

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

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

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

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

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

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

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

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

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

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

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