

witnesses spoke of their resistance to the original golf-course in the late 1940's. The forest had originally been planted to prevent erosion of the sandy soil at the top of the hill and overlooking the town of Oka, from descending down into the town under heavy rainfall. It was apparently for this reason that the Municipality was persuaded in 1947 not to develop that part of the common lands that became the object of dispute in 1989-90.

Mr. Girard testified that the proposed golf course expansion in 1990 threatened a unique part of the forest, consisting of a hemlock forest planted by the Mohawk people on their own initiative and in their own manner in the 1910's. This forest was not planted row by row in the European manner, but in bunches, in a way resembling with remarkable accuracy a natural growth forest. Mr. Girard stated:

They [the Mohawk people] planted hemlock, bunching them together and the amazing thing is that, today this forest is very healthy and it reproduces the natural eco-system. I am going to make a claim here. I think it is the only forest in North America that has been planted in a bunch like this, the oldest one for sure. That forest should be studied by foresters and by people who are interested in replanting, because its success is so amazing. Nowadays golden eagles, bald eagles and pine warblers, very rare species of birds, love to nest in this forest....By the 1920's the Oka experiment was recognized throughout the province of Quebec and also in Canada as a real success. (*Minutes of Proceedings and Evidence*, Issue No. 54:60)

According to Mr. Girard, it was this forest that the Mohawk people came to call "The Pines".

By the 13th of March 1989, the Municipality had accepted an offer by Mr. Rousseau to sell approximately 45 acres of land for \$70,000 on condition that the land was used for the golf course expansion and provided the Municipality accepted a subdivision plan for the remainder of the land amounting to approximately 30 acres. By this time, signs of strain in the relations between natives and non-natives were evident.

On the 22nd of March 1989, Grand Chief Clarence Simon of the Six Nations Traditional Hereditary Chiefs wrote to the Municipality of Oka enjoining the Municipality not to proceed with the expansion of the golf course, asserting unextinguished aboriginal title to the land and strongly advising the Municipality not to make any further developments on Mohawk territory.

According to the evidence of a local environmental group (Regroupement pour la Protection de l'Environnement d'Oka) in April 1989, 300 Mohawk people peacefully marched through the streets of Oka. They invited non-native residents to join them in opposing the golf course expansion on political, social and environmental grounds and maintained that a moratorium on development would be beneficial to all. The Mohawk people also asserted ownership of the land and stated a wish to maintain its current character as a recreational site.