

SIR,—I regret that through, to us, unforeseen circumstances, the gentleman appointed by the Civil Rights Alliance Committee to prepare a reply to the Superintendent General's letter of the 23rd March, and which you transmitted to me here, was prevented from performing that duty. His lack of service will, however, be rendered by another gentleman, who, I have reason to believe, will be long forward to you the reply that Committee desire to lay before the Superintendent General.

I may observe that at the earliest moment practicable the Committee of the Methodist Missionary Society (that branch of it having the supervision of the French and Indian Missions of the Montreal Conference) of Montreal, and that of the Civil Rights Alliance, were convened, when they gave to the communication the attention which its importance demanded ; and although they are distinct committees, and met at different times and places, yet they perfectly agreed as to the nature of the reply which should be made to it.

It is right I should say here that if the gentlemen of these committees, and many others whom they represent, manifest a deep interest in the welfare of the Indians of Oka, it is because they believe they were thrown most providentially upon them, hence they have acted in their behalf in a variety of ways, and in a number of instances, the bare record of which would make quite a volume, and would, I am satisfied, fully justify them before the world for interposing their judgment on any settlement that might be offered for the acceptance of the Indians. Beyond doing this (which they regard it a duty to do), they have not desired nor attempted to go.

It is with much surprise that we perceive the Superintendent General quotes from the argument of the Hon. M. Langevin in defending the claims of the Seminary. This he does, when he says the gentlemen of the Seminary "are not Trustees for the Indians, but are the absolute proprietors of the land." That such a statement could be made by Mr. Langevin is scarcely accounted for even by his well known devotion to the wishes of the clergy of his church, seeing that in the ordinance of 1846, which purposes only to confirm the titles of the Seminary, there is the declaration that such confirmation was "*under and subject to terms, provisos, conditions and limitations,*" which "*were fully and formally agreed to and accepted by the said ecclesiastics of the said Seminary of St. Sulpice, of Montreal.*" The assertion of M. Langevin, therefore, of absolute proprietorship, when conditions and limitations, terms and provisos are clearly expressed and acknowledged, is a contradiction, if not an absurdity, and so obviously so, that no thoughtful man, I venture to affirm, should allow himself to utter it; and the greater reflection is it in this instance, for in reading the papers in the case, as doubtless he did, he must have been aware of the following facts:—That the lands were granted in the interests of the Indians, and not in those of the Seminary; and that the Seminary can only claim from them—as indeed from all their immense estates—"the support and maintenance of the members of the Corporation, its officers and servants;" while any surplus of their income beyond the objects specified in the ordinance may be applied for "*the support of such other religious, charitable, and educational institutions as may from time to time be approved and sanctioned by the person administering the Government of the Province for the time being, and for no other objects, purposes or interests whatsoever.*"

There is an idea suggested by certain words used by the Superintendent General in the letter to which I am replying,—viz., that we wish to obtain for the Indians the entire and exclusive possession of the Seigniories. The words which I think convey this idea are: "And that no suit against the Seminary, with a view to obtain possession of the property for the Indians could be successful." But the position we maintain for the Seminary is simply this, and no more: That a community of interests exist in the Seigniories of the Lake of Two Mountains and St. Placide between the Seminary and the Indians; that they were given originally for a Mission to these Indians, in which residence and maintenance are clearly and fully implied; and that as a *Mission* implies the existence of two parties, the teachers and the taught, therefore they (the lands) are held for the maintenance of both parties alike. For the Seminary, being but one party in the Mission, to seek to possess and dispose of the whole of the property, is an injustice for which they should be held accountable, and be met by the most determined resistance. Nor is this all; but because of the manner they have acted on this assumption, in the management of these lands, and the sufferings and privations to which they have subjected these Indians, they should be—and may yet be—prosecuted for heavy damages. It is becoming the deep and serious conviction of many persons that such an action is loudly called for; and perhaps this form of pressing the matter of title is the best one for reaching a speedy and satisfactory solution of this knotty question. M. Garneau, the French and Roman Catholic historian of Canada, gives much weight to this conclusion when he says "The Jesuits" (and his remarks apply as fully to the St. Sulpicians and the Recollets) "were only *depositaries of that property*, since it had been given them by the King of France for educating the people, and the instruction of the savages of New France." And here I will add, with such facts before us as these I now give, it will not seem surprising to you that we pay but little attention to the judgment of the Hon. M. Langevin in this case, high as his qualifications may be thought to be, to give a judgment in this or any other question of a strictly legal character.

Nor should it be without weight with the Government and those friends who are taking so great an interest in the affairs of these Indians, that with them is a large and deeply sympathizing community, not only in all parts of the Dominion, but in many portions of the parent land, who would never excuse us were we to become a party to such a compromise of the Indians' claims and rights as to give so great—nay, the entire—advantage to the Seminary as the present proposed arrangement unquestionably would do. We are compelled, therefore, to press our conclusions, viz., that if the Seminary will not pay a just compensation to these Indians for leaving Oka, and them (the Seminary) in the full and undisturbed possession of the lands in question, or at least pay what a commission of impartial and intelligent gentlemen might decide upon, then a suit at law should be entered and pressed by the Government with the utmost determination, as that by a competent authority a just judgment as to the relative claims of each party would then be reached, and an irritating and dangerous

The Superintendent-General says : ' 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.' To this statement it is only necessary to say that from the hour the authority was given by the Government, through the late Mr. Howe, to bring a case into Court to test the question of title as between the Indians and the Seminary to the present moment, it has been kept before the Courts so far as it was possible for the friends of the Indians to do so. Several reasons might be assigned for our failure in reaching the much desired point to the present, but assuredly they do not lay against us. Every expedient that a fertile brain, a pliable conscience, and immense wealth could devise and execute has been employed by the Seminary and their lawyers with no other conceivable object than to prevent the question from being even entertained, much less decided, by the Courts. That such is no misstatement of their policy will be readily inferred from the following fact : Mr. Maclaren and Mr. Geoffrion (the latter gentleman is the Seminary's lawyer in the city, and by no means chargeable, I am happy in saying, with the conduct so reprehended above,) agreed that as the case now contested had become so clogged by other questions as to preclude all hope of an early decision upon it by the Courts, a new one should be taken up, which, being untrammelled by anything extraneous to it, could the more readily be pressed as the test case, and thus the question be brought to an early conclusion. But when the proposition was put before the gentlemen of the Seminary, they at once declined to accede to it, and hence it fell through. But may we not infer from this act, and especially when with it we look at the obstacles they are ever throwing in the way to clog the process of the present case, that they very much fear the decision of the Courts would be against them ; and, therefore, that their title is by no means, in their estimation, the reliable thing they affect to regard it ?

Again, we are told by the Superintendent-General that were the case brought into Court and the result adverse to the Indians, then "in that event the Indians would receive nothing." But an adverse result, and that after a full and proper hearing of the case—the case, I say, not one based upon a claim as extreme in one direction as is that of the Seminary on the opposite, but the case as implying a party right in the lands of these Seigniories, and which lies within the consistently explained terms of the original grants—we do not for a moment fear. But even then, assuming that the adverse judgment were to be given, I may well ask, Are these the only Indians in our Dominion who have no claim for a provision in land to be made for them? An adverse result in the Courts would at least show that for these Indians no provision had to the present been made. Shall we not account for this by the supposition that to the Governments of our country, as to the people generally—yes, not excluding even the Seminary itself, until very recently—the impression was deep and controlling that in the lands of the Lake of Two Mountains, &c., provision had already been made? And surely, with such facts before us, we will not conclude with the Superintendent-General that in the event of an adverse result in the Courts "the Indians would receive nothing."

Again, we are asked, In the event of an adverse result to the Indians from a suit at law, "are they" (the friends of the Indians) "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?" Our reply is, If such should be the case—a circumstance we have but little fear of—the friends of the Indians would do for them everything in their power, having little doubt but that they could without much difficulty make their condition quite as tolerable as by the Seminary it has been made for many years past. The gentlemen of the Seminary in the offer they now make, and especially in the manner in which they make it, show very clearly that they feel themselves the masters of the position. Not from the conviction they hold of the legal bearings of their case; but from other reasons which many are not slow in naming, but of which I need not here be more particular in referring to.

A point very material for the Government, as for many others to know, is—the Indians have always had a strong aversion to the idea of leaving Oka, and never have consented to do so until lately, and that in the strong representations their friends made to them of the prospects of their doing so. Our success in this particular was not attained, but after a series of most painful annoyances they were made to endure from the Seminary and their agents, they then consented to remove, if suitable lands were allotted them. An assurance to that effect I was authorized to give them, and all hoped that now, or very soon, they would be placed beyond the reach of the Seminary and their hired ruffians for further annoyance. But an unforeseen, and certainly an unexpected, occurrence arose that blasted this fair prospect, and that was in the Government refusing to give us the land we had selected—in other words—they failed to fulfil the promise they had made to us. The whole thing therefore ended in most painful disappointment, and has, as a consequence, made a deep impression that no ordinary responsibility rests upon those who would ever again counsel and invite to another removal, and which should not be done but under circumstances that give a full and reasonable promise of an equitable and successful result.

When I said, in my former letter, that in any sum the Seminary might be required to pay, provision should be made for a church, a school-house and a parsonage, I was quite aware that means for the erection of such buildings was ordinarily (though not always, I venture to imagine) "entirely at variance with the well-settled policy of the Department." Still, I think I was justified in alluding to this, inasmuch, as such buildings had been procured for the Indians at Oka by the Methodist Missionary Society, and therefore, on the Indians leaving Oka, they would be left with the Seminary. It is true, the church no longer exists, but we have an action pending for the value of the church, and for the damages accruing from its demolition, which, upon a settlement, according to the present offer, would have to be withdrawn. I think I did not propose anything inconsistent with the duty of the Government when I made the suggestion referred to.

To another particular in the Superintendent's letter I must not omit a reference. It is the following:—"If an early and favourable conclusion to these negotiations is not arrived at, it is the intention of the Department to withdraw