

Executive Summary--Revised

The history of Sault St. Louis evolved under four governments:

- the French Regime, 1647 to 1760;
- the British Military Regime, 1760 to 1763;
- the British Regime, 1763 to 1867; and
- the Canadian Administration, 1867 to present.

The claim of the Mohawks of Kahnawake is based on three areas of grievance:

- the erosion of title to Sault St. Louis;
- the loss and mismanagement of revenue from seigneurial rents; and
- the depletion of the land base by the establishment of inaccurate boundaries.

Background

- This study did not include a detailed investigation into the historical and inter-cultural conditions that prevailed prior to the grant of lands at Sault St. Louis. It is important, however, for the reader to recognize that the Sault St. Louis grant was not made in a historical vacuum. The issues of previous Iroquois occupation of the Montreal-St. Lawrence River area and the relationship between the Iroquois, the French and other European powers are historical circumstances that are important to understanding the conditions under which the grant was made.

There is controversy regarding the aboriginal use and occupation of the Montreal area during the early contact period. The earliest European records described Hochelaga at the time of Jacques Cartier's second exploration in 1535 as belonging to St. Lawrence or Laurentian Iroquois. When Champlain sailed into the area over sixty years later the villages were deserted and all evidence of the St. Lawrence Iroquois had disappeared. Briefly summarized, some scholars contend that the area was deserted and unoccupied except for periodic incursions by war parties. Others contend that the area formed part of the traditional territory of the Mohawks and other Iroquois who used it as a hunting ground and periodic settlement location. These unresolved questions affect the way in which the grant is viewed. Did the granted lands represent a permanent settlement within Iroquois traditional territory or did it establish the Christian converts on new lands? While this distinction may seem inconsequential to the modern day reader, it would certainly have been significant to the Iroquois who settled at La Prairie and Sault St. Louis in the latter half of the seventeenth century.

Similarly, the relationship between the French Crown and the Iroquois settlers at La Prairie and Sault St. Louis formed the context in which the grant was made and elucidates the intentions and purpose of the settlement from the perspective of the Iroquois and the French Crown. The surviving documentation indicates that the French Crown was anxious to draw the Iroquois away from the British influence and into political and military alliance with the French government in

New France. This theme is reflected in the documents written around the initial issuance of the grants in 1680, the subsequent shifts of the village site from 1690 to 1716, the joining of the two grants in 1717 and the President of the Marine Council's directive to New France's Governor and Intendant in 1754. These same documents suggest that the French court viewed the Jesuits as an available institution which was capable of securing and maintaining the loyalty of the Iroquois converts. At the same time, the Crown was reluctant to allow the Jesuits to exercise absolute control over more land in the colonies.

From the Mohawk perspective, it has been suggested that Christian converts settled at La Prairie and Sault St. Louis because it gave them access to increased trade opportunities, alternate military and political alliance, and religious teaching, all of which were the concrete manifestation of the Royal Protection offered by the French in a 1667 Treaty of Peace. Unfortunately, the Mohawk perspective is rarely recorded in the historical documents and must be inferred from periodic petitions and informed secondary sources.

Jesuit records indicate that the Jesuit fathers considered religious instruction and a controlled social environment to be the primary motivation for Iroquois settlement at the missions. They viewed the Sault St. Louis grant as an agreement between themselves and the French Crown and believed that the Iroquois required the Jesuits' paternal guidance and management of their worldly affairs.

The French Regime, 1647 to 1760

- The two seigneuries situated on either side of Sault St. Louis, the Seignury of La Prairie de la Madeleine and the Seignury of Chateauguay, were granted and laid out before Sault St. Louis was established.

La Prairie de la Madeleine was a grant of two leagues by four leagues along the St. Lawrence River from Île Ste. Helène to one quarter of a league above La Prairie de la Madeleine given to the Society of Jesus in 1647. No islands were named in the grant nor in the decision of the Governor confirming the grant and reporting on the laying out and marking of the boundaries in 1649. The Jesuits established a mission for converted Iroquois and also conceded lands to French settlers on this seignury beginning in 1667. The seignorial grant specified that the Jesuit fathers were permitted to "introduce the people who they wish to cultivate it."

The Seignury of Chateauguay extended two leagues upstream from a spot ten arpents below the Chateauguay River. The grant was confirmed as including St. Bernard Island. The original grant was given to Sieur Le Moine de Longueuil in

1673. St. Nicholas Island was first enumerated as belonging to the Seigneury of Chateauguay in 1677.

- The Jesuits first requested additional land for the use of the Iroquois at La Prairie in 1674. Governor Frontenac, suspicious of the Jesuits' motives, was reluctant to grant the lands. In 1676, however, newly-arrived Intendant Duchesneau gave permission to the Jesuits, on behalf of the Iroquois, to work a tract of land two leagues by two leagues, beginning at a point across from the Sault St. Louis rapids and including two small islands named Boquet and Foquet, islets, and shoals.

The Iroquois moved from La Prairie and established a new village, called Kahnawake, on the downstream side of Rivière St. Pierre (Rivière du Portage), opposite the foot of the Sault St. Louis rapids in July 1676. (The location of the new village was also described as being one and a half leagues from the old mission.) Two years after the move, they were reportedly cultivating a small island near the mouth of this river which may have been Foquet or Boquet Island.

At the same time, Intendant Duchesneau confirmed the Seigneury of La Prairie de la Madeleine to the Jesuits naming the Islands of Foquet and Boquet as also belonging to La Prairie. Prior to this confirmation, the islands had never been specifically mentioned as being included in the La Prairie grant. Bouquet island is located at the mouth of the Rivière St. Pierre across from the Sault St. Louis rapids where the Iroquois had recently moved; the exact location of Foquet Island is unclear. All subsequent enumerations of the Jesuit holdings at La Prairie claimed the islands of Boquet and Foquet.

- Intendant Duchesneau wrote to Louis XIV in October 1679 defending his granting of the 1676 permission, citing the wisdom of maintaining friendly relations with the Iroquois. The following month Governor Frontenac criticized Duchesneau's action. At some point in the same year Father Frémin visited the court of Louis XIV to seek a grant and support for the mission at Sault St. Louis. In May 1680, the King granted a concession at Sault St. Louis to the Jesuits for the settlement of the Iroquois and other Christian Indians. The concession was two leagues by two leagues, adjoining the Seigneury of La Prairie and included two unnamed islands, islets, and shoals. The grant contained special conditions and unique wording including a prohibition on French settlement and a provision that the land would revert to the Crown if abandoned by the Iroquois.

Some months later, in October of 1680, a second grant measuring one and a half leagues by two leagues was granted jointly by the Governor and Intendant. The second grant was intended to include all of the vacant land between the first grant and the Seigneury of Chateauguay, and contained the same conditions as the initial grant.

The wording of these two grants was unique. The land was described as a "don" or gift and, unlike typical seigneurial grants, no provisions were made for

conceding lands nor were any other rights and obligations of the seigneur specified.

- In 1688 the Governor asked the Crown for funding to move the Iroquois village further upstream, as the village of Kahnawake was said to be too exposed to the enemy and remote from fuelwood and workable land. Because of hostilities in the vicinity, the Sault Iroquois spent 1689 in Ville Marie, relocating to their new village of Kahnawakon in 1690. Six years later they established the village of Kanatakwenke further upstream. After the Iroquois had moved to Kanatakwenke, the Jesuits began conceding land near the old village of Kahnawake to Canadian settlers. In 1703 the Jesuits hired Surveyor de Catalogne to survey a portion of the line between La Prairie and Sault St. Louis and to mark the boundaries of concession the Jesuits were about to make to several Canadians. De Catalogne described the location near Catherine's [Kateri Tekakwitha] tomb and enumerated the several buildings existing along the lines. Concessions were granted by the Jesuits in 1704 and 1705 at this location. It is interesting to note that this line is near the location of the first village settled within the boundaries of the 1680 Sault St. Louis grant. The Jesuits were conceding lands there and perhaps representing this as the true boundary between La Prairie and Sault St. Louis.
- In 1714 the Jesuit Father Cholenec and an Iroquois deputation requested that the Crown provide the funds they needed to move their village further upstream. Intendant Bégon advanced 450 francs for this move and wrote to the King's Minister recommending that it was in the interest of the peace and security of the colony to provide additional funds to satisfy the Iroquois request. In 1716 the Iroquois made their final move to Caughnawaga, the most westerly of all their villages and situated well within the boundaries of the second grant. Subsequent to the move, the Jesuit fathers approached the French Crown seeking to unite the two grants of the Seigneurie of Sault St. Louis and have it granted to themselves in perpetuity. They noted that they had not expended any of the 2,000 francs supplied by the Crown.

The Conseil de Marine and Conseil de Régence ordered that the grants be united and letters patent issued to the Jesuits jointly with the Iroquois. They refused the Jesuit's request for a perpetual grant and specified that they had decided "to accord no more lands of the mission in property". New letters patent were issued by the King to the Jesuits for the purpose of settling the Iroquois. The concession contained all of the lands described in the original grants and carried the same terms and conditions.

- As explained above, the Jesuits conceded lands around the old villages of Kahnawake and Kahnawakon to French settlers under the terms of seigneurial tenure. By the time the Jesuits sought a union of the two grants in their name in 1717 at least 17 concessions in Côte St. Catherine had been made. After the village was moved to the present site at Caughnawaga, the Jesuits began ceding land at La Tortue and then Côte St. Pierre. Some of this conceded land was later

reunited to the domaine of the Seigneurie of La Prairie de la Madeleine because the censitaires had not fulfilled their duties and obligations. The fact that land around the old village of Kahnawakon had been reunited to the Seigneurie of La Prairie was later used as "proof" that the land in the vicinity was part of La Prairie and not Sault St. Louis. Records show that censitaires holding land in Côte St. Regis and Côte St. Francois Xavier (La Tortue) were selling and surveying their land, and in at least one case, the concession was recognized as being within the Seigneurie of Sault St. Louis. Over 150 concessions of Sault St. Louis were made by the Jesuits from 1704 to 1762.

- In February and March 1750 the Surveyor Noël Beupré ran a line between La Prairie and Sault St. Louis at the request of the Jesuits. He began his line on the bank of the St. Lawrence and followed what was represented to him as the ancient and original boundary. This may have been a boundary set out by De Catalogne in 1703 which was located in the vicinity of the original village of Kahnawake or the original line reportedly run in 1649 when La Prairie's boundaries were confirmed. Beupré's proces-verbal indicates that the boundary line he surveyed passed over Rivière de la Tortue at some point. Perhaps significantly the Parish of St. Constant was established in this year. It was composed of parts of La Prairie, La Salle and Sault St. Louis.
- Shortly after this survey was completed, the Iroquois petitioned the Governor of New France, complaining that the Jesuits were continually trying to seize their lands, which they described as stretching from Rivière de la Tortue to Rivière Chateauguay. After a delay of almost four years, the president of the Conseil de Marine in Paris informed the Governor of New France that--based on the 1680 letters patent and the warrant of June 1717 that stated that the lands were to revert to the King when the Iroquois left--that the Jesuits could not claim the property nor could they dispose of it. Despite this order the Jesuits continued to grant concessions. An undated, unsigned record indicates that the Iroquois were informed that the land had been given in the name of the Jesuits for the benefit of the Iroquois, and that both parties should enjoy the land. The missionaries were to manage the land for the Iroquois but were not to sell any part of it.

The British Military Regime, 1760 to 1763

- Towards the close of the Seven Years War the British obtained the assistance or neutrality of the Seven Nations of Canada, including the Iroquois of Kahnawake, Kanewasake, Akwesasne and Oswegatchie. This shift in allegiance was accomplished at Oswegatchie in August 1760 and confirmed at a council in Caughnawaga and Montreal in September 1760, a week after the signing of the Articles of Capitulation. British officials involved in these councils repeatedly referred to the proceedings and agreement as a treaty.

Reference to the protection of lands inhabited by Seven Nations was made both in the Articles of Capitulation and the August and September treaty conferences. The fortieth Article of Capitulation stated that the Indians were to be maintained in the lands they inhabited and not molested under any pretext. At the September 1760 confirming conference held at Caughnawaga and Montreal, a speaker for the Seven Nations specifically asked that the lands which they were living upon be protected and reserved to them if they should leave. Several years later in 1769 a delegation from Akwesasne reminded Sir William Johnson that he had assured the Seven Nations of "quiet and peaceable possession of the lands we lived upon" at the August 1760 council near Oswegatchie and had confirmed this treaty at Caughnawaga following the conquest. In 1788 the Iroquois of Kanesatake also made reference to assurances given by Sir William Johnson in August of 1760.

- After the capitulation of New France, General Thomas Gage was the military commander in charge of the area of Montreal. The Iroquois brought their complaints against the Jesuits to the attention of the British Indian Department and were granted a hearing before a military tribunal, headed by General Gage.

In March 1762 Gage's tribunal ordered that the two grants be united into one, that the Jesuits had no seigneurial rights in Sault St. Louis and should have no temporal rights in the seigneurie, and that the Iroquois should be put in possession of and enjoy the whole land and revenue. The boundaries of Sault St. Louis were to be properly surveyed and the plans recorded. Furthermore, the court made provisions for the confirmation or cancellation of concessions made to third parties, and declared that the church and mission buildings should belong to the Iroquois who were required to maintain them. A receiver of rents was to be appointed by the Crown to collect and manage seigneurial revenues on behalf of the Iroquois. Jeffrey Amherst congratulated Gage on settling the dispute at Sault St. Louis giving his opinion that the Jesuits had "cunningly contrived to be Lords of all."

- The boundary between Sault St. Louis and La Prairie was laid out by Surveyor Péladeau in July of 1762 and then moved in September of that year, giving more land to La Prairie and less land to Sault St. Louis. The circumstances surrounding the two surveys are somewhat irregular.

There were approximately 36 arpents and 9 feet between the first survey line (near the La Tortue River) and the second survey line (near the St. Pierre River). This strip contained the village sites of Kahnawake and Kahnawakon; the Jesuits had conceded lands in this area between 1704 and 1762 and had survey lines run near the old village of Kahnawake by De Catalogne in 1703 and another line run in 1750 by Beaupré. The Iroquois protested the placement of the 1762 boundary within a year of Péladeau's survey.

- The censitaires' titles were examined, then cancelled or confirmed by an ordinance of General Gage in October of 1762. Pierre Panet, who had been a

notary in Montreal since 1754 and held the position of clerk of the militia captain's court in Montreal since September 1760, examined the titles held by censitaires and reportedly issued 125 new titles and cancelled over fifty recently issued titles.

In December 1762 Panet was given the job of receiver of rents on behalf of the Iroquois of the Sault. Interestingly, Panet managed the seigneurie of La Prairie from at least 1772 to 1778.

The British Regime, 1763 to 1867

- The Treaty of Paris formally ceded New France to Great Britain in February 1763.
- Early in 1763 the Iroquois complained that their western neighbour's boundary ran through their cultivated fields. A censitaire of the Seigneurie of Chateauguay, Francis Mackay, held a ten arpent strip of lands on the boundary between Chateauguay and Sault St. Louis. This land was disputed by the Iroquois.
- The seigneur of La Salle, René Cartier, disputed the boundary between his holdings and the rear of the Jesuits' seigneurie of La Prairie. Initially, in 1766 the court decided in favour of Cartier; however, several years later the decision was reversed. The Iroquois contended that Cartier's claim also encroached on their lands and requested the Indian Department's assistance in protecting their lands.

As a result of the conflicts over seigneurial boundaries, a survey of the boundary lines between La Prairie, Sault St. Louis, and La Salle was carried out by Deputy Surveyor John Collins in 1769. Collins located the second line drawn by Péladeau as the boundary between La Prairie and Sault St. Louis.

In the meantime, injunctions were placed on collecting rents on disputed lands at the rear of Sault St. Louis and La Prairie and on the exploitation of timber resources along the Chateauguay-Sault St. Louis boundary. The Iroquois were to be left in quiet possession of the lands they had enjoyed on their western boundary by the injunction ordered in 1767.

Records indicate that the attorney general's office consulted with the Iroquois's interpreter and Panet, sometimes described as their attorney, the chiefs and the parties with whom they were in dispute over a number of years from 1767 to 1773 regarding boundary disputes with Cartier, Mackay and the Grey Nuns.

Francis Mackay finally agreed to sell his ten arpent strip of land covered by the injunction on the Chateauguay boundary to the Crown for the benefit of the Iroquois. Also along this boundary the Grey Nuns made an agreement with Governor Carleton and then Governor Haldimand to cede land in exchange for

cancellation of a debt to the Crown, the extent of land being 16 arpents. A later petition from the descendant of Francis Mackay suggests that Mackay's ten arpent strip was contained within the 16 arpents given by the Grey Nuns.

It is unclear what boundary adjustments, if any, resulted from these agreements. A proces-verbal written by John Collins in 1773 states that he redrew the boundary based on an agreement made between the Grey Nuns and the Iroquois chiefs. The description of the survey does not clearly situate the boundary relative to the Chateauguay River. Subsequent accounts from surveyors suggest that the boundary was placed at the mouth of the Chateauguay indicating that the 10 arpent strip obtained from Mackay was added to Sault St. Louis. There is no evidence that the land purchased from the Grey Nuns was transferred.

- A 1791 official list of parishes in Quebec described La Prairie de la Madeleine as being composed of part of La Prairie, Longueuil and the Indian tract. The parish of St. Constant, erected in 1750, was composed of part of La Prairie, La Salle and Sault St. Louis. Sault St. Louis was said to belong to the Iroquois Indians.
- In the mid to late 1790s, the Iroquois requested the return of the mill and surrounding lands in the disputed strip on the eastern boundary, maintaining that the land had been extorted from a few chiefs who had acted without authority.

Lord Dorchester (Guy Carleton) ordered Surveyor Watson to resurvey the seigneurie. Watson noted the discrepancy between the width of the seigneuries of Sault St. Louis and La Prairie and their respective grants. According to Péladeau's second line, which had been confirmed by Collins, La Prairie was too wide and Sault St. Louis was too narrow. By subtracting the excess width from the Seigneurie of La Prairie, Watson arrived at a point just above Rivière de la Tortue where he found evidence of an old survey. This point coincides with the placement of Péladeau's first line and may also be the location of the original 1649 boundary. The Iroquois informed him that this was the true boundary. No action was taken as a result of Watson's survey.

- The Iroquois brought a suit against the Jesuit fathers for return of their lands. They lost this action by the decision of the Court of Common Pleas of 1798 and a failed appeal at the Court of the King's Bench in 1799.
- Early in the nineteenth century, the descendants of Francis Mackay claimed the 10 arpent strip that had been sold to the Crown for the benefit of the Iroquois along the Chateauguay boundary. This claim was revived from time to time over the next eighty years. There is no record of any action being taken as a result of these claims.
- In 1807 an Iroquois delegation to the King of England raised complaints against Jesuits at Lake of Two Mountains and La Prairie. As the last Jesuit had died, the

Crown had taken direct possession of all Jesuit estates, and consequently, the claims were now against the Crown.

Following the delegation's return, the Iroquois appealed to the Governor General for return of the disputed strip on the eastern boundary and also claimed Île St Bernard, in the Chateauguay River, as part of their lands. The Attorney General examined the complaint. The claim was rejected based on Collins' survey and the decision of the Court of King's Bench in 1799. The Iroquois responded with another petition to the Governor General, again asserting their claim.

The Governor General again ordered an inquiry into the affairs of the Iroquois regarding their boundaries and the management of seigneurial revenues. The Chiefs indicated that they had little knowledge of how their revenues were expended. They still pressed for return of the disputed strip, which their agent asserted had been promised by Lord Dorchester upon the death of the last Jesuit. Information was gathered from the Commissioner managing Jesuit affairs. Governor Dalhousie ruled that the Jesuit Estates were entitled to hold the land and that the Iroquois should not be encouraged to pursue the matter. He based his decision, in part, on the rulings of the Court of Common Pleas in 1798 and Court of the King's Bench in 1799.

- After the management of La Prairie was assumed by the Crown, the Iroquois complained that the community was suffering because of the illegal loss of revenue collected from the mill and conceded lands on the disputed strip along the La Prairie boundary. In addition, they were burdened with expenses related to the maintenance of the church buildings and provision of relief to impoverished members of the community. They explained that these expenses had formerly been handled by the Jesuit fathers who had enjoyed the revenue from the disputed lands.

Under the Crown's administration, the seigneurial revenues were being collected and managed by an agent who was compensated by a 10% commission. In general, the fiscal affairs of the seigneurial lands were in a "confused and imperfect state." Some improvements were recommended and the agent was ordered to prepare a land roll of conceded lands at Sault St. Louis. The Department of Indian Affairs officials noted that the rents from the conceded lands at Sault St. Louis were poorly managed and yielded little revenue.

- Governor Dalhousie issued a commission in 1827 asserting that Sault St. Louis was a Jesuit seigneurie now held by the Crown and that a new land roll should be prepared and new titles issued. Unfortunately, the examination of archival records dating from this period does not explain why Dalhousie asserted that Sault St. Louis was a Jesuit estate when all other records indicated that it was not.

As a result of Dalhousie's commission, the censitaires of Sault St. Louis had new titles drawn up that acknowledged the King as their seigneur with no reference to

the Iroquois interest. This action was protested by Father Marcoux as being adverse to the interest of the Iroquois of Caughnawaga.

The Chiefs petitioned Governor Dalhousie again in 1828 reiterating their grievances regarding loss of land and seigneurial revenues.

- Obtaining no satisfaction from the Governor General the Iroquois prepared to take their case to the King of England. The Administrator, James Kempt, refused to allow the delegation to travel to England based on the position that the issues had already been decided by the courts and previous administrations. Despite the refusal of the Administrator, the delegation set sail for England. The Iroquois carried with them two lengthy submissions prepared by their missionary, Father Marcoux, that explained the history of the eastern boundary, the loss of the land and revenue because of the manipulation of the boundary, and the loss of benefits since the Crown had assumed control of La Prairie.

Official reports were sent to the Secretary of State of the Colonial Department to prepare him for his meeting with the Iroquois delegation. The reports explained the administration's rationale for rejecting the claim to the eastern boundary, based on information provided by the Commissioner of the Jesuit Estates which cited Collins' survey, the 1732 reuniting of the Cusson land to La Prairie, and the fact that the Jesuits had built a mill on the disputed strip.

In January 1830, the delegation met with the Colonial Secretary of State who informed them that their grievance could not be upheld and that the lands would not be returned to them. They were promised a small annual sum to compensate for the expenses that had fallen on them since the Crown assumed control over La Prairie. This annuity was to be considered a bounty from the Crown and not a recognition of right.

- During the last four decades of the British Regime the grievance over the boundary was repeatedly raised and rejected by the ruling Governor General. The rejection was always based on the 1799 court rulings and the decisions of previous administrations. In general, the Iroquois side of the story was given little attention.

Over the same period, various official reports to the Executive Council and reports of the Department of Indian Affairs noted that a substantial portion of the Seigneurie of Sault St. Louis had been conceded to settlers (figures varied from 1/3 to 1/2). In addition, official statements indicated that the rents were collected in a very haphazard manner, that the revenues were very small, and that records were incomplete. Agents assigned to collect rents were most often dismissed for incompetence or irregular practices. Several efforts were made to draw up accurate land rolls without acceptable results.

During this period, the Crown considered the right of the Iroquois to lease a mill site and also to sell lands for right-of-way purposes. In summary, it was the opinion of the Crown that land transactions had to be conducted through Crown officials and patents issued by the Crown.

- In 1850 legislation was passed entitled *An Act for the better protection of Lands and Property of the Indian in Lower Canada*. Under this statute a Commissioner of Indian Lands was appointed and all lands or property appropriated or set apart for any body of Indians was to be vested in trust to the Commissioner. Amongst other duties, he had the responsibility to collect rents on lands held in trust for the benefit of Indians. The Caughnawaga Chiefs asserted that they had not been consulted as to the contents of the Act. In particular, they protested the application of the Act's membership provisions.
- In 1851 legislation provided for the setting aside of reserve lands for various Indian tribes in Lower Canada. Consideration of this legislation indicates that lands and funds were committed by the Legislative Assembly on the recommendation of the Governor General on the basis on need. Under this legislation Doncaster Reserve was established for the Iroquois of Caughnawaga and Lac des Deux Montagnes (Kanesatake).
- In 1854, *The Seigniorial Act* abolished the feudal system, substituting seigniorial rents with constituted rents which were calculated by a formula based on an assessed value. The legislation stipulated that wild lands held by the Crown in trust for Indians were not subject to the provisions of the act.

A cadastre was prepared in 1858 and published in 1860 describing the conceded lands at Sault St. Louis and assigning values for the various seigniorial rights and properties. The total value of the seignery was assessed as \$99,209.83 broken down as follows: value of cens et rentes - \$7,970.66; value of lods et ventes - \$10,039.17; value of moulin banal - \$1,200.00; and value of the domain and other properties of the seigneur - \$80,000.

An 1858 investigation on Indian Affairs asserted that Sault St. Louis was granted to the Jesuits, then their management over it was withdrawn, and the interest of the tribe was placed under the supervision of the Indian Department. This report maintained that the wild (unconceded) lands of the seignery were not subject to the *Seigniorial Act*.

- A legal opinion prepared by the Deputy Minister of Justice, H. Bernard, for the Department of Indian Affairs asserted that when the Jesuit estates devolved to the Crown, Sault St. Louis came under the management of the Indian Department. The nature of the title to the seignery raised questions in regard to the capacity of the Crown to safe-guard timber resources and caused controversy within the

Iroquois community and surrounding neighbourhood as to the best way to use and control land.

The Canadian Administration, 1867 to 1980

- In 1868 the Secretary of State assumed responsibility for the administration and management of Indians and land reserved for Indians by virtue of legislation entitled *Act providing for the Organization of the Department of the Secretary of State of Canada and for the Management of Indian and Ordnance Lands*. By this act lands that had formerly been vested in the Commissioner of Indian Lands were vested in the Secretary of State. The agent for Sault St. Louis was informed that this did not alter his authority to act as agent or collect rents for the benefit of the Iroquois.
- A mill in St. Constant on the Rivière de la Tortue, supposedly built in 1774, was leased by the Caughnawaga chiefs in 1850 for a term of 29 years. Numerous disputes with the lessee occurred with regard to the repair of the mill. The lot contained about 1 arpent (.85 acres). In 1895 the Band refused to surrender the property for the purposes of sale and the ruin of the mill was torn down in 1897. A neighbour leased the property through the Department of Indian Affairs at \$1.50 per year from 1897 and died in 1912 without having paid for his lease. The property was subsequently rented to another neighbour in 1912. The Band indicated a desire to build cottages on the property but the Department of Indian Affairs informed that they were only entitled to seigneurial rents, with no claim to proprietorship, and could not build any cottages. The Department attempted to obtain a surrender in order to sell the property to its lessee in 1919. No surrender was given and the Mohawk Council currently leases the tract known as the "old mill site" in Delson for \$1 per year.
- In 1881 the Iroquois of Caughnawaga received a payment of a capital sum of \$10,039.33 which was an indemnity for the lods et ventes and other casual rights in the Seigneurie of Sault St. Louis.
- It came to the attention of the Department of Indian Affairs that rents were not being efficiently collected and arrears were owing. Consequently, J. Creighton, an agent for the Department of Justice, delivered a detailed opinion on the nature of the title to Sault St. Louis and its impact on the capacity of the Crown to collect outstanding rents. In brief, the opinion asserted that the Crown held administrative authority over the lands, to which the Iroquois held "licence to occupy and enjoy." Action could be taken by the Crown to recover at least thirty years of arrears of rent.

In January 1890, an action was commenced by the Crown to collect outstanding rental payments from a censitaire named Pinsonneault. In 1891, the Caughnawaga Band expended nearly \$1,350.00 for legal services in connection

with seigneurial rents and deeds. This action instigated considerable controversy in the area regarding the loss of land and revenue to the Iroquois as well as the long history of non-collection of rents. Consequently, the Department of Indian Affairs, with the consent of the Caughnawaga Indian Council, had legislation passed which accepted a 75% payment of arrears as full payment.

The Province of Quebec intervened in the legal suit against Pinsonneault claiming a right to the seigneurie of Sault St. Louis. In 1896, the Superior Court decided that the Province of Quebec had the right to collect rents due from the censitaires of Sault St. Louis. The Department of Indian Affairs appealed the ruling.

The Court of Appeal sustained the appeal of the Dominion in 1897. The effect of the judgement was that the naked ownership of Sault St. Louis rents was held by the Province of Quebec, while the Dominion had the right to collect and administer rents for the benefit of the Iroquois of Caughnawaga.

- In the meantime, surveys were conducted of the boundaries of the Caughnawaga reserve, which were found to be irregular and highly contested by the local landowners. There were no official surveys of the line between Chateauguay and Sault St. Louis. The old established boundary was said to be at the mouth of the Chateauguay River, which suggests that the 10 arpents purchased from Mackay had been included in Sault St. Louis but the purchase from the Grey Nuns had not.
- The ownership of St. Nicholas and Devil's Islands was contested by the Province of Quebec. Initially, the Department of Indian Affairs claimed Devil's Island was part of the Caughnawaga Reserve but later abandoned this position believing that because it lay across from the disputed strip it was beyond the boundaries of the original grant.

Under pressure from the Band Council, Canada brought a suit claiming ownership of St. Nicholas Island and claiming that the Iroquois of Caughnawaga should be put in possession. The Attorney General for the Province of Quebec intervened claiming the province had held title to the island and that the sale was lawful. The Exchequer Court found against the Indian title. When the Department of Indian Affairs appealed the decision, the Supreme Court upheld the judgement of the Exchequer Court in 1918.

- With regard to the issue of the collection of rents, the departmental law clerk arrived at the opinion that the seigneurial rents owed for conceded land could be commuted, although the procedure was complicated by the underlying interest of the Province. Another legal opinion asserted that the seigneurial revenue had to be first applied to the maintenance of the church buildings, that the Indian Affairs receiver had control of the revenues, and that the Band could not refuse to finance the repair of the church. Several years later legal advice stated that the

Department could expend money for this purpose without the consent of the Band.

Department officials noted, however, that rent rolls had not been maintained, rents had not been collected on a consistent on-going basis, and that it would be very difficult to establish the amount of rents owed to the Iroquois of Caughnawaga and to collect the arrears.

- The *Seigniorial Rent Abolition Act*, passed in 1935, provided for the commutation of constituted rents by the payment of a capital amount, 6% of which equalled the annual constituted rents.

The Province of Quebec asserted it had underlying title to the conceded lands at Sault St. Louis and, therefore, the *Seigniorial Rent Abolition Act* did not apply. The notaries in the area, however, had always considered Sault St. Louis to be under the jurisdiction of Canada.

- Land was expropriated along the St. Lawrence River, the northern boundary of Sault St. Louis, for seaway purposes. This expropriation affected reserve land, as well as conceded seigneurial land in the disputed strip and the uncontested portion of Sault St. Louis. The expropriation was done under the authority of the *Indian Act* and the *St. Lawrence Seaway Authority Act*. A request for an injunction against the expropriations was denied based, in part, on the view that the Iroquois of Caughnawaga had a usufructuary right only and no right in property.

The Caughnawaga Band Council passed resolutions requesting the Department of Indian Affairs to look after their interests in the affected portions of the seigneurial lands. A proposed compensation of \$3,000 for this interest was rejected by the Band Council; nonetheless, it was authorized by an Order-in-Council. This amount was considered by the Department of Indian Affairs to be reasonable based on the arrears of rents owing and the capital sum allowed for commuting constituted rents.

The St. Lawrence Seaway Authority commuted rents on all lots taken for seaway purposes; therefore, virtually all the lots in the parish of La Prairie had been commuted.

Approximately 1262 acres of reserve land, including islands, were taken for seaway purposes. Additional land consisting of approximately 113 square arpents was also taken. This area constituted about one-eleventh of the reserve.

- In the meantime, the Caughnawaga Indian Agency office and all of its records burned in 1944. The records of land holdings on the reserve were reconstructed; however, the rent rolls for the seigneurial lands were not. The Band Council passed two resolutions in 1948 asking that the issue of seigneurial rent collection be examined by the department. No action was taken at that time.

In the 1950s, because some censitaires were applying to commute their rents, the Crown deliberated on the proper procedure for commutation of rents in Sault St. Louis. Canada could not locate any correspondence with Quebec regarding the *Seigniorial Rent Abolition Act* or its amendments. They were informed by the Commissioner's Office that the application of the Act had been excluded for seigneuries owned by Indians because the province had been unable to force the federal government to submit to a provincial act.

The legal opinion of the Department of Indian Affairs advisor was that holders of seigneurial lands could have their rents commuted without the consent of the Iroquois of Caughnawaga or the Crown.

In the 1970s the Band Council passed a resolution requesting that rents be collected and the monies accounted for. The council rejected propositions to accept a lump sum payment to commute rents. Chief Kirby requested information about the collection and management of seigneurial rents. The Minister replied that it appeared the rents had not been collected since the agency office burned and that it would be very costly to reconstruct the records.

- During the 1980s the Mohawk Council of Kahnawake became involved in several projects to investigate and pursue their claim to seigneurial lands and revenues.