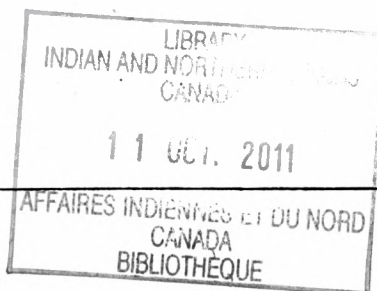


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**The Seigneurie of Sault St. Louis**

[S.l. : s.n., 1995]

Claims and Historical Research Centre: I.321



830

CABLE ADDRESS 'JONHALL'

P.O. BOX 126 PLACE D'ARMES  
TEL. VICTOR 5-4242

## *Howard, Cate, Ogilvy, Bishop, Cope, Porteous & Hansard*

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F. CAMPBELL COPE, Q.C.  
HAZEN HANSARD, Q.C.  
JOHN DE W. MARLER, Q.C.  
ANDRE FORGET, Q.C.  
PAUL F. RENAULT, Q.C.  
JOHN G. KIRKPATRICK  
FRANK B. COMMON, JR., Q.C.  
WILLIAM A. GRANT  
MATTHEW S. HANNON  
P. WILBROD GAUTHIER  
JULIAN C.C. CHIPMAN  
PETER D. WALSH  
PIERRE LEGRAND

COUNSEL

FRANK B. COMMON, Q.C.

ELDRIDGE CATE, Q.C.  
J. ANGUS OGILVY, Q.C.  
JOHN G. PORTEOUS, Q.C.  
CLAUDE S. RICHARDSON, Q.C.  
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JOHN H. TENNANT  
JOHN BISHOP  
JOHN A. OGILVY  
JOAN CLARK

THOMAS R. KER, Q.C.

*Advocates, Barristers and Solicitors**The Royal Bank Building**360 St. James St. W.**Montreal 1, Que.*

February 18th, 1960.

REGISTERED MAIL

Department of Citizenship & Immigration,  
Indian Affairs Branch,  
OTTAWA, Ontario.

Attention - W. E. Bethune, Esq.

Dear Sirs:

RE: Your Ref. No. 5/34-3-2(R.1)

I enclose herewith a photocopy of your letter dated December 17th, 1957, addressed to this firm, in regard to the commutation of seigniorial rents in the Parishes of St. Constant, Laprairie and St. Isidore.

We act for Dominion Tar & Chemical Company, Limited which company is the owner of a number of properties situated in the Parish of St. Constant and normally referred to under the heading "Delson Properties".

I take it that, when you say in your above letter that ✓ the seigniorial rents in respect of, inter alia, Lots No. 132, 133 and 134 in said Parish have been commuted, you mean that portions thereof only have been commuted, being those portions that belonged to Dominion Tar & Chemical Company, Limited in 1944; the date 1944 is mentioned inasmuch as this is the date of the execution of the Trust Deed referred to under No. 1 in the paragraph which follows the next following paragraph, which describes those portions of Lots Nos. 132, 133 and 134 now being referred to.

Dominion Tar & Chemical Company, Limited is now the owner of further portions of Lots Nos. 132, 133 and 134, and has also acquired portions of Lots Nos. 136, 14, 15, 135, 137, 138,

139

1960/02/18

*Howard, Cate, Ogilvy, Bishop, Cope, Porteous & Hansard*

Department of Citizenship & Immigration

- 2 -

139, 7, 10, 11, 13 and 8; the deeds by which these properties were acquired are referred to under Nos. 2 and 3 in the next following paragraph.

To assist you in this regard, I enclose herewith the following documents:-

1. Trust Deed of Hypothec, Mortgage and Pledge which, at pages 158 to 162 inclusive, describes the portions of Lots Nos. 132, 133, 134 and 251 then owned by Dominion Tar & Chemical Company, Limited; presumably it is in respect of these portions only that the seigniorial rents have so far been commuted; ✓

2. Deed of Sale from The Laprairie Company Incorporated to Dominion Tar & Chemical Company, Limited, dated October 14th, 1954 which, at pages 2 to 5 inclusive, describes additional portions of Lots 135 and 136 acquired by Dominion Tar & Chemical Company, Limited;

3. Deed of Sale from The Laprairie Company Incorporated to Dominion Tar & Chemical Company, Limited, dated December 30th, 1954, which, at pages 2 to 16 inclusive (the pages unfortunately are not numbered), describes additional portions of said Lots 132, 133 and 134 acquired by Dominion Tar & Chemical Company, Limited, together with portions of Lots Nos. 14, 15, 135, 136, 137, 138, 139, 7, 10, 11, 13 and 8;

4. A Deed of Correction between The Laprairie Company Incorporated and Dominion Tar & Chemical Company, Limited, dated May 10th, 1957

- (i) correcting the description of the parts of Lots Nos. 135 and 136 sold under the Deed referred to under No. 2 above,
- (ii) correcting part of the description of Lot No. 10 referred to in paragraph 21 of the Deed of Sale referred to under No. 3 above,
- (iii) correcting the description of part of Lot No. 11 referred to in paragraph 24 of the Deed of Sale referred to under No. 3 above,
- (iv) deleting from the Deed of Sale referred to under No. 3 above that part of Lot No. 11 that is described in paragraph 25 of the Deed of Sale referred to under No. 3 above, and

(v)

*Howard, Cate, Cgilvy, Bishop, Cope, Porteous & Hansard*

Department of Citizenship & Immigration

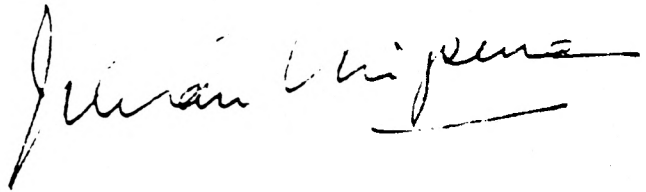
- 3 -

(v) correcting the description of part of Lot No. 11 described in paragraph 26 of the Deed of Sale referred to under No. 3 above; and

5. A Plan prepared by C.C. Lindsay, Q.L.S., dated April 21st, 1955, as amended on February 15th, 1956, in regard to the properties mentioned in this letter.

Would you please let us know what it would cost to commute the seigniorial rents affecting the abovementioned properties so that we may inform our client accordingly. Would you please return the enclosed documents when they have served your purposes.

Yours very truly,



JCCC/LL  
Encls.



831

5/34-3-2 (R.1)

Messrs. Howard, Cate, Ogilvy, Bishop,  
Cope, Porteous & Hansard,  
Barristers and Solicitors,  
The Royal Bank Building,  
360 St. James Street, West,  
Montreal 1, Quebec.

Ottawa, February 26, 1960.


Dear Sirs:

Re: Seigniorial Rents - Lands of Dominion Tar &  
Chemical Company, Limited - Parish of St.  
Constant - Quebec

We acknowledge your letter of February 18 in which application is made on behalf of Dominion Tar & Chemical Company, Limited for commutation of seigniorial rents in respect of certain lands owned by the Company in the Parish of St. Constant.

The application is under consideration and we will write you again at an early date.

Yours truly,

  
W. C. Bethune,  
Chief,  
Reserves and Trusts.

WPMc/bc

DIAND PARC, File 873/34-3-2, Vol. 1

1960/02/26

1960/03/01  
CABLE PRESS JONHALL

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TEL. VICTOR 5-4242

Howard, Cate, Ogilvy, Bishop, Cope, Porteous & Hansard

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JOHN BISHOP  
JOHN A. OGILVY  
JOAN CLARK

Advocates, Barristers and Solicitors

The Royal Bank Building  
360 St. James St. W.

Montreal 1, Que. 832

COUNSEL  
FRANK B. COMMON, Q.C. THOMAS R. KER, Q.C.

March 1st, 1960.

R1

Department of Citizenship & Immigration,  
Indian Affairs Branch,  
OTTAWA, Ontario.

5/34-3-2

Attention - W. C. Bethune, Esq.

Dear Sirs:

RE: Seigniorial Rents - Lands of Dominion Tar & Chemical  
Company, Limited - Parish of St. Constant, Quebec.  
Your File No. 5/34-3-2- (R.1).

This will acknowledge receipt of your letter of  
February 26th, 1960, the contents of which we have noted.

Yours very truly,



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION  
INDIAN AFFAIRS BRANCH

NOTE: This slip to be used for passing correspondence when  
the main file is charged out or is not required, and  
must not be removed but will be attached to the main  
file as soon as possible.

FALSE DOCKET SLIP

SLIP NO.	FILE NO.
	5/34-3-2
SUBJECT OF FILE	

MAIN FILE ON CHARGE TO R1 24-10-57

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OR BP	BY	DATE	FOR C.R. USE
R1	29	252629	2-3-60				

1960/03/01

1960/03/10  
INDIAN A  
BRANCH



OFFICE OF THE  
DIRECTOR

5/34-3-2

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

RT

Ottawa, March 10, 1960.

MEMORANDUM TO THE DEPUTY MINISTER

833

Re: Seigniorial Rents - Caughnawaga

The lands at Caughnawaga which were granted to the Jesuit Fathers by the Crown of France in 1680 constituted the Seignior of Sault St. Louis. The westerly portion of the Seignior containing approximately 12,000 acres constitutes the present Caughnawaga Reserve. The Seignior lands to the east and south of the present Reserve were sold chiefly by the Jesuit Fathers prior to 1762 and to a lesser extent, it is said, by the Indians themselves after that date but prior to Confederation.

The land was sold subject to payment of seigniorial rent in perpetuity. Mr. Couture had occasion to investigate seigniorial rent in the case of lands in Cote St. Catherine expropriated by the Seaway Authority. He stated the seigniorial rent amounts to one and one-half cents per square arpent.

Branch records indicate that seigniorial rents were collected without undue difficulty until about 1871. The land owners (known as Censitaires) conceived the opinion that the rents were not payable to the Crown in right of Canada. The refusal to pay rent became general among the Censitaires and efforts to collect the rent were unsuccessful. In 1899 the Crown commenced an action against one Censitaire, Noel Pinsonneault. The trial judge ruled that the rents were payable to the Province of Quebec. The case was appealed and the Court of Appeal ruled that while the Province of Quebec had title to the rents they were subject to a trust for the Indians and were properly collectable by the Dominion. The Province of Quebec indicated an intention to appeal the case to Privy Council but the appeal was not pursued. A renewed effort was then made to collect rents. This met with some success but entailed much work and expense in compiling an up to date list of Censitaires and arrears of rent owing. In short order the rents fell into arrears again and no serious effort appears to have been made to enforce payment until about 1940. The rent roll had not been kept up to date so once again there was a considerable expenditure of time and money to compile an accurate rent roll.

DIAND PARC

File 373/34-3-2, Vol. 1

1960/03/10

The detailed records and rent roll appear to have been kept at the Caughnawaga Agency Office and these records were destroyed when the old Agency Office was burned. Headquarters' records are incomplete. From time to time the Caughnawaga Band Council have raised the matter of collection of seigniorial rents but no action has been taken in recent years largely, it is thought, because the destruction of the Agency records would require the compilation of a new rent roll which would involve a search of all seigniorial lots in the local Land Registry Office. The time and expense involved in such an undertaking would hardly justify the result.

The Civil Law makes provision for the commutation of seigniorial rent by a lump sum payment. The lump sum payment required is the principal sum on which interest at 6% equals the annual rent. For example, an annual rent of \$1.00 would be commuted for a lump sum payment of \$16.50.

In several cases the owners of land in the Seignior have applied to commute their rents. This has been done by collection of a certain amount of arrears plus the capital sum required to commute. On receipt of the money the Department has released all future obligation to pay rent.

In 1942 commutation of rent was accepted for part of several lots in the Seignior owned by Dominion Tar and Chemical Company Limited. Since that date this Company has purchased additional land in the Seignior and we now have an application from the Company's solicitors to commute the rent payable for the additional land.

It is considered that the right to receive seigniorial rent is an Indian interest in the seigniorial lands and therefore, there probably should be some agreement on the part of the Caughnawaga Indians before accepting commutation of rent. However, it is most unlikely that the Indians would consent and if such an application was referred to them we would be met by a demand to enforce payment of the rent. This, as already mentioned, would involve the Department in an onerous undertaking, both as regards time and expense. The situation would appear to be that unless the Department is prepared to undertake the collection of rent the Indians will have no return. The offer by Dominion Tar and Chemical Company Limited, if accepted, will give some return on the lands owned by that Company.

It appears the Crown can claim arrears for a period of thirty years together with the capital sum required to commute the rent. It is thought the Company's offer should be accepted provided it agrees to



pay a reasonable amount on account of arrears as well as the principal sum, and although we would not have the consent of the Indians we would be acting in conformity with the law of Quebec which has permitted the commutation of seigniorial rents throughout the Province. In fact we would be doing somewhat better than private seigniors for whom a claim for arrears is limited to five years -- we would ask for thirty years.

I recommend that we negotiate with Dominion Tar and Chemical Company Limited for commutation of rent and would like to know if you agree.

I can see the magnitude of the problems and I know that there are a complicated one. I have as you recollection that a commission was established by the Provincial Govt under the Seigniorial Law. I have done not indicate if a Dept of Justice. I have not obtained from Dept Justice. I have not should first have on the matter. In view of situation, without because I would doubt the necessity of the action supported, without consulting the Govt, if legally we should.

H.M. Jones,  
Director.

62.  
11-3-60

MEMORANDUM TO THE DIRECTORRe: Seigniorial Rents - Caughnawaga

834

The lands at Caughnawaga which were granted to the Jesuit Fathers by the Crown of France in 1680 constituted the Seignior of Sault St. Louis. The westerly portion of the Seignior containing approximately 12,000 acres constitutes the present Caughnawaga Reserve. The Seignior lands to the east and south of the present Reserve were sold chiefly by the Jesuit Fathers prior to 1762 and to a lesser extent, it is said, by the Indians themselves after that date but prior to Confederation.

The land was sold subject to payment of Seigniorial rent in perpetuity. Mr. Couture had occasion to investigate Seigniorial rent in the case of lands in ~~Cote St. Catherine~~ expropriated by the Seaway Authority. He stated the Seigniorial rent amounts to one and one-half cents per square arpent.

Branch records indicate that Seigniorial rents were collected without undue difficulty until about 1871. The land owners (known as Censitaires) conceived the opinion that the rents were not payable to the Crown in right of Canada. The refusal to pay rent became general among the Censitaires and efforts to collect the rent were unsuccessful. In 1899 the Crown commenced an action against one Censitaire, Noel Pinsonneault. The trial judge ruled that the rents were payable to the Province of Quebec. The case was appealed and the Court of Appeal ruled that while the Province of Quebec had title to the rents they were subject to a trust for the Indians and were properly collectable by the Dominion. The Province of Quebec indicated an intention to appeal the case to Privy Council but the appeal was not pursued. A renewed effort was then made to collect rents. This met with some success but entailed much work and expense in compiling an up to date list of Censitaires and arrears of rent owing. In short order the rents fell into arrears again and no serious effort appears to have been made to enforce payment until about 1940. The rent roll had not been kept up to date so once again there was a considerable expenditure of time and money to compile an accurate rent roll.

DIAND PARC

File 373/34-3-2, Vol. 1

1960/03/10 circa



The detailed records and rent roll appear to have been kept at the Caughnawaga Agency Office and these records were destroyed when the old Agency Office was burned. <sup>Headquarters records are incomplete.</sup> From time to time the Caughnawaga Band Council have raised the matter of collection of Seigniorial rents but no action has been taken in recent years. Largely, it is thought, because the destruction of the Agency records would require the compilation of a new rent roll which would involve a search of all Seigniorial lots in the local Land Registry Office. The time and expense involved in such an undertaking would hardly justify the result.

The Civil Law makes provision for the commutation of Seigniorial rent by a lump sum payment. The lump sum payment required is the principal sum on which interest at 6% equals the annual rent. For example, an annual rent of \$1.00 would be commuted for a lump sum payment of \$16.50.

In several cases the owners of land in the Seigniority have applied to commute their rents. This has been done by collection of a certain amount of arrears plus the capital sum required to commute. On receipt of the money the Department has released all future obligation to pay rent. <sup>on what basis?</sup>

In 1942 commutation of rent was accepted for part of several lots in the Seigniority owned by Dominion Tar and Chemical Company Limited. Since that date this Company has purchased additional land in the Seigniority and we now have an application from the Company's solicitors to commute the rent payable for the additional land.

It is considered that the right to receive Seigniorial rent is an Indian interest in the <sup>?</sup>seigniorial lands and therefore, there probably should be some agreement on the part of the Caughnawaga Indians before accepting commutation of rent. However, it is most unlikely that the Indians would consent and if such an application was referred to them we would be met by a demand to enforce payment of the rent. This, as already mentioned, would involve the Department in an onerous undertaking, both as regards time and expense. The situation would appear to be that unless the Department is prepared to undertake the collection of rent

DIAND PARC  
File 373/34- 3-2, Vol. 1

the Indians will have no return. The offer by Dominion Tar and Chemical Company Limited, if accepted, will give some return on the lands owned by that Company. It appears the Crown can claim arrears for a period of thirty years together with the capital sum required to commute the rent. It is thought the Company's offer should be accepted provided it agrees to pay a reasonable amount on account of arrears as well as the principal sum, and although we would not have the consent of the Indians we would be acting in conformity with the law of Quebec which has permitted the commutation of Seigniorial rents throughout the Province. In fact we would be doing somewhat better than private seigniors for whom a claim for arrears is limited to five years ---- we would ask for thirty years.

I recommend that we negotiate with Dominion Tar and Chemical Company Limited for commutation of rent and would like to know if you agree.

W. C. Bethune.

DIAND PARC

File 373/34-3-2

Vol. 1

835

Departmental Legal Adviser

Chief, Reserves and Trusts

5/34-3-2 (R.1)


Commutation of Seigniorial Rents - Seigniority  
of Sault St. Louis (Caughnawaga)

March 15, 1960.

We attach two copies of the Director's memorandum of March 10 to the Deputy Minister with the latter's comments and request that the opinion of the Department of Justice be obtained with respect to the commutation of seigniorial rent on lands within the Seigniority of Sault St. Louis.

It would appear that answers to the following questions are required.

1. Has the Crown in right of Canada the right to accept commutation of seigniorial rent?
2. If the Crown has the right to accept commutation, is prior consent of the Indians required?
3. If prior consent of the Indians is required, should such consent be by a majority of Band electors or will the consent of the elected Council suffice?

 WPMc/bc  
Encl.

  
W. C. Bethune.

1960/03/15

DIAND File 373/34-3-2 vol. 1

1960/09/29

SS "JONHALL"

P.O. BOX 126 PLACE D'ARMES  
TEL. VICTOR 5-4242

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JOAN CLARK

COUNSEL

FRANK B. COMMON, O.C.

THOMAS R. KER, O.C.

*Advocates, Barristers and Solicitors*

*The Royal Bank Building*

*360 St. James St. W.*

*Montreal 1, Que.*

836

September 29, 1960.

Department of Citizenship & Immigration,  
Indian Affairs Branch,  
Ottawa, Ontario.

Attention - W.C. Bethune, Esq.

Dear Sirs:

Re Seigniorial Rents - Lands of Dominion Tar  
& Chemical Company, Limited - Parish of  
St. Constant, Quebec. Your File No.  
5/34-3-2- (R.1).

Would you kindly let me know if you are now in a  
position to reply to my letter to you dated February 18, 1960.

Yours very truly,

*W.C. Bethune*

JCCC/JG

012000

09 SEP 1960

DIAND PARC

File 373/34-3-2, Vol. 1

1960/09/29

R1 117

1960/10/04

837

5/34-3-2 (R.1)

Mr. J.C.C. Chipman,  
c/o Howard, Cote, Ogilvy, Bishop,  
Cope, Porteous & Mansard,  
Barristers and Solicitors,  
The Royal Bank Building,  
360 St. James Street West,  
MONTREAL 1, Quebec.

OTTAWA, October 4, 1960.


Dear Sir:

Re: Seigniorial Rents - Lands of Dominion Tar  
& Chemical Company, Limited -  
Parish of St. Constant, Quebec.

We acknowledge your letter of September 29, 1960.

The matter of giving a discharge of seigniorial rents applicable to lands formerly within the Caughnawaga Indian Reserve is under consideration by our Departmental Legal Adviser. He will be informed of your further enquiry, and asked to let us have his opinion at an early date.

Yours truly,

  
W.C. Bethune,  
Chief,  
Reserves and Trusts.

WTHo/vp

DIAND PARC  
File 373/34-3-2  
Vol. 1

1960/10/04



P.O. BOX 126 PLACE D'ARMES  
TEL. VICTOR 5-4242\*

1960 / 10 / 07



5/34-3-

839

Departmental Legal Adviser

Chief, Reserves and Trusts

Seigniorial Rents,  
Caughnawaga Indian Reserve.

PA. — 5A-2-2 (R.1)

July 20, 1961.

You brought to the writer's attention a 1943 amendment to the Quebec Abolition of Seigniorial Rent Act. It is understood the amendment purported to make the Act applicable to Indian reserves of seigniorial status. You ask that a search be made for communications from the Province of Quebec regarding this matter.

Neither the writer nor Miss Gilchrist have been able to locate any communication from the Province of Quebec, nor any reference to the 1943 amendment. In this connection a search has been made of files for various reserves in Quebec which had or have seigniorial status.

The only communication from the Province of Quebec which has been located is the attached copy of a letter of May 30, 1944, from the Deputy Minister, Department of Lands and Forests. There is no indication that the Department replied to this letter.

WPM:ac

  
W. C. Bethune.

1961/07/20

DIAND File 373/34-3-2 vol.1

Supintendent, Caughnawaga Indian Agency

Chief, Reserves and Trusts

Seigniorial Rents - Caughnawaga

August 2, 1961.

*PA*  
Dominion <sup>Tar</sup>Pire and Chemical Company Limited owns a number of parcels of land formerly part of the seignior of Sault Ste. Louis. The company wishes to commute seigniorial rents. The question of our authority to accept commutation by a lump sum payment is under consideration by the Department of Justice.

We are informed that the Quebec Seigniorial Rent Abolition Act was amended in 1943, specifically with reference to Indian reserves of seigniorial status. The amending Act provided that with the approval of a provincial commissioner charged with the administration of the Act, an extension of time for the abolition of seigniorial rents payable in respect of Indian land of seigniorial status could be granted. ✓

The Department of Justice is wondering whether there was any extension of time as regards Caughnawaga. A search of records available here fails to disclose any correspondence with the provincial authorities in this connection. It is possible the provincial authorities communicated with you, and we would like to know whether there is any correspondence on the Agency file or whether you have personal recollection of the 1943 amendment having been brought to your attention. Copies of any correspondence which may be found on the Agency file would be appreciated.

An early reply is requested to enable the Department of Justice to complete its review of our position as regards commutation and seigniorial rent.

WPM:ac

*W. C. Bethune*  
W. C. Bethune.

1961/08/02

DIAND File 373/34-3-2 Vol. 1

MEMORANDUM • GOVERNMENT OF CANADA

5/34-3-2

TO : Chief, Reserves and Trusts.

YOUR FILE No:

FROM : Superintendent, Caughnawaga Indian Agency.

OUR FILE No:

841

SUBJECT: Seigniorial Rents

DATE:

August 4, 1961.

R9

This will acknowledge the receipt of your letter of the 2nd instant, advising that Dominion Tar and Chemical Co. Limited who are owning a number of parcels of land formerly part of the seignior of Sault St. Louis, wishes to commute seigniorial rents.

I have to advise that it is not to our recollection that any correspondence was ever received at this Agency relative to the Quebec Seigniorial Rent Abolition Act, as it was our understanding that this matter was to be taken directly between the Quebec Government and Ottawa.

Moreover, if any correspondence had been exchanged prior to 1943, same would have been destroyed by the fire which razed the Agency Office in 1943. Mr. Laplante and myself who were both here in 1943 do not remember of any correspondence exchanged between this Agency and Quebec in that regard.

*F. Brisebois*

F. Brisebois,  
Superintendent.

FB/ad

100-10-10-10

L.A 7-7

1961/08/04

DIAND File 373/34-3-2 Vol. 1

1961

842

4, le 20 octobre

61.

190261

Rentes seigneuriales - Seigneurie  
Sault St-Louis, P.Q.  
(Caughnawaga)

Cher monsieur Forest,

Le chapitre 322 des Statuts Refondus de la Province de Québec de 1941 a mis sur pied le Syndicat national du rachat des rentes seigneuriales en vue de l'abolition des rentes constituées établies par l'Acte seigneuriale de 1854. L'article 13 de cette Loi imposait au seigneur ou autre créancier de rentes constituées l'obligation de déposer, dans un délai imparti, au bureau du conseil de toute municipalité sur le territoire de laquelle il existait des biens fonciers affectés en sa faveur à des rentes constituées, un état indiquant les renseignements mentionnés à cet article.

L'article 15 de cette loi disposait de plus que, si le créancier des rentes constituées n'avait pas produit l'état mentionné à l'article 13 dans les délais établis par la Loi, son droit à la rente et au capital qu'elle représentait était éteint à toute fin que de droit.

Nous comprenons que, en vertu de cette Loi et ~~entre autres~~ en vertu de l'article 32, le Bureau des ~~Commissaires~~ avait le pouvoir d'exclure de l'application de la Loi certaines rentes.

En 1943, la législature de la Province de Québec a ~~adopté~~ certains amendements au chapitre 322 précité en édictant entre autres que, à l'article 46(a), "le Bureau des commissaires est autorisé à accorder de nouveaux délais au lieu de ceux stipulés dans la présente Loi au bénéfice de Sa Majesté du droit du Dominion du Canada en sa qualité de fiduciaire de seigneuries possédées pour le bénéfice d'Indiens".

Des demandes de commutation de taxes ont été faites auprès du Gouvernement du Canada relativement à certains terrains situés dans la Seigneurie Sault St-Louis possédée par les Indiens de Caughnawaga.

Monsieur J.-R. Forest,  
Secrétaire-Trésorier,  
Syndicat National du Rachat  
des Rentes Seigneuriales,  
Hôtel du Gouvernement,  
QUEBEC, P.Q.

... 2

1961/10/20

Ce ministère serait désireux de savoir si le Bureau des commissaires, créé en vertu du chapitre 322 des Statuts Refondus de la Province de Québec de 1941 a décidé d'exclure de l'application de cette Loi les seigneuries possédées par les Indiens et spécialement la Seigneurie Sault St-Louis. Les informations que nous avons actuellement nous permettent de croire que, en effet, le Gouvernement de la Province de Québec aurait décidé de ne pas racheter les rentes seigneuriales affectant les terres possédées par les Indiens dans toute la Province de Québec.

Advenant une réponse négative à cette première question, à savoir si le Bureau des commissaires a écarté de l'application de la Loi les seigneuries possédées par les Indiens, ce ministère serait aussi désireux de savoir si le Bureau des commissaires a, tel que le lui permettait l'article 46(a) de la Loi, décidé d'accorder de nouveaux délais aux bénéficiaires de Sa Majesté du droit du Dominion du Canada en sa qualité de fiduciaire de seigneuries possédées pour le bénéfice d'Indiens.

Nous vous remercions à l'avance de la bienveillante attention que vous ne manquerez sans doute pas d'apporter à la présente et demeurons

Bien à vous,

Paul Ollivier,  
Directeur,  
Division du Droit Civil.



## SYNDICAT NATIONAL DU RACHAT DES RENTES SEIGNEURIALES

EDGAR TURPIN, M.P.P., PRÉSIDENT.  
ALBERT DIONNE, M.P.P., VICE-PRÉSIDENT.  
ÉMILE MASSICOTTE, N.P., COMMISSAIRE.

J.-R. FOREST, SEC. TRÉS.,  
HÔTEL DU GOUVERNEMENT.,  
QUÉBEC, P.Q.

QUEB EC, ce 26 octobre 1961.

843

Monsieur Paul Olivier, Directeur,  
Division du Droit Civil,  
Ministère de la Justice,  
Ottawa, ONT.

Sujet: Rentes seigneuriales-  
Seigneurie Sault St-  
Louis, P.Q.  
(Caughnewaga)

190261

Cher monsieur Olivier,

J'ai bien reçu la vôtre du 20 octobre et je dois vous informer qu'en effet lors de la mise en application de la Loi abolissant les rentes seigneuriales en 1941, le bureau des commissaires a exclus de l'application de cette Loi les seigneuries possédées par les indiens, ne pouvant comme vous le savez forcer le gouvernement fédéral à se soumettre aux conditions de cette dite Loi provinciale.

A la suite de pourparlers avec les représentants du gouvernement fédéral et tout spécialement du Ministère duquel relevaient en 1941 les affaires indiennes, il a été convenu qu'il n'y avait pas lieu de racheter les rentes seigneuriales affectant les terres possédées par les indiens sans le contrôle du gouvernement canadien.

Je dois ajouter que l'abolition définitive de la taxe spéciale qui a été imposée en remplacement des rentes seigneuriales en regard des seigneuries qui ont été rachetées selon les dispositions de cette loi, doit s'effectuer au plus tard en 1969 et par conséquent à moins d'un amendement spécial à la loi actuelle modifiant les conditions de rachat, il ne peut être question de racheter les rentes seigneuriales possédées par le gouvernement du Canada pour le bénéfice des indiens.

Je vous prie de me croire,

Votre tout dévoué,

J.-R. FOREST,  
Secrétaire-Trésorier.

JRF/sf.

1961/10/26





CANADA

RT/MT

844

DEPT. OF CITIZENSHIP & IMMIGRATION <b>OTTAWA</b> OCT 26 1962 DEPUTY MINISTER'S OFFICE
--

DEPARTMENT OF JUSTICE

O t t a w a 4,  
October 22nd, 1962.190261

Re: Commutation of Seigniorial Rents -  
 Seignior of Sault St. Louis  
 (Caughnawaga)

Your file No. 5/7

Dear Sir:

I wish to refer to the letter dated October the 16th, 1961, that your Legal Adviser, Mr. R. E. Williams, has addressed to this Department, as well as to a memorandum dated September the 28th, 1960, also addressed to this Department by Mr. N.A. Chalmers, then Legal Adviser of your Department, regarding the question of commutation of Seigniorial rents due the Crown in respect of lands which, I gather, form no part of the Caughnawaga Indian Reserve but which are situated within the Seignior of Sault St. Louis in the Province of Quebec.

After having considered the legal texts appertaining to the matter, I have formed the opinion that the owners of lands charged with Seigniorial rents have the right to pay the commutation price of such rents to the Crown in right of Canada "in trust for the Indians", without the prior consent of either the Crown or the Indians.

Since the commutation may be affected without the consent of either the Crown or the Indians, it is my view that the agreement of the Indian Band is not necessary.

Furthermore, I wish to draw to your attention that the Indians could theoretically surrender their right and title to the Seignior of Sault St. Louis and, in such a case, the Crown in right of the Province of Quebec would be entitled to claim the commutation price of the Seigniorial rents.

I return herewith your departmental papers.

Yours truly,

Rodrigue Bédard,  
 Associate Deputy Minister.

The Deputy Minister,  
 Department of Citizenship  
 and Immigration,  
 O t t a w a.

DIAND 373/34-3-2 Vol. 1

1962/10/22

## MEMORANDUM • GOVERNMENT OF CANADA

845

TO : Director, Indian Affairs Branch  
Attention: Chief, Economic Development  
Section

YOUR FILE No: 5/34-3-2  
(R.1)

FROM : Legal Adviser

OUR FILE No:

SUBJECT: Commutation of Seigniorial Rents -  
Seignior of Sault St. Louis

DATE:  
October 26, 1962.

R 1

... I refer to your memorandum dated March 15, 1960, and now attach a copy of a letter from Mr. Rodrigue Bédard, an Associate Deputy Minister of Justice, dated October 22, 1962.

Mr. Bédard is of the opinion that the owners of lands charged with Seignior rents have the right to pay the commutation price of such rents to the Crown in right of Canada "in trust for the Indians", without the prior consent of either the Crown or the Indians. He is also of the view that since the commutation may be affected without the consent of either the Crown or the Indians the agreement of the Indian Band is not necessary.

He further points out that the Indians could theoretically surrender their right and title to the Seignior of Sault St. Louis and in that case the Crown Provincial would be entitled to claim the commutation price of the Seignior rents.

.. Your Branch file is returned herewith.

*R. E. Williams*  
1 R. E. Williams  
Legal Adviser

*7/24/62*  
CGSB Standard 6-GP-22; PP&S Cat. No. 3590

1962/10/26

DIAND File 373 / 34-3-2 vol. 1

1964/05/20

MEMORANDUM

CLASSIFICATION

Note for File

*Miss Bulchmit*

YOUR FILE No.  
Votre dossier

846

OUR FILE No.  
Notre dossier

(Adm.)

FROM  
De

Senior Administrative Officer

DATE May 20, 1964

OLD

SUBJECT  
Sujet

Caughnawaga Delegation -

Chief Frank Diabo, Thomas Morris, and Taylor Moses

Discussed compensation for land expropriation by the Seaway authority where their long-house was situated. The land is held under the name of Dominic Diabo.

They also discussed the question of seigniorial <sup>rents</sup> rights which they claim was paid to the Church and they felt it should be paid to the Band. This is to be looked into.

*Miss Bulchmit  
see what you  
can dig up  
about this!*

C. I. Fairholm.

Mrs. Dorris Montour  
Caughnawaga,  
Quebec Box 114  
Telephone 637-6423  
Can telephone *Chief Frank Diabo*

CGSB-6GP22e PP&S Col. No. 3590

*Frank Diabo  
as Thomas Morris  
Taylor Moses  
20  
longhouse - 6000*

*Council - renting a hall  
to hold their meetings.*

*Dominic Diabo.*

*surface -*

1964/05/20



EN

# Telecommunications

*DIA*

local time • heure locale

*5/3-7 dormant*

MOA289

1964 MAY 12 PM 3 19

MO ABA085 15/12=CNT LACHINE QUE 12 253P EST=  
INDIAN AFFAIR BRANCH=  
OTTAWA ONT=

*637-2309*

CHIEF FRANK DIABO WILL ARRIVE IN OTTAWA ONTARIO  
ON WEDNESDAY MAY 20/64  
FRANK DIABO=

*Logane is chief at Coughmawaga  
I believe DIA BO is a hereditary chief  
the Six Nations require  
conference. JH*

=20/64•

J. R. White, general manager • directeur général, Toronto

6122b

*PA → 5/3-7*

Adm

We called Buselbois last Friday and enquired about Chief Diabo's visit.

Buselbois called today and informed us that Diabo has no specific complaints to discuss and is generally dissatisfied with the Band Council's administration of their affairs.

He is not an elected official but apparently one of the hereditary chiefs. He is over 80 years of age.

*[Signature]*

*19 May*

SEIGNIORY RENTS - CAUGHNAWAGA

By an instrument, dated May 29, 1680, Louis XIV, King of France, granted a piece of land known as Sault St. Louis, near Montreal, to the Jesuit Order to be administered for the conversion, instruction and subsistence of the Iroquois Indians. The grant contained "two leagues in width from a point opposite the St. Louis Rapids, going up along the Lake, by an equal depth, with two Islands, Islets and Shoals which are in front and adjoining the lands of the Prairie of La Magdalene." It was stipulated in the grant that should the land be abandoned by the Iroquois it would revert to the French Crown, and the conditions of the grant prohibited the keeping of cattle and of public houses by any person who might live among the said Iroquois.

A second grant issued to the Jesuit Fathers under date of October 31, 1680, from the Comte de Frontenac, Governor, and Duchesneau, Intendant, to be administered for the Indians under the same clauses, terms and conditions as the former grant. This grant contained "a piece of land of one league and a half or thereabouts in length, to be taken from the said land called 'Le Sault' going up along the Lake, towards the Seignior of Chateaugay, by two leagues in depth." Neither of these grants was in the usual seigniorial form.

During the period 1680-1762 the Jesuit Fathers administered the lands as owners and made grants of land to non-Indians. At the time of the Military occupation of Canada the Indians laid a formal complaint before General Thomas Gage, Governor of Montreal, concerning the way in which the Jesuit Fathers were administering the lands.

The Indians claimed:

1. That at the surrender of Canada arrangements had been made to maintain the Indians in possession of their lands at Sault St. Louis.
2. That the Jesuit Fathers were continually granting, to the French, lands forming part of the territory of Sault St. Louis.
3. That they, the Indians, believed this territory belonged to them by a title of grant given them by the King.
4. That they had been given a parchment which constituted their title, but that it had been extorted from them by the Jesuit Fathers.

The Jesuit Fathers refuted all these charges.

General Gage's judgement, was rendered on March 22, 1762. The Court

DIAND

File 573/34-3-14-2 Vol. 1

Claims and Historical Research Centre. (K84)

1964/06/09

found:

1. That the grant of the lands of Sault St. Louis to the Jesuits was made with the sole intention of settling the Iroquois and other Indians thereon. The condition prohibiting the keeping of cattle on said lands by any French who would go among the Indians proved that the King reserved and intended the lands unreservedly for the use of the Indians, and that no Frenchman could obtain thereon a grant.
2. That the Jesuit Fathers could not be considered the temporal lords of the lands, because the wording of the concession proves that the lands were not granted as a seigniorial fief, but solely as a settlement for the Indians.
3. Ordered that the two concessions be united as one under the name of "Concession of the Iroquois of the Sault" bounded on one side by the line of the Prairie of La Magdalene and on the other by that of Chateauguay.
4. Deprived the Jesuit Fathers of all temporal rights and ordered "that the said Indians of the Sault be put in possession of and do enjoy peaceably for themselves their heirs and other Indians who would like to join them, the whole land and revenue which the said concession can produce".
5. Ordered that the Church, the parsonage called the Seigniorial House and other buildings erected by the Jesuit Fathers should become the property of the Indians and should be maintained by them.
6. Confirmed concessions made by the Jesuit Fathers to non-Indians prior to September 8, 1760 but ordered that the Indians might enjoy the rents.
7. Directed the Governor to appoint a person to be the receiver of the rents and other Seigniorial rights, the receiver to render an account on the 2nd of February every year to the Indians in the presence of the Governor.
8. That the income of the said rents should be used for the upkeep of the Church and other buildings of the Sault and the remainder placed in the hands of the Indians to do with as they saw fit.

N.B.: A Church and Presbytery had been erected by the Jesuit missionaries in the year 1720 out of the revenue of the Seignior of LaPrairie, with some assistance from the Jesuit Society, and the repairs of those buildings were defrayed from the same funds in the year 1762. (Letter from D.C. Napier, S.I.A., to The Military Secretary, Quebec, April 13, 1830.)

DIAND File 373/34-14-2, Vol. 1



Mr. Panet was appointed receiver for the said rents on December 24, 1762. The next appointee of whom any mention can be found was Chevalier DeLorimier, who was shown on a paylist as Resident Agent at 100 pounds per year. (G.M. Matheson). In 1821 DeLorimier was dismissed due to complaints against him. DeLorimier was succeeded by N.B. Doucet who was allowed to retire in 1824 because of unsatisfactory services.

In 1824 Sir John Johnson recommended to Col. Darling, the Military Secretary, and to His Excellency Sir Peregrine Maitland that the duties of the rental Agent would be better performed by the Officers of the Indian Department at Montreal, thus saving the 10 per cent commission then paid to the Agent. It would also put an end to the complaints of the Indians. This suggestion was adopted.

On December 19, 1827 Letters Patent de Terrier were issued, the terms and conditions of the new titles or declarations being such as were usual and had been stipulated in the Grants made in the Seigniories heretofore belonging to the late Order of Jesuits in the province.

In 1829 a memorial was presented to the King on behalf of the Indians of Sault St. Louis in respect to a strip of land said to have been alienated from their original grant. Apparently the claim had already been twice legally decided in the Province, in both instances unfavourably to the Indians.

Col. D.C. Napier, in a letter to The Military Secretary, Quebec, dated April 14, 1830, states that it does not appear that any expenses described in the memorial (relating to upkeep of the church and other buildings) were defrayed by the Jesuits subsequently to 1762, or that any portion of the rents or other proceeds of the Seignior were paid by them since that time. He concludes:

"I have duly intimated to the Chiefs, that if they attribute to His Excellency a disposition to deprive or withhold from them any just right, they do him great injustice - His Excellency being, on the Contrary on all Occasions most desirous to promote their Welfare and their happiness of their Tribe - But that His Excellency cannot set aside the 3 decisions of the highest Law Courts and the opinion of the Chief Justice (when His Majesty's Attorney General) of this Country formed on a minute and laborious examination of the Iroquois Claims upon LaPrairie, all which have distinctly

pronounced those claims to be unfounded. I have also explained to the Iroquois Chiefs that His Excellency regrets extremely, that they should have been induced to send a Deputation upon so long and expensive a Voyage for an object which would have been equally promoted by transmitting to His Excellency the documents which they delivered to H.M. Secretary of State."

In 1830 Col. D.C. Napier, Resident Agent at Montreal, who was about to be transferred to Quebec as Secretary of the Indian Department, recommended that his successor in office continue with the system of uniting the duties of Agent with those of the officer in charge of the Indian Department at Montreal. The Resident Agent at Montreal from 1830 to 1832 was Lt. Col. McKay and he was succeeded by James Hughes.

The greater part of the Seigniorial property was conceded on seigniorial tenure at the ordinary low seignior rent, according to a report of a Committee of the Executive Council, dated October 7, 1836. During the five years ending in 1834 the revenue of the Indians of the Sault St. Louis, arising from rents, lods et ventes, and the value of wheat received as toll at their mill, had averaged 205 pounds 13 shillings and 2 pence per annum. A great portion of this income was expended in the repairs to the mill, the salary of the miller, and the support of the Church at Caughnawaga. The Chiefs of this tribe received an annuity from the State of New York of 62 pounds and 10 shillings for lands sold to the people of that State under a Treaty executed in New York on May 31, 1796. This allowance was commuted around 1848, and the proceeds were in part spent on their Church, while the balance was invested in the Seminary at Montreal, which paid interest on it regularly. In 1832 the Imperial Government granted 200 pounds for the repairs of the church and in the following year a large bell was sent out by command of His Majesty.

The Commissioners appointed to inquire into the affairs of Indians in Canada in 1844 reported concerning the claim of the Iroquois of Caughnawaga:

"The Roman Catholic Missionary, Mr. J. Marcoux, in his answer to the queries of the Commissioners, renews a claim which has been frequently put forward by these Indians to a portion of the Seignior of La Prairie de la Magdelaine, adjoining their lands at the Sault. This claim has been repeatedly investigated by the officers of the Crown, and in the Courts of Law. It was very fully reported upon by Sir James Kempt in 1830, who shewed that it had been rejected by three several judgments of the law courts of Lower Canada, and by

three Governors of that Province. The question having been again revived, the line of boundary as established against them, was verified by an order of Lord Sydenham, dated 15th April 1840, upon an approved Report of the Executive Council of that part of the Province, of the 11th September 1839, and your Commissioners conceive that this decision should be considered final."

When Joseph Baby was appointed to collect and distribute rents and revenues at Caughnawaga, June 8, 1837, his commission allowed him to "reserve for his own use as full and complete compensation for this duty, one tenth part of the whole proceeds," (Indian Papers).

Baby was dismissed from office in 1841 and Narcisse De Lormier was appointed to the office in 1845, his commission allowing him the usual ten per cent commission as compensation. He furnished a security bond of 1000 pounds. (Indian Papers).

In 1846 Mr. Louis MacKay and others petitioned to be restored to the possession of a certain tract of land within the Seignior of Sault St. Louis. Mr. J.A. Taschereau, Solicitor-General, examined the case and handed down the opinion that the claim was "unfounded in law and justice, and that assuming as a fact, that the Indians, proprietors of that Seignior, have been in possession of that particular tract for a period of thirty years, Mr. McKay, and others, would still be barred from any right to the same, whatever may have been the Original title, or length of possession, of their predecessors."

By 1857 the annual revenue of the Caughnawaga Indians consisted of \$1062.40, of which \$62.40 was interest on money funded for their use, this money being derived from the land sold to the St. Lawrence and Champlain railroads, which passed through the reserve.

The balance of \$1000.00 was partly derived from the interest accruing on the \$3333.33 held by the Seminary at Montreal, and arising from the commutation of the annuity granted by the State of New York in consideration of lands ceded to the state by the Iroquois. The rest was derived from rents in money and kind from their leased lands.

The Indian Department had no control over most of this money. The rents were collected by the local agent who was bound to render annual returns to Headquarters of his receipts and expenditures.

By Section 91(24) of the British North America Act, exclusive legislative

authority over Indians and lands reserved for Indians was assigned to the Parliament of Canada. Section 109 of the Act confirmed the title of the federating Provinces in lands within the Provinces, but subject to any trust or any interest other than that of the Province.

It appears that the various censitaires paid their rents to the Department of the Crown administering Indian Affairs, up to the year 1871, in which year a few of them refused to pay and by the year 1891 all of them had declined to pay any further rentals. In 1889 an action was instituted by the Dominion Government against one of the censitaires, Pinsonneault, to collect thirty years arrears of rentals. The Attorney General of Quebec intervened, contending that this land was vested in the Crown as represented by the Province and that the Province only had the right to sue for the recovery of arrears of rentals.

In 1896 judgement was given in favour of the Province. An appeal was taken to the Court of the Queen's Bench, and was successful, the Court deciding that the naked ownership of the rents was vested in the Province but that the right to collect and apply the same for the use of the Indians rested in the Dominion.

A formal motion was then made by the Attorney General of Quebec for leave to appeal to the Privy Council, the Province having the right of a reversioner. The Government of Quebec then made a proposal offering to withdraw the appeal if the Dominion Government would pass an Order-in-Council recognizing the reversionary right of the Province. No further action in the matter was taken by either party and it remained in abeyance, except that from time to time the Department made an effort to collect the rentals with only a minimum of success.

Mr. Couture had occasion to investigate seigniorial rent in the case of lands in Cote St. Catherine expropriated by the Seaway Authority. The land in general had been sold subject to payment of seigniorial rent in perpetuity, and the rent amounted to one and one-half cents per square arpent.

The rents had fallen into arrears and no serious effort appears to have been made to enforce payment until about 1940. The rent roll had not been kept up to date so once again there was a considerable expenditure of time and money to compile an accurate rent roll.

The detailed records and rent roll appear to have been kept at the Caughnawaga Agency Office and these records were destroyed when the old Agency

DIAND File 373/34-3-14-2, Vol. 1



Office was burned. Headquarters' records are incomplete. From time to time the Caughanawaga Band Council have raised the matter of collection of seigniorial rents but no action has been taken in recent years largely because the destruction of the Agency records would require the compilation of a new rent roll which would involve a search of all seigniorial lots in the local Land Registry Office.

The Seigniorial Rent Abolition Act of the Province of Quebec makes provision for the commutation of seigniorial rent by a lump sum payment. The lump sum payment required is the principal sum on which interest at 6% equals the annual rent.

In several cases the owners of land in the Seigniorie have applied to commute their rents. This has been done by collection of a certain amount of arrears plus the capital sum required to commute. On receipt of the money the Department has released all future obligation to pay rent.

In 1942 commutation of rent was accepted for part of several lots in the Seigniorie owned by Dominion Tar and Chemical Company Limited. Since that date this Company has purchased additional land in the Seigniorie and an application from the Company's solicitors was made in 1960 to commute the rent payable for the additional land.

An opinion handed down by Rodrigue Bedard, Associate Deputy Minister of the Department of Justice, dated October 22, 1962 states:

"the owners of lands charged with Seigniorial rents have the right to pay the commutation price of such rents to the Crown in right of Canada 'in trust for the Indians', without the prior consent of either the Crown or the Indians.

"Since the commutation may be affected without the consent of either the Crown or the Indians, it is my view that the agreement of the Indian Band is not necessary.

"...the Indians could theoretically surrender their right and title to the Seigniorie of Sault St. Louis and, in such a case, the Crown in right of the Province of Quebec would be entitled to claim the commutation price of the Seigniorial rents."

The matter of ownership and maintenance of the church was thoroughly reviewed in 1948 and 1950. Over \$9,000.00 was taken from the Caughnawaga Band funds for church repairs upon representations of the Indian Band Council. Rentals

DIAND File 373/34-3-14-2, Vol. 1



collected during the period from 1934 to 1948 amounted to only \$2,117.91, which amount was absorbed in the payment for church repairs in 1948.

Although the title of the church is, by virtue of General Gage's Judgment of 1762, considered to be in the Band, it is used solely by the St. Francois-Xavier Mission and the R.C. Indians and not by the band at large. The judgment suggests a moral obligation to support the maintenance of this church by its congregation.

In 1956 following the expropriation of lands by the St. Lawrence Seaway Authority, the Parish of St. Catherine negotiated and settled for a computation of all its obligations in connection with the Seigniorial rights, in favour of the Caughnawaga Indians, for an amount of \$3,000.00, considered to be a fair settlement.

In 1956 the Band contributed over \$6,000.00 towards repairs to the Church. The Council claimed that the revenues from the Seigniorial rentals of the Seignior of Sault St. Louis were to be used for that purpose but as no collection of rentals had been made for over thirty years, they were compelled to use their own funds.

*St. Francois-Xavier  
Church  
Sault Ste. Marie*

848

1964/09/17

736-1-



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION  
INDIAN AFFAIRS BRANCH  
BAND COUNCIL RESOLUTION

6 copies in this file.

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.

The Council of the Caughnawaga Band of Indians,  
(Name of Band)  
in the Caughnawaga Indian Agency,  
(Name of Agency)  
in the Province of Quebec at a meeting, held at K. of C. hall  
(Name of Province in full) (Name of Place)  
this Seventeenth day of September A.D. 1964.  
(In Full) (Month)

DO HEREBY RESOLVE:

Proposed by Ronald Kirby and seconded by Mitchell Thomas, that the seignory question be revived and the collections for rentals be made as in the past and that a report be made to the band council regarding the handling of such monies. As the band is short of funds, the council feels that this is a source of income, and we cannot wait for Bill C-130.

Unanimously carried.

resolution number (5)

RECOMMENDED

OCT 6 1964

REG. SPVR. of IND. AGCS.

1964/09/17  
DIAND  
File 373/34-3  
Vol. 1

Ronald Kirby  
(Councillor)  
Mitchell Thomas  
(Councillor)  
Frank Marguin  
(Councillor)  
J. Goodley  
(Councillor)

Andrew Delella  
(Chief)  
Peter S. S. S. S.  
(Councillor)  
(Councillor)  
(Councillor)  
(Councillor)

(Councillor)  
(Councillor)  
(Councillor)  
(Councillor)  
Howard R. R.  
(Councillor)

FOR HEADQUARTERS USE ONLY				
1. TRUST ACCT	2. CURRENT BALANCES		3. Expenditure \$	4. Authority Indian Act Sec.
	A. Capital \$	B. Revenue \$		
5. Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue				
6. Recommended			7. Approved	
Authorized Officer			Date	

5/34-3-2

CLASSIFICATION
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849

YOUR FILE No.  
Votre dossier

OUR FILE No. 5/36-1  
Notre dossier

DATE Sept. 28, 1964.

FROM  
De

Superintendent, Caughnawaga Indian Agency.

**SUBJECT**  
Suicide

Resolution No. 5 - September 17, 1964

This Resolution deals with the collection of seigniorial rents by Indian Affairs for lands occupied by non-Indians in the seigniory of Sault St. Louis. The Council would like to be informed if these rents are still being collected, the amount collected to date and what account it was deposited in.

J.A. Laplante,  
Acting Superintendent.

Encls.

JAL/ad

ATTN: Indian Affairs Branch,  
Ottawa.

DIAND File  
323/34-3-2  
Vol. 1

Would you please provide us with all relevant information as requested on attached Band Council Resolution dealing with seigniorial rents at Caughnawaga in order that a satisfactory reply may be given to the Band Council.

For/R.L. Boulanger,  
Regional Supervisor of Indian Agencies

1964/09/28

6-10964 GP22a PP&S Cal. No. 3590

CLIP NO.		SUBJECT OF FILE		MAIN FILE ON CHARGE TO		REFERENCE		DISPOSAL	
TO	BY	DATE	REMARKS	PA	BY	DATE	FOR C.R. USE		
19	13	7/11/29							

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 must not be removed but will be attached to the main file so none is possible

INDIAN AFFAIRS BRANCH  
JAN 25 1960



19

7

5/34-3-2

## CLASSIFICATION

**YOUR FILE No.**  
**Votre dossier**

OUR FILE No. 5/36-1 (GHR)  
Notre dossier

DATE December 9, 1964

FROM  
De

Quebec Regional Office.

**2 OLD**

**SUBJECT**  
**Sujet**

Resolution No. 5 - 17-9-64

850

May we refer you to a memorandum submitted by our Caughnawaga Indian Agency under date of September 28 to which a footnote was added by this office and forwarded to you on October 6, 1964.

This letter was referring to Band Council Resolution No. 5 dealing with the collection of seigniorial rents by Indian Affairs Branch.

May we be favoured with an early reply.



G.H. Roy,  
Assistant Regional Supervisor.

c.c. Caughnawaga.

DIAND File  
373/34-3-2

1964/12/09

NOTE: If action cannot be taken without the file, please make statement to that effect and return paper to Central Registry.

[illegible]

MAIN FILE ON CHARGE TO

SECRET

FILE NO.

1871

**FALSE DOCKET SLIP**

AN AFFAIRS BRANCH

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION



NOTES: This slip to be used for passing correspondence when the main file is changed out or is not required, and must not be removed but will be attached to the main file as soon as possible.



1965/01/08

File xx11

851

Regional Supervisor, Quebec

5/36-1 (GHR)

5/34-3-2 (R1)

Administrator of Lands

January 8, 1965.

Seigniorial Rents - Caughnawaga

With reference to your letter of December 9 in connection with the Caughnawaga Band Council Resolution of September 17, 1964 dealing with the collection of seigniorial rents this matter has been under consideration.

I am attaching a copy of a memorandum directed to the Deputy Minister in 1960 which sets out the history of seigniorial rents and the difficulties experienced over the years in collecting the rents. Attached also are memoranda from the Department of Justice and the Departmental Legal Advisor with respect to commutation of rents.

An effort to resume collection of rents would be handicapped by the fact that records were destroyed when the old Agency office burned and it would be necessary to compile a list of the present day owners of seigniorial land. The original seigniorial lots were fairly large but over the years many have been sold in bits and pieces. The compilation of an up-to-date rent roll would necessitate the employment of a Notary to search the land office records. This would be a large undertaking and very costly one. When the task was completed then we would be confronted with the collection of rents both current and arrears and I am certain we would meet determined opposition on the part of the rentiers. I am convinced collection would be an exercise in futility.

It is likely the matter of seigniorial rents would be a recurring line of contention with the Caughnawaga Band and I have concluded that to settle the issue once and for all the Branch would be well advised


.... 2

DIAND PARC. File 373/34-3-2 Vol. 1

1965/01/08

to commute the rents paying the cost of commutation out of Appropriation. It is intended to make a submission to the Minister to this effect but before doing so I would welcome your views. For the time being it would be inadvisable to mention this proposal to the Indians. We will go to them if approval in principle is given by the Minister. ✓

You might acknowledge receipt of the September 17, 1964 Council Resolution saying that the matter is under consideration.

  
David Vogt.

WTV/sc

*Spencer*

DIAND PARC File 373/34-3-2 Vol. 1

1965/01/13

R-9

5/34-3-2

P.O. Box 430, Upper Town,  
QUEBEC 4, January 13, 1965.

5/36-1

852

Mr. Andrew Delisle, Chief,  
Caughnawaga Indian Reserve,  
Caughnawaga, P.Q.

Dear Chief:

Subject: Resolution No. 5 - 17-9-64  
Seigniorial Rents

I am requested to acknowledge receipt of your Band Council Resolution No. 5 of September 17, 1964 concerning seigniorial rents. The delay in dealing with it was due to the complexity of the problem.

In fact, the matter is still under consideration and it may take a few months more before you hear about it. Nevertheless, I want to assure you that our Senior Officers of the Branch are giving all the necessary attention and study to your request.

Yours very truly,

Att'n: Indian Affairs Branch, Ottawa.

Original signed by  
R.L. BOULANGER

R.L. Boulanger,  
Regional Supervisor.

c.c. Caughnawaga.

/rr

I fully agree with your suggestion that we might pay commutation instead of trying to collect rents. Apart from committing our Agency staff to a time-consuming chore, our past experience with this matter has quite clearly established that the cost for collecting these rents might be higher than the rents themselves. Furthermore, as you said, it is not yet sure that we would succeed in doing so.

R.L. Boulanger  
R.L. Boulanger,  
Regional Supervisor.

DIAND PARC File 373/34-3-2, Vol. 1

1965/01/13



TO  
A

1965/04/06

MEMORANDUM

CLASSIFICATION

Indian Affairs Branch, Ottawa.

h T

YOUR FILE No.

Votre dossier

5/34-3-2 (R1)

853

OUR FILE No.

Notre dossier

5/36-1 (GHR)

DATE

FROM  
De

Quebec Regional Office.

LD

SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga.

April 6, 1965.

I wish to refer to your letter of January 8, 1965 and would be much pleased to hear from you if there is any development.

The case dealt in that letter was the payment of seigniorial rents at Caughnawaga.

G.H. Roy,  
Assistant Regional Supervisor.

c.c. Caughnawaga.

DIAND PARC  
File 373/34-3-2  
Vol. 1

1965/04/06



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION  
INDIAN AFFAIRS BRANCH

F. E DOCKET SLIP

NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

SLIP NO.

FILE NO.

5/34-3-2

SUBJECT OF FILE

MAIN FILE ON CHARGE TO

L.T. 18-1-65

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OF BY	BY	DATE	FOR C.R. USE
L.T.	19	002695	8-4-65				



1965/05/11

5/3-7

854

NOTES ON MEETING WITH  
CAUGHNAWAGA BAND COUNCIL  
MAY 11, 1965

Mr. D. McIntyre

In Attendance:

Chief Andrew Delisle  
Councillor Ronald Kirby  
Mr. J. D'Astous  
Mr. G. E. Bell  
Mr. J. D. Darling  
Mr. W. P. McIntyre  
Miss M. Gilchrist

Chief Andrew Delisle and Councillor Ronald Kirby of the Caughnawaga Band Council met with Mr. D'Astous and other officers of the Indian Affairs Branch in the Conference Room, Bourque Building, 10:15 a.m. to 1:15 p.m.

1. Provincial Sales Tax on Sale of Material from Quarries on Reserve

There are two quarries. Product sells at \$1.00 per ton with 6% Sales Tax. Annual tax from quarries, \$70,000. The Band Council has asked to receive a portion of the 6% Sales Tax collected in the same manner as other communities.

Chief Delisle has seen Mr. Kierans, the Provincial Minister of Revenue, and officials of his department, who have suggested that all Indians in Quebec should approach the Provincial Government as a unit in regard to matters of this kind. The Caughnawaga Band Council would like assistance from the Federal Government in making representation to the Province.

Mr. D'Astous stated that as taxation is such a complex and sensitive subject, it was impossible to make any promise at the meeting, but the Department would give serious consideration to their request. Should the Minister agree, Mr. Kierans will be approached on an exploratory basis. In any case, the Band Council will be kept informed of the Department's decision. Mr. Bell was to look after this.

During the meeting the tax on cigarettes sold on the Reserve was discussed. Special forms are sent to store owners to state whether purchasers of cigarettes are Indian or non-Indian. The Chief had correspondence with the Provincial authorities with him and Mr. Bell had copies made of these papers.

. . . . 2

1965/05/11

Chief Delisle stated that purchasers of autos remit their bills to the Province, stating they are Indians, and get rebates.

Mr. D'Astous referred to Mr. Boulanger's opinion:

- (a) Indians on reserves have to pay Sales Tax, but Indians should have rebates of 2% to 4%.
- (b) There should be an amendment to the Provincial Act: "For the purpose of this Act an Indian Reserve is a municipality." If the Province of Quebec is prepared to accept this it would be possible for the Province to remit tax revenue to reserves as in the case of municipalities.

If the Sales Tax were simply abolished, as suggested by Chief Delisle, the privilege could be abused by non-Indians.

Mr. D'Astous said that the Provincial people take the view that Indians benefit from services provided by the Province to residents at large.

## 2. Disposition of Seignior Lands (Cote Ste. Catherine Problem)

Mr. McIntyre, after outlining the situation with respect to the seignioral rents, made the following proposal:

That the total area in arpents of the seignior be ascertained. (The Surveyor General is working at this now.) On the basis of this information, the Branch could offer to pay the Band the amount required to commute these rents together with a certain amount of arrears. 2

Another alternative would be to hire a notary to search titles, identify occupants, determine the amounts they owe in arrears and the amounts they should continue to pay. An efficient collection system should then be developed.

Mr. D'Astous suggested that Mr. McIntyre's first proposal be submitted to the Deputy Minister. If supported by the Deputy Minister, it would be passed on to the Superintendent for the information of the Band Council. If the Band Council do not like this proposal, we must find some other solution. The other alternative could be considered, keeping in mind, however, that a third alternative could also be a reference to the Indian Claims Commission by the Council.

Chief Delisle found this acceptable.

3. Application from Province of Quebec  
re Highway Right-of-Way Through Reserve

Mr. D'Astous explained that rights-of-way are only granted by the Minister at the request of the Band Council.

Mr. McIntyre suggested that, as the Province of Quebec was extremely anxious to obtain a highway right-of-way through the Reserve, the Band Council should talk with the Provincial officials and work out an agreement with respect to various unresolved matters.

Mr. Kirby raised the question of outside contractors at work on Reserve projects employing non-residents while unemployed Indians are in receipt of relief on the Reserve.

Mr. D'Astous explained that even when Federal contracts say that preference will be given to local residents, contractors can find excuses to hire their own men. The Province of Quebec could be facing the same problem of people employed by contractors on a year-round basis.

4. Chief Delisle wished to enquire of Mr. Davey concerning the Queen of Angels School, Lachine, which has not been paid for the last term - twelve pupils enrolled.

He would also like to know if grades VIII and IX will be taught on the Reserve this September.

Some Roman Catholic students go to boarding school because there is not sufficient room in the other schools, and their parents have to pay the difference in cost. Chief Delisle wondered if Mr. Davey would not consider paying part of the boarding cost as tuition for United Church students is \$700 in comparison to Roman Catholic students' cost of \$325.

Mr. D'Astous explained why there is a difference in cost between pupils of different religions. The Department encourages the students to attend Day Schools rather than boarding schools. The messages will be passed on to Mr. Davey - Miss Gilchrist to do this.

5. Mr. Kirby raised the question of the LaFleur family.

Mr. D'Astous stated that the Chief had been given all the information obtainable. The only thing the Band Council can do now is to hire a counsel of their own to review all the material Mr. Chapman and Mr. Pennington have given them to see if there is any way of appealing to the courts. Mr. Chapman will put his findings in writing so the Band Council can explain them to the complainants. The delegates were to interview Mr. Chapman in the afternoon.

6. Mr. Kirby asked why Indians should have to license a car, when they get nothing in return.

Mr. D'Astous explained that reserve traffic regulations provide that any car should be licensed under provincial law.

7. Hunting and Fishing Rights

Mr. D'Astous stated that when no by-law is passed respecting hunting and fishing, the provincial law applies. The Department encourages Bands to pass these by-laws.

Chief Delisle said that many Indians do not realize the laws are to protect them, but think they are to restrict them. The big problem is that the laws are not enforced.

Mr. D'Astous said that there are only four or five types of by-laws that the R.C.M. Police agrees to enforce. At Caughnawaga there could be a constabulary trained and selected and under the jurisdiction of the R.C.M. Police.

8. Pool Room Licencing

Problem is that the present system imposes a minimum age of eighteen years and the Band Council would like to lower it to sixteen years. Boys between sixteen and eighteen have nowhere else to go in the evenings.

Mr. D'Astous agreed that eighteen years was a bit high and might well be lowered to sixteen years. Recent letter to the Chief explained the Branch's position.

9. Non-Indian Occupants

Mr. Kirby raised the question of reserve lands held by non-Indians. There are thirty-five cases.

Mr. D'Astous said he would arrange a meeting with Mr. Frank Cullinan in the afternoon in this respect.

Meeting adjourned: 1:15 p.m.



1965/05/14

855

MINISTRE DES  
AFFAIRES INDIANES  
NATIONAL RESOURCES

MINISTRE DES  
AFFAIRES INDIANES  
NATIONAL RESOURCES

Ottawa 4  
le 14 mai 1965

Monsieur A. Nault  
L'adjoint d'administration du  
Ministre de la citoyenneté & de l'immigration  
Ottawa (Ontario)

Min's Office 70 5/62  
DHQ  
Date 17-5-65

Cher monsieur Nault,

J'ai reçu des représentations relativement au paiement des arrérages de rente seigneuriale pour les terres de St-Constant, comté de Laprairie, P.Q., que le Gouvernement projette d'acquérir.

Etant donné que cette question relève de la Division des Affaires indiennes de votre Ministère, mon correspondant aimerait savoir combien chacun des vendeurs devra payer en arrérages de rente et pour la commutation de leurs terres, entendu qu'ils ont vendu ces terres claires et nettes de toutes charges et hypothèques.

Il y a environ une trentaine d'années il avait été conseillé aux propriétaires des terres en question dépendant de cette seigneurie de ne plus rien payer, étant donné que les Indiens de Coughnawaga qui sont voisins causaient périodiquement des dommages à ces commettants, soit par empiètement ou autres.

Auriez-vous l'obligeance de faire voir ce dossier et de me faire part des observations et commentaires de votre Ministère à ce sujet.

Sincèrement à vous,

John N. Turner, député  
Secrétaire parlementaire

Min. of Citizenship & Immigration	
OTTAWA	
May 17 1965	
Plm	
Ex. Asst.	
Sp. Asst.	
Adm. Asst.	
Pr. Sec.	

DIAND PARC  
File 373/34-3-2  
Vol. 1

1965/05/14

1965/07/06

1965/06/28

5/34-3-

MINISTER OF  
NORTHERN AFFAIRS AND  
NATIONAL RESOURCES

CANADA

Ottawa 4, May 14, 1965.

Mr. A. Nault,  
Administrative Assistant  
to the Minister of Citizenship  
and Immigration,  
Ottawa, Ontario.

Dear Mr. Nault:

I have received representations in connection with the payment of arrears of seigniorial rents for the lands of St-Constant, Laprairie County, Que., which the government proposes to acquire.

As this problem concerns the Indian Affairs Branch of your Department, my correspondent would like to know how much each of the vendors must pay in arrears of rent and for the commutation of their lands, as they sold those lands clear and free of all encumbrances and hypothecs.

About 30 years ago, the owners of the lands involved and appertaining to that seigniory had been advised to pay nothing more, considering that the neighbouring Caughnawaga Indians periodically caused damage to those owners, by trespass or otherwise.

Would you kindly have the file reviewed and let me have the remarks and comments of your Department on the matter.

Yours sincerely,

John N. Turner, M.P.,  
Parliamentary Secretary.

Translation  
AT - 2-6-65

DIAND  
File 373/34-3-2  
Vol. 1

NOTATION REQUEST  
P. P. & 3433  
J. J. Berger  
2-6-65

FILE NO.	NOTE & FORWARD
	NOTE & RETURN
	REPLY, PLEASE
	SEE ME, PLEASE
	SIGNATURE
	TRANSLATION
	YOUR REQUEST

MEMO TO:

SIGNATURES OF:

PHONE	LOCATION	DATE
2-2346	Room 401	21/5/65



1965/06/05

LT 4

MEMORANDUM

5/24-2-2

CLASSIFICATION

TO  
A

Indian Affairs Branch, Ottawa.

YOUR FILE No.  
Votre dossier

FROM  
De

Quebec Regional Office.

OUR FILE No.  
Notre dossier

5/36-1 (GHR)  
DATE

856

FOLD

SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga.

June 25, 1965.

We are sorry to refer again to your letter of January 8, 1965 dealing with seigniorial rents for Caughnawaga Indians.

May we be informed if suggestions made could be applicable.

G.H. Roy,  
Assistant Regional Supervisor.

c.c. Caughnawaga.

DIAND PARC  
File 373/34-3-2  
Vol. 1

Trans  
25-6-65-

1965/06/25



DEPARTMENT OF CITIZENSHIP AND IMMIGRATION  
INDIAN AFFAIRS BRANCH

CANADA

FALSE DOCKET SLIP

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FILE NO.

FILE NO.

5/34-3-2

SUBJECT OF FILE

IN FILE ON CHARGE TO

Trans.

25-6-65.

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OF BP	BY	DATE	FOR C.R. USE
1-2	1-2	0 356 89	30-6-65				

1965/06/85

857

Copy for Indian Affairs Branch.

Indian Affairs Branch  
Lands, Membership & Estates Division

5/34-3-2 (LT)

FOR TRANSLATION

WPH:mm

Ottawa 2, June 25, 1965.

Mr. John H. Turner, M.P.,  
Parliamentary Secretary to the Minister  
of Northern Affairs and National Resources,  
Ottawa, Ontario.

Dear Mr. Turner:

I wish to acknowledge your letter of May 14, 1965 addressed to Mr. A. Hault, regarding arrears of seigniorial rents for lands in the Parish of St. Constant, County of Laprairie, P.Q.

I do not believe this Department is acquiring land in St. Constant and assume it must be some other Department of Government.

In order to determine the payment required to commute seigniorial rents, may we be provided with a description of the land and the area. It is important also that we know the number or numbers of the original cadastral lots of which the lands mentioned in your letter are a part.

The Department has not collected seigniorial rents for some years. Land owners generally objected to payment and the matter was further complicated by the fact that the Department's detailed records were destroyed by fire. However, the obligation to pay rent has not been extinguished and a final settlement of this contentious issue is under discussion with the Coughanawaga Band Council, the Coughanawaga Indians being entitled to the rents. ✓

If you will supply information regarding the land, we shall be pleased to consider the position of the land owners and to calculate the payment needed to extinguish arrears and to commute future rent payments.

Yours sincerely,

ORIGINAL SIGNED BY  
L. S. MARCIAND

L. S. Marchand, P. Ag.,  
Special Assistant.

DIAND PARC File 373/34-3-2, Vol. 1

1965/06/25



c.c. Minister's Office File.

Seigniorial rents paid by land owners to Caughnawaga Band of Indians.

c.c. Indian Affairs Branch File.

c.c. Secretariate.

5/34-3-2 (LT)

Ottawa 2, le 6 juillet 1965

Monsieur John H. Turner, député  
Secrétaire parlementaire du  
ministre du Nord canadien et  
des Ressources nationales  
Ottawa (Ontario)

Monsieur,

J'accuse réception de votre lettre du 14 mai 1965 à M. A. Nault,  
au sujet des arriérés de rentes seigneuriales à l'égard de terres de la  
paroisse de St-Constant, dans le comté de Laprairie (P.Q.).

Je ne crois pas que le ministère de la Citoyenneté et de  
l'Immigration soit en voie d'acquiescer des terres à St-Constant et je  
suppose qu'il s'agit d'un autre ministère du Gouvernement.

Afin d'établir le montant requis pour racheter ces rentes  
seigneuriales, pourriez-vous nous fournir une description de la terre et  
de la région. Il nous faut connaître aussi le ou les numéros des lots du  
cadastre original dont font partie les terres mentionnées dans votre lettre.

Le Ministère n'a pas payé de rentes seigneuriales depuis des  
années. Les propriétaires fonciers s'opposaient en général à les payer  
et la question s'est compliquée davantage lorsque l'incendie a détruit les  
dossiers du Ministère. Quel qu'il en soit, l'obligation de payer cette  
rente n'a pas été éteinte et un règlement final de cette question liti-  
gieuse fait l'objet de discussion avec le conseil de bande de Caughnawaga,  
étant donné que les Indiens de Caughnawaga ont droit à ces rentes.

Si vous voulez bien nous fournir des renseignements concernant  
les terres, nous nous efforcerons d'étudier la situation des propriétaires  
fonciers et de calculer le paiement requis pour éteindre les arriérés et  
pour racheter les paiements futurs de rente.

Veuillez agréer, Monsieur, l'expression de nos sentiments  
distingués.

L'adjoint spécial,

L'ORIGINAL A ÉTÉ SIGNÉ  
PAR L. S. MARCHAND

L.S. Marchand, P. Ag.

HJB/lb

DIAND PARC, File 373/34-3-2, Vol. 1

1965/12/15



# MEMORANDUM

CLASSIFICATION

TO  
A

Indian Affairs Branch, Ottawa.

ALSI

YOUR FILE No.  
Votre dossier

5/34-32

OUR FILE No.  
Notre dossier

5/36-1 (CRN)  
DATE

FROM  
De

Quebec Regional Office.

December 15, 1965.

858

OLD

SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga.

This refers to your letter of January the 8th, 1965, dealing with the above mentioned subject.

Would you please advise if any decision has been arrived at concerning this matter.

For / R. L. Boulanger,  
Regional Director of Indian Affairs.


AL  
2-7

DIAND PARC, File 373/34-3-2, Vol. 1

CGSB—6GP22a PP&S Col. No. 3591

1965/12/15

cc: Regional Director of Indian Affairs, Quebec.

MAIL TO 

Ottawa 2, December 20, 1965.

5/30-3 (AL)

WPM:am

Chief Andrew T. Delisle,  
Caughnawaga, P. Q.

Dear Chief Delisle:

Time has not permitted as full a study of the questions asked in your letter of September 23, 1965 about the General Gage Judgment as they merit, but certain conclusions have been reached which I am passing on to you rather than delay a reply until further research has been completed. Additional consideration will be given to your questions and should anything turn up to change what is said in this letter, I shall inform you.

The Military Court in Montreal, presided over by General Gage, interpreted the two grants and ruled with respect to Indian rights in the land. The Court found that the two grants of 1680 did not give the Jesuit Fathers the rights they claimed. On the contrary, the Court declared that the land had been granted "with the sole intention of settling there Iroquois and other Indians and that all the soil could produce was wholly intended for their profit and advantage". Having made this finding, the Court then directed that the "Indians of the Sault be put in possession of and do enjoy peacefully for themselves, their heirs and other Indians who would like to join them the whole land and revenue which the said concession can produce". Finally, the Court declared that "the concession of the Iroquois of the Sault in general is revertible to His Majesty when they shall give it up".

I believe it can be said that the land you now occupy at Caughnawaga is reserve land in that it fulfills the two conditions required to constitute a reserve, namely that the land be vested in the Crown and be set apart for the use and benefit of a Band. The fact that the grants by the French Crown provided for reversion of the land in the event the Indians gave it up, is indicative of title being in the Crown. The General Gage Judgment clearly confirmed the Indian right to use and occupy the land, which in effect declared it to be for the use and benefit of the Indians.

I do not think the Judgment is a treaty. It is a ruling by a Court declaratory of the rights you and your predecessors have in the land.

I trust the foregoing will be helpful and answer in part, at any rate, the questions you raised.

Yours sincerely,

  
J. F. Bittle,  
Assistant Deputy Minister,  
(Indian Affairs).

20317 1502465

1965/12/20

859

1966/04/26

Exhibit no.67

860



Department of Mines and Technical Surveys  
Ministère des Mines et des Relevés techniques

Surveys & Mapping Branch  
Direction des levés et de la cartographie

File Number 23/262.83.8-5  
N° à rappeler

Ottawa, le 26 avril, 1966.

18420/35-A

M. Fernand Boutin, a.g.,  
Sous-ministre,  
Département des Terres et Forêts,  
Hôtel du Gouvernement,  
Québec, P.Q.

Monsieur,

La présente est pour vous informer que je procèderai à l'arpentage des lignes sud et sud-est de la réserve indienne de Caughnawaga. Ces lignes sont d'autre part les limites nord et nord-ouest des paroisses de St-Isidore, de St-Constant et de Laprairie de la Magdelaine.

Je vous saurais gré de me communiquer les instructions que vous pourriez juger à propos. Etant donné que nous projetons de débiter prochainement, votre prompt réponse serait fort apprécié.

Veuillez agréer monsieur le sous-ministre, l'expression de mes sentiments les plus distingués.

Bien à vous,

*Gérard Raymond*

Gérard Raymond,  
arpenteur-géomètre.

*M. 2 Bout. Tr  
20/100 de l'arp. Leger  
613, rue Booth  
Ottawa*

File # 23/262.83.8-5  
18420/35-A

1966/04/26

Canada. Department of Mines and Technical Surveys



Dossier 18420/35-A.

861

QUÉBEC, le 22 juin 1966 .

INSTRUCTIONS à M. Gérard Raymond, a.-g., relatives au renouvellement des lignes extérieures sud et sud-est de la réserve indienne de Caughnawaga .

Monsieur,

Pour faire suite à votre lettre du 26 avril dernier, l'honorable ministre des Terres et Forêts vous autorise, par les présentes instructions, à re-tracer les lignes susmentionnées .

Vous effectuerez cet arpentage en conformité avec la loi et nos instructions générales particulièrement . Nous vous référons aux articles 7 et suivants groupés sous le titre de "LIGNES NEUVES OU RENOUELEES" .

Nous attirons particulièrement votre attention sur l'importance de rattacher vos opérations aux points géodésiques et autres repères d'arpentage déjà établis dans la région .

Aux endroits favorables, vous implanterez des bornes permanentes de votre choix accompagnées de poteaux témoins, le tout dûment marqué.

Conformément à l'article 8 de nos instructions générales, tous vos chaînages devront être faits en double .

Nous vous fournissons, sur demande, copies des documents de nos archives susceptibles de vous être utiles dans l'exécution de ce travail.

Il serait recommandable qu'au terme de vos opérations sur le terrain vous veniez rencontrer le directeur du service de l'arpentage et de la géodésie, à Québec, afin d'exposer la situation résultant de vos opérations et de convenir des documents à produire .

Nous n'avons pas à intervenir dans les frais se rattachant à cet arpentage .

Le contrat qui fait l'objet des présentes instructions n'est pas transférable et, à ce sujet, nous vous référons aux articles 65 et 66 de nos instructions générales, auxquels vous devrez nécessairement vous conformer .

Veuillez donc nous aviser immédiatement si vous acceptez ou non d'effectuer ces travaux de la manière et aux conditions ci-dessus décrites et, dans l'affirmative, nous retourner la formule d'engagement ci-incluse, après l'avoir dûment datée et signée .

Votre tout dévoué,

Service de l'arpentage et  
de la géodésie,  
Ministère des Terres et Forêts,

Le sous-ministre,

EP/ma

Fernand Boutin .

*C. P.*

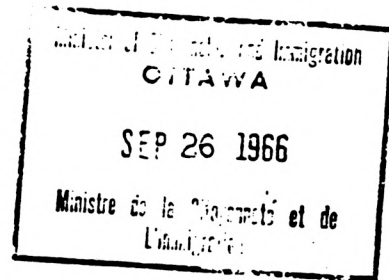
1966/09/22

P.C. 1966-1824

862



CANADA  
PRIVY COUNCIL



AT THE GOVERNMENT HOUSE AT OTTAWA  
THURSDAY, the 22nd day of SEPTEMBER, 1966

PRESENT:

HIS EXCELLENCY

THE GOVERNOR GENERAL IN COUNCIL.

WHEREAS by Order in Council P.C. 1955-1416 of 16th September, 1955, the St. Lawrence Seaway Authority was authorized to appropriate certain lands required for the construction of the South Shore Canal, in the Domaine de la Seigneurie du Sault St. Louis, Caughnawaga Indian Reserve, with the understanding that upon completion of the construction of the Seaway the remaining portion of the expropriated lands not required for the operation of the Seaway would be caused to revert to the Indian Affairs Branch;

AND WHEREAS there are three parcels of land containing a total area of 10,963,901 square feet, more fully described on SLSA Plans No. 13001, 13002 and 13003 in the Seaway Authority's records, which are no longer of use to the Authority.

THEREFORE, His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, is pleased hereby to transfer to the Department of Citizenship and Immigration, Indian Affairs Branch, for the benefit of the Caughnawaga Indian Band, the administration and control of the aforesaid three parcels of land containing 10,963,901 square feet of South Shore Canal reserve land, in the Caughnawaga Reserve, as more fully described on SLSA Plans No. 13001, 13002 and 13003 in the Seaway Authority's records.

CERTIFIED TO BE A TRUE COPY

P.C.

1824

33

*[Signature]* #33

CLERK OF THE PRIVY COUNCIL

Indian Land Registry  
R5548-172

1966/09/22

MEMORANDUM

CLASSIFICATION

Superintendent - Caughnawaga Indian Agency

YOUR FILE No.  
Votre dossier

863

OUR FILE No. 373/30-3-14 (ALT)  
Notre dossier

DATE October 20, 1966

FROM Acting Director - Indian Affairs Branch

I have a report from the R.C.M. Police concerning a number of unfortunate incidents at Caughnawaga arising out of members of the Band attempting to exercise control over the water fronting the reserve. Accompanying this report was a copy of the letter to you dated September 21, 1966, from the Head, Land Surveys and Titles Section indicating that the present natural boundary is considered to be the ordinary high water mark.

The Caughnawaga Reserve was not set aside or reserved for the Caughnawaga Indians under the terms of any Treaty or Surrender. The original reserve comprised two areas of land granted in 1680 to the Jesuit Order, in trust for the Indians, by the King of France. The two grants provided for the reversion of the land to the Crown should the Indians leave it.

In 1762, the Military Court in Montreal presided over by General Gage interpreted these grants and ruled that the Indians, not the Jesuits, were entitled to possession of the lands. The Court also directed that "the boundaries of the concession of the Iroquois of the Sault be drawn as soon as possible by a sworn surveyor and that the limits of the said concession be marked with stone fastened into the earth and stamped with His British Majesty's Arms, and that a figurative plan thereof be delivered at our record office."

The problem to be resolved, therefore, is the determination of the Reserve boundary along the St. Lawrence River and Lake St. Louis. This will require considerable research to obtain all the evidence which may bear upon the question after which an opinion will have to be obtained from the Department of Justice.

I am forwarding translations of the original grants of 1680 and the judgment of General Gage's Court in 1762. You will note that the grants describe the land as "containing two leagues of frontage, commencing at a point opposite the St. Louis Rapids, ascending along the lake in similar depth, with two Islands and Islets and the beach, lying opposite and adjoining the lands of the said Prairie de la Magdalaine" and "the said remainder of land of about one league and a half in length, to start from the said tract of land called the Sault, and running towards the Seignior of Chateauguay, by two leagues in depth."

1966/10/26  
... 2



The description of the first grant of land includes "two islands, islets and the beach" which would seem to place the natural boundary at the water's edge. In the case of the second grant, which does not include any islands, islets or beach, the description would appear to be the ordinary high water mark.

As the waters fronting the reserve are navigable, a Crown grant to either the water's edge or the ordinary high water mark would convey no title to the bed of the river. Unless research reveals that the Indians have a legitimate claim to the lands underlying the St. Lawrence River and Lake St. Louis, the natural boundary would not extend beyond the water's edge or ordinary high water mark, as applicable.

You should inform the band council and the local R.C.M. Police detachment of the foregoing. At the same time you may also inform the Band Council that we are proceeding at once to seek all available documentary evidence pertaining to the boundaries of the Caughnawaga Reserve with a view to obtaining a legal opinion as to the precise location of the natural boundary which is in dispute.

I shall advise the Chief and Council as soon as I have the required information.

Original Signed By

JULES D'ASTOUS

J. W. Churchman.

c.c. Regional Director of Indian Affairs - Quebec.

MAIL TO

18527 NOV 4 1966

1966/10/26



1966/12/09  
Indian Affairs Branch, Ottawa,  
ATTN: Mr. D'Astous.

YOUR FILE NO.  
Date received

OUR FILE NO.  
No. in dossier  
373/13-1  
373/33-1  
DATE

864

FROM  
TO

Quebec Regional Office.

December 9, 1966.

You will find attached copy of a letter I received from Legal Representative to Chief Delisle acting as Chairman of the Quebec Indian Association and as Chief of Caughnawaga.

As I was in Montreal this week, I went to see Mr. O'Reilly to have a better idea of the kind of information he wanted. I was accompanied by Mr. J.J. LeVert and Mr. O'Reilly, and Mr. Jack Miller present at the interview.

Mr. O'Reilly mentioned a few items he wants to study on behalf of his clients:

- 1) The titles to the "Seigniorie" of La Prairie and the possibilities of resuming collection of rents.
- 2) Whether or not the Department was considering re-surveying the Eastern boundary of the Caughnawaga Reserve.
- 3) Hunting and fishing rights of Quebec Indians in all parts of the Province with particular reference to Caughnawaga.
- 4) Law enforcement in Caughnawaga and the use of a municipal police force.
- 5) Provincial taxation on Reserve.
- 6) Possibilities of acquiring additional land for Indians not in possession of Reserves.

We pointed out that for most of the items the answer did not lie in our hands and where historical research is necessary, the documentation is only existing at Head Office. We referred these Gentlemen to the Director of Administration, Mr. D'Astous, whom they will likely contact to arrange for their visit in Ottawa in the foreseeable future.

*R. L. Boulanger*  
R. L. Boulanger,  
Regional Director of Indian Affairs.

1966/12/09

865

175 rue St-Jean, Chambre 219  
Ottawa 4, 15 décembre, 1966.

Martinson, Walker, Allison, Beaulieu,  
Tetley & Phelan, avocats  
3400, Tour de la Bourse  
Place Victoria  
Montréal 3, P.Q.

373/30-1 (LM)

Messieurs,

Vous trouverez ci-joint copie d'une concession datée à Québec le 21 octobre, 1680, par Frontenac au nom du Roi de France concernant la réserve actuelle de Caughnawaga.

Notre bureau-chef en nous envoyant cette copie des Titres du Sault St-Louis nous avise que dans les différentes traductions anglaises de cet acte le mot "BATURIS" a été traduit de différentes façons, entre autres par les mots "BACHES" dans un cas et "SHOALS" dans un autre. Vous noterez de même qu'il y est mentionné un don de deux îles et filets "qui se trouvent au devant et joignant aux terres de la Prairie de la Magdeleine".

Les Indiens de Caughnawaga nous ont mentionné à diverses reprises que leurs terrains ne s'arrêtaient pas à la limite des plus hautes eaux du St-Laurent, mais s'étendaient assez loin en front de la présente réserve en incluant les différentes petites îles qui s'y trouvaient jusqu'à la construction de la voie maritime. Apparemment, dans certains cas, surtout lors de la construction de la voie maritime, il a été souvent mentionné que leurs terrains s'étendaient jusqu'à la limite des plus hautes eaux. D'où viennent le conflit, les disputes et les réclamations que ces Indiens pourraient avoir sur ces îles et constructions récentes devant la Réserve de Caughnawaga.

Nous vous envoyons cette information, car nous croyons qu'elle vous sera utile dans vos recherches sur les titres concernant les réserves indiennes.

Bien à vous,

Original signé par  
J. MORISSET

pour/le surintendant régional du développement,  
J. J. Le Vert  
c.c.'s: Affaires Indiennes, Ottawa  
Agence Indienne de Caughnawaga /al

1966/12/15

1966/12/19

SP.

Indian  
Affairs  
Branch

Direction  
des affaires  
indiennes

Ottawa 4, December 19, 1966.

866

373/10-1

Document for information  
only - not to be used for  
action


MR. W. A. TUSKEY  
MR. H. E. COEN  
MR. H. G. SPOTT  
MR. J.W. CHUECHMAN (for information)  
MR. R.F. BATTLE (for information)

Re: Caughnawaga Indian Reserve and  
Quebec Indian Association

— Please find herewith copies of a letter sent to Regional Director  
Boulanger by a firm of lawyers from Montreal and of the letter Mr. Boulanger  
sent to me in connection with it.

I have not heard from Mr. O'Reilly as yet with regard to a meeting in  
Ottawa but I assure I will very shortly. In the meantime, we should give  
consideration to the six points identified by Mr. Boulanger and ensure  
that we prepare ourselves as well as we can to discuss them with some  
degree of competence when the time comes.

I will keep in touch with you from time-to-time on this and inform you of  
further developments as they occur.

  
Jules D'Antous,  
Director of Administration.

1966/12/19

1967/04/10

# MEMORANDUM

CLASSIFICATION

TO  
A

Quebec Regional Office.

YOUR FILE No.  
Votre dossier

867

OUR FILE No. 373/36-1  
Notre dossier

FROM  
De


Superintendent, Caughnawaga Indian Agency.

DATE April 10, 1967.

L D  
SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga

I have reviewed the file and note that the last major correspondence dates back to January 8, 1965. At the time, the matter was under consideration. At the present time, the Band Council has been making many references to the question of Seigniorial rents in case of land in Cote St. Catherine. In view of this and also in anticipation of a request by the Band Council, would you advise what information is available if no decision has yet been reached on the action that will have to be taken in the settlement of these land matters.

  
F.J. Jette,  
Superintendent.

FJJ/ad

07:02 APR 11 1967

1967/04/10



1967/05/05



TO  
A

Indian Affairs Branch, Ottawa.

MEMORANDUM

CLASSIFICATION

YOUR FILE No.  
Votre dossier

868

OUR FILE No.  
Notre dossier

373/36-1 (CRN)

DATE

FROM  
De

Quebec Regional Office.

JLD

SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga.

May 5, 1967.

Attached herewith letter received from Superintendent Caughnawaga dealing with the above mentioned subject.

We would refer to your letter of January 8, 1965, paragraph 4, wherein it is mentioned that it was your intention to make a submission to the Minister regarding the commutation of any rents and paying this out of Appropriation.

Would you please advise if any action was taken at that time.

  
for/C. L'Heureux,  
Regional Superintendent of Administration.

encl

✓  
DIAND File 373/34-3-2

CGSB-6GP22a PP&S Cat. No. 3675

1967/05/05

1967/06/14

373/34-342



AKS.

# MEMORANDUM

CLASSIFICATION

TO  
A

Indian Affairs Branch, Ottawa

YOUR FILE No.  
Votre dossier

OUR FILE No. 373/36-1 (CRN)  
Notre dossier

FROM  
De

Quebec Regional Office.

DATE June 14, 1967.

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga

869

This refers to our letter of May 5 with which we forwarded to you a letter from the Superintendent Caughnawaga Agency in which he requested information regarding the above.

*[Signature]*

for/C. L'Heureux,  
Regional Superintendent of Administration.

*See letter of 5/5/67  
to Daniel Schmitz on file 373/30-4-1*

1967/06/14

FE 5-28-3

1967/07/06



TO  
A

Indian Affairs Branch, Ottawa.

MEMORANDUM

CLASSIFICATION

373/34-3-2

YOUR FILE No.  
Votre dossier

OUR FILE No. 373/36-1 (CRN)  
Notre dossier

FROM  
De

Quebec Regional Office

DATE July 6, 1967.

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga

870

We wish to refer to our letters of May 5 and June 14 respectively wherein we requested information regarding the Seignorial rents which were one time in effect at Caughnawaga.

  
for C. L'Heureux,

Regional Superintendent of Administration.



TO  
▲

# MEMORANDUM

**CLASSIFICATION**

YOUR FILE No.  
Votre dossier

OUR FILE No.  
Notre dossier  
373/36-1(CLH)

DATE \_\_\_\_\_

FROM  
De

Quebec Regional Office.

**FOLD**

**SUBJECT**  
**Sujet**

Seigniorial Rents -  
Caughnawaga

August 15, 1967.

871

On May 5th, 1967, we forwarded to your office original of a letter from the Superintendent of Caughnawaga concerning the seigniorial rents at Caughnawaga. In his letter the Superintendent of Caughnawaga referred us to Head Office correspondence of January 8, 1965. In the last paragraph of this letter, the Regional Supervisor was requested to acknowledge receipt to the Caughnawaga Band of their Band Council Resolution of September 17, 1964. This has been done by the Regional Office on January 13, 1965; copy of this letter was sent to Ottawa with a footnote for attention of Head Office in which it was mentioned that we agreed with the suggestion to pay commutation instead of trying to collect rents.

Since the Superintendent of Caughnawaga anticipates questions from the Band Council on this matter, would you please advise where the matter now stands in Ottawa and when we may expect a decision in this case.

In order to be able to answer the Band Council, an interim reply will be appreciated.

R. L. Boulanger,  
Regional Director of Indian Affairs.

c.c. Caughnawaga.

CGSB—6GP22a PP&amp;S Cat. No. 3591

MONT SAB.  15-8-67 DATE	Monsieur J. D'Astous.  Jean Régional de Québec.
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SUITE

- ☐ P. A. ON FILE
- ☐ CLASSER
- ☐ REPLY
- ☐ RESPONSE
- ☐ SEE ME
- ☐ ME VOIR
- ☐ SIGNATURE
- ☐ TRANSLATION
- ☐ YOUR REQUEST
- ☐ À VOTRE DEMANDE

NO FILE      ET CLASSER

RETURN/OR FORWARD      ET RETOURNER/OU FAIRE SUIVRE

COPIES

DE RÉPONSE

REPLY

CONTAINERS

JATI

DATE



1967/08/28

872

Regional Director of Indian Affairs, Quebec

373/36-1(OLH)

373/34-3-14-2(ALS)

Administrator of Lands

August 28, 1967

Seignorial Rents -  
Caughnawaga

Your memorandum dated August 15, 1967 concerning the seignorial rents on lands occupied by non-Indians in the Seignory of Sault Ste. Louis is hereby acknowledged. As mentioned in previous correspondence, the matter of collecting these rents presents an almost impossible task as when the old Agency was destroyed by fire all detailed records were lost. The original seignorial lots were fairly large but over the years many have been sold in bits and pieces. The compilation of an up-to-date rent roll would necessitate the employment of a Notary Public to search the Land Office records. This would be a large undertaking and very costly involving expenses far in excess of any anticipated rental collections. →?

In view of the complexity of the problem, I believe we are in complete agreement that the best method to bring this matter to a satisfactory conclusion would be commutation of all the land in the seignory now subject to this rental. There still remains the problem of determining the exact acreage involved and this itself would represent a very time consuming and almost impossible task due to the lack of proper records. ✓

We suggest, therefore, that this matter be brought before the Band Council with the suggestion that they accept a lump sum payment to commute these lands and determine the question once and for all. Should the Band Council agree on a reasonable settlement, we could make a submission to the Minister to this effect and apply to have the costs of commutation paid out of appropriation.

Should the Band be receptive to this proposal, we would appreciate having some indication, by way of a Band Council resolution, of the approximate amount of the land involved and the amount of money which the Band would be prepared to accept as full payment to commute the rents.

*J.P. McIntyre*  
J.P. McIntyre  
KRM/pm

1967/08/28

See  
XXXIV

Regional Director of Indian Affairs, Quebec

373/35-1(OLH)

373/34-3-14-2(AL)

Administrator of Lands

August 28, 1967

Seigniorial Rents -  
Saugunawana

Your memorandum dated August 15, 1967 concerning the seigniorial rents on lands occupied by non-Indians in the seignory of Sault Ste. Louis is hereby acknowledged. As mentioned in previous correspondence, the matter of collecting these rents presents an almost impossible task as when the old agency was destroyed by fire all detailed records were lost. The original seigniorial lots were fairly large but over the years many have been sold in bits and pieces. The compilation of an up-to-date rent roll would necessitate the employment of an extra person to search the land office records. This would be a large undertaking and very costly involving expenses far in excess of any anticipated rental collections.

In view of the complexity of the problem, I believe we are in complete agreement that the best method to bring this matter to a satisfactory conclusion would be commutation of all the land in the seignory now subject to this rental. There still remains the problem of determining the exact acreage involved and this itself would represent a very time consuming and almost impossible task due to the lack of proper records.

We suggest, therefore, that this matter be brought before the Band Council with the suggestion that they accept a lump sum payment to commute these lands and determine the question once and for all. Should the Band Council agree on a reasonable settlement, we could make a submission to the Minister to this effect and apply to have the costs of commutation paid out of appropriation.

Should the Band be receptive to this proposal, we would appreciate having some indication, by way of a Band Council resolution, of the approximate amount of the land involved and the amount of money which the Band would be prepared to accept as full payment to commute the rents.

*J. R. M.*  
J. P. McIntyre  
JPM/pa

Regional Director of Indian Affairs, Quebec

373/36-1(OLH)

373/34-3-14-2(AL)

Administrator of Lands

August 26, 1967

Seigniorial Rents -  
Laughnawaga

Your memorandum dated August 15, 1967 concerning the seigniorial rents on lands occupied by non-Indians in the seignory of Sault Ste. Louis is hereby acknowledged. As mentioned in previous correspondence, the matter of collecting these rents presents an almost impossible task as when the old agency was destroyed by fire all detailed records were lost. The original seigniorial lots were fairly large but over the years many have been sold in bits and pieces. The compilation of an up-to-date rent roll would necessitate the employment of an actor, public to search the land office records. This would be a large undertaking, and very costly involving expenses far in excess of any anticipated rental collections.

In view of the complexity of the problem, I believe we are in complete agreement that the best method to bring this matter to a satisfactory conclusion would be commutation of all the land in the seignory now subject to this rental. There still remains the problem of determining the exact acreage involved and this itself would represent a very time consuming and almost impossible task due to the lack of proper records.

We suggest, therefore, that this matter be brought before the Band Council with the suggestion that they accept a lump sum payment to commute these lands and determine the question once and for all. Should the Band Council agree on a reasonable settlement, we could make a submission to the Minister to this effect and apply to have the costs of commutation paid out of appropriation.

Should the Band be receptive to this proposal, we would appreciate having some indication, by way of a Band Council resolution, of the approximate amount of the land involved and the amount of money which the Band would be prepared to accept as full payment to commute the rents.

*JRM*  
J.F. McIntyre  
JRM/pa



1967/09/05

873

Band Council,  
P.O. Box 299,  
Cape Mudge,  
B.C.

373/56-1

Cape Mudge, B.C.  
Sept. 5, 1967.

Dear Sirs:

Re: Seigniorial Rents - Cape Mudge

As a result of your request which dates back in 1964, the Branch has been reviewing the question of seigniorial rents on lands occupied by non-Indians in the Seignior of Sault St. Louis. There are two factors which have rendered the task most difficult and which have a great bearing on the solution which could be suggested. All collections records were held at the Agency and when the Agency burnt down in early 1960's, all of the detail records and rent roll were destroyed. Needless to say, the rent roll is not up-to-date, and to complete such a task would be a large undertaking. ✓

It has been suggested that the Band Council accept a lump sum payment to commute these lands now subject to this rental. If the Band agrees to this proposal, we would appreciate having some indication by way of Band Council resolution indicating the approximate amount of land involved and the amount of money which the Band would be prepared to accept as full payment to commute the rents.

We will now await your reply before taking any further action in this matter.

Yours truly,

Original signed by  
F. J. JETTE

F.J. Jette,  
Superintendent.

FJS/ed

→ C.C. C.C.

31189 SEP 767

1967/09/05



1967/09/05

373/34-3-2



TO  
A

Quebec Regional Office.

# MEMORANDUM

CLASSIFICATION

YOUR FILE No.  
Votre dossier

874

OUR FILE No. 373/36-1  
Notre dossier

DATE September 5, 1967

FROM  
De

Superintendent,  
Caughnawaga Indian Agency.

SLD

SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga

I refer to Headquarters letter of August 28 and your footnote, requesting an interim report. I discussed with Assistant Chief Ronald Kirby the proposal to commute these lands and have the Band Council accept a lump sum payment. As expected, Mr. Kirby indicated that the Band would not accept such a proposal and he saw no reason why the rent roll could not be up-dated even if it was an expensive proposition owing to the fact that the Department had been lax in not carrying out its roll in this problem. I have indicated to him that I would be confirming the proposal in writing and would expect a reply from the Band Council. I attach for your information a copy of my letter to the Band Council.

Att'n: Indian Affairs Branch, Ottawa.

This is further to your letter of August 28, 1967. As soon as the reply from the Band Council will be received, it will be forwarded to you.

*10/10/67  
ALS  
20/10/67*  
  
F.J. Jette,  
Superintendent.

Encl.

FJJ/ad

C. L'Heureux,  
Regional Superintendent of Administration.

11-9-67

31289 SEP 767



INDIAN AFFAIRS BRANCH  
BAND COUNCIL RESOLUTION

1967/09/11

H. Mary Bennett

Chronological No.

H.Q. Reference

NOTE: The words "From our Band Funds" must appear in all resolutions requesting expenditures from Band Funds.

COUNCIL OF THE	Caughnawaga Mohawk	BAND	FOR HEADQUARTERS USE ONLY
AGENCY	Caughnawaga		
PROVINCE	Quebec		
PLACE	K. of C. Hall		
DATE	11th 9th	AD 19 67	
	DAY	MONTH YEAR	

DO HEREBY RESOLVE:

RESOLUTION # 80/67-68

875

PROPOSED BY: RONALD KIRBY

SECONDED BY: GENE LAHACHE

The request from the Department of Indian Affairs regarding the proposed lump sum settlement for the back payment of seigniorial dues in the Cote St. Catherine area is unanimously rejected by the Band.

*M.C.*  
(Councillor)  
*J.E.*  
(Councillor)  
(Councillor)  
(Councillor)

ORIGINAL SIGNED BY  
CHIEF A. T. DELISLE  
ORIGINAL SIGNED BY  
GENE LAHACHE  
*P.S.W.*  
(Councillor)  
(Councillor)  
(Councillor)  
(Councillor)

ORIGINAL SIGNED BY  
RONALD A. KIRBY  
ASS'T CHIEF  
(Councillor)  
(Councillor)  
(Councillor)  
*H.D.*  
(Councillor)

FOR HEADQUARTERS USE ONLY					
1. TRUST ACCT	2. CURRENT BALANCES		3. Expenditure	4. Authority Indian Act Sec.	5. Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> F
	A. Capital	B. Revenue			
6. Recommended			7. Approved		
Date _____ Authorized Officer _____			Date _____ Assistant Deputy Minister, Indian Affairs		

1A-135

DIAND PARC, File 373/34-3-2

1967/09/11

1967/09/12

373/34-3-14-2



ALS-4

# MEMORANDUM

CLASSIFICATION

TO  
A

Quebec Regional Office

YOUR FILE No.  
Votre dossier

876

OUR FILE No. 373/36-1  
Notre dossier

FROM  
De

Superintendent  
Caughnawaga, Indian Agency


DATE September 12, 1967

DLB

SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga

Please refer to my letter of September 5, where I indicated that confirmation would be coming from the Band Council to the proposal indicated by Ottawa on August 28. I attended last night's Band meeting and when the proposal was put to vote, it was unanimously decided to reject the proposal. There were definitely over 100 voters and therefore, I feel that the decision is conclusive. I expect that we will be receiving a reply from the Council confirming the objections to the proposal.

  
F.J. Jette  
Superintendent

FJJ/lp

c.c. Ottawa

Att'n: Indian Affairs Branch, Ottawa.

As soon as the official reply from the Band Council will be received, it will be sent to you.

  
C. L'Heureux,  
Regional Superintendent of Administration

14-9-67

DIAND File 3731.

1967/09/12

1967/09/13

Doc. 59

PEACE  
UNITY

MOHAWKS OF KANAWAKE  
CAUGHNAWAGA, QUEBEC



STRENGTH

(OFFICE OF THE COUNCIL OF CHIEFS)

877

September 13, 1967

Gentlemen:

The request by letter from the departement of Indian Affairs regarding a proposal to accept a lump sum settlement for the part of Caughnawaga referred to as cote St. Catherine was unanimously rejected by Band.

*A Resolution will follow this letter  
R.K.*

*At Delors*

32840 SEP 27 67

1967/09/13

FOR HEADQUARTERS USE ONLY					
1. TRUST ACCT	2. CURRENT BALANCES		3. Expenditure	4. Authority Indian Act Sec.	5. Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Rev.
	A. Capital	B. Revenue			
6. Recommended			7. Approved		
Date _____ Authorized Officer _____			Date _____ Assistant Deputy Minister, Indian Affairs		

1A-135

33619 OCT 10 67

Date _____	Authorized Officer _____	Date _____	Assistant Deputy Minister, Indian Affairs
------------	--------------------------	------------	--

33619 OCT 10 67



1967/09/22

MEMORANDUM

CLASSIFICATION

TO  
A

Quebec Regional Office.

YOUR FILE No.  
Votre dossier

878

OUR FILE No. 373/36-1  
Notre dossier

FROM  
De

Superintendent,  
Caughnawaga Indian Agency.


DATE Sept. 22, 1967.

FOLD

SUBJECT  
Sujet

Seigniorial Rents - Caughnawaga

This is further to my letter of September 12th indicating the Band's decision on the proposal put forth by Headquarters. I attach copy of letter from Chief Delisle which is self explanatory.

  
F.J. Jette,  
Superintendent.

Encl.

FJJ/ad

B.F. 16-12-67  
CLH

CGSB-6GP22e PP&S Col. No. 3591

32840 SEP 27 67

1967/09/22

FOR HEADQUARTERS USE ONLY					
1. TRUST ACCT	2. CURRENT BALANCES		3. Expenditure	4. Authority Indian Act Sec.	5. Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Rave
	A. Capital	B. Revenue			
6. Recommended			7. Approved		
Date _____ Authorized Officer _____			Date _____ Assistant Deputy Minister, Indian Affairs		

1A-135

33019 OCT 10 67

Date _____	Authorized Officer _____	Date _____	Assistant Deputy Minister, Indian Affairs
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1A-135

1967/10/04

373/34-3-14-2

MEMORANDUM

CLASSIFICATION



TO  
A

Quebec Regional Office.

YOUR FILE No.  
Votre dossier

879

OUR FILE No. 373/36-1  
Notre dossier

DATE Oct. 4, 1967.

FROM  
De

Superintendent,  
Caughnawaga Indian Agency.

DLB

SUBJECT  
Sujet

Resolution No. 80/67-68

I attach Resolution No. 80/67-68 dated September 11, 1967, regarding the Seigniorial rents, please refer to my letter of September 22, 1967 with attached copy of Mr. Andrew Delisle's letter which is self explanatory.

Att'n: Indian Affairs Branch, Ottawa.

As requested in your letter of August 28, 1967, the proposal made by the Department for the settlement of the seigniorial rents has been brought to the Band Council. You will find herewith a Band Council Resolution and photocopy of a letter from the Chief, advising that the proposal is rejected.

*F.J. Jette*  
F.J. Jette,  
Superintendent.

Encl.

FJJ/ad

*C. L'Heureux*  
C. L'Heureux,  
Regional Superintendent of Administration.

30-10-67 /vt

33619 OCT 10 1967

1967/10/04

ab 12 22-9

1967/10/23

Exhibit no.69

880



MINISTÈRE DES TERRES ET FORÊTS DU QUÉBEC

Dossier : 18420/35-A.

QUEBEC, le 23 octobre 1967 .

Monsieur Fernand Boutin,  
Sous-ministre,  
Ministère des Terres et Forêts .

Monsieur le sous-ministre,

Je recommande à votre approba-  
tion deux plans et un carnet d'opérations concernant le re-  
nouvellement de la ligne extérieure sud-est de la réserve  
indienne de Caughnawaga No 14, documents préparés par mon-  
sieur Gérard Raymond, arpenteur-géomètre, en vertu d'ins-  
tructions émises par l'honorable ministre des Terres et Fo-  
rêts le 22 juin 1966 .

Votre tout dévoué,

EP/ma

Emilien Pouliot, a.-g.,  
directeur du service de l'arpentage  
et de la géodésie .

N.B. Les deux plans vous sont transmis par envoi séparé.

Terres et Forêts, Service d'arpentage, Dossier 18420/35-A

1967/10/23

*Roads in Caughnawaga Indian Reserve No. 14*

881

St. Louis Road

No formal transfer to Province. Formerly right-of-way of Lake St. Louis Province Line Railway abandoned in 1882 and land reverted to Band.

Repairs and maintenance of road is normally done by Quebec Department of Highways (373/8-9-3 Vol. 6)

New York - Montreal Highway 90

Some areas were expropriated for Seaway under P.C. 1956-1538 11 October 1956 also on P.C. 231 9 February 1956 and P.C. 1955-1416 16 September 1955.

Highway 3 - (La Prairie - Valleyfield Highway)

This highway was apparently constructed around 1822 in the same manner and under same conditions as Highway 4.

P.C. 1512 September 3, 1924 authorized a contribution of \$3,395.02 from appropriation which is 10% of total cost incurred in building an improved road. This O.C. also states that the road will in future be maintained at the expense of Province of Quebec.

O.C. P.C. 7522 21 December 1940 authorized Province to enter Reserve to widen road.

Chateaugay Road

One of the oldest road of Caughnawaga. There is no formal transfer to Province.

P.C. 7522 21 December 1940 authorized Province to enter the Reserve for the purpose of widening above highway.

Montreal - Malone Highway 4

This Caughnawaga land was never transferred to Province but 3.5 acres of this road being on the Reserve was constructed around 1919-1921 in accordance with an agreement with the Province whereby the Province would undertake construction of roads on cost sharing basis:

Province 50%  
Federal Government 40%  
Band 10%

...2

1967/11/02



The Department of Railways and Canals apparently paid the Federal's share of 40%. It would appear that the Band never paid its contribution of 10%. P. C. 2460 17 December 1923 made legal a payment of \$11,907.16 to Province in 1922 covering the Band share of 10% of the cost of highway.

O. C. P. C. 7522 dated 21 December 1940 authorized the Province to enter Reserve for the purpose of widening road.

Apparently some portions of Reserve were taken for some relocation of road.

Approaches to Mercier Bridge

P. C. 2675 7 December 1932 transferred to the corporation du Pont du Lac St. Louis 3.81 acres of land and water lots.

\* P. C. 534 9 March 1936 transferred to the Province a total of 2.11 acres shown on Plan RD 2596 for the purpose of widening an existing road and improving an approach to Mercier Bridge at junction of Laprairie Road and Highway 90.

P. C. 1956 - 1938 11 October 1956 land used for relocation of south approach and road leading to Mercier Bridge. This land was expropriated by the Seaway Authority.

Regarding the land status of highways running through Caughnawaga Reserve, Mr. J. P. Varcoe, Deputy Minister of Justice gave a legal opinion on January 28, 1947. We may conclude from Mr. Varcoe's opinion that the highways crossing the Reserve are subject to the provisions of the Indian Act, but as public highways they are also subject to the public right of passing and repassing like any other highway.

According to Mr. Paul-Emile Marquis, Legal Adviser's report dated November 12, 1965 on Status of Indian Lands in Quebec, Caughnawaga is a private reserve. Therefore, the land is not subject to the reversionary interest to the Province determined in principle by the Star-Chrome Case.

On Caughnawaga, the only roads transferred to the Province were those required for approaches to the Mercier Bridge.

G. Boudreault.

2-11/67  
GB/mnc

1967/11/08

882

Regional Director of Indian Affairs, Quebec.

373/36-1

373/34-3-14-2 (ALS

Deputy Administrator of Lands.

November 8, 1967.

Seignorial Rents -  
Caughnawaga I.R.

I wish to acknowledge receipt of Agency Letter dated October 4, 1967 with your note thereon dated October 30, 1967, together with B.C.R. dated September 11, 1967 regarding the above noted subject.

I may advise this matter is being thoroughly studied from the legal point of view and we shall write you further in due course.

ORIGINAL SIGNED BY  
J. H. MacAdam.

J. H. MacAdam.  
JHM/mn

1967/11/08

1968/08/27

AK S.42

# MEMORANDUM

CLASSIFICATION



TO  
A

Indian Affairs Branch, Ottawa.

YOUR FILE No. 373/34-3-14-2 (ALS)  
Votre dossier

OUR FILE No. 373/36-1-14 (CLH)  
Notre dossier

DATE February 27, 1968.

FROM  
De

Quebec Regional Office.

OLD

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga Indian Reserve.

883

On November 8, 1967, you advised us that the matter of the seignorial rents at Caughnawaga was being referred to the legal Advisor for their point of view.

Would you please advise if you have received their comments on this matter.

*C. L'Heureux*

Miss C. L'Heureux,  
Regional Superintendent of Administration.

c.c. Caughnawaga.

1968/02/27

1968/04/25

MEMORANDUM

Doc  
no.  
60

373/34-3-2

CLASSIFICATION



TO  
A

Indian Affairs Branch, Ottawa.

YOUR FILE No. 373/34-3-14-2 (AI.  
Votre dossier

OUR FILE No. 373/36-1-14 (CLH)  
Notre dossier

DATE April 25, 1968.

FROM  
De

Quebec Regional Office.

FOLD

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga Indian Reserve.

884

Would you please advise if you have received the Legal Adviser's point of view concerning the seignorial rents on the Caughnawaga Indian Reserve.

You mentioned in your memorandum of November 8, 1967, that this matter was being studied by the Legal Section.

(Miss) C. L'Heureux,  
Regional Superintendent of Administration.

c.c. Caughnawaga District.

1968/04/25





TO  
A

Indian Affairs Branch, Ottawa.

1968/05/24

YOUR FILE No.  
Votre dossier

373/34-3-14-2 (ALS4)

OUR FILE No.  
Notre dossier

373/36-1-14 (CRN)  
DATE

May 24, 1968.

FROM  
De

Quebec Regional Office.

FOLD

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga Indian Reserve.

885

You advised us on November 8, 1967, that the matter of the seigniorial rents at Caughnawaga was being referred to the legal Advisor for their point of view.

Could you please advise if you have received the opinion of the legal Branch.

for/(Miss) C. L'Heureux,  
Regional Superintendent of Administration.

CGSB—6GP22a PP&S Cat. No. 3591



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDIANES ET DU NORD CANADIEN

TEMPORARY FILE SLIP  
FICHE TEMPORAIRE DE DOSSIER

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REMARQUE: La présente fiche sert à transmettre la correspondance lorsque le dossier principal est sorti ou n'est pas demandé; ne pas l'enlever mais la fixer au dossier principal dès que possible.

BRANCH - DIRECTION

FILE NO. - DOSSIER N°

SUBJECT - SUJET

MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE

REFERENCE - RENVOI

ACTION TAKEN - MESURES PRISES

REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DATE DE RANGEMENT	B.F. DATE DATE DE RAPPEL	BY PAR	FOR USE AU USAG ARCH
7							

1968/06/10

886

Regional Superintendent of Administration,  
Quebec Regional Office.

373/34-3-14-2 (A)

10, d.c. 12  
June 11, 1968.

A/Administrator of Estates

Seignorial Rents -  
Caughnawaga Indian Reserve.

We acknowledge receipt of your memos of April 25 and May 24 and apologise for the delay in replying.

This matter has been turned over to me and because of the volume of material and the distance which it goes back into history it has involved the examination of ancient documents at the archives consuming considerable time. There is still some work to do and I hope to prepare an opinion without undue delay.

*J.C.P.*  
For: J. F. Cullinan

JCP/bev

1968/06/10

1968/06/13

373/34-3-14-

ALS4

MEMORANDUM - GOVERNMENT OF CANADA

887

To: Indian Affairs Branch, Ottawa.  
From: Quebec Regional Office.  
Subject: Seignorial Rents -  
Caughnawaga Indian Reserve.

Your File No:  
373/34-3-14-2 (ALS4)  
Our File No:  
373/36-1-14 (JJLV)  
Date:

June 13, 1968.

We would appreciate a reply to our.....letter.....  
.....of.....May 24, 1968.....

J.J. LeVert,  
Regional Superintendent of Development.

1968/06/13



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDiennes ET DU NORD CANADIEN

TEMPORARY FILE SLIP  
FICHE TEMPORAIRE DE DOSSIER

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BRANCH - DIRECTION				FILE NO. - DOSSIER N°			
SUBJECT - SUJET				373/34-3-14-2			
MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE				1-5-68			
REFERENCE - RENVOI				ACTION TAKEN - MESURES PRISES			
REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DATE DE RANGEMENT	S.F. DATE DATE DE RAPPEL	BY PAR	FOR USE AU USAG ARCH
ALS 4	77	25-631	17-6-68	18/6		ALS 4	
AE 2	ALS 4	"	18/6/68				

1968/08/15

373/34-3-2

MEMORANDUM - GOVERNMENT OF CANADA

888

AE 2


To: Indian Affairs Branch, Ottawa Your File No: 373/34-3-14-2 (AE2)

From: Quebec Regional Office. Our File No: 373/36-1-14 (QA 1)

Subject: Seignorial Rents - Date: August 15, 1968.  
Caughnawaga Indian Reserve.

We would appreciate a reply to our..... letters.....

.....of..... April 25, 1968 and May 24, 1968.

  
for/(Miss) C. L'Heureux,  
Regional Superintendent of Administration.

1968/08/15

Department of Indian Affairs  
and Northern Development  
**TEMPORARY FILE**

Ministère des Affaires Indiennes et  
du Nord canadien  
**DOSSIER PROVISOIRE**

BRANCH - DIVISION

File No. - Dossier n°

Temp. File No. - Dossier provisoire n°

373/34-3-14-2

Subject - Sujet

Main File is charged to - Dossier principal inscrit au nom de

AE 2 1-5

REFERENCE - RENVOI				ACTION TAKEN - MESURES PRISES			
Referred to - Destinataire	Remarks - Remarques	Date	Initials - Initiales	P.A. Date or T. - Date de rangement ou de transmission	B.F. Date - Date de rappel	Initials - Initiales	Registry Inspection - Examen du service des Archives



1968/09/04

373/34-3-2



TO  
A

# MEMORANDUM

CLASSIFICATION

Indian Affairs Branch, Ottawa.

YOUR FILE No.  
Votre dossier

AE2

OUR FILE No. 373/36-1-14 (QA)  
Notre dossier

FROM  
De

Quebec Regional Office.

DATE September 4, 1968.

LD

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga Indian Reserve.

889

On June 10, 1968, you informed us that there was still some work to be done in order to prepare an opinion on the settlement of seignorial rents at Caughnawaga.

We would appreciate being informed if you have been able to proceed with this case as anticipated and when you expect to submit your views.

for/(Miss) C. L'Heureux,  
Regional Superintendent of Administration.

c.c.: Caughnawaga

1968/09/04

1968/11/21

373/34-3-2

AE.2

MEMORANDUM - GOVERNMENT OF CANADA

890

To: Social Affairs Program, Ottawa.

Your File No.: 373/34-3-14-2 (AE2)

From: Quebec Regional Office.

Our File No.: 373/36-1-14 (QAL)

Subject: Seigniorial Rents -  
Caughnawaga Indian Reserve.

Date: November 21, 1968.

We would appreciate a reply to our memorandum dated September 14th.

...reminder.....of ..October 30th.....

*L. Deschamps*

for/ (Miss) C. L'Heureux,  
Regional Superintendent of Administration.

1968/11/21



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDiennes ET DU NORD CANADIEN

TEMPORARY FILE SLIP  
FICHE TEMPORAIRE DE DOSSIER

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BRANCH - DIRECTION				FILE NO. - DOSSIER N°			
SUBJECT - SUJET				373/34-3-2			
MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE				AE 2 1-5-68			
REFERENCE - RENVOI				ACTION TAKEN - MESURES PRISES			
REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DE RANGEMENT	S.P. DATE DE RAPPEL	BY PAR	FOR C.R. USE ONLY AU SEUL USAGE D' ARCHIVE
AE 2	n	21386	25-11-68				

Rapport du Bureau Juridique

Supplément au mémoire du 1-4-1964 concernant la  
Réserve Indienne de Caughnawaga, Seigneurie du  
Sault St-Louis.

Dans le mémoire du premier avril, il est mentionné qu'en 1933, le Fédéral a remboursé au Québec un montant de \$21,738.00, soit les argents perçus par le Fédéral pour les terrains vendus par lui sous droit à d'autres que des Indiens dans la Réserve de Caughnawaga admettant par le fait même la validité de la clause de retour des concessions originales en fief et seigneurie des 21 mai et 31 octobre 1680 pour la dite Réserve.

A la date de ce mémoire (1-4-68) les documents donnant le détail de ces ventes par le Fédéral pour ce montant de \$21,738.00 n'ont pas été retracés.

Je viens de localiser ces documents au dossier de la Réserve Indienne de Lorette (D:3454-45) où ils avaient été déposés sans qu'aucune action soit prise à la suite de la réception desdits documents, autres qu'un accusé réception de quelques lignes au Fédéral le 2-6-1945.

Les titres accordés par le Fédéral sont selon moi entachés de nullité et je suis d'opinion que le Québec devra un jour faire quelque chose pour bonifier ces titres.

Ces terrains patentés par le Fédéral ne figurent pas au terrier des Réserves Indiennes désaffectées.

Québec, le 28 novembre 1968

Signé: C.E. Baril, agent d'administration

Source: Québec, Ministère des Terres et Forêts,  
Dossier no. 3359-44, Sec II  
"Réserve Indienne de Caughnawaga"

1968/11/28



1968/12/06

AK

MEMORANDUM

CLASSIFICATION

TO  
A

Social Affairs Program, Ottawa.

YOUR FILE No. 373/34-3-14-2 (X)  
Votre dossier

OUR FILE No. 373/36-1-14 (QA)  
Notre dossier

DATE December 6, 1968.

FROM  
De

Quebec Regional Office.

FOLD

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga Indian Reserve.

892

Reference is made to your letter dated June 10, 1968, in connection with the above-mentioned subject. Your attention has been drawn to this matter on numerous occasions, namely September 4th, October 30th and November 21, 1968.

Would you please advise if you now have the necessary information to provide an opinion in connection with these seignorial rents.

*C. L'Heureux*

for/(Miss) C. L'Heureux,  
Regional Superintendent of Administration.

1968/12/06



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDiennes ET DU NORD CANADIEN

TEMPORARY FILE SLIP  
FICHE DE DOSSIER

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RANCH - DIRECTION				FILE NO. - DOSSIER N°			
				373/34-3-2			
SUBJECT - SUJET							
MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE				AE 2 1-5-68			
REFERENCE - RENVOI				ACTION TAKEN - MESURES PRISES			
REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DATE DE RANGEMENT	B.F. DATE DATE DE RAPPEL	BY PAR	FOR C.R. USE ONLY AU SEUL USAGE DES ARCHIVES
AE 2	22	76022	10.12.68				



# MEMORANDUM

CLASSIFICATION

Social Affairs Program, Ottawa.

YOUR FILE No.  
Votre dossier

373/34-3-~~4~~-2

OUR FILE No.  
Notre dossier

373/36-1-14 (QA)

FROM  
De

Quebec Regional Office.

DATE

January 17, 196

FOLD

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga Indian Reserve.

893

Reference is made to your memorandum of June 10, 1968, informing that some work had still to be done in order to prepare an opinion concerning the seignorial rents on the Caughnawaga Indian Reserve.

As almost 7 months have elapsed since that time and that we feel that the Caughnawaga Band Council will most probably come back to this question again, we would like to be informed when you expect to be able to give an opinion on this case.

*C. L. Heureux*

(Miss) C. L'Heureux,  
Regional Superintendent of Administration.

c.c. Caughnawaga District.

DIAND PARC

1969/01/17



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDIANES ET DU NORD CANADIEN

TEMPORARY FILE SLIP  
FICHE TEMPORAIRE DE DOSSIER

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BRANCH - DIRECTION				FILE NO. - DOSSIER N°			
SUBJECT - SUJET				373/34-3- <del>4</del> -2			
MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE				Ac 2 1-5-68			
REFERENCE - RENVOI				ACTION TAKEN - MESURES PRISES			
REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DATE DE RANGEMENT	S.F. DATE DATE DE RAPPEL	BY PAR	FOR C.I. USE ONI AU SEU USAGE ARCHIV
Ac 2	h	66224	20-1-69				



1969/02/21

# MEMORANDUM

CLASSIFICATION

TO  
A

Social Affairs Program, Ottawa.

*ALSI AE.2*

YOUR FILE No.

*Notre dossier*

373/34-3-20 (ALSI) AE.2

OUR FILE No.

*Notre dossier*

373/36-1-14 (QA)

DATE

*894*

FROM  
De

Quebec Regional Office.

LD

SUBJECT  
Sujet

Seignorial Rents -  
Caughnawaga

February 21, 1969.

On August 28, 1967, Ottawa has suggested that we contact the Caughnawaga Band Council to find out whether or not they would accept a lump sum in payment of the commute land for the seignorial rents at Caughnawaga. This correspondence from Ottawa had been received following our memorandum of August 15, 1967, and other letters from the Caughnawaga District and our office.

As requested in Head Office letter, the suggestion has been submitted to the Band Council. They have informed us, by mean of a resolution dated September 11, 1967, that they did not accept the proposed settlement. The resolution has been sent to Ottawa with the Superintendent's memorandum of October 4, 1967, and our footnote of October 30th. Upon receipt of this correspondence, Ottawa informed us, on November 8, 1967, that this matter was being studied from the legal point of view and we were to be advised further in this case. We have been informed by Ottawa on June 10, 1968, that the matter had been referred to the Estates Section and that a study of a lot of documents at the archives was involved. Since, we have contacted Head Office on a few occasions to find out if the examination to be made of documents will soon be completed and when we will have other comments to submit to the Band.

This morning, we have contacted by phone the Superintendent-in-Charge of the Caughnawaga District and we were told that the Band Council has not let the matter drop. He said also that they are having the matter studied and that he anticipates that they will soon write to us again on this matter.

In order to be able to give a reply to the Band Council when they will raise questions again on these seignorial rents, we would appreciate being informed when you anticipate that the work being done at Head Office will be completed and you will be able to give us the legal point of view.

J.J. LeVert,  
Regional Director.  
C.C. Caughnawaga.

*AE2*  
*1-5*  
*1969/02/21*





TO  
A

1969/03/24

ALSI

# MEMORANDUM

CLASSIFICATION

Social Affairs Program, Ottawa.

YOUR FILE No.  
Votre dossier

373/34-3-14-2- (ALSI)

OUR FILE No.  
Notre dossier

373/36-1-14 (QA)

DATE

March 24, 1969.

895

FROM  
De

Quebec Regional Office.

OLD

SUBJECT  
Sujet

Seignorial Rents - Caughnawaga.

Reference is made to our memorandum of February 21, 1969.

In that memorandum we were referring to the exchange of correspondence and requesting when you anticipated to be able to give your opinion on the payment of seignorial rents at Caughnawaga.

In view of the number of letters and reminders sent to Ottawa since June 10, 1968 and for which we did not receive any reply or acknowledgment, we are wondering if this case is not pending.

May we be informed if Head Office officials are still working on this matter.

*J.J. LeVert*

J.J. LeVert.  
A/ Regional Director.

c.c. Superintendent-in-Charge, Caughnawaga District.

1969/03/24



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDIANES ET DU NORD CANADIEN

## TEMPORARY FILE SLIP FICHE TEMPORAIRE DE DOSSIER

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BRANCH - DIRECTION

FILE NO. - DOSSIER N°

373/34-3-2

SUBJECT - SUJET

MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE

ALSI 1-5-68

REFERENCE - RENVOI

ACTION TAKEN - MESURES PRISES

REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DATE DE RANGEMENT	B.F. DATE DATE DE RAPPEL	BY PAR	FOR USE AU USAG ARC
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1969/04/14

373/34-3-2

ALS1

MEMORANDUM - GOVERNMENT OF CANADA

896

To: Social Affairs Program, Ottawa.

Your File No.: 373/34-3-14-2 (ALS1)

From: Quebec Regional Office.

Our File No.: 373/36-1-14 (QA)

Subject: Seignorial Rents - Caughnawaga.

Date: April 14, 1969.

We would appreciate a reply to our MEMORANDUM  
.....of MARCH 24, 1969.

*C. L'Heureux* 694-3604  
(Miss) C. L'Heureux,  
Regional Superintendent of Administration.

1969/04/14

BRANCH - DIRECTION				FILE NO. - DOSSIER N°			
SUBJECT - SUJET				373/34-3-2			
MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE				AE2			
REFERENCE - RENVOI				ACTION TAKEN - MESURES PRISES			
REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DATE DE RANGEMENT	S.F. DATE DATE DE RAPPEL	BY PAR	FOR C.R. USE ONLY AU SEU USAGE C ARCHIV
ALS1	20	3489	16-4-69				





TO  
A

Social Affairs Program, Ottawa.  
Att'n: Mr. J.C. Puddington.

FROM  
De

Quebec Regional Office.

LD

SUBJECT  
Sujet

Seignorial Rents - Caughnawaga  
Indian Reserve.

MEMORANDUM

373/34-3-2

CLASSIFICATION

YOUR FILE No.  
Votre dossier  
373/34-3-14-2 (AE2)

OUR FILE No.  
Notre dossier  
373/36-1-14 (QA)

DATE  
June 26, 1969.

897

On April 25, 1969 I was informed by Mr. Puddington that we shall soon receive a report on the matter of the seignorial rents at Caughnawaga.

As we cannot locate copy of this report on our file, would you please inform if it has been completed and forwarded to the Regional Office. If so, we would appreciate receiving a photocopy, if not, would you please inform of the approximative date you believe it will be completed.

*C. L. Heureux*

(Miss) C. L. Heureux,  
Regional Superintendent of Administration.

c.c. Caughnawaga District.

1969/06/26



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDIANES ET DU NORD CANADIEN

TEMPORARY FILE SLIP  
FICHE TEMPORAIRE DE DOSSIER

NOTE: This slip to be used for passing correspondence when the main file charged out or is not required, and must not be removed but will be locked to the main file as soon as possible.

REMARQUE: La présente fiche sert à transmettre la correspondance lorsque dossier principal est sorti ou n'est pas demandé; ne pas l'enlever mais la fixer au dossier principal dès que possible.

BRANCH - DIRECTION

FILE NO. - DOSSIER N°

373/34-3-2

SUBJECT - SUJET

MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE

REFERENCE - RENVOI

ACTION TAKEN - MESURES PRISES

REFERRED TO DESTINATAIRE	BY PAR	REMARKS REMARQUES	DATE	P.A. DATE DATE DE RANGEMENT	B.F. DATE DATE DE RAPPEL	BY PAR	FOR C. USE ON AU SEL USAGE ARCHIV
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TO  
A

Social Affairs Program, Ottawa.

MEMORANDUM

ALSA  
1969/07/23

373/34-3-2

CLASSIFICATION

YOUR FILE No.  
Votre dossier 373/34-3-14-2 (A)

OUR FILE No.  
Notre dossier 373/36-1-14 (QA)

FROM  
De Quebec Regional Office.

DATE July 23, 1969.

OLD

SUBJECT  
Sujet Seignorial Rents -  
Caughnawaga Indian Reserve.

898

This file dealing with seignorial rents for the Caughnawaga Indian Reserve was brought forward again today.

We have contacted the A/Supervisor of the Caughnawaga District and were informed that the Caughnawaga Band Council had not forgotten this matter. They are presently working on the settlement for the seaway expropriation and Mr. Jetté informed us that as soon as this will be completed, the Band Council will raise again the questions on the seignorial rents.

We hope that the studies that have been going on for a while concerning the seignorial rents will be completed when the Band Council will come back to this matter and that we will have received your report. Would you please inform when you anticipate it will be completed.

*R. L. Boulanger*  
R.L. Boulanger,  
Regional Director.  
c.c. Caughnawaga District.

1969/07/23



DEPARTMENT OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT  
MINISTÈRE DES AFFAIRES INDIANES ET DU NORD CANADIEN

TEMPORARY FILE SLIP  
FICHE TEMPORAIRE DE DOSSIER

NOTE: This slip to be used for passing correspondence when the main file charged out or is not required, and must not be removed but will be tached to the main file as soon as possible.

REMARQUE: La présente fiche sert à transmettre la correspondance lorsque dossier principal est sorti ou n'est pas demandé; ne pas l'enlever mais la fixer au dossier principal dès que possible.

BRANCH - DIRECTION

FILE NO. - DOSSIER N°

373/34-3-2

SUBJECT - SUJET

MAIN FILE IS CHARGED TO - DOSSIER PRINCIPAL INSCRIT AU NOM DE

AE2 3094

REFERENCE - RENVOI

ACTION TAKEN - MESURES PRISES

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899

SEPTEMBER 1970

PRELIMINARY REPORT

TO THE

CAUGHNAWAGA LANDS

SEIGNEURIE DU SAULT-SAINT-LOUIS

15603 RUE BELLERIVE  
POINTE AUX TREMBLES  
P.Q. H1A2B1

SERGE BOUCHARD

1970/09/00

## INTRODUCTION

In the general development of the Indian Reserve system throughout Canada, and even throughout Quebec, Caughnawaga is a particular case which has to be dealt with very specific orientations. First, this reserve is very old as it goes back to the French Regime. Historical research was necessary. Also, Caughnawaga brings out all the seigneurial system in Lower Canada and this complicates the legal aspect of the land problem. This report is far from being final but, in the present form, it will contribute to a certain degree, to clarify some general aspects of the land question by bringing some new facts and figures and by tracing some lines of work for a future practical solution of the problem.

### KING'S GRANT (FRENCH REGIME)

The colonization of new France was made through the seigneurial system. The King granted large pieces of land, usually to army officers (Régiment Carignan is a good example), with certain rights and obligations for the Seigneurs who inherited this land. The Seigneur was responsible for the clearing of his land in such a way that it could be cultivated. So the interest of the Seigneur was to concede land to "censitaires" who were the settlers working at this task. The censitaires themselves had obligations to their seigneurs among which the seigneurial rent is about the best known. But many other obligations were attached to a censitaire contract (deed of concession). The "Banlieue", for example, obliged the censitaire to use the mill of his Seigneur. Without going too deep into the system, we will just point out that the fundamental aim of the Seigneurial Regime in New-France was the colonization of the country by a method already well known in France before 1789.

When Indians were involved in that system of Seigneurial tenure, the question became more complicated. First, Indians were not so easily inclined to settle down to cultivate the land. On the other hand,



nobody was ready to confer upon them title to their former hunting grounds. The wars with the British require the French to hold some tribes, namely the Iroquois, in French Territory so that they would remain on their side. Also the conversion of the Indians was a great task for Catholics Jesuits who asked for lands (Seigneuries) on which the Indians settled. That served the double aim of keeping part of the Iroquois nation on the French side and "cutting" their nomadic way of life, thus making their conversion to the Catholic religion easier. So, as "La Compagnie de Jésus" obtained in New-France the right to own real property during the XVII century, it acquired a large amount of land, mainly Seigneuries granted by the King of France or some purchase by the Jesuits themselves. Even if we will come back to it later, it is difficult not to mention here that there is a new element introduced in the grants of those Seigneuries to the Jesuits: the conversion of the Indians. Even at that point we see that the pattern is different here, and that will play a determinant part under the Gage's judgement. But to come back to a more specific area, the Jesuits owned near Montreal, two contiguous Seigneuries: La Prairie and Sault-Saint-Louis. The Seigneurie of La Prairie was granted the 1st of April 1647 by François de Lauzon representing the King. Le Sault was acquired with the stipulations that it was held by the Jesuits for the temporal and spiritual benefit on the Indians living there. It was given by Letters Patent issued at Fontainebleau on May 29, 1680, by Louis XIV, and registered at "Conseil Souverain de Québec" on the 24th October, 1680. After this 1680 grant was registered, it was found that an unrecorded area separated the original grant of Le Sault from the Seigneurie of Chateauguay to the west. Therefore, a second grant was given by the Comte de Frontenac, Governor of "Canada" and Jacques Duchesneau for the unrecorded area. Thus the two grants of 1680 covered 3½ leagues of waterfront by 2 leagues in depth and this area was to be the Seigneurie of Sault-Saint-Louis.

The Seigneurie of Sault-Saint-Louis was surrounded by three other Seigneuries. To the east was "La Prairie de la Magdelaine" owned by the Jesuits. To the west the Seigneurie of Chateauguay owned for a time by the Gray Nuns, and to the south by the Seigneurie of Lasalle (and Délégrie to the south-east) owned by a private landlord by the name of René Cartier (XVIII century). (see exhibit A).

## II JESUIT'S ADMINISTRATION OF LA PRAIRIE AND SAULT-SAINT-LOUIS

Originally the Iroquois village in this general area was built in the Seigneurie of La Prairie. After four successive migration it reached its actual location (western part of Sault-Saint-Louis) in the years around 1750. For further information about that, see Father Devine's work; "Historic Caughnawaga".

The Jesuits have considered themselves as full Seigneurs of the two Seigneuries. Their manner of administration created many distinct problems that must be discussed separately. First, in compliance with the one fundamental aim of the seigneurial tenure, which was to clear the Seigneurie in order to cultivate it, they conceded land to white settlers as the Indians were not so good in that task. The land conceded in La Prairie does not concern us as it is only the Sault-Saint-Louis which was supposed to be kept by the Jesuits for the benefit of the Indians. So in the latter Seigneurie, the Jesuits conceded the larger part of the area to the white settlers. As a second problem, there was, as we know now, a common boundry between La Prairie and le Sault but the description in each of their boundries presented a problem of inaccuracy resulting in overlaps. As long as the Jesuits acted like Seigneurs of both Seigneuries, this question was of course never raised. But at the middle of the XVIII century the Iroquois began to feel too much surrounded by white occupants and began to question the right of the Jesuits to the land of Sault-Saint-Louis. This first manifestation of this growing autonomy is marked by the dispute they had in 1760 about the area subject

to an overlap on the east side of Le Sault. This area has 37 arpents in width and for the full length of the common boundary of the two Seigneuries. This means 6,000 arpents more or less.

DISPUTE OF 1762.

The dispute between the Indians and the Jesuits did reach a high point when, at the end of the French regime, the Indians brought the case in front of General Gage, the Military Governor of Montreal in 1762. It seems that the Iroquois' Claim concern the disputed area of 37 arpents on the east side of the Seigneurie. But the case brought up all the questions of the concessions to white settlers inside the Sault-Saint-Louis in such a way that it was the Jesuit's administration of all the land which was involved.

From a report signed by Miss Gilchrist in 1964, we can see clearly what were the claims of the Indians and consequently the refutation of the Jesuits.

The Indians Claimed:

- 1) That at the surrender of Canada in 1759 arrangements had been made to maintain the Indians in possession of their land at Sault-Saint-Louis.
- 2) That the Jesuits were continually granting to the French, lands forming part of the territory of Sault-Saint-Louis.
- 3) That they, the Indians, believed this territory belonged to them by a title of grant given them by the King.
- 4) That they had been given a parchment which constituted their title, but that it had been extorted from them by the Jesuit Fathers.

The Jesuits refuted all these charges, saying that in one case they were owners of land by prescriptive right (a mill was built in this area) and also by the tacit acceptance of the French governors who, for eighty years ratified agreements in connection with land

transactions occurring in Sault-Saint-Louis, thus creating two problems.

Now we must clearly set apart these two problems. The first refutation of the Jesuits concerns the disputed tracts of land of 37 arpents in width (water front). The second tries to justify concessions made on the whole territory of the Seigneurie of Le Sault.

GAGE'S JUDGEMENT.

Here we reach the heart of the historical-legal problem. In March 1762, the Iroquois claims were upheld as General Gage was acting as a military judge and holding a court session. The Court ruled:

- 1) "The grant of the lands of Sault-Saint-Louis to the Jesuits was made with the sole intention of settling the Iroquois and other Indians thereon. The condition prohibiting the keeping of cattle on said lands by and French who would go among the Indians proved that the King reserved and intended the lands unreservedly for the use of the Indians, and that no Frenchman could obtain thereon a grant".
- 2) "That the Jesuits Fathers could not be considered the temporal Lords of the Lands because the wording of the concession proved that the lands were not granted as a seigneurial fief, but solely as a settlement for the Indians".
- 3) "Ordered that the two concessions be united as one under the name of "Concession of the Iroquois of the Sault", bounded on one side by the line of the La Prairie de la Magdeleine and on the other by that of Chateauguay".
- 4) "Deprived the Jesuit Fathers of all temporal rights and ordered that the said Indians of the Sault be put in possession of and enjoy peaceably for themselves, their heirs and other Indians who would like to join them, the whole land and revenue which the said concession can produce."



- 5) "Ordered that the Church, the parsonage called the Seigneurial House and other buildings erected by the Jesuits Fathers should become the property of the Indians and should be maintained by them."
- 6) "Confirmed concessions made by the Jesuit Fathers to non-Indians prior to September 8, 1760 but ordered that the Indians might enjoy the rents."
- 7) "Directed the Governor to appoint a person to be on the receiver of the rents and other Seigneurial rights; the receiver to render an account on the 2nd of February every year to the Indians in the presence of the Governor."
- 8) "That the income of the said rents should be used for the upkeep of the Church and other buildings of the Sault and the remainder placed in the hands of the Indians to do with as they saw fit."
- 9) "That the boundaries of the Concession of the Iroquois of the Sault be drawn as soon as possible by a sworn surveyor and that the said concession be marked with stones fastened into the earth and stamped with His Britannic Majesty's Arms and that the figurative plan thereof be delivered to our record office."

#### BOUNDARIES SURVEYS

Following the last order of the Gage's judgement, a sworn surveyor, Jean Péladeau, traced the Seigneurial line between La Prairie and Le Sault in July 1762. It seems, at this point of our research, that a figurative plan of the Seigneurie was never produced in the years 1762-63. The only documentary evidence on hand is a procès-verbal and a sketch of Péladeau for the east boundaries. At the time the dispute centered mainly really on this easterly boundary. In the procès-verbal of Péladeau, it can be pointed out something very strange. First, in July 1762, he traced the line in accordance with Gage's judgement, that is including the 37 arpents in width in Le Sault. But in September of the same year, he came back, by order of His Excellency, Mr. Lotriche, and traced the line back to its former place

adding the 37 arpents in width to La Prairie. That point would have to be clarified because of the insistence of the Indians, who, one hundred years after that, went as far as making a special trip to England to see the King in order to get back that tract of land evaluated at 6,000 arpents.

In a research in Québec City, one can find another procès-verbal, done in 1769, by John Collins. Again it was the east boundary which was involved here. No sketches or plans are available about this survey. As far as figurative plans are involved, we can rely on two plans made during the XVIII century. The first one, found in Québec City, was done by Watson in 1796. It illustrated clearly the location of the Seigneuries and, most important, showed exactly the disputed tracts of land of 37 arpents in width on the east side. Encroachment by La Prairie not only concerned Le Sault but also the Seigneurie of Deléry. In fact, this plan seems to have been executed at the request of the latter. Another figurative plan, done by Duberger in 1798 well illustrated the fact. As it is noted in our list of survey (Exhibit B), Collins also worked on the west boundary (1773) tracing the line between Chateauguay and Le Sault. But it would be unnecessary here to make the history of the surveys, as the list in Exhibit B is explicit in itself. More research in that aspect of the problem is necessary.

Let us just mention a very important fact, the land involved in the Gage's judgement had an area of  $3\frac{1}{2}$  leagues by 2 leagues. All discussions and calculations about acreage must start with this basis. We will come back to this later on but it is necessary to remind this point at this stage.

On record here is a most important map showing the whole Seigneurie of Le Sault. Unfortunately, it is undated and unsigned and because

of a disruption due to a move it was not possible to validate the map in Québec City. (Apparently, the Legal Surveyor for Canada believes that this map came in from Québec City). The Indian Domain, the non-Indians holdings, all are well illustrated on this map which fits perfectly with the book of Reference of 1885. The discussion about what is on hand and what required further search will be explained at the end of this report. In the meantime we would have to introduce here another important aspect of the Caughnawaga question: the seigneurial rents.

#### SEIGNEURIAL RENTS

Following the judgement of General Gage, an agent was named to collect the rents due to Indians by white settlers. By an ordinance dated 24 December 1762, Gage appointed Mr. Panet as the first rent collector in Sault-Saint-Louis. In this ordinance Gage referred to another ordinance dated 15 October 1762, in which the conferred new titles to non-Indians inside the Sault-Saint-Louis. In fact, there are two ordinances of that date (found in Quebec City), in connection with white settlers inhabiting lands on which Indians had, and might still have an interest. The first one ordered the settlers (list of them attached to the ordinance) who did not establish themselves before the 8 September 1760, to vacate the premises within fifteen days. The other one, with a list also of the people involved, gives new titles to their land on the same conditions as it was when the Jesuits were Seigneurs. Original date of each concession with the notary who passed the act are given in those documents.

One hundred years later, we have an account of the agent of the time who was Mr. Delorimier. For these figures, as for all other facts and figures concerning rents and acreages, refer to exhibit C.

The one thing which we can rely on is that, as we read the 1762 judgement, Gage ruled that all the white settlers who were allowed

to remain in possession of their land inside the Seigneurie of Le Sault, were to pay a rent to the Indians, as it was now Indian land. According to a report on file 373/34-3-14-2 Vol. 1, payments were made in full until 1871, partially until 1891, and none at all after that. To go back to the causes of such a situation brings us to a very complex question, the abolition of the Seignorial System in Lower Canada. We will try to clarify that point in order to understand what lies under the gap of 1871.

#### ABOLITION OF THE SEIGNEURIAL SYSTEM IN LOWER CANADA.

We can divide the process of abolition of the system into two major steps covering nearly one hundred years. In 1854, the majority of the people in Lower Canada pronounced themselves against the Seignorial Regime. So the government of the day passed an Act called "Acte pour l'abolition des Droits et Devoirs Féodaux dans le Bas Canada". We will call it the Seignorial Act.

This Act provided that "all censitaire will own his estate in franc-allé roturier, free of all cens, lods et ventes, droit de banalité, droit de retrait and other feudal rights and duties, except the constituted rent which is substituted to all seignorial rights and duties".

From these dispositions of the law, we see that all the seignorial system was abolished except the rent which became a constituted rent instead of a seignorial rent. On the Seigneurs side, the government decided to indemnify them by paying them the assessed value of their seigneurie. To do so, he appointed a certain number of commissioners who were to make a cadastre of each Seigneurie. From these cadastres, the assessed value of each Seigneurs Estate was calculated in such a manner that in 1859, the sum of 10 million dollars was paid to the Seigneurs in Lower Canada. A note in the Victor Morin article about that subject indicates that there were exceptions in the application of the law when Seigneuries were owned by religious orders, by Indians or by the Crown.



Again here, further research would be necessary in order to find what were the measures applied in those cases, particularly in Sault-Saint-Louis. However, even if the government was considering Indian land as a special problem, it is strange to note that a cadastre of the Seigneurie of Sault-Saint-Louis was made following the instructions of the Seigneurial Act of 1854 and its assessed value fixed at \$99,209.83. This cadastre stipulates that the Iroquois are the owners of the Seigneurie and as such entitled to the indemnisation.

We do not know if this lump sum of about a hundred thousand dollars was ever paid to the Indians. We know, however, that the constituted rent (formerly the Seigneurial rent) was paid in full until 1871 as mentioned heretofore. We must note that in Lower Canada, the Seigneurs were not to collect the rents after their indemnisation of 1859-1860. They were no more landlords of their Seigneurie and the only land which remained to them was the unconceded portions of their former Seigneurie.

Almost one hundred years later, in 1940, the only "vestige" trace of the Seigneurial Regime, the constituted rent was in a state of disappearance. We now deal with the Seigneurial Abolition Act which is different from the first because of its exclusive concern about the constituted rents. The government created "Le Syndicat de Rachat des Rentes Seigneuriales" which organism furnished the money necessary for a general commutation of all constituted rents in Québec.

How the Seigneurie of Sault-Saint-Louis stands in all that historical-legal evolution. We have already noted the strange formation of the cadastre of 1860, as established over the signature of Henry Judah, who fixed the assessed value of the Seigneurie, apparently considering it as a normal Seigneurie. More strange is the fact that the rent was paid until 1870. We have in hand the accounts of the collecting agent, Mr. Delorimier, for the years 1858 to 1866. To complicate the problem, the censitaires began in 1871 to discuss validity of paying the rent to the Federal Crown and pretended that the Provincial Crown was entitled to these rents. In 1891, no censitaires inside Sault-Saint-Louis were paying rents either to the Provincial or Federal Crown.

According to a report of Mr. Bethune, the Federal Crown sued a Censitaire by the name of Noël Pinsonnault in 1899 but the records on this case are apparently lost in the Court of Appeal in Montreal. They are making a search for it.

The Seignurial Act of 1854 gave permission to all censitaires who want to commute their rent to do so, as laid down under the rules of commutation.

But in Sault-Saint-Louis very few private commutations appear in the records here (two were found). The Domtar Company commuted many lots in the fifties and again that seems to raise a very strange question. (Those lots are in the Concession of Ste. Catherine). Why can a Company or a private person commute land ten years after all Seignurial lands had been commuted by the "Syndicat de Rachet des Rentes Seignuriales"? But without giving any interpretations or expressing any opinions, we will now review all the facts that we have already put together, noticing the contradictions of some, and the logic of others.

#### RESUME

As it will be seen in exhibits C and D, we now have in hand enough facts (documents) in order to have a better understanding of the problem. We have the original acreage of the Seigneurie, accounts concerning the rentals, a register up to date in 1940, a cadastre dated 1860, a book of reference registered in our department in 1885, and considerable information in connection with boundaries surveys.

We have already, briefly, touched on the subject of the boundary surveys in Sault-Saint-Louis. According to Austin's report around 1895, a complete survey was effectively made following Gage's judgement. Three surveyors were involved in that work: Jean Péladeau, J. Raimond and L. Guyon.

As it was said, only the works of Péladeau are available until now, and it concerns only the east boundary. Hoping they are not lost forever, to find the documents of Guyon and Raimond would be of great value. John Collins surveyed the seigneurial lines to the east (1769) and to the west (1773). Archambault, at the request of the Grey Nuns of Châteauguay surveyed the west seigneurial line in 1815. All these documents are in possession here with the exceptions of Guyon and Raimond in 1762, and Collins we have it now (1773). Figurative Plans by Duberger 1798 and Watson 1795 indirectly interested us by illustrating the disputed tract of land of 37 arpents on the east side.

The calculation of the original acreage of the Seigneurie is possible just by converting the description of the two grants of 1680 into acres. Since we have lists of conceded lots (to non-Indians) for the years 1762-1860-1885-1940, we can evaluate the area of the conceded portion. Here we have to point out two contradictions. We found in Montreal a deed of concession to a white settler, by the Jesuits, inside Sault-Saint-Louis dated after Gage's judgement. This is rather impossible to explain. Another contradiction came from the addition of the conceded portion to the acreage of the Indian Reserve (Domain). We are short of about 6,000 arpents of the original area of the Seigneurie (3½ leagues by 2 leagues). Although we could here suggest an Hypothises since the disputed area of 37 arpents to the east covered around 6,000 arpents. (see exhibit C).

It is very unfortunate that we have not been able to evaluate the value of the cadastre plan No. 1165 in Québec City. As it may be remembered, this plan is undated and unsigned but it fits perfectly with the book of reference registered in 1885. This plan illustrates all the preceding facts and to find more details about it, (the surveyor, the area of the whole seigneurie) is a necessity.

(Exhibit E). This plan also covers to a degree of 95% of the information found in the register of 1940. From all these sources, covering the totality of the period of time involved, it is possible to cast some light on a problem which was always treated partially in preceeding reports. From the facts and figures (exhibit C) found, in the sources of information covered, we can with confidence say in what direction further research should be contemplated.

SERGE. BOUCHARD.



DEPARTMENT OF INDIAN AFFAIRS AND  
NORTHERN DEVELOPMENT

MEMORANDA AND ENDORSEMENT

Registration No. 4919-148D

Preliminary Report & Sketch

I certify that the within is  
duly entered in the Indian Land  
Registry, Department of Indian  
Affairs and Northern Development  
at Ottawa

AT 11:15 O'CLOCK A m OF THE  
19 DAY OF MARCH

A.D. 1971 NUMBER 4919-148D

FOR CAUGHNAWAGA I.R. NO. 14

IN THE PROVINCE OF QUEBEC

Bertha Joanis

REGISTRAR

LAND REGISTRY

DIAND Indian Land Registry.  
Registered in March 1971.  
Registration No. 4919-148D.

EXHIBIT "B"

SUMMARY LIST OF BOUNDARIES SURVEYS"

IN SAULT-SAINT-LOUIS 1762-1900

- ✓ 1. July 21, 1762  
September 24, 1762 (1)  
Jean Péladeau, sworn surveyor, established the east limit of the Seigneurie du Sault - Sketche and Procès-Verbal.  
  
Pursuant to Gage's amendment, the Jesuits, Seigneur de La Prairie, took back the disputed area.
- ✓ 2. 1765  
J. Raimond and L. Guyon, under the order of Brigadier Burton, surveyed the boundaries of Le Sault. No documents of their works, (according to our research in Montreal, Guyon would be the name of the second surveyor instead of Guyer).
3. 1769  
J. Collins surveyed the boundary between Le Sault and La Prairie. (east) as General Carleton ordered it.
- ✓ 4. 1773  
J. Collins worked on the west boundary. He traced the line between Châteauguay and Le Sault.
- ✓ 5. 1796  
Watson - figurative plans illustrating the disputed area of 37 arpents of width on the east boundary.
6. 1798  
Duburger - figurative plans.
- ✓ 7. 1815  
Archambault surveyed the west boundary at the request of the Grey Nuns, Seigneuses de Châteauguay. Procès-Verbal.
8. 1880  
Walbank on the east boundary.
- ✓ 9. 1894  
Austin corrected Walbank's line. (see his report)
- ✓ 10. 1896  
Sullivan: inspection of Austin's line

EXHIBIT "C"

Seigneurie du Sault-Saint-Louis

A Summary of acreage and rentals

Note: The following compilations are the results of calculations made concerning acreages and rentals pertaining to Caughnawaga lands and their interest in the remaining portion of the Seigneurie of Sault-Saint-Louis. These results of calculations were derived from five major sources of information as they will be noted in each set of figures.

Seigneurie - original area calculated from  
the two grants of the XVII's century.

area - 3 1/2 leagues in front  
2 leagues in depth

30,000 acres more or less

or

36,000 arpents more or less



Extraits des livres de Renvoi des parties  
des paroisses de St-Constant, St-Isidore,  
St-Philippe, comprises dans les limites  
de la Seigneurie du Sault-Saint-Louis.  
(registered in our department in 1885)

- area of the conceded portion

15117 arpents

- Cadastral plan #1165 (undated - unsigned)

1973/00/00

CAUGHIANAWAGA EXPROPRIATION  
PROPOSED OVERALL FINAL SETTLEMENT

900

1- Compensation for land already agreed upon in late 1969:

Bare land value:	\$2,109,454.65
Payments to occupants for bare land:	\$1,187,174.10
Payable to Band for land:	\$ 922,280.55 ←
Interest:	\$ 651,908.71
Damages for diminution of size of Reserve, Sectioning:	\$ 519,600.00
Total settlement:	\$2,093,729.26
Less credits for land returned and to be returned:	\$1,142,969.95
Net monetary settlement:	\$ 950,819.31
Amount paid on January 30, 1970:	\$ 760,655.45 →
Balance owing:	\$ 190,163.86 ←

*first settlement*

2- Description of further claims submitted by the Band:

a) Claim for loss of Seigniorial Rents:	\$ 20,000.00
b) Effect on community life:	\$1,150,000.00
c) Damages from loss of access to river: (\$74,672.00 capitalized @ 8%)	\$ 900,000.00
d) Damage caused by piles:	\$ 96,000.00
e) Depreciation of remainder of Reserve:	\$ 452,530.00
f) Change in the course of the River:	\$ 800,000.00
	<u>\$3,418,530.00</u>

3- Description of other points raised by the Band:

- Verification by the Surveyor General of Canada of areas taken by the Authority.
- Return of additional land.
- Conveyance to the Band of land north of channel.
- Water lots - Riparian rights.

4- Authority's position:

A) Credits available to the Authority:

Remedial works (Program to be completed in 1971) \$ 900,000.00 \*

Payment of professional fees:

Lawyers:	\$75,000.00	
Sherry:	\$22,000.00	
Raymond (50%):	\$ 2,200.00	
LaHays:	\$14,000.00	
Band expenses:	\$20,000.00	
Surveys:	<u>\$14,000.00</u>	\$ 147,200.00 *

*Check With O'Reilly*

Seigniorial Rents paid:	\$ 3,000.00
Contribution towards sewer & water systems:	\$ 200,000.00 ✓
Swimming pool:	<u>\$ 122,000.00</u>

*Damage Done By Seaway*

TOTAL: \$1,372,200.00

*Way Wants*

...

1973/3/17

Eth. 71a

Proposed by: MITCHELL THOMAS  
Seconded by: ANNIE WHITE

BE IT RESOLVED:

901

THAT the Caughnawaga Indian Band accept the full and final settlement of its claim against the St. Lawrence Seaway Authority negotiated by its Seaway Committee with the St. Lawrence Seaway Authority's Committee upon the terms and conditions hereinafter set forth, the whole arising from the expropriation by the said Authority of part of the Caughnawaga Indian Reserve in 1955 and 1956.

The said terms and conditions of the final settlement are essentially as follows:

1. The return of an additional 250 acres of land to the Band, which land together with some 545 acres of land already returned by the St. Lawrence Seaway Authority shall form part of the Caughnawaga Indian Reserve.
2. The payment to or for the benefit of the Band by the Authority of an amount of \$370,000 including an amount of approximately \$40,000 on account for legal costs.
3. The immediate payment to or for the benefit of the Band of all amounts presently owing by the Authority particularly the hold-back of some \$190,000 plus interest from 1969.
4. The Band shall have a right of way granted to it by the Authority to reach all lands transferred to it by the Authority on the North side of the canal and shall also have the option to purchase, in priority to any other person, body or group, the land retained by the Authority for the purpose of a right of way, which land borders the canal,

fk.  
.../2

The whole as more fully set out in a letter from John H. Gomery and Messrs. O'Reilly, Allain, Hudon, counsel and attorneys for the Band, to the Authority dated March 1, 1973 and attached hereto to form part of the present resolution.

THAT the above final settlement together with the interim agreement dated August 29, 1969 between the Band and the Authority shall together constitute the full and final settlement of the claims of the Band arising from the said expropriation by the Authority of part of the Caughnawaga Indian Reserve.

THAT the Council of the Caughnawaga Indian Band or any two or more members of the said Council designated by the said Council be authorized to sign all documents and to do all things to effect the foregoing full and final settlement.

Carried.

DATE: *March 17, 1973*

*Chief Harold Fitch*  
Chief  
*Thomas White*  
Assistant Chief

*Michael C. Stoy*  
Councillor

*Mitchell Thomas*  
Councillor

\_\_\_\_\_  
Councillor

*Frank Louth*  
Councillor

*Frank R. Smith*  
Councillor

*Samuel G. Smith*  
Councillor

*Archie White*  
Councillor

\_\_\_\_\_  
Councillor





Indian and  
Northern Affairs

Affaires indiennes  
et du Nord

1973/06/27

Re: \$3,000 received as  
compensation for Seigniorial Rent.

1134 St-Catherine St. W.,  
Montreal 110, P. Quebec

June 27, 1973

902

Your file    Votre référence

Our file    Notre référence    373/32-1  
373/16-1

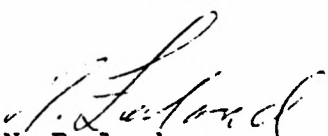
Caughnawaga Band Council,  
P.O. Box 720,  
Caughnawaga, Que.  
Att'n: Chief R. Kirby

Dear Chief:

All the documentation concerning the 3,000.00 received from the St-Lawrence seaway and deposited in a suspense account of the dept. of Indian Affairs was given to you about a month ago, for action.

Following our conversation of last week upon our request of issuing a Band Council resolution to have these funds transferred to the Caughnawaga Band Funds (Capital) we would like to have a written confirmation that there would'nt be a resolution untill all this matter would be settle with your legal adviser as specified by you in our conversation.

Yours truly,

  
N. Ferland,  
Acting District Supervisor,  
Administrative Services.

NF/lr

c.c. C. Vandale  
Regional Office, Que.



Answered 1973/06/27

1973/06/29

903

June 29, 1973

Ms. N. Ferland  
Dept. of Indian Affairs &  
Northern Development  
1134 St. Catherine St. W.  
Montreal 110, Que.

Dear Ms. Ferland:

Reference your letter of June 27, 1973, regarding the \$3,000 that we have received from the St. Lawrence Seaway Authority and deposited in the Suspense Account in the Department of Indian Affairs.

At the present time, we would like to have this amount remain in the Suspense Account until our legal people can advise.

Yours truly,

R. X.

Ronald Kirby, Chief,  
Caughnawaga Band Council

RK/pd

1973/06/29

1973/07/11

904

July 11, 1973.

Mr. James O'Reilly,  
O'Reilly, Allain, Hudon,  
84 Notre Dame St. W.,  
Montreal, Que.

Dear James:

I have received a letter from the Department of Indian Affairs & Northern Development concerning the \$3,000 that was received from the St. Lawrence Seaway and deposited in a suspense account at the Department of Indian Affairs, Ottawa. They are requesting that we pass a Band Council resolution to have this transferred to the Capital Funds.

I had mentioned this to you before and I believe you advised me to hold off on this matter. I also believe this \$3,000 is connected for payment for Cote St. Catherine. Would you kindly inform me if this is the case.

Thanking you,

Yours truly,



Chief Ronald Kirby



1974/03/22

PEACE

UNITY

STRENGTH

MOHAWKS

CF

KANAWAKE

CAUGHNAWAGA, QUEBEC

P. O. BOX 720

(OFFICE OF THE COUNCIL OF CHIEFS)



905

Tel. (514) 637-4606

373/34-1-1 vol 17

March 22, 1974.

Mr. Paul Champagne,  
District Superintendent,  
Indian & Northern Affairs,  
1134 St. Catherine St. W.,  
Montreal, Que.

Dear Mr. Champagne:

Sometime ago your office called me concerning the \$3,000.00 which is in a Suspense Account in Ottawa and wanted to know if this should be put into the Capital Band Funds.

This money was derived from the St. Lawrence Seaway through Seignior Rights and I have now been instructed by the Mohawk Council of Kanawake to have the \$3,000.00 deposited into our Band Capital funds.

Yours truly,

*Chief Ronald Kirby*  
Chief Ronald Kirby

DIAND  
373/34-1-1

1974/03/22

REC-11  
MAR 25 1974  
AFFAIRES INDIE/NNE  
MONTREAL



1974/03/25

SA3052

See XXXIX

PEACE

UNITY

STRENGTH

MOHAWKS

OF

KANAWAKE

CAUGHNAWAGA, QUEBEC

P. O. BOX 720

(OFFICE OF THE COUNCIL OF CHIEFS)



Tel. (514) 637-4606

906

*Seignior Rights*

March 25, 1974.

*lb.*

The Honourable Jean Chretien, Minister,  
Indian & Northern Affairs,  
400 Laurier Ave. W.,  
OTTAWA, Ontario K1A 0H4.



Honourable Minister,

For quite sometime residents of Cote St. Catherine, Laprairie, were paying Seignior Rights for the benefit of the Caughnawaga Indian Band and I understand that dues are still being paid.

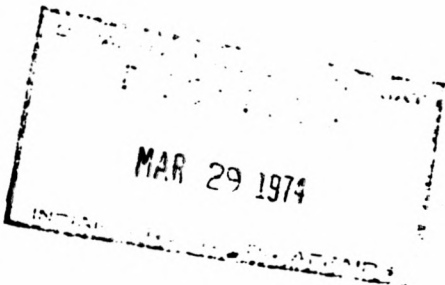
I would, therefore, like to inquire where these monies are being held for the Band. Would you also kindly provide me with information as to what is happening to the Seignior due - are they still being paid for the benefit of the Indians of Caughnawaga?

An early reply on the above matter would be most appreciated.

Yours truly,

MOHAWK COUNCIL OF KANAWAKE

*Chief Ronald Kirby*  
Chief Ronald Kirby



*Mr. Desautels*

*P.R.R.*

1974/03/25

1974/05/07

M E M O

Doc.  
X x v

Re: Caughnawaga Reserve title

907

A reserve is defined in the Indian Act as a tract of land set apart for the use and benefit of a "band" and the band acts through its elected chief and band council.

The Caughnawaga Reserve is part of the Seigneurie of Sault St-Louis that was first granted on May 29, 1680 by the King of France to the Jesuits for the benefit of the Iroquois of the Prairie de la Magdalene.

An additional concession was made by the Governor and Intendant of New France on October 30, 1680 to the Jesuits. Both grants were made for the benefit of the Iroquois Indians who were settled at Sault St-Louis and for other Indians who might settled there.

The above two concessions were united and granted to the Indians of Sault St-Louis on March 22, 1762 by judgment of the Tribunal presided over by General T. Gage.

The plaintiffs in the said claim were the "Iroquis Indians and other Indians of Sault St-Louis". General Gage in his judgment ordered that:

"and we order that the said Indians of the Sault be put in possession of and do enjoy peaceably for themselves, their heirs and other Indians who would like to join them, the whole land and revenue which the said concession can produce."

(Indian Treaties and Surrenders, Vol. II, p. 303)

.../2

DIAND PARC  
File 373 /34-3-2  
Vol. 2

1974/05/07

"And as we are obliged to see that the Iroquois and Indians of the Sault do possess peaceably and in full the favors granted to them by His Most Christian Majesty, we order ... "  
(Indian Treaties and Surrenders, Vol. II  
p. 303)

The title to the united concession of Sault St-Louis is clearly vested in the band of Iroquois and other Indians settled at the Sault.

The grant contained in the judgment of 1762 was confirmed in fact at the time of the erection of the cadastre of the Domain of the Seignory of Sault St-Louis on April 15, 1867 by virtue of the provisions of Ch. 37 of the Revised Statutes of Lower Canada and the Act 27-28 Vict., ch. 40.

The case of Mowat vs. Casgrain (1897 6 B.R. 12) analyses the original grant of 1680 and General Gage's judgment of 1762.

"Since the date of that decree the Iroquois Indians have always been in possession of the Seigniorie: and the Seigniorial cadastre which came into force on the 1st December, 1860, declares that it was then possessed by them"  
(p. 21, Wurtele, J.)

The formal judgment of the Court of Appeal states as follows:

"Considering that the land forming the Seigniorie of Sault St. Louis was appropriated by the grants thereof, bearing the date of the 29th day of May, 1680, and the 31st day of October 1680, for the use and habitation of the Iroquois Indians and that their right to the possession and enjoyment thereof was recognized by a decree of His Excellency General Thomas Gagne ..."  
(p. 28)

DIAND PARC  
File 373/34-3-2  
Vol. 2

Consequently, the land was granted to the Iroquois and other Indians living at Sault St. Louis for themselves and their heirs for as long as they wanted the said lands. It is the same band of Indians and their descendants who have occupied and who occupy the lands now. The land is vested for the benefit of a band who acts through its chief or chiefs. In Caughnawaga, the band has adopted the elected system and is now represented by a chief and councillors (Point v. Dibble Construction).

*James O'rielly*

JOR -  
MAY 7 1974

DIAND PARC  
File 373/34-3-2  
Vol. 2



P.A.

908

Ottawa, Ontario K1A 0H4

Chief Ronald Kirby,  
Office of the Council of Chiefs,  
Mohawks of Kanawake,  
P.O. Box 720,  
Caughnawaga, Quebec.

SA 3052

373/34-3-2

Dear Chief Kirby:

Thank you for your letter of March 25, inquiring about the payment of Seigniority dues for the benefit of the Caughnawaga Band.

I have looked into this question, and it appears that the detailed records and rent roll of these dues were destroyed when the old Caughnawaga Agency Office burned in 1940. Since then, the Department has been unable to trace any collection of rents, nor the amount of money previously deposited in trust for the benefit of your Band. It would appear, therefore, that the Department at that time concluded that the amount of revenue involved would not justify the cost of recreating the records and collecting the dues.

I realize that this is not a very satisfactory answer, and if you wish, my officers would be pleased to discuss the matter with you further. In the event that you do, please get in touch with Mr. P.F. Girard, Director of my Policy, Planning and Research Branch at this address.

Yours sincerely,

J. Chrétien

ACKER/el  
May 7, 1974.

J. Chrétien

c.c. Regional Director,  
Quebec Region.

c.c. Policy, Planning & Research.

Info: Policy, Planning & Research.

DIAND PARC  
File 373/34-3-2  
Vol. 2

1974/05/27

BAND COUNCIL RESOLUTIONCOUNCIL OF THE CAUGHNAWAGA BAND OF INDIANSDISTRICT QUEBEC SOUTHPROVINCE QUEBECPLACE BAND COUNCIL OFFICEDATE JUNE 3, 1974

## DO HEREBY RESOLVE:

- (1) To authorize the INDIANS OF QUEBEC ASSOCIATION, on our behalf, to obtain from all sources (Department of Indian Affairs, Pluritec, Federal and Provincial Government Offices), all plans, legal documents, records or technical studies that would be pertinent to research of our territorial and/or aboriginal rights claims.
- (2) To authorize the Indians of Quebec Association to use its own discretion in the selection of the above-mentioned material as to matters of pertinence.

Chief Ronald Fidy  
Chief

Phon Lhuu  
Councillor

Frank W. Fidy  
Councillor

Armine White  
Councillor

Michael C. Fidy  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

Armine White  
Councillor

\_\_\_\_\_  
Councillor

1974 / 06 / 03

1975/04/29



Indian and  
Northern Affairs

Affaires indiennes  
et du Nord

117904

910

PF

D.I.A.N.D.

FILE #

REFER TO

1124 St.-Catherine W.  
Montreal, Quebec  
H3E 1H4

April 29th, 1975

MAY 5 6 57 AM '75

373/34-1-1

VEL 17

Mr. E.T. Parker  
Director  
Finance and Management  
Indian and Northern Affairs  
Centennial Tower  
400 Laurier Avenue West  
Ottawa, Ontario  
K1A 0H4

Your file Votre référence

Our file Notre référence

373/15-1 general

Subject: St-Lawrence Beaver - Centennial Fund

You will find attached copy of a letter received from Chief Kirby of Ojagmagaga Band, authorizing the transfer to the Capital Band Fund of an amount of \$3,000.00 paid many years ago to the Band and deposited in a Suspense Account.

At the District level, it is not possible to determine if this money is the amount shown on the detail listing Stat. No. 00100 - Responsibility Center 373 - Vote 76, Line object 8600.

Would you please confirm and advise concerning the transfer.

CD  
Claude Desjardins  
District Supervisor  
Administrative Services

Enc.

c.c.: Mr. Jean Gagné

3/5/75  
checked JV  
PF 27

DIAND

373/34-1-1

1975/04/29



1976/04/06

911

No. \_\_\_\_\_ April 6, 1976

RECEIVED FROM Isaac Meron

the sum of Fifteen  $\frac{00}{100}$  dollars

for Rent of old Mill Site at Lilsin

from Sept 1, 1977 To August 31, 1987

\$ 15.00

L. C. Pearson

le  
and Claims  
R.H.

1976/04/06



106  
94



Indian and Northern Affairs Affaires Indiennes et du Nord

NO. **A**

**25450**

14-0476	V. Saei Miran	Rental of ... Hall ... From Sept 77 to August 1987		\$ 15.00
DATE	RECEIVED FROM - RECU DE	ON ACCOUNT OF - A L'EGARD DE		AMOUNT - MONTANT

OFFICIAL RECEIPT — RECU OFFICIEL

MONTREAL DISTRICT OFFICE

AGENCY/DISTRICT - AGENCE/DISTRICT

*Christiane K...*  
SUPERINTENDENT - SURINTENDANT

Caughnawaga, Seignior Rents

-- I have attached a copy of a historical summary done in 1964 by M.E. Gilchrist of this Department, regarding the origin and history of seignior dues at Sault St. Louis, or Caughnawaga.

As Ms. Gilchrist stated, the majority of these rents have been in arrears since the early 20th century. The land owners against whose property these arrears are owing, are, for the most part, of the opinion that their land tenure is free of encumbrance. In 1965, officers of this Department felt that if confronted with a bill for the outstanding debts, most would refuse to pay. For this reason, plus the added consideration of the large amount of technical research and clerical work which would be necessitated by an attempt to collect the dues, the Regional Office in Quebec did not believe it advisable to collect rents. However, they did propose that, as the onus had been on the Government to collect the dues, the Government should admit its liability and offer the Band a lump sum settlement equal to the arrears and commutation fee on the land. In 1968, this proposal was brought to the Band Council and unanimously rejected by that body.

Although the Band has occasionally brought up the matter since that date, no further offers have been proposed by the Department.

In light of the legal opinion given by R. Bedard, Assistant Deputy Minister of Justice in 1962, it is unusual that the Band Council was approached in this issue. As Ms. Gilchrist indicated in her report, Mr. Bedard stated that the land owners had the right to commute their rents according to the accepted formula without the prior consent of either the Crown or the Indians. It would follow that if the Crown chose to commute these rents in favour of the land-owners, no prior consultation with the Band would be necessary.

In examining the correspondence that has transpired between 1964 (the date of the enclosed report) and present day, it is quite clear that the Department, supported by previous legal counsel, made the administrative decision to accept responsibility for the outstanding dues. It would seem that, at this late date, the Department has no recourse but to carry out this decision, as increased pressure from the Band should be expected in this matter.

DIAND FILE 373/34-3-2  
Vol. 2

*Handwritten:*  
1976/05/11  
1976/05/11

1976/06/00

Amendments to Gilchrist report.

913

1) Mention should be made of the Lower Canada statute, The Seigniorial Act of 1854, 18 Vict.C3, and its application to lands comprising the Seignior of Sault Saint Louis. Section 35 of the Act specifies that it does not "... extend to the wild and unconceded lands in the Seigniories held by the Crown in trust for Indians..." Victor Morin in an article entitled "Relations entre seigneurs et censitaires" states that the Act had no application to the lands at Sault Saint Louis. However, in 1860, a Seigniorial Cadastre was drawn up pursuant to the 1854 legislation which set out the names of the censitaires, the rente constituee owing, and the amount of land held by each. The total value was calculated at \$99,209.81. It appears that no action was taken with reference to this sum of money, the applicability of the statute being in question.

The appeal court judgment in Mowat V. Casgrain (Pinsonneault Case) referred to the constituted rents established by the Act and the failure to collect them. The Dominion Government in its case contended that the Act applied since "... the conceded portion of the lands granted ... was included as coming under the said Act, and styled the Seignior of Sault St. Louis, and the balance of the territory remains as an Indian Reserve, known as the Caughnawaga Indian Reserve...."

2) Prior to the judgment in the Pinsonneault case, the Federal Government made several unsuccessful attempts to collect the arrears in rents owing. An appeal by L.C. Pelletier, M.P., on behalf of the censitaires, requested a reduction of 50 percent on the outstanding rents. Negotiations produced a provision for a reduction of 25 per cent which was agreed to by the Indians and embodied in legislation in 1894, An Act respecting the Seignior of Sault Saint Louis, 57-58 Vict.C.25. It was expected that the Act would be in operation for only a short period of time. However, correspondence of Department Officials indicates that it was still operative in 1898.

3) Prior to the Bedard opinion in 1962, H.M. Jones, Director, in a letter to the Deputy Minister of the Department on March 10, 1966, considered "... that the right to receive seigniorial rents is an Indian interest in the seigniorial lands and therefore, there probably should be some agreement on the part of the Caughnawaga Indians before accepting commutation of rent..."

In 1964 a Band Council resolution proposed that the seigniorial question be revived. The following year, the Quebec Regional Supervisor R.L. Boulanger agreed with a suggestion submitted by D. Vogt that "...the Branch would be well advised to commute the rents paying the cost of commutation out of Appropriation." In 1967, the Department requested that the Band accept a lump sum payment. It was unanimously rejected by a Band Council Resolution passed later that year.

Gilchrist Report 1964  
as amended by M. Smith  
June 9, 1976.



914



P.C. 1976-2662  
28 October, 1976

PRIVY COUNCIL / CONSEIL PRIVÉ

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL,  
on the recommendation of the Minister of Transport and  
the Minister of Indian Affairs and Northern Development,  
pursuant to section 35 of the Public Works Act, is pleased  
hereby to transfer to the Minister of Indian Affairs and  
Northern Development the management, charge and direction  
of portions of lands, totalling 553.193 acres, more or  
less in the Domaine du Sault St-Louis, Province of Quebec,  
more particularly described in the Schedule hereto, for  
the use and benefit of the Caughnawaga Band of Indians,  
reserving unto the St. Lawrence Seaway Authority, its  
successors and assigns the right and privilege to erect,  
maintain and use a power line on, over and across the lot  
designated as SLS 4, according to CLSR plan no. 55148.

CERTIFIED TO BE A TRUE COPY  
COPIE CERTIFIÉE CONFORMÉ

*[Signature]*

ASSISTANT CLERK OF THE PRIVY COUNCIL  
LE SECRÉTAIRE ADJOINT DU CONSEIL PRIVÉ

INDIAN LAND REGISTRY S1077  
1976/10128

SCHEDULE

In the Province of Quebec,  
In the County of Laprairie,  
In Caughnawaga Indian Reserve Number 14:

- a) lots S.L.S. 4, S.L.S. 5, S.L.S. 6 according to plan 55149 in the Canada Lands Surveys Records at Ottawa, containing together 22.05 acres, more or less;
- b) lots S.L.S. 7, S.L.S. 8, S.L.S. 9, S.L.S. 11 according to plan 58619 in the Canada Lands Surveys Records at Ottawa, containing together 103.191 acres, more or less;
- c) lots S.L.S. 10, S.L.S. 12 according to plan 58643 in the Canada Lands Surveys Records at Ottawa, containing together 77.293 acres, more or less;
- d) lots S.L.S. 13, S.L.S. 14 according to plan 58645 in the Canada Lands Surveys Records at Ottawa, containing together 64.505 acres, more or less;
- e) lot S.L.S. 15 according to plan 58647 in the Canada Lands Surveys Records at Ottawa, containing 26.656 acres, more or less;
- f) lots S.L.S. 16, S.L.S. 17 according to plan 58613 in the Canada Lands Surveys Records at Ottawa, containing together 3.375 acres, more or less;
- g) lots S.L.S. 18, S.L.S. 19, S.L.S. 20, S.L.S. 21 according to plan 58760 in the Canada Lands Surveys Records at Ottawa, containing together 77.473 acres, more or less;
- h) lots S.L.S. 22, S.L.S. 23, S.L.S. 24, S.L.S. 25 according to plan 58758 in the Canada Lands Surveys Records at Ottawa, containing together 163.408 acres, more or less;
- i) lot S.L.S. 26 according to plan 58762 in the Canada Lands Surveys Records at Ottawa containing 15.237 acres, more or less;

The total area of all lots being 553.193 acres, more or less.

INDIAN LAND REGISTRY 51077

1976/10/28 OCPC 1976-2662



373/34-1-1

DEMANDE D'ENREGISTREMENT  
DES TERRES INDIENNES

Les présentes requièrent l'enregistrement du document ci-après décrit suivant la Loi sur les Indiens, soit dans le registre des terres de réserve, soit dans le registre des terres cédées, suivant le cas.

DESCRIPTION

NOM DES PARTIES ET LEURS ADRESSES SAUF POUR LA COURONNE:

NATURE DE L'ACTE :  
TYPE OF INSTRUMENT:

DATE DE L'ACTE  
DATE OF INSTRUMENT:

DESIGNATION DE L'IMMEUBLE:

Province :

Reserve & No. :  
Reserve & No. :

Parcelle :  
Parcel :

NATURE DU DROIT OU DE L'OBLIGATION :  
TYPE OF INTEREST OR CHARGE

Signature du Requant/Signature of Applicant

1215-8 R. 270  
Adresse/Address

REMARQUES:

Une demande d'enregistrement doit être produite séparément pour chaque droit ou obligation à enregistrer.

APPLICATION FOR REGISTRATION  
OF INDIAN LANDS

The undersigned hereby requests that the document, the particulars of which are set out below, be entered, pursuant to the Indian Act either in the Reserve Land Register or in the Surrendered Lands Register as the case may be.

PARTICULARS

NAME OF PARTIES AND ADDRESS OF ANY PARTY OTHER THAN THE CROWN:

Order in Council FC 1976-2662

27 October 1976

LAND DESCRIPTION

Province :

Reserve & No. :  
Reserve & No. :  
Langhamaga 1.T. 14

Parcelle :  
Parcel :  
553 1/3 acres in the Dominion

under 4th Land Act, B.C. 1900  
particulars described in the  
Surrendered Lands Register  
the original is in the file  
of the Department of Indian Affairs  
for the benefit of the Langhamaga Band

26-1-77

Date

NOTE:

A separate application for registration must be submitted for each separate interest or charge.

INDIAN LAND REGISTRY 51077  
1976/10/28 OCP 1976-2662

# ACQUIESCEMENT

La demande d'enregistrement décrite au verso a été acceptée et le document mentionné a été inscrit dans le registre concerné. Ce document a été enregistré sous le numéro:

# ACCEPTANCE

The application for registration appearing on the opposite side of the sheet has been accepted and the instrument has been entered in the appropriate Register. This instrument has been registered under number:

No.: 51011  
Date: February 11, 1977  
Heures/Hours: 2:42 a.m.

*B. M. Fleming*  
Conservateur/Registrar

# REJET DE LA DEMANDE

La demande d'enregistrement au verso a été refusée dû à l'une ou plusieurs des erreurs suivantes:

- 1) Ecriture illisible
- 2) Papier inacceptable ou copie défectueuse du document
- 3) Identification des parties insuffisante
- 4) Erreur de signature ou de l'affidavit
- 5) Erreur dans la nature et dans le terme du droit réclamé
- 6) Erreur dans les charges et les servitudes
- 7) Erreur dans la demande d'enregistrement
- 8) Erreur concernant la nature du droit à enregistrer
- 9) Erreur de désignation de l'immeuble
- 10) Documents manquants.

# REJECTION

The application for registration appearing on the opposite side of this sheet has been rejected due to an error in one or more of the following:

- 1) Legibility
- 2) Type of paper or copy of document faulty
- 3) Identification of parties not correct
- 4) Error in signature or witnessing
- 5) Error in type or term of claim
- 6) Conflicting encumbrance
- 7) Error on application form
- 8) Error in relation to the particular type of interest
- 9) Error in land description
- 10) Missing documentation.

REMARQUES:  
COMMENTS:

Conservateur/Registrar

Date

INDIAN LAND REGISTRY S1077  
1976/10/28 OCPG 1976-2662



051077

FEB 11 8 42 AM '77

Campbell  
INDIAN RESERVE NO. 14

Order of Sale  
NUMBER OF PAGES 1

I CERTIFY THAT THE WITHIN  
INSTRUMENT IS DULY ENTERED INTO  
THE REGISTRY OF INDIAN LANDS AT  
OTTAWA, IN ACCORDANCE WITH  
SECTIONS 21 & 25 OF THE INDIAN  
ACT.

P. H. Hest  
REGISTRAR

1976/10/28

OCPC 1976-2662

INDIAN LAND REGISTRY 51077

1978/05/04

S.C.R. May 4 1978.  
expropriated lands to reverted  
back to the reserve as reserve  
lands.  
(file 18)

Doc  
43

Indian and Northern A

N° de réf. du dossier

91

BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE

E: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds  
NOTA: Les mots "des fonds de notre bande" "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

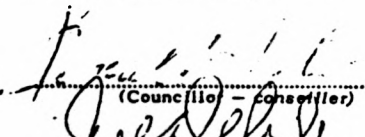
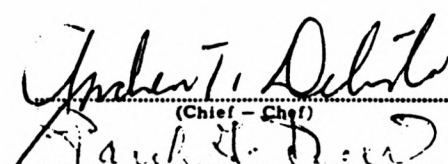


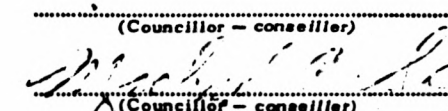
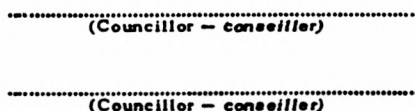
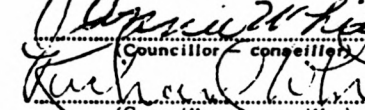
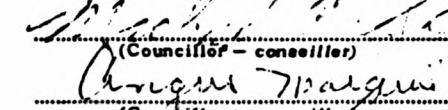

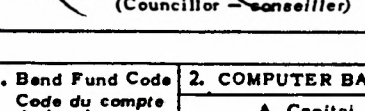
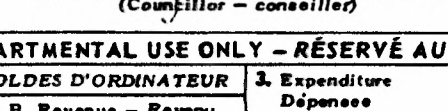
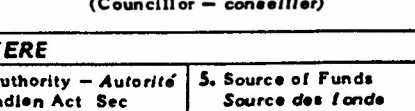
THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	MOHAWK COUNCIL OF KANAWAKE (CAUGHNAWAGA MOHAWK)	Current Capital Balance Solde de capital	\$
AGENCY DISTRICT	MONTREAL	Committed - Engagé	\$
PROVINCE	QUEBEC	Current Revenue balance Solde de revenu	\$
PLACE NOM DE L'ENDROIT	BAND COUNCIL OFFICE	Committed - Engagé	\$
DATE	4th May AD 19 78 DAY - JOUR MONTH - MOIS YEAR - ANNEE		

DO HEREBY RESOLVE:  
DÉCIDE, PAR LES PRÉSENTES: RESOLUTION #31/1978-79

Proposed by: Chief June C. Delisle  
Seconded by: Chief Richard White

THAT the Mohawk Council of Kanawake request the Minister of Indian and Northern Affairs to re-establish to reserve status expropriated lands as described in Orders in Counsel P.C. 1966-1842 and P.C. 1976-2662, eight hundred and five acres (805) more or less, in total as part of the Caughnawaga Indian Reserve No. 14.

A quorum for this Band  
Pour cette bande le quorum est  
Consists of  
fixé à  
Council Members  
Membres du Conseil

 (Councillor - conseiller)	 (Chief - Chef) (Councillor - conseiller)	 (Councillor - conseiller)
 (Councillor - conseiller)	 (Councillor - conseiller)	 (Councillor - conseiller)
 (Councillor - conseiller)	 (Councillor - conseiller)	 (Councillor - conseiller)
 (Councillor - conseiller)	 (Councillor - conseiller)	 (Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenu
	A. Capital \$	B. Revenue - Revenu \$			
Recommended - Recommandable			Approved - Approuvable		
Date Recommending Officer - Recommandé par			Date Approving Officer - Approuvé par		

1978/05/04

C.C. Delisle 11/5/78



ANNEXE II 916

1978/10/10



P.C. 1978-3105  
12 October, 1978

PRIVY COUNCIL • CONSEIL PRIVÉ

WHEREAS the Caughnawaga Indian Reserve No. 14, in the Province of Quebec is a Reserve within the meaning of the Indian Act having been confirmed as such by Order in Council P.C. 466 dated March 5, 1969;

WHEREAS by Orders in Council P.C. 1966-1824 of 22nd September, 1966 and P.C. 1976-2662 of 28th October, 1976 the management, charge and direction of the lands described in the attached schedule were transferred from the Minister of Transport to the Minister of Indian Affairs and Northern Development;

AND WHEREAS it is desirable that the said lands be set apart for the use and benefit of the Iroquois of the Caughnawaga Band of Indians as an addition to Caughnawaga Indian Reserve No. 14.

THEREFORE, HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of Indian Affairs and Northern Development, pursuant to the Indian Act, is pleased hereby to set apart the lands described in the schedule hereto for the use and benefit of the Iroquois of the Caughnawaga Band of Indians as an addition to the Caughnawaga Indian Reserve No. 14.

CERTIFIED TO BE A TRUE COPY  
COPIE CERTIFIÉE CONFORME

*[Signature]*  
ASSISTANT CLERK OF THE PRIVY COUNCIL  
LE GREFFIER ADJOINT DU CONSEIL PRIVÉ

SCHEDULE

In the province of Quebec,  
in the county of Laprairie,  
all those lots according to plans in the  
Canada Lands Surveys Records at Ottawa, as said  
lots and plans are listed hereunder:

Lot Number	Acres	C.L.S. Plan Number
Lot S.L.S. 1	151.990	53235
Lot S.L.S. 2	66.090	53256
Lot S.L.S. 3	31.729	53258
Lots S.L.S. 4, 5 and 6	22.050	55149
Lots S.L.S. 7, 8, 9 and 11	103.191	58619
Lots S.L.S. 10 and 12	77.298	58643
Lots S.L.S. 13 and 14	64.508	58645
Lot S.L.S. 15	26.656	58647
Lots S.L.S. 16 and 17	3.375	58613
Lots S.L.S. 18, 19, 20 and 21	77.473	58760
Lots S.L.S. 22, 23, 24 and 25	163.408	58758
Lot S.L.S. 26	15.237	58762

the above described lots containing together  
805.002 acres, more or less.

Subject to a reservation unto the St. Lawrence Seaway Authority, its successors and assigns of the right and privilege to erect, maintain and use a power line on, over and across the said S.L.S. 4, according to said plan 55149.

1978/10/12

DIAND  
Indian Land Registry  
6/12/19

917

CANADA  
PROVINCE DE QUEBEC  
SECTION DE MONTREAL

BUREAU DE REVISION DE L'EVALUATION  
FONCIERE DU QUEBEC

---

MINUTE NO: 81-6082

MONTREAL, le 21 décembre 1981

DIVISION: Maître Jacques Tétreault, avocat  
Président ad hoc

---

DAME MARIE-REINE HEBERT MORIN

Plaignante

-C.-

VILLE DE DELSON

Intimée

---

DECISION

---

AUDITION DU 9 JUILLET 1981

M-81-02596-000-8

F-0125-67-5552 (1981)

DAME MARIE-REINE HEBERT MORIN

Rue Principale

-1-

81-6082

1981/12/21



Valeurs inscrites: Terrain: 5 000 \$ Bâtiment: nil Total: 5 000 \$

Il ressort de la preuve que l'immeuble en cause est propriété du Ministère des Affaires Indiennes.

Or, en vertu de l'article 35, paragraphe 1 de la Loi sur l'évaluation foncière *"une unité d'évaluation est inscrite au nom du propriétaire du terrain."*

En vertu de l'article 204 de la Loi sur l'évaluation foncière, modifiée par l'article 27 du projet de Loi no. 12 intitulé *"Loi modifiant certaines dispositions législatives concernant les municipalités"*, il est stipulé *"sont exempts de toute taxe foncière, municipale ou scolaire, 1<sup>o</sup>-1, un immeuble appartenant à la Couronne du Chef du Canada ou à un mandataire de celle-ci."*

L'article 28 de la dite loi no. 12, édicte ce qui suit:

*"28. Cette loi est modifiée par l'insertion, après l'article 204, du suivant:*

*"204.1 Un immeuble qui appartient à une personne mentionnée dans un paragraphe de l'article 204 demeure non imposable et est censé visé par ce paragraphe s'il est utilisé par une autre personne, ou à une autre fin que celle prévue par ce paragraphe, mentionnée à l'article 204.*

*Toutefois, un immeuble appartenant à une institution religieuse n'est censé visé par le paragraphe 17<sup>o</sup> de l'article 204 que s'il est utilisé conformément à ce paragraphe."*

#### DECISION DU BUREAU

Après examen de la preuve et du dossier, étude de la Loi et délibérations, le Bureau:

- Ordonne que l'immeuble soit portée au rôle au nom du Ministère des Affaires Indiennes;

Président de division

ANNEXE A—SCHEDULE A

An Act to give effect to a request by the Senate and House of Commons of Canada

Loi donnant suite à une demande du Sénat et de la Chambre des communes du Canada

Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose.

Sa Très Excellente Majesté la Reine, considérant :  
qu'à la demande et avec le consentement du Canada, le Parlement du Royaume-Uni est invité à adopter une loi visant à donner effet aux dispositions énoncées ci-après et que le Sénat et la Chambre des communes du Canada réunis en Parlement ont présenté une adresse demandant à Sa Très Gracieuse Majesté de bien vouloir faire déposer devant le Parlement du Royaume-Uni un projet de loi à cette fin,

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

sur l'avis et du consentement des Lords spirituels et temporels et des Communes réunis en Parlement, et par l'autorité de celui-ci, édicte :

Constitution Act, 1982 enacted

1. The *Constitution Act, 1982* set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act.

1. La *Loi constitutionnelle de 1982*, énoncée à l'annexe B, est édictée pour le Canada et y a force de loi. Elle entre en vigueur conformément à ses dispositions.

Adoption de la Loi constitutionnelle de 1982

Termination of power to legislate for Canada

2. No Act of the Parliament of the United Kingdom passed after the *Constitution Act, 1982* comes into force shall extend to Canada as part of its law.

2. Les lois adoptées par le Parlement du Royaume-Uni après l'entrée en vigueur de la *Loi constitutionnelle de 1982* ne font pas partie du droit du Canada.

Cessation du pouvoir de légiférer pour le Canada

French version

3. So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.

3. La partie de la version française de la présente loi qui figure à l'annexe A a force de loi au Canada au même titre que la version anglaise correspondante.

Version française

Short title

4. This Act may be cited as the *Canada Act 1982*.

4. Titre abrégé de la présente loi : *Loi de 1982 sur le Canada*.

Titre abrégé

SCHEDULE B  
CONSTITUTION ACT, 1982

PART I

CANADIAN CHARTER OF RIGHTS AND  
FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

*Guarantee of Rights and Freedoms*

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

*Fundamental Freedoms*

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

*Democratic Rights*

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House

ANNEXE B  
LOI CONSTITUTIONNELLE DE 1982

PARTIE I

CHARTRE CANADIENNE DES DROITS ET  
LIBERTÉS

Attendu que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté du droit :

*Garantie des droits et libertés*

1. La *Charte canadienne des droits et libertés* garantit les droits et libertés qui y sont énoncés. Ils ne peuvent être restreints que par une règle de droit, dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique.

*Libertés fondamentales*

2. Chacun a les libertés fondamentales suivantes :

- a) liberté de conscience et de religion;
- b) liberté de pensée, de croyance, d'opinion et d'expression, y compris la liberté de la presse et des autres moyens de communication;
- c) liberté de réunion pacifique;
- d) liberté d'association.

*Droits démocratiques*

3. Tout citoyen canadien a le droit de vote et est éligible aux élections législatives fédérales ou provinciales.

4. (1) Le mandat maximal de la Chambre des communes et des assemblées législatives est de cinq ans à compter de la date fixée pour le retour des brefs relatifs aux élections générales correspondantes.

(2) Le mandat de la Chambre des communes ou celui d'une assemblée législative peut être prolongé respectivement par le Parlement ou par la législature en question au-delà de cinq ans en cas de guerre, d'invasion ou d'insurrection, réelles ou appréhendées, pourvu que cette prolongation ne fasse pas

Rights and  
freedoms in  
Canada

Droits et  
libertés au  
Canada

Fundamental  
freedoms

Libertés  
fondamentales

Democratic  
rights of  
citizens

Droits  
démocratiques  
des citoyens

Maximum  
duration of  
legislative  
bodies

Mandat  
maximal des  
assemblées

Continuation in  
special  
circumstances

Prolongations  
spéciales



of Commons or the legislative assembly, as the case may be.

l'objet d'une opposition exprimée par les voix de plus du tiers des députés de la Chambre des communes ou de l'assemblée législative.

Annual sitting of legislative bodies

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

5. Le Parlement et les législatures tiennent une séance au moins une fois tous les douze mois.

Séance annuelle

Mobility Rights

Liberté de circulation et d'établissement

Mobility of citizens

6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

6. (1) Tout citoyen canadien a le droit de demeurer au Canada, d'y entrer ou d'en sortir.

Liberté de circulation

Rights to move and gain livelihood

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

(2) Tout citoyen canadien et toute personne ayant le statut de résident permanent au Canada ont le droit :

Liberté d'établissement

- (a) to move to and take up residence in any province; and
- (b) to pursue the gaining of a livelihood in any province.

- a) de se déplacer dans tout le pays et d'établir leur résidence dans toute province;
- b) de gagner leur vie dans toute province.

Limitation

(3) The rights specified in subsection (2) are subject to

(3) Les droits mentionnés au paragraphe (2) sont subordonnés :

Restriction

- (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and
- (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

- a) aux lois et usages d'application générale en vigueur dans une province donnée, s'ils n'établissent entre les personnes aucune distinction fondée principalement sur la province de résidence antérieure ou actuelle;
- b) aux lois prévoyant de justes conditions de résidence en vue de l'obtention des services sociaux publics.

Affirmative action programs

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

(4) Les paragraphes (2) et (3) n'ont pas pour objet d'interdire les lois, programmes ou activités destinés à améliorer, dans une province, la situation d'individus défavorisés socialement ou économiquement, si le taux d'emploi dans la province est inférieur à la moyenne nationale.

Programmes de promotion sociale

Legal Rights

Garanties juridiques

Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

7. Chacun a droit à la vie, à la liberté et à la sécurité de sa personne; il ne peut être porté atteinte à ce droit qu'en conformité avec les principes de justice fondamentale.

Vie, liberté et sécurité

Search or seizure

8. Everyone has the right to be secure against unreasonable search or seizure.

8. Chacun a droit à la protection contre les fouilles, les perquisitions ou les saisies abusives.

Fouilles, perquisitions ou saisies

Detention or imprisonment

9. Everyone has the right not to be arbitrarily detained or imprisoned.

9. Chacun a droit à la protection contre la détention ou l'emprisonnement arbitraires.

Détention ou emprisonnement

Arrest or  
detention

10. Everyone has the right on arrest or detention

- (a) to be informed promptly of the reasons therefor;
- (b) to retain and instruct counsel without delay and to be informed of that right; and
- (c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

Proceedings in  
criminal and  
penal matters

11. Any person charged with an offence has the right

- (a) to be informed without unreasonable delay of the specific offence;
- (b) to be tried within a reasonable time;
- (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
- (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
- (e) not to be denied reasonable bail without just cause;
- (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;
- (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;
- (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and
- (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

10. Chacun a le droit, en cas d'arrestation ou de détention :

- a) d'être informé dans les plus brefs délais des motifs de son arrestation ou de sa détention;
- b) d'avoir recours sans délai à l'assistance d'un avocat et d'être informé de ce droit;
- c) de faire contrôler, par *habeas corpus*, la légalité de sa détention et d'obtenir, le cas échéant, sa libération.

Arrestation ou  
détention

Affaires  
criminelles et  
pénales

11. Tout inculpé a le droit :

- a) d'être informé sans délai anormal de l'infraction précise qu'on lui reproche;
- b) d'être jugé dans un délai raisonnable;
- c) de ne pas être contraint de témoigner contre lui-même dans toute poursuite intentée contre lui pour l'infraction qu'on lui reproche;
- d) d'être présumé innocent tant qu'il n'est pas déclaré coupable, conformément à la loi, par un tribunal indépendant et impartial à l'issue d'un procès public et équitable;
- e) de ne pas être privé sans juste cause d'une mise en liberté assortie d'un cautionnement raisonnable;
- f) sauf s'il s'agit d'une infraction relevant de la justice militaire, de bénéficier d'un procès avec jury lorsque la peine maximale prévue pour l'infraction dont il est accusé est un emprisonnement de cinq ans ou une peine plus grave;
- g) de ne pas être déclaré coupable en raison d'une action ou d'une omission qui, au moment où elle est survenue, ne constituait pas une infraction d'après le droit interne du Canada ou le droit international et n'avait pas de caractère criminel d'après les principes généraux de droit reconnus par l'ensemble des nations;
- h) d'une part de ne pas être jugé de nouveau pour une infraction dont il a été définitivement acquitté, d'autre part de ne pas être jugé ni puni de nouveau pour une infraction dont il a été définitivement déclaré coupable et puni;
- i) de bénéficier de la peine la moins sévère, lorsque la peine qui sanctionne l'infraction dont il est déclaré coupable est

Canada Act 1982

modifiée entre le moment de la perpétration de l'infraction et celui de la sentence.

reatment or  
unishment

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

12. Chacun a droit à la protection contre tous traitements ou peines cruels et inusités.

Cruauté

Ad  
of s  
use

Self-crimina-  
tion

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

13. Chacun a droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

Témoignage  
incriminant

Pr  
Pa

Interpreter

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

14. La partie ou le témoin qui ne peuvent suivre les procédures, soit parce qu'ils ne comprennent pas ou ne parlent pas la langue employée, soit parce qu'ils sont atteints de surdit , ont droit   l'assistance d'un interpr te.

Interpr te

Pr  
N  
le

P  
si  
r

Equality Rights

Droits   l' galit 

Equality before  
and under law  
and equal  
protection and  
benefit of law

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

15. (1) La loi ne fait acception de personne et s'applique  galement   tous, et tous ont droit   la m me protection et au m me b n fice de la loi, ind pendamment de toute discrimination, notamment des discriminations fond es sur la race, l'origine nationale ou ethnique, la couleur, la religion, le sexe, l' ge ou les d ficiences mentales ou physiques.

 galit  devant  
la loi,  galit  de  
b n fice et  
protection  gale  
de la loi

Affirmative  
action  
programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Le paragraphe (1) n'a pas pour effet d'interdire les lois, programmes ou activit s destin s   am liorer la situation d'individus ou de groupes d favoris s, notamment du fait de leur race, de leur origine nationale ou ethnique, de leur couleur, de leur religion, de leur sexe, de leur  ge ou de leurs d ficiences mentales ou physiques.

Programmes de  
promotion  
sociale

Official Languages of Canada

Langues officielles du Canada

Official  
languages of  
Canada

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

16. (1) Le fran ais et l'anglais sont les langues officielles du Canada; ils ont un statut et des droits et privil ges  gaux quant   leur usage dans les institutions du Parlement et du gouvernement du Canada.

Langues  
officielles du  
Canada

Official  
languages of  
New Brunswick

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the

(2) Le fran ais et l'anglais sont les langues officielles du Nouveau-Brunswick; ils ont un statut et des droits et privil ges  gaux quant   leur usage dans les institutions de la L gis-

Langues  
officielles du  
Nouveau-  
Brunswick



Advancement of status and use	legislature and government of New Brunswick.	lature et du gouvernement du Nouveau-Brunswick.	
	(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.	(3) La présente charte ne limite pas le pouvoir du Parlement et des législatures de favoriser la progression vers l'égalité de statut ou d'usage du français et de l'anglais.	Progression vers l'égalité
Proceedings of Parliament	17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.	17. (1) Chacun a le droit d'employer le français ou l'anglais dans les débats et travaux du Parlement.	Travaux du Parlement
Proceedings of New Brunswick legislature	(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.	(2) Chacun a le droit d'employer le français ou l'anglais dans les débats et travaux de la Législature du Nouveau-Brunswick.	Travaux de la Législature du Nouveau-Brunswick
Parliamentary statutes and records	18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.	18. (1) Les lois, les archives, les comptes rendus et les procès-verbaux du Parlement sont imprimés et publiés en français et en anglais, les deux versions des lois ayant également force de loi et celles des autres documents ayant même valeur.	Documents parlementaires
New Brunswick statutes and records	(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.	(2) Les lois, les archives, les comptes rendus et les procès-verbaux de la Législature du Nouveau-Brunswick sont imprimés et publiés en français et en anglais, les deux versions des lois ayant également force de loi et celles des autres documents ayant même valeur.	Documents de la Législature du Nouveau-Brunswick
Proceedings in courts established by Parliament	19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.	19. (1) Chacun a le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux établis par le Parlement et dans tous les actes de procédure qui en découlent.	Procédures devant les tribunaux établis par le Parlement
Proceedings in New Brunswick courts	(2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick.	(2) Chacun a le droit d'employer le français ou l'anglais dans toutes les affaires dont sont saisis les tribunaux du Nouveau-Brunswick et dans tous les actes de procédure qui en découlent.	Procédures devant les tribunaux du Nouveau-Brunswick
Communications by public with federal institutions	20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where (a) there is a significant demand for communications with and services from that office in such language; or	20. (1) L'emploi d'une langue pour la communication avec le gouvernement du Canada et la réception des services du gouvernement du Canada est permise en français ou en anglais, et la même permission s'applique à tout autre bureau d'une telle institution où a) l'emploi d'une langue est justifié	



(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Communications by public with New Brunswick institutions

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

(2) Le public a, au Nouveau-Brunswick, droit à l'emploi du français ou de l'anglais pour communiquer avec tout bureau des institutions de la législature ou du gouvernement ou pour en recevoir les services.

Communications entre les administrés et les institutions du Nouveau-Brunswick

Maintenance of existing constitutional provisions

21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

21. Les articles 16 à 20 n'ont pas pour effet, en ce qui a trait à la langue française ou anglaise ou à ces deux langues, de porter atteinte aux droits, privilèges ou obligations qui existent ou sont maintenus aux termes d'une autre disposition de la Constitution du Canada.

Maintien en vigueur de certaines dispositions

Rights and privileges preserved

22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

22. Les articles 16 à 20 n'ont pas pour effet de porter atteinte aux droits et privilèges, antérieurs ou postérieurs à l'entrée en vigueur de la présente charte et découlant de la loi ou de la coutume, des langues autres que le français ou l'anglais.

Droits préservés

Minority Language Educational Rights

Droits à l'instruction dans la langue de la minorité

Language of instruction

23. (1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

23. (1) Les citoyens canadiens :

a) dont la première langue apprise et encore comprise est celle de la minorité francophone ou anglophone de la province où ils résident,

b) qui ont reçu leur instruction, au niveau primaire, en français ou en anglais au Canada et qui résident dans une province où la langue dans laquelle ils ont reçu cette instruction est celle de la minorité francophone ou anglophone de la province,

ont, dans l'un ou l'autre cas, le droit d'y faire instruire leurs enfants, aux niveaux primaire et secondaire, dans cette langue.

Langue d'instruction

Continuity of language instruction

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(2) Les citoyens canadiens dont un enfant a reçu ou reçoit son instruction, au niveau primaire ou secondaire, en français ou en anglais au Canada ont le droit de faire instruire tous leurs enfants, aux niveaux primaire et secondaire, dans la langue de cette instruction.

Continuité d'emploi de la langue d'instruction

Application  
where numbers  
warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

#### Enforcement

Enforcement of  
guaranteed  
rights and  
freedoms

24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of  
evidence  
bringing  
administration  
of justice into  
disrepute

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

#### General

Aboriginal  
rights and  
freedoms not  
affected by  
Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

Other rights  
and freedoms  
not affected by  
Charter

26. The guarantee in this Charter of certain rights and freedoms shall not be con-

(3) Le droit reconnu aux citoyens canadiens par les paragraphes (1) et (2) de faire instruire leurs enfants, aux niveaux primaire et secondaire, dans la langue de la minorité francophone ou anglophone d'une province :

a) s'exerce partout dans la province où le nombre des enfants des citoyens qui ont ce droit est suffisant pour justifier à leur endroit la prestation, sur les fonds publics, de l'instruction dans la langue de la minorité;

b) comprend, lorsque le nombre de ces enfants le justifie, le droit de les faire instruire dans des établissements d'enseignement de la minorité linguistique financés sur les fonds publics.

#### Recours

Justification  
par le nombre

Recours en cas  
d'atteinte aux  
droits et libertés

24. (1) Toute personne, victime de violation ou de négation des droits ou libertés qui lui sont garantis par la présente charte, peut s'adresser à un tribunal compétent pour obtenir la réparation que le tribunal estime convenable et juste eu égard aux circonstances.

(2) Lorsque, dans une instance visée au paragraphe (1), le tribunal a conclu que des éléments de preuve ont été obtenus dans des conditions qui portent atteinte aux droits ou libertés garantis par la présente charte, ces éléments de preuve sont écartés s'il est établi, eu égard aux circonstances, que leur utilisation est susceptible de déconsidérer l'administration de la justice.

Irrecevabilité  
d'éléments de  
preuve qui  
risqueraient de  
déconsidérer  
l'administration  
de la justice

#### Dispositions générales

25. Le fait que la présente charte garantit certains droits atteinte aux droits issus de traités autochtones du C

a) aux droits

Proclamation r

b) aux droits

ment de revenc

Maintien des  
droits et libertés

26. Le fait qu certains droits

strued as denying the existence of any other rights or freedoms that exist in Canada.

une négation des autres droits ou libertés qui existent au Canada.

Multicultural heritage

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

27. Toute interprétation de la présente charte doit concorder avec l'objectif de promouvoir le maintien et la valorisation du patrimoine multiculturel des Canadiens.

Maintien du patrimoine culturel

Rights guaranteed equally to both sexes

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

28. Indépendamment des autres dispositions de la présente charte, les droits et libertés qui y sont mentionnés sont garantis également aux personnes des deux sexes.

Égalité de garantie des droits pour les deux sexes

Rights respecting certain schools preserved

29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

29. Les dispositions de la présente charte ne portent pas atteinte aux droits ou privilèges garantis en vertu de la Constitution du Canada concernant les écoles séparées et autres écoles confessionnelles.

Maintien des droits relatifs à certaines écoles

Application to territories and territorial authorities

30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

30. Dans la présente charte, les dispositions qui visent les provinces, leur législature ou leur assemblée législative visent également le territoire du Yukon, les territoires du Nord-Ouest ou leurs autorités législatives compétentes.

Application aux territoires

Legislative powers not extended

31. Nothing in this Charter extends the legislative powers of any body or authority.

31. La présente charte n'élargit pas les compétences législatives de quelque organisme ou autorité que ce soit.

Non-élargissement des compétences législatives

#### Application of Charter

#### Application de la charte

Application of Charter

32. (1) This Charter applies  
(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and  
(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

32. (1) La présente charte s'applique :  
a) au Parlement et au gouvernement du Canada, pour tous les domaines relevant du Parlement, y compris ceux qui concernent le territoire du Yukon et les territoires du Nord-Ouest;  
b) à la législature et au gouvernement de chaque province, pour tous les domaines relevant de cette législature.

Application de la charte

Exception

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.

(2) Par dérogation au paragraphe (1), l'article 15 n'a d'effet que trois ans après l'entrée en vigueur du présent article.

Restriction

Exception where express declaration

33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

33. (1) Le Parlement ou la législature d'une province peut adopter une loi où il est expressément déclaré que celle-ci ou une de ses dispositions a effet indépendamment d'une disposition donnée de l'article 2 ou des articles 7 à 15 de la présente charte.

Dérogation par déclaration expresse



Operation of exception	(2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.	(2) La loi ou la disposition qui fait l'objet d'une déclaration conforme au présent article et en vigueur a l'effet qu'elle aurait sauf la disposition en cause de la charte.	Effet de la dérogation
Five year limitation	(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.	(3) La déclaration visée au paragraphe (1) cesse d'avoir effet à la date qui y est précisée ou, au plus tard, cinq ans après son entrée en vigueur.	Durée de validité
Re-enactment	(4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1).	(4) Le Parlement ou une législature peut adopter de nouveau une déclaration visée au paragraphe (1).	Nouvelle adoption
Five year limitation	(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).	(5) Le paragraphe (3) s'applique à toute déclaration adoptée sous le régime du paragraphe (4).	Durée de validité

Citation

Citation 34. This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

PART II

RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

Recognition of existing aboriginal and treaty rights 35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of "aboriginal peoples of Canada" (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

PART III

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to promote equal opportunities 36. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

(a) promoting equal opportunities for the well-being of Canadians;

(b) furthering economic development to reduce disparity in opportunities; and

(c) providing essential public services of reasonable quality to all Canadians.

Commitment respecting public services (2) Parliament and the government of Canada are committed to the principle of

Titre

Titre 34. Titre de la présente partie : *Charte canadienne des droits et libertés*.

PARTIE II

DROITS DES PEUPLES AUTOCHTONES DU CANADA

Confirmation des droits existants des peuples autochtones 35. (1) Les droits existants — ancestraux ou issus de traités — des peuples autochtones du Canada sont reconnus et confirmés.

Définition de «peuples autochtones du Canada» (2) Dans la présente loi, «peuples autochtones du Canada» s'entend notamment des Indiens, des Inuit et des Métis du Canada.

PARTIE III

PÉRÉQUATION ET INÉGALITÉS RÉGIONALES

Engagements relatifs à l'égalité des chances 36. (1) Sous réserve des compétences législatives du Parlement et des législatures et de leur droit de les exercer, le Parlement et les législatures, ainsi que les gouvernements fédéral et provinciaux, s'engagent à :

a) promouvoir l'égalité des chances pour tous les Canadiens et leur bien-être;

b) favoriser le développement pour réduire l'inégalité;

c) fournir à tous les niveaux de qualité des services publics essentiels.

(2) Le Parlement et le gouvernement du Canada prennent l'engagement



making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

de faire des paiements de péréquation propres à donner aux gouvernements provinciaux des revenus suffisants pour les mettre en mesure d'assurer les services publics à un niveau de qualité et de fiscalité sensiblement comparables.

PART IV

CONSTITUTIONAL CONFERENCE

Constitutional conference

37. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within one year after this Part comes into force.

Participation of aboriginal peoples

(2) The conference convened under subsection (1) shall have included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on that item.

Participation of territories

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

PART V

PROCEDURE FOR AMENDING CONSTITUTION OF CANADA

General procedure for amending Constitution of Canada

38. (1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

- (a) resolutions of the Senate and House of Commons; and
- (b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty

PARTIE IV

CONFÉRENCE CONSTITUTIONNELLE

Conférence constitutionnelle

37. (1) Dans l'année suivant l'entrée en vigueur de la présente partie, le premier ministre du Canada convoque une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même.

Participation des peuples autochtones

(2) Sont placées à l'ordre du jour de la conférence visée au paragraphe (1) les questions constitutionnelles qui intéressent directement les peuples autochtones du Canada, notamment la détermination et la définition des droits de ces peuples à inscrire dans la Constitution du Canada. Le premier ministre du Canada invite leurs représentants à participer aux travaux relatifs à ces questions.

Participation des territoires

(3) Le premier ministre du Canada invite des représentants élus des gouvernements du territoire du Yukon et des territoires du Nord-Ouest à participer aux travaux relatifs à toute question placée à l'ordre du jour de la conférence visée au paragraphe (1) et qui, selon lui, intéresse directement le territoire du Yukon et les territoires du Nord-Ouest.

PARTIE V

PROCÉDURE DE MODIFICATION DE LA CONSTITUTION DU CANADA

Procédure normale de modification

38. (1) La Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée à la fois :

- a) par des résolutions du Sénat et de la Chambre des communes;
- b) par des résolutions des assemblées législatives d'au moins deux tiers des provinces dont la population confondue représentée, selon le recensement général le plus récent à l'époque, au moins cinquante pour

per cent of the population of all the provinces.

cent de la population de toutes les provinces.

Majority of members

(2) An amendment made under subsection (1) that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the legislative assemblies required under subsection (1).

(2) Une modification faite conformément au paragraphe (1) mais dérogoire à la compétence législative, aux droits de propriété ou à tous autres droits ou privilèges d'une législature ou d'un gouvernement provincial exige une résolution adoptée à la majorité des sénateurs, des députés fédéraux et des députés de chacune des assemblées législatives du nombre requis de provinces.

Majorité simple

Expression of dissent

(3) An amendment referred to in subsection (2) shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates unless that legislative assembly, subsequently, by resolution supported by a majority of its members, revokes its dissent and authorizes the amendment.

(3) La modification visée au paragraphe (2) est sans effet dans une province dont l'assemblée législative a, avant la prise de la proclamation, exprimé son désaccord par une résolution adoptée à la majorité des députés, sauf si cette assemblée, par résolution également adoptée à la majorité, revient sur son désaccord et autorise la modification.

Désaccord

Revocation of dissent

(4) A resolution of dissent made for the purposes of subsection (3) may be revoked at any time before or after the issue of the proclamation to which it relates.

(4) La résolution de désaccord visée au paragraphe (3) peut être révoquée à tout moment, indépendamment de la date de la proclamation à laquelle elle se rapporte.

Levée du désaccord

Restriction on proclamation

39. (1) A proclamation shall not be issued under subsection 38(1) before the expiration of one year from the adoption of the resolution initiating the amendment procedure thereunder, unless the legislative assembly of each province has previously adopted a resolution of assent or dissent.

39. (1) La proclamation visée au paragraphe 38(1) ne peut être prise dans l'année suivant l'adoption de la résolution à l'origine de la procédure de modification que si l'assemblée législative de chaque province a préalablement adopté une résolution d'agrément ou de désaccord.

Restriction

Idem

(2) A proclamation shall not be issued under subsection 38(1) after the expiration of three years from the adoption of the resolution initiating the amendment procedure thereunder.

(2) La proclamation visée au paragraphe 38(1) ne peut être prise que dans les trois ans suivant l'adoption de la résolution à l'origine de la procédure de modification.

Idem

Compensation

40. Where an amendment is made under subsection 38(1) that transfers provincial legislative powers relating to education or other cultural matters from provincial legislatures to Parliament, Canada shall provide reasonable compensation to any province to which the amendment does not apply.

40. Le Canada fournit une juste compensation aux provinces auxquelles ne s'applique pas une modification faite conformément au paragraphe 38(1) et relative, en matière d'éducation ou dans d'autres domaines culturels, à un transfert de compétences législatives provinciales au Parlement.

Compensation

Amendment by unanimous consent

41. An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of

41. Toute modification de la Constitution du Canada portant sur les questions suivantes se fait par proclamation du gouverneur général sous le grand sceau du Canada, auto-

Consentement unanime



Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Part comes into force;
- (c) subject to section 43, the use of the English or the French language;
- (d) the composition of the Supreme Court of Canada; and
- (e) an amendment to this Part.

42. (1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

- (a) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (b) the powers of the Senate and the method of selecting Senators;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (d) subject to paragraph 41(d), the Supreme Court of Canada;
- (e) the extension of existing provinces into the territories; and
- (f) notwithstanding any other law or practice, the establishment of new provinces.

(2) Subsections 38(2) to (4) do not apply in respect of amendments in relation to matters referred to in subsection (1).

43. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including

- (a) any alteration to boundaries between provinces, and
- (b) any amendment to any provision that relates to the use of the English or the French language within a province,

risée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province :

- a) la charge de Reine, celle de gouverneur général et celle de lieutenant-gouverneur;
- b) le droit d'une province d'avoir à la Chambre des communes un nombre de députés au moins égal à celui des sénateurs par lesquels elle est habilitée à être représentée lors de l'entrée en vigueur de la présente partie;
- c) sous réserve de l'article 43, l'usage du français ou de l'anglais;
- d) la composition de la Cour suprême du Canada;
- e) la modification de la présente partie.

42. (1) Toute modification de la Constitution du Canada portant sur les questions suivantes se fait conformément au paragraphe 38(1) :

- a) le principe de la représentation proportionnelle des provinces à la Chambre des communes prévu par la Constitution du Canada;
- b) les pouvoirs du Sénat et le mode de sélection des sénateurs;
- c) le nombre des sénateurs par lesquels une province est habilitée à être représentée et les conditions de résidence qu'ils doivent remplir;
- d) sous réserve de l'alinéa 41d), la Cour suprême du Canada;
- e) le rattachement aux provinces existantes de tout ou partie des territoires;
- f) par dérogation à toute autre loi ou usage, la création de provinces.

(2) Les paragraphes 38(2) à (4) ne s'appliquent pas aux questions mentionnées au paragraphe (1).

43. Les dispositions de la Constitution du Canada applicables à certaines provinces seulement ne peuvent être modifiées que par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat, de la Chambre des communes et de l'assemblée législative de chaque province concernée. Le présent article s'applique notamment :

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Procédure  
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Exception

Exception

Amendment of  
provisions  
relating to some  
but not all  
provinces

Modification à  
l'égard de  
certaines  
provinces

may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

- a) aux changements du tracé des frontières interprovinciales;
- b) aux modifications des dispositions relatives à l'usage du français ou de l'anglais dans une province.

Amendments  
by Parliament

44. Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

44. Sous réserve des articles 41 et 42, le Parlement a compétence exclusive pour modifier les dispositions de la Constitution du Canada relatives au pouvoir exécutif fédéral, au Sénat ou à la Chambre des communes.

Modification  
par le  
Parlement

Amendments  
by provincial  
legislatures

45. Subject to section 41, the legislature of each province may exclusively make laws amending the constitution of the province.

45. Sous réserve de l'article 41, une législature a compétence exclusive pour modifier la constitution de sa province.

Modification  
par les  
législatures

Initiation of  
amendment  
procedures

46. (1) The procedures for amendment under sections 38, 41, 42 and 43 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province.

46. (1) L'initiative des procédures de modification visées aux articles 38, 41, 42 et 43 appartient au Sénat, à la Chambre des communes ou à une assemblée législative.

Initiative des  
procédures

Revocation of  
authorization

(2) A resolution of assent made for the purposes of this Part may be revoked at any time before the issue of a proclamation authorized by it.

(2) Une résolution d'agrément adoptée dans le cadre de la présente partie peut être révoquée à tout moment avant la date de la proclamation qu'elle autorise.

Possibilité de  
révocation

Amendments  
without Senate  
resolution

47. (1) An amendment to the Constitution of Canada made by proclamation under section 38, 41, 42 or 43 may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not adopted such a resolution and if, at any time after the expiration of that period, the House of Commons again adopts the resolution.

47. (1) Dans les cas visés à l'article 38, 41, 42 ou 43, il peut être passé outre au défaut d'autorisation du Sénat si celui-ci n'a pas adopté de résolution dans un délai de cent quatre-vingts jours suivant l'adoption de celle de la Chambre des communes et si cette dernière, après l'expiration du délai, adopte une nouvelle résolution dans le même sens.

Modification  
sans résolution  
du Sénat

Computation of  
period

(2) Any period when Parliament is prorogued or dissolved shall not be counted in computing the one hundred and eighty day period referred to in subsection (1).

(2) Dans la computation du délai visé au paragraphe (1), ne sont pas comptées les périodes pendant lesquelles le Parlement est prorogé ou dissous.

Computation  
du délai

Advice to issue  
proclamation

48. The Queen's Privy Council for Canada shall advise the Governor General to issue a proclamation under this Part forthwith on the adoption of the resolutions required for an amendment made by proclamation under this Part.

48. Le Conseil privé de la Reine pour le Canada demande au gouverneur général de prendre, conformément à la présente partie, une proclamation dès l'adoption des résolutions prévues par cette partie pour une proclamation par proclamation.

Demande de  
proclamation

Constitutional  
conference

49. A constitutional conference composed of the Prime Minister of Canada and the

49. Dans les quinze ans suivant l'entrée en vigueur de la présente partie, le



first ministers of the provinces shall be convened by the Prime Minister of Canada within fifteen years after this Part comes into force to review the provisions of this Part.

ministre du Canada convoque une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même, en vue du réexamen des dispositions de cette partie.

PART VI

PARTIE VI

AMENDMENT TO THE CONSTITUTION ACT, 1867

MODIFICATION DE LA LOI CONSTITUTIONNELLE DE 1867

Amendment to Constitution Act, 1867

50. The *Constitution Act, 1867* (formerly named the *British North America Act, 1867*) is amended by adding thereto, immediately after section 92 thereof, the following heading and section:

50. La *Loi constitutionnelle de 1867* (antérieurement désignée sous le titre : *Acte de l'Amérique du Nord britannique, 1867*) est modifiée par insertion, après l'article 92, de la rubrique et de l'article suivants :

Modification de la Loi constitutionnelle de 1867

*"Non-Renewable Natural Resources, Forestry Resources and Electrical Energy*

*«Ressources naturelles non renouvelables, ressources forestières et énergie électrique*

Laws respecting non-renewable natural resources, forestry resources and electrical energy

92A. (1) In each province, the legislature may exclusively make laws in relation to

92A. (1) La législature de chaque province a compétence exclusive pour légiférer dans les domaines suivants :

Compétence provinciale

- (a) exploration for non-renewable natural resources in the province;
- (b) development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and
- (c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.

- a) prospection des ressources naturelles non renouvelables de la province;
- b) exploitation, conservation et gestion des ressources naturelles non renouvelables et des ressources forestières de la province, y compris leur rythme de production primaire;
- c) aménagement, conservation et gestion des emplacements et des installations de la province destinés à la production d'énergie électrique.

Export from provinces of resources

(2) In each province, the legislature may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources and forestry resources in the province and the production from facilities in the province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.

(2) La législature de chaque province a compétence pour légiférer en ce qui concerne l'exportation, hors de la province, à destination d'une autre partie du Canada, de la production primaire tirée des ressources naturelles non renouvelables et des ressources forestières de la province, ainsi que de la production d'énergie électrique de la province, sous réserve de ne pas adopter de lois autorisant ou prévoyant des disparités de prix ou des disparités dans les exportations destinées à une autre partie du Canada.

Exportation hors des provinces

Authority of Parliament

(3) Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where such a law of Parliament and a law of a province con-

(3) Le paragraphe (2) ne porte pas atteinte au pouvoir du Parlement de légiférer dans les domaines visés à ce paragraphe, les dispositions d'une loi du Parlement adoptée dans ces domaines l'emportant sur

Pouvoir du Parlement

flit, the law of Parliament prevails to the extent of the conflict.

(4) In each province, the legislature may make laws in relation to the raising of money by any mode or system of taxation in respect of

(a) non-renewable natural resources and forestry resources in the province and the primary production therefrom, and

(b) sites and facilities in the province for the generation of electrical energy and the production therefrom,

whether or not such production is exported in whole or in part from the province, but such laws may not authorize or provide for taxation that differentiates between production exported to another part of Canada and production not exported from the province.

(5) The expression "primary production" has the meaning assigned by the Sixth Schedule.

(6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a province had immediately before the coming into force of this section."

51. The said Act is further amended by adding thereto the following Schedule:

#### "THE SIXTH SCHEDULE

##### *Primary Production from Non-Renewable Natural Resources and Forestry Resources*

1. For the purposes of section 92A of this Act,

(a) production from a non-renewable natural resource is primary production therefrom if

les dispositions incompatibles d'une loi provinciale.

(4) La législature de chaque province a compétence pour prélever des sommes d'argent par tout mode ou système de taxation :

a) des ressources naturelles non renouvelables et des ressources forestières de la province, ainsi que de la production primaire qui en est tirée;

b) des emplacements et des installations de la province destinés à la production d'énergie électrique, ainsi que de cette production même.

Cette compétence peut s'exercer indépendamment du fait que la production en cause soit ou non, en totalité ou en partie, exportée hors de la province, mais les lois adoptées dans ces domaines ne peuvent autoriser ou prévoir une taxation qui établisse une distinction entre la production exportée à destination d'une autre partie du Canada et la production non exportée hors de la province.

(5) L'expression «production primaire» a le sens qui lui est donné dans la sixième annexe.

(6) Les paragraphes (1) à (5) ne portent pas atteinte aux pouvoirs ou droits détenus par la législature ou le gouvernement d'une province lors de l'entrée en vigueur du présent article.»

51. Ladite loi est en outre modifiée par adjonction de l'annexe suivante :

#### «SIXIÈME ANNEXE

##### *Production primaire tirée des ressources naturelles non renouvelables et des ressources forestières*

1. Pour l'application de l'article 92A :

a) on entend par production primaire tirée d'une ressource naturelle non renouvelable :

(i) soit le produit qui se présente soit même forme que lors de son extraction du milieu naturel,

Taxation des ressources

«Production primaire»

Pouvoirs ou droits existants

Idem

- (i) it is in the form in which it exists upon its recovery or severance from its natural state, or
  - (ii) it is a product resulting from processing or refining the resource, and is not a manufactured product or a product resulting from refining crude oil, refining upgraded heavy crude oil, refining gases or liquids derived from coal or refining a synthetic equivalent of crude oil; and
- (b) production from a forestry resource is primary production therefrom if it consists of sawlogs, poles, lumber, wood chips, sawdust or any other primary wood product, or wood pulp, and is not a product manufactured from wood."

- (ii) soit le produit non manufacturé de la transformation, du raffinage ou de l'affinage d'une ressource, à l'exception du produit du raffinage du pétrole brut, du raffinage du pétrole brut lourd amélioré, du raffinage des gaz ou des liquides dérivés du charbon ou du raffinage d'un équivalent synthétique du pétrole brut;
- b) on entend par production primaire tirée d'une ressource forestière la production constituée de billots, de poteaux, de bois d'œuvre, de copeaux, de sciure ou d'autre produit primaire du bois, ou de pâte de bois, à l'exception d'un produit manufacturé en bois.»

PART VII  
GENERAL

PARTIE VII  
DISPOSITIONS GÉNÉRALES

Primacy of  
Constitution of  
Canada

52. (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

52. (1) La Constitution du Canada est la loi suprême du Canada; elle rend inopérantes les dispositions incompatibles de toute autre règle de droit.

Primauté de la  
Constitution du  
Canada

Constitution of  
Canada

- (2) The Constitution of Canada includes
  - (a) the *Canada Act 1982*, including this Act;
  - (b) the Acts and orders referred to in the schedule; and
  - (c) any amendment to any Act or order referred to in paragraph (a) or (b).

- (2) La Constitution du Canada comprend :
  - a) la *Loi de 1982 sur le Canada*, y compris la présente loi;
  - b) les textes législatifs et les décrets figurant à l'annexe;
  - c) les modifications des textes législatifs et des décrets mentionnés aux alinéas a) ou b).

Constitution du  
Canada

Amendments to  
Constitution of  
Canada

- (3) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.

- (3) La Constitution du Canada ne peut être modifiée que conformément aux pouvoirs conférés par elle.

Modification

Repeals and  
new names

53. (1) The enactments referred to in Column I of the schedule are hereby repealed or amended to the extent indicated in Column II thereof and, unless repealed, shall continue as law in Canada under the names set out in Column III thereof.

53. (1) Les textes législatifs et les décrets énumérés à la colonne I de l'annexe sont abrogés ou modifiés dans la mesure indiquée à la colonne II. Sauf abrogation, ils restent en vigueur en tant que lois du Canada sous les titres mentionnés à la colonne III.

Abrogation et  
nouveaux titres

Consequential  
amendments

- (2) Every enactment, except the *Canada Act 1982*, that refers to an enactment referred to in the schedule by the name in Column I thereof is hereby amended by substituting for that name the corresponding

- (2) Tout texte législatif ou réglementaire, sauf la *Loi de 1982 sur le Canada*, qui fait mention d'un texte législatif ou décret figurant à l'annexe par le titre indiqué à la colonne I est modifié par substitution à ce

Modifications  
corrélatives



name in Column III thereof, and any British North America Act not referred to in the schedule may be cited as the *Constitution Act* followed by the year and number, if any, of its enactment.

titre du titre correspondant mentionné à la colonne III; tout Acte de l'Amérique du Nord britannique non mentionné à l'annexe peut être cité sous le titre de *Loi constitutionnelle* suivi de l'indication de l'année de son adoption et éventuellement de son numéro.

Repeal and consequential amendments

54. Part IV is repealed on the day that is one year after this Part comes into force and this section may be repealed and this Act renumbered, consequentially upon the repeal of Part IV and this section, by proclamation issued by the Governor General under the Great Seal of Canada.

54. La partie IV est abrogée un an après l'entrée en vigueur de la présente partie et le gouverneur général peut, par proclamation sous le grand sceau du Canada, abroger le présent article et apporter en conséquence de cette double abrogation les aménagements qui s'imposent à la présente loi.

Abrogation et modifications qui en découlent

French version of Constitution of Canada

55. A French version of the portions of the Constitution of Canada referred to in the schedule shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.

55. Le ministre de la Justice du Canada est chargé de rédiger, dans les meilleurs délais, la version française des parties de la Constitution du Canada qui figurent à l'annexe; toute partie suffisamment importante est, dès qu'elle est prête, déposée pour adoption par proclamation du gouverneur général sous le grand sceau du Canada, conformément à la procédure applicable à l'époque à la modification des dispositions constitutionnelles qu'elle contient.

Version française de certains textes constitutionnels

English and French versions of certain constitutional texts

56. Where any portion of the Constitution of Canada has been or is enacted in English and French or where a French version of any portion of the Constitution is enacted pursuant to section 55, the English and French versions of that portion of the Constitution are equally authoritative.

56. Les versions française et anglaise des parties de la Constitution du Canada adoptées dans ces deux langues ont également force de loi. En outre, ont également force de loi, dès l'adoption, dans le cadre de l'article 55, d'une partie de la version française de la Constitution, cette partie et la version anglaise correspondante.

Versions française et anglaise de certains textes constitutionnels

English and French versions of this Act

57. The English and French versions of this Act are equally authoritative.

57. Les versions française et anglaise de la présente loi ont également force de loi.

Versions française et anglaise de la présente loi

Commence-

58. Subject to section 59, this Act shall come into force on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

58. Sous réserve de l'article 59, la présente loi entre en vigueur à la date fixée par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Entrée en vigueur

Commencement of paragraph 23(1)(a) in respect of Quebec

59. (1) Paragraph 23(1)(a) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

59. (1) L'alinéa 23(1)a) entre en vigueur pour le Québec à la date fixée par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Entrée en vigueur de l'alinéa 23(1)a) pour le Québec

Authorization of Quebec

(2) A proclamation under subsection (1) shall be issued only where authorized by the

(2) La proclamation visée au paragraphe (1) ne peut être prise qu'après autorisation

Autorisation du Québec



legislative assembly or government of Quebec.

de l'assemblée législative ou du gouvernement du Québec.

Repeal of this section

(3) This section may be repealed on the day paragraph 23(1)(a) comes into force in respect of Quebec and this Act amended and renumbered, consequentially upon the repeal of this section, by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

(3) Le présent article peut être abrogé à la date d'entrée en vigueur de l'alinéa 23(1)a) pour le Québec, et la présente loi faire l'objet, dès cette abrogation, des modifications et changements de numérotation qui en découlent, par proclamation de la Reine ou du gouverneur général sous le grand sceau du Canada.

Abrogation du présent article

Short title and citations

60. This Act may be cited as the *Constitution Act, 1982*, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the *Constitution Acts, 1867 to 1982*.

60. Titre abrégé de la présente loi : *Loi constitutionnelle de 1982*; titre commun des lois constitutionnelles de 1867 à 1975 (n° 2) et de la présente loi : *Lois constitutionnelles de 1867 à 1982*.

Titres

SCHEDULE  
to the  
CONSTITUTION ACT, 1982  
MODERNIZATION OF THE CONSTITUTION

Item	Column I Act Affected	Column II Amendment	Column III New Name
	British North America Act, 1867, 30-31 Vict., c. 3 (U.K.)	(1) Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1867</i> ." (2) Section 20 is repealed. (3) Class 1 of section 91 is repealed. (4) Class 1 of section 92 is repealed.	Constitution Act, 1867
2.	An Act to amend and continue the Act 32-33 Victoria chapter 3; and to establish and provide for the Gov- ernment of the Province of Manito- ba, 1870, 33 Vict., c. 3 (Can.)	(1) The long title is repealed and the following substituted therefor: " <i>Manitoba Act, 1870</i> ." (2) Section 20 is repealed.	Manitoba Act, 1870
3.	Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the union, dated the 23rd day of June, 1870		Rupert's Land and North-West- ern Territory Order
	Order of Her Majesty in Council admitting British Columbia into the Union, dated the 16th day of May, 1871		British Columbia Terms of Union
5.	British North America Act, 1871, 34-35 Vict., c. 28 (U.K.)	Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1871</i> ."	Constitution Act, 1871
6.	Order of Her Majesty in Council admitting Prince Edward Island into the Union, dated the 26th day of June, 1873		Prince Edward Island Terms of Union
7.	Parliament of Canada Act, 1875, 38-39 Vict., c. 38 (U.K.)		Parliament of Canada Act, 1875

SCHEDULE  
to the  
CONSTITUTION ACT, 1982—*Continued*

Item	Column I Act Affected	Column II Amendment	Column III New Name
	Order of Her Majesty in Council admitting all British possessions and Territories in North America and islands adjacent thereto into the Union, dated the 31st day of July, 1880		Adjacent Territories Order
9.	British North America Act, 1886, 49-50 Vict., c. 35 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1886</i> ."	Constitution Act, 1886
10.	Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28 (U.K.)		Canada (Ontario Boundary) Act, 1889
11.	Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)	The Act is repealed.	
12.	The Alberta Act, 1905, 4-5 Edw. VII, c. 3 (Can.)		Alberta Act
13.	The Saskatchewan Act, 1905, 4-5 Edw. VII, c. 42 (Can.)		Saskatchewan Act
14.	British North America Act, 1907, 7 Edw. VII, c. 11 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1907</i> ."	Constitution Act, 1907
15.	British North America Act, 1915, 5-6 Geo. V, c. 45 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1915</i> ."	Constitution Act, 1915
16.	British North America Act, 1930, 20-21 Geo. V, c. 26 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1930</i> ."	Constitution Act, 1930

Canada Act 1982

SCHEDULE

to the

CONSTITUTION ACT, 1982—Continued

em	Column I Act Affected	Column II Amendment	Column III New Name	
7.	Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)	In so far as they apply to Canada, (a) section 4 is repealed; and (b) subsection 7(1) is repealed.	Statute of Westminster, 1931	17.
8.	British North America Act, 1940, 3-4 Geo. VI, c. 36 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1940</i> ."	Constitution Act, 1940	18.
9.	British North America Act, 1943, 6-7 Geo. VI, c. 30 (U.K.)	The Act is repealed.		19.
20.	British North America Act, 1946, 9-10 Geo. VI, c. 63 (U.K.)	The Act is repealed.		20.
21.	British North America Act, 1949, 12-13 Geo. VI, c. 22 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Newfoundland Act</i> ."	Newfoundland Act	21.
22.	British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.)	The Act is repealed.		22.
23.	British North America Act, 1951, 14-15 Geo. VI, c. 32 (U.K.)	The Act is repealed.		23.
24.	British North America Act, 1952, 1 Eliz. II, c. 15 (Can.)	The Act is repealed.		24.
25.	British North America Act, 1960, 9 Eliz. II, c. 2 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1960</i> ."	Constitution Act, 1960	25.



SCHEDULE  
to the  
CONSTITUTION ACT, 1982—*Concluded*

Item	Column I Act Affected	Column II Amendment	Column III New Name
26.	British North America Act, 1964, 12-13 Eliz. II, c. 73 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1964</i> ."	Constitution Act, 1964
27.	British North America Act, 1965, 14 Eliz. II, c. 4, Part I (Can.)	Section 2 is repealed and the following substituted therefor: "2. This Part may be cited as the <i>Constitution Act, 1965</i> ."	Constitution Act, 1965
28.	British North America Act, 1974, 23 Eliz. II, c. 13, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 38(1) (Can.), is repealed and the fol- lowing substituted therefor: "3. This Part may be cited as the <i>Constitution Act, 1974</i> ."	Constitution Act, 1974
29.	British North America Act, 1975, 23-24 Eliz. II, c. 28, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 31 (Can.), is repealed and the following sub- stituted therefor: "3. This Part may be cited as the <i>Constitution Act (No. 1), 1975</i> ."	Constitution Act (No. 1), 1975
30.	British North America Act (No. 2), 1975, 23-24 Eliz. II, c. 53 (Can.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act (No. 2), 1975</i> ."	Constitution Act (No. 2), 1975