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FINAL REPORT TO MARCH 31, 1975 UNDER
THE TERMS OF THE MEMORANDUM OF AGREE-
MENT BETWEEN THE MINITER OF INDIAN
AFFAIRS AND NORTHERN DEVELOPMENT
AND THE OKA INDIAN BAND, DATED
APRIL 19, 1974 AS AMENDED.

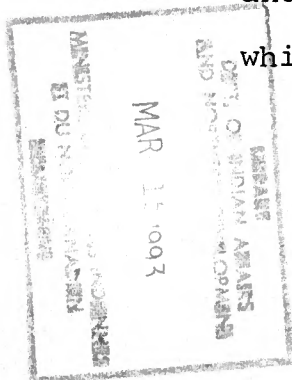
OKA INDIAN LAND CLAIM RESEARCH PROJECT

FINAL REPORT TO MARCH 31, 1975 UNDER
THE TERMS OF THE MEMORANDUM OF AGREEMENT
BETWEEN THE MINISTER OF INDIAN AFFAIRS
AND NORTHERN DEVELOPMENT AND THE OKA
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I - Introduction

Pursuant to the terms of the Memorandum of Agreement passed between the Minister of Indian Affairs and Northern Development and the Oka Indian Band dated April 19, 1974 a detailed Progress Report to July 30, 1974 was submitted to the Department by the Oka Band, a copy of which is attached hereto as Annex "A".

The Progress Report dealt in some detail with the activity and work which had taken place within the framework of the Oka Indian Land Claim Research Project up to July 30, 1974. In particular, the Progress Report outlined the history of the Oka Indian Land Claim Research Proposal and the various modifications to the schedule attached to the original Memorandum of Agreement dated April 19, 1974, described the administrative structure set up for the Research Project and the responsibilities of the various people involved in the research work and finally dealt with the research and related work which had been performed to that date. With respect



to the report on the research and related work the Progress Report followed the format of the original Research Proposal under the headings contained in that Proposal, these being:

1. Present status of land holdings.
2. Present status of and possible claim to the Common lands particularly with respect to the proposed golf course.
3. Possible claims with respect to the Seignior of Lake of Two Mountains.
4. The aboriginal rights of the Oka Indian people.
5. SATRA Regional Development Plan.

It is not proposed to repeat what was contained in the above-mentioned Progress Report as that Report adequately dealt with the research and related work performed under the Oka Indian Land Claim Research Project up to July 30, 1974. This report will cover the work performed since the submission of the Progress Report together with general findings and a summary of the information obtained, the whole in accordance with Article 4 (f) of the above-mentioned Memorandum of Agreement. In accordance with Article 4 (f) of the Memorandum of Agreement, it is not proposed to report upon detailed findings, conclusions drawn from the extensive research performed or any recommendations which might flow from the work performed.

II - Administrative matters.

(i) The schedule of work and reports.

The Progress Report outlined the various adjustments to the original Memorandum of Agreement made necessary as a result of the delay in receipt of funds and stated that the schedule for the final report, final financial statement and final instalment had been adjusted to cover the period to October 30, 1974 as evidenced by letters from Mr. Peter Hutchins to the Department of Indian Affairs and Northern Development dated May 10, 1974 and from Mr. T. F. Glynn of the Department of Indian Affairs and Northern Development dated May 17, 1974.

Because of the extensive work involved in the Research Project, the time-consuming nature of that work and the intensive involvement of legal counsel in the James Bay Court proceedings and negotiations, further requests for extensions to the Research Project were made necessary. At a meeting held at the offices of the Department of Indian Affairs and Northern Development on October 16, 1974, a request was made for an extension for the Research Project to November 30, 1974. The request for an extension was confirmed by letter from Mr. Peter Hutchins to the Department dated October 18, 1974 and the Department's acceptance of the request was confirmed in a letter from Mr. J. B. Hartley to Mr. Hutchins dated October 25, 1974. A further extension to January 31, 1975

was requested by letter from Mr. Hutchins to Mr. Stan Knapp, Department of Indian Affairs and Northern Development dated November 28, 1974 and this extension was granted by the Department as evidenced by a letter from Mr. J. B. Hartley to Mr. Hutchins dated December 6, 1974. Finally, at a meeting held at the offices of the Department of Indian Affairs and Northern Development, Ottawa, on January 21, 1975, a further extension to March 31, 1975 was requested and granted. This last extension was confirmed by letters from Mr. Peter Hutchins to Mr. J. B. Hartley, Department of Indian Affairs and Northern Development dated February 7, 1975 and from Mr. J. B. Hartley to Mr. Hutchins dated February 20, 1975.

As a result of the above-mentioned extensions, the date for termination of the Research Project was adjusted to March 31, 1975. As is apparent from the correspondence referred to above, these extensions involved no further funding from the Department. While it became apparent that the research and related work envisaged by the original Research Proposal was involving more time and effort than originally foreseen, every effort was made to work within the budget established by the original Memorandum of Agreement.

(ii) Research facilities, staff and responsibilities.

The Progress Report outlined the provisions made for research facilities at Oka, research staff and particularly the Research Coordinator and the administration of the funds received under the Memorandum of Agreement.

Since July 30, 1974, the Oka research office has continued to function with Miss Brenda Etienne continuing to fill the position of Research Coordinator. Over this period of time, the research staff at Oka has collected a considerable amount of documentation including maps, plans and ariel photography and this material has been filed at the research office.

The arrangement for the administration of the funds under the Memorandum of Agreement outlined in the Progress Report has been continued with legal counsel rendering monthly financial accounting respecting the status of the Trust Account to the Oka Chiefs.

Pursuant to the terms of the Memorandum of Agreement, a financial statement prepared by the firm of Drouin, Carrier & Associates, Chartered Accountants, and containing details of all expenditures together with the balance remaining of any advance progress payments to March 31, 1975 accompanies this report.

III - Research and related work under the Research Proposal.

The Progress Report dealt fully with the work performed to that point under the five headings suggested in the original Research Proposal and listed above.

Since the submission of the Progress Report, work has continued on the five subjects referred to with a view to collecting, compiling and analysing

as much information and documentation as possible. The Oka research staff and particularly Miss Brenda Etienne with the advice and assistance of legal counsel has spent a considerable amount of time examining all documentation available in the Canadian Archives, the Department of Indian Affairs and Northern Development, the Indian Claims Commission, the National Library, microfilm material of the Sulpician Archives, documentation from the Quebec Archives as well as documents made available by the Oka Indian people themselves.

A complete set of documents numbering in the order of 200 has been compiled in chronological order and placed in binders for easy reference. A list of documentation available is attached hereto as Annex "B".

All documentation, both pertaining to Indian rights generally and the Oka situation in particular, have been examined and analysed by legal counsel. A draft research report and opinion, over 100 pages in length, has been prepared by legal counsel and will be submitted to the Oka Chiefs on a confidential basis. This report deals with an historical and legal analysis of the Oka documentation with particular reference to the concept of Indian or aboriginal rights, rights accruing particularly to the Oka Indian people, the survival of these rights throughout the history of the Oka community and the obligations of various

parties including of course the Government of Canada with respect to the present legal and factual position of the Oka Indian Band and the Oka Indian people.

It is the intention of the Oka Chiefs to examine this report with legal counsel before a decision is made respecting what further action should be taken. Legal Counsel will be required to do further work on the report once discussions have been held with the Oka Chiefs and possibly the Oka Indian people in general.

As is apparent from the above a great deal of work has been done with respect to the collection, compilation and analysis of documentation. This is not to say that further work is not required or desirable. Nevertheless, the Oka Chiefs and their staff have endeavoured, to the extent possible, to fulfil the requirements envisaged by the original Research Proposal and Memorandum of Agreement between themselves and the Department of Indian Affairs and Northern Development.

There follows an attempt to outline the specific work performed together with general findings under the original headings suggested in the Research Proposal.

(i) Present status of land holdings.

As stated in the Progress Report the Oka

research staff under the direction of the Chiefs and Brenda Etienne has conducted an extensive program of individual interviews with Oka Indian people. Since the submission of the Progress Report the planned interview program has been completed and wherever possible all individuals who might be interested in or be of interest to the research work interviewed. As can be appreciated this type of work is most time-consuming and requires a persistent effort on the part of the individuals conducting the interviews.

In addition to the interview program the files of the Department of Indian Affairs both at Oka and in Ottawa have been reviewed. In the case of Oka the assistance of Mr. Foy Poulin of the Department of Indian Affairs and Northern Development has been obtained. The Chiefs and Miss Etienne have met on a number of occasions with Mr. Poulin and discussed individual problems related to land holdings at Oka.

In addition to the above-mentioned work, there has been an effort to coordinate the work performed by the Oka staff with the surveying and related work which has been performed by the Surveyor General of Canada's Office over the past 10 years. In an effort to avoid duplication it was felt appropriate to await the preparation of plans of survey by the Surveyor General's Office so that the Chiefs could then evaluate the information available and decide upon a course of action. Unfortunately, these plans of survey were not

available within the original time-frame of the research project and this was one reason for requesting extensions to the project so that the information related to the survey work might be assessed within the context of the research project.

On December 5, 1974 a meeting was held at Oka between the Oka Chiefs, Miss Brenda Etienne, Mr. Peter Hutchins, and Messrs. Paul Champagne and Guy Pelletier of the Department of Indian Affairs and Northern Development and Mr. Gérard Raymond of the Surveyor General of Canada's Office. Among the topics discussed at this meeting was the question of the plans of survey being prepared and how this could be related to the research work. The Chiefs were informed that the plans of survey would not be available until at least the month of February 1975. It was agreed that as soon as the plans of survey were available a further meeting would be held between Mr. Gérard Raymond and the Chiefs to discuss possible further action.

On March 14, 1975 a meeting was held with respect to this matter attended by the Oka Chiefs, Miss Brenda Etienne, Mr. Peter Hutchins, Messrs. Foy Poulin and Paul Champagne of the Department of Indian Affairs and Northern Development and Mr. Gérard Raymond. At this meeting the question of verifi-

cation by the Oka Indian people of plans of resurvey prepared following surveys of the Oka Indian land holdings undertaken between 1965 and 1973 was discussed. Possible procedures for the verification of the surveys were discussed with Messrs. Raymond, Poulin and Champagne and it was agreed that legal counsel would draft a proposed procedure for verification to be submitted to the Chiefs and to be subject to further discussion. The completed preliminary plans of resurvey were transmitted to the Oka Chiefs at this meeting.

The plans themselves have been examined by the Chiefs and the Oka staff and further discussion have been held respecting them. Any further action on this question must fall necessarily outside the ambit of the present research project as time has elapsed for the project.

A search of the files of the Land Division, Department of Indian Affairs and Northern Development was undertaken with a view to establishing the disputes on record and possibly verifying these records in the community. The Department's files with respect to disputes over individual Indian land holdings in Oka illustrate dramatically the problems which exist with respect to these individual land holdings.

Throughout these files one finds such statements as "the Oka land question is not simple"

(General Report re: surveys Oka Indian Land No. 16 from R. Thistlethwayte dated June 8, 1955) and again "A grimly disputed part of the boundary between the land occupied by and"

(Case no. 10 attached to the General Report re: surveys by R. Thistlethwayte) and again "In his quarterly report for the period ending August 31, 1971 the Superintendent of the Oka Indian Agency recommends that a surveyor establish boundary lines between Indian and non-Indian lands 'as many disputes and difficulties are existing'" (Memo to file from the Administrator of Estates - Oka Survey Program dated March 28, 1962). These and many more such statements illustrate the persistent problems relating to the individual land holdings in Oka.

An index of problems related to individual land holdings at Oka is presently being prepared. It must be stressed that work related to the question of disputed individual land holdings at Oka must be pursued. These are not problems which can be resolved within the time-frame of a research project such as the present project. A review of the land files at the Department of Indian Affairs and Northern Development and the statements made by the various surveyors and others who have examined this complex question bears this out. All that could be accomplished within the scope of the present research project was to identify,

to the extent possible, various problems related to individual land holdings both through research of the relevant files and interviews with the Oka people. It must be acknowledged that the index in preparation cannot be considered as a comprehensive and complete list of disputed holdings but rather as a starting point for further work in this area.

The fundamental problem related to individual land holdings at Oka is, of course, the extraordinary nature and configuration of the holdings themselves. The system of individual Indian holdings scattered throughout the community leads inevitably to disputes and conflicts. The lack of land in common and land for expansion of the Band is a primary reason for the present catalogue of difficulties. At Oka, land is a precious commodity guarded jealously by those fortunate enough to possess it.

The present system of land holdings in Oka derogates dramatically from the concept of a reserve which has solid historical and legal roots, that of a territory set aside to perpetuate the tribal or communal way of life of Indian people and to protect the individuals and group from the pressures of surrounding or advancing white society.

The Indian Act at section 2(1) defines a reserve as:

"A tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band."

The relationship of the reserve lands to the band and the concept of these lands being set aside for the use and benefit of the band in common is fundamental to the notion of a reserve. The Dorion Commission recognized clearly this concept when the Commissioners stated:

"It seems to us for the moment that there must be a link between a tract of territory, say a reserve, and the community which inhabits it, that is, the band." (Report of the Commission d'Etude de l'intégrité du Territoire du Québec, Vol. 4.1 p. 161).

The Commissioners drew certain conclusions from their study of the reserve system. They stated:

"By virtue of a debt, which on closer analysis proves to be more moral than legal, the Indians are entitled to a certain collective protection, and the reserve system is unquestionably one which offers certain advantages in this area." (Report of the Commission, Vol. 4.1 p. 175).

The Commissioners then listed certain solutions to the questions of reserve lands or band holdings:

- (a) "it is expedient to identify tracts of land in which the Indian community may develop in accordance with its own aspirations;"
- (b) "every Indian must be able to decide for himself whether or not he considers himself an Indian and if he wishes to live within

the bounds of such a community and such a tract of land;"

- (c) "these tracts of land should be well identified and their limits clearly defined, and, if necessary, increased in accordance with the needs of the communities which inhabit them, and should have one single legal status;"
- (d) "these tracts of land could be the equivalent of 'Indian municipalities', which would be assimilated for certain purposes to other municipalities in Quebec, but would benefit from a special treatment;"
- (e) "these 'Indian municipalities' should be administered by the band living within their boundaries, and, more specifically, by people elected by them;

....."

In no sense of the word does the present pattern of Indian land holdings at Oka represent a reserve as originally envisaged and presently regarded by the Indian people themselves or by the Department of Indian Affairs. The documentation leading up to the purchase by the Government of Canada in 1945 of certain lands at Oka then occupied by Indian people demonstrates clearly that the purpose of any purchase was to allow the Government of Canada to set aside sufficient lands at Oka so that the Oka Indian people would be protected from further encroachment and be in a position to administer their own affairs. The eventual nature of the purchase, however, assured that this would not be the case. The history of the Oka situation since 1945 confirms this fact. The Indian people of Oka are only too aware of the unsatisfactory nature and results of the action taken in 1945.

In the Progress Report under the present research project it was stated:

"Without disclosing detailed findings it is clear from the interview program and general Band meetings held in Oka that the Indian people of Oka do not consider the 1945 purchase as sufficiently fulfilling the obligation of the Federal Government to compensate them for lost lands. Furthermore, the size and configuration of the land base resulting from the transaction are considered totally inadequate to meet the present and future needs of the Oka Indian people. The unique and broken-up character of the Kanasatake reserve, the resulting lack of cohesion in the band and the obvious lack of land for recreation and expansion of the band remains one of the primary concerns of the Oka Indian people."

The interview program which continued after the submission of the Progress Report only served to confirm this fact. Miss Brenda Etienne, Research Coordinator, in her report to the Oka Chiefs states the situation as follows:

"During the past 5½ months I have continued to do extensive informal interviews with the people of Oka. In the previous 6 months or so before August, I focused my attention on the heads of families and the elders of the tribe, but in the past few months I have been speaking to the younger couples with school-age children, the teenagers and even some children at the elementary and high-school levels. We value the opinion of these youngsters as they are our future leaders.

When discussing land with these people all or at least most of the opinions were just about similar with everyone saying that the land is rightfully ours, and at least a part of it should be given back. A great many of people I spoke to show signs of frustration;

frustration because of the present boundaries of Indian lands, oppression on the part of the non-Indians living in our area and amongst us, and most of all oppression on the part of Quebec Provincial Police. They feel that not only is it practically impossible to administer the reserve but we have no freedom to do what we want when we want. Approximately 99% of the people interviewed stated that they want to see one boundary unifying reserve lands; land where it would be known as the Mohawk Nation, to be governed by the Traditional Chiefs with no outside interference."

Certainly it is the desire of all to see a resolution of the individual disputes relating to land holdings at Oka. However, to concentrate exclusively upon this question is to divert attention from the fundamental problem related to the Indian lands at Oka. That fundamental problem is the inadequacy of the present land base at Oka and the broken-up character of that land base which divides rather than consolidates the Band, which renders the administration of the lands by the Band and the Department a nightmare from which all wish to awake, which is an affront to the Indian people's concept of their land and the integrity of their Band and which seriously compromises the ability of the Oka Indian people to remain together as a Band and as a people.

These concerns have been voiced by the Oka people innumerable times in the past. It will be sufficient for the moment to recall the statements made by the Oka people before the Joint Committee of the Senate and the House of Commons on Indian Affairs at its sitting on March 14, 1961 at which time the Committee was told:

"We want to feel secure at Oka, able to develop ourselves in our own way, and able to see a territory large enough to absorb the natural growth of our population. We are proud of our family life and our tribal life, and we want to know that our children and our children's children will still be able to live on this land at Oka in peace with their neighbours and not constantly threatened by laws and title deeds which reduce their territory...

A reserve must become a meeting place where the children of the same family gather, and therefore it must be designed for the benefit of the band as a whole, and not only for the few."

The Joint Committee was sufficiently impressed by the Oka presentation to make a recommendation to the effect: (Report of the Joint Committee, p. 13).

"An Indian Claims Commission should be established to hear the British Columbia and Oka Indian land questions and other matters, and that the cost of counsel to Indians for the two land questions specified above be borne by the federal treasury."

- (ii) Present status of and possible claims to the Common Lands particularly with respect to the proposed golf course.

In the light of the preceding section dealing with the unsatisfactory configuration of the lands at Oka and the absence of lands reserved for the use and benefit of the Band as a whole the question of the common lands takes on particular significance. Indeed, the history of the common lands at Oka is the history

of the loss by a band of the last vestiges of lands reserved in common; what remains of the common lands has become a symbol of what has been lost in the past and what is sought for the future.

The Progress Report stated:

"The question of the status of the common lands, the traditional use of these lands by the Oka Indian people and the attitudes of the Oka people with respect to these lands were all subjects dealt with during the interview program undertaken in Oka by the Oka research staff. From these interviews it is clear that the people are convinced of their historic, legal and equitable rights to the common lands. Furthermore, because of the lack of recreational area for the Oka Indian people, what remains of the once extensive tract of land known as the Commons has become an essential area for the Oka Indian people where they may congregate and pursue recreational activities. Any indication of a threat to what remains of the common lands is considered by the people to be a gross injustice and clear example of the historical process of erosion of the Oka Indian lands."

In the light of what has happened to the once extensive common lands and the concern over the situation expressed by not only the Indian people themselves but by the Department and the Federal Government one would think that the possibility of further encroachment upon these lands would be unthinkable. Nevertheless, this is exactly what is being contemplated with respect to the extension of the present golf course at Oka,

The golf course itself sits upon what was once common lands. This was pointed out to the Joint Committee referred to above in March of 1961. At that time the Oka Indian people made the following representation:

"A most acute example of this encroachment has occurred recently. A portion of the seigniorship has for centuries been known as the "common lands", on which by ancient use and habit the Indians have been accustomed to cut wood and graze their cattle. Title to these lands passed from the seminary into private hands, and much of it now vests in the municipality of Oka which intends to use them for a golf course. Possibly doubtful of its right to deprive the Indians of their former enjoyment, the municipality secured the passage of a private bill through the Quebec legislature in December 1959 (8-9 Eliz. II Cap. 181) affirming its ownership. Now the axe is being laid to the roots of the splendid trees in the area, roads long used by the Indians are being closed, and bulldozers are completing the work of destruction. The income of Indians is reduced and their freedom of movement restricted, in order that the white man may have more opportunities for recreation. What was once reserved for Indian use and profit is now reserved for golf.

Ladies and Gentlemen, place yourselves in our position. Would you not feel a sense of injustice in similar circumstances? Would you be satisfied by being told that everything is quite legal? Is there not a moral law as well as strict law? Is this truly fulfilling the intention of the original grant of the seigniorship of the lake of Two Mountains? We are not asking that nothing should change in two and a half centuries. We are not blindly opposing the inevitable adaptations to modern conditions that must take place. But why must these changes benefit the white man more than the Indian?" (p. 14)

The history of Oka is replete with petitions and representations made by the Oka Indian people to the government of the day with respect to unjustified restrictions being put upon their activities in the common lands and particularly with respect to the pasturage of cattle and the cutting of wood. The situation of the common lands must be seen in the context of the general claim to the lands of the Seigniory of the Lake of Two Mountains. A great deal of research and analysis has taken place with respect to this question and a position formulated.

In general, it appears to have been accepted by virtually all the commentators on the Oka situation that at the very least the Sulpician Order under the terms of the original seigniorial grant were under the obligation to see that the Oka Indians had sufficient lands upon which to reside and maintain themselves. This clearly included but was not limited to the use of common lands for such necessities as grazing land for cattle and wood for heating and personal use. The Seminary itself consistently maintained the position that it had an official policy of recognizing the rights of the Indian people who used the common lands for personal purposes. This appears from a letter to the Honourable the Secretary of State for the Province from Reverend Mr. Baile dated February 26, 1870 which reads:

"The Seminary has always allowed the Indians of the Lake to take firewood in the forest for their own use. They have also been allowed, when asked for, to take timber for building purposes. But the seminary has always prohibited them from selling the wood; this being done with a view to their own welfare; knowing, very well, that if they were allowed to sell the wood, the forest would soon be laid waste, and they would soon be unable to procure any therefrom when wanted."

Despite the official position of the Seminary there is a constant history of grievances with respect to restrictions upon the use of the common lands. The situation, of course, was made all the more serious when the Seminary commenced disposition of these lands to non-Indians. That the government itself considered this alienation of the common lands as being a clear breach of the Seminary's obligation towards the Indians can be seen in a series of correspondence between the Government and the Seminary as well as internal government memos and opinions. Suffice it here to cite as illustration a letter from the Minister for Indian Affairs, Mr. Crerar, dated December 10, 1941 in which the Minister writes:

"I am informed that the seigniory was originally divided into twelve parishes and that eleven of them were alienated by the Seminary many years ago and that the twelfth, in which Oka is situated, is the only one where any property has been left. I am further informed that in recent years the Seminary made further sales of the property, a good portion of which had, up to that time, been considered common lands of the Indians

and which was used by them for pasturing their cattle and horses, and as wood lots. You are aware that the Indians, strenuously opposed the latter sale and it is needless to say that they will more strongly oppose any action that may be taken now or in the future to disturb their rights of residence to the remaining unsold lands; that is, to those areas which you now suggest should be purchased by the Government for them."

Further evidence of the Government's position can be seen in a letter from R.P. Varcoe, Deputy Minister of Justice dated December 7, 1942 in which the writer refers specifically to alienation of the land considered common lands by the Indian people and suggests that there has been a serious breach of the obligation and responsibilities of the Seminary towards the Indian people.

The writer states:

"The proposed settlement therefore contemplates the Government relieving the Ecclesiastics of St. Sulpice from any obligations imposed upon them by the Act of 1841 which I think it can be admitted they failed to carry out in their entirety. It is admitted that since 1841 they gradually disposed of all of the 12 parishes except the land now remaining in the possession of the Indians. The last large sale was made to the Belgian Syndicate in 1935-36 for a substantial consideration. It was this sale that the Indians particularly objected to as they had always used a considerable portion of that land for common grazing and wood supplies. The land was adjacent to their homes and was a source of livelihood to them. To what extent, if any, there should be an accounting made by the Trustees of the sale of all the lands is a question which has never been settled. The Privy Council decision only confirmed the title of the Seminary and also that the Indians could not establish independent title or control in the administration.

For many years the Government has provided for the physical welfare of the Indians; that is, medical and educational service and relief;

has been documented. The Oka Indian people intend to oppose strenuously any further encroachment upon these lands. In addition, it is apparent that a claim exists for breach of trust resulting in the situation which today prevails.

- (iii) Possible claims with respect to the Seigniorship of Lake of Two Mountains.

This area has been the focus of the research and related work under the present Research Project. Uncertainty as to the legal rights to the Seigniorship of the Lake of Two Mountains, the respective obligations of the various parties involved and the persistent competing claims to the lands of the seigniorship have been the principal elements of the history of the Oka situation.

Despite the numerous legal opinions, a number of court cases including litigation which went to the Judicial Committee of the Privy Council, a voluminous documentation consisting of governmental and private correspondence, petitions by or on behalf of the Oka Indians and the Seminary, internal memoranda of the Department of Indian Affairs and its predecessors, consideration by a number of Commissions over the past 150 years established to consider the question of Indian Affairs generally and

in fact, everything connected with their well-being except spiritual instruction. The yearly costs for relief alone have for some years been in the neighbourhood of \$20,000. For some years we have spent as much as \$8,000 for wood alone. Naturally, as the adjacent lands were sold, the costs increased. All these expenditures have been made by the Government during a period when the proceeds from the sales of lands were being used for purposes not directly connected with the welfare of the Indians. I do not think I can do better than quote the following paragraph from the Minister's letter of December 10, 1941, to the Trustees:"

It is difficult to imagine stronger confirmation of the consistent position adopted by the Oka Indian people throughout the years that they possessed rights to the common lands and that restrictions upon their use of the common lands or alienation of those lands constituted a breach of those rights. Yet despite the Government's position as above stated, the remaining common lands were not included in the 1945 purchase. As was pointed out by the Oka people in their representation before the Joint Committee of the Senate and House of Commons in 1961:

"These lands upon which they depended and which constituted the core of the lands reserved for them in common past into private hands and thence into the hands of the municipality of Oka to be used as a private golf course."

The history of these lands and the negligence of the various parties charged with protecting them for the use and benefit of the Oka Indian people

the Oka situation in particular, the Oka question remains unresolved and the grievances of the Oka Indian people unsatisfied.

The extraordinary aspect of all that has been said and written about the Oka lands and the Oka Indian people is that with few exceptions all commentators agreed that there existed a serious problem, agreed in identifying this problem as essentially one of Indian people deprived of land and unable to support themselves adequately, agreed that the solution to this problem would be to provide these Indian people with sufficient land and protection for that land and yet despite this consensus little has been done to implement practical solutions.

The contention that the 1945 purchase constituted a just, equitable or practical solution to the question of the Oka Indian lands ignores, indeed, defies, both the historical and present factual situation.

On September 9, 1971 the then Minister of Indian Affairs and Northern Development wrote to Chief Simon stating:

"Your Confederacy has never accepted the 1912 ruling of the Judicial Committee of the Privy Council that the Seigniorship of the Lake of Two Mountains was the property of the Seminars of St. Sulpice.

Nevertheless, the lands acquired by Canada in 1945 are the only lands at Oka in which your band has any legal interest."

The results of the research and analysis performed under the present Research Project demonstrates clearly that this statement is both incorrect in law and begs the essential question. It is the contention of the Oka Chiefs and people that the lands subject to the 1945 purchase are not the only lands at Oka in which their Band has a legal interest and that the 1945 purchase itself as a measure designed to rectify past wrongs and protect the interests of the Indians was too little and too late. For this, the Oka Chiefs and people hold those who have been charged over the years with the administration and trusteeship of their lands responsible. The ultimate responsibility, however, must rest with the Government of Canada.

As to the 1912 ruling of the Judicial Committee of the Privy Council referred to by the Minister, that ruling merely confirmed such rights and titles as had been granted to the Seminary but neither denied the possibility of a legal interest in the lands being vested in the Indian people nor absolved the Government of Canada from recognizing and protecting this legal interest. On the contrary the Judicial Committee speaking through Lord Haldane stated:

"All their Lordships intended to decide was that, in the action in which the present appeal had arisen, the plaintiff's claim was based on a supposed individual title which their Lordships held did not exist. If in some different form of proceeding, in which the Crown, as representing the interest of the public, puts in motion, or if negotiations are initiated for the settlement of a question as to the location of these Indians, which may be importance to the general interests of Canada, their Lordships desired to make it clear that nothing they had now decided was intended to prejudice the questions which might then arise." (Corinthe et al. vs. the Ecclesiastics of the Seminary of St. Sulpice 1912 5 D.L.R. 263 at pp. 267-268).

The seigniorial grant to the Seminary of St. Sulpice of the seigniory of Lake of Two Mountains has been examined under the following headings:

1. The original purpose and object of the seigniorial grant.
2. The effect of the original and subsequent seigniorial grants and confirmations.
3. The original role and function of the Seminary of St. Sulpice vis-à-vis the Indian people.
4. The general law related to seigniorial grants under the French regime and the respective rights of the seigneur and the censitaire under this regime.
5. The effect of the conquest of Canada on the respective rights and titles of the Seminary of St. Sulpice and the Oka Indian people.

6. The effect of British public law and policy upon the respective rights and titles of the Seminary and the Oka Indian people.
7. The effect of the 1841 legislation creating or confirming the rights and titles of the Seminary upon the respective rights of the Seminary and the Oka Indian people.
8. The subsequent interpretations of the effect of the 1841 legislation by the courts and governments involved.
9. The effect of the termination of the seigniorial regime by the Seigniorial Acts of 1854 and 1856 (see 1858 S.R.Q. cap. 41) upon the respective rights of the Seminary and the Oka Indian people.
10. The effect of the 1945 purchase upon the rights and obligations of the Seminary of St. Sulpice, the Oka Indian people and the Government of Canada.
11. The law and jurisprudence relating to the question of lands reserved for Indians and the legal implications for the rights and obligations of the Seminary of St. Sulpice, the Oka Indian people and the Government of Canada.

All the above-mentioned heads of inquiry form part of the confidential research report to be submitted to the Oka Chiefs by legal counsel following

Careful examination of all documents collected either by themselves or by the Oka research staff. It is not the intention here to reveal detailed findings, conclusions or action which might be taken based upon this work.

In general, however, the evidence indicates a definite legal interest of the Oka Indian people in the Seigniory. That the establishment of the Seigniory of the Lake of Two Mountains was originally conceived as a device for setting aside lands for the use and benefit of Indian people appears clearly from the Minutes of the Conseil de Marine dated March 31, 1716:

"M. Begon marque que l'avis de MM. de Vaudreuil, de Ramezay et le sien est de donner 3 lieues de Terrain en quarré pour placer cette Mission a l'endroit demandé que les terres y sont bonnes et qu'il leur paroist suffisant d'accorder ce Terrain a condition que lorsque les sauvages l'abandonneront le Terrain deffriché apartiendra a sa Maté et que la Depense de ce changement aussy bien que celle du nouveau fort sera faite aux Depens de Seminaire de Montreal sans qu'il en coute rien au Roy.

Que ce Seminaire en sera bien dedommagé par l'avantage qu'il retirera des Terres que ces Sauvages occupent presentement au Sault au recolet ou il y en a Environ 400 arpens defrichés dont ils

M. Le Marquis de Vaudreuil croit qu'on (456) pourroit accorder une demie lieue de Terrain sur trois lieues de profondeur aux missionnaires a condition que quand les sauvages abandonneront leurs Terrains celui cy reviendra aussy au Roy.

Fait et arrêté par le Conseil de Marine tenu au Louvre Le 31e March 1716." (Lettre de M. Bégon du 12 Novembre 1714, Minute originale du Conseil de Marine du 31e mars 1716, Ministère des Colonies - Canada, Cce, Gle, Série C.11- 1716-1731 Vol. 106).

In 1941 the Minister of the Department of Indian Affairs was moved to write to the Seminary of St. Sulpice in the following terms:

"The situation therefore, is that both of the Quebec Courts have decided that the Indians are entitled to certain rights in the lands in the seigniory and that there is a statutory obligation resting on the Seminary which can be enforced."

Two hundred and twenty-five years separate these two official statements relating to the Seigniory of the Lake of Two Mountains. Within those intervening years the original purpose of the grant was often forgotten or ignored. Under the guise of legality, necessity, the welfare of the Indians and indeed, at times, expediency the Oka Indian people saw their rights restricted, their lands alienated, their progress thwarted, their people scattered. They have resisted this in every way possible. One thing that is quite clear from the history of the Oka Indian people is that never once in the 250 years or so of contestation over the lands at Oka have they relinquished their claim or ceased to put it forward at every possible opportunity. There has been no acquiescence on the part of the Oka Indian people. As evidence of this a list of claims, petitions and representations made by the Oka Indian people over the years has been compiled and is attached hereto as Annex "C".

Particular attention is being paid to this fact in the context of the abolition of the seigniorial regime in the 1850's the rights accruing to the Indians of Oka and the neglect of those charged with the administration and trusteeship of Indian lands and Indian Affairs.

As early as 1787 the Oka Indian people were putting forward their claim in a speech to Sir John Johnson:

"Again our Priest...told us we should remove once more with our Families, for that it was no longer proper that any Indians should live on this Island, and that if we would consent to go and settle up the Lake of Two Mountains we should have a large tract of land for which we should have a Deed from the King of France as our property, to be vested in us and our Heirs for ever, and that we should not be molested again in our habitations."

The Oka Chiefs and people embark upon this latest attempt to receive satisfaction respecting their grievances and their land after a period of 250 years, a period which has seen their people not only molested in their habitations but deprived of these habitations. The history of the Oka Indian people and their lands is there for all to read. It is this history which has been compiled and studied under the present Research Project.

The Oka Indian people know very well that a history of struggle and grievances is not a sufficient base upon which to build a future for themselves and their Band. They know that they continue to have a legal interest in the land at Oka and wish to see that interest translated into concrete benefits upon which a future can be built. To repeat the representations of the Oka Indian people before the Joint Commission of the Senate and House of Commons in 1961:

"Ladies and Gentlemen, place yourselves in our position. Would you not feel a sense of injustice in similar circumstances? Would you be satisfied by being told that everything is quite legal? Is there not a moral law as well as strict law? Is this truly fulfilling the intention of the original grant of the seignior of the lake of Two Mountains? We are not asking that nothing should change in two and a half centuries. We are not blindly opposing the inevitable adaptations to modern conditions that must take place. But why must these changes benefit the white man more than the Indian?"

(iv) The aboriginal rights of the Oka Indian people.

In the Progress Report it was stated that the body of material in this area, both research material and case law, is substantial and growing.

As has been seen, however, the history of the Oka Indian land question has its roots in the French Regime and consequently particular emphasis has been placed upon the questions of the existence and survival of aboriginal rights during this regime.

As stated in the Progress Report:

"A great deal of research and litigation has been concentrated upon the period of the British Regime in Canada with respect to the status of Indian rights and titles following the Conquest of 1760.

With respect to the Oka situation, however, the attitude of the French Regime towards the first inhabitants of the land, the state of law in general during the French Regime respecting native rights and the effect of the seigniorial regime upon those rights are of particular interest."

With respect to the question of Indian title under the French Regime it is felt that the work by the Oka research staff and legal counsel under the present Research Project has broken new ground. The results of the work in this area have been organized under the following headings:

1. The legal nature of Indian title or aboriginal rights.
2. The recognition and interpretation of the Indian title or aboriginal rights generally.
3. The effect of the French Regime upon the Indian title or aboriginal rights.
4. The effect of the conquest and subsequent British Regime upon the Indian title or aboriginal rights.

Although the concept of aboriginal rights is not essential to the specific Oka claim, the Oka Indian people contend that as Mohawk people they possess such rights and that these rights serve to strengthen and confirm their claim to the lands in and around Oka.

A brief summary of the findings under each of the headings mentioned above follows:

1. The nature of Indian title or aboriginal rights.

Such rights or title have been described as essentially a right or interest in the land or real property (see, for example, R. vs. White and Bob, 1965 50 D.L.R. (2d) 613; notes of Hall, J., in Calder et al vs. the Attorney General of British Columbia (34 D.L.R. (3d) 145)).

This right has also been qualified as a personal and usufructuary right dependent upon the good will of the sovereign (Privy Council in the St. Catherine's Milling and Lumber Co. vs. The Queen case, 14 A.C. 46 at p. 54).

Strong, J., in the Supreme Court in the same St. Catherine's Milling and Lumber Co. vs. The Queen case (13 S.C.R. 577 at p. 608) referred to the right as having the following characteristics:

"This title, though not perhaps susceptible of any accurate legal definition in exact legal terms, was one which nevertheless sufficed to protect the Indians in the absolute use and enjoyment of their lands, whilst at the same time they were incapacitated from making any valid alienation otherwise than to the crown itself, in whom the ultimate title was, in accordance with the English law of real property, considered as vested." (emphasis added).

Thus, essentially, the aboriginal right is a right to the exclusive possession and occupation of land claimed by a particular Indian group which enables the Indians to remain in possession of lands themselves and to enjoy the fruits of that possession (see, for example, Amodu Tijani vs. Secretary, Southern Nigeria - 1921 2 A.C. 399 at pp. 409-410; Hall, J., in the Calder case, op. cit., at pp. 173-174; Re Paulette, (1973 6 W.W.R. 97); R. vs. Wesley - 1932 4 D.L.R. 774 at p. 787); Kanatewat et al. vs. the James Bay Development Corporation et al. - judgment of the Superior Court of Montreal reported 1974 R.P. 38).

Furthermore, such aboriginal rights have been held by the jurisprudence to be collective or group rights and not individual rights (see, for example, Re Paulette, op. cit.; Amodu Tijani vs. Secretary, Southern Nigeria, 1921 2 A.C. 399).

Until such rights have been validly taken away, it can be argued very strongly that only Indians who had such rights could use the land and that others who used such lands without reference to such aboriginal rights were illegally using or occupying such lands.

2. The recognition and interpretation of the Indian title or aboriginal rights generally.

Aboriginal possession is of itself sufficient to give rise to Indian title.

Authority for this view is to be found in the notes of Hall, J., in the case of Calder et al. vs. the Attorney General of British Columbia (34 D.L.R. (3d) 145 - decision of the Supreme Court of Canada, particularly at p. 190).

This view of the position of the Supreme Court of Canada finds support in the judgment of the Supreme Court of the Northwest Territories in Re Paulette (1973 6 W.W.R. 97, particularly at p. 134; see also Lysyk, K., "The Indian Title Question in Canada: An Appraisal in the Light of Calder", 1973 Can. Bar Rev., p. 450 at p. 461).

Thus, on this first point, it is submitted that at least at the coming of the white man, aboriginal rights or Indian title vested in the Oka Indian people.

The fundamental issue is whether such aboriginal rights were lawfully extinguished since the arrival of the non-Indian in North America.

The evidence demonstrates that the French Crown did not extinguish such aboriginal rights, despite the fact that certain limited areas were occupied by French settlers, that the English legal regime specifically recognized aboriginal rights and did not effectively extinguish same and that there has been

no extinguishing legislation since Confederation
nor extinguishing executive acts.

With respect to the question of grants
and settlement, it is important to realize that land
grants did not automatically extinguish these rights
(see Johnson and Graham's Lessee vs. McIntosh (1823
8 Wheat 543) and Buttz vs. Northern Pacific Railroad
(119 U.S. 66)). Moreover, mere factual occupation,
even with the tolerance of the Crown, did not auto-
matically operate to extinguish aboriginal rights.

As an illustration of this, one may refer
to the provisions of the Royal Proclamation of 1763
wherein settlers were ordered removed from lands
illegally occupied by them and a similar prohibition
contained in the Ordinance relating specifically to
the Province of Quebec enacted in 1777, 17 Geo. III
c. 7.

Of course, it should be immediately recalled
that it is not the law that after conquest or discovery
the native peoples have no rights at all except those
subsequently granted or recognized by the conqueror or
discoverer (see notes of Hall, J., in Calder, 34 D.L.R.
(3d) 145 at p. 218).

On the contrary, it is submitted that the
correct doctrine is that stated by Johnson and Graham's

Lessee vs. McIntosh (1823 8 Wheaton 543 at pp. 572-574 - quoted in R. vs. White and Bob, Norris, J.A., 50 D.L.R. (2d) 613 at p. 632) in which it was held that as between European nations competing among themselves for the continent, discovery gave title to the Government by whose subjects or by whose authority it was made as against all other European governments, which title might be consummated by possession. This title included the sole right of acquiring the soil from the natives and establishing settlement upon it.

The original inhabitants, however, were admitted to be the rightful occupants of the soil with the legal as well as just claim to retain possession of it and to use it according to their own discretion. Their rights to complete sovereignty as independent nations were necessarily diminished, and their power to dispose of the soil at their own will, to whomsoever they pleased, was denied by the original fundamental principle that discovery gave exclusive title to those who made it.

The result was the following:

"While the different nations of Europe respected the right of the natives, as occupants, they asserted the ultimate dominion to be in themselves; and claimed and exercised, as a consequence of this ultimate dominion a power to grant the soil, while yet in possession of the natives. These

grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy." (This dictum was approved by Hall, J., in the Calder case, p. 194).

3. The effect of the French Regime upon the Indian Title or aboriginal rights.

Following the research and analysis undertaken the evidence is clear that the Oka Indian people can assert with great force that contrary to popular belief Indian title survived the French Regime and that there was no exercise of sovereign authority by the French King between the arrival of the French in North America and the British Conquest in 1670 sufficient to extinguish such title.

On the contrary, there were a number of treaties concluded between the French and the Indian nation to which the Oka Indian people belong, the Mohawk nation affirming alliances between the French and the Mohawks and clearly indicating that the Mohawks were considered as allies of the French and not dependent upon them for their land rights.

The grants and concessions given to the various French commercial companies during this period included express instructions to treat with the indigenous people. In any case, these grants may be interpreted as being similar

in character to the Royal Charter of the Hudson's Bay Company which has been held not to have constituted an extinguishment of Indian title (see R. vs. Wesley, op. cit.; Sikyea vs. The Queen, 1964 S.C.R. 642);

In addition, the King of France in various Commissions and Instructions clearly indicated that the policy of the French Crown was to proceed by way of treaty with the indigenous people and the recipients of these Commissions and Instructions were obliged to respect this policy.

Examples of these royal instructions are to be found in Commissions granted to Sieur de Monts in 1603 (Marc Lescarbot, Histoire de la Nouvelle France, Vol. II, Book IV, Chap. I) as well as the Commissions granted to Champlain in October 1612 and February 1625 (Edits, Ordonnances Royaux, Déclarations et Arrêts du Conseil d'Etat du Roi Concernant le Canada (Québec: Presse Frechette 1856) Vol. III p. 11 à 14).

Instructions were also given to the Governor of Quebec, Sieur de Courcelles, in 1665 to assure that the Indian inhabitants were always treated:

"avec douceur, justice et équité, sans leur faire jamais aucun tort ny violence; qu'on usurpe point les terres sur lesquelles ils sont habitez sous pretexte qu'elles sont meilleures ou plus convenables aux François."

Further evidence of this policy exists in numerous documents relating to this period which have been collected and studied.

Because of the difficulties between the French and English and the military strength of the Iroquois Nations, the Iroquois in the Colony of Quebec were able to assert their independence and their ownership of their own lands. (See Shortt and Chapais in Canada and its Provinces, Toronto, 1913, Vol. II, at pp. 361-362).

Other Indian tribes, such as the Abenakis, repeatedly asserted their rights in the land with the express approval of the French King (see, for example, Rapport de Monsieur de Vaudreuil au Ministre, 6 septembre 1716).

As late as the last decade of the French Regime in Canada the Iroquois were able to assert their independence and state clearly that they had ceded their lands to no one, all with the express concurrence of the French authorities. In 1748, an authentic deed was executed between officials of the colony of Quebec and the Six Nations, affirming these facts (Rapport de l'archiviste de la province de Québec, 1921-1922, p. 109).

It is clear, therefore, that the French recognized the rights of the indigenous people in land and the obligation to deal with them by way of conquest or cession of their rights.

Throughout the years of the French Regime, moreover, it must be noted that French settlers effectively occupied only very small portions of land along the St. Lawrence River and some of its tributaries. Support for this statement can be found in the statistics set out in The Seigniorial System in Early Canada by R.C. Harris, 1968 University of Wisconsin Press; and The British Dominions in North America by Joseph Bouchette, London, 1832. With respect to the lands at Oka the Indian people themselves were the occupants.

In addition, it is submitted that a close analysis of the nature of seigniorial concessions shows that the concessions themselves did not affect Indian title to the land. They were not, per se, grants in full property inconsistent with the survival of an Indian right. (See, for example, Arrêts of Marly of July 6, 1711 and the judgments reported in Arrêts et Règlements du Conseil Supérieur de Québec et Ordonnances et Jugements des Intendants du Canada, Québec (1855)).

It is against this background that Article 40 of the Articles of Capitulation of Montreal, 1760, must be interpreted. Article 40 reads as follows:

"The Savages or Indian allies of his most Christian Majesty, shall be maintained in the Lands they inhabit if they chose to remain there; they shall not be molested on any pretence whatsoever, for having carried arms, and served his most Christian Majesty; they shall have, as well as the French, liberty of religion, and shall keep their missionaries."

It is submitted that this article constituted a recognition by the French of the right of the Indian tribes including the Mohawks to continue to occupy unmolested lands which they inhabited.

It is submitted further that if the Oka Indians as Mohawk people are to be considered as being contemplated by the Articles of Capitulation of Montreal, the lands actually inhabited by the Mohawk people at that time included virtually all of the land aboriginally occupied by them and most certainly the lands included in the Seigniory of the Lake of Two Mountains.

Moreover, it is submitted that the grants covering limited areas within the existing seigniorial

concessions where there was effective clearing of the lands and full occupation were invalid as against the Mohawks or at the very least did not constitute a lawful extinguishment of their title.

The French throughout this period followed the prevailing theory of international law whereby grants were only valid as against other European nations or other Europeans and not as against the original inhabitants who were admitted to be the rightful occupants of the soil. This of course was in accordance with the doctrine expressed in Johnson and Graham's Lessee vs. McIntosh, op. cit.; see also Worcester vs. Georgia, 6 Pet. 515; and Buttz vs. Northern Pacific Railroad 119 U.S. 66.

The French Crown from the outset recognized this burden on its title and the obligation to deal formally with the indigenous peoples in order to perfect its title. With respect to royal grants and concessions, including seigniorial concessions, the Crown could not grant a better title than it itself enjoyed.

It can be affirmed upon considerable authority, therefore, that the aboriginal rights of the Mohawks in Quebec subsisted throughout the French regime and that the Mohawks continued to occupy and possess vast tracts of land throughout the period.

In particular the aboriginal rights of the Oka Indian people to the lands of the Seigniory of the Lake of Two Mountains not only subsisted but were recognized and confirmed.

4. The effect of the conquest and subsequent British Regime upon the Indian title or aboriginal rights.

The doctrine that Indians were to be protected in the absolute use and enjoyment of their lands formed the principles upon which the British Crown invariably acted with reference to Indian lands, at least from the year 1759 when Sir William Johnson was appointed by the Imperial Government superintendent of the Indian Affairs in North America down to the year 1867 when the Confederation Act constituting the Dominion of Canada was passed (Strong, J., Supreme Court of Canada, St. Catherine's Milling and Lumber Co. vs. the Queen, 1887 13 S.C.R. 577 at p. 608).

This policy of the Imperial Crown of recognition of Indian title or aboriginal rights was manifested by, although it was not dependent upon, the Royal Proclamation of 1763. (See R. vs. White and Bob, 50 D.L.R. (2d) 613 - British Columbia Court of Appeal; see also notes of Hall, J., in Calder, op. cit., particularly at p. 199).

There was also abundant documentary recognition on the part of the Imperial Crown of the rights of Indians in the colony of Quebec.

First, the English accepted Article 40 of the Articles of Capitulation of Montreal of 1760, concerning the right of the Indians in the colony to be maintained in the lands which they inhabited.

There then followed the Royal Proclamation of October 7, 1763, which confirmed and recognized the rights of the Indian inhabitants of the colony, including of course the Oka Indians. The Proclamation included the following provision:

"And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians; In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any Purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our colonies where, We have thought proper to allow Settlement;"

Following shortly upon the Royal Proclamation was a series of Instructions to the

Governors of the new colonies established by the Proclamation. These Royal Instructions were issued on December 7, 1763 to James Grant, George Johnstone and James Murray as the first civil Governors of East Florida, West Florida and Quebec respectively.

The Instructions are clear with respect to Indian lands within the Province:

"And You are upon no Account to molest or disturb them in the Possession of such Parts of the said Province, as they at present occupy or possess, but to use the best means You can for conciliating their Affections, and uniting them to Our Government..."(Shortt & Doughty, Constitutional Documents, p. 199).

In the Instructions to Guy Carleton, the second Governor of Quebec, dated August 12, 1768 identical provisions appear. From these Instructions it is clear that it was the intention of the British Crown to have the Royal Proclamation apply within the established colonies, including Quebec.

As stated above, the Royal Proclamation of 1763 confirmed and recognized the Indian title of the Mohawks in general and the Oka Indians in particular.

It should be noted that the Royal Proclamation was explicitly described by Hall, J.,

in the Calder case, op. cit. at pp. 203-205 as declaratory of aboriginal rights and as a guarantee of Indian rights. (See also Norris, J.A., in R. vs. White and Bob, 50 D.L.R. (2d) 613 at p. 638).

Moreover, Judson, J., in the Calder case confirmed that the Royal Proclamation was not the exclusive source of Indian title or rights. (Calder, op. cit. at p. 152).

Despite certain judicial pronouncements to the contrary it is submitted that a careful reading of the Royal Proclamation and contemporary documents leads incontestably to the conclusion that the Royal Proclamation did indeed apply within the old colony of Quebec constituted by the Proclamation.

The Supreme Court of Canada has held in the cases of Easterbrook vs. The King 1931 S.C.R. 210 and St. Catherine's Milling and Lumber Co. vs. The Queen 13 S.C.R. 577 that the Royal Proclamation's provisions did indeed apply within the old colony of Quebec.

Furthermore, it has been held that the provisions of the Royal Proclamation respecting Indians and Indian lands were not repealed or affected by

subsequent British legislative enactments, in particular the Quebec Act 1774. Strong, J., in St. Catherine's Milling and Lumber Company vs. the Queen 1887 13 S.C.R. 577 at p. 632 held as follows:

"I must therefore hold, that the Quebec act had no more effect in revoking the five concluding paragraphs of the proclamation of 1763 which relate to the Indians and their rights to possess and enjoy their lands until they voluntarily surrendered or ceded them to the crown, than it had in repealing it as a royal ordinance for the government of the Floridas and Granada."

It is clear that by the English common law, by the Instructions to Governors mentioned above, by the Royal Proclamation, and by the jurisprudence, the Indians within the Province including of course the Oka people, were recognized as having an interest in lands by the British Crown which interest was at the very least usufructuary in nature.

It is further submitted that the provisions of the Acts 13-14 Vict. c. 42 and 14-15 Vict. c. 59 and c. 106 did not extinguish such rights but merely established an administrative framework for Indian policy, and that these rights were in existence at Confederation.

Finally, it is submitted that this title has not been extinguished by any legislation

or executive act of Parliament since Confederation.

The general conclusion, therefore, is that the Indian title or aboriginal rights of the Oka Indian people were not extinguished throughout the French Regime, the English Regime until Confederation and have not been extinguished since Confederation. It is against this background that the actions of the Seminary of St. Sulpice and the Government of Canada with respect to the Oka lands must and shall be viewed.

(v) SATRA Regional Development Plan

As stated in the Progress Report:

"This section of the research program relates to finding equitable and lasting solutions to the practical and day to day problems which confront the Oka Indian Band. The Oka Indian people are not totally preoccupied with the past but are working for a happy and prosperous future."

The Progress Report outlined the work which had been done in this area involving numerous meetings with SATRA representatives, representatives of the Municipality of Oka and representatives of the Department of Indian Affairs and Northern Development.

A major concern of the Chiefs and their people is that considerable planning and development is taking place in the Oka region without reference to their land claim or their need for additional land for the Band and without consultation with the Indian people as to their priorities or aspirations. In the words of the original Research Proposal:

"For one reason or another, the Indian people of Oka have not been involved in this process and consequently have not been given an opportunity to contribute their ideas or state their priorities. Yet, their lives and rights could be dramatically affected."

The results of the meetings with SATRA were summarized by Miss Jeanne Wolfe of SATRA in a report dated November 1973 a copy of which is attached hereto as Annex "D". With respect to the regional plan in particular it would be appropriate to quote the report on this point:

"The Indian band have examined the regional plan and expressed the following views:

- a) the Government of Quebec has no right to plan indian lands;
- b) the indian community does not want any autoroutes, roads, bridges, hydro-lines or other similar undertakings built in the area;
- c) the indian community (presently about 850 persons living in the area) is basically agricultural, but has no room to expand. Sons of farmers are forced to go elsewhere to seek work,

or to go on unemployment;

- d) the band has certain ideas regarding the future development of the area, including the establishment of outdoor recreational facilities (skiing, snowshoeing, riding, etc.) on the mountain slopes, once the land claim is settled. Such developments can be financed by the Department of Indian Affairs, so long as they are run by the band and employ indians;
- e) the chiefs have also mentioned the possibility of establishing an indian village separate from the village of Oka. There has been a long history of strained relationships between the village and the Indians, although in recent years it seems that the situation has become more amiable. Most of the indian lands actually in the parish of l'Annonciation;
- f) the band feels that no planning or development should take place in the area until the land claim is settled. They are very anxious that the outstanding natural beauty and wildlife of the area be conserved;
- g) they regret that no special consultation was made with the band before this autumn (sic) by SATRA.
- 8. The lawyers for the band are presently preparing a report on the situation which will be available shortly. As far as the regional plan is concerned, they have suggested that all the area in the immediate environs of the presently defined indian lands be zoned either:
 - a) ZAD (zone d'aménagement différé) deferred zoning;
 - b) RUR 1 (rural, agricultural) which does not permit the subdivision of lands nor uses other than agriculture and associated activities.

Further, they have suggested that all mention of transportation and communication uses in the area be dropped from the regional plan."

Since the submission of the Progress Report continued efforts have been made to meet with the appropriate authorities with a view to discussing questions related to community planning and economic development for the Oka Band and its lands.

As an example of the concerns discussed and dealt with during the period of the Research Project, particular reference can be made to a meeting of October 16, 1974 at the Offices of the Department of Indian Affairs and Northern Development in Ottawa attended by the Oka Chiefs, Miss Brenda Etienne, Mr. Peter Hutchins and for the Department Mr. Phil Girard, Mr. Gilles Paquin, Mr. Jean-Guy Couture and Mr. Bill Milner. At this meeting various concerns of the Oka people were expressed and discussed. The problem of the configuration of the Oka lands was stressed it being pointed out that the administration of such a reserve was difficult if not impossible. Furthermore, because of the regional planning taking place in the Oka area and the pressures on the existing Indian lands brought about by such projects as the extension of the Oka golf club and road construction it was stated that it was most important that the Oka Indian people be in a position to come forward with a concrete contribution to this planning in the form of a plan of their own incorporating an Indian perspective.

The representatives of the Department recognized as they often have that there was a significant need for planning of the Indian lands at Oka and the possibility of the involvement of the Economic Development Branch and Community Affairs Branch was discussed. Nevertheless, it was recognized by all that the broken-up character of the Indian lands at Oka and the present state of contestation due to the land claim issue would hinder and greatly complicate any planning of the Oka Indian lands.

Once again, therefore, in this practical context the importance of settling the Oka Indian land claim and establishing a discrete land base for the Oka Band became only too apparent.

Further meetings were held on this subject. A meeting on November 14, 1974 at the offices of the Department of Indian Affairs and Northern Development in Montreal continued to explore the possibility of planning and organizing the Indian lands at Oka. Clouding these discussions, however, were the complications of the contested lands and the broken-up nature of the reserve itself.

Another meeting was held at Oka on December 5, 1974 attended by the Oka Chiefs, Miss Etienne, Mr. Peter Hutchins and various representatives of the Department of Indian Affairs together with

Mr. Gérard Raymond of the Surveyor General of Canada's Office. At this meeting particular attention was paid to the problem of individual land holdings at Oka and the surveying activity which had taken place in Oka over the past few years.

Since January 1975 further meetings have been held to discuss the practical problems of administration of the Indian lands at Oka, planning of these lands, economic development for the band and problems related to individual land holdings.

The conclusion of all this work related to regional and local planning is inescapable: the question of the Indian lands at Oka must be resolved before any intelligent or appropriate planning can be effectively accomplished and before the Oka Indian Band can begin to administer and manage its own affairs and its lands in an efficient and effective manner.

A considerable amount of work has been done by the Research Coordinator, Miss Brenda Etienne, respecting general problems on the Oka reserve. These problems are closely tied to the lack of cohesions in the Band. This in turn is the result of the absence of a reserve in the true sense of the word and in particular the lack of recreational areas and

additional land for expansion of the Band. Particular emphasis is placed upon the problems of the young people of the Band. Miss Etienne identifies some of the problems and possible actions in her report to the Chiefs:

"RESERVE LEVEL

PROBLEM:

Lack of information regarding development resources in terms of funds.

Lack of interest in our young people to become involved in band affairs.

Lack of desire of our young people to complete their education.

Withdrawal due to frustration on the part of our potential leaders.

POSSIBLE ACTION:

The possible implementation of a Community Development Program to work with our people through a social animation process in exposing their self-determination which will create more involvement in the development of our community.

Bringing to their doorstep development resources from which to create development of our community.

Assist the youth to take part in administrative training from which to foster these development programs in an efficient manner.

PROBLEM:

Lack of revenue to support Community services and better living conditions.

Lack of employment opportunities the majority of our people between the ages of 18-65 are unemployed or underemployed. Most of the graduating highschool students are forced to go to the cities to seek employment although they prefer that they be employed on the reserve.

POSSIBLE ACTION:

Pending the funding of the Economic Development Program.

PROBLEM:

Increasing problem in drug and alcohol abuse in our young people due to lack of recreational/cultural facilities. There is too much leisure time in our community due to the absence of employment and recreational activities. Our potential athletes have no hope in pursuing a career in sports."

CONCLUSION

The preceding report represents an attempt to summarize the structures established and the work accomplished pursuant to the original Research Proposal submitted by the Oka Chiefs in November 1973 and the Memorandum of Agreement subsequently passed between the Oka Chiefs and the Department of Indian Affairs and Northern Development dated April 19, 1974. It should not be construed as the Oka Indian Claim itself or as an exhaustive treatment of the work, findings, conclusions or recommendations flowing from the Research Project.

Moreover, it is submitted without prejudice to any claims by or on behalf of the Oka Indian people which have or will be submitted or to the rights, titles or interests of the Oka Indian people.

It should be apparent from this Report that considerable effort has been expended by all involved in the Research Project. The budget

originally proposed for a six month project has been respected. The heads of inquiry originally proposed have been followed.

Yet the efforts of the Oka Chiefs and their people are not over. They have only just begun. The pieces of the puzzle have been assembled. A picture is forming. It is a picture not altogether pleasing to the Oka Indian people. It is a picture of loss, deception, neglect, frustration highlighted only by a determination which has been vindicated by historical and legal research and analysis. The picture must be completed in certain places and studied. One thing, however, is certain, the Oka Chiefs and people do not intend to let the picture fade. They intend to use it in their efforts to settle the Oka Indian land question once and for all and to build a just, viable and decent future for themselves and their Band.

April 15, 1975.

ANNEXES

ANNEX "A"

OKA INDIAN LAND CLAIM RESEARCH PROJECT

PROGRESS REPORT TO JULY 30, 1974
UNDER THE TERMS OF THE MEMORANDUM
OF AGREEMENT BETWEEN THE MINISTER
OF INDIAN AFFAIRS AND NORTHERN
DEVELOPMENT AND THE OKA INDIAN
BAND, DATED APRIL 19, 1974.

I - Introduction

In early November 1973 the Oka Chiefs, on behalf of the Oka Band, submitted a Research Proposal outlining the unfortunate history of the Oka situation and presenting in some detail a proposed program of research and related work aimed at examining the important issues which have faced the Oka people in the past, which face them today and which appear to face them in the future.

The research program was projected to last six months and was accompanied by a budget totalling \$23,500.00.

There ensued a delay of over six months before the Memorandum of Agreement covering the Oka Research Proposal was signed by the Minister and a cheque in the amount of \$15,000.00 representing the first instalment under the said Memorandum of Agreement was received by the Oka Band.

Final approval by the Minister and receipt of funds followed a meeting in Ottawa between Messrs. Glynn and Lafrenière of the Department of Indian Affairs and Northern Development and Mr. Peter Hutchins a member of the legal firm of O'Reilly, Allain, Hudon, legal counsel for the Oka Indian Band, at which time alterations to the schedule of payment contained in Annex B of the said Memorandum of Agreement were discussed and agreed upon.

The original Memorandum of Agreement had provided for an activity report and financial statement covering research completed and expenditures to May 30, 1974 and a final report on the Research Project together with a financial statement to August 30, 1974. Following the above-mentioned meeting between Messrs. Glynn, Lafrenière and Hutchins the schedule for reports and payments was altered to provide for an activity report and financial statement covering the period to June 30, 1974 and a final report together with a financial statement to September 30, 1974. Moreover, the second instalment due upon receipt of the activity report and financial statement to June 30, 1974 was altered from an amount of \$5,000.00 to an amount of \$7,500.00 with the final payment being adjusted accordingly from \$3,500.00 to \$1,000.00.

Because the initial payment was not received by the Oka Band until the end of April 1974 a further

change in Annex B was agreed upon between Mr. Glynn and Mr. Peter Hutchins. The new schedule provided for submission of an activity report covering research completed to July 30, 1974 and a financial statement covering expenditures under the agreement to July 30, 1974. The schedule for the final report, final financial statement and final instalment was adjusted to cover the period to October 30, 1974. The agreement respecting this last alteration to Annex B was stated in a letter from Mr. Peter Hutchins to the Department of Indian Affairs and Northern Development, dated May 10, 1974 and confirmed by Mr. T.F. Glynn in his reply dated May 17, 1974.

As a result of the above-mentioned adjustments the Oka Indian Land Claim Research Project commenced officially on May 1, 1974. Nevertheless, because of urgent and pressing issues facing the Oka Band and in part because of the delay in obtaining funds, it was necessary that legal counsel be retained during the summer of 1973 and that considerable work be done by legal counsel and the Oka Chiefs during the fall and winter period prior to receipt of the first instalment. This situation of course, was mentioned in the original research proposal and the letter dated November 5, 1973 signed by the Oka Chiefs accompanying the Research Proposal both of which form part of the Memorandum of Agreement.

It is proposed that this activity report follow as closely as possible the program of research

laid down in the original Research Proposal. In addition, a section will deal with administrative matters such as the establishment of a research office, the staffing of the office and the management of funds.

II - Administrative matters

At the time of the preparation of the Research Proposal and accompanying Budget considerable thought was given to research facilities and staff required as well as outside consulting assistance necessary for the work envisaged.

Prior to receipt of funds, possible candidates for the position of Research Coordinator and research assistant were considered. Upon approval of the research project by the Minister and the receipt of funds, Miss Brenda Etienne was hired as Research Coordinator.

Miss Etienne immediately set to work to establish a research office in Oka. In an effort to minimize costs it was decided to utilize space in the Oka Band office.

Furthermore, despite the provision for a research assistant in the budget, it was decided to await the establishment of the research office and a concrete program of research before incurring this particular expense.

With respect to equipment for the research

office, only the essential equipment was obtained, specifically an electric typewriter on a rental basis, a table Philips combination dictaphone and transcriber on a rental basis and a small portable Philips for work outside the office, which was purchased outright.

With respect to the administration of the funds under the Memorandum of Agreement, the Oka Chiefs requested the firm of O'Reilly, Allain, Hudon to hold and administer all funds received under the Memorandum of Agreement. It was agreed that the firm of O'Reilly, Allain, Hudon would hold the funds in a trust account and issue on that account all cheques for research staff salaries, consulting and legal fees, petty cash requirements and all other authorized expenses. A petty cash account was opened at the Caisse Populaire in Oka, this account being replenished from the trust account as required. Legal counsel renders monthly financial accounting respecting the status of the trust account to the Oka Chiefs.

A financial statement prepared by the firm of Drouin, Carrier & Associés, chartered accountants, and containing details on all expenditures to July 30, 1974 accompanies this Progress Report.

Once the Oka research office had been established and was functioning satisfactorily and further staff was required, a research assistant, Miss Mary C. Nicholas, was hired for a six week period commencing July 1, 1974.

III - Research and related work under
the Research Proposal.

As stated above the report on research and related work will follow the format of the Research Proposal submitted.

1. Present status of land holdings.

The Research Proposal submitted to the Department of Indian Affairs and Northern Development and now forming part of the Memorandum of Agreement stated that the 1945 purchase and events related to that transaction would have to be examined closely with a view to determining the Indian and non-Indian holdings in the Oka area, the problems related to the purchase and subsequent history of land holdings in Oka and finally any grievances on the part of individual Oka Indian people.

The work in this area is well advanced. Miss Etienne, aided by her research assistant, has undertaken an extensive program of individual interviews with Oka Indian people. Approximately 33 interviews have been held including 12 heads of families. The concentration, of course, has been upon heads of families and holders of lots or parcels of land. To date the interview program has covered approximately 40 lots and 100 parcels of land.

Documents being held by individuals or families have been requested and for the most part obtained.

Miss Etienne has requested and received from the Department of Indian Affairs a large number of maps and aerial photographs covering the Oka area. Furthermore, following discussions with SATRA, that agency agreed to prepared a map illustrating the Indian holdings in Oka and copies of these maps were presented to the Chiefs and research staff.

As a result of the intensive interviewing and mapping program by the research staff the work in this area is progressing satisfactorily. There remains to be done a correlation of data and possibly some work respecting the non-Indian holdings in the Oka area.

Without disclosing detailed findings it is clear from the interview program and general Band meetings held in Oka that the Indian people of Oka do not consider the 1945 purchase as sufficiently fulfilling the obligation of the Federal Government to compensate them for lost lands. Furthermore, the size and configuration of the land base resulting from the transaction are considered totally inadequate to meet the present and future needs of the Oka Indian people. The unique and broken-up character of the Kanasatake reserve, the resulting lack of cohesion in the band and the obvious lack of land for recreation and expansion of the band remains one of the primary concerns of the Oka Indian people.

2. Present status of and possible claims to the common lands particularly with respect to the proposed golf course.

As stated in the Research Proposal the use of the common lands has been a constant source of grievance for the Indian people of Oka throughout the history of the Oka Indian land question. The Indian people consistently have asserted their rights to the use and management of these common lands. Historically these rights included hunting, trapping, fishing, pasturage and the cutting of timber thereon; today they include, at the very least passage and recreation.

The status of the common lands and actions affecting the peaceful enjoyment of the common lands by the Oka Indian people is integrally tied to the question of the Oka Indian lands in general.

Because there was some indication that there were plans to extend the present golf course at Oka onto the common lands it was necessary for the Oka Chiefs to act quickly on this matter. Legal counsel was consulted in July of 1973 and efforts made to clarify the situation with the municipal authorities of Oka and representatives of the Department of Indian Affairs and Northern Development.

As a result of these meetings the Oka Chiefs became aware of the role of SATRA (Service d'aménagement du territoire de la région aéroportuaire) in the creation

of a regional development plan for the Oka area. Consequently, a series of meetings was held between the Oka Chiefs, Oka municipal authorities, representatives of SATRA and representatives of the Department of Indian Affairs and Northern Development with a view to informing the Chiefs as to the progress of planning for their area and to provide an opportunity for the Chiefs to make representations on behalf of the Oka Indian Band.

During these meetings, the question of the common lands was discussed at length. Further detail respecting these meetings will be provided under heading 5 "SATRA Regional Development Plan".

The question of the status of the common lands, the traditional use of these lands by the Oka Indian people and the attitudes of the Oka people with respect to these lands were all subjects dealt with during the interview program undertaken in Oka by the Oka research staff. From these interviews it is clear that the people are convinced of their historic, legal and equitable rights to the common lands. Furthermore, because of the lack of recreational area for the Oka Indian people, what remains of the once extensive tract of land known as the Commons has become an essential area for the Oka Indian people where they may congregate and pursue recreational activities. Any indication of a threat to what remains of the common lands is considered by the

people to be a gross injustice and clear example of the historical process of erosion of the Oka, Indian lands.

The position of the Oka Indian people with respect to the common lands appears to be confirmed by a study of the historical documents on hand as well as a legal analysis of the status of such lands under the seigniorial system in New France and subsequent regimes under which the Oka lands fell. All the documents pertaining to the question of the common lands in Oka are being collected and analyzed.

This work is well advanced although, of course, further historical research is required and will be pursued.

Consistent with the Chiefs' desire to cooperate to the extent possible with the non-Indian community at Oka, a meeting was held on May 15, 1974 with a representative of the municipal council of Oka to discuss an interim agreement for the use, care and management of the common lands in Oka. Following the discussion with the representative of the municipal council, the Oka Chiefs prepared a resolution dated July 22, 1974, chronological number 40, in which a regime was proposed whereby the Oka Indian people would control access and use of the common lands and would be responsible for the maintenance of those lands.

The resolution together with an explanatory

letter was forwarded to the Mayor and Council of Oka on July 22, 1974. No official response has been received from the Municipality. Nevertheless, the Oka Indian Band presently is undertaking the care and maintenance of the common lands.

3. Possible claims with respect to the Seigniory of Lake of Two Mountains.

This section of the research and related work has entailed and will continue to entail an historic and legal analysis of the specific Oka situation since the time of the original seigniorial grant to the Seminary of St. Sulpice in 1717 including all subsequent events and regimes to the present day.

The first step in this area has been to assemble as much of the documentation available as possible. The Oka research staff has contacted many individuals in Oka with a view to obtaining documents being held by them and many documents have been obtained in this matter.

Legal counsel has collected all documents at their disposal from the substantial amount of legal research existing with respect to the Indian people of the Province of Quebec and the rest of Canada.

Consistent with paragraph 4 (c) of the

Memorandum of Agreement, an effort has been made to obtain information and documents from Government departments, agencies and other sources in order to avoid duplication. To this end, several meetings have been held with representatives of the Indian Claims Commission in Ottawa and constant contact has been maintained with the Commission.

The Oka Chiefs intend to continue to cooperate with the Indian Claims Commission and other Government departments and agencies to the extent possible.

Miss Etienne has performed some work in the Canadian Archives and intends to return to the Archives for further archival work. The Claims Commission staff have agreed to assist the Oka research staff in this archival research.

To date, over one hundred documents pertaining to the Oka situation have been collected. The documents have been reviewed by legal counsel, summarized and classified for easy reference.

In addition to the collection of documents, the analysis of these documents is underway. Several historians have been contacted with a view to performing work on a consulting basis. On July 3, 1974 Mr. Peter Hutchins and Miss Brenda Etienne met with Dr. Cornelius Jaenen, historian, and discussed aspects of French-Indian relations

under the French Regime in Canada and the Oka situation in particular. Dr. Jaenen was given several documents to study. Although Dr. Jaenen pointed out that he would not be available for extensive consultation he consented to do some work and has provided the Oka research staff with his views on matters related to the research work. Moreover, the research staff has been provided with a number of articles written by Dr. Jaenen in the past several years.

With a view to analysing the alleged title of the Seminary of St. Sulpice and the effect of this upon the Indian title to the lands at Oka, legal counsel has done extensive work on the state of the law in New France, particularly relating to the seigniorial regime and the rights and titles accruing from this regime.

This work has entailed an examination not only of the basic documents such as the grants, confirmations and statutes but also a general analysis of the legal regime in New France, the Coutume de Paris and the seigniorial regime. Furthermore, the effect of subsequent events and legislation such as the Conquest of 1760 and the Seigniorial Acts passed in the 1850's are being examined. Government policy and practice as it related to the Oka situation is being analysed.

A preliminary legal opinion on the documentation available to date has been prepared, although consistent with section 4 (d) of the Memorandum of Agreement the Chiefs are not prepared to disclose the conclusions of the work to date at this time.

4. The Aboriginal Rights of the Oka Indian people

The body of material in this area, both research material and case law, is substantial and growing.

A great deal of research and litigation has been concentrated upon the period of the British Regime in Canada with respect to the status of Indian rights and titles following the Conquest of 1760.

With respect to the Oka situation, however, the attitude of the French Regime towards the first inhabitants of the land, the state of law in general during the French Regime respecting native rights and the effect of the seigniorial regime upon those rights are of particular interest. Legal counsel is engaged in collecting all pertinent documents and analysing the law of the period.

To date, substantial work has been done on the two above-mentioned aspects: the status of native title under the French Regime in New France and the effect of the seigniorial regime upon that title.

In addition the events relative to the Oka situation and subsequent to the French Regime in Canada are being studied and incorporated into the legal history of the Oka Indian land question.

As with other areas where the question of native title has been examined closely, some important arguments in favour of the existence and survival of native title are being uncovered. Of course, it is not the intention here to reveal detailed findings.

Finally legal counsel is keeping the Oka Chiefs and research staff informed as to developments in the field of native rights throughout Canada and particularly in the Province of Quebec. The law being uncovered and developed in these other areas, of course, is pertinent to the Oka research program as the situation of the Oka Indian lands cannot be considered in isolation to the legal status of native title and native claims throughout Canada and the province of Quebec.

5. SATRA Regional Development Plan

The developments respecting the SATRA involvement in the Oka area were outlined in the original Research Proposal. As stressed in the Research Proposal the Indian people of Oka had not been involved in the process of planning of the Oka area. The Oka Chiefs themselves only learned of the existence and activity of SATRA at a meeting on September 13, 1973.

This section of the research program relates to finding equitable and lasting solutions to the practical and day to day problems which confront the Oka Indian Band. The Oka Indian people are not totally preoccupied with the past but are working for a happy and prosperous future.

In September 1973 a series of meetings with SATRA representatives, representatives of the Municipality of

Oka and representatives of the Department of Indian Affairs and Northern Development commenced with a view to informing the Oka Chiefs as to the state of planning and to receive the Chief's reaction to the planning effort. Lengthy meetings were held on September 13, 1973, September 19, 1973 and November 2, 1973. At all these meetings the Oka Chiefs were accompanied by legal counsel.

As a result of these meeting a substantial amount of documentation was presented to the Chiefs by the SATRA representatives dealing with the plans for the Oka area, including economic planning, highway planning, and zoning for future land use. This documentation was summarized and analysed by legal counsel and the result communicated to the Oka Chiefs. In particular, the implications of this planning effort were studied and discussed between the Oka Chiefs and legal counsel.

In addition to the above, there was frequent communication between legal counsel and representatives of SATRA with respect to aspects of the continuing planning work and particularly with respect to urgent matters such as the proposed extension of the Oka golf course and plans for highway construction. This work was essential to the general Oka research work in order to avoid a situation developing which would render the research work and claim preparation irrelevant. The Oka Indian people had to remain informed and continue to inform the planners of their positions so that the two groups could work together in designing a future for the community.

The results of this work to December 1973 from the point of view of SATRA was summarized in a report prepared by Jeanne Wolfe of SATRA entitled "The Indians of Oka" dated November 1973, a copy of which has been received by the Department of Indian Affairs and Northern Development.

Having apparently completed his mandate, SATRA as an organization was disbanded at the end of December 1973 with only a skeleton staff remaining. Nevertheless, the result of its work, the Regional Development Plan for the Oka region, remained an issue of considerable importance for the Oka Indian Band. Thereafter, the attention of the Oka Chiefs was directed to the municipal authorities of the area with a view to working together on the concepts developed by SATRA. Meetings were held with representatives of the municipality of Oka to discuss aspects of this plan and submissions respecting a local plan for the Oka area have been reviewed by the Oka Chiefs in conjunction with the Oka municipal authorities.

The members of the Oka Band have been informed of the research work and work related to planning of the area at general band meetings.

LIST OF CERTAIN DOCUMENTS COLLECTED
AND COMPILED.

VOL. I

- Ordonnance de M. de Lauzon qui fait défense aux Français et aux sauvages de laisser leurs terres et concessions, 12 mai 1656.
- Deed of Donation to the Seminary of St. Sulpice, March 9, 1663.
- Establishment of a Seminary in the Island of Montreal, 1677.
- Arrangement for exchange of prisoners between French and Iroquois 15 juin 1701.
- Deed from the Five Nations to the King of their Beaver Hunting ground July 19, 1701.
- Decree of the King directing that the lands which have been conceded be brought into cultivation and occupied by inhabitants, July 6, 1711. (Arrêt de Marly).
- Decree of the King which declares against the settlers a forfeiture of the right of property in the lands which have been conceded to them, if they do not bring them into a state of cultivation by residing thereon within a year and a day from the publication of said decree, July 6, 1711 (Arrêt de Marly).
- A decree to annul, in the Deeds and Contracts of concession executed in Canada, clauses contrary to the customs of Paris, and to order that it shall be observed in the future, May 1717.
- Extract of a Memorandum from the King to Messieurs de Vaudreuil and Begon. 26th June, 1717.
- Grant to Messrs. of the Seminary of St. Sulpice, at Montreal, October 17, 1717.
- Grant by the King in ratification of the Seigniorship of the Lake of Two Mountains in favour of the Gentlemen of the Seminary of St. Sulpice, April 27, 1718.
- Arrêt which settles rhumb de vent of the concessions at Lake of Two Mountains & Argenteuil, October 5, 1722.
- Arrêt of the King re the Boundaries of the Seigniorships at Lake of Two Mountains, May 24, 1723.
- Decree of the King's Council, requiring seigniors to make their tenants to reside upon their seigniorships and prohibiting them from selling wood lands (terres en bois debout), May 15, 1732.

- Concession to Messrs. the Ecclesiastics of the Seminary of St. Sulpice of Paris, of two leagues on the Lake of Two Mountains, September 26, 1733.
- Letter from Minister to Messrs. de Beauharnois & Hoquart. 6 May 1734.
- Letter from Messrs. de Beauharnois and Hoquart. October 6, 1734.
- Ratification of the augmentation of the Seigniorship of the Lake of Two Mountains in favour of the Gentlemen of the Seminary of St. Sulpice, March 1, 1735.
- Letter from the Minister to Messrs. de Beauharnois and Hoquart. 19 April 1735.
- Extract from the Registers of the Superior Council of Quebec, December 12, 1735.
- Declaration of the King concerning concessions in the colonies, July 17, 1743.
- Acte Authentique des six Nations Iroquoises sur leur Indépendance, 2 novembre 1748.
- Relation de l'Ambassade des Cinq Nations, 27 novembre 1756.
- Articles of Capitulation of Montreal, 1760.
- Royal Proclamation of 1763.
- Extract from registers of Government, November 4, 1763. Ordering one Vander-heyden to leave the mission.
- Copy of a Proclamation by Guy Carleton dated December 22, 1766.
- Confection de papier-terrier for St. Sulpice, February 3, 1781.
- Minutes of a speech addressed to Sir John Johnson, Bart, Superintendent General & Inspector General of Indian Affairs by the Principal Chiefs of the village of Lake of Two Mountains assembled in Council by Aughneeta, the principal chief, speaker. Montreal, February 8, 1787.
- Extract from the proceedings of the Privy Council, 16th April 1789 (See Seminary of Montreal, 1880, p. 161)
- Extract from the proceedings of the Privy Council, 21st April 1789 (See Seminary of Montreal, 1880, p. 160).

- Letter to lawyer for Seminary from Henry Motz
July 9, 1789.
- Extract of a letter from the Right Honorable Lord
Grenville to His Excellency Lt. Governor Clarke dated,
Whitehall, 8 November 1792.
- Copy of plan of Seigniories, 1795. No. 81.
- Explanatory article to be added to the Treaty of
Amity, Commerce and Navigation between the U.S. and
Great Britain 4 May 1796 (Jay Treaty) clarifying Art.
3 of the said treaty and stating that no stipulation
in a subsequent treaty concluded by either contracting
party with any other state or nation or with any
Indian tribe should be interpreted so as to derogate
from the freedom to pass over the boundary granted
in Art. 3.
- Report of Attorney General Sewell upon claims of
Sulpicians, July 2, 1804.
- Letter from Mr. Ryland to Mr. Peel, June 27, 1811,
and his reply, July 8, 1811.
- Recensement des Sauvages & Canadiens de la Mission du
Lac des Deux Montagnes, 1823.
- Attorney General Stuart's Opinion respecting the
Seminary of Montreal, December 10, 1828 (attached
to above letter dated June 27, 1811).
- Report of a committee of the Executive Council on a
Reference of the 7th October 1836 respecting the Indian
Department, June 13, 1837.
- Report of the Executive Council of Lower Canada, dated
13th June, 1837.
- Propositions made by Messire Quiblier to the Iroquois
June 11, 1839.
- Letter to the Superintendent at Oka from the Secretary
of Indian Affairs, July 23, 1839.
- Letter from the Superintendent at Oka to Rev. Quiblier,
Superior of the Montreal Seminary, July 27, 1839.
- An Ordinance to incorporate the Ecclesiastics of the
Seminary of St. Sulpice of Montreal etc.; Ordinances
of the Special Council, 1840, 3-4 Victoria ch. 30.
- Report of the Commissioners appointed to inquire into
the state of the Laws and other circumstances connected
with the Seigniorial Tenure, laid before the Legislative
Assembly, October 4, 1843.

- Report on the Affairs of the Indians in Canada, dated 22th January, 1844, and laid before the Legislative Assembly, 20th March, 1845.
- An abridged form of the preceeding Report.
- Report of Commissioner Robert Jamieson, 1847.
- Report on Vancouver Island, no date (Post 1846).
- Certificate or report of the late James Hughes, 16th July 1848, together with the Certificate of G.T. de la Ronde, esquire, Notary, relating to the previous document, 8th November, 1868 (See the Seminary of Montreal, 1880 for both documents).

VOL. II

- Extract from Schedule, showing the distribution of the area of land set apart for the Indians, dated 7th June, 1853. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 43).
- Extract from Report of the Committee of the Privy Council on land applications, dated 9th August, 1853. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 42).
- Extract from Report of Commissioners, Indian Affairs September 8, 1856.
- Extract from the Report of the Special commissioners for Indians Affairs of 1858 p. 25.
- Act respecting the general Abolition of Feudal Rights and Duties, Consol. Statutes of L.C. 1861, Ch. 41.
- Cadastre abrégé de la Seigneurie du Lac des Deux Montagnes, Aug. 24, 1861.
- Letter from Langevin to Judge Coursol, September 8, 1861.
- Petition of the Algonquin Indians of the Lake of Two Mountains to the Governor of Canada, 31st July, 1868. (See the Seminary of Montreal, 1880, p. 19)
- Rev. Mercier, Missionary at the Lake of Two Mountains to Honorable the Secretary of State, dated 3rd August, 1868. (See the Seminary of Montreal, 1880, p. 21).
- Petition to His Excellency, the Right Honorable Chs. Stanley Viscount Monck, from the Indians of the Lake of Two Mountains, 8th August, 1868. (See the Seminary of Montreal, 1880, p. 5).
- Report on the Petition of the Iroquois Indians of the Lake of Two Mountains, dated 9th October, 1868. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 40).
- Letter from Rev. Bailé, Superior of the Seminary of St. Sulpice, Montreal, to the Honorable the Secretary of State, Langevin, 12th October, 1868. (See the Seminary of Montreal, 1880, p. 22).

- Report of Judge C.J. Coursol to Honorable G. Ouimet, Attorney-General of the Province of Quebec, 15th October, 1868. (See the Seminary of Montreal, 1880, p. 38).
- Letter from J.A. Defoy, assistant C.L.O. to the Secretary of State, Langevin, transmitting Judge Coursol's Report, October 17, 1868 (See Seminary of Montreal, 1880, p. 38).
- Letter from the Secretary of State, Langevin, to Chief Orontsakoso, October 20, 1868 (See Seminary of Montreal, 1880, p. 42).
- Letter from His Excellency the Governor General to the Iroquois Indians of the Lake of Two Mountains, dated 23rd October, 1868. (See the Seminary of Montreal, 1880, p. 43).
- Report of the Secretary of State, Langevin, on the Petition of the Algonquin Indians of the Lake of Two Mountains, 26th October, 1868. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 39).
- Letter from the Under-Secretary of State to Rev. Baile of the Seminary of Montreal, 3rd November, 1868. (See The Seminary of Montreal, 1880, p. 43).
- Letter from Rev. Baile, Superior of the Seminary of Montreal, to the Hon. the Secretary of State, Langevin, 9th November, 1868. (See the Seminary of Montreal, 1880, p. 44).
- Affidavit of the Iroquois Chiefs, 28th November, 1868. (See the Seminary of Montreal, 1880, p. 14).
- Letter from the Honorable the Secretary of State, Langevin, to the Iroquois Indians of the Lake of Two Mountains, 9th December, 1868. (See the Seminary of Montreal, 1880, p. 51).
- Letter from the Secretary of State, Langevin, to the Algonquin Indians of Lake of Two Mountains, dated 10th December, 1868. (See the Seminary of Montreal, 1880, p. 53).
- Memorial of the Iroquois Indians of the Lake of Two Mountains, to the Honorable Sir John A. McDonald, 10th December, 1868. (See the Seminary of Montreal, 1880, p. 1).
- Petition from the Iroquois Indians to the Governor General, 8th February, 1869. (See the Seminary of Montreal, 1880, p. 55).
- Telegram from the Iroquois and Algonquins chiefs to the Governor General, 22nd February 1869. (See Seminary of Montreal, 1880, p. 57).
- Letter from the Governor General's Office to the Indians of the Lake of Two Mountains, dated 23rd February 1869. (See the Seminary of Montreal, 1880, p. 57).

- Letter from the Governor General's Office to the Privy Council, enclosing Petition and Telegram referred to above, for report, 23rd February 1869. (See the Seminary of Montreal, 1880, p. 58).
- Petition from the Iroquois Indians to His Excellency the Governor General, 26th February, 1869. (See the Seminary of Montreal, 1880, p. 59).
- Letter from the Under-Secretary of State to the Iroquois Indians, 15th March, 1869. (See the Seminary of Montreal, 1880, p. 60).
- Report of Langevin of the Indian Office, relative to the complaints of the Iroquois Indians of Lake of Two Mountains, to the Privy Council, 18th March, 1869. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 38).
- Report of the Privy Council on the above, 24th May, 1869. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 41).
- Letter from Rev. Baile, Superior of the Seminary of St. Sulpice, to the Hon. the Secretary of State, 2nd June, 1869. (See the Seminary of Montreal, 1880, p. 61).
- Letter from the Honorable the Secretary of State to Judge Coursol, 8th September 1869. (See the Seminary of Montreal, 1880, p. 62).
- Judge Coursol's Second Report, 18th September, 1869, in reference to His Mission at the Lake of Two Mountains. (See the Seminary of Montreal, 1880, p. 63).
- Letter from the Under-Secretary of State to Judge Coursol, 23rd September, 1869. (See the Seminary of Montreal, 1880, p. 66).
- Letter from the Secretary of State, Langevin, to Judge Coursol, 14th October, 1869. (See the Seminary of Montreal, 1880, p. 66).
- Third Report from Judge Coursol to the Secretary of State, Langevin, 27th October, 1869. (See the Seminary of Montreal, 1880, p. 68).
- Letter from the Secretary of State, Langevin to Judge Coursol, 4th November, 1869. (See the Seminary of Montreal, 1880, p. 69).
- Petition from the Iroquois Indians of the Lake of Two Mountains to the Secretary of State for the Provinces, Howe, (no date). (See the Seminary of Montreal, 1880, p. 70).

- Letter from Superintendent General of Indians Affairs to Oka Indians and replies. Press Clipping from a Montreal newspaper containing letters taken from Public Archives, 1890.
- Internal Departmental Memorandum, unsigned, unaddressed, Ottawa, October 30, 1890.
- Letter from R. Rimmer (Indian Affairs) to Deputy Minister of Justice, November 7, 1899.
- Letter from Dept. of Justice to Deputy Superintendent General of Indian Affairs, February 1, 1900.
- Memo for the Governor General. Ottawa, April 23, 1901.
- Letter from J.A. Macrae, Deputy Superintendent General Indian Affairs, to 12th December 1902.
- Memo from F. Pedly, Indian Affairs, to Sifton. February 19, 1903.
- Letter from A. Geffrion, Advocate, to the Honorable Sir Wilfred Laurier. June 27, 1905.
- Ex parte judgment against Gabriel Onensawenrat for cutting trees without permission, October 20, 1905.
- Maps circa 1906.
- Letter from Newcombe, Deputy Minister of Justice, to Frank Pedley, Deputy Superintendent General Indian Affairs, Ottawa January 7, 1908.
- Corinthe v. The Ecclesiastics of the Seminary of St. Sulpice, Superior Court, March 10, 1910.
- Letter from Geoffrion, Advocate, to Frank Pedley, Superintendent Indian Affairs April 9, 1910.
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- Letter from Geoffrion, Geffrion & Cusson, Advocates to F. Pedly, Superintendent General Indian Affairs, January 11, 1912.
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- Letter from C. Parker, Inspector, to Assistant Deputy Minister of Indian Affairs, Ottawa, December 10, 1912.

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- Sessional Papers (No. 55) 33 Vic. 1870, pages 2-44.
- Letter from Secretary of State for the Provinces to the Rev. Baile, 26th January, 1870.
(See the Seminary of Montreal, 1880, p. 77).
- Petition to His Excellency the Governor General, from the Iroquois Indians of the Lake of Two Mountains, February 7, 1870. (See the Seminary of Montreal, 1880, p. 72).
- Letter from Rev. Baile to the Hon. the Secretary of State for the Provinces, Howe, 26th February, 1870.
(See Sessional Papers (No. 55) 33 Vic. 1870, no. 34).
- Letter from Rev. John Borland, Wesleyan Missionary and Chairman of the Quebec District, to the Hon. the Secretary of State for the Provinces, Howe, 17th February, 1870. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 35).
- Letter from the Hon. the Secretary of State for the Provinces, Howe, to the Rev. John Borland, 12th March 1870. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 36).
- Letter from Rev. John Borland to the Hon. the Secretary of State for the Provinces, Howe, 17th March, 1870.
(See Sessional Papers (No. 55) 33 Vic. 1870, no. 37).
- Letter from the Hon. J. Howe to Rev. J. Borland, 26th March, 1870. (See Sessional Papers (No. 55) 33 Vic. 1870, no. 37½).
- Sample of Deed from Seminary to Indian for lot, 16th february, 1871.
- Opinion of the Honorable William Badgley, 7 May 1878. (See the Seminary of Montreal, 1880, p. 129).
- Petition of the Algonquin and Iroquois Chiefs to Mr. Howe, Secretary of State, Superintendent of the Indians Affairs, no date.
- An Historical Notice on the Difficulties arisen between the Seminary of St. Sulpice of Montreal and certain Indians, at Oka, Lake of Two Mountains. A mere case of right of property. By J. Lacan. Montreal 1876.
- Letter re: Test case from Department of Justice to Minister of Interior, October 2, 1876.
- Warrant for the arrest of a group of Indians, 25 May 1877.
- Extract from the Montreal Star, June 28, 1877.
- Report to Ecclesiastics of the Seminary of St. Sulpice from Superintendent General Indian Affairs, September 26, 1877.
- Letter from Minister of the Interior to the Minister of Justice, 20 November 1877.

- Memorial by the undersigned Iroquois and Algonquin Indians residing in the Village of Oka, in the Seigniory of the Lake of Two Mountains, and others, citizens of the City of Montreal and elsewhere, in the Province of Quebec to the Governor General, no date (circa 1878).
- Letter from Minister of Justice to the Minister of the Interior, January 9, 1878.
- Opinion of the Honorable William Badgely, May 7, 1878.
- List of Band Members, July 19, 1878.
- Contribution - The Oka Indians, Montreal 1879.

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- The Seminary of Montreal by Sir Alexander Lacoste. Their Rights and Titles. St. Hyacinthe: 1880.
- Memorandum dated September 26, 1881 signed John A. Macdonald setting for the case for the establishment of a reserve in Gibson township.
- Report of the Committee of the Privy Council, September 26, 1881.
- Copy of Order-in-Council P.C. 1326 dated September 27, 1881 approving the recommendations for the establishment of a reserve in Gibson township.
- Recensement des fermes concédés ou loués à des Canadiens Français au Lac des Deux Montagnes, 4 février 1882.
- Report from William Scott to the Department of the Interior. Ottawa, February 18, 1882.
- Letter from William Scott to Vankoughnet, Deputy of Superintendent General of Indian Affairs. February 25, 1882.
- Letter from John A. Macdonald, Superintendent General Indian Affairs, to Chiefs John Tewisha, Frett and other Indians of Lake of Two Mountains. Ottawa, April 8, 1882.
- Report relating to the Affairs of the Oka Indians made to the Superintendent General of Affairs by the Rev. William Scott, January 22, 1883.
- The Oka Indian question by William Scott. (To the Editor of the Daily Witness) Ottawa, April 17, 1883.
- Oka and its inhabitants; from the Life of Rev. Armand Parent, Toronto.
- Report of a committee to the Montreal Conference of the Methodist Church, June 1, 1889.

- Memorandum from Scott, Deputy Superintendent General, to Roche, November 8, 1913.
- Letter from Rowell, Reid, Wood & Wright Barristers, Solicitors, Notaries, to Duncan Campbell, Scott, Deputy Superintendent General Indian Affairs, October 6th, 1914.
- Permit recognizing right of Iroquois and other Indians of Canada to pass accross border without duty or tax signed by Horthey, Assistant, Treasury Department U.S. (November 5, 1914).
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- Letter from Newcombe, Deputy Minister of Justice, to Scott, Deputy Superintendent General of Indian Affairs, March 29, 1915.
- Letter from Rowell, Lawyer for Oka Indians, to Scott, Deputy Superintendent General of Indian Affairs, April 26, 1915.
- Letter from Deputy Minister of Justice to Scott, Deputy Superintendent General of Indian Affairs, May 27, 1915.
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- Memorandum from Newcombe, Deputy Minister of Justice, to Scott, Deputy Superintendent General, July 19, 1915.
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- Letter from McLean, Assistant Deputy, to Rev. Hebert, December 18, 1918.
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- Letter from Crear to the Trustees of the Commercial Property of St. Sulpice, December 10, 1941.
- Letter from Georges Lecart, Manager to Lionel Leroux, Notary, November 19, 1942.
- Memo from T.R.L. MacInnes, Secretary, to Mr. Cory, Departmental Solicitor, Ottawa, March 13, 1942.
- Letter from the Deputy Minister of Indian Affairs to Varcoe, the Deputy Minister of Justice, December 7, 1942.

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- Letter from the Indians of Oka to Crear, Minister of Mines and Resources, June 30, 1944 (See Appendix "C", Special Joint Committee of the Senate and the House of Commons 1946-1948, Minutes of Proceedings and Evidence No. 33, June 12, 1947).
- Extract from the deed of sale by Seminary of St. Sulpice to His Majesty in Right of Canada of certain lands at Oka, dated 31st May, 1945, containing the section of that deed entitled "other clauses".
- Letter from the Iroquois tribe of the Lake of Two Mountains to the Joint Committee, October 24, 1946 (See Appendix GD, Special Joint Committee of the Senate and the House of Commons 1946-1948 Minutes of Proceedings and Evidence No. 33, June 12, 1947).
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- Internal Department Memorandum (Bethune to Fairholm), March 13, 1961.
- Presentation on behalf of Oka Band to Joint Committee, March 1 and 14, 1961 (See Joint Committee of the Senate and the House of Commons on Indian Affairs 1959-1961, Minutes of Proceedings and Evidence, No. 1, March 1, 1961 and March 14, 1961).
- Petition of the Six Nations Mohawk of Kanesataki to the Joint Committee, 1961 (See Appendix Q1, Joint Committee of the Senate and the House of Commons, Minutes and Proceedings 1959-1961, No. 8, May 2 and 3, 1961).

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- Letter from Cantin, Ass. Attorney General of Quebec, to Maxwell, Acting Deputy Attorney General of Canada, July 25, 1961.
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- List of transactions.
- Maps - various dates.
- Chronicle of Petitions.

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CHRONICLE OF PETITIONS

- Speech of several Indian Chiefs to Colonel Campbell at Montreal, 1763.
- Minutes of a speech addressed to Sir John Johnson, Bart, Superintendent General and Inspector General of Indian Affairs by the principal Chiefs of the village of Lake of Two Mountains assembled in Council by Aughneeta, the principal chief, speaker, Montreal, February 8, 1787.
- Letter to Joseph Chew, Superintendent of Indian Affairs at Montreal, from the Algonquin, Iroquois and Nipissing Indians, 1789.
- Demand of the Indians for Other Lands, 1794.
- Memorial of the Iroquois Indians of the Lake of Two Mountains, to the Honourable Sir John A. McDonald, dated December 10th, 1868.
- Petition to His Excellency the Right Honourable Charles Stanley Viscout Monck, from the Indians of the Lake of Two Mountains, August 8, 1868.
- Petition from the Algonquin Indians of the Lake of Two Mountains, July 31, 1868.
- Petition from the Iroquois Indians to the Governor General, February 8, 1869.
- Telegram from the same to the same, February 22, 1869.
- The Iroquois Indians to His Excellency the Governor General, February 26, 1869.
- Petition from the Iroquois Indians of the Lake of Two Mountains to the Honourable the Secretary of State for the Provinces, (no date).
- Petition to His Excellency the Governor General from the Iroquois Indians of the Lake of Two Mountains, (no date).
- Report from the Indian Office relative to the complaints of the Iroquois Indians of Lake of Two Mountains, March 18, 1869. (This refers to two petitions dated the 26th of October and the 9th of December presumably the two foregoing items).
- Request by Indians to Secretary of State (Howe), August 17, 1871.
- Request of Indians re Cutting of Wood, July 20, 1898.
- Memorial of Chiefs to Lord Lisgar, December 27, 1909.
- Special Joint Committee of the Senate and the House of Commons, Indian Act, Minutes of Proceedings and Evidence, No. 33, Thursday, June 12, 1947. - Appendix "C" and Appendix "Jd".

(Chronicle of Petitions)

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- Joint Committee of the Senate and the House of Commons on Indian Affairs - Minutes of Proceedings and Evidence, No. 1, Fourth Session - Twenty-fourth Parliament, 1960-61, March 1, 1961 - March 14, 1961.
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THE INDIANS OF OKA

ANNEX "D"

JEANNE-M. WOLFE

S.A.T.R.A.
Ministry of Municipals Affairs
November 1973

The Oka Indian band has only recently become aware of the activities of SATRA in the region. Two meetings (September 19 and November 2 1973) have been held with the chiefs of the band, SATRA, representatives of the Department of Indian Affairs and the lawyers for the Indians of Quebec Association (O'Reilly & Al., represented by Peter Hutchins).

The regional plan made by SATRA for the Oka District has been distributed and explained, and the chiefs have further discussed it with their people at Oka.

There are several points which have emerged from these meetings which must be aired. Both for the benefit of the Minister of Municipal Affairs and the consultants for the Secteur Sud, and also for the information of the Quebec Government at large.

1. The Indians of Oka, through the intermediary of their lawyers are preparing a land claim for the district. The alienation of lands from the band apparently dates back to the first white settlement of the area. The lawyers have indicated that it will probably take about 6 months to complete all the research required to prepare such a claim for presentation in Court. A Court case may take up to three years to process.
2. The territory to be claimed is not yet defined, but according to the chiefs could include all the territory of the County of Deux-Montagnes, including much of Mirabel airport.
3. As an absolute minimum, the chiefs regard all the mountains of Oka and the shoreline from the Provincial Park to Pointe-aux-Anglais as band territory, including the St. Lawrence Columbian Mine, the Golf course at Oka (which has long been a contentious point between the Indians and the municipality), and the marina and quay in the village.

4. The lands occupied by Indians today takes the form of scattered lots (see map attached) and is not a discrete unity (as in the case of Caughnawaga for instance) Some lots are in the village (in the municipality of Oka).
5. As a start, the Indians would like to see all the lands within the area where they presently live, become indian lands. They suggest that farms presently held by white farmers be gradually bought up by the Department of Indian Affairs, and ceded to indian farmers as the need emerges. They do not want to acquire land aggressively, or push white farmers off their farms, excepting when an indian expresses a need for a farm (eg. when the son of an indian farmer attains his majority).
6. The legal status of the actual Oka Indian lands under the terms of the Indian Act is not clear. It may not be a designated "Reserve" as such.
7. The indian band have examined the regional plan and expressed the following views:
 - a) the Government of Quebec has no right to plan indian lands;
 - b) the indian community does not want any autoroutes, roads, bridges, hydro-lines or other similar undertakings built in the area;
 - c) the indian community (presently about 850 persons living in the area) is basically agricultural, but has no room to expand. Sons of farmers are forced to go elsewhere to seek work, or to go on unemployment;

- d) the band has certain ideas regarding the future development of the area, including the establishment of outdoor recreational facilities (skiing, snowshoeing, riding, etc.) on the mountain slopes, once the land claim is settled. Such developments can be financed by the Department of Indian Affairs, so long as they are run by the band and employ Indians;
- e) the chiefs have also mentioned the possibility of establishing an Indian village separate from the village of Oka. There has been a long history of strained relationships between the village and the Indians, although in recent years it seems that the situation has become more amiable. Most of the Indian lands actually in the parish of l'Annonciation;
- f) the band feels that no planning or development should take place in the area until the land claim is settled. They are very anxious that the outstanding natural beauty and wildlife of the area be conserved;
- g) they regret that no special consultation was made with the band before this autumn by SATRA.

8. The lawyers for the band are presently preparing a report on the situation which will be available shortly. As far as the regional plan is concerned, they have suggested that all the area in the immediate environs of the presently defined Indian lands be zoned either:

- a) ZAD (zone d'aménagement différé) deferred zoning;
- b) RUR 1 (rural, agricultural) which does not permit the subdivision of lands nor uses other than agriculture and associated activities.

Further, they have suggested that all mention of transportation and communication uses in the area be dropped from the regional plan.

9. It should be mentioned that the meetings have been held in a very friendly and cordial atmosphere to date. Most of the band are English speaking.