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Memoranda of Oka Indians 1878?
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To His Excellency the Right Honorable the Earl of Dufferin, K.P., K.C.B., &c., &c.,
Governor General of the Dominion of Canada, in Council.

The memorial of the undersigned Iroquois and Algonquin Indians residing in the Village of Oka in the Seigniorie of the Lake of Two Mountains, and others, citizens of the City of Montreal and elsewhere, in the Province of Quebec

RESPECTFULLY REPRESENTS:

That for a number of years past, difficulties of a very painful and dangerous nature have existed at the said Village of Oka, between the Indians there located, and the Seminary of St. Sulpice of Montreal, as to the respective rights of the said Indians and Seminary, in the enjoyment of certain lands and forests in said Seigniorie.

That a large majority of said Indians having withdrawn from the Church of Rome, a building was erected to serve them as a Chapel and School-house, for the purpose of religious worship and education.

That this building was destroyed by the said Seminary, on the 7th of December 1875, under circumstances which will be hereinafter mentioned, and since that time the said Indians have been deprived of a suitable building for religious worship, or for the education of their children.

That on or about the 15th of June 1877, the Roman Catholic Church and parsonage which had existed at Oka for a great many years, were destroyed by fire and accusations of incendiarism have since been made, respecting different and opposing classes and parties.

That the said fire occurred while the whole village was in a state of great excitement, over the arrest and conveyance to jail under circumstances of excessive aggravation and cruelty of eight of these Protestant Indians, and the news that nearly forty others were to be arrested, and driven from their homes for acts which were done in the exercise of a legal right in the opinion of the said Indians and of the undersigned as will hereinafter be shewn.

That these arrests were made by the employees of the Seminary, aided by a body of the Provincial Police who had been brought to Oka with arms and ammunition as for a bloody conflict; seeing which a large number of the Indians took up arms, and prepared violently to resist the execution of these warrants which they believed to have issued in abuse of the process of law. That there consequently existed for a number of days, two camps of armed men who might at any moment have come to collision.

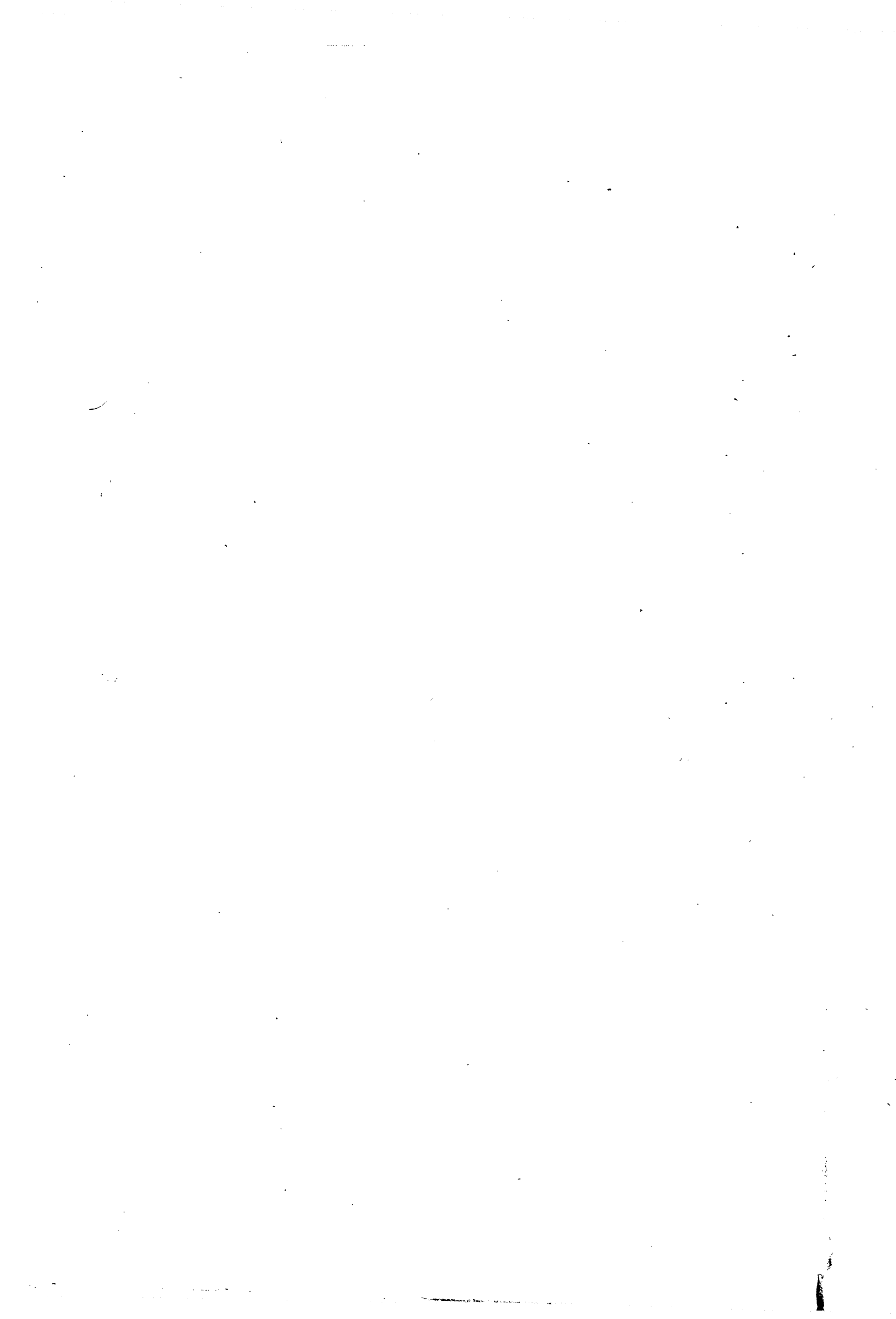
That the facts above disclosed, in the opinion of your memorialists, make it the duty of your Excellency's Government on whom devolves the care of these Indians, to adopt immediate and effective measures to settle finally, and in conformity with law and justice these troubles which from their religious aspect threaten to spread among Her Majesty's subjects all over the Dominion, the most dangerous elements of discord and even bloodshed.

That in order to enable your Excellency's Government fully to understand the facts bearing upon these disputes, your Memorialists beg to state the respective contentions of the Seminary and the Indians.

The Ecclesiastics of the Seminary, contend that they are absolute proprietors of the Seigniorie of the Lake of Two Mountains, and in a document signed by their legal representatives and produced on the 24th of August 1876, in a suit now pending in the Superior Court, Montreal, under the number 1310, they base their rights upon the following averments:—

“Que par brevet de concession octroyé à Québec, le 17 Octobre, 1717, par Philippe de Rigaud, Marquis de Vaudreuil, alors Gouverneur de la Nouvelle France et Michel Begon, Intendant de Justice Police et Finances, en la dite Nouvelle France, en vertu du pouvoir à eux conjointement donné par sa Majesté le Roi de France, les dits Gouverneur et Intendant ont donné et concédé aux dits Ecclesiastiques un terrain formant partie de la dite Seigneurie des Deux Montagnes pour y transporter la Mission des Sauvages qui existait alors au Sault-au-Recollet et qui était desservie par les dits Ecclesiastiques, pour par ces derniers en jouir à perpétuité, quand même la dite Mission en serait otée, en pleine propriété à titre de Fief et Seigneurie, avec droit de haute, moyenne et basse justice, droit de chasse.

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et de pêche, tant au dedans qu'au devant de la dite Mission, sur le Lac et Fleuve St. Laurent, à condition qu'ils feraient à leur dépens toute la dépense nécessaire pour le changement de la dite Mission et d'y faire bâtir aussi à leurs dépens, une Eglise, un fort de pierre pour la sureté des Sauvages, suivant les plans qui en seraient incessamment remis par les dits Ecclesiastiques aux dits Gouverneur et Intendant, pour être par eux vus et approuvés, les dits batiments devant être finis dans l'espace de deux ans.

"Que le dit brevet de concession a été duement enregistré au Bureau du Régistrateur Provincial à Québec, dans le Régistre de l'Intendance."

"Que par un autre brevet de concession, en date du 26 Septembre, 1733, le Marquis de Beauharnois, alors Gouverneur de la Nouvelle France et Jules Hocquart, Intendant de Justice, Police et Finances du même pays ont concédé aux dits Ecclesiastiques, *au même titre que ci-dessus* le restant de la dite Seigneurie, lequel brevet de concession a été également enregistré au dit Bureau du Régistrateur Provincial au Régistre de l'Intendant.

"Que les dites concessions ont été duement ratifiées par sa Majesté le Roi de France, par ordonnances portant respectivement les dates du 27 Avril 1718, et du 1er Mars 1735.

"Que pour la première de ces ordonnances, il fut accordé sept années au lieu de deux aux dits Ecclesiastiques pour faire les constructions susmentionnées."

"Que par la seconde des dites ordonnances, le Roi de France exempta les dits Ecclesiastiques de faire construire un fort de pierre, comme étant devenu inutile et déclara que les travaux exécutés à cette époque par les dits Ecclesiastiques dans la dite Seigneurie du Lac des Deux Montagnes étaient suffisants."

"Que par un ordonnance du Conseil Spécial du ci-devant Bas-Canada, passé dans la troisième année du Règne de Sa Majesté, la Reine Victoria, Chap. 30 et intitulée "Ordonnance pour incorporer les Ecclesiastiques du Séminaire de St. Sulpice de Montréal, pour confirmer leurs titres au Fief et Seigneuries du Lac des Deux Montagnes et du Fief et Seigneurie de St. Sulpice, en cette Province pour pourvoir à l'extinction graduelle des redevances et droits seigneuriaux et pour autres fins," les dits Ecclesiastiques ont été duement incorporés sous le nom de "Les Ecclesiastiques du Séminaire de St. Sulpice de Montréal," et que leurs droits et titres à la dite Seigneurie du Lac des Deux Montagnes et à tous et chacun du Domaine, ès-terres, réserves, bâtimens, messuage, tenemens et héritages, situés dans la dite Seigneurie ont été confirmés et déclarés bons, valables et efficaces en loi, aussi pleinement, de la même manière et avec la même étendue que les Ecclesiastiques du Séminaire de St. Sulpice du Faubourg St. Germain de Paris ou du Séminaire de St Sulpice de Montreal, conformément à sa constitution, avant le 18 Septembre 1759, un des deux Séminaires ou chacun d'eux pouvaient ou auraient pu le faire ou avaient droit de le faire, ou pouvaient ou auraient pu jouir, faire et disposer des dits droits et titres ou d'aucune partie d'iceux avant la dite dernière époque."

"Que par la dite ordonnance, il fut de plus ordonné que la communauté des Ecclesiastiques du Séminaire St. Sulpice de Montréal et leurs successeurs seraient et furent de fait, par icelle ordonnance, investis de la dite Seigneurie du Lac des Deux Montagnes et de tous et chacun les domaines, terres, bâtimens, messuages, tenemens et héritages quelconques, pour les dits Sieurs Ecclesiastiques du Séminaire de St. Sulpice de Montréal et leurs successeurs, les avoir, posséder, faire et en jouir comme les vrais et légitimes propriétaires et possesseurs, d'iceux et toutes et chaque part et portion d'iceux pour l'unique usage et avantage des Ecclesiastiques du dit Seminaire et leurs successeurs à perpétuité aux termes, clauses et conditions en icelle ordonnance."

"Que depuis la dite ordonnance, auparavant et encore les dits Ecclesiastiques ont toujours joui et possédé comme propriétaires des Fief et Seigneurie du Lac des Deux Montagnes."

"Que depuis plus de cent ans les dits Défendeurs ont toujours joui, comme propriétaires du dit Fief et Seigneurie du Lac des Deux Montagnes et qu'ils en ont toujours été reconnus comme les vrais et légitimes propriétaires et qu'à l'époque de l'empêchement dont il sera parlé ci-après de la part des dits Demandeurs, ès-noms et qualités (to wit : Louis Kanensakenhiate, Joseph Onasakenrat and Jean Osennakenrat three chiefs of the Iroquois Tribe of Indians, members of the Evangelical Methodist Mission and Trustees for the said Mission of the Village of Oka)—ils possédaient le dit Fief et Seigneurie du Lac des Deux Montagnes comme propriétaires *Animo Domino* depuis audelà de cent ans et partant depuis audelà de trente ans."

"Que par la loi qui pourvoit à l'abolition de la tenure Seigneuriale, dans la dite Seigneurie du Lac des Deux Montagnes, les terres non concédées dans la dite Seigneurie sont devenues la propriété absolue des dits Défendeurs *en franc alleu roturier*."

"Qu'au nombre des terrains non concédés par les dits Ecclesiastiques dans la Seigneurie du Lac des deux Montagnes et leur appartenant comme susdit exclusivement et absolument se trouve



un emplacement de trente six pieds de front sur quarante cinq pieds de profondeur, plus ou moins situé au village Iroquois, en la Mission du Lac des Deux Montagnes, dans la dite Seigneurie, tenant devant à la rue qui conduit à l'ancienne résidence du Capitaine Ducharme, derrière à une autre rue, du côté Ouest à une maison d'École et du côté Est à une maison à double logement dont l'un est occupé par Jean Toussaint Tigaxka ou représentant."

"Que depuis le commencement d'Août 1872 ou vers cette époque, les nommés Louis Kanensakenhiate, alias Senathyon, Joseph Onasakenrat alias LeCygne et Jean Osennakenarat alias Tigessa, se sont illégalement et sans aucun droit quelconque emparé du dit emplacement et y ont construit ou fait construire la chapelle mentionnée en la déclaration en cette cause, laquelle serait au culte protestant auquel quelques uns des Sauvages de la dite Mission se sont alliés, ayant abjuré le catholicisme."

"Que les dits Ecclésiastiques n'étaient aucunement tenus par leurs titres à la dite Seigneurie du Lac des Deux Montagnes, ni par la loi, de pourvoir aux dissidents de l'Eglise Catholique Romaine, dans la dite Mission du Lac des Deux Montagnes, un local pour l'exercice du culte d'une Religion dissidente quelconque et notamment celle des Methodistes."

"Que la seule Mission du Lac des Deux Montagnes, reconnue par la loi et mentionnée dans les titres des dits Ecclésiastiques est une Mission Catholique Romaine, laquelle a toujours été et est encore desservie par les dits Ecclésiastiques qui y ont une Eglise et des écoles pour les besoins de toute la population, lesquels sont entretenues aux frais et dépens des dits Ecclésiastiques."

"Que voyant les empiétements des dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat, les dits Ecclésiastiques auraient le ou vers le 22 Mai 1875, intenté une action en revendication du dit emplacement sus désigné en dernier lieu contre eux, (to wit against Louis Kanensakenhiate and others) laquelle action a été rapportée devant la Cour Supérieure pour le Bas-Canada, dans le Village de Ste. Scholastique, dans le District de Terrebonne, le 21 Juin 1875."

"Que par jugement rendu en la dite cause, par la dite Cour Supérieure, le 16 Octobre 1875, les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat ont été condamnés à déguerpir le dit terrain et emplacement susdésigné en dernier lieu et à en laisser la possession aux dits Ecclésiastiques sous quinze jours de la signification qui leur serait faite du dit jugement, si mieux n'aimaient les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat payer aux dits Ecclésiastiques la somme de \$500, le tout avec dépens."

"Que le dit jugement a été dûment signifié aux dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat."

"Que les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat ne s'étant pas conformés au dit jugement, un bref de possession aurait été émané de la dite Cour Supérieure, le six Décembre 1875, enjoignant au Shérif du dit District de Terrebonne d'expulser les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat sans aucun délai et suivant le cours de la loi des prémisses ci-dessus décrites en dernier lieu et de placer les meubles et effets qui pourraient se trouver en icelles sur le carreau et de mettre les dits Ecclésiastiques en possessions d'icelles prémisses."

"Que le 7 Décembre 1875, le dit Shérif aurait exécuté le dit Bref de possession, l'un des Défendeurs nommés au dit Bref de possession lui ayant remis la clef de la bâtisse ou chapelle qui se trouvait sur le dit terrain ou emplacement, il l'aurait vidée, aurait mis tous les meubles et effets qu'elle contenait sur le carreau et aurait mis les dits Ecclésiastiques en possession du dit terrain et emplacement dont ils ont joui depuis, paisiblement et sans trouble."

"Que les dits Ecclésiastiques ont ainsi été remis en possession d'une propriété dont ils avaient été illégalement et injustement dépouillés, sous l'autorité de la Justice et qu'ils n'ont commis aucune voie de fait."

"Que les dits Louis Kanensakenhiate, Joseph Onasakenrat et Jean Osennakenrat n'ayant pas réclamé la bâtisse qui était sur le terrain en question ni les matériaux d'icelle, les dits Ecclésiastiques étaient en droit de faire démolir la dite bâtisse et d'en faire transporter les matériaux dans un lieu où ils ne leur seraient pas nuisibles."

"Que l'action des demandeurs (to wit : Louis Kanensakenhiate and others) est pour toutes les raisons susdites mal fondée et vexatoire."

"Que cette action n'a été inspirée que dans un but de persécution contre les dits Ecclésiastiques et pour exciter contre eux la jalousie et la haine des tribus indiennes qui composent la dite Mission du Lac des Deux Montagnes."

The document just recited *in extenso* then asks for the dismissal of the action brought against them by the three Chiefs above mentioned.



The Plaintiff's declaration sets forth in part the Indians' pretensions as follows :

"That the said Ecclesiastics are the grantees from the crown of the Seigniorship of the Lake of Two Mountains, which was granted to them for the benefit of the Indian Mission formerly located at Sault-au-Récollet, in the Island of Montreal, and that one and the principal condition of that grant, both in the original concession of the 17th of October 1717, confirmed on the 27th April 1718, by the King of France, and in the confirmation of the same by the Crown of Great Britain and Ireland, was the maintenance of the mission of the Lake of Two Mountains for the moral and religious instruction of the Algonquin and Iroquois Indians, as appears by the charter of incorporation of the said Ecclesiastics, contained in the Consolidated Statutes of Lower Canada, chapter forty-two."

"That the said Plaintiffs (to wit : the three Indian Chiefs already mentioned) are part and members of the said Indian tribes of the Lake of Two Mountains, and as such are entitled with their co-members of the said tribes, whom they represent for the purposes hereinafter set forth, to all the benefits secured to them both under the grants and charter above mentioned, and under the public law of the Empire."

"That freedom of worship being a primary and imprescriptible right of all Her Majesty's subjects in every part of the Dominion of Canada, the said Ecclesiastics are bound by the conditions of the said grant and charter, to provide the Indians of the Lake of Two Mountains and amongst them the said Chiefs and their co-religionists, with the means of moral and religious instruction in accordance with their views of what is moral and religious instruction, whatever be the particular form of Christian worship the said Indians choose to adopt or follow, and that the principal means of providing such moral and religious instruction are, the maintenance of public schools and places of worship in accord with the denominational tenets of the said Indians; and that the said grants amply supply the said Ecclesiastics with the means of providing for the moral and religious requirements of the said Indians.

"That in the course of time the said three Chiefs (Plaintiffs) and a considerable number of the said Indians, sought moral and religious instruction at the hands of the Methodist Church of Canada, formerly the Wesleyan Methodist Church of Canada, a religious organization fully recognized by the State, and became members of the said Church.

"That as members of the Methodist Church, the said three Chiefs and their co-religionists are entitled to claim from the said Ecclesiastics, the maintenance of Schools and of a place of worship.

"That the said three Chiefs as Trustees for their said co-religionists, and for the said Mission, on the 16th of August 1872, by Deed of sale from Dame Catherine Kanakweiasta, executed at St. Andrews, before De Laronde, Notary, and duly registered in the Registry Office of the County of Two Mountains, acquired a lot of land situated in the Iroquois portion of the village of Oka, in the said Seigniorship of the Lake of Two Mountains, containing 84 feet French measure in width, by 60 feet in depth, bounded on the west by the Street leading to the old residence of the Captain of the Indian Department, on the south by another Street, on the north by the house of the said Jean Osennakenrat, and did, subsequent to said purchase as aforesaid, in their said qualities, at their own expense, and that of their co-religionists and of other friends of said Mission from monies entrusted to them for said purpose, build a School-house and chapel, wherein to obtain for themselves and their families and children, moral and religious instruction, and to worship God according to the dictates of their conscience, although they had a right to have called upon the said Ecclesiastics to have furnished them therewith, in accordance with the terms imposed upon the said Ecclesiastics and the obligations assumed by them under the said grants.

"That while the said three Chiefs and co-religionists were in the peace of God and of Her Majesty, and in the full and legal possession of the said school and place of worship, the building where they were wont to receive moral and religious instruction, was illegally and maliciously demolished and destroyed by the said Ecclesiastics, and the materials thereof illegally removed and appropriated by them, through their representatives and agents, on the 7th day of December 1875, and that ever since the said three Chiefs and their co-religionists have been deprived of the most effectual means of moral and religious instruction, and of worshipping God according to the dictates of their conscience.

"That the building so destroyed cost \$3000 and could not be rebuilt for less.

"That the said Ecclesiastics are bound not only to rebuild the said chapel and school-house at their own expense, but have caused damages to the extent of \$20,000 which the said Chiefs *às-qualité* have suffered from being deprived of a School-house and place of worship ever since the said destruction, and by the illegal acts of the said Ecclesiastics and their servants and employees in that behalf.

THE OKA MEMORIAL.

The translation of the second French quotation in the Oka memorial was omitted in our supplement to-day. It is as follows:— Upon the petition presented to us by Messieurs the ecclesiastics of the Seminary of St Sulpice, established at Montreal, by which they show us that it would be to the advantage of the Indian Mission at the Sault au Recollet, in the Island of Montreal, of which they are in charge, to be without delay transferred from the Island, and established upon lands at the north-west shore of the Lake of the Two Mountains, which mission would be advantageous, not only because of the conversion of the Indians, who being further from the city would also be beyond the danger of becoming drunkards, but also to the colony, which, in this way, would be protected from the incursions of the Iroquois in time of war; praying us to grant them for the said mission a piece of land three ~~and a half~~ leagues front, commencing at the brook which falls into the large bay of the Lake of Two Mountains, and ascending thence up the shore of the said lake and the River St. Lawrence, with a depth of three leagues, with title of Fief, &c., &c., to the effect which they make to pay all the expenses of the removal of this mission, &c., &c., to which giving ear, we, &c.,

Wherefore, the said Chiefs, *ex-qualité* pray that the said Ecclesiastics be condemned to rebuild the said School-house and chapel so as aforesaid destroyed by them, and in the event of their not doing so within a delay to be fixed by this Court, that the said Chiefs, *ex-qualité* be allowed to do so at the expense of said Ecclesiastics, and that the latter be further condemned to pay to the said Plaintiffs *ex-qualité* the said sum of \$20,000 with interest and costs."

In this declaration Plaintiffs purposely omitted to mention the judgment relied upon by the Seminary for justifying the demolition of the chapel and school-house, awaiting the assertion of it by the Seminary, to show its illegality and nullity.

The Chiefs contend 1st. That the judgment in question was obtained *ex parte* and by fraud, the Seminary's counsel not having notified their counsel to plead, as had been agreed upon, and not having notified him of their proceeding. 2nd. That even if the judgment were good, it could not be executed before being served upon the Chiefs, by giving each of them an authentic copy thereof. 3rd. That the judgment relied upon was altogether silent as to the chapel, and did not authorize its demolition or order its removal. Proceedings were adopted by the Chiefs before the Superior Court sitting at Ste. Scholastique, to have the judgment declared null as having been obtained by fraud, and the Seminary having demurred to the proceeding, the demurrer was dismissed, implying thereby that if the facts alleged against the judgment are proved, the judgment must be set aside.

In the action of the Chiefs, before the Court sitting at Montreal, the judgment could not be attacked, but the service of an authentic copy upon the Chiefs was denied, and the falsity of the bailiff's service affirmed.

These several suits were pending at Ste. Scholastique and Montreal, when the Seminary resorted to a new method of harassing the Indians at Oka, and depriving them of their possessions by acts of violence. The Indians ever since their establishment at Oka, had been in possession of an enclosed common field of pasture, where their own horses and cattle had been accustomed to graze, and where the cattle of the Seminary and of adjoining farmers were received on payment of pasturage fees to the Indians. The Seminary recently removed a portion of the fence surrounding this common, thereby annexing a portion of the common to an adjoining farm occupied by the Seminary. The Indians looked upon this as the beginning of a system of spoliation, which would gradually deprive them of an incontestable and centenary right, and they removed the fence to the old line. This constitutes the first act of trespass for which 46 of them were put under warrants of arrest. Certain portions of this fence required renewal, and it was repaired with adjacent poles as had been the recognized practice and custom for more than a hundred years. This constitutes the second act of trespass for which nearly half of the whole male population was to be sent to jail to await a trial which might be delayed indefinitely. This is what gave rise to the last turmoil, created by the actual and threatened arrests, and by the appearance at Oka of a posse of armed Provincial Police. During the rising of the whole population, the Catholic parsonage and church were consumed by fire. Nothing so far shows the hand of an incendiary; but whether accidental or not, it appears to be satisfactorily made out, that no attempt was made on the part of any one to stay the progress of the fire.

That your Memorialists feel justified in asserting, from the facts above stated:—

1. That so far the only fact or document which supports the position assumed by the Seminary is in the *ex parte* judgment obtained at St. Scholastique without any trial of the merits, and which the Indians allege was obtained by fraud, and that there is a fair prospect of having it so declared.

2. That the titles under which the Seminary claim an absolute ownership of the Seigniorship of Two Mountains, so far from establishing their claim, actually destroy it. And on this head the Memorialists represent:

That the Seminary invoke as their title the concession deeds of 17th October 1717 and 26th September 1733. The first of these Deeds expresses in the following terms the motive and object of the concession, to wit:

"Sur la Requête à nous présentée par Messieurs les Ecclésiastiques du Séminaire de St. Sulpice établis à Montréal, par laquelle ils nous exposent qu'il seroit de l'avantage de la Mission des Sauvages du Sault au Récollet, dans l'Île de Montréal, dont ils sont chargés fust incessamment transféré au-dessus de l'Isle, et établie sur les terres du costé du Nord-Ouest du Lac des Deux Montagnes; laquelle Mission seroit avantageuse non seulement pour la conversion des Sauvages, lesquels se trouvant plus éloignés de la ville seroient aussi hors des occasions de tomber dans l'hyvresse, mais aussi à la colonie, qui, par ce moyen se trouveroit à couvert des incursions des Iroquois en temps de guerre; Nous suppliant de leur accorder pour la dite Mission, un terrain de trois lieues et demie de front à commencer au ruisseau qui tombe dans la grande Baye du Lac des Deux Montagnes et en remontant le long du dit Lac et du Fleuve St. Laurent, sur trois lieues de profondeur, à titre de Fief,

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&c., &c., aux offres qu'ils font de faire toute la dépense du changement de cette Mission &c., &c., à quoi ayant égard, nous &c. donnons et concédons &c."

As regards the second Deed, the same preamble does not exist, but the Plea of the Ecclesiastics above cited supplies the deficiency by stating that it took place *au même titre que ci-dessus*, meaning evidently for the same object.

Your Memorialists do not now undertake to define what a *Mission* meant at the dates of these concessions; but the facts made patent by these deeds are: At the time the first deed was prayed for, the Seminary was burdened with the Indian Mission then located at Sault-au-Recollet on their Seigniorie of the Island of Montreal. The Concession was not asked nor granted for the benefit of the Seminary but for that of the Indians exclusively, as long as they would remain there. The deed contains a kind of entail in favor of the Seminary, in case the Indian tribes should either migrate therefrom or become extinct from any cause. According to the laws of the Province of Québec at the date of the Concession deeds, as well as at the present time, the Indians were constituted and are still *grés de substitution*, with all the rights attached to that quality. The Seminary, as *appelés à la substitution*, have no right whatever, except that of supervision to prevent waste.

If a parallel be sought, the Seminary holds the same position as the Dominion Government towards the Caughnawaga Indians and other tribes, and are bound to deal with their wards as the Government are dealing with theirs, that is, to turn the whole income and productions of the Seigniorie to the benefit of the Indians, including the mines or quarries if any exist, the produce of the forest without waste, the income derived from pasture, the constituted rents of all conceded lands, representing the Seigniorial *cens et rentes*, and the indemnity paid by the Government for the abolition of the *lods et ventes*.

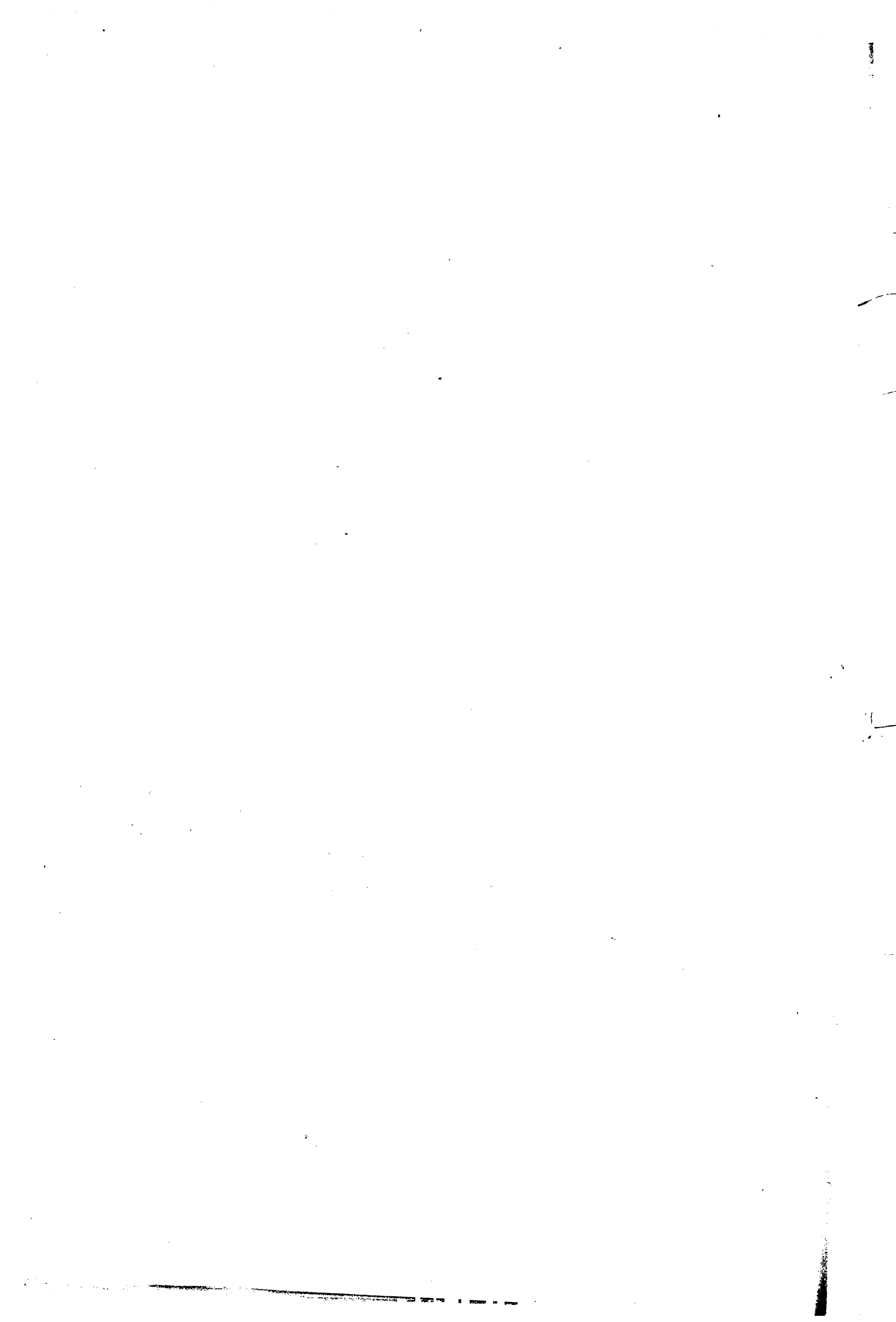
3rd. The reasons given by the Seminary to obtain the grant are both moral and strategical. § 1. The Indians would be removed from a focus of temptation to drunkenness. § 2. The colony would be protected against Iroquois incursions, the Indians of the Mission being thereby burdened with the first brunt of incursions. For the last object the Seminary had assumed the obligation of building stone fortifications, which never were erected, and by the confirmation of their second title in 1735, they were relieved from that expensive duty, because the circumstances had so much changed that it had become unnecessary. At the date of the first concession however, in 1718, the Indians of Two Mountains were relied upon as the vanguard in the protection of the colony, and they placed their lives and the safety of their families at stake as the price of the concession, the Seminary paying the cost of removal and the building of a church and fortifications for their prospective benefits from the grant.

The Seminary as well as the Jesuits, Recollets and other Religious Orders, having establishments in *La Nouvelle France*, had come here with the professed purpose of evangelizing the aboriginal tribes and not for commercial or industrial purposes. All the grants made to the several religious orders, were expressly made for the object of evangelization, and to enable them to foster christian civilization, as regards the Indians, and not for the benefit of the emigrants from France.

The first grant from the King of France, of April 27th 1718, to the Seminary is expressly made "to transfer there the Mission of the said Indians from Sault-au-Recollet"; while the second grant of March 1st 1735, was asked for by the Seminary and granted by the King, on account of the cost of removal, and because "the Indians of the Mission of the Lake of Two Mountains being accustomed to often change their place of residence, and so as to render the said grant more serviceable, it would therefore be necessary to extend the said grant further than the three leagues, &c."

The Seminary cannot derogate from the spirit and letter of these grants without showing a mutual and reciprocal deviation between themselves and the Crown, whether of France or of Great Britain. In fact they do invoke such a deviation. They contend that by the ordinance of the Special Council and by the Act abolishing the Seigniorial Tenure, they have been acknowledged as absolute proprietors of the soil, with all the rights derived from absolute ownership.

Your Memorialists respectfully contend, 1st. that the ordinance of the Special Council merely confirmed the grant of the King of France, with the same obligations. 2nd. That the Act abolishing the Seigniorial Tenure put the Seigniorie of Two Mountains under the common law, as it did the Seigniorie of Sault St. Louis, (Caughnawaga) the abolition being for the Indians respectively, who should receive the constituted rent in lieu of the *cens et rentes*, and the indemnity for the abolition of *lods et ventes*, or the interest of the capital set apart for such indemnity. As regards the ordinance in question, (3 and 4 Vict. cap. 30, now cap. 42 of the Con. Statutes L. C.) it does not derogate in any way from the original grant, but provides that the Seminary of Montreal, shall hold and possess the land in the same manner, and to the same extent as the Seminary of Paris before the conquest,



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.