



# Six Nations TRADITIONAL Hereditary Chiefs,

P.O. BOX 607  
Kanesatake, Québec  
J0N 1E0

AVR 11 1989
Par. <i>[Signature]</i> .....
Tel.: (514) 479-6373

GRAND CHIEF

File no.

Mr. Jean Ouelette, Mayor  
183 rue des Angés  
Oka, Que.  
J0N 1E0

April 5, 1989

Without Prejudice

Re: Seigniory of Lake of Two Mountains

She;Kon (Mohawk Greetings)

We wish to serve notice that the Six Nations Traditional Hereditary Chiefs, on behalf of the Mohawks of Kanehsatake, intend to pursue vigorously the Kanehsatake Mohawks' rightful claims to an equitable interest in and to all the lands previously comprising the Seigniory of the Lake of Two Mountains and to our sovereign jurisdiction over those lands without prejudice to the underlying Aboriginal title.

We base our claims to this territory on treaty rights flowing from representations and promises made by the French Crown to our ancestors, the equitable interest created in our favour by the seigniorial grants of 1717 and 1733 to the Seminary of St. Sulpice and our residual Aboriginal rights and titles. The Seminary of St. Sulpice were only assumed trustees of these lands and could never, hold title, legally transfer, sell, to any party. The burden of proof that the Mohawks of Kanehsatake sold, ceded, surrendered or lost due to conquest, rests with the Non - Aboriginal peoples.

We have never ceded or surrendered our rights or interests in this territory, nor can you claim rights to these territories through conquest, nor have they been validly extinguished. On the contrary, we have consistently asserted our interest and jurisdiction in and over this land. At least since 1982, our Aboriginal and treaty rights have been constitutionally protected by the Constitution Act, 1982 and cannot be unilaterally extinguished.

The Supreme Court of Canada has characterized Indian treaties as including any engagements by persons in authority as may be brought within the term "the word of the white man". With respect to the establishment of the Seigniory of the Lake of Two Mountains, the documents and the evidence show that our ancestors resided in the area long before French Settlement had begun to move upriver from Montreal to the Lake of Two Mountains prior to the first seigniorial concession in 1717. Indians themselves chose this site, since there was already a Mohawk settlement in the area, and that they were told by the missionaries and the colonial officials that the King would grant them the land which they had chosen beside the Lake. (Bibliotheque de St. Sulpice, Paris, Tronson correspondance Vol. I, 11-18, pp. 73 a 85).

We intend to assert these treaty rights.

The seigniorial grants to the Seminary of St. Sulpice at the Lake of Two Mountains were not grants in full ownership but were intended to be a mission or reserve established for the protection of our ancestors. The Arrets of Marly and other actions of the French Crown indicate clearly that seigniorial grants were not grants in full property but merely allocations of land with the seigniors acting as the agents of the King, usually with respect to settling lands but also, as in the case of the Seigneurie of St. Sulpice, for the establishment of missions and the holding of lands in trust for Indian people.

While the Seminary of St. Sulpice of Paris lost its legal rights at the time of the change of European sovereignty in 1760, the Indian inhabitants of the territory had their rights confirmed (the Articles of Capitulation of Montreal, the Royal Proclamation of 1763).

To the extent that rights were re-granted to the Seminary of St. Sulpice in later years, only the original rights were restored and this was done subject to the rights of our ancestors and other third parties.

We are often told that the Judicial Committee of the Privy Council settled this matter in 1911 in the Corinthe case. This is not so. The Judicial Committee did not deny the Mohawks' equitable interests in these lands. On the contrary, the Court expressly cautioned against supposing that it had expressed such an opinion, specifically referred to the apparent existence of a charitable trust and instructed the government authorities to settle the matter in another form or through negotiations.

Notwithstanding the foregoing, over the years, we have been deprived of the use and enjoyment of our territory through grants and occupation of lands within the old Seigniory of the Lake of Two Mountains in breach of the terms of the original treaty promises by the French Crown, the seigniorial grants and subsequent actions by the French and British Crowns.

Throughout the history of our community at Kanehsatake, we have consistently asserted our rights to this territory. Following our petition to Parliament in 1961, a Joint Committee of the Senate and the House of Commons on Indian Affairs identified our claim as a priority. Since 1977, a specific claim has been before the Federal Government. The last four ministers of Indian Affairs have acknowledged the moral obligations on the Federal Government to seek a solution to the existing problems of our people. In 1983 the Report of the all party Special Committee on Indian Self-Government in Canada (the Penner Report) urged the Federal Government to negotiate the Kanehsatake claims.

Still we wait; still we see encroachment on our lands.

The Six Nations Hereditary Chiefs of Kanehsatake have made every effort to negotiate in good faith. These efforts have been frustrated. The time has come to advise those occupying our territory that we intend to take the necessary measures to assert our rights. These measures will include:

- a) asserting our constitutionally protected treaty rights in respect of the former Seigniory of Lake of Two Mountains;
- b) asserting our equitable interests in and to the approximately 260 square miles formally known as the Seigniory of Lake of Two Mountains including demands for just compensation where appropriate;
- c) asserting our sovereign jurisdiction over our territory;
- d) asserting, in addition to the treaty promises of the French Crown and the equitable interest created by the seigniorial grants, our constitutionally protected aboriginal rights and titles to the territory.

## Six Nations TRADITIONAL Hereditary Chiefs

We, however, are prepared to discuss with representatives of Canada, Quebec and the municipalities presently occupying our territory, treaty arrangements to deal with the past and present illegal occupation of these lands and the future occupation of these lands. For this purpose, you are requested to communicate with the undersigned within (two) weeks of the date of this letter, failing which, we will have no alternative but to avail ourselves of our remaining legal recourses.

Thank you for your attention to this matter.

Niawen (Thank you)  
SIX NATIONS TRADITIONAL  
HEREDITARY CHIEFS

A handwritten signature in cursive script that reads "Chief Clarence Simon". The signature is written in dark ink and is positioned above the printed name of the signatory.

Chief Clarence Simon

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