

CHRONOLOGY OF EVENTS

ABBREVIATIONS:

BCR	Caughnawaga Band Council Resolution
DIA	Department of Indian Affairs
H-Q	The Québec Hydro-Electric Commission
IR	Caughnawaga Indian Reserve No. 14
MLH&P	Montreal Light, Heat and Power Consolidated
OC	Order-in-Council
r/w	right-of-way

1943

- March 10 MLH&P informs DIA that they want to run a power transmission line across Caughnawaga IR for duration of WWII and one year after its conclusion in order to safeguard power supply to Montreal in event of enemy attack. The plan forwarded with the application indicated that an area of about 11.64 acres would be needed for the proposed right-of-way, which would be about 75 ft. wide; 13 "Pole Structures" would be erected.
- March 22 DIA's Supt. of Reserves & Trusts instructs MLH&P to contact Caughnawaga Indian Agent to make arrangements for officer of MLH&P to go to IR to meet with Indians.
- April 5 Locatees give Frank McDonald Jacobs authority to act on their behalf in exchange for 10% share of compensation monies to be paid for r/w across their properties.
- May 19 MLH&P informs DIA that the company and the locatees' representative, Frank McDonald Jacobs, were unable to agree upon any arrangements and the matter would have to go to arbitration.
- May 24 Indian Agent reports to DIA that Peter K. Jacobs is willing to accept appointment as representative of Band in matter of securing r/w for transmission line.¹ Also, Frank McDonald Jacobs satisfied with decision to go to arbitration over locatee lands.
- May 26 Director of DIA informs MLH&P that they (DIA) are applying for an OC to permit company to construct the temporary transmission line on condition that compensation is determined by investigation by officers of DIA.
- June 4 OC (P.C. 4576) passes which authorizes MLH&P, having "statutory powers of expropriation", to enter IR to erect and maintain transmission line until one year after conclusion of WWII. Granted under authority of Sec. 48 of Indian Act. DIA officials will investigate compensation to be paid to individual occupants of properties involved.
- July 5 DIA informs Indian Agent that Jude Thibault, Inspector of Indian Agencies, would visit IR to meet with Peter Jacobs and Frank McDonald Jacobs on July 9 to discuss compensation.
- July 9 Committee consisting of Agent Brisebois, Thibault, P. Jacobs along with F. McD. Jacobs meet and have "difference of opinion" after long discussion. Two representatives from MLH&P arrive in afternoon. Committee decides that compensation totalling \$636.20 would be acceptable.
- August 5 RCMP reports that they were called to IR because "Mayor" of Caughnawaga was instructing men not to work on new transmission line. Mayor told that his permission and permission of Council not required in order to start project.
- August 30 MLH&P informs DIA Director that they will pay the sum of \$636.20 despite their belief that it is "considerably in excess of the prices we pay for similar rights elsewhere." Cheque forwarded.
- September 9 DIA's Supt. of Reserves & Trusts forwards cheques to Indian Agent (for John Beauvais \$69.98; John Jacco \$190.62; William Perras \$2.97; F. McDonald

¹ No evidence was found that Peter K. Jacobs had been chosen by the Band to act on their behalf.

Jacobs \$41.56-identified as his 10% commission²). Notes that \$110.52 and \$57.10, the amounts payable to estates of Leborgne and Cross respectively, were funded to the estates.³ The \$163.45 payable to Band for common lands crossed was credited to their capital account. [No signed agreements on file.]

1946

- May 8 H-Q⁴ notifies DIA that they want a two or three year extension of the right to maintain the temporary line as the permission granted by OC 4576 in 1943 is due to expire in August.
- May 11 DIA replies that H-Q should submit a proposal to have term extended to a fixed date on payment of additional compensation.
- August 31 H-Q informs Commissioner Taggart of DIA that they want a further term of 3 years. The sum of \$490.37 offered as compensation for the properties of the three locatees, the two estates, and the common lands--11.64 acres total involved.
- September Indian Agent Brisebois signs agreements on behalf of the Band for the common land (\$118.20) and for the Leborgne and Cross estates (\$84.80 and \$57.10 respectively) to allow the extension of the term. The three locatees--Jacco, Perras and Beauvais--sign agreements on their own behalf (\$163.30, \$2.97, \$64.00 respectively).⁵
- October 29 Commissioner Taggart forwards signed agreements to DIA, noting that Indian Agent "signed as Administrator for the two Estates Leborgne and Cross; and also on behalf of the Band, rather than raise the usual unreasonable uproar and opposition sure to be voiced if the present Council is in any way consulted."
- November 7 OC (PC #4605) authorizes continuance of r/w until December 31, 1949 (just over three years).

1947

- January Compensation is paid out to locatees and funded to the two estates and to the Band's capital account.
- March 21 H-Q advises that they are connecting the temporary line with another transmission line (Line 2).

1949

- November 14 H-Q applies to DIA for further extension of right to maintain temporary transmission line until December 31, 1951.
- November 30 DIA instructs H-Q to take up matter of additional compensation with Indian Agent.

1950

- April 12 H-Q advises DIA that they have received acceptance from the Indians affected by the extension of the right to maintain the temporary line. Total compensation is \$326.91.⁶ [No signed agreements on file but do have letter from one locatee (Dailleboust) which states that she signed an agreement in January 1950.]
- May 9 OC (PC #2317) authorizes continued use of temporary transmission line until December 31, 1951.
- May 17 Cheques forwarded for payment.

² The origin of the amount of \$41.56 paid to Jacobs is not known. He was to be paid a 10% commission. Interestingly, the sums paid to the locatees, estates, Band and to Jacobs, total \$636.20. This was the total amount paid by MLH&P.

³ The documentation does not indicate who negotiated and accepted the compensation paid for the estates.

⁴ MLH&P was expropriated by Québec government; the Québec Hydro-Electric Commission, or Hydro-Québec, was founded in April 1944.

⁵ It should be explained that certain of the compensation amounts paid were lower than what was paid in 1943. This was due to the fact that compensation had been paid in 1943 for the cutting of trees; the 1946 compensation was only for the right to continue to maintain the line for 3 years.

⁶ Broken down as follows: Frank Leafhollow \$42.67, John Jacco \$108.87, William Perras \$1.98, Mr. & Mrs. Chester Dailleboust \$56.53, Estate Frank Cross \$38.06, the Band for the Common \$78.80.)

1951

- September 21 H-Q advises that they wish to obtain "perpetual servitude" for the transmission line.
- September 27 DIA informs H-Q that they must deposit plan of survey, that agreements with individuals must be entered into, and that a BCR must be passed approving grant of easement for so long as land required.

1952

- January Locatee Marguerite Dailleboust (Diabo) protests against H-Q's request for perpetual servitude. She indicates that when she and her husband agreed to extension of term in 1950, they were told that line would be removed by summer 1951. H-Q writes her husband stating they will have to arbitrate if he does not accept offer of \$250 for perpetual servitude. H-Q's letter forwarded to Minister of DIA by Mrs. Dailleboust along with questions about whether she must consent to the perpetual servitude.
- February 9 DIA Minister writes long letter to Mrs. Dailleboust explaining that H-Q can take lands without an owner's consent under provincial statute. Sec. 35 of Indian Act allows that, with consent of Governor General, perpetual servitude which H-Q seeking can be granted without her consent. However, she does not have to agree to compensation. If no agreement as to compensation reached, arbitration will proceed under provisions of provincial statute.
- Band Council passes BCR authorizing grant to H-Q of easement for transmission line running from Mercier Bridge to Lot 214 (i.e. through the common lands) for sum of \$242.
- February 26 DIA advises H-Q that OC will be applied for once agreement reached with all individual land owners.
- March 6 Marguerite Dailleboust refuses H-Q's \$250 offer.
- May 8 H-Q forwards DIA copies of survey plan and copies of agreements entered into with all individual land owners, except Chester and Marguerite Dailleboust [no copies of agreements on file]. Total compensation paid \$1,077.⁷
- June 27 DIA tells H-Q that they cannot deal with their request for perpetual easement until *all* land owners consent. Recommend that H-Q divide their application into two parts, the first for the part of the line which the owners have consented to and the second for the Dailleboust property. H-Q does so.
- August 21 OC (PC #3821) authorizes H-Q, pursuant to Sec. 35 of Indian Act, to use their statutory powers in relation to lands for which agreement has been reached as to compensation (i.e. all lands except Daillebousts).
- Locatees paid (except Dailleboust).
- September DIA tells H-Q that they must conclude agreement with Daillebousts or have matter arbitrated.

1953

- April DIA writes to H-Q inquiring whether agreement yet reached with Daillebousts.
- May H-Q replies that they have received no reply from Daillebousts and will proceed with arbitration.

1954

- April Survey plan forwarded to DIA by H-Q along with report that their own real estate department is dealing with Dailleboust arbitration matter.

1955

- January H-Q advises DIA that they do not wish to take any further action in matter of expropriation procedures with respect to Dailleboust compensation because impending St. Lawrence Seaway construction will necessitate relocation of the transmission line.

⁷ \$1077 represents following individual sums: Band Council \$242, Estate Frank Cross \$170, John Jacco \$500, William Perras \$5, Frank Leafhollow \$160.

DIA replies that H-Q should negotiate interim agreement with Daillebousts for right to occupy their property from January 1, 1952 to completion of seaway canal.

August Lease entered into between Daillebousts and H-Q from December 31, 1951 for 25 year term at annual rental of \$56.43. Sum of \$310.95 payable upon acceptance of agreement, with interest, to cover up to December 31, 1955.⁸

1955-1956 In September 1955 and February and October 1956 about 1350 acres of Caughnawaga I.R. taken for seaway purposes. Power transmission line lies entirely within lands taken.

1966-1978 OCs passed in 1966 and 1976 transfer more than 800 acres taken for seaway purposes back to DIA. Property is returned to reserve status by 1978 OC. Plans of returned lands do not show the power line servitude.

1995
July H-Q states that line was dismantled and property rights held by H-Q were cancelled when land was expropriated by SLSA.

⁸ Note that the rental payment for 4 year period is significantly more than the \$250 which H-Q had been offering the Daillebousts for a perpetual servitude.