

37-2-3-X51

1

ON STATE

ESTATE

CHARLIE SHAUQUASET

COW I CHAN

SOUTH ISLAND DISTRICT

[REDACTED]

(AGENCY)

0011100

1426

AN
(Band)

CHAUQUAÏSET, CHARLIE
CHOUICHAN

000137

9152-25

ESTATE OF Charlie Shaugusant NO. _____
(Band) Carichan

Died: Mar. 12/12 Testate: _____
Intestate: _____

Land Assets	Ch.	Remarks	Disposition
Lot 91, Carichan #1		<u>Per Agreement Apr. 4/12</u> <u>OK - action on</u> <u>Call to Emil, in 91, 9152-48</u> <u>1/2 to Mack - (N 1/2)</u> <u>1/2 to Abele - (S 1/2)</u> <u>Approved by Dept.</u> <u>Apr. 13/33.</u>	<u>For 1/2 of Charlie Shaugusant</u> <u>W 1/2 & N 1/2 to Mary Charlie</u> <u>E 1/2 & N 1/2 - Should Charlie</u> <u>OK OPS issued to them from</u> <u>9152-46</u> <u>on and under to Charlie</u>
Lot 92, " "			
Personal Assets			
Debts			
<u>none known</u>			

Heirs at law and/or next of kin:

Name	Relationship	Band No.	Birth	Death	File	Div.
<u>Mary Ann</u>	<u>widow</u>				<u>no asset, nor fil.</u>	
<u>Emile Charlie</u>	<u>son</u>				<u>9152-48</u>	
<u>Mack</u>	<u>"</u>				<u>9152-46</u>	
<u>Abele</u>	<u>"</u>	<u>179</u>				

General Remarks: 1. Affirm B. C. R.
2. Issue Letter of Entitlement to Abele Charlie
3. Conclude.

Cross Reference:

see above

W. H. Tupper
Estate Investigator

Date: Aug. 12/57.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

TO: Superintendent, Reserves & Trusts. OUR FILE: 152/P-3
FROM: Superintendent, Cowichan Agency. YOUR FILE: 9152-25 (Est.6)
SUBJECT: Estate of Charlie Shauquaset, DATE: 8th April 1958.
Cowichan Band.


Acknowledgment is made of the Department's letter of February 25th 1958, concerning the above noted Estate.

We would advise that ~~the~~ notification has been received from the Officer in Charge of Individual Land Holdings that ownership of the land in question has been recorded in the name of Abele Charlie and we have, therefore, noted the conclusion of this Estate in our Agency records.

016766

APR 10 11 30 AM '58

INDIAN AFFAIRS


J.V. Boys,
Superintendent,
Cowichan Agency.

GHP/mh

PA → c.c. 9152-25

Superintendent, Cowichan Indian Agency.

152/33-3-92-1 (R.4)

Superintendent, Reserves & Trusts.

South half of Lot 92, Cowichan
Indian Reserve No. 1,
Estate of Charlie Shauquaset.

January 22, 1958.

s.19(1)

We have been requested by the Administrator of Estates to issue a Certificate of Possession to Abele Charlie, [REDACTED] Cowichan Band, covering a parcel of land in the South half of Lot 92 on the above-noted Reserve. This parcel of land formed an asset in the estate of the late Charlie Shauquaset.

I regret to inform you that pending the completion of the survey of the Cowichan Indian Reserve No. 1, the issuance of Certificates of Possession will remain in abeyance. We have, however, noted in our records the ownership of Abele Charlie to this parcel of land.

HGW/jw

for *W.C.*
W. C. Bethune,
Superintendent,
Reserves & Trusts.

s.19(1)

9152-25
(Est.6)

152/P-3

OTTAWA, December 18, 1957.


J.V. Boys, Esq.,
Superintendent,
Cowichan Indian Agency,
P.O. Box 396,
DUNCAN, B.C.

Re: Estate of Charlie Shauquaset
Cowichan Band.

With reference to your letter of the 26th July, 1957,
the division of the land by the heirs, that is, the North half of Lot
92 to Mack Charlie, the South half of Lot 92 to Abele Charlie and Lot
91 to Emile is satisfactory.

The Council Resolution of the 17th July, 1957, which
allots the South half of Lot 92, Cowichan I.R. No. 1 to the estate of
Charlie Shauquaset, excepting therefrom the triangular piece in the South-
West corner, has been approved. We are asking the Officer in charge of
Individual Land Holdings to issue a Certificate of Possession to Abele
Charlie, [redacted] Cowichan Band, for that part of the South half of Lot
92 covered by the Resolution.

When you are able to advise us that you have received
notification of this change from the Officer in charge of Individual
Land Holdings, you may note the conclusion of the estate of Charlie
Shauquaset in your records.


W.C. Bethune,
Superintendent,
Reserves & Trusts.

INDIAN AFFAIRS

ANCH



CANADA

DEPARTMENT OF
CITIZENSHIP AND IMMIGRATION

REFER TO FILE NUMBER

9152-25

Est. 10

Ottawa, *Sept. 4/57*

MEMORANDUM TO MR. WALLACE (R4):

Re: Approval of Band Council
----- Resolution -----

Will you kindly deal with the Band Council
Resolution on file hereunder and return file to the Estates
Section when this has been done.

*B.L.R. approved
12/9/57.
R4,
Put on Land file
152/33-3/92-1
R4
11/1/57*

A. C. Pennington

A. C. Pennington,
Administrator of Estates.

127469



CANADA

OUR FILE NO. 152/P-3

YOUR FILE NO. 9152-25

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

COWICHAN INDIAN AGENCY

P.O. Box 396,
Duncan, B.C.
July 26, 1957.

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

Re: Estate of Charlie Shauquaset
Cowichan Band.

The last correspondence on this file is Departmental letter of the 13th April, 1933; a resume of the history of the estate would be in order.

The late Charlie Shauquaset died testate on the 12th March, 1912, leaving as his heirs and next of kin his sons Emile Charlie, Mack Charlie and Abele Charlie and his widow Mary Ann. All except Abele have died since then, your file for Emile being 9152-48 and for Mack 9152-46; Mary Ann died without assets.

The assets in the estate of Charlie Shauquaset consisted of Lot 91 and Lot 92, Cowichan I.R. #1. The distribution under his will was the East halves of Lots 91 and 92 to Emile and the West halves of Lots 91 and 92 to Mack. There was a dispute over the provisions of the will and an agreement was entered into by the four heirs on the 8th April, 1912, whereby Emile received all of Lot 91, not washed away by the river, Mack received one-half of Lot 92 and Abele received one-half of Lot 92. That was the situation when the matter was submitted to the Department, and your letter of the 13th April, 1933, contained the ruling that the Agreement of the 8th April, 1912, should stand and that it would not be necessary to give approval to the will. (Mack had been objecting to the agreement).

Since the Agreement and since the decision of the Department in 1933 the land has been held as follows:

Mack had the North $\frac{1}{2}$ of Lot 92;
Abele had the South $\frac{1}{2}$ of Lot 92; and
Emile held Lot 91.

You will note that there was no Agreement on paper as to the division of

... 2

s.19(1)

-2-

Lot 92 between Mack and Abele but the de facto division has been as stated. Under the estate of Mack Charlie, file 9152-46, the North $\frac{1}{2}$ of Lot 92 has been divided between his heirs Gary Charlie and Donald Charlie, who have received the West $\frac{1}{2}$ and the East $\frac{1}{2}$ respectively of the North $\frac{1}{2}$ of Lot 92. A Council Resolution was sent you recently on the estate of Emile Charlie, 9152-48, which dealt with Lot 91 among other parcels. The enclosed Band Council Resolution covers that part of the estate of Charlie Shauquaset which has not been dealt with previously, that is to say the South $\frac{1}{2}$ of Lot 92, which under the agreement of the 8th April, 1912, is now the property of Abele Charlie. You will note that it is not the entire South $\frac{1}{2}$ of the lot and that the South West corner, a triangular piece measuring 382 Feet along the Western boundary and 270 feet along the Southern boundary is not included in the Resolution; this small corner of the lot was turned over to Harry John Sulseelum during the lifetime of Charlie Shauquaset. It is recommended that a Certificate of Possession or Notice of Entitlement be issued to Abele Charlie, [redacted] Cowichan Band. It would appear that such action would bring the estate of Charlie Shauquaset to a conclusion.

In view of the length of time in which the above division of the land of Charlie Shauquaset has stood we would ask that you do not insist on a written agreement from the heirs of the late Charlie Shauquaset. Such a request might lead only to disagreement. At the present time all are happy in the possession of the various parcels and the confirmation of the Department is all that is needed to settle it once and for all.

J.V. Boys,
Superintendent,
Cowichan Indian Agency.

Encl.
AWM/bc

9152-

Fritz
Michael

53
72

David
Page

92

St
Edward
Bill
(Louisa Michael)

89
91

St. Emile
Charlie

2
95
90

St. George
Hansulth

Gary
Charlie

Donald
Charlie

St.
Emile

Charlie

St. Chas.
Shaugnessy

St.
Harry
John
Sullivan
270'

97

98

2

COWICHAN
RIVER

St. Emile
Charlie

SOUTH BRANCH

NOKSILAH RIVER

Mildred
Harry

CLEM CLEMALUTS

St. Ellen
William

9152-25

Ottawa, 13th April, 1933.

Sir,

I beg to acknowledge the receipt of your letter of the 4th instant, File No. 967-M-3, enclosing an agreement dated the 8th April, 1912, among the heirs of the estate of the late Charlie Spauquaset and also the original will. It is noted that there was some dissatisfaction as to the terms of the will and that the heirs entered into the enclosed agreement dated the 8th April, 1912. It is presumed that the parties took possession of the land in accordance with this agreement and have continued to hold it. If that is true this agreement must prevail and there is no occasion for approving the will. If Emile and Mack permitted their brother, Abele, to occupy the land allotted to him by the agreement during all these years, it is useless for them to now attempt to repudiate the said agreement.

Your obedient servant,

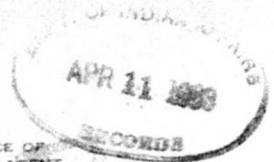
H. F. Smith
Secretary.

CSW
H. Graham, Esq.,
Indian Agent,
Duncan, B.C.
Mack

DEPARTMENT OF INDIAN AFFAIRS
CANADA



OFFICE OF
INDIAN AGENT



Duncan, B. C.

April 4th, 1933.

967-M-3

Sir:-

Recently a dispute over land on the Quamichan Reserve, Cowichan Indian Reserve No.1, arose, this formerly being the property of the late Charlie Shauquaset, Indian of Quamichan Band, who died on or about March 12, 1910. Registration of deaths did not take place at this date, but the records here show that he died on or about the above date as stated. Apparently the Will was never probated, and I am enclosing same herewith.

Apparently the Indians were not satisfied and took matter up on ~~April~~, 8th, 1912 with their Agent, the late Mr. Robertson, and came to a mutual agreement, in which the land was divided up between the three sons. You will note that Abele the second son was not mentioned in the original Will, but I have since found out that this man had done considerable improvements on the land, and presume that this is the reason why he was given a share at the later date. There has been considerable friction between the parties interested, and they have now brought the matter to my attention. On going in to it with them, Emile and Mack absolutely deny any knowledge of agreement entered into April 8th, 1912; but Abele states that he remembers it quite well, and it was on the strength of this agreement that he has continued to work the land, which the two brothers want to deprive him of, by going back to the original Will.

I would be very much obliged if the Department would advise me of the procedure in this case. I take it, that as they disputed the Will in the first place and drew up a second agreement, that it can be taken that the party died intestate, and that an administrator can be appointed.

Your obedient servant,

(H. Graham)
Indian Agent.

The Secretary,
Department of Indian Affairs,
OTTAWA.

Indian Office

Duncans, B.C.

April 8, 1912

MEMO.

This is to certify that it is mutually agreed between Ernile, Abele and Mack all sons of the late Charlie Shaugness and Mary Ann his widow all Indians of the Quannichan Band, Cowichan Tribe

1st That Ernile shall have all that part of Lot 91, not washed away

2nd That part of Lot 92 owned by Charlie to be divided equally between Mack and Abele

In witness of the above we have made our marks attached hereto.

Ernile	His mark
Abele	His mark
Mack	His X mark
Mary Ann	Her + mark

Witness to marks
H. R. Robertson
Indian Agency

Marichan Indian Village
Feb. 22, 1910

I give devise and bequeath unto my
son Emile the east one half of my
sections Nos 91 and 92 on the Cowichan
Indian Reserve and unto my son
Frank I give devise and bequeath
the west one half of the said sections.

In witness whereof, I, the said
Charlie Shauquarit, Indian have to his
my last Will and Testament set my name
this 22nd day of February, 1910
Charlie Shauquarit his X mark

Witness to Will
Chief Seehelton his X mark
" Quoch gutt his X mark
" Charlie but about his + mark
" Charlie but quaton his X mark
Witness to all above marks
H. R. Robertson
Indian Agent

Document diving

AFFIDAVIT AS TO EXECUTION OF WILL

In the estate of Charlie Shauquaset, deceased.
I, Chief. Queochult, of
the Clemclemaluts Band of Cowichan, in the
County of Nanaimo, make oath and say:

1. That I knew, Charlie Shauquaset, late of
the Quamichan Band, of Cowichan
in the County of Nanaimo, deceased.

2. That on or about the 22nd, day of February
in the year of our Lord one thousand nine hundred and ten

I was personally present and did see the paper writing hereto annexed
marked A., signed by the said Charlie Shauquaset, as the
same now appears as and for his last will and testament, and that the
same was so signed by the said Charlie Shauquaset, in
the presence of me and of Charlie Gutquarton
the Somenos Band, of Cowichan
in the County of Nanaimo,
were both present at the same time; whereupon the said

Charlie Gutquarton and I did at the request of the
said Charlie Shauquaset and in his presence
attest and subscribe the said will.

SWORN before me at the City
of Duncan
in the
County of Nanaimo the
3rd day of April
1933.

H. Graham

li
Gery + Queochult
mark

Witness to mark
Geo. Robertson

Notary Public, Indian Agent or Commissioner.
A Notary Public in and for the Province
of British Columbia.

AFFIDAVIT OF TIME OF DEATH, AND PLACE OF ABODE OF TESTATOR

In the estate of Charlie Shauquaset deceased.

I, Chief George Queochqult, of
the Clemclemaluts Band of Cowichan, in the
County of Nanaimo, make oath and say, that
I knew Emile Charlie, and Mack Charlie named in
the last will and testament of the said Charlie Shauquaset
deceased. That said deceased died on or about the 12th,
day of March A.D. 1912, at Cowichan
and that the said deceased, at the time of death, had his fixed place
of abode at Cowichan Indian Reserve No.1. in the said
County of Nanaimo

SWORN before me at the City of
Durban, in the
County of Carleton Place
the 3rd day of April.
A.D. 1933.

Charlie Shau
George X Queochqult
Witness to mark
Jas. G. G. G.

H. J. Graham
Notary Public, Indian Agent or Commissioner.
A Notary Public in and for the Province
of British Columbia

No. 9152-25

Department of Indian Affairs

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COWICHAN

ESTATE

CHARLIE SHAUQUASLT

152/37-2-3-X51

FILE NO. 9152-25 DORMANT

— INDIAN AFFAIRS BRANCH
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

VOLUME 1

SUBJECT ESTATE

FROM

COWICHAN AGENCY

DORMANT

TO

CHARLIE SHAUQUASET

REFERENCE				DISPOSAL			
By	REMARKS	DATE	PA on BF	By	DATE	FOR RECORDS USE	
19	027469	7/8/57					
24 Est 10	Nemo 3	13/8/57	PA	R4	15/8/57	19/8/57	
27	"	4/9/57					
24 Est 10	Nemo B.C.R.	4/9/57	PA	R4	3-10-57		
27							
24 Est 6	Re Nemo	18/1/58	PA	R4	17-1-58		
26							
26 17	BF	17/2/58	PA	Est	17-2-58		
26 14	BF	20/1/58	PA	Est	15-5-58		
26 9	016755	10/4/58	PA	Est			
25 17	Reg-	6-3-61	PA	26	6-3-61	7-3-61	

ESTATE CLOSED
APR 14 1958
Date

DO NOT WRITE BELOW THIS LINE

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