667, twenty years after the Original Grant, the said Robert Giffard and Marie Renouard his Wife, being proprietors of the remaining *league and one half* in front, by the entire depth aforesaid, made a Voluntary Donation thereof to the Revd. Fathers of the Company of Jesus established in Canada, in consideration as well of the friendship which existed between them, as of "*plusieurs bons et agréables services,*" which the said Revd. Fathers had rendered to the said Giffard and his wife, "*pour en jouir comme des choses à eux appartenantes,*" to hold the same, to them the said Jesuits for ever, as of their own property and estate; and they in fact from that



period downwards until the Conquest of Canada, held the said *league and one half* in front by *ten* in depth, from which latter period until the extinction of their Order in Canada, by the decease of its last surviving Member, they continued to possess the same, not as Proprietors perhaps, but as Tenants at will, subject to the pleasure of the Crown to have disposed of them thereof at any moment that it might have been deemed right to assume the said Estate into the immediate possession of His Majesty. The whole of the tract therefore, originally granted to Mr. Giffard, that is to say, the two leagues in front by ten in depth, with the *exception* of the *half league* given in 1647 to the Ladies of the Hotel-Dieu, is at this day the property of His Majesty, and is now administered in common with the remainder of the Estates heretofore belonging to the late Order of Jesuits, by His Commissioners in this Province.

Having thus disposed of the Seigniorship of St. Gabriel, which by the ratification of Mr. de Lauzon, of the half league in favor of the Ladies of the Hotel-Dieu, it would appear is bounded in front by the *River St. Charles*; and having shewn that the Lorette Indians can have no possible claim upon it, I shall now proceed to the examination of the Title Deeds, under which they still assert, that they are entitled to have a tract of *one league* in front by *two leagues and a half* in depth within the Seigniorship of St. Gabriel, including, I presume, the spot upon which their actual habitations are erected, and which their Surveyor, Mr. Ecuyer, by his figurative plan drawn in this present month of October has designated thereon by a yellow shade.

The first of these, namely the Concession of the 13th March 1651, and upon which they entirely found their claim, is *not* as they alledge a title to any part of the Seigniorship of St. Gabriel, on the contrary, St. Gabriel was no longer the property of the Company of New France, they having as has been just shewn, conceded it *four* years before to Robert Giffard, but is a Deed of Concession made by the same Company to the Indians newly converted to the Christian faith, at a place called in their language "*Kamaskila d'Angachit*," commonly called by the French Inhabitants Sillery or "*L'ance de St. Joseph*;" where the Jesuits had built a Chapel for the Indians, and administered the Sacrament to such of them as had been baptized: the tract is thus described, "*l'étendue d'une lieue de terre depuis le Cap qui termine L'ance St. Joseph, en montant sur le grand Fleuve St. Laurent sur quatre lieues de profondeur*," the whole under the guidance of the Jesuits who had converted them, and their Successors; this



Grant, "en Franc alleu" is a Tenure in many respects resembling that of Free and Common Socage in England. This Concession was afterwards in the month of July of the same year 1651, ratified by His Most Christian Majesty, with the consent and approbation of the Queen Regent, and was enregistered in the Parliament of Paris on the 11th April 1658, and in the Instrument of Ratification it is again described as bounded in *front* by the great River St. Lawrence, on *one* side towards Quebec by the Cape which terminates the Bay (l'ance) St. Joseph or Sillery Bay, on the other side at the end of the said league in *front*, and in *depth* at the end of the said four leagues running north into the woods.

These Grants having been made in France at a period when Canada presented little else to the eye than a wilderness, it cannot be matter of surprize if the admeasurement of the soil, shoud upon actual Survey, have been found in many instances to fall short of the intended quantity, that such has been the case with regard to the Grant of Sillery to the Indians may be fairly collected, as well from the subsequent transfer of the said Fief Sillery, as from the *actual admeasurement* of the soil. It is a fact, which may be instantly verified upon reference to the plan of the Province, that the depth between the River St. Lawrence at Sillery, and the River St. Charles in its rear, which last River is declared to be the *front of the Seigniory of St. Gabriel* is *precisely* one league and a half, and this fully corresponds with the designation given to the said Fief of Sillery in the *subsequent Grant* thereof, which was made to the Jesuits themselves "en propre" on the 23rd day of October 1699, by the Chevaliers de Callière et Bouchart, the then Governor and Intendant of Canada, reciting the terms of the Petition of the said Jesuits, in which it is stated, that they had enjoyed the Fief and Lands of Sillery down to *that period, as Administrators only*, for the Christian Indians, to whom the same had been given by his Majesty the French King, in 1651, that the Indians for upwards of *ten* years then past *had abandoned* those lands, and that they, the Jesuits, had procured other lands in lieu thereof, in different parts of Canada, speaking evidently of the *entire* Grant made to them in 1651, which by the words of the second Grant of 23rd October 1699, to the said Jesuits, is thus described; "pour ces raisons nous avons donné, concédé et octroyé *en propre* aux dits Pères Jesuits, les dits terres, Fief et Seigneurie de Sillery, d'une lieue de large sur la Fleuve Saint Laurent et d'une lieue et demie ou environ de profondeur, jusqu'à la Seigneurie de St. Gabriel, qui la termine par derrière, commençant du côté nord est à la Pointe de Puifseaux, et



“ d'un coté au sud ouest à une ligne qui la sépare du Fief Gaudarville, lesquelles lignes ont été tirées, l'une il y a environ vingt-cinq ans, et l'autre il y a environ quarante.”

It is therefore apparent from the whole of the titles, that as the previous Grant of the year 1647, was to be fulfilled and satisfied in the *first* instance, and as no retrocession to the Crown has or can be shewn dispossessing Giffard of any part of the lands granted to him, commencing upon the River St. Charles; and as the depth between the River St. Lawrence and St. Charles, is but one league and a half instead of four leagues, and as the Jesuits when seeking to obtain the Grant for themselves, in lieu of the Indians who had deserted Sillery, accept of it, as being of the depth of one league and a half only, terminating where St. Gabriel *commences*, that is, at the River St. Charles; there is no remaining tract of one league in *front* by two leagues and one half in depth, to which the Indians or any other person can possibly lay claim.

I have not thought it necessary to trouble Your Excellency with any remarks, upon the manifest contradictions which the pretended figurative plan of Mr. Ecuyer exhibits, as I conceive the case to be sufficiently clear from the foregoing explanation of the several titles relating to the property in question, and for the same reason I forbear to enter into the enquiry, (if in point of fact, it had or could have been made out, that there is no existing tract to which the alledged claim of the Lorette Indians would apply,) whether under the Law of Prescription their claims thereto are not now for ever barred?

All which is very respectfully submitted by Your Excellency's most obedient and very humble servant.

(Signed)

EDWARD BOWEN,

Actg. Atty. Genl. Lower-Canada.

Quebec, 31st October 1811.

No. 4.

QUEBEC, 3d July 1821.

SIR,

In obedience to the Commands of His Excellency the Governor in Chief, signified to us by your Letter of the 21st December last, we have considered the Claims made by the Huron Indians of Lorette to certain Lands in the Neighbourhood of Quebec; and after carefully examining a variety of Deeds and



Papers relative to this subject, as well as the proofs adduced in support of this claim, and having also heard all that the Counsel for the Petitioners could urge in their favour, we have at length the honor to report to you our joint opinion for the information of His Excellency the Governor in Chief. But in our own justification, we beg to remind you, that it has been at the desire of the Petitioners themselves, that our Report has been so long withheld.

The facts which the Petitioners alledge in support of their claim are, in substance, as follows:—That in 1651 the place called Sillery, consisting of one league in front by four in depth, was granted by the French Crown to the Jesuits in trust for the Ancestors of the Petitioners; that in 1699, part of the above mentioned concession, viz:—The league in front by one and a half in depth—was granted to the Jesuits in their own right, the Indians having quitted the place; that in point of Law, the latter grant could not be considered as valid, inasmuch as the Jesuits held already the lands as Trustees for the Indians: but that even admitting the validity of their more recent title, their still remained two leagues and a half in depth, to which the Indians would be entitled under the Grant of 1651.

There are in this Claim as it appears to us, and in the arguments which have been adduced in support of it, several fallacies, which we think we can shew to be such, from the various documents which it will be necessary to notice somewhat at length.

*First*.—The Petitioners seem to consider the original Grant of 1651, to have been made in favour of their Ancestors (the Huron Tribe) *exclusively*; whereas it will appear to have been made for the benefit of *all* the Savage Tribes, (*les peuples errans*) indiscriminately —*Secondly*, that grant is assumed to be unqualified and unconditional; whereas it is obvious that it was only made for the purpose of keeping the Indians together, within the limits thereby prescribed, and under the care and guidance, both temporal and spiritual, of the Jesuits; and that therefore as soon as that object was defeated, which was about forty years afterwards, the grant became null and void.

In support of our opinion upon these two points it seems only necessary to refer to the terms of the Grant of 1651, and of the Confirmation thereof in 1658.

“ La Compagnie de la Nouvelle France, désirant voir assembler les peuples errans en certains endroits, afin qu'ils soient instruits dans la Foi et la Religion Chrétienne, et ayant reconnu que quelques-uns entre eux auroient choisi depuis quelques an-



“ nées un lieu nommé Sylleri ; considérant en outre que les  
 “ Pères Jésuites, reconnoissant que les lieux étoient agréables aux  
 “ Sauvages, leur avoient fait bâtir une Eglise, &c.—Voulant  
 “ favoriser un si grand ouvrage de retenir ces bonnes Néophites  
 “ proche de leur Eglise ; nous leur donnons l’étendue d’une lieue  
 “ de terre, depuis le Cap qui termine l’ance de St. Joseph, en  
 “ montant sur le Grand Fleuve, sur quatre lieues de profondeur ;  
 “ le tout sous la conduite et direction des Pères Jésuites qui les  
 “ ont convertis, &c. et de leurs Successeurs.”

This Grant was confirmed by the King of France, in consideration “ qu’il est très-raisonnable qu’ils (the Indians in general) “ aient et qu’ils retiennent dans leur pays l’étendue de terre qui “ leur seroit nécessaire pour vivre en commun, et mener une vie “ sédentaire auprès des François ;”—And on the express conditions, “ que lesdits Sauvages soient toujours sous la conduite, “ direction et protection des Pères Jésuites, sans l’avis et consentement desquels ils ne pourront remettre, concéder, vendre “ ni aliéner lesdites terres, &c. ; et auxquels nous accordons la “ direction des affaires desdits Sauvages, sans néanmoins qu’ils “ soient tenus d’en rendre compte qu’à leurs Supérieurs.”—From these two documents it is manifest, that the sole object of the grant was the Settling of Christian Indians in general in one spot, and under the same superintendance ; and that consequently, the moment that object was defeated, either by the Indians not settling in the first instance, or by the subsequent abandonment of the Establishment, the trust was at an end.

It appears that the Indians remained at Sillery about 40 years ; after which, the land being exhausted and stripped of firewood to a considerable distance round the Settlement, they abandoned it, and at length retired to the spot which they now occupy at *La Jeane Lorette*. About 8 or 10 years after the abandonment, viz, in 1699, the Jesuits applied for a grant of the Seigniorie for themselves in their own right, stating fully in their Petition the facts of the case as above set forth, and urging moreover, the great exertions which they had made, and the expense which they had incurred in their endeavours to convert and unite the Indian Tribes. One expression made use of by them is very remarkable, to shew that the Huron Indians have no exclusive claim to this property more than the other Indian Tribes ; “ mais “ en particulier la dépense que les suppliants ont fait, pour soutenir la mission des *Algonquins* et des *Abenakis*, sur la Seignerie de Sylleri, qui a été donnée à ces Sauvages, &c.” In consequence of this Petition, Letters Patent were issued on



the 23d October 1699, granting the Seigniory of Sillery to the Jesuits in their own right, and stating as reasons, among others, for that grant, that the Government was fully acquainted with the good intentions of the Jesuits, of the great assistance both spiritual and temporal which they had given to the Indians, and of the great care which they had taken, and the vast expense which they had incurred, particularly with those established at Sillery, for whom, after that place was abandoned, they had purchased at their own expense other lands in different parts, without which the Indians would have been dispersed. It is now attempted to impugn this grant. *First*, as being inconsistent and incompatible with the character in which the Jesuits stood as Trustees and Agents for the Indians. *Secondly*, as having been obtained on a false suggestion of the purchase of other lands for the Indians by the Jesuits; and *lastly*, as conveying that which the French Crown had no right to grant at all, it being already vested in the Indians. If it be true, as we have submitted, that the abandonment was a forfeiture of the grant of 1651, as being a breach of the condition, the trust reposed in the Jesuits was at an end, and could therefore form no obstacle to their receiving the property in their own right; and this is also an answer to the third ground of objection. Nor is it to be presumed that the suggestion of the purchase of other lands by the Jesuits was false. No particular lands are specified as having been purchased, any more than the particular tribes for whom the purchases were made; but it must be presumed that the Government was convinced of the fact, or it would not have been assigned as a reason for the grant to the Jesuits. Besides, the length of time, being upwards of a century, during which the Jesuits enjoyed the undisturbed and undisputed possession of the property, would of itself be an answer to any objections which could be made to the grant, or to the motives which induced the French Crown to make it.

But *lastly*, it is contended on behalf of the Petitioners that, even admitting the validity of the grant to the Jesuits, yet as that grant is limited to one league and a half in depth, there still remains two leagues and a half, of the equitable claim to which the Indians have never been divested, and out of the proceeds of which it is alleged that an annual allowance has been made to the Huron Indians. It would be sufficient, we apprehend, in answer to this argument, to observe that the abandonment of the Settlement operated as a forfeiture of the whole Property conceded in 1651. But it will be seen that the grant *proceeded on a mistake in point of measurement*; and that the depth of Sillery could not in



fact exceed one league and a half or thereabouts, being then met and bounded by the Seigniorship of St. Gabriel. In order to understand this part of the subject, it is necessary to make some enquiry with respect to this latter Seigniorship. In 1647, one Robert Giffard, then being possessed of the Seigniorship of Beauport, obtained from the *Compagnie de la Nouvelle France*, a grant of two leagues in front by ten in depth, to be taken adjoining, or as nearly as possible, to his Seigniorship of Beauport. Giffard however finding that this grant could not be carried into effect, inasmuch as the Seigniorship of Beauport, was bounded on the one side by the Côte de Beaupré, and on the other side by the Seigniorship of Notre Dame des Anges, made a representation thereof to the Company; and thereupon, in May 1647, obtained a grant of land of the same extent wherever he could find it vacant; and he accordingly chose it between the Fief St. Joseph and the Seigniorship of Guadarville. Of this land, Giffard conveyed half a league in front by the whole depth to the Nuns of the Hôtel-Dieu, under the name of the Fief St. Ignace, and in November 1677, he conveyed the remaining league and a half in front by the whole depth to the Jesuits by the name of the Seigniorship of St. Gabriel. It afterwards however appeared that St. Gabriel consisted of only one league in front, that being the whole depth between Guadarville to the West and St. Ignace to the East. The lateral lines of Sillery were never drawn, but it is obvious, from the documents we have already noticed and from others which we have considered, that they would form right lines, or nearly so, with those of St. Gabriel, inasmuch as each of those Seigniorships consists of one league in front and each is bounded to the West by that of Guadarville.

The only remaining question therefore is, where the line is to be drawn forming the extreme depth or northern boundary of Sillery, and the front or southern boundary of St. Gabriel; It does not appear that this line has ever been drawn; but by an *aveu et dénombrement* of St. Gabriel, rendered by the Jesuits in 1677, that Seigniorship is stated as taking its front on the River St. Charles; and in an *aveu* of Sillery rendered by them in 1678 as administrators for the Indians the latter Seigniorship is represented to be, “une lieue et demie ou environ de profondeur, quoiqu’il soit dit par le titre de concession que la dite Seignorie aura quatre lieues de profondeur, attendu que la Seigneurie de St. Gabriel, de laquelle le titre est primitif, la coupe au droit de la Rivière St. Charles.” The same thing is stated by the Jesuits in their petition of 1699, for the grant of Sillery to themselves. Moreover several boundary lines have since been drawn by the Jesuits, as owners as well of St. Gabriel as of Sillery, with the adjoining Seigneurs; in particular one in 1724, between Fief St. Ignace and St. Gabriel; and one in 1733 between Fief St. Michel (belonging to the Seminary and Sillery.)

On searching the book in possession of the Commissioners for managing the Jesuits’ Estates, nothing appears to shew that any allowance has



ever been made to the Indians for the land of which it is alledged they have been deprived since their residence at La Jeune Lorette ; they have received various other tracts of land from the Jesuits, all of which are comprised within that part of St. Gabriel, which it is now contended is a *démembrement* of Sillery :—But we do not find that these were ever claimed as a matter of right on the part of the Indians or conceded to them as such.

We have now only to conclude our report, which has necessarily run into considerable length, by stating as our humble opinion, that there is no ground for the claims which have been submitted for our consideration.

We have the honor to be

Sir,

Your most obedient Servants.

CHARLES MARSHALL,  
Sol. Genl.

(Signed) G. VANFELSON,  
Advt. Genl.

## APPENDIX (G.)

### No. 1.

WEDNESDAY, 25th February 1824.

Joseph Bouchette, Esqr. Surveyor General of Lower-Canada, appeared and was examined.

Q. Were you at any time, and when, requested by the Huron Indians residing at the Village of Lorette, near Quebec, to lay before His Majesty's Government in England, their Claims to certain Lands in the Neighbourhood of Quebec, and what did you do thereupon ?

A. I was requested to do so previous to my departure for England in 1814 ; when in London, I addressed a Letter on the subject of their Claims to Earl Bathurst, to which I received an answer referring the consideration of the Subject to the Colonial Government.

Q. Did you communicate to the said Indians upon your return the proceedings had in this matter ?

A. I did, and put the Papers into their hands.

Q. Are the Papers now shewn to you numbered 1 and 2, those alluded to by you ?

A. Yes.

Q. Would you furnish the Committee with a figurative sketch



of the Seigniory of Sillery as of four leagues in depth, and shewing the relative positions of the Seigniories of Beauport, St. Ignace, St. Gabriel, and of the Seigniory heretofore granted to Mr. Couillard ?

A. I will endeavour to do so in the course of to day.

THURSDAY, 26th February 1824.

Joseph Bouchette, Esquire, produced to the Committee the annexed Sketch in conformity to the request expressed by the Committee.

No. 2.

LONDON, 15th MAY 1816.

SIR.—Having been requested by the Chiefs of the domiciliated Tribe of Hurons inhabiting the Village of Jeune Lorette near Quebec, to lay before His Majesty's Secretary of State for Colonial Affairs their claims to a certain extent of Land allotted to them by the ancient French Government ; I should not be doing my duty were I to omit this opportunity of complying with their wishes.

It appears by the annexed document that they have a legal title to  $2\frac{1}{2}$  leagues in depth of the Seigniory of St. Gabriel, granted to them by the King of France in 1651, but of which for years past they have only occupied the Lands adjacent to the Village of Lorette ; by this curtailment they experience great difficulties, as their possessions are not now adequate to maintain the encreased population of their Tribe. I am not certain but what they may have been dispossessed of the remainder of their Grant owing to their omission of some technical forms for some years back, and therefore can only second their desires as far as they go in praying that an investigation of their claims may take place before the proper Officers of the Provincial Government, and which is now submitted to the consideration of my Lord Bathurst, in his wisdom either to sanction or reject. Should such an investigation be ordered by His Lordship, and in the event of its being decided that they have justly forfeited or been disseized of their possessions, it may be submitted as a question, whether it be not politic to grant them an equivalent out of some of the Crown Lands, otherwise they will be reduced to great



hardships in providing for and establishing the rising generation of their Tribe.

I have the honor to be respectfully

Sir,

Your most obedt. humble Servt.

JOs. BOUCHETTE.

HENRY GOULBURN, Esqr.

Under Secretary of State, &c. &c. &c.

No. 3.

DOWNING STREET, 21st. MAY 1816.

SIR,

I have laid before Earl Bathurst your letter of the 9th instant, transmitting various documents in support of the claims of the domiciliated Tribe of Hurons to a tract of Land in the Seigniorship of St. Gabriel, formerly granted to them by the King of France; and I am directed to acquaint you in reply that they ought to be submitted in the first instance to the Governor of the Province, and in the event of his not feeling authorized to decide on the question contained in them, his Lordship will give such instructions thereupon as the case may appear to require.

I am,

Sir

Your most obedt. Servant,

HENRY GOULBURN.

J. BOUCHETTE, Esqr.

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MINUTE REPORT

publishing in providing for and establishing the thing mentioned of their title

I have the honor to be respectfully

Your most obedt humble Servt

JOS BOUCHETTE

HENRY GOUBURN, Esqr,  
Under Secretary of State, &c. &c.

No. 3

DOWNING STREET, 21st Mar 1816.

Sir,

I have had before me your letter of the 31st instant, transmitting various documents in support of the claim of the late King of France to a tract of land in the Kingdom of France; and I am directed to acquaint you in reply that they ought to be returned in the first instance to the Governor of the Province; and in the event of his not feeling authorized to decide on the question contained therein, his Lordship will give his opinion thereon as the case may appear to require.

I am,

Your most obedt Servant

HENRY GOUBURN

J BOUCHETTE, Esqr