

THE GOVERNMENT AND THE OKA INDIANS.

The papers we publish, one from the Government, and one from the Civil Rights Alliance in answer, will throw light upon a most important question. The controversy between the Oka Indians and the Seminary of St. Sulpice has been long drawn out, and, as yet, no one can see the end of it. The Indians hold that they have certain rights on the property of the Lake of Two Mountains—in fine—the right to live on it. The Gentlemen of the Seminary deny their right to anything more than religious instruction. That instruction the Indians decline to receive. Good, say the Gentlemen of the Seminary, then you can go where you please, on this property you have no further claim. The Minister of the Interior is, by legal enactment, the guardian of the Indians, and his part is to see that they have justice at least, if not mercy. But they have other guardians as well as the Minister of the Interior, self-elected, as the Prime Minister put it the other day in the House of Commons; that is to say; they are elected to the work just in the same way as the Hon. Mr. Mackenzie was elected for Parliament—he first elected himself, it is to be presumed, and then got some votes. That is just what the gentlemen forming the Committee of the Civil Rights Alliance did. They saw that certain work should be done, and they were asked in public meeting to do it. The cases are not exactly parallel, of course, for while the Committee of the Civil Rights do the work for no pay in money—the Hon. the Prime Minister draws a large salary for the work done by him. It is a pity that Mr. Mackenzie should have lost his temper over this matter, and have spoken as he did. For a glance at the names of the Alliance Committee will show that at least 80 per cent. of them are leading Liberals—men who are in sympathy with Mr. Mackenzie's Government, and many of whom work hard for that Government, in season and out of season. So the Civil Rights Alliance must not be regarded as antagonistic to the party in power. It is more than probable that the Committee will pass by the ungenerous and heated remarks of the Prime Minister and maintain their fealty to the Liberals.

The Hon Mr. Mills has shown a praiseworthy anxiety to become acquainted with the intricacies of the subject so that a just and final settlement may be reached. But he has need of more light and further information, as the letter from the Department demonstrates. Governments since 1868 have misunderstood the situation. They have gone under the assumption that the Indians claimed—or their friends for them—that the Seminary had no rights, and that the land was the property of the Indians. Even some members of the Civil Rights Alliance had fallen into the same error. But that is not correct. The gentlemen of the Seminary have an indisputable right to the property—it was given to them by an Act of Parliament, and only an Act of Parliament could take it away again. But the question is: Have not the Indians also rights and just claims? Dr. Beers has worked hard and well to put the matter in a clear light before Government and the public. He has said, "I acknowledge the rights of the Seminary; I do not ask that the Seminary shall be dispossessed, but I do demand that the Seminary shall fulfil its trust received from the Government and its obligations to the Oka Indians." Dr. Beers contends that the Indians have by the articles of the original treaty the right to cut wood for houses, &c. And, doubtless, he is right.

The Government seems to imagine that by changing their religious belief and breaking away from the Catholic Church, the Indians have forfeited their original benefits. But that is absurd. There is no such stipulation or enactment anywhere. The rights of the Indians are no where based upon their form of faith. That the Seminary should impart religious instruction to them was one of the obligations; when the Indians declined to receive it longer, that did not release the Seminary from the other obligations required of it. And the Indians—and the Civil Rights Alliance on their behalf—simply ask now that the other part of the compact shall be justly carried out.

It is, without doubt, a difficult matter to bring this question to an equitable settlement, but the Government have it under their control, and should see that it is done speedily. For while the Seminary can afford to let the question simmer and wait on the law courts, the Indians cannot. They have been living mostly on charity for some time past; a precarious thing at the best. Far better that justice should be done to all parties. We do not ask that the Seminary shall be spoiled or disestablished—though perhaps that would be the best thing that could happen—but we ask for a continuation of that wise and friendly policy the Canadians have always pursued in matters that affected the Indians.

Meantime we would commend the very excellent suggestion made in the answer of the Civil Rights Alliance—that the Government Agent at Oka should be instructed to secure to the Indians the acknowledged right to cut wood for their own use.

THE OKA INDIANS.

A STRANGE GOVERNMENT DOCUMENT.

OTTAWA, March 23rd, 1878.

SIR,—I am directed by the Superintendent-General of Indian Affairs to acknowledge the receipt of your letter of the 15th instant, communicating the effect of a conversation you had with the Rev. Mr. Borland, a member of the Civil Rights Alliance of Montreal, with respect to the proposition of the Department to remove the Indians of Oka to Cockburn Island, and enclosing a written statement by Mr. Borland of his views on the subject.

The Department have gone into the whole history of the Oka Indian matter, have read and carefully considered all that Mr. Borland and other friends of the Indians have advanced on the subject, and have taken the best possible legal advice, that advice has uniformly been that the Indians have no legal title to the soil, that the gentlemen of the Seminary are not trustees for the Indians but absolute proprietors of the land, and that no suit against the Seminary with a view to obtain possession of the property for the Indians could be successful. The Department, therefore, cannot accept Mr. Borland's opinion in a legal question as against the opinion of the first lawyers in the country.

More than two years ago Mr. Borland and those associated with him were given an opportunity of bringing a test case before the courts, but up to the present moment they have neglected or at least failed to do so, leaving the Department to draw the obvious inference that their counsel is not of opinion such a suit would succeed. If there is any blame resting upon anybody on account of no action having been taken, it is not certainly upon the Department. From advice given by counsel who have considered every phase of the question with the utmost care, and who brought to their work ability of the highest order, the Department is convinced that the only result of taking the case into court would be to confirm the Seminary in what they claim to be their rights. I need scarcely say that in that event the Indians would receive nothing. The Seminary offer the Indians twenty thousand dollars at present for any rights they *may have*, if they will move altogether from the seigniory.

The Department believe it in the interest of all parties to the dispute, and especially in the interest of the Indians, that all causes of difficulty and difference should be removed, and have therefore earnestly pressed upon the chiefs and leading men of the band the desirability of accepting the offer of the Seminary. The Superintendent-General has not been informed what those who interfere between the Indians and the Department propose to do in case a suit is brought and the result is unfavourable to the Indians. Are they prepared to bear the loss, and to make up to the Indians an amount equal to that which the gentlemen of the Seminary now offer? Are they prepared to give some satisfactory assurance that the Indians, should they prefer their advice to the advice of the Government, are not going to lose by doing so? These are considerations which ought to be carefully weighed by those gentlemen before they take upon themselves the onerous responsibility of urging the Indians to disregard the advice of the Government, and refuse to entertain the propositions which have been made to them.

If an early and favourable conclusion to these negotiations is not arrived at, it is the intention of the Department to withdraw their Agent from the seigniory and leave those who have interfered to prevent the Government from exercising successfully their good offices with the Indians, the responsibility of any difficulty which may arise in consequence. It would be well that the Indians, Mr. Borland and all concerned should know that the gentlemen of the Seminary renewed their offer with a great deal of reluctance, and that it will be open for acceptance for but a limited period.

As to the points raised in the resumé of the conclusions arrived at by the committees of the Civil Rights Alliance and the Methodist Church, which Mr. Borland recites, the Superintendent-General directs me to say:—

1st. That very serious objections have been raised by some of the people of the Manitoulin Islands to that locality being selected for the Oka Indians; but even were this not the case, the Department considered Cockburn Island the best suited and at the same time the most available for the purposes of an Indian Settlement.

2nd. In discussing what the Government would or would not do for the Indians in case of their removal as proposed, it must be borne in mind that the Indians are not nor is it desirable to make them pensioners upon the country. The Government and the Department are merely trustees to administer the property of the Indians as may be thought best for the Indians themselves. There is no fund in the possession of the Government belonging to the Oka Indians, and beyond administering these funds and seeing that no injustice is done them it has not been the practice to go. Their personal wants must be met by their own industry and by Provincial and Municipal authorities.

3rd. It will at once be apparent to Mr. Borland that the erection of a church and parsonage by the Government is something entirely at variance with the well settled policy of the Department, something which must in this case and every other be left for the churches and religious organizations interested in the spiritual welfare of the Indians to accomplish.

4th. Of course it would be necessary to defray the cost of whatever lands on Cockburn Island was purchased for the Indians out of the sum offered by the Seminary. These lands have recently been surrendered by another band of Indians, and the proceeds of any sale which takes place goes to the credit of the fund which the Department administers in their behalf.

The department have no means of purchasing these or any other lands for the Oka band other than such as the amount given by the Seminary in consideration for their removal may afford; but the price of the lands on Cockburn Island is so small, only fifty cents an acre, that the expenditure would be quite inconsiderable.

5th. In conclusion I am to say that the Superintendent-General in his capacity as Trustee for the Indians, in case the proposition he has made to