

1/18-31-2.

Vol:2

ACC 72/607

VOL. 7980

File 1/18-31-2 v.2

FILE NO.

VOLUME 2

FROM 1937

TO 1966

SEIZURE OF GOODS FROM INDIANS

TRANSFERRED
To P. A. R. C.

CROSS REFERENCES

FILE NUMBER	SUBJECT
1.....
2.....
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10.....

INSTRUCTIONS

1. This cover must not be folded under.
2. File should be retained no longer than is absolutely essential. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures its being completed and kept in order and also gives other officers an opportunity of using it.
3. Central Registry must be notified whenever a file is passed directly between one official and another.
4. All outgoing letters should bear the official file number and originator's designation.
5. ONE SUBJECT—ONE COMMUNICATION—Where the contents of outgoing letters necessarily refer to more than one subject, the originator will prepare additional copies for attachment to relevant files.
6. Correspondence must not be removed from file, except as provided in the regulations governing the conduct of correspondence.
7. Incorrectly filed material will not be removed without notification to Central Registry.
8. Official office designations are to be used for routing purposes.
9. Disposal entries on file jackets must be initialled and dated.
10. Urgent Tags, flags and other markers will be removed in Divisional Offices as soon as appropriate action on the folios has been taken.
11. Officials are reminded that strict adherence to the security regulations is essential when dealing with classified material.

Departmental Legal Adviser

Chief, Reserves and Trusts Division

1/18-31-2 (RT)

1/18

-31-2 Vol. 2 (Closed)

November 3, 1960.

During our discussion yesterday regarding the Blackfoot petition, reference was made to the use of Band funds in the Louis Francis or Jay Treaty case - St. Regis. In this connection, the attached copy of a letter addressed to Mr. J.A.G. MacDonald, Barrister of Cornwall, on March 5, 1952, is of interest and is self-explanatory.

W.C. Bethune.

Att.

WCB/vp

c.c.: Special Assistant

1/18-31-2
(Adm.1)
Your 11/18-31

, May 29, 1956.


H. P. Ruddy, Esq.,
Supt., Indian Agency,
Golden Lake, Ont.

I would refer to your 11/18-31 of May 15, regarding a used car bought in the United States and brought into Canada.

On the general question of the application of custom laws and regulations to Indians, according to our understanding, Indians are treated in like manner to non-Indians and enjoy no special privileges in regard thereto. It is understood used or second-hand automobiles may not be imported into Canada by Canadians.

Will you please advise Chief Sarazin, and perhaps the best advice that you could give him would be for him to arrange for the return of the automobile to the United States, otherwise it may very well be subject to seizure and forfeiture.

CIF/ND


G. I. Fairholm,
for Senior Administrative Officer.

cc: Regional Supervisor.

NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

1909

Records Service Division

Slip No.....

Indian Affairs File No. 1178-31-2

Subject of File.....

MAIN FILE ON CHARGE TO *CP/0*

[illegible]

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001272

FIELD SERVICE

1 3 5 2 2 3



CANADA

PLEASE QUOTE FILE

II/I8-3I

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

MAY 17 8 42 AM '56

Golden Lake, Ontario.
May 15th., 1956.

INDIAN AFFAIRS
Indian Affairs Branch,
Dept. of Citizenship & Immigration.
Ottawa, Ontario.

Re: Customs Duty on Automobile
Purchased by Indian.

Dear Sir:

In the summer of 1955 Stanley Sarazin, of the Golden Lake Band of Indians, was in the United States and while there purchased a 1949 Plymouth automobile, for the sum of \$160.00, at Buffalo, New York.

When he returned to the Golden Lake Reserve last autumn he brought the car home with him. From what he tells me I understand that he was allowed to keep the car in Canada for six months without paying the duty on it. At the end of that time the car was to be returned to the States.

In November 1955 Stanley Sarazin was charged under the Ontario Highway's Traffic Act in connection with an accident, which he had with this car, was found guilty and given a fine. The car was impounded. His father, Chief Daniel Sarazin, paid his fine and in return Stanley made the car over to him.

Now the Chief would like to know whether or not he, being an Indian, is liable for the duty on this car. I would be very pleased to have the Department's advise on this.

Yours very truly,

H. P. Ruddy,
Indian Agent,
Golden Lake Indian Agency.

001273

CR10

0/113-4-1

1/18-31-2

18-31-3

Adm

It would appear
that Mr. Trudeau
distorted the facts
... slightly!
He could at least
have said in his
April letter that
he had got a
new machine.

001275

ROUTE SLIP

PASS TO:

1.

2.

3.

4.

Date

Initials

001276

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Indian Affairs Branch

NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

Records Service Division

1418

Slip No.....

Indian Affairs File No..... 1/18-31-2

Subject of File.....

MAIN FILE ON CHARGE TO

A

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OR BF	By	DATE	FOR RECORDS USE
A	19	118741	15-56	PA	By	2.5.56	
Adm	By	118741	2.5.56	PA	By		

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001277

FIELD SERVICE



CANADA

1/18-31-2
PLEASE QUOTE FILE

19/18-13

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

Adm

Manitowaning, Ont.
April 26th 1956.

Indian Affairs Branch,
Dept. of Citizenship & Immigration,
OTTAWA, Ontario.

I wish to acknowledge receipt of Department letter dated April 23rd 1956. File no. 1/18-31-2 enclosing a letter received at Ottawa from Mr. Moses Trudeau no. 22 Manitoulin Island Band in regard to his dealings with the Singer Sewing Machine Co.

In the first place, I wish to deny that I refused to help Mr. Trudeau. We were very sympathetic toward him as he has always been a good worker and we believe never asked for relief assistance in his life until both he and Mrs. Trudeau were eligible for Old Age Assistance.

As stated in Mr. Trudeau's letter we discussed the matter with Corporal Drader of the R.C.M.P. and the Corporal agreed to call the Sudbury Branch, of the Company who had repossessed the machine although Mr. Trudeau had been forwarding his monthly payments to their head office in Ottawa. There appeared to be some misunderstanding between the corporal and the manager of the Sudbury Branch as the corporal informed me the company were returning the machine to Mr. Trudeau the following week. Several weeks elapsed and the machine was not returned as I kept making enquiry from Mr. Trudeau each time I saw him and on January 10th I wrote to the head office in Ottawa, copy of which is enclosed herewith. About four or five days later the manager of the Sudbury Branch called me by telephone advising his head office had informed of my letter and also that they had received from Mr. Trudeau the \$30.00 still owing under the contract.

A

118741

APR 30 8 37 AM '56

INDIAN AFFAIRS

-2-

When questioned as to why they had not returned the machine, the Sudbury Branch Manager informed me it was his understanding that the Corporal was to call him when Mr. Trudeau turned over to the Corporal the \$30.00 owing and they would then return the machine.

Mr. Trudeau lives some distance back in the woods and by this time the snow had become so deep, the Company knew they could not get to his home and I agreed for them to leave the machine at this office. In the meantime I saw Mr. Trudeau and advised him they were going to leave the machine here to which he objected but agreed for it to be left at his brother's place who lives near the road and not too far from his own place; Consequently when the machine arrived, I directed them to his brother's place.

It later developed that the Company had sold the original machine but claimed to have returned a newer and equally good machine, which I cannot vouch for as I never saw either one.

In any event Mr. Trudeau would not accept the machine and never removed it from his brother's place. He subsequently went to Sudbury with Corporal Drader and I understand they both rather told off the Manager who later sent over a brand new machine. Their men called at this office and happened to meet Mr. Trudeau right here, who, rather reluctantly signed an agreement to accept this new machine as full satisfaction of his claim and also to have the machine left at his brother's place where they were to pick up the other machine.

When they got to the brother's place, the brother would not allow them to leave the machine and we understand the two men attempted to carry it back through the woods to Mr. Moses Trudeau's house. Finding this impossible they returned the machine to this office and left it during my absence.

When Mr. Trudeau returned to the office, He was very hostile and accused me of not trying to help him etc. which I rather resented since I spent considerable

....3

001280

-3-

time not only on Mr. Trudeau's case but many other similar cases.

They very rarely come to me for advice before making such deals, but as soon as they feel they have been taken in, they expect me to perform miracles to get them restitution.

I did not try to put Mr. Trudeau out of the office but told him to take the machine out, that I was tired trying to help him and getting only abuse in return. The daughter engaged a truck to remove the machine a few days later.

I might advise that the amount of \$194.65 included \$23.65 carrying charges spread over a two year period and also that the Singer Sewing Machine Company have agreed to sell no more machines on the reserves on the installment plan.



C.E. Johnston, Supt.
Manitoulin Island Indian Agency.

CRJ/BD

P
Y

Manitowaning, Ont.
January 10, 1956

The Singer Sewing Machine Co.
196 Lawrier Ave. West,
OTTAWA 4, Ontario

Dear Sirs:

Re: Miss Jane Trudeau
A/C No. 5695

We are writing on behalf of Mr. Moses Trudeau of
no. 22 Manitoulin Island Band and father of Miss Jane
Trudeau.

One of your high pressure salesmen entered the
Manitoulin Island unceded Reserve a couple of years
ago and sold a great many high priced machines to
Indians who could not afford them.

One of the victims was Miss Trudeau who was
persuaded to sign an agreement of sale in the absence
of her father.

Your representative was requested to remove the
machine shortly after, so that all the family would have
lost at that time was the deposit. The request was refused
at that time, however, and Miss Trudeau's father undertook
to make the payments for his daughter and we understand
with the exception of one payment which was in arrears
kept up the payments quite regular until a few weeks
ago. Again in the absence of Mr. Trudeau your representative
called in a rather obnoxious mood and removed the machine
when it was almost fully paid for.

Corporal S. Drader of the R.C.M.P Detachment
here was in telephone conversation several weeks ago

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001282

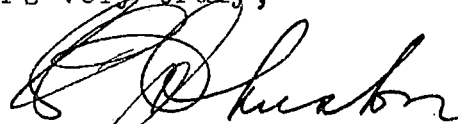
with your Sudbury Branch and was advised the machine would be promptly returned, however, to date this has not been carried out.

We have given considerable of our time in assisting your representatives on this reserve but in this particular case we feel a grave injustice has been done and demand that an immediate adjustment be effected.

Miss Trudeau's father is a very honest, hard-working man and proposed to pay out the contract in full for his daughter.

I would therefore respectfully request that your Sudbury Branch be instructed to return the same machine in good condition to Mr. Trudeau.

Yours very truly,



Signed: C.R. Johnston, Supt.
Manitoulin Island Indian Agency

115268

P.A. → 1/12-31-2 -
(Adm.1)

A

APR 24 11 29 AM '56

, April 23, 1956.

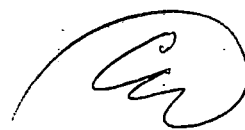
INDIAN AFFAIRS

C. R. Johnston, Esq.,
Supt., Indian Agency,
Manitowaning, Ont.

Attached herewith letter from Mr. Moses Trudeau regarding a sewing machine purchased by his daughter and repossessed by the Company, and copy of reply.

So far as can be gathered a total of \$194.65 was paid on a machine that originally cost \$171.00. If the amount stated has been paid, it is indeed unfortunate that the sewing machine was taken.

Mr. Trudeau mentions that he consulted you about the matter but you refused to help. Will you please advise what the facts of the case were and what advice you gave.



CIF/LD

Senior Administrative Officer.

cc: Regional Supervisor.

1/18-31-2
(Adm.1)

, April 23, 1956.

Moses Trudeau, Esq.,
Manitowaning,
Ontario.

Dear Mr. Trudeau:

I would refer to your letter of April 12th concerning the sewing machine purchased by your daughter and taken back by the Company.

It is difficult to advise you what steps you could take in the matter now. One suggestion is that you may wish to consult a lawyer, who would be able to advise you if anything could be done after looking over the agreement that was signed and your receipts for payment.

It is regretted that we cannot be of more assistance to you in suggesting what action you could take.

Yours sincerely,

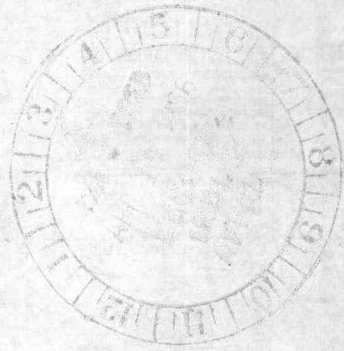
CIF/10

Senior Administrative Officer.

Manitowaning ont. 1/18-31-2
From Wikewikong Reserve
April 12th 1956.

Dear Friend

As I am not very good in English
As I was not very happy as I sat down to write
this little note in my distress. I will try and
explain what I really mean. My Daughter got a Singer
Sewing Machine C.O. in Sudbury the year 1953 on
credit agreement which the girl did not know about
what she was doing thinking the sales-man was honest
about his work at that time. the machine was \$171.00 at
that time the carrying charge and interest was added to
it. payment to be made in 2 years ^{and} so much a month.
she was quite glad about ^{it} thinking she could pay with the
help of her Dad and paid \$18.00 on it. between time she
change her mind thought she could not do it. so when the
collector ^{was} around again she was willing to give the machine ^{back} and
the \$18.00. but the sales-man would not take either.
he left ^{it} their to tryed to be paid ^{as} we can and did not
take it. so we kept paying as we could. so when the year
come due, the man came and took the machine and took
it with him without any permission from no one on
November 10th 1955. on the following Monday I went
to see the R.C.M.P. Mr Drader about it and we both went
to see the Indian agent and just turn his back on
me saying that he was and tired and sick of the people
coming in saying that he could not do nothing to help.



11

out they had nothing to do with it. did not even try to recognize it. so I got no place again. that was November 15th 1953 - the R.C.M.P. was talking to him through the phone to Sudbury and this man agreed to take the machine back which he did not do. kept me waiting for him. the machine was then paid \$164.65. between time they ask me another \$30.⁰⁰ more. and the sum came to \$194.65 all told. still the machine we did not get. I tried the Indian agent again but just said he does not like to it. so I quite him. he did not want to help me. I saw he was my opposite side, so it came to pass on the month of February the 4th my friend Mrs Prader the R.C.M.P. was going to Sudbury and had some simply ^{me} and asked me if I wanted to go and see ^{about} ~~this~~ about this machine. which I did. when I ask the man about the machine I have paid already. he said he sold it again to some one. so I turn around and asked him for my money \$194.65 and my Delay waiting. but he just shook his shoulders and said he have no money that I could give you, and I got no place there. but I kept at it myself. seeing that it was no use of going to someone, but ~~by~~ by not quite kept at it I manage to get another sewing machine at the end of March which I did not want. then I would have like my money instead and the Delay I had waiting for them all that time. but I got heat out of it. I am getting

old over 71 years old and been married man for 53 years
Living in the same spot and fix in the family. and my
whites friends dont give no work no more for my clothes
I dare not go to my Indian agent for assistance as he
and me had a little argement. when the machine was
fetch in to the Indian office insted of taking it to our
place when he told me that he had nothing to do with
me. and tryed to put me out of the Indian office thats
the day the sewing machine was taken in. I was not
very happy about it. I am a Robinson treaty indian
from the unceded Reservation of Nkwemibong mnto.
so long for now leaving it to you to think over it.

from your Loving attandance
Mr Moses Trudeau
P. O. Enanitoraning
Ont -
Canada

108968

APR 17 2 33 PM '56

INDIAN AFFAIRS

FIELD SERVICE

103362



CANADA

PLEASE QUOTE

FILE 18/478

Brascoupe Albert

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

Maniwaki, Que. April 11th, 1956.
APR 13 8 42 AM '56

INDIAN AFFAIRS

Indian Affairs Branch,
Dept. of Citizenship & Immigration,
Ottawa, Ont.

Special Attention
M. J. D'Astous

Further to our telephone conversation in regard to the seizure of Albert Brascoupe power chain-saw by the Trader Finance Corp. I had, Mr. Brascoupe write to the Financial Co., establishing his claim toward the seized chain-saw, and please find herewith, letter of the Finance Co. in answer to Albert's request.

Lorenzo Leclair,
Superintendent,
Maniwaki Indian Agency.

Enc.

Sgt. Leclair
informed that after
consultation with
Mr. Couture, the fraud
could not do anything
in this particular
case.

5.5.56

TRADERS FINANCE CORPORATION LIMITED

Mont Laurier, Que.
le 5 avril, 1956

M. Albert Brascoupé
C.P. 42,
Maniwaki, Que.

Cher Monsieur:

En réponse à votre lettre datée du 4 avril
courant concernant la scie mécanique que nous avons dû faire
saisir, vous avez toujours recours contre votre vendeur, M.
Fernand Villeneuve.

Nous demeurons,

Vos tout dévoués.


J.P. MEILLEUR
Gerant de Collection.

JPM/FN

69639

P.A.

19
→ 1/18-31-2(Adm.1)
29/3-10

NOV 17 PM 2 22

Ottawa, November 15, 1955.

Aylmer N. Plain, Esq.,
Sarnia Indian Reserve,
Sarnia, Ontario.

Dear Mr. Plain:

I would refer to your letter of November 11 concerning a dispute with K. & L. Specialty Products, Ltd., which I note is coming up in the County Court on November 16.

As this case is before the Court it would not be proper for me to comment in any way about it. I can inform you, however, that a search of our records has failed to reveal any by-law made by the Council of the Sarnia Band to control the activities of hawkers and peddlers who may go onto the reserve to sell their wares. It may well be that the Council may wish to make such a by-law for the future control of hawkers and peddlers, and they could of course obtain a sample by-law on the subject from Mr. Morey.

You asked if the Department would send a legal representative to act in the matter for the Indians of your reserve and also the Kettle Point Reserve. I regret that this will not be possible as we have no funds provided by Parliament for the employment of counsel in such cases.

Yours sincerely,

Original Signed by
H. M. JONES

H. M. Jones,
Director.

CIF/MD

cc: Regional Supervisor
Indian Superintendent

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Indian Affairs Branch

NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

Records Service Division

Slip No. **2416**

Indian Affairs File No. **1/18-31-2**

Subject of File.....

MAIN FILE ON CHARGE TO *Leg. Adv.*

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OR BF	BY	DATE	FOR RECORDS USE
<i>Adm</i>	<i>19</i>	<i>65 715</i>	<i>14/1/55</i>				
<i>AdA</i>	<i>19</i>	<i>65 715</i>					

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001295

1800-1800
2-DIA
Sarnia Indian Reserve

November 11, 1955

To the Director

Department of Indian Affairs, Ottawa

Dear Sir:-

You will find herewith enclosed a copy of my dispute to the claim of the company named for the sum of \$124 ⁷⁷/₁₀₀.

This matter involves a number of Indians on this and Kettle Point Reservations, which, as you are aware, are covered in the same treaty, and also under the same Agency. My recollection as to the date fails me, but I am sure that the late John Nahmabin was the one who introduced a proposal for regulating the activities of hawkers, peddlers, saleris, etc. and that the Council of the Band recommended that such a bylaw be enacted sometime in the '30's.

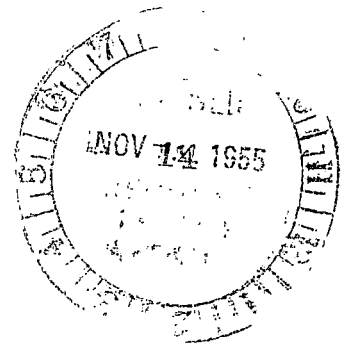
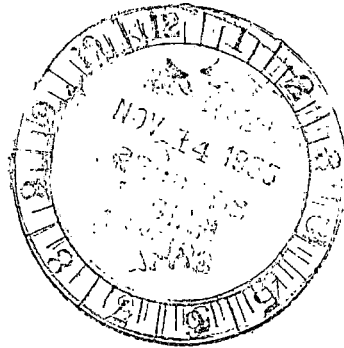
If that proves to be true, I feel justified in claiming that the agreements executed by the agent, Wainman, between myself and the other Indians involved are of none effect. Even if there be no bylaw, previous to this year, I am claiming that the agent was trespassing because, while he was present here in his capacity of agent for the Company negotiating agreements, he was using the Reserve for his own and for the Company's gain thereby contravening the purpose for which the Reserve was set aside by our ancestors.

At first glance, it might seem to make me guilty of ignoring the provisions of Section 88, sub-section (2).

Let me then explain that I am proceeding on the premise that, inasmuch as I am not liable to income taxes for earnings on the Reserve because it is deemed to be apart from Canadian

Leg. Adv.
31-10-55

001296



2.
it follows therefore, that the Court has no jurisdiction to compel me or the other Indians to be bound by the conditions in the agreements signed by us.

I note that sections 87 and 88 begin with these words "Subject to the terms of any treaty, etc." "Subject to this Act, etc."

Because of these words, I claim protection for myself and for the other Indians involved by the Government of Canada against exploitation of our Reserve by this company for their own gain.

I noted that when, Wainman, the agent, was here that he offered premiums to my wife for names of other Indians on this and other Reserves to whom they might offer their contracts.

I have therefore made it my business to ~~going~~ ask several of my neighbours outside of the Reserve if this agent had ever sought to do business with them and in every instance the answer was negative.

my credit standing with the Sarnia branch of the Royal Bank of Canada, Industrial Acceptance Corporation, Provincial Fire Co. Ltd. and Thorstone Home and Auto Supply will abundantly testify to my good credit rating and I know that the agreements that I signed with them is of full effect because they were executed on Canadian soil and I sought the contracts by my own voluntary will and if I failed to honor any of my obligations with them I would have no right to assert that I signed them as a minor.

Most of the agreements by Wainman, resulted from high-pressure tactics and I'm sure that they were signed against the better judgment of most of the Indians.

3.

J. B. Morey, acting Indian agent at Sarnia, has kindly indicated that he is willing to appear in Court for us with proof of no record of permission to any agent of K. and L. Specialty Ltd.

The action is slated to begin in the County Court House in the City of Sarnia on the 16th day of November 1955. and because, I claim contravention of our treaty, and of the jurisdiction of the Council to control the activities of outside salesmen, I ask that, if there appears to be justification, your department send a legal representative to ensure justice for the Indians of this and Kettle Point Reserve. I would ask that these people be compelled to remove their wares from every residence and molest the Indians no more by their high pressure salesmanship. We are quite capable of judging for ourselves what obligations we are able to honor.

yours Truly
Aylmer N. Plain.

P.S.

my notice of Trial was mailed to me and I received it after the Agency office was closed. This is Remembrance Day, otherwise I would have asked Mr. Morey to forward this communication.

A. P.

Sarnia Indian Reserve

November 17, 1955

To The Clerk

First Division Court of The County of Lambton
161 1/2 Lochiel St. Sarnia, Ontario

In accordance with the provisions of Court Summons #357, I hereby give notice that I desire to dispute the claim as set forth by the Plaintiff, on the following grounds:-

1. That, I am a ward of the government as defined in Section 40 of the Digest of Mercantile Laws, 1952, and thus rendered incapable of binding myself in a contract.

2. That, the agreement as executed by Mr. Wainman, agent for R. & L. Specialty Products Ltd. is invalid, because

First, according to Sarnia Band Council minutes, there is no existing record that he was ever granted permission to enter Sarnia Reserve, neither from the Sarnia Indian Agency.

Second, It was executed on soil which has never been surrendered to the Crown by the Chippewa Nation of Indians which reserved this territory to themselves by the Treaty of Amherstburg, 1827, for their own exclusive use and enjoyment for all time.

As recently as March, 1953, J. E. Morris, an official of the Department of Indian Affairs declared, when ordering a licensed surveyor off of the Reserve, "You are not on Canadian, but Indian soil, and you are subject to a fine of Fifty dollars for trespassing and if you return without expressed permission of the Band Council, I shall order your immediate arrest." In view of these facts, all the agreements signed on the Sarnia Indian Reserve are null and void.

3. My request for the cancellation of my order to Mr. Wainman was brushed aside by him a few days after his visit to our premises.

2.

also an offer to permit the Company to repossess has been ignored.
(I have ~~encl~~ carbon copy of my letter dated, Jan. 20th/54.)

They repossessed from Mr. Noah Joseph on Indian Rd. 8. on the
Sarnia Indian Reserve. If they considered themselves in the right,
they would have let all of the sets remain on the Reservation.

They have, by their discriminatory actions, justified my contention
that, :- ~~they~~ "There can be no claim."

signed:-

Aylmer N. Plain.

65715

1955 NOV 14 PM 12 16

ADMINISTRATION
BRANCH

83272



LEGAL DIVISION

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

DEC 2 PM 3 44

Ottawa, December 1, 1955.

[Handwritten signature]
MEMORANDUM TO THE DIRECTOR, INDIAN AFFAIRS BRANCH:

Attention: Mr. E. Acland

1/18-31-2

Re: Validity of conditional
sale contracts and re-
possession thereunder -

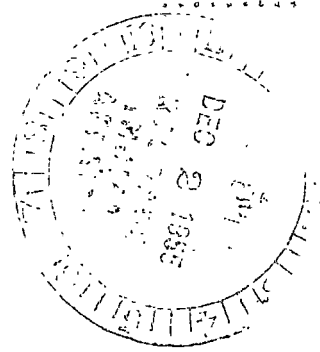
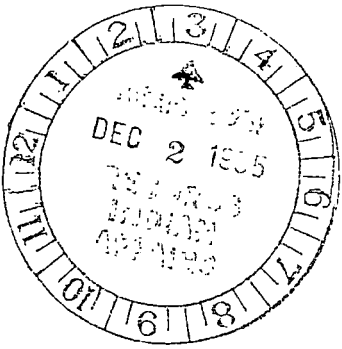
With reference to your memorandum of October 31st herein I have to advise that the validity of the conditional sale contract does not depend upon whether or not the seller trespassed on the Indian Reserve in completing the sale.

If the conditional sale contract is valid, then by virtue of subsection (2) of section 88 of the Indian Act the seller may exercise his rights under the agreement, that is to say, in the usual case he may enter the reserve to repossess the chattel upon default of the Indian purchaser, ~~as~~ this is the remedy for default provided under ~~the~~ conditional sale contract.

While it may be stated that the right to enter an Indian Reserve is inherent to the right to exercise the rights granted under a conditional sale agreement, in order to avoid any misunderstanding as to why a conditional sale vendor or his agents may legally enter a reserve, I would suggest that we request such vendor or his agents to give notice to the Indian Superintendent that the vendor or those acting on his behalf are going to enter the reserve, pursuant to the rights granted them under subsection (2) of section 88 of the Indian Act.

.....2

Regaler



10:10

- 2 -

I return herewith your departmental file.

A handwritten signature in cursive script, appearing to read "J. A. Gagnon". The signature is written in dark ink and is positioned above the typed name.

for Departmental Legal Adviser.

1/18-31-2
(Adm.1)

, October 31, 1955.

MEMORANDUM TO THE LEGAL ADVISER:

Please note hereunder on Branch file 1/18-31-2 correspondence between Mr. Michel Dubuc, Sheriff, Edmonton, and Regional Supervisor for Alberta with respect to repossession of goods from an Indian on an Indian reserve sold on conditional sale. According to the Sheriff the sale was made on the reserve by the seller without his obtaining the permission of the Indian Superintendent to enter the reserve for the purpose of selling on a term basis.

Would you please advise as to the reply that may be given to the Regional Supervisor for transmission to the Sheriff.

CIF/LB


Senior Administrative Officer.



FIELD SERVICE



1/18-31-2
PLEASE QUOTE FILE

205/18-1

RJ
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH


48723

628 Public Building,
CALGARY, Alberta,
October 24, 1955.

W.R.
Indian Affairs Branch,
OTTAWA.

Attn: Supt. Reserves & Trusts6

With reference to your letter of October 21, 1955, we are enclosing a copy of a letter received from the Sheriff's office in Edmonton dated March 9, 1955, and my letter dated March 11, 1955, regarding the legality of seizure on an Indian Reserve of goods sold to an Indian on a conditional sale agreement.


R. F. Battle,
Regional Supervisor of Indian Agencies.

CRL/r

205/18-1
Your: 1818 - H

628 Public Building,
CALGARY, Alberta,
March 11, 1955.

Michel Dubuc, Esq.,
Sheriff,
Court House,
Edmonton, Alberta.

Dear Sir:

I am in receipt of your letter of March 9th in regard to right of your Bailiff to enter a reserve to effect seizure of an article sold on a Conditional Sale Contract where the vendor had entered the Reserve without permission in completing the sale.

The question has been referred to our Legal Branch in Ottawa for their ruling and as soon as I have their reply, I will advise you.

Yours very truly,

R. F. Battle,
Regional Supervisor of Indian Agencies.

EAR/kh

1818 - H

SHERIFF'S OFFICE
Court House
Edmonton, Alberta,
March 9, 1955

R. F. Battle,
Regional Supervisor of Indian Agencies,
620 Public Building,
Calgary, Alberta

Dear Sir:

In order to clarify the rights of a vendor under a Conditional Sale Contract please advise if it is in order for me to have my Bailiff enter into an Indian Reserve for the purpose of effecting seizure and removal.

Section 88 (2) of the Indian Act appears quite clear and explicit, however, the question has been raised as to whether repossession action is in order where the vendor or his agent has made the sale on the reserve without first obtaining the permission of the Indian Agent to enter into the Reserve for the purpose of selling on a term basis.

Yours truly,

MICHEL DUBUC
SHERIFF

Copy to Supt. Reserves & Trusts.

R. F. Battle, Per
Regional Supervisor of Indian Agencies. E. H. FORD

1/18-31-2 (RT)

Your 205/18-1

October 21, 1955

R. F. Battle, Esq.,
Regional Supervisor of Indian Agencies,
628 Public Building,
Calgary, Alberta.

Referring to your letter of October 14, 1955, with enclosed copy of one written to the Sheriff's Office at Edmonton on the same day, our Records Division have not been able to locate your letter of March 11th and we do not know its subject matter. Will you please furnish a copy of your earlier letter and any other information necessary to determine what it is all about.

R

W. C. Bethune,
Acting Superintendent,
Reserves and Trusts.

FIELD SERVICE



CANADA

PLEASE QUOTE FILE

205/18-1

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH

628 Public Building,
Calgary, Alberta,
October 14, 1955.

Indian Affairs Branch,
Ottawa.

Attention: Supt. Reserves & Trusts

Re: Our file 205/18-1, d/Mar11/55

With reference to the attached copy of our letter to the Sheriff at Edmonton, Alberta, we have not yet received a reply to our letter of March 11th regarding the legality of seizure on an Indian Reserve of goods sold to an Indian on a conditional sale agreement.

Will you please advise of your ruling in this connection.

East Robertson
for R. F. Battle,
Regional Supervisor of Indian Agencies.

HM/eb
enc.

*No record
of letter referred
to.
AS.*

Your file: 205/18-1
1818-H

628 Public Building,
Calgary, Alberta,
October 14, 1955.

Michel Dubuc, Esq.,
Sheriff's Office,
Court House,
EDMONTON, Alta.

Re: Aluminum Goods Limited vs.
Frank Sound

Dear Sir:

In reply to your letter of October 13th, I regret to inform you that we have had no reply to our letter of March 11th 1955 regarding the above noted case.

We are writing them again today and thank you for bringing this to our attention.

Yours truly,

R. F. Battle,
Regional Supervisor of Indian Agencies.

HM/eb

copy: Supt. Reserves & Trusts.

1/18-31-2
(Adm.1)

Your 208/18-31

, February 17, 1955.

J. H. Gordon, Esq.,
Acting Indian Commissioner for B.C.,
P.O. Box 70,
Vancouver 2, B.C.

This is with reference to your 208/18-31 of January 27 and previous correspondence concerning application of the Customs and Excise Tax to products manufactured by Indians on a reserve and sold to stores.

It is noted that Superintendent Garrard intends to discuss the consignment method of disposing of the products of the Indians concerned. If this method is followed, no difficulty arises. If the Indians do not wish to adopt the consignment method, then about the only further step that could be taken is to find out whether the exemption section in the Excise Tax Act might apply to these Indians. I understand that the official of the Department of National Revenue with whom the matter was discussed is most sympathetic to the problem of these Indians and will do everything possible to assist them.

297
CIF/KD


Sr. Administrative Officer.

ADMINISTRATION

BRANCH

15909



CANADA

1/18-31-2

LEGAL DIVISION

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

1955 FEB 11 AM 11 32

OTTAWA, February 10, 1955.

Adm

MEMORANDUM TO THE DIRECTOR, INDIAN AFFAIRS:

Attention: Mr. Fairholm

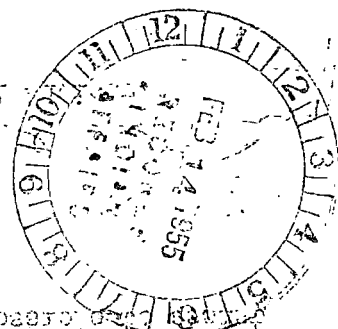
Re: Customs and Excise Tax.

I wish to acknowledge receipt of your memorandum of the 1st instant, copy of which is immediately hereunder on file 1/18-31-2, in connection with the above and note that the Indian Commissioner intends to take up further the consignment method of disposing of the products of Indians concerned.

If this is done no difficulty arises. If the Indians do not wish to adopt the consignment method then a letter signed by the Deputy Minister will have to go forward to the Deputy Minister of National Revenue, Attention: Mr. M.J. Gorman, Director of the Excise Tax Administration Branch, of that Department. He is fully conversant with the matter and has expressed himself to me as being of the opinion that possibly the exemption section in the Excise Tax Act might apply to these Indians. It is noted that the volume of sales in these cases do not exceed in any year \$800, whereas the exemption is up to \$3,000 where the sales are made on consignment. This is the difficult hurdle to get over as the title to the goods apparently is transferred to the stores upon sale to them.

Mr. Gorman, the Director of the Excise Tax Administration Branch, Department of National Revenue, is most sympathetic to the problem of these Indians and will do everything possible to assist the Indians herein.

Deputy
Legal Adviser.



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[illegible]

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PROPOSED: 3' 5' 10' 10'

172 11/22/52

DATE: 11-25-74

1/18-31-2
(Adm.1)

, February 1, 1955.

MEMORANDUM TO LEGAL ADVISER

Please note hereunder on Branch file 1/18-3-2 correspondence from the Indian Commissioner for B.C. and the Superintendent of the West Coast Agency regarding the application of the Customs and Excise Tax to products manufactured by Indians on an Indian reserve.

The Superintendent of the West Coast Agency has provided information on the questions listed in your memorandum of December 30, 1954, and it is being referred to you in case it is sufficient for the purpose of discussing the matter with Mr. M.J. Gorman, Director of the Excise Tax Administration Branch, Department of National Revenue. You will note, however, that the Indian Commissioner intends to take up further the assignment method of disposing of the products of the Indians concerned.


Senior Administrative Officer.

CIF/EB

cc. Supt. Garrard.

INDIAN COMMISSIONER
BRITISH COLUMBIA



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH

1955 JAN 27 AM 9:28

P.O. BOX 70,
VANCOUVER, B.C.

January 27, 1955.

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

00308

IN YOUR REPLY REFER TO

No. 208/18-31.
ALSO TO DATE OF THIS LETTER

Adm

Indian Affairs Branch,
Department of Citizenship & Immigration,
Ottawa, Ontario.

Re: Customs and Excise Tax.

As requested in Mr. Ackland's letter of January 3, information has been secured with regard to the annual sales volume of Seshah Reserve Indians engaged in handicraft production, and Mr. Garrard's letter of January 24 in this connection is enclosed.

I am asking Mr. Garrard to report further after he has discussed with the Indians concerned the possibility of sales being dealt with on a consignment basis.

W.S. Arneil

W.S. Arneil,
Indian Commissioner for B. C.

-JT
Enc.

Adm

001317

FIELD SERVICE



PLEASE QUOTE FILE
159/18-31
your 208/18-31

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

West Coast Agency,
114, 4th. Ave. S.,
Port Alberni, B.C.

January 24th. 1955

W.S. Arneil, Esq.,
Indian Commissioner for B.C.,
Box 70,
Vancouver, B.C.

Re: Excise Tax Act.

Reference is made to your letter of January 6th and to the Departments letter to you dated January 3rd. their file 1/18-31-2, (Adm.1) in regard to the above.

The individuals concerned have been approached in regard to their sales and their method of sales and they report as follows;

Question 1. Yearly volume of sales?

Wilson Williams.	\$700. to \$800.	}
Leslie Williams.	\$200. more or less.	
George Thompson.	\$200. more or less.	

Question 2. Method of sales?

All three report that their goods are sold outright to the stores, not on a consignment basis.

The sums mentioned are what the person figures he made last year only. The consignment method of sales has been brought to their attention.

N.W. Garrard
N.W. Garrard,
Superintendent,
Indian Agency.

jcj.

001318



1/18-31-2
(Adm.1)

, January 3, 1955.

W. S. Arneil, Esq.,
Indian Commissioner,
P.O. Box 70,
Vancouver 2, B.C.

This will acknowledge your 208/18-31 of December 22, forwarding letter from the Superintendent, West Coast Indian Agency, regarding the application of the customs and excise tax in the cases cited.

The matter was referred to the Legal Adviser, and his reply is quoted in part as follows:

"Superintendent Garrard in his letter to Mr. Arneil of the 17th idem advises that two of the local Indians at Sheshaht Indian Reserve No. 2 have received 'Application for License by a Manufacturer or Producer - under section 95 of the Special War Revenue Act.' Mr. Garrard points out that by taking out the license it would make these Indians liable for the collection of a ten per cent Excise Tax on the sale of their goods and a monthly return of such. The section of the Special War Revenue Act referred to by the Superintendent now appears as section 34 of the Excise Tax Act, being Chapter 100, R.S.C., 1952. This section reads as follows:

"34. (1) Every manufacturer or producer shall take out an annual licence, for the purpose of this Part, and the Minister may prescribe a fee therefor, not exceeding two dollars.

(2) The Minister may nevertheless direct that any class of small manufacturer or producer selling his product exclusively by retail shall be exempt from payment of consumption or sales tax on goods manufactured or produced by him and persons so exempted shall not be given a licence.

2.

(3) Such exemption may be withdrawn by the Minister. R.S., c.179, s. 95; 1932-33, c. 50, s. 19.

"If these Indians sell their products outright to the stores and do not retain ownership then they are subject to the provisions of said section 34 and are required to take out the annual license.

"I have discussed this question with Mr. M. J. Gorman, Director of the Excise Tax Administration Branch, Department of National Revenue, and have explained the situation fully to him. He is most sympathetic and is prepared to give every assistance in order that the provisions of section 34 be not applied to the cases cited. He has asked me to obtain the following information:

- "1. What is the volume per year of the sales by the individual Indians during a normal calendar year? and
- "2. Do the Indians retain ownership up until the time such articles are sold?

"If the Indians ship to the stores on a consignment basis, that is, that they retain ownership until the articles are sold, then section 34 of the Excise Act has no application. It is suggested that if it is at all possible the Indians should retain ownership in the articles until they are sold and this will solve the difficulty.

"You might ask Mr. Arneil if this is a practical suggestion. I would like to have Mr. Arneil's views on question one as well. When this information has been received then I will again take this matter up with Mr. Gorman."

May we please have the information requested by the Legal Adviser.


CIF/MD


Sr. Administrative Officer.

ADMINISTRATION
BRANCH

07626



CANADA

LEGAL DIVISION

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

1955 JAN 3 AM 9:33

INDIAN AFFAIRS

OTTAWA, December 30, 1954.

MEMORANDUM TO THE DIRECTOR, INDIAN AFFAIRS:

Attention: Mr. Acland

Re: Customs and Excise Tax

Please see copy of your memorandum of the 29th instant immediately hereunder on file 1/18-31-2, drawing to my attention correspondence from the Indian Commissioner for British Columbia and the Superintendent of the West Coast Agency with respect to the application of the Customs and Excise Tax to products manufactured by an Indian on an Indian reserve from raw material secured on the reserve, which manufactured articles are sold through store outlets in Victoria and Vancouver.

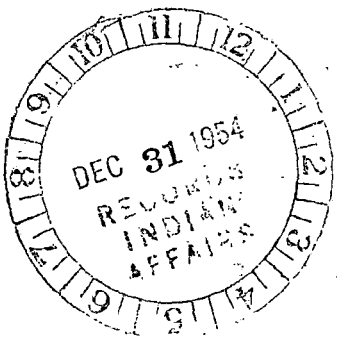
Superintendent Garrard in his letter to Mr. Arneil of the 17th idem advises that two of the local Indians at Sheshaht Indian Reserve No. 2 have received "Application for License by a Manufacturer or Producer - under section 95 of the Special War Revenue Act." Mr. Garrard points out that by taking out the license it would make these Indians liable for the collection of a ten percent Excise Tax on the sale of their goods and a monthly return of such. The section of the Special War Revenue Act referred to by the Superintendent now appears as section 34 of the Excise Tax Act, being Chapter 100, R.S.C., 1952. This section reads as follows:

" 34. (1) Every manufacturer or producer shall take out an annual licence, for the purpose of this Part, and the Minister may prescribe a fee therefor, not exceeding two dollars.

(2) The Minister may nevertheless direct that any class of small manufacturer or producer selling his product exclusively by retail shall be exempt from payment of consumption or sales tax on goods manufactured or produced by him and persons so exempted shall not be given a licence.

(3) Such exemption may be withdrawn by the Minister. R.S., c. 179, s. 95; 1932-33, c. 50, s. 19. "

001322



[Handwritten signature]

- 2 -

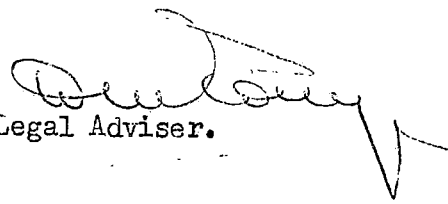
If these Indians sell their products outright to the stores and do not retain ownership then they are subject to the provisions of said section 34 and are required to take out the annual license.

I have discussed this question with Mr. M.J. Gorman, K. 2617
Director of the Excise Tax Administration Branch, Department of National Revenue, and have explained the situation fully to him. He is most sympathetic and is prepared to give every assistance in order that the provisions of section 34 be not applied to the cases cited. He has asked me to obtain the following information:

1. What is the volume per year of the sales by the individual Indians during a normal calendar year? and
2. Do the Indians retain ownership up until the time such articles are sold?

If the Indians ship to the stores on a consignment basis, that is, that they retain ownership until the articles are sold, then section 34 of the Excise Act has no application. It is suggested that if it is at all possible the Indians should retain ownership in the articles until they are sold and this will solve the difficulty.

You might ask Mr. Arneil if this is a practical suggestion. I would like to have Mr. Arneil's views on question one as well. When this information has been received then I will again take this matter up with Mr. Gorman.


Legal Adviser.

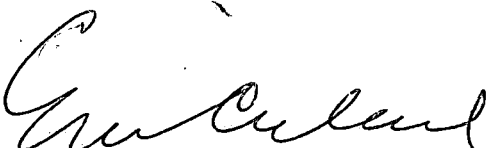
1/18-31-2
(Adm.1)

,December 29, 1954.

MEMORANDUM TO THE LEGAL ADVISER

Please note hereunder on Branch file 1/18-31-2 correspondence from the Indian Commissioner for B.C. and the Superintendent of the West Coast Agency as to the application of the Customs and Excise Tax to products manufactured by an Indian on an Indian reserve from raw materials secured on the reserve.

Your advice on the question asked by the Indian Commissioner would be appreciated.



Sr. Administrative Officer.


CIF/FL

INDIAN COMMISSIONER
BRITISH COLUMBIA



015431

118-31-2
IN YOUR REPLY REFER TO

No. 208/18-31.
ALSO TO DATE OF THIS LETTER

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH
1954 DEC 24 AM 8:32

Adm's
INDIAN AFFAIRS P.O. BOX 70,
VANCOUVER, B.C.

December 22, 1954.

Indian Affairs Branch,
Department of Citizenship & Immigration,
Ottawa, Ontario.

Re: Federal Customs and Excise Tax.

With reference to Superintendent Garrard's letter of December 17th attached, may I please have a ruling with regard to the application of the above-mentioned tax to manufactured products produced on a reserve from raw materials secured on the reserve.

W.S. Arneil,
Indian Commissioner for B.C.

-JT
Enc.

FIELD SERVICE



PLEASE QUOTE FILE

159/18-21

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

West Coast Agency,
114- 4th Ave. South,
Port Alberni, B.C.

December 17, 1954.

W. S. Arneil, Esq.,
Indian Commissioner for B.C.,
Box 70,
Vancouver, B.C.

Re: Custom and Excise Tax

Two of the local Indians at Sheshaht Indian Reserve No. 2 (Port Alberni) have received "Application for License by a Manufacturer or Producer- under section 95 of the Special War Revenue Act" which would make them liable for the collection of a 10% Government Excise Tax on the sale of their goods and a monthly return of such.

One is Wilson WILLIAMS, Nitinaht Band, partially crippled, whose only means of earning is the carving of "Totem Poles" all sizes. These he sells to various stores in Victoria and Vancouver. The other, Leslie WILLIAMS, Sheshaht Band, also does "Totem Pole" carving, but only as part-time work during winter months. These he sells to stores in Victoria and Vancouver.

Would they not be exempt from the purchase of this license and the responsibility of collecting tax, which would necessitate the keeping of records and the filing of regular monthly returns, on the basis that all work is done on an Indian Reserve? It is doubted very much if any of the "pole" material is purchased outside, being taken mostly from the wood upon the reserve or beach-combed in the Alberni Inlet.

It does not appear that they themselves would be taxed directly, but a 10% tax on their goods would increase the selling price and making them responsible and liable for the "proper" return of such tax.

This came to attention on a Custom's Audit of the books of stores who handle "home hand craft". These names came up as suppliers of these goods, who had no license to manufacture and who did not collect the excise tax. Indications are that the applications for license were originated from the Nanaimo Branch

001327

....2.

Collector of Customs and Excise.

It is considered the foregoing would parallel
the income tax situation of canneries and logging upon a Reserve.

Your advice would be appreciated.



N. W. Garrard

N. W. Garrard,
Superintendent,
Indian Agency.

jcj/rmh

ADMINISTRATION
BRANCH



CANADA

LEGAL DIVISION

LAC:PB

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Ottawa, September 27th, 1954.

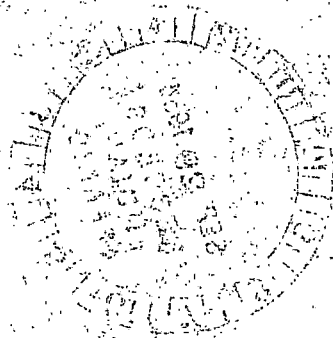
MEMORANDUM FOR THE DIRECTOR, INDIAN AFFAIRS:

Re: Louis Francis v. The Queen.

Mr. Justice Cartwright today granted leave to the Suppliant, Louis Francis, to appeal to the Supreme Court of Canada in this matter. Costs are in the cause.

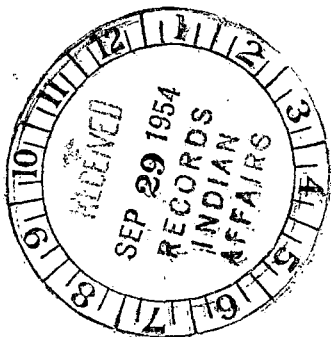
I understand that the Suppliant does not intend to attempt to bring the matter on for hearing at the current sittings and, therefore, I do not expect that it can be heard before the early part of 1955.

Departmental Legal Adviser.



08649

SEP 29 PM 2:22



Records
No. 12

EXTRA

Vol. LXXXVII
11/18-31-2



THE CANADA GAZETTE

PART II

STATUTORY ORDERS AND REGULATIONS

OTTAWA, THURSDAY, NOVEMBER 26, 1953

SOR/53-488

**Export and Import Permits Act—amendments to lists of goods
to which section five applies**

P.C. 1953-1844

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of November, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the Export and Import Permits Act, is pleased to amend the lists of goods established by Order in Council P.C. 1953-1213 of 5th August, 1953, as amended, as the lists of goods to which section five of the Export and Import Permits Act shall apply and for which export permits are required, and the said lists of goods are hereby further amended in accordance with the Schedule of amendments hereto.

A. M. HILL,
Assistant Clerk of the Privy Council.

83175

001331

— 2 —

Schedule of Amendments

Schedules 1 and 2 to Order in Council P.C. 1953-1213, dated August 5, 1953, are hereby amended as follows:

1. By revoking Group 5 of the said Schedule 1 and by substituting therefor the following new Group 5:

GROUP 5—Iron and Steel (including Alloy Steel) and Their Products

Primary products as follows:

Castings; forgings.

Ingots.

Subject, however, to the following exceptions:

Iron bars.

Carbon steel ingots.

Rolling mill products of all kinds, including bands, bars, hoops, piling, pipes and tubes, plates coated or uncoated, rails, rods, sheets coated or uncoated, steel alloys including stainless steel, strips, structural steel products including those fabricated, tie plates, track material and tin plate; *subject, however, to the following exceptions:*

Skelp, wrought iron.

Skelp, carbon steel.

Wrought iron pipe, welded, black.

Wrought iron pipe, welded, galvanized.

Iron pipe fittings (other than cast iron pressure pipe fittings and malleable iron screwed pipe fittings).

Carbon steel billets (other than projectile and shell steel); blooms; slabs; sheet bars and tin-plate bars; wire rods.

Hot and cold finished bars and carbon steel die steel bars and other carbon steel bars including carbon steel tool steel bars and carbon steel hollow drill steel bars; carbon steel pipe fittings; carbon steel perforated sheets; carbon steel structural shapes, not fabricated.

Hot and cold-rolled carbon steel sheets including black iron sheets; galvanized sheets and corrugated and formed sheets; tin mill black plate; short terne plate; terne plate decorated and embossed, lithographed, lacquered or otherwise advanced.

Steel punchings (other than electrical steel).

Iron and steel shot (chilled).

Flexible steel tubing (other than electrical); tubular steel scaffolding equipment; all concrete reinforcing bars whether they are plain, deformed, round or square, whether they are rolled from new billet steel, rail steel or axle steel and whether they are in coils or cut to lengths.

Steel sheets coated (all steel grades).

Steel sheets for enameling (all steel grades).

Railway tie plates; track spikes, bolts, nuts or washers; railway trackwork; track accessories (other than wire rail bonds); sheet piling (all steel grades); steel towers and poles fabricated; other structural steel shapes fabricated; penstock (for conducting water) fabricated from rolled steel plate; culverts and sections corrugated or plain; iron and steel prefabricated buildings; tool bit blanks not ground.

— 3 —

Scrap iron and scrap steel of all kinds, including water craft, vehicles, engines and other things containing iron or steel and sold for scrapping or unsaleable except as scrap.

Manufactured products as follows:

Precision instruments, being gauges, balancing machines, measuring machines or testing machines as used for laboratory or scientific purposes; atomic energy equipment and components; radiation detection equipment and components.

2. In Group 1 of Schedule 2, by revoking the word "Rice".

3. In Group 3 of Schedule 2, by revoking the words "Silk noils and waste".

4. By revoking Group 5 of the said Schedule 2 and by substituting therefor the following new Group 5:

GROUP 5—Iron and Steel (including Alloy Steel) and Their Products

Ferroalloys (other than ferrosilicon).

Machinery, transportation and communication equipment:

General purpose industrial machinery and equipment and parts therefor, including compressors and pumps (including dry vacuum pumps and vacuum diffusion pumps mercury and oil types), centrifuges with peripheral speed exceeding 1000'/sec., irrigation systems.

Construction, mining, excavating and related machinery including drill bits, conveyor systems and cranes.

Wire, wire rope and wire fencing, coated or uncoated, *subject, however, to the following exceptions:*

Chain link fence and other fencing and netting.

Iron and steel welded fabric and welded mesh.

Bag and bale ties.

Air conditioning and refrigerating equipment.

Engines and turbines and parts therefor including gas turbines, water wheels and water turbines, diesels and air motors.

Mechanical power transmission equipment and parts therefor including bearings, ball and roller bearings, bearing parts, needle bearings, speed reducers and clutches.

Metalworking machinery and parts therefor including machine tools, tools containing industrial diamonds, primary metal forming machinery, secondary metal forming machinery, hydraulic presses, mechanical presses, forging machinery, attachments and accessories for machine tools including cutting tools, spindles, clutches, grinding wheels, heat treatment furnaces, electroplating and anodizing equipment, metal heating furnaces and devices; *subject, however, to the following exceptions:*

Hacksaw blades, power.

Miscellaneous general purpose industrial equipment and parts therefor including moulding presses, extrusion presses, thermal driers, heat exchangers, valves and steam specialties, *subject, however, to the following exceptions:*

Electrical commercial cooking and food service equipment and specially fabricated parts.

Baking machines and specially fabricated parts.

Sugar-mill machines and specially fabricated parts.

— 4 —

Bottling, bottle-washing and bottle labelling machines and specially fabricated parts.

Meat and other food cutting, chopping and slicing power-driven machines and specially fabricated parts.

Cigarette and cigar-making and tobacco processing machines and specially fabricated parts.

Paper-converting machines and specially fabricated parts.

Commercial laundry and dry cleaning equipment (including power driven machines) and parts.

Soda fountain and bar equipment and specially fabricated parts.

Barber and beauty shop equipment and specially fabricated parts.

Coin-operated machines.

Special industries machinery and parts therefor including rubber-working machinery, glass making machinery, moulding machinery for plastics, industrial furnaces and foundry equipment, petroleum refining machinery and equipment, chemical manufacturing industries machinery, synthetic rubber manufacturing machinery, gas cylinders and other metal containers, including drums and tanks, bowls and pressure vessels and component parts; *subject, however, to the following exceptions:*

After treating equipment for filament rayon cake.

Steeping presses.

Xanthation units (floatation churns).

Testing and measuring machines and parts including optical and electromagnet positioners.

Electrical machinery and apparatus and parts therefor including generating sets (steam, diesel, gasoline or oil), primary and secondary electrical power transmission and distribution equipment, pole line hardware and insulators, electrical welding equipment, fractional H. P. motors.

Communication equipment and electronic devices and parts therefor including signalling and traffic control equipment, X-ray equipment, electrical and magnetic field detection apparatus, light and heat emission detection apparatus, electronic tubes, photo-electric cells, radio testing equipment and metering equipment.

Conveying and transport equipment and parts therefor including locomotives, railway rolling stock (including mine cars), tankers, whaling factories, ships, dredges and harbour craft, port operating equipment (including cranes and mechanical loading equipment), automobiles, buses, trucks, fork lift trucks and tractors.

Professional and scientific apparatus and parts therefor including X-ray film, microfilm, laboratory research and testing instruments and apparatus, dentists' diamond dental burrs.

No. S-13

EXTRA

Vol. LXXXVII



THE CANADA GAZETTE

PART II

STATUTORY ORDERS AND REGULATIONS

OTTAWA, THURSDAY, NOVEMBER 26, 1953

SOR/53-491

Export and Import Permits Act—General Permit No. Ex. 1

DEPARTMENT OF TRADE AND COMMERCE

GENERAL PERMIT No. Ex. 1

Notice is hereby given, pursuant to the Export and Import Permits Act, that:

1. General Permit No. Ex. 1, dated January 13, 1953, as amended, is hereby revoked.

2. Until further notice the following goods may be shipped under this permit to any country unless the ultimate destination is North Korea, Hong Kong, China, Macao, Manchuria, Mongolia, Sinkiang, Tibet, Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Russian occupied Zone only), Hungary, Latvia, Lithuania, Poland and Danzig, Rumania, Ukraine, Union of Soviet Socialist Republics:

Advertising matter.

Agricultural implements, agricultural machinery, agricultural tools, excluding tractors. Parts for the aforementioned.†

Aluminum fluoride.

Aluminum ores and concentrates.

Baby carriages and similar equipages.

Bag and bale ties, metal.

† Parts exclude ball and roller bearings.

Bolts, machine screws, nuts, rivets and washers.
Books, magazines and periodicals.
Business machines (including typewriters, adding machines, cash registers, bookkeeping machines, calculating machines, duplicating equipment). Parts for the aforementioned.†
Cadmium oxide.
Camelback.
Casein.
Castor oil.
Cigarette cases.
Clocks, watches and timepieces, and parts thereof.
Coal.
Compacts.
Copper sulfate or blue vitriol.
Corrugated roofing, shingles and lath.
Cotton, raw and linters, used and reclaimed linters.
Dry cell batteries for flashlights.
Electrical conduit.
Electrical lighting fixtures and fittings for household and office use.
Feather manufactures.
Fence—chain link and other fencing and netting.
Fence posts, iron and steel.
Ferrosilicon. Canadian manufacture only.
Hair—animal, including horse and cattle hair, excluding bristles.
Hand tools.
Household and personal effects.
Household equipment; and parts thereof.†
 Carpet sweepers.
 Domestic and automobile radio receivers, phonographs and record players, and recordings thereof.
 Electric razors, hair curlers.
 Floor polishers.
 Food choppers and mixers.
 Heaters.
 Irons, electric and sad.
 Kitchen utensils, pots and pans.
 Refrigerators and ice boxes.
 Sewing machines.
 Space heaters and oil burners.
 Stoves and ranges.
 Television receivers.
 Toasters.
 Waffle irons.
 Washing machines.
 Vacuum cleaners.
Iron and steel:
 Primary products:
 Iron bars.
 Iron ore.
 Carbon steel ingots.
 Pig iron.

† Parts exclude ball and roller bearings.

Rolling mill products:

Skelp, wrought iron.
Skelp, carbon steel.
Wrought iron pipe, welded, black.
Wrought iron pipe, welded, galvanized.
Iron pipe fittings (other than cast iron pressure pipe fittings and malleable iron screwed pipe fittings).
Carbon steel billets (other than projectile and shell steel); blooms; slabs; sheet bars and tin-plate bars; wire rod.
Hot and cold finished bars and carbon steel die steel bars and other carbon steel bars including carbon steel tool steel bars and carbon steel hollow drill steel bars; carbon steel pipe fittings; carbon steel perforated sheets; carbon steel structural shapes, not fabricated.
Hot and cold-rolled carbon steel sheets including black iron sheets; galvanized sheets and corrugated and formed sheets; tin mill black plate; short terne plate; terne plate decorated and embossed, lithographed, lacquered or otherwise advanced.
Steel punchings (other than electrical steel).
Iron and steel shot (chilled).
Flexible steel tubing (other than electrical); tubular steel scaffolding equipment; all concrete reinforcing bars whether plain, deformed, round or square, whether they are rolled from new billet steel, rail steel or axle steel and whether they are in coils or cut to lengths.
Steel sheets coated (all steel grades).
Steel sheets for enameling (all steel grades).
Railway tie plates; track spikes, bolts, nuts or washers; railway trackwork; track accessories (other than wire rail bonds); sheet piling (all steel grades); steel towers and poles fabricated; other structural steel shapes fabricated; penstock (for conducting water) fabricated from rolled steel plate; culverts and sections corrugated or plain; iron and steel prefabricated buildings; tool bit blanks not ground.
Iron and steel welded fabric and welded mesh.
Lamps and lanterns, and parts thereof, excluding incandescent mantles.
Leather and leather manufactures.
Lighter flints.
Lumber and manufactures of wood, excluding logs and pulpwood, and excluding woodpulp of United States origin.
Machinery and equipment:
 After treating equipment for filament rayon cake.
 Steeping presses.
 Xanthation units (flotation churns).
 Hacksaw blades, power.
Manganese semi-fabricated forms.
Musical instruments of all kinds, and parts thereof.
Nails and staples made from wire.

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Needles of Canadian manufacture only.

Newsprint.

Oils and fats and fatty acids not included in the List of Goods under Export Control.

Optical frames and lenses, finished and unfinished, excluding optical instrument glass and glass blanks, except synthetic crystals.

Paint sprayers and similar equipment.

Paints, resin emulsion paints, varnishes, enamels, lacquers, except luminous. Canadian manufacture only.

Paper and paper products. Canadian manufacture only.

Pine oil and pine tar.

Pocket lighters.

Potassium fluoride.

Rice.

Rubber footwear including rubber-soled canvas shoes.

Scales and weighing devices, other than scientific.

Sodium fluoride.

Surgical and dental instruments and appliances; hearing aids.

Tires and tubes, passenger automobile only.

Titanium oxide and titanium pigments.

Tobacco of all kinds.

Tricycles, children's wagons, scooters and velocipedes. Parts for the aforementioned.

Tung oil.

Wattle bark extracts.

3. Until further notice, the following goods may be shipped under this permit to any country except Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Russian occupied Zone only), Hungary, Latvia, Lithuania, Poland and Danzig, Rumania, Ukraine, Union of Soviet Socialist Republics, North Korea, China, Macao, Manchuria, Mongolia, Sinkiang or Tibet:

(a) Aromatic compounds and chemicals for perfumery use.

Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems, or parts thereof.

Beads and bead articles.

Bicycles, parts and accessories.†

Brooms and brushes.

Buttons and fasteners of all kinds, including zippers and parts.

Candles, except pyrotechnic.

Cascara bark.

Cementing preparations, except liquid rubber compounds.

China, crockery and pottery.

Clays, except fire clay; structural clay products, except refractories.

Clocks—1 day alarm; watches without jewels, complete; watch movements without jewels.

† Parts exclude ball and roller bearings.

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Concrete and cement manufactures.

Cooking and kitchen utensils, appliances and tools, hand operated.

Cork and manufactures.

Crude herbs, leaves and roots, except cinchona bark.

Cutlery and flatwear.

Dolls and toys.

Elastic webbing, woven, knit or braided.

Foodstuffs other than those included in the List of Goods under Export Control, or controlled by the Canadian Wheat Board.

Fur, fur skins and manufactures.

Ginseng.

Glass and manufactures thereof, excluding glass tubing and optical instrument glass and glass blanks, except synthetic crystals.

Glue of animal origin.

Gypsum and manufactures.

Hardware—locks, hinges and butts; metal sash, sections and frames, door and window.

Hay.

Hemp and unmanufactured vegetable fibres, other than those included in the List of Goods under Export Control.

Jewellery and other personal ornaments, all materials except gold, platinum, and platinum allied metals.

Leather:

Patent upper leather; reptilian and aquatic leather for all purposes.

Leather manufactures:

Women's and children's boots, shoes and other footwear with leather uppers; handbags, pocket books and purses.

Cardcases, change purses, wallets, and similar articles.

Linoleum and felt-base floor coverings.

Livestock.

Machinery and equipment:

Baking machines, and specially fabricated parts.†

Barber and beauty shop equipment, and specially fabricated parts.†

Bottling, bottle-washing, and bottle labelling machines, and specially fabricated parts.†

Cigarette and cigar-making, and tobacco processing machines, and specially fabricated parts.†

Coin-operated machines.

Commercial laundry and dry cleaning equipment (including power driven machines) and parts.†

Electric commercial cooking and food service equipment and specially fabricated parts.†

Farm wagons, drays, and trailers; specially fabricated parts.†

Meat and other food cutting, chopping and slicing, power driven machines, and specially fabricated parts.†

Paper-converting machines, and specially fabricated parts.†

Soda fountain and bar equipment, and specially fabricated parts.†

Sugar-mill machines, and specially fabricated parts.†

† Parts exclude ball and roller bearings.

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Marble and other building and monumental stone, rough or dressed; manufactures of stone.
Matches.
Mattresses, cotton, kapok, moss and hair.
Metal furniture, fixtures and equipment, household and office.
Specially fabricated parts.
Metal signs, except electric.
Musical instruments, and specially fabricated parts and accessories, except electric and electronic organs.
Nursery and floral stock.
Oilcloth for shelf, table and wall.
Office supplies, including pencils (including mechanical); leads and crayons; ball type pens; fountain pens; ink cartridges; pen points, carbon steel; desk sets; ink.
Paintings and objets d'art.
Paper and paper products—Canadian manufacture only:
Writing and cover paper.
Converted paper and board products:
Specialty bags; table napkins; toilet tissues; wallpaper, printed.
Plastic manufactures:
Combs, bags, barrettes, hair notions, tumblers; bowls, trays, plates, cups, saucers and similar household and personal articles.
Plumbing fixtures and fittings, Canadian manufacture only.
Polishes: stove, shoe, automobile.
Rattan, reed, cane, bamboo and osier, raw or semi-manufactured.
Religious items and objects.
Rockwool, glass wool and other semi-rigid and "fill" mineral insulating materials.
Rubber tiling and roofing.
Safes; vault doors, vault interior equipment and specially fabricated parts.
Scales—household.
Seeds—vegetable, field and flower, of Canadian origin only, excluding wheat, oats and barley.
Shoe findings.
Smokers' articles and specially fabricated parts.
Soap and detergent compositions; specialty cleaning and washing compounds, except rifle cleaning compounds.
Sponges, except rubber.
Sporting goods.
Textiles—Canadian manufacture only:
Clothing and wearing apparel, new and used, except military.
Cotton manufactures.
Silk manufactures.
Wastes and rags.
Wool and manufactures thereof.
Yard goods, excluding nylon, parachute, airplane and balloon cloths, and cord-tire fabric.

† Parts exclude ball and roller bearings.

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Toilet articles, preparations and cosmetics, including mouth washes, gargles and personal antiseptics.
Umbrellas and parasols, and specially fabricated parts.
Venetian blinds.
Wood manufactures:
Veneers; softwood plywood, interior type; shingles, millwork; furniture and specially fabricated parts, including rattan, reed, cane, willow, grass or fibre; shoe lasts; handles (including pulls, knobs, helms, hafts, grips and backs); pencil slats; used or salvaged building and construction materials of wood, except fuel wood; woodenware (kitchen and household).
Water thinned paints (all types); artists' colours.
Wines and alcoholic beverages.
(b) A shipment by common carrier to any one consignee having a value of \$10.00 or less; but this permission does not apply to any shipment to a consignee broken up into packages the aggregate value of which exceeds \$10.00.
(c) Casual gifts shipped not more than once a month by common carrier to a consignee for his personal use, having a value not exceeding \$100.
4. Until further notice, the following goods may be shipped under this permit to any country:
(a) The following shipments for repair or return or on shuttle service:
(i) articles for repair, adjustment or test, if they qualify for export under current Customs export entry form E-23;
(ii) articles returned for replacement on the ground that these articles were received in a defective condition or not according to order, if they qualify for export under Customs export entry form E-15;
(iii) containers on a shuttle service, which are to be returned to Canada within six months from the date of export, if complying in every other respect with the regulations of the Department of National Revenue (Customs Division) as set forth in its Memorandum Series D. No. 49, T.M.R., No. 1, Second Revision, of September 5, 1946;
(iv) articles exported temporarily for photographing or display purposes and which are to be returned to Canada, if complying fully in every respect with the regulations of the Department of National Revenue (Customs Division), contained in a Memorandum Series D. No. 49, T.M.R., No. 1, Second Revision, of September 5, 1946.
(b) The following shipments to Government Offices:
Goods consigned to Embassies, Legations, High Commissioners, Trade Commissioners, or Consular Offices of Canada or of the United Kingdom.
B-13 Customs entry forms for such goods are to be endorsed, "Shipped under General Permit No. Ex. 1 consigned to....."
(State name and address of consignee).

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(c) The following purchases by non-resident tourists:

Casual purchases of goods listed in Schedules I and II of Order in Council P.C. 1953-1213 of August 5, 1953, as amended, by non-resident tourists up to a value of \$400, and consisting of goods normally carried in the tourist's baggage or passenger automobile, provided that this permit shall not apply to strategic materials, not normally purchased by tourists, specified in instructions by the Export and Import Permit Division to Customs Officers.

If the purchases are by United States tourists and are forwarded to the United States by freight or express, or by any mode of transportation other than with the departing tourist, a Customs export entry Form B-13 must be endorsed "*Bona fide* tourist purchase", and be accompanied by a United States Customs Declaration Form 6059 or Form 3340 properly endorsed, in order that the goods may be allowed to proceed without an export permit.

(d) The following personal or settler's effects when taken or shipped by an individual on change of domicile, solely for the use of himself or of his immediate family and not for resale:

- (i) household articles;
- (ii) personal effects;
- (iii) articles of business equipment, instruments, tools of trade or machinery which have been used by him in his occupation or employment, which are his personal property and which will continue to be used by him in his occupation or employment.
- (iv) passenger automobile, being the personal property of the individual making the change of domicile.

(e) The following ship and aircraft stores:

Normal supplies exported from Canada of items listed in Schedules I and II of Order in Council P.C. 1953-1213 of August 5, 1953, as amended, as ship or aircraft stores, except bunkering for voyages destined to Mainland China or North Korea or the territorial waters of those countries.

This permit does not apply to Precision Instruments or Radioactive substances.

5. All customs export entry Forms B-13 for goods exported under this permit shall be endorsed "Shipped under the authority of General Permit No. Ex. 1".

Dated at Ottawa, November 26, 1953.

T. G. HILLS,

*Chief, Export and Import Permit Division
for Minister of Trade and Commerce.*

No. S-13

EXTRA

Vol. LXXXVII



THE CANADA GAZETTE

PART II

STATUTORY ORDERS AND REGULATIONS

OTTAWA, THURSDAY, NOVEMBER 26, 1953

SOR/53-491

Export and Import Permits Act—General Permit No. Ex. 1

DEPARTMENT OF TRADE AND COMMERCE

GENERAL PERMIT No. Ex. 1

Notice is hereby given, pursuant to the Export and Import Permits Act, that:

1. General Permit No. Ex. 1, dated January 13, 1953, as amended, is hereby revoked.

2. Until further notice the following goods may be shipped under this permit to any country unless the ultimate destination is North Korea, Hong Kong, China, Macao, Manchuria, Mongolia, Sinkiang, Tibet, Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Russian occupied Zone only), Hungary, Latvia, Lithuania, Poland and Danzig, Rumania, Ukraine, Union of Soviet Socialist Republics:

Advertising matter.

Agricultural implements, agricultural machinery, agricultural tools, excluding tractors. Parts for the aforementioned.†

Aluminum fluoride.

Aluminum ores and concentrates.

Baby carriages and similar equipages.

Bag and bale ties, metal.

† Parts exclude ball and roller bearings.

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Bolts, machine screws, nuts, rivets and washers.
 Books, magazines and periodicals.
 Business machines (including typewriters, adding machines, cash registers, bookkeeping machines, calculating machines, duplicating equipment). Parts for the aforementioned.†
 Cadmium oxide.
 Camelback.
 Casein.
 Castor oil.
 Cigarette cases.
 Clocks, watches and timepieces, and parts thereof.
 Coal.
 Compacts.
 Copper sulfate or blue vitriol.
 Corrugated roofing, shingles and lath.
 Cotton, raw and linters, used and reclaimed linters.
 Dry cell batteries for flashlights.
 Electrical conduit.
 Electrical lighting fixtures and fittings for household and office use.
 Feather manufactures.
 Fence—chain link and other fencing and netting.
 Fence posts, iron and steel.
 Ferrosilicon. Canadian manufacture only.
 Hair—animal, including horse and cattle hair, excluding bristles.
 Hand tools.
 Household and personal effects.
 Household equipment; and parts thereof.†
 Carpet sweepers.
 Domestic and automobile radio receivers, phonographs and record players, and recordings thereof.
 Electric razors, hair curlers.
 Floor polishers.
 Food choppers and mixers.
 Heaters.
 Irons, electric and sad.
 Kitchen utensils, pots and pans.
 Refrigerators and ice boxes.
 Sewing machines.
 Space heaters and oil burners.
 Stoves and ranges.
 Television receivers.
 Toasters.
 Waffle irons.
 Washing machines.
 Vacuum cleaners.
 Iron and steel:
 Primary products:
 Iron bars.
 Iron ore.
 Carbon steel ingots.
 Pig iron.

† Parts exclude ball and roller bearings.

— 3 —

Rolling mill products:

Skelp, wrought iron.
 Skelp, carbon steel.
 Wrought iron pipe, welded, black.
 Wrought iron pipe, welded, galvanized.
 Iron pipe fittings (other than cast iron pressure pipe fittings and malleable iron screwed pipe fittings).
 Carbon steel billets (other than projectile and shell steel); blooms; slabs; sheet bars and tin-plate bars; wire rod.
 Hot and cold finished bars and carbon steel die steel bars and other carbon steel bars including carbon steel tool steel bars and carbon steel hollow drill steel bars; carbon steel pipe fittings; carbon steel perforated sheets; carbon steel structural shapes, not fabricated.
 Hot and cold-rolled carbon steel sheets including black iron sheets; galvanized sheets and corrugated and formed sheets; tin mill black plate; short terne plate; terne plate decorated and embossed, lithographed, lacquered or otherwise advanced.
 Steel punchings (other than electrical steel).
 Iron and steel shot (chilled).
 Flexible steel tubing (other than electrical); tubular steel scaffolding equipment; all concrete reinforcing bars whether plain, deformed, round or square, whether they are rolled from new billet steel, rail steel or axle steel and whether they are in coils or cut to lengths.
 Steel sheets coated (all steel grades).
 Steel sheets for enameling (all steel grades).
 Railway tie plates; track spikes, bolts, nuts or washers; railway trackwork; track accessories (other than wire rail bonds); sheet piling (all steel grades); steel towers and poles fabricated; other structural steel shapes fabricated; penstock (for conducting water) fabricated from rolled steel plate; culverts and sections corrugated or plain; iron and steel prefabricated buildings; tool bit blanks not ground.
 Iron and steel welded fabric and welded mesh.
 Lamps and lanterns, and parts thereof, excluding incandescent mantles.
 Leather and leather manufactures.
 Lighter flints.
 Lumber and manufactures of wood, excluding logs and pulpwood, and excluding woodpulp of United States origin.
 Machinery and equipment:
 After treating equipment for filament rayon cake.
 Steeping presses.
 Xanthation units (flotation churns).
 Hacksaw blades, power.
 Manganese semi-fabricated forms.
 Musical instruments of all kinds, and parts thereof.
 Nails and staples made from wire.

— 4 —

Needles of Canadian manufacture only.
Newsprint.
Oils and fats and fatty acids not included in the List of Goods under Export Control.
Optical frames and lenses, finished and unfinished, excluding optical instrument glass and glass blanks, except synthetic crystals.
Paint sprayers and similar equipment.
Paints, resin emulsion paints, varnishes, enamels, lacquers, except luminous. Canadian manufacture only.
Paper and paper products. Canadian manufacture only.
Pine oil and pine tar.
Pocket lighters.
Potassium fluoride.
Rice.
Rubber footwear including rubber-soled canvas shoes.
Scales and weighing devices, other than scientific.
Sodium fluoride.
Surgical and dental instruments and appliances; hearing aids.
Tires and tubes, passenger automobile only.
Titanium oxide and titanium pigments.
Tobacco of all kinds.
Tricycles, children's wagons, scooters and velocipedes. Parts for the aforementioned.
Tung oil.
Wattle bark extracts.

3. Until further notice, the following goods may be shipped under this permit to any country except Albania, Bulgaria, Czechoslovakia, Estonia, Germany (Russian occupied Zone only), Hungary, Latvia, Lithuania, Poland and Danzig, Rumania, Ukraine, Union of Soviet Socialist Republics, North Korea, China, Macao, Manchuria, Mongolia, Sinkiang or Tibet:

- (a) Aromatic compounds and chemicals for perfumery use.
Artificial or ornamental flowers, fruits, vegetables, grasses, grains, leaves, stems, or parts thereof.
Beads and bead articles.
Bicycles, parts and accessories.†
Brooms and brushes.
Buttons and fasteners of all kinds, including zippers and parts.
Candles, except pyrotechnic.
Cascara bark.
Cementing preparations, except liquid rubber compounds.
China, crockery and pottery.
Clays, except fire clay; structural clay products, except refractories.
Clocks—1 day alarm; watches without jewels, complete; watch movements without jewels.

† Parts exclude ball and roller bearings.

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Concrete and cement manufactures.
Cooking and kitchen utensils, appliances and tools, hand operated.
Cork and manufactures.
Crude herbs, leaves and roots, except cinchona bark.
Cutlery and flatwear.
Dolls and toys.
Elastic webbing, woven, knit or braided.
Foodstuffs other than those included in the List of Goods under Export Control, or controlled by the Canadian Wheat Board.
Fur, fur skins and manufactures.
Ginseng.
Glass and manufactures thereof, excluding glass tubing and optical instrument glass and glass blanks, except synthetic crystals.
Glue of animal origin.
Gypsum and manufactures.
Hardware—locks, hinges and butts; metal sash, sections and frames, door and window.
Hay.
Hemp and unmanufactured vegetable fibres, other than those included in the List of Goods under Export Control.
Jewellery and other personal ornaments, all materials except gold, platinum, and platinum allied metals.
Leather:
Patent upper leather; reptilian and aquatic leather for all purposes.
Leather manufactures:
Women's and children's boots, shoes and other footwear with leather uppers; handbags, pocket books and purses.
Cardcases, change purses, wallets, and similar articles.
Linoleum and felt-base floor coverings.
Livestock.
Machinery and equipment:
Baking machines, and specially fabricated parts.†
Barber and beauty shop equipment, and specially fabricated parts.†
Bottling, bottle-washing, and bottle labelling machines, and specially fabricated parts.†
Cigarette and cigar-making, and tobacco processing machines, and specially fabricated parts.†
Coin-operated machines.
Commercial laundry and dry cleaning equipment (including power driven machines) and parts.†
Electric commercial cooking and food service equipment and specially fabricated parts.†
Farm wagons, drays, and trailers; specially fabricated parts.†
Meat and other food cutting, chopping and slicing, power driven machines, and specially fabricated parts.†
Paper-converting machines, and specially fabricated parts.†
Soda fountain and bar equipment, and specially fabricated parts.†
Sugar-mill machines, and specially fabricated parts.†

† Parts exclude ball and roller bearings.

Marble and other building and monumental stone, rough or dressed; manufactures of stone.

Matches.

Mattresses, cotton, kapok, moss and hair.

Metal furniture, fixtures and equipment, household and office. Specially fabricated parts.

Metal signs, except electric.

Musical instruments, and specially fabricated parts and accessories, except electric and electronic organs.

Nursery and floral stock.

Oilecloth for shelf, table and wall.

Office supplies, including pencils (including mechanical); leads and crayons; ball type pens; fountain pens; ink cartridges; pen points, carbon steel; desk sets; ink.

Paintings and objets d'art.

Paper and paper products—Canadian manufacture only:

Writing and cover paper.

Converted paper and board products:

Specialty bags; table napkins; toilet tissues; wallpaper, printed.

Plastic manufactures:

Combs, bags, barrettes, hair notions, tumblers, bowls, trays, plates, cups, saucers and similar household and personal articles.

Plumbing fixtures and fittings, Canadian manufacture only.

Polishes: stove, shoe, automobile.

Rattan, reed, cane, bamboo and osier, raw or semi-manufactured.

Religious items and objects.

Rockwool, glass wool and other semi-rigid and "fill" mineral insulating materials.

Rubber tiling and roofing.

Safes; vault doors, vault interior equipment and specially fabricated parts.†

Scales—household.

Seeds—vegetable, field and flower, of Canadian origin only, excluding wheat, oats and barley.

Shoe findings.

Smokers' articles and specially fabricated parts.

Soap and detergent compositions; specialty cleaning and washing compounds, except rifle cleaning compounds.

Sponges, except rubber.

Sporting goods.

Textiles—Canadian manufacture only:

Clothing and wearing apparel, new and used, except military.

Cotton manufactures.

Silk manufactures.

Wastes and rags.

Wool and manufactures thereof.

Yard goods, excluding nylon, parachute, airplane and balloon cloths, and cord-tire fabric.

† Parts exclude ball and roller bearings.

Toilet articles, preparations and cosmetics, including mouth washes, gargles and personal antiseptics.

Umbrellas and parasols, and specially fabricated parts.

Venetian blinds.

Wood manufactures:

Veneers; softwood plywood, interior type; shingles, millwork; furniture and specially fabricated parts, including rattan, reed, cane, willow, grass or fibre; shoe lasts; handles (including pulls, knobs, helves, hafts, grips and backs); pencil slats; used or salvaged building and construction materials of wood, except fuel wood; woodenware (kitchen and household).

Water thinned paints (all types); artists' colours.

Wines and alcoholic beverages.

(b) A shipment by common carrier to any one consignee having a value of \$10.00 or less; but this permission does not apply to any shipment to a consignee broken up into packages the aggregate value of which exceeds \$10.00.

(c) Casual gifts shipped not more than once a month by common carrier to a consignee for his personal use, having a value not exceeding \$100.

4. Until further notice, the following goods may be shipped under this permit to any country:

(a) The following shipments for repair or return or on shuttle service:

(i) articles for repair, adjustment or test, if they qualify for export under current Customs export entry form E-23;

(ii) articles returned for replacement on the ground that these articles were received in a defective condition or not according to order, if they qualify for export under Customs export entry form E-15;

(iii) containers on a shuttle service, which are to be returned to Canada within six months from the date of export, if complying in every other respect with the regulations of the Department of National Revenue (Customs Division) as set forth in its Memorandum Series D. No. 49, T.M.R., No. 1, Second Revision, of September 5, 1946;

(iv) articles exported temporarily for photographing or display purposes and which are to be returned to Canada, if complying fully in every respect with the regulations of the Department of National Revenue (Customs Division), contained in a Memorandum Series D. No. 49, T.M.R., No. 1, Second Revision, of September 5, 1946.

(b) The following shipments to Government Offices:

Goods consigned to Embassies, Legations, High Commissioners, Trade Commissioners, or Consular Offices of Canada or of the United Kingdom.

B-13 Customs entry forms for such goods are to be endorsed, "Shipped under General Permit No. Ex. 1 consigned to....."

(State name and address of consignee).

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(c) The following purchases by non-resident tourists:

Casual purchases of goods listed in Schedules I and II of Order in Council P.C. 1953-1213 of August 5, 1953, as amended, by non-resident tourists up to a value of \$400, and consisting of goods normally carried in the tourist's baggage or passenger automobile, provided that this permit shall not apply to strategic materials, not normally purchased by tourists, specified in instructions by the Export and Import Permit Division to Customs Officers.

If the purchases are by United States tourists and are forwarded to the United States by freight or express, or by any mode of transportation other than with the departing tourist, a Customs export entry Form B-13 must be endorsed "*Bona fide* tourist purchase", and be accompanied by a United States Customs Declaration Form 6059 or Form 3340 properly endorsed, in order that the goods may be allowed to proceed without an export permit.

(d) The following personal or settler's effects when taken or shipped by an individual on change of domicile, solely for the use of himself or of his immediate family and not for resale:

- (i) household articles;
- (ii) personal effects;
- (iii) articles of business equipment, instruments, tools of trade or machinery which have been used by him in his occupation or employment, which are his personal property and which will continue to be used by him in his occupation or employment.
- (iv) passenger automobile, being the personal property of the individual making the change of domicile.

(e) The following ship and aircraft stores:

Normal supplies exported from Canada of items listed in Schedules I and II of Order in Council P.C. 1953-1213 of August 5, 1953, as amended, as ship or aircraft stores, except bunkering for voyages destined to Mainland China or North Korea or the territorial waters of those countries.

This permit does not apply to Precision Instruments or Radioactive substances.

5. All customs export entry Forms B-13 for goods exported under this permit shall be endorsed "Shipped under the authority of General Permit No. Ex. 1".

Dated at Ottawa, November 26, 1953.

T. G. HILLS,
*Chief, Export and Import Permit Division
for Minister of Trade and Commerce.*

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
Queen's Printer and Controller of Stationery, Ottawa.

No. 12

EXTRA

Vol. LXXXVII



THE CANADA GAZETTE

PART II

STATUTORY ORDERS AND REGULATIONS

OTTAWA, THURSDAY, NOVEMBER 26, 1953

SOR/53-488

**Export and Import Permits Act—amendments to lists of goods
to which section five applies**

P.C. 1953-1844

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 26th day of November, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the Export and Import Permits Act, is pleased to amend the lists of goods established by Order in Council P.C. 1953-1213 of 5th August, 1953, as amended; as the lists of goods to which section five of the Export and Import Permits Act shall apply and for which export permits are required, and the said lists of goods are hereby further amended in accordance with the Schedule of amendments hereto.

A. M. HILL,
Assistant Clerk of the Privy Council.

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Schedule of Amendments

Schedules 1 and 2 to Order in Council P.C. 1953-1213, dated August 5, 1953, are hereby amended as follows:

1. By revoking Group 5 of the said Schedule 1 and by substituting therefor the following new Group 5:

GROUP 5—Iron and Steel (including Alloy Steel) and Their Products

Primary products as follows:

Castings; forgings.

Ingots.

Subject, however, to the following exceptions:

Iron bars.

Carbon steel ingots.

Rolling mill products of all kinds, including bands, bars, hoops, piling, pipes and tubes, plates coated or uncoated, rails, rods, sheets coated or uncoated, steel alloys including stainless steel, strips, structural steel products including those fabricated, tie plates, track material and tin plate; *subject, however, to the following exceptions:*

Skelp, wrought iron.

Skelp, carbon steel.

Wrought iron pipe, welded, black.

Wrought iron pipe, welded, galvanized.

Iron pipe fittings (other than cast iron pressure pipe fittings and malleable iron screwed pipe fittings).

Carbon steel billets (other than projectile and shell steel); blooms; slabs; sheet bars and tin-plate bars; wire rods.

Hot and cold finished bars and carbon steel die steel bars and other carbon steel bars including carbon steel tool steel bars and carbon steel hollow drill steel bars; carbon steel pipe fittings; carbon steel perforated sheets; carbon steel structural shapes, not fabricated.

Hot and cold-rolled carbon steel sheets including black iron sheets; galvanized sheets and corrugated and formed sheets; tin mill black plate; short terne plate; terne plate decorated and embossed, lithographed, lacquered or otherwise advanced.

Steel punchings (other than electrical steel).

Iron and steel shot (chilled).

Flexible steel tubing (other than electrical); tubular steel scaffolding equipment; all concrete reinforcing bars whether they are plain, deformed, round or square, whether they are rolled from new billet steel, rail steel or axle steel and whether they are in coils or cut to lengths.

Steel sheets coated (all steel grades).

Steel sheets for enameling (all steel grades).

Railway tie plates; track spikes, bolts, nuts or washers; railway trackwork; track accessories (other than wire rail bonds); sheet piling (all steel grades); steel towers and poles fabricated; other structural steel shapes fabricated; penstock (for conducting water) fabricated from rolled steel plate; culverts and sections corrugated or plain; iron and steel prefabricated buildings; tool bit blanks not ground.

— 3 —

Scrap iron and scrap steel of all kinds, including water craft, vehicles, engines and other things containing iron or steel and sold for scrapping or unsaleable except as scrap.

Manufactured products as follows:

Precision instruments, being gauges, balancing machines, measuring machines or testing machines as used for laboratory or scientific purposes; atomic energy equipment and components; radiation detection equipment and components.

2. In Group 1 of Schedule 2, by revoking the word "Rice".

3. In Group 3 of Schedule 2, by revoking the words "Silk noils and waste".

4. By revoking Group 5 of the said Schedule 2 and by substituting therefor the following new Group 5:

GROUP 5—Iron and Steel (including Alloy Steel) and Their Products

Ferroalloys (other than ferrosilicon).

Machinery, transportation and communication equipment:

General purpose industrial machinery and equipment and parts therefor, including compressors and pumps (including dry vacuum pumps and vacuum diffusion pumps mercury and oil types), centrifuges with peripheral speed exceeding 1000'/sec., irrigation systems.

Construction, mining, excavating and related machinery including drill bits, conveyor systems and cranes.

Wire, wire rope and wire fencing, coated or uncoated, *subject, however, to the following exceptions:*

Chain link fence and other fencing and netting.

Iron and steel welded fabric and welded mesh.

Bag and bale ties.

Air conditioning and refrigerating equipment.

Engines and turbines and parts therefor including gas turbines, water wheels and water turbines, diesels and air motors.

Mechanical power transmission equipment and parts therefor including bearings, ball and roller bearings, bearing parts, needle bearings, speed reducers and clutches.

Metalworking machinery and parts therefor including machine tools, tools containing industrial diamonds, primary metal forming machinery, secondary metal forming machinery, hydraulic presses, mechanical presses, forging machinery, attachments and accessories for machine tools including cutting tools, spindles, clutches, grinding wheels, heat treatment furnaces, electroplating and anodizing equipment, metal heating furnaces and devices; *subject, however, to the following exceptions:*

Hacksaw blades, power.

Miscellaneous general purpose industrial equipment and parts therefor including moulding presses, extrusion presses, thermal driers, heat exchangers, valves and steam specialties, *subject, however, to the following exceptions:*

Electrical commercial cooking and food service equipment and specially fabricated parts.

Baking machines and specially fabricated parts.

Sugar-mill machines and specially fabricated parts.

— 4 —

Bottling, bottle-washing and bottle labelling machines and speciall fabricated parts.

Meat and other food cutting, chopping and slicing power-driven machines and specially fabricated parts.

Cigarette and cigar-making and tobacco processing machines and specially fabricated parts.

Paper-converting machines and specially fabricated parts.

Commercial laundry and dry cleaning equipment (including power driven machines) and parts.

Soda fountain and bar equipment and specially fabricated parts.

Barber and beauty shop equipment and specially fabricated parts.

Coin-operated machines.

Special industries machinery and parts therefor including rubber-working machinery, glass making machinery, moulding machinery for plastics, industrial furnaces and foundry equipment, petroleum refining machinery and equipment, chemical manufacturing industries machinery, synthetic rubber manufacturing machinery, gas cylinders and other metal containers, including drums and tanks, bowls and pressure vessels and component parts; *subject, however, to the following exceptions:*

After treating equipment for filament rayon cake.

Steeping presses.

Xanthation units (floatation churns).

Testing and measuring machines and parts including optical and electromagnet positioners.

Electrical machinery and apparatus and parts therefor including generating sets (steam, diesel, gasoline or oil), primary and secondary electrical power transmission and distribution equipment, pole line hardware and insulators, electrical welding equipment, fractional H. P. motors.

Communication equipment and electronic devices and parts therefor including signalling and traffic control equipment, X-ray equipment, electrical and magnetic field detection apparatus, light and heat emission detection apparatus, electronic tubes, photo-electric cells, radio testing equipment and metering equipment.

Conveying and transport equipment and parts therefor including locomotives, railway rolling stock (including mine cars), tankers, whaling factories, ships, dredges and harbour craft, port operating equipment (including cranes and mechanical loading equipment), automobiles, buses, trucks, fork lift trucks and tractors.

Professional and scientific apparatus and parts therefor including X-ray film, microfilm, laboratory research and testing instruments and apparatus, dentists' diamond dental burrs.

*(Extract from the CANADA GAZETTE (Part II) of Wednesday,
November 11, 1953)*



SOR/53-452

**Export and Import Permits Act—amendment to list of goods to which
section six applies**

P.C. 1953-1662

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of October, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by the Export and Import Permits Act, is pleased to amend the list of goods established by Order in Council P.C. 2757 of 30th May, 1951, as amended, as the list of goods to which section six of the Export and Import Permits Act shall apply, and the said list of goods is hereby further amended by deleting therefrom the following item:

Sulphur and brimstone, crude or in roll or flour.

A. M. HILL,
Assistant Clerk of the Privy Council.

— 2 —

SOR/53-453

**Export and Import Permits Act—amendment to list of goods to which
section five applies**

P.C. 1953-1663

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of October, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the Export and Import Permits Act, is pleased to amend the lists of goods established by Order in Council P.C. 1953-1213 of 5th August, 1953, (Schedules 1 and 2) as the lists of goods to which section five of the Export and Import Permits Act shall apply, and the said lists of goods are hereby amended in accordance with the Schedule of amendments hereto.

A. M. HILL,
Assistant Clerk of the Privy Council.

*Schedule of amendments to Schedules 1 and 2 to Order in Council,
P.C. 1953-1213, dated August 5, 1953*

Schedules 1 and 2 to Order in Council, P.C. 1953-1213, dated August 5, 1953, are hereby amended as follows:

1. In the paragraph describing "Rolling mill products of all kinds" in Group 5 of Schedule 1, by revoking the words "tin mill black plate" and the words "terne plate".
2. In the paragraph describing "Rubber manufactures" in Group 1 of Schedule 2, by revoking the words "Rubber tires and tubes, natural and synthetic, sizes 700 and up, all combat and run-flat construction, off-the-road and industrial" and by substituting therefor the words:
"Bus and truck type tires and tubes, natural and synthetic, all sizes; combat and run-flat construction tires and tubes, all sizes; all off-the-road, farm tractor and farm implement tires and tubes."
3. In Group 5 of Schedule 2, by revoking the words "Ferro alloys" and by substituting therefor the words:
"Ferro-alloys, except ferrosilicon."
4. In the paragraph describing "Manganese" in Group 6 of Schedule 2, by revoking the words "and semi-fabricated."
5. In Group 7 of Schedule 2, by revoking the word "Aminophenol" and by substituting therefor the words:
"Aminophenol, para type only".
6. In Group 7 of Schedule 2, by revoking the word "Aniline".
7. In Group 7 of Schedule 2, by revoking the words "Asbestos, crude, unmanufactured" and by substituting therefor the words:
"Asbestos, unmanufactured, crude and spinning fibres".
8. In the paragraph describing "Cadmium" in Group 7 of Schedule 2, by revoking the word "oxide".

— 3 —

9. In Group 7 of Schedule 2, by revoking the words "Chloro-fluoromethane, trichloromonofluoromethane and dichlorodifluoromethane" and by substituting therefor the words:

"Chlorofluoromethane, trichloromonofluoromethane, dichlorodifluoromethane, and other fluorinated hydrocarbons and halocarbons."

10. In Group 7 of Schedule 2, by revoking the words "Copper sulphate or blue vitriol."

11. In Group 7 of Schedule 2, by revoking the words "Cryolite, natural and artificial" and by substituting therefor the words:

"Cryolite, natural and artificial, except Raymond mill dust."

12. In Group 7 of Schedule 2, by revoking the words "Explosive stabilizers".

13. In Group 7 of Schedule 2, by revoking the words "Fertilizers and fertilizer materials, all types" and by substituting therefor the words:

"Fertilizers:

Sodium nitrate.

Ammonium nitrate.

Urea."

14. In Group 7 of Schedule 2, by revoking the words "Fluorine and all compounds containing same except hydrofluoric acid and fluorspar."

15. In Group 7 of Schedule 2, by revoking the words "Nickel acetate."

16. In Group 7 of Schedule 2, by revoking the words "Titanium oxide and titanium pigments."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
Queen's Printer and Controller of Stationery, Ottawa.

(Extract from the CANADA GAZETTE (Part II) of Wednesday,
November 11, 1953)



SOR/53-452

**Export and Import Permits Act—amendment to list of goods to which
section six applies**

P.C. 1953-1662

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of October, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the powers conferred by the Export and Import Permits Act, is pleased to amend the list of goods established by Order in Council P.C. 2757 of 30th May, 1951, as amended, as the list of goods to which section six of the Export and Import Permits Act shall apply, and the said list of goods is hereby further amended by deleting therefrom the following item:

Sulphur and brimstone, crude or in roll or flour.

A. M. HILL,
Assistant Clerk of the Privy Council.

— 2 —

SOR/53-453

**Export and Import Permits Act—amendment to list of goods to which
section five applies**

P.C. 1953-1663

AT THE GOVERNMENT HOUSE AT OTTAWA

WEDNESDAY, the 28th day of October, 1953.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Trade and Commerce and pursuant to the Export and Import Permits Act, is pleased to amend the lists of goods established by Order in Council P.C. 1953-1213 of 5th August, 1953, (Schedules 1 and 2) as the lists of goods to which section five of the Export and Import Permits Act shall apply, and the said lists of goods are hereby amended in accordance with the Schedule of amendments hereto.

A. M. HILL,
Assistant Clerk of the Privy Council.

*Schedule of amendments to Schedules 1 and 2 to Order in Council,
P.C. 1953-1213, dated August 5, 1953*

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1. In the paragraph describing "Rolling mill products of all kinds" in Group 5 of Schedule 1, by revoking the words "tin mill black plate" and the words "terne plate".

2. In the paragraph describing "Rubber manufactures" in Group 1 of Schedule 2, by revoking the words "Rubber tires and tubes, natural and synthetic, sizes 700 and up, all combat and run-flat construction, off-the-road and industrial" and by substituting therefor the words:

"Bus and truck type tires and tubes, natural and synthetic, all sizes; combat and run-flat construction tires and tubes, all sizes; all off-the-road, farm tractor and farm implement tires and tubes."

3. In Group 5 of Schedule 2, by revoking the words "Ferro alloys" and by substituting therefor the words:

"Ferro-alloys, except ferrosilicon."

4. In the paragraph describing "Manganese" in Group 6 of Schedule 2, by revoking the words "and semi-fabricated."

5. In Group 7 of Schedule 2, by revoking the word "Aminophenol" and by substituting therefor the words:

"Aminophenol, para type only".

6. In Group 7 of Schedule 2, by revoking the word "Aniline".

7. In Group 7 of Schedule 2, by revoking the words "Asbestos, crude, unmanufactured" and by substituting therefor the words:

"Asbestos, unmanufactured, crude and spinning fibres".

8. In the paragraph describing "Cadmium" in Group 7 of Schedule 2, by revoking the word "oxide".

— 3 —

9. In Group 7 of Schedule 2, by revoking the words "Chloro-fluoromethane, trichloromonofluoromethane and dichlorodifluoromethane" and by substituting therefor the words:

"Chlorofluoromethane, trichloromonofluoromethane, dichlorodifluoromethane, and other fluorinated hydrocarbons and halocarbons."

10. In Group 7 of Schedule 2, by revoking the words "Copper sulphate or blue vitriol."

11. In Group 7 of Schedule 2, by revoking the words "Cryolite, natural and artificial" and by substituting therefor the words:

"Cryolite, natural and artificial, except Raymond mill dust."

12. In Group 7 of Schedule 2, by revoking the words "Explosive stabilizers".

13. In Group 7 of Schedule 2, by revoking the words "Fertilizers and fertilizer materials, all types" and by substituting therefor the words:

"Fertilizers:

Sodium nitrate.

Ammonium nitrate.

Urea."

14. In Group 7 of Schedule 2, by revoking the words "Fluorine and all compounds containing same except hydrofluoric acid and fluorspar."

15. In Group 7 of Schedule 2, by revoking the words "Nickel acetate."

16. In Group 7 of Schedule 2, by revoking the words "Titanium oxide and titanium pigments."

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.,
Queen's Printer and Controller of Stationery, Ottawa.

1/18-31-2
(Secy.)

, August 4, 1953.

T. L. Bonnah, Esq.,
Supt., Indian Agency,
Box 987,
Cornwall, Ontario.

This is with reference to my 1/18-31-2 of June 12
in reply to your 33/18-31 of June 5 concerning bread
delivery to the Chenail district. Appended hereto for your
information a letter received from the Customs Division.

GIF/LD

[Signature]
Acting Secretary.

10991



CANADA

1/18-31-2

REFER TO FILE

7142-6
HBT:PAD

1953 JUL 29 AM 11:38
DEPARTMENT OF NATIONAL REVENUE
CUSTOMS AND EXCISE

Ottawa 2, July 29, 1953

INDIAN AFFAIRS
Mr. H. M. Jones, Acting Director,
Indian Affairs Branch,
Department of Citizenship and Immigration,
Ottawa.

Dear Sir:



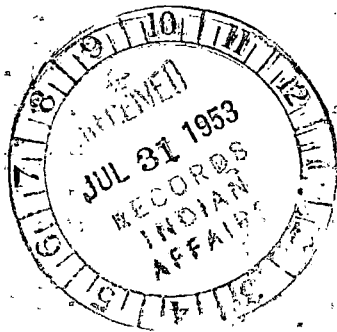
This will refer to your letter of the 10th ultimo, in regard to the removal of the restrictions regarding the sealing of bread trucks used in the delivery of bread at the St. Regis Indian Reserve.

The matter was referred to our Customs Excise Inspection Branch and under date of the 22nd instant, the Director advises that as a result of the Foreign Exchange Board regulations having been discontinued and other problems arising at the reserve, the Department has decided to dispense with the sealing of the bread trucks. Instructions have been issued to the effect that, in future, such trucks whether leaving from Trout River or Cornwall en-route to the Indian Reserve are to be permitted in transit travel through the United States to the Reserve without Customs seals.

Notification has been forwarded to the Indian Agent and the R. C. M. P. at St. Regis.

Yours truly,

J. W. Langford
J. W. Langford,
Assistant Secretary,
Customs Division.



1/18-31-2
(Secy.)

, June 12, 1953.

T. L. Bonmah, Esq.,
Supt., Indian Agency,
Box 987,
Cornwall, Ont.

This is with reference to your 33/18-31, commenting upon Resolution No. 7 passed by the St. Regis Band Council June 1, 1953, concerning bread delivery to the Chenail district.

The matter has been referred to the Customs Division of the Department of National Revenue to find out if some satisfactory solution could be suggested.

CIF/MD

 Acting Secretary.

1/18-31-2 (Secy.)

Ottawa, June 10, 1953.

A. S. Kenney, Esq.,
Secretary, Customs Division,
Department of National Revenue,
Ottawa 2, Ontario.

Dear Mr. Kenney:

The following communication has been received from our Superintendent in charge of the St. Regis Indian Reserve located on the south shore of the St. Lawrence River near Cornwall, Ontario:

"On the motion of Frank Skidders and Mike Adams, Council requests Indian Affairs Branch to have Canadian Customs permit Bread truck to deliver bread to several hundred residents of Chenail district by removing the restrictions regarding sealing of Bread trucks. Carried."

"The above resolution deals with the request of the St. Regis Indian Council to permit the Bread truck to deliver bread to some several hundred residents of the Chenail district of the St. Regis Indian Agency situated in the Province of Quebec.

"You are undoubtedly aware that for the past couple of years Bread and Milk trucks coming from Cornwall to St. Regis (passing through New York State) are, at the request of the Canadian Customs, under seal. The purpose of this appears to be to prohibit the trucker from selling any of his products in the States. Inquiries answered by American Customs Officers leads me to believe that Milk or Bread trucks serving the St. Regis Reservation from either Ontario or Quebec proper would effect them very little if there were no seals put on.

"Possibly the only result of sealing our Bread trucks in particular was to place a hardship on several hundred Indians since the group living in the Chenail district cannot get daily bread deliveries.

"As the Canada Bread truck is now operating from Huntingdon, Quebec, instead of Cornwall his truck is sealed at Trout River Canadian

Customs and the seal is broken when he gets to St. Regis either by ourselves or the R.C.M.P. When he finishes St. Regis Village we have to seal his truck again and it is opened by the Canadian Customs when he goes back into Canada again. He cannot go down into the Chenail district since he has to go through New York State to get there and there is no Customs Officer there to break the seal and reseal his truck.

"I trust that you might find it convenient to recommend to the proper authorities that our Bread and Milk trucks serving St. Regis reservation either from Cornwall or Quebec be granted the privilege of coming in here to serve the public in the normal course of business. American officers assure me they can take care of any Canadian trucks going through the United States either with or without seals. I am also advised that there is no duty on Canadian Bread brought into the United States but that a Canadian company wishing to sell in the United States must pay duty on its truck."

As you are no doubt aware, the only way by which motor transport can reach certain portions of the St. Regis Reserve is by going through the United States. Apparently bread and milk trucks from either Cornwall, Ontario, or Huntingdon, Quebec, are sealed at the border and go direct under seal to St. Regis Village where the seal is broken by either the R.C.M. Police or Agency staff. However, part of the Reserve known as the Chenail district is not connected by road with the village and it is necessary to go through the United States, and, as pointed out by the Superintendent, there is no Customs Officer there to break the seal and reseal the truck. Because of this the Indians living in the Chenail district do not have delivery service.

It would be appreciated if the matter could be looked into with a view to suggesting some satisfactory solution to the problem presented by the Superintendent.

Yours sincerely,

H. M. JONES

H. M. Jones,
Acting Director.

At.
GIF/LD

11/18-31-2

FIELD SERVICE

42820



CANADA

PLEASE QUOTE

FILE 33/18-31

1953 JUN 9 PM 1:40 DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

INDIAN AFFAIRS

P. O. Box 987,
Cornwall, Ontario,
June 5th, 1953.

Indian Affairs Branch, Ottawa, Ontario.

Re: Resolution No. 7,
St. Regis Council,
June 1st, 1953.

"

"On the motion of Frank Skidders and Mike Adams, Council requests Indian Affairs Branch to have Canadian Customs permit Bread truck to deliver bread to several hundred residents of Chenail district by removing the restrictions regarding sealing of Bread trucks. Carried."

The above resolution deals with the request of the St. Regis Indian Council to permit the Bread truck to deliver bread to some several hundred residents of the Chenail district of the St. Regis Indian Agency situated in the Province of Quebec.

You are undoubtedly aware that for the past couple of years Bread and Milk trucks coming from Cornwall to St. Regis (passing through New York State) are, at the request of the Canadian Customs, under seal. The purpose of this appears to be to prohibit the trucker from selling any of his products in the States. Inquiries answered by American Customs Officers leads me to believe that Milk or Bread trucks serving the St. Regis Reservation from either Ontario or Quebec proper would effect them very little if there were no seals put on.

Possibly the only result of sealing our Bread trucks in particular was to place a hardship on several hundred Indians since the group living in the Chenail district cannot get daily bread deliveries.

As the Canada Bread truck is now operating from Huntingdon, Quebec, instead of Cornwall his truck is sealed at Trout River Canadian Customs and the seal is broken when he gets to St. Regis either by ourselves or the R.C.M.P. When he finishes St. Regis Village we have to seal his truck again and it is opened by the Canadian Customs when he goes back into Canada again.


001357

- 2 -

He cannot go down into the Chenail district since he has to go through New York State to get there and there is no Customs Officer there to break the seal and reseal his truck.

I trust that you might find it convenient to recommend to the proper authorities that our Bread and Milk trucks serving St. Regis reservation either from Cornwall or Quebec be granted the privilege of coming in here to serve the public in the normal course of business. American officers assure me they can take care of any Canadian trucks going through the United States either with or without seals. I am also advised that there is no duty on Canadian Bread brought into the United States but that a Canadian company wishing to sell in the United States must pay duty on its truck. //

To add to the ridiculousness of the situation there is a Canadian using his own truck and selling bread all over the U.S. side of the Reserve yet many of our own Indian people are being deprived of this necessary service because of Canadian regulations.


T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

1/18-31-2
(Secy.)

, June 8, 1953.

A. S. Kenney, Esq.,
Secretary, Customs Division,
Department of National Revenue,
Ottawa 2, Ontario.

Dear Mr. Kenney:

This is with reference to your 7613-2 of June 5th
and to confirm information given over the telephone today
relative to the address of Mr. Andrew Paull, President,
North American Indian Brotherhood. Mr. Paull may be com-
municated with at P.O. Box 211, North Vancouver, B.C.

Yours truly,

CIF/MD

 Acting Secretary.

1/18-31-2

REFER TO FILE

7613-2
JWL/cmm

31062



CANADA

DEPARTMENT OF NATIONAL REVENUE
CUSTOMS AND EXCISE

1953 JUN 8 AM 9:52

Ottawa 2, June 5th, 1953.

INDIAN AFFAIRS

Director of Indian Affairs Branch,
Department of Citizenship & Immigration,
OTTAWA, Ontario.

Gentlemen:

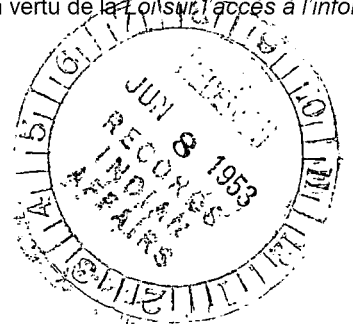
Under date of April 10th and your File 1/18-31-2(Secy), you wrote this Department enclosing a copy of a letter written to the Honourable the Minister of Citizenship and Immigration by Andrew Paull, President, Grand Council, North American Indian Brotherhood, on behalf of Mrs. Nancy Oakes of the St. Regis Indian Reserve, Quebec.

I wrote to Mr. Paull at the St. Regis Reserve but my letter was recently returned from Cornwall unclaimed. I wonder if you have a better address for this gentleman. Will you kindly advise me accordingly at your convenience.

Yours truly,

A. S. Kenney,
Secretary, Customs Division.





JWL/cmm



CANADA

REFER TO FILE 7613-2

DEPARTMENT OF NATIONAL REVENUE
CUSTOMS AND EXCISE

Ottawa 2, April 29th, 1953.

Andrew Paull,
President,
Grand Council,
North American Indian Brotherhood,
ST. REGIS INDIAN RESERVE, P.Q.

Dear Sir:

Your letter of recent date addressed to the Honourable the Minister of Citizenship and Immigration has been referred to me for attention by the Director of Indian Affairs, concerning the Customs status of a second hand oil burner which Mrs. Nancy Oakes of the St. Regis Indian Reserve desires to import from the United States.

Indians are in the same category as other residents of Canada so far as the Customs laws are concerned, and any goods imported by them are subject to the regular provisions of the Customs Tariff and to payment of duty where applicable.

The oil burner in question is dutiable as provided in the Tariff but, being second hand, duty will be based on its value as appraised by Canadian Customs at time of importation.

Yours truly,

Copy to:

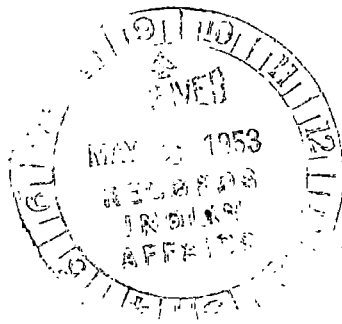
Director of Indian Affairs Branch
Department of Citizenship & Immigration,
OTTAWA, Ontario.

Referring to
your letter of
April 10th.

A. S. Kenney,
Secretary, Customs Division.



24813



DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No. **862**

Indian Affairs File No. **1/18-31-2**

Subject of File

MAIN FILE ON CHARGE TO **Sery**

REFERENCE				DISPOSAL			
REFERRED To	By	REMARKS	DATE	PA OR BF	By	DATE	FOR RECORDS USE
Sery	18	12939	15/4/53				

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001364

FIELD SERVICE

12939



CANADA

PLEASE QUOTE

FILE 33/18-31

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

1953 APR 15 AM 11:06 INDIAN AFFAIRS BRANCH

Secy
INDIAN AFFAIRS

P. O. Box 987,
Cornwall, Ontario,
April 14th, 1953.

Indian Affairs Branch, Ottawa, Ontario.

RE: Louis Francis No. 1022

ATTEN: Mr. Fairholm,
Your file 1/18-31-2

With reference to the telephone call by Mr. Fairholm on April 13th please be advised that the above noted Indian was a resident of the St. Regis Indian Reserve in October, 1951, and also resided on this reserve from the time of his discharge from the United States Navy in December of 1945. I might add that Mr. Francis is still residing on the Reserve. I trust this is sufficient information.

/jrt/mt

Tully
for
T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

Secy
001365

33/18-31

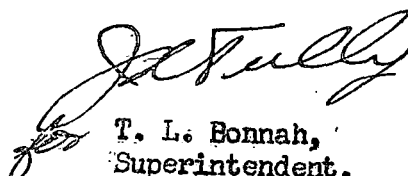
P. O. Box 987,
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RE: Louis Francis No. 1022

ATTEN: Mr. Fairholm,
Your file 1/18-31-2

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T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

/jrt/mt

1/18-31-2
(Secy.)

Ottawa, April 14, 1953.

MEMORANDUM:

Mr. L. A. Couture
Departmental Legal Adviser

This is with reference to your memorandum of April 13 regarding the case of Louis Francis and the Queen (Exchequer Court) and confirmation of information given to you over the telephone yesterday by Mr. Fairholm.

Louis Francis is shown on the St. Regis Band List under No. 1022.

With reference to the residence of Louis Francis on the St. Regis Reserve at all material times, the following was obtained by telephone from Mr. J. R. Tully, Assistant, Indian Agency, of the St. Regis Agency:

- (1) Louis Francis was resident on the St. Regis Reserve during October 1951.
- (2) He was resident on the reserve prior to October 1951.
- (3) He is still resident on the reserve.

According to our records here, Louis Francis was allotted Lot #85 in St. Regis Village on the St. Regis Reserve in July 1949. On July 18, 1950, he applied for a V.L.A. grant for repairs, alterations, etc., to a house on Lot #85, St. Regis Village, which was approved August 30, 1950.

The St. Regis Band have two reserves: #15, St. Regis Reserve, Quebec, and #59, Cornwall Island Reserve, Ontario. According to our records Lot #85, St. Regis Village, is in the St. Regis Reserve and accordingly the words "Cornwall Island" should be omitted from the quotation in your memorandum. Subject to this the quotation would appear to be correct.

B. M. MacKay

Director.

67.
GIF/10

ADMINISTRATION
BRANCH



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
LEGAL DIVISION

Ottawa, April 13, 1953.

Director,
Indian Affairs Branch,
Ottawa.

Re: Justice File 165013
Louis Francis and the Queen
(Exchequer Court)

During a recent discussion between the Assistant Deputy Minister of Justice and the Solicitor for the Suppliant herein, A.P. Hewitt, Esq., it was agreed that certain facts should be admitted for the purpose of this case. Among the facts which it is proposed to admit is the following:

"The Suppliant is an Indian and resided at all material times at the St. Regis Indian Reserve, Cornwall Island, Canada."

Kindly advise at your earliest convenience whether the above quotation is correct. It appears that in this respect, Mr. Hewitt has had some correspondence with your Branch on your file No. 33-3-3-1.

Might I please have your comments on the above at your earliest convenience. I should appreciate it if same were forthcoming in the course of the day.

L.A. Couture,
Departmental Legal Adviser.

NOTED
13.4.53
B.M.

1/18-31-2(Secy.)

Ottawa, April 10, 1953.

Andrew Paull, Esq.,
President,
North American Indian Brotherhood,
P. O. Box 211,
NORTH VANCOUVER, B.C.

Dear Mr. Paull:

Your letter of recent date to the Minister concerning Mrs. Nancy Oakes of the St. Regis Indian Reserve, who wishes to bring a second-hand oil burner into Canada from the United States has been referred to me for attention.

As the importation of a second-hand oil burner into Canada from the United States concerns the administration customs laws and regulations, we have passed along your letter to the Department of National Revenue for consideration and asked them to advise you in the matter.

Yours sincerely,


Director.



1/18-31-2(Secy.)

Ottawa, April 10, 1953.

L. H. Taylor, Esq.,
Secretary of Customs,
Department of National Revenue,
Ottawa, Ontario.

Dear Mr. Taylor:

I am attaching a copy of a letter received by the Minister from Mr. Andrew Paull, President of the North American Indian Brotherhood, concerning Mrs. Nancy Oakes of the St. Regis Indian Reserve, who wishes to bring a second-hand oil burner into Canada from the United States.

As this is a customs matter Mr. Paull was advised that his letter was being passed along to your Department for consideration. Would you be good enough to write direct to Mr. Paull and advise him in the matter and let us have a copy of your reply to complete our file.

Yours sincerely,



Director.



PRESIDENT
NEW PAULL
BOX 211
VANCOUVER, B.C.

VICE-PRESIDENT
JOSEPH DELISLE, JR.
P.O. Box 11,
CAUGHNAWAGA, QUE.

Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information
TREASURER
CHIEF TELFORD ADAMS
R.R. 1,
CORUNNA, ONT.

SECRETARY
JOSEPH BEAUVAIS
CAUGHNAWAGA, QUE.

SECRETARY
CHESTER DIABO
9041 INKSTER ROAD
GARDEN CITY, MICH.

ASST. SECRETARY
MRS. MARGUERITE DIABO
9041 INKSTER ROAD
GARDEN CITY, MICH.

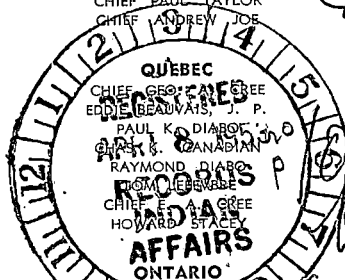
GRAND COUNCIL

North American Indian Brotherhood

PRINCE EDWARD ISLAND
CHIEF FRANK JADIS

NOVA SCOTIA
CHIEF BEN E. CHRISTMAS
CHIEF STEPHEN KNOCKWOOD
CHIEF JOHN JULIAN

NEW BRUNSWICK
CHIEF ANDREW FRANCIS, ORGANIZER
CHIEF THOS GEDEON
CHIEF PAUL TAYLOR
CHIEF ANDREW JOE



CHIEF THOS. B. VONES
CHIEF GUS GAINVILLE
CHIEF NELSON GREEN
WM. SMITH
JAMES MARTIN
JACK HANNAWK
CHIEF SOLOMON BRANT
CHIEF GILBERT FARIES
CHIEF SIMON SCOTT
CHIEF JOHN TWAIN
CHIEF R. MARSDEN
CHIEF T. FAYELL SR.
CHIEF ALEX PADGENA
CHIEF W. SHAWKENCE
CHIEF I. BEBAMISH
CHIEF OMAR PETERS
CHIEF G. SAHANATIEN
CHIEF A. TRUDEAU
JOHN C. JONES
WALTER SANDS
JAMES FRIDAY
DOM. ODJIG
CHIEF L. LABOBINDUNG
CHIEF WM. MINIWASIGA
LAWRENCE PELLIER
WM. AQUASH
BAZIL GREY
ANGUS HORNE
HENRY RILEY
ERNEST BENEDICT

MANITOBA
CHIEF JOHN THOMPSON
CHIEF GEO. BARKER

SASKATCHEWAN
JOHN B. TOOTOOSIS
CHIEF JOHN SKEEBOSS

ALBERTA
CHIEF CHARLIE BLACKMAN

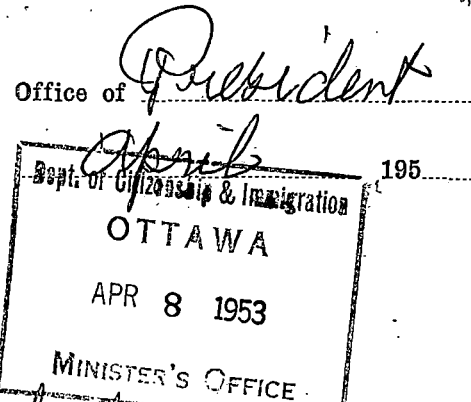
BRITISH COLUMBIA
CHIEF ALEX MCKINNON
CHIEF MICHEL ANTHONY
D. W. ASSU
WM. G. JEFFREY

YUKON, N.W.T.
LUIS WOOLFE
BILLY SMITH

HONORARY MEMBERS
MRS. LOUIS MCCUMBER
CHIEF POKINGFIRE
CHIEF F. E. BARNHAM

Letter of Christian affairs
To.....

For Attention
Hon. W. E. Harris
Minister
Ottawa - Ont.
Honourable Sir:



Will you please help Mrs Nancy
Baker, Indian Widow to be allowed to
bring into the St. Reges Reserve Que-
bec one girl Bumer Beale, her daughter
sent to her from New Jersey, U.S.A.
She receives a mother's Pension as her
son died overseas War 11.

She has been asked to pay 35%
duty - This is a second hand Bumer
which she needs - She takes care of
2 grandchildren - Darcy gets
enough to live - she is 68 yrs old.

Please help her - it is a house
on the U.S. side of the Reserve.
The R.C.M.P. would only seize it
if she brought over - Thanking
you
Respectfully Yours

Her P.O. address is
Hogansburg
N.Y.

Anti Paul
Pres.

Y. 1012 71
S. 1012 71
S. 1012 71

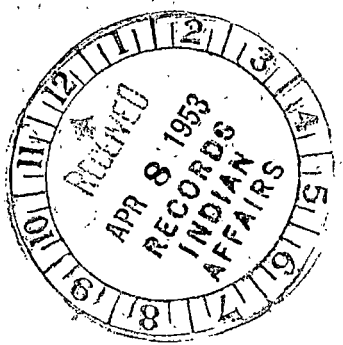
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S. 1012 71
S. 1012 71

06147

Y. 1012 71
S. 1012 71
S. 1012 71

1953 APR 8 PM 3:43

INDIAN AFFAIRS




1/18-31-2
(Secy.)

, January 27, 1953.

C. R. Johnston, Esq.,
Superintendent, Indian Agency,
Manitowaning, Ontario.

Appended hereto is a copy of a letter, dated January 30th, received at this Branch from John E. Jacko, member of the Manitoulin Island Unceded Band, Wikwemikong, concerning the seizure of his truck.

Please inform Mr. Jacko that his letter was received and referred to you, and advise him that the contract made with Acme Motors is a private matter between himself and the Company and one in which this Branch cannot intervene. You might also refer him to Section 88 of the Indian Act, subsection (2) regarding conditional sales. This subsection protects vendors under agreements of sale in such transactions as sales on an installment plan, the effect being that the goods so sold may be recovered, even though on a reserve, if the conditions of the agreement of sale are not met.


for Secretary.

Seal

Wikekenikong, Ont.,
Jan 20th 1953.

Department of
Citizenship and Immigration
Indian Affairs Branch.

Sir:- Would it be wise for me
(I John E. Jacks. member of the
Manitowlin Island Ceded Band
No. 209) to seek information from
the above said Party.

How would not have to owing to
the conditions on the reservation
we have no work of any kind no
means of earning any livelihood.

I had made a contract with
Acme Motors, Little Current Ont.,
on April 7th 1952 with a down
Payment of \$525.00 of a Hudson Car
1939 Model for a Chevrolet Truck
Model 1943 - a Two Ton Serial No 31543001683
and I was to put up monthly payment
of \$47.00 until all payments were made.
My down Payment \$525.00 monthly
Payments are as follows. April 7th 1952
\$80.00 June 22nd 1952 \$94.00 Aug 1st 1952
\$47.00 Total Down + Monthly Payments \$7,0001374 0

RA

(2)

Then on Oct 30th 1952 a white man
from Industrial Acceptance
Corporation Limited Sudbury Ont.
who is I suppose a Sponsor for
the Acme Motors Little Current Ont.
came and repossessed on the
Truck which was in possession.
So I am want to know whether
my complaint could be recognized
by the Indian Affairs Branch.
For I would be very pleased to
get back at least my Down Payment.

If so, then I will send you the
original paper of the Deal in my
next letter.

So hope to hear from you
Promptly
I remain

John E. Jockes

P.S.

They charged me for the Truck	1200.00
my Down & Monthly payments total to	746.00
yet to pay -	454.00

62681
62681



FIELD SERVICE

24676



CANADA

PLEASE QUOTE

FILE 26/18-31-4

1/18-31-2

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

1952 DEC 3 AM 9:13

INDIAN AFFAIRS BRANCH

Restigouche, Que.
November 29, 1952.

INDIAN AFFAIRS

Indian Affairs Branch,
Dept., of Citizenship & Immigration,
Ottawa, Ontario.

Reference your letter dated November 20th., file: 1/18-31-2 (Secy.) together with copy of letter forwarded to the ~~Branch~~ Honorable Mr. Harris by Isaac Martin, Indian of the Maria Band, requesting a permit to bring a second hand car which he had purchased in Maine, into Canada.

Attached hereto copy of my letter to Mr. Martin, I also forwarded to him certain extracts from your letter, on November 26th. I spoke with Mr. Martin, and told him about it, he seemed to understand the situation, and said that he now had a permit to have the car in Canada for a period of one month.

Actually it would be much better if the Customs compelled Mr. Martin, to return the car to the U.S.A. as it certainly does not help him to earn a livelihood, on the contrary, it is a bill of expense to him and every cent he earns is spent in gasoline and repairs for joy riding.

(C.R. Nadeau) Superintendent.,
Restigouche Indian Agency.

26/18-31-4

Restigouche, Que.
November 29, 1952.

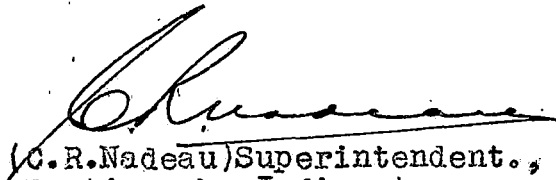
Mr. Isaac Martin,
Maria Indian Reserve,
Dimock Creek, P.Q.

Dear Sir:

Some time ago you wrote to the Honorable Mr. Harris, Minister of Citizenship & Immigration, and asked that you be given a permit to bring into Canada a motor car which you purchased in the State of Maine.

Attached hereto please find extracts taken from a letter forwarded to me by Indian Affairs Branch, these extracts are self explanatory, and you will see that this permit cannot be granted by the Indian Affairs Branch, as this comes under the Customs Division of the Department of National Revenue.

As explained to you on Wednesday while speaking with you, and as the extracts of letter show, I do not believe it possible to obtain a permit of this kind.


(C.R. Nadeau) Superintendent,
Restigouche Indian Agency.

1/18-31-2
(Secy.)

, November 26, 1952.

Miss Helen Isaac,
735 Center Street,
Newton Center 58,
Mass., U.S.A.

Dear Miss Isaac:

This will acknowledge your letter dated November 22nd, in which you request information as to whether Indians may bring goods into Canada duty free.

In reply thereto, you are advised that Indians must comply with the Customs Regulations with regard to the importation of goods in the same manner as other persons.

Yours truly,



for Secretary.

Newton Center 58
Massachusetts
U.S.A.

November 22, 1952

1/18-31-2

Dear Sir,

I am an Indian girl
a member of the Restigouche Reservation
in Bonaventure, Quebec. My
identification card is # 8011.

I would like to know if
the custom regulations at the
border applies to us Indians,
or do we have special exemptions.
I work here in Massachusetts
but I go home to Restigouche
two or three times a year.

001380

18387

NOV 25 AM 8 36

I have been told that we
Indians can bring cigarettes,
clothing etc across the border
duty free. Will you please
let me know if this is so or
not. Thanking you in advance
I am

Very truly yours
Helen Isaac



1/18-31-2
(Secy.)

, November 20, 1952.

C. R. Nadeau, Esq.,
Superintendent, Indian Agency,
Restigouche, Quebec.

Appended hereto is a letter, addressed to the Honourable W. E. Harris, from Mr. Isaac Martin, Maria Indian Reserve, which has been referred to this Branch for attention, regarding Mr. Isaac's request for a permit to enable him to bring his American bought car into Canada.

Will you please inform Mr. Isaac that his letter was duly received and referred to this Branch and advise him that the issuing of permits, such as he requests, is not within the jurisdiction of this Department but under that of the Customs Division of the Department of National Revenue.

You may also advise him that, according to our understanding, Canadian citizens working in the United States who are bona fide residents of Canada are not entitled to a Traveller's Vehicle Permit as in the case of an American tourist. To obtain such a permit a person would have to show proof that he was a resident of the United States. Canadian residents are not permitted to import and use automobiles in Canada as travellers.

It is also understood that a Canadian citizen working in the United States and still a bona fide resident of Canada may only bring a car bought in the United States under certain conditions. A Canadian resident could obtain what is called a Commercial Vehicle Permit, which would permit him to use the automobile from the United States direct to his destination in Canada and, in reverse, from his residence in Canada direct to the United States, but for that purpose only. In such cases a deposit or bond is required before the permit is issued, and the person obtaining the permit knows the limitation of use attached to the permission.

Please forward a copy of your letter to Mr. Isaac, informing him of the above, for our Branch files.


for Secretary.

Maria Dimock Creek Nov.

To The Hon. W. E. Harries



Minister of Citizenship & Immigration
Ottawa



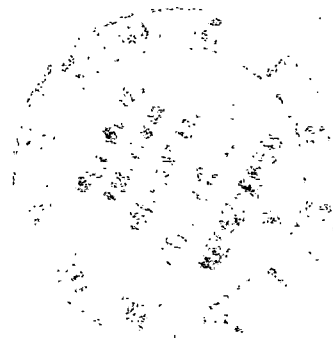
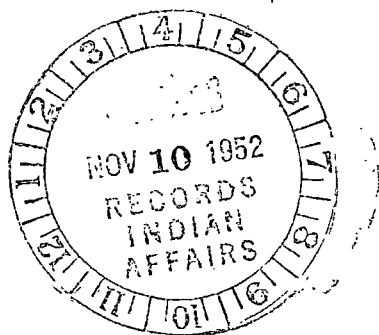
INDIAN AFFAIRS

NOV 12 PM 2:01

09338

Dear Sir

I am an Indian of this
Maria Indian Reserve Pro of Quebec
and we bought a second handed
car in State of Maine Caribou
Maine in the month of May.
worth 170.00 dollars and it
is nice car. good condition
and. now we bring it in Canada
for for only 1 month But I tell
you. now in the first time
when we go to the Board



2

in Canada side at St Leonard
N.B. at Immigration Office
The Immigration Officer told us
to take that car ^{back} in state of
Maine and. I turned back
and we went at Grand Falls
N.B. and he gave us Pass for
5 dys. and I stayed 4 dys. We
are 2 of us My ~~Par~~ Son Paul
Martin he drives that Car
and ~~now~~ after we went at
Carbon ~~me~~ to work and
about a month we ~~been~~
went at home. we went at
St Leonard Boarder. But he
refuse us to Pass. he told me
It is not allow- to take that
Car in Canada he say

3

If you - Passed - we will seized
your car and - I have to turned
Back again and - we have to
put my car in Van Buren Me -
and I we went to Boarder and
we crossed and we took the
train after to go in Maria
and - I was so - pleased about
that car because it help me
to - get my living to get ash
wood or - axe handle wood -
and save me lots of money
Because my son never makes no
accident yet and - now - I am
asking you if you give me
Permit how to take that car
in Canada because I am

4

an old Veteran man I am
58 yrs old and I am ~~now~~ unable
man. to work. I have an Asthma
and Kidney Trouble I was 3 yrs
and 7 month in First War and
since that I have an Asthma
and now. it getting worse that
why we bought the Car. to get
my living and now they
dont allow me to cross the
Boarder in St Leonard, and now
again I tell you the second
time when I went through the
Grand Falls. the officer told me
that he will write to Ottawa
to asked that you will be no
trouble how to cross in Main
Boarder But he never

5

get no answer. Well hope
you will help me because
It gave us only 1 month
Permit and soon be time
Please. answer me soon
as possible In the Request
I am asking I see on the Paper
that any Indian have trouble
how to go to boarder you will
help them Please send me
Permit and. I'll have no
trouble how to come back in
Canada. Your obedient servant

Mr Isaac Martin ^{nr p}
Dimrock Creek
Indian Reserve Maria Pts Que

NOTED
10.11.52
P.H.

107 P. A.

1/18-31-2
(Secy.)

August 27, 1952.

1952 AUG 28 AM 9:15

NOTE FOR FILE:

INDIAN AFFAIRS

Mr. and Mrs. Sam Oakes, accompanied by Mr. and Mrs. Garrow of the St. Regis Band, called at the Branch today. Mr. Oakes wished to obtain a permit for a car bought in the United States. He stated that he had lived in the United States for three years and had been a member of the United States Army, being crippled by malaria. He intends to reside in St. Regis Village. Mr. Oakes was referred to the Secretary of Customs of the Department of National Revenue regarding the permit and whether the car could be brought into Canada under regulations respecting "settlers effects".


C. I. Fairholm.

1/18-31-2 (Secy)

Ottawa, le 23 juillet 1952.

Monsieur Guy Bureau, secrétaire,
"Permanent Stainless Steel Co., Ltd.,"
318, rue Conseil,
Sherbrooke (P.Q.).

Cher monsieur Bureau,

Je désire faire suite à votre lettre du 12 juillet relative à la vente d'ustensiles de cuisine à des Indiens, d'après un plan budgétaire, et aux dispositions qui pourraient se prendre aux fins de la reprise de possession en cas de défaut de paiement.

Les Indiens sont libres d'acheter des marchandises d'après le plan budgétaire ou selon toutes autres conditions convenues par les parties intéressées. Cependant, le Ministère ne se tient nullement chargé des dettes encourues par des Indiens particuliers et n'accepte aucune responsabilité pour le recouvrement des comptes qu'ils doivent.

Au sujet de la reprise de possession d'articles vendus aux Indiens, nous citons pour votre gouverne un article de la Loi sur les Indiens:

"88. (1) Sous réserve de la présente loi, les biens réels et personnels d'un Indien ou d'une bande situés sur une réserve ne peuvent pas faire l'objet d'un privilège, d'un nantissement, d'un mortgage, d'une opposition, d'une réquisition, d'une saisie ou d'une exécution en faveur ou à la demande d'une personne autre qu'un Indien.

...2...

- 2 -

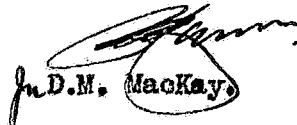
(2) Une personne qui vend à une bande ou à un membre d'une bande un bien meuble en vertu d'une entente selon laquelle le droit de propriété ou le droit de possession y relatif demeure acquis en tout ou en partie au vendeur, peut exercer ses droits aux termes de l'entente, même si le bien meuble est situé sur une réserve."

Il est à remarquer qu'une personne qui vend un bien meuble en vertu d'une entente selon laquelle le droit de propriété ou le droit de possession demeure acquis en tout ou en partie au vendeur peut exercer son droit en vertu de l'entente, même si le bien meuble est situé sur une réserve. Toute démarche aux fins de reprendre possession semblerait donc dépendre des conditions mêmes du contrat de vente.

Les Indiens montagnais du lac Saint-Jean et de Tadoussac ont une réserve située sur la rive ouest du lac Saint-Jean; cette réserve porte le nom de Oulatchouan (Pointe Bleue).

Votre tout dévoué,

Le Directeur:


J.D.M. MacKay

AT/GM

001391

1/18-31-2 (Secy.)

Ottawa, July 18, 1952.

(for French translation)

Gay Bureau, Esq.,
Secretary,
Permanent Stainless Steel Co., Ltd.,
318 Conseil Street,
Sherbrooke, P.Q.

Dear Mr. Bureau:

This will acknowledge your letter of July 12, concerning the sale of kitchen utensils to Indians on a budget plan and action that may be taken to repossess in case of default in making payments.

Indians are free to buy goods on the budget plan or on any other terms that may be agreed to by the parties concerned. The department, however, does not assume any obligation for debts incurred by individual Indians nor accepts any responsibility for the collection of accounts owed by them.

With regard to repossession of goods sold to Indians, the following provision of the Indian Act is quoted for your information:

"88.(1) Subject to this Act, the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian.

(2) A person who sells to a band or a member of a band a chattel under an agreement whereby the right of property or right of possession thereto remains wholly or in part in the seller, may exercise his rights under the agreement notwithstanding that the chattel is situated on a reserve."

It will be noted that a person who sells a chattel under an agreement whereby the right of property or right of possession remains wholly or in part in the seller, may exercise his rights under the

agreement even if the chattel is situated on a reserve. Any action to repossess would therefore appear to depend upon whether the terms of the agreement of sale are conditional.

The Montagnais Indians of Lake St. John and Tadousac have a reserve located on the west shore of Lake St. John known as the Oulatchouan (Pointe Bleue) Reserve.

Yours sincerely,

627
CIF/MD

Wm. J. ...
Director.

(92)

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
OFFICE OF THE DEPUTY MINISTER

DATE

JUL 16 1952

TO: Director of Canadian Citizenship
Registrar of Canadian Citizenship
Director of Immigration
Director of Indian Affairs
Chief, Editorial and Information

ATTENTION OF:

For Action:.....
For Direct Reply:.....
For Reply and Signature in Deputy Minister's
Behalf:.....
For Preparation of Reply:.....
For Report or Comments:.....
To Note and Pass to:.....
To Note and Return:.....
For Discussion with Undersigned:.....
For Information:.....
For Translation:.....



001394

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
OFFICE OF THE DEPUTY MINISTER

DATE 16-7-82

TO: Director of Canadian Citizenship
Registrar of Canadian Citizenship
Director of Immigration
Director of Indian Affairs ✓
Chief, Editorial and Information

ATTENTION OF:

For Action:.....	
For Direct Reply:.....	✓
For Reply and Signature in Deputy Minister's Behalf:.....	
For Preparation of Reply:.....	
For Report or Comments:.....	
To Note and Pass to:.....	
To Note and Return:.....	
For Discussion with Undersigned:.....	
For Information:.....	
For Translation:.....	

001395

PERMANENT STAINLESS STEEL CO. LTD.

318 Conseil Street,

SHERBROOKE, QUE.

July 12, 1952.

Superintendent of Indian Affairs,

Ottawa, Ont.

Dear Sir,

Our agents at Lake St. John sold kitchen utensils to
the following customers:-

Slice Philippe	Résimond Paul
Ernest Raphael	Is. Geo. Paul
Eugène Courtois	Philippe Philippe
Georges de Lanaudière	Charles Courtois
Willie Larouche	Marcel Launière
Prosper Launière	Karry Kurtness
Jack Germain	Léopold Paul
Roland de Launière	Louis Paul.

We should like to know if we might accept these orders
on the budgetary plan and if you can certify the payment of sales
made to these Indians.

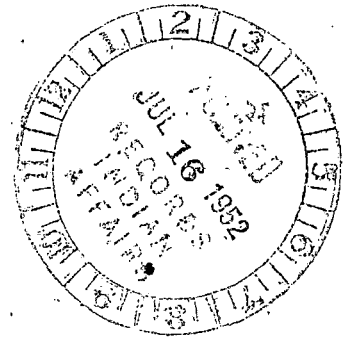
Are there any restrictions on the budgetary plan? Is
Pointe Bleue considered as an Indian Reserve? If we cannot take
back the merchandise in case of non-payment, would you please
advise us by mail without delay.

Yours very truly,

001396

(Sgd.) Guy Bureau, Secretary, Permanent Stainless Steel Co. Ltd.

at - 14-7-52



1. The first part of the document is a letter from the Minister of the Environment to the Minister of the Atlantic Region, dated July 16, 1982. The letter is in French and discusses the results of a meeting held on July 15, 1982, in Ottawa, between the two ministers and a number of representatives of the fishing industry.

2. The second part of the document is a letter from the Minister of the Atlantic Region to the Minister of the Environment, dated July 16, 1982. The letter is in French and discusses the results of a meeting held on July 15, 1982, in Ottawa, between the two ministers and a number of representatives of the fishing industry.

3. The third part of the document is a letter from the Minister of the Environment to the Minister of the Atlantic Region, dated July 16, 1982. The letter is in French and discusses the results of a meeting held on July 15, 1982, in Ottawa, between the two ministers and a number of representatives of the fishing industry.

4. The fourth part of the document is a letter from the Minister of the Atlantic Region to the Minister of the Environment, dated July 16, 1982. The letter is in French and discusses the results of a meeting held on July 15, 1982, in Ottawa, between the two ministers and a number of representatives of the fishing industry.

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
OFFICE OF THE DEPUTY MINISTER

DATE

14-7-52

TO: Director of Canadian Citizenship
Registrar of Canadian Citizenship
Director of Immigration
Director of Indian Affairs
Chief, Editorial and Information

ATTENTION OF:

M. J. Smith

For Action:.....

For Direct Reply:.....

For Reply and Signature in Deputy Minister's
Behalf:.....

For Preparation of Reply:.....

For Report or Comments:.....

To Note and Pass to:.....

To Note and Return:.....

For Discussion with Undersigned:.....

For Information:.....

For Translation:.....

✓

Duplicate copies of translations

please

WJS

001398

1952. 11. 15

001399

BRANCHES IN PRINCIPAL CITIES
SUCCURSALES DANS LES PRINCIPALES VILLES

FACTORY
MANUFACTURE } MELROSE PARK, ILLINOIS

Dept. of Citizenship & Immigration
OTTAWA

JUL 14 1952

Deputy Minister's Office

PERMANENT STAINLESS STEEL CO. LTD.

STAINLESS STEEL PRODUCTS
PRODUITS D'ACIER INOXYDABLE

318 CONSEIL STREET,
SHERBROOKE, P. Q.

Dept. of Citizenship & Immigration
OTTAWA

JUL 14 1952

Deputy Minister's Office

Le 12 juillet, 1952.

Surintendant des Affaires Indiennes,
Ottawa, Ont.

Cher monsieur,

Nos représentants du Lac St-Jean ont fait la
vente d'ustensiles de cuisine à Pointe Bleue aux clients sui-
vants:-

Slice Philippe
Ernest Raphael
Eugène Courtois
Georges DeLanaudière
Willie Larouche
Prosper Launière
Jack Germain
Roland DeLaunière.

Résimond Paul
Ls. Geo. Paul
Philippe Philippe
Charles Courtois
Marcel Launière
Karry Kurtness
Léopold Paul
Louis Paul.

Nous aimerions savoir s'il nous est possible d'accepter
ces commandes sur plan budgétaire et si vous pouvez certifier le paie-
ment des ventes faites chez ces Indiens.

Y a t-il des restrictions sur plan budgétaire?
Est-ce que Pointe Bleue est considérée comme une réserve Indienne? Si
nous ne pouvons reprendre cette marchandise en cas de non paiement,
veuillez nous en aviser par la poste sans délai.

Veuillez nous croire, cher monsieur,

Vos tout dévoués,

PERMANENT STAINLESS STEEL CO. LTD.

Guy Bureau
Guy Bureau
Secrétaire.

GB/B

All agreements are made contingent upon strikes, fires, accidents or causes beyond our control.
Toutes les ententes sont faites contingentes aux grèves, feux, accidents et toute autre cause au-delà de notre contrôle.

CITIZENSHIP & IMMIGRATION
TRANSLATION
RECEIVED JUL 14 1952
RETURNED 15-7-52
INITIALS <i>SM</i>

0/127-1-2
1/18-31-2

(T-1)


May 16, 1952.

MEMORANDUM TO THE DIRECTOR

Your attention is directed to Mr. Fairholm's memorandum hereunder concerning an expenditure of \$2,000.00 from Saint Regis Band funds to defray legal costs to ascertain the rights of Indians under the Jay Treaty.

Sections 64 (j) and 66 (1) of the Indian Act give to the Minister the discretionary powers in the matter of authorizing or rejecting requests for such expenditures. It is felt by this Service that the decision as to whether or not this matter should be proceeded with at present involves policy at a higher level.

Your direction in the matter is requested before preparing the necessary submission to the Minister.



Acting Superintendent,
Reserves and Trusts Division.



AL/ja

0/127-1-2
(Secy.)
1/18-31-2

, May 9, 1952.


MEMORANDUM TO T.1

As requested, herewith comments regarding resolution of the St. Regis Band Council requesting \$2,000 from Band Funds to defray legal costs to ascertain the rights of Indians under the Jay Treaty to import goods into Canada from the United States, quoted in the Superintendent's letter of May 6.

Indians have claimed from time to time that they have certain rights under Article III of the Jay Treaty, 1794, to pass the boundary between Canada and the United States with their own proper goods and effects without paying duty. As a result of representations received from Mr. Andrew Paull, President, North American Indian Brotherhood, Justice was asked as to whether the Indians have any rights under the Treaty with respect to importation of goods into Canada from the United States free of duty. An opinion given June 1, 1951, was to the effect that Indians passing or repassing with their own proper goods and effects of whatever nature need pay no duty. Upon reviewing the opinion upon a reference by the Department of National Revenue, another opinion was given to that Department to the effect that a recent amendment to the Income Tax Act nullified the exemption in question. Neither opinion has been made known to the Indians by this department. A draft letter to Mr. Paull advising him of the opinion was not sent by the Minister, and in fact any further answer has been held up.

A delegation of Indians from St. Regis, including Chief Peters, called at the Branch on November 26, 1951, with respect to customs seizures generally. They intimated that they were considering engaging counsel to look into the whole customs matter. They asked for historical information on the Jay Treaty and the Treaty of Ghent, which was forwarded to them. They were referred to the Department of National Revenue, which is the administering authority for customs.

On February 29, Mr. John A. G. MacDonald, Barrister, Cornwall, wrote to the department to the effect that he had been retained by certain members of the St. Regis Band to inquire into and determine

the legality of the imposition of duties on goods and articles purchased in the United States for their own personal use. He wanted to know if funds were provided by Parliament for litigation purposes and whether band funds could be used for such purposes. He was advised that no funds are provided by Parliament for such purposes, and with regard to payment of band funds, Section 64 of the Indian Act was drawn to his attention (file 1/18-31-2).

There is no record of the question of rights of Indians to import goods into Canada free of duty under the provisions of Article III of the Jay Treaty having been decided in the courts in Canada. In the United States, however, the courts have found against a Canadian Indian bringing goods into the United States. The person involved was Mrs. Garrow of the St. Regis Reserve. This is referred to briefly in memorandum to the Director dated November 29 hereunder, and also in letter dated December 5, 1951, from Mr. Edwin E. Ferguson, Chief Counsel, United States Bureau of Indian Affairs.

There does not appear to be anything on file to indicate just what action the Indians intend to take. Whether they intend to engage the services of counsel to investigate the whole matter and make a report to them indicating what their rights appear to be, or whether it is intended to bring a test case before the courts for determination, is not clear. Probably the only way the claims of the Indians can be determined with any degree of finality is to have the courts rule on the question in a specific case.

In view of the fact that the Deputy Minister of Justice has given opinion to the effect that Section 49 of Chapter 25, Statutes of 1949, Second Edition, appears to nullify the exemption which the provision of the Jay Treaty purports to give to Indians, perhaps it would be advisable that the St. Regis Indians should be made aware of this opinion before pursuing the matter further. The Band Council may then wish to reconsider the advisability of engaging counsel to look into the matter. Before the purport of the latest opinion of the Deputy Minister as given to National Revenue is communicated to the Indians, I believe it would be advisable to bring it to the attention of the Director, who may wish to clear it with the Deputy Minister or Minister.

CIF/ED


C. I. Fairholm.

1/18-31-2
0/128-7-1 (Secy.)

Ottawa, April 2, 1952.

T. L. Bonnah, Esq.,
Supt., Indian Agency,
Box 987,
Cornwall, Ontario.

Dear Mr. Bonnah:

Please refer to your 33/18-31 of March 3 and 19, and previous correspondence regarding the embargo on meats, live-stock and feed.

As explained previously, the United States laws do not provide any way by which exceptions could be made to permit live-stock to be moved in transit through the United States to points in Canada.

At present the United States will allow cooked and cured meats only to be shipped in transit through the U.S.A. to Canadian points; fresh meats are not included. Fresh meats, however, could be obtained from the United States should that be necessary. The matter has been discussed with officials of the Agriculture and Fisheries Branch of the Department of Trade and Commerce, who have advised that a general import permit to cover the regular purchases of meat in the United States for the reserve could be issued for an indefinite period. Should this course of action become necessary to ensure an adequate supply of meat for ordinary consumption, please let me know and action will be taken to obtain the permit.

I understand that you will be in Ottawa about the 15th of this month, at which time you could discuss the various matters raised in your letters with Colonel Jones, Superintendent of Welfare.

Yours sincerely,


C.F. MD


Director.

001404

DEPARTMENT OF

38908



TRADE AND COMMERCE
CANADA

1952 MAR 28 PM 2:48

FOREIGN TRADE SERVICE

INDIAN AFFAIRS

PLEASE QUOTE FILE 29-474

OTTAWA, March 27, 1952.



D.M. MacKay, Esq.,
Director,
Indian Affairs Branch,
Department of Citizenship & Immigration,
O T T A W A.

Dear Mr. MacKay:

Meat for St. Regis Indian Reserve, Quebec.

This will acknowledge receipt of your letter of March 19th and confirm your telephone conversation yesterday with Mr. Stanton of this Branch.

At present the United States will allow the importation from Canada of only cooked and cured meats to be shipped in transit through the U.S.A. to Canadian points. Fresh meats, which type of meat is required by your reserve, are not included.

It would seem, therefore, that until the United States' ban on imports of Canadian fresh meats is lifted the only solution to your problem would be for the Indians to purchase their fresh meats in the United States. Under these conditions we would be glad to approve a general import permit to cover the regular purchases in the United States of meat for the reserve. This general permit could be issued for an indefinite period and each Indian importing meat from the United States or returning to Canada with parcels of United States meat would need only to quote a general permit number to the Canadian Customs.

As you mentioned to Mr. Stanton, the problem has not developed into an immediate one as yet and that you intend to discuss it further with your Superintendent of the Reserve, we shall take no action until we hear from you again.

Yours faithfully,

G.R. Paterson,
Director,
Agriculture & Fisheries Branch.

43-1
April 1-1952
discussed by the Branch and
situation with Mr. Stanton and
explained that this officer would not do anything
Noted 28/3/52 can cover his local problem.
13.m. to 8.30m

discussed with Col. Jones &
Mr. Morris

001405

33/18-31

original on 0/128-7-1

P. O. Box 987,
Cornwall, Ontario,
March 19th, 1952.

Indian Affairs Branch, Ottawa, Ontario.

RE: U. S. embargo on livestock, feeds,
etc., and recent Canadian embargo.

I am wondering if your office fully realizes the impact of the above restrictions on the economic life of nearly 1200 of our Indians living on the St. Regis Reserve. Since you intimate it is impossible for your office to obtain any relaxation of regulations you will, I am sure, appreciate the position I am in locally. For the survival of our Indian people I must and do obtain many concessions from United States Customs Officials but in a matter of this nature I cannot at this level ask or expect the local officers to take the risk of immediate dismissal by granting us special privileges not permissible anywhere else along the boundary.

During conversation today with Dr. J. M. Brand, U. S. Department of Agriculture, Ogdensburg, New York, I learned that it may be at least one year before any attempt will be made to discuss lifting of embargo. Further arrangements are, I understand, being completed to have all roads in this district policed. With the cooperation that is so freely given between our officers and United States law enforcing agencies, I would not be surprised that before long there will be more than just arguments along this Border. Such a situation would indeed be sad but my observation is that the Indians are not going to stand by and be deprived of a livelihood. In fact at this writing the situation is quite tense. It is not hard to appreciate their problem for as you know we are faced with a grave problem ourselves in the operation of our Community Farm, an enterprise which was started to assist our Indian Farmers. One cannot farm without producing and thus the marketing problem follows. It is alright to feed livestock beyond market time but when the time element grows into weeks and months it ceases to be amusing

- 2 -

Apart from marketing of livestock and purchase of feed and livestock in the ordinary course of farming, we have to consider the sale of milk. We along with some of our Indian farmers had hoped to get into the Montreal City market this summer and towards this end the writer and Mr. Tully had already made considerable progress. Now the whole thing must be thrown out on account of embargo restrictions and when we will ever get a chance again at that market is questionable.

There are perhaps three ways this situation can be remedied:

1. By getting the restrictions lifted, through direct interchange of views between Dr. T. E. Childs, Veterinary Director General for Canada and Mr. T. B. Sims of the Bureau of Animal Husbandry, Department of Agriculture, Washington.
2. By providing adequate water transportation facilities for the marketing of all produce.
3. Closing out all farming operations involving the raising of livestock, and all farm products falling under embargo restrictions, thus necessitating a complete change in the economy of our Indians to perhaps growing crops which would be canned on the reserve and marketed through regular channels.

Naturally the first method would be the ideal solution and the proper one and in keeping with the treatment given United States Citizens (in a similar geographic position in Washington State) by the Canadian Government during the past war.

The second remedy is as stated above and perhaps not only provides a solution to our embargo problem but solves a problem which will occur if and when the St. Lawrence Seaway goes through and our bridge route to Cornwall is severed.


We have a small Band Scow which is used to move a few stock at a time to neighbouring islands for pasture and the motive power used is quite often a row-boat or outboard. To move livestock and feed in large quantities to and from Cornwall or to and from Quebec ports is a different matter and with a return trip of 14 miles on the average we must have a seaworthy scow and preferably self propelled as no local craft is big enough to handle a scow 12' x 40' which will be required.

- 3 -

I have now a tender from Bingley Steel Works, the only local firm who can build what we require and their price on a self propelled steel scow 12' x 40' is \$9,500.00 taxes extra. The draft loaded would be 2' 6" which is just right for our district since there are many shoals and few deep water shore landing places. The firm made this quotation subject to immediate acceptance and reserve the right to invoice on a basis in effect at time of shipment. Delivery cannot be made before three months. This would suit the needs of our Indians for many years to come. Tender and specifications are now in this office.

The third and final proposal to abandon dairy farming altogether and go into some other type of farming that is less likely to ever come within the scope of International restrictions is one which will have to be worked out failing above alternatives.

In the final analysis let us not deceive ourselves into thinking that a policy of "inaction" will solve our difficulties. This entire matter must be faced now with a view to providing a solution as near to permanent as is possible for man to make. I say this in all sincerity and with the knowledge that unless something is done very soon we may have a very serious situation on our hands. I might add that if providing a proper scow is decided upon as the solution, many Indians feel that Band Funds should not be used to construct a scow just to satisfy a government regulation. It is remembered that at this point the Indians had at one time adequate water transportation facilities between St. Regis and Cornwall and Quebec points only to be deprived of the same and consequent revenues when Indian lands were expropriated on Cornwall Island for the use of the International Highway, a route which may not be in operation if the waterway goes through.


T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

1/18-31-2 (Secy.)

(0/127-1-2)

Ottawa, March 5, 1952.

John A. G. MacDonald, Esq.,
Barrister and Solicitor,
Notary Public,
The Orange Block,
102 Pitt Street,
Cornwall, Ontario.

Dear Mr. MacDonald:

This will acknowledge your letter of February 29th, in which you advise that you have been retained by certain members of the St. Regis Band of Indians to inquire into and determine the legality of the imposition of duties on goods and articles purchased in the United States for their own personal use.

In reply to your questions I would advise as follows:

1. There is nothing in the Indian Act to prevent Indians from taking action to have their rights adjudicated in the Exchequer Court of Canada in the same manner as other Canadian citizens.

2. There are no funds provided by Parliament to assist Indians to defray costs incurred in litigation. As to payment of costs of litigation from Band Funds, I would refer you to Section 64 of the enclosed copy of the Indian Act, which provides as follows:

"64. With the consent of the council of a band, the Minister may authorize and direct the expenditure of capital moneys of the band

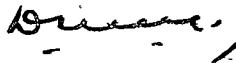
- (a).....
- (b).....
- (c)..... etc.

(j) for any other purpose that in the opinion of the Minister is for the benefit of the band".


2.

It is considered that this authority will permit payments of this nature from Band Funds when a resolution has been passed by the Council of a Band and when the Minister has authorized and directed expenditures of this nature.

Yours sincerely,


Director.

CIF/MD



DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No. 8331 Indian Affairs File No. 1/18-31-2

Subject of File.....

MAIN FILE ON CHARGE TO

290

REFERENCE

DISPOSAL

REFERRED TO	BY	REMARKS	DATE	PA OR BF	BY	DATE	FOR RECORDS USE
<i>Secy</i>	<i>Ch 7</i>	<i>16611</i>	<i>3-3-52</i>				

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001411

118-31-2

16611



A. G. MACDONALD
BARRISTER AND SOLICITOR
NOTARY PUBLIC

TELEPHONE 753

1952 MAR 3 AM 9:04

THE ORANGE BLOCK
102 PITT STREET
CORNWALL, ONTARIO

Scary

INDIAN AFFAIRS

29th February, 1952.

The Department of Indian Affairs,
Parliament Buildings,
OTTAWA, Ontario.



Dear Sirs,

Re: Customs Duties Levied on certain articles
purchased by members of the Akwesasne Branch
in the St. Regis Indian Reservation.

I have been retained by a duly authorized delegation of the above mentioned Branch to inquire into and determine the legality of the imposition of duties on goods and articles purchased by the members of the above mentioned Branch in the United States for their own personal use.

At the present moment there are a number of articles under seizure by the R.C.M.P. and I understand that instructions issued to the R.C.M.P. are to the effect that these duties must be paid forthwith or else the goods under seizure will be sold.

I further understand that the Customs and Excise Branch of the Department of National Revenue has obtained a legal opinion from the Department of Justice to the effect that the imposition of customs duties is quite legal, and that the Jay Treaty no longer has any legal validity.

The Indians wish me to investigate their status and to furnish them with an opinion as to the validity of the Jay Treaty. If the opinion should be that the Jay Treaty is still valid they would like to obtain a Court ruling for the whole question is a very important one to all the Indians in the St. Regis Indian Reservation.

There are several questions which I would like to ask your Department, and they are as follows:-

1. Since the Indians on the Reservation are wards of the Government is it permissible for them to have their rights adjudicated in the Exchequer Court of Canada ?

 **JOHN A. G. MACDONALD**
BARRISTER AND SOLICITOR
NOTARY PUBLIC

TELEPHONE 753

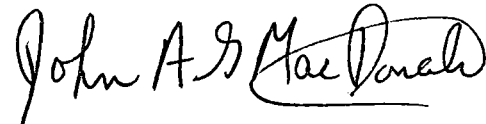
THE ORANGE BLOCK
102 PITT STREET
CORNWALL, ONTARIO

-2-

2. Is there any fund set aside upon which the Indians can draw for litigation purposes? Can the Band Fund be used for this purpose?

I should be glad to hear your comments in regard to the above two questions, and also to hear any other comments you wish to make.

Yours very truly,



JOHN A.G. MacDONALD.

JAGM:DM

See Mr. Craig's Memo^d Feb. 7 as to the law with
respect to payment from band funds
on file 0/121-1-17.
608.

1/18-31-2 (Secy.)

Ottawa, March 19, 1952.

G. R. Paterson, Esq.,
Director, Agricultural Commodities Branch,
Department of Trade and Commerce,
No. 1 Building,
Ottawa, Ontario.

Dear Mr. Paterson:

Pursuant to telephone conversation between Mr. C. I. Fairholm of this Branch and yourself, I am bringing to your attention the difficulties that have arisen on the St. Regis Indian Reserve, Quebec, as a result of action taken by the United States and Canadian Governments in connection with the outbreak of foot and mouth disease among livestock in the Province of Saskatchewan.

The St. Regis Reserve comprises parcels of land on the south shore of the St. Lawrence River bordering the International Boundary and also a number of islands in the River, including Cornwall Island. The only way by which that part of the Reserve adjacent to the boundary can be reached by highway is through the United States.

Since the embargo on Canadian meat, livestock, hay, grain and feeds of all kinds, approximately 1,000 Indians residing on the Reserve have been cut off from normal supply channels. Following the embargo by the United States the Indian Superintendent in charge of the Reserve was instructed to make arrangements with the local Canadian Customs officials to permit meat from the United States to be brought into Canada in order to ensure a supply adequate to meet ordinary requirements. Recent restrictions imposed by Canada with respect to bringing in livestock and meat presents new difficulties for the Indians of the Reserve. It is understood, however, that livestock and meat may be brought into Canada under special permit. With this in mind, it would be appreciated if you would advise as to the procedure members of the St. Regis Band should follow in obtaining a permit to bring in meat from the United States.

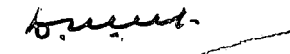
2.

It is understood that elsewhere in Canada a similar situation has arisen and that consideration is being given to the question of making representations to the United States authorities to see if any exceptions could be made to permit fresh meats to be shipped in transit through the United States to points in Canada. If it is decided to make representations, it would be appreciated if the difficulties at St. Regis could also be brought to the attention of the United States authorities with a view to some relaxation in the embargo to permit members of the St. Regis Band to bring fresh meat in transit through the United States into the Reserve.

If there is any further information regarding the situation at St. Regis that you would like to have, please let me know.

Yours sincerely,


CLE/MD


Director.

1/18-31-2 (Secy.)

Ottawa, March 19, 1952.

G. R. Paterson, Esq.,
Director, Agricultural Commodities Branch,
Department of Trade and Commerce,
No. 1 Building,
Ottawa, Ontario.

Dear Mr. Paterson:

Pursuant to telephone conversation between Mr. C. I. Fairholm of this Branch and yourself, I am bringing to your attention the difficulties that have arisen on the St. Regis Indian Reserve, Quebec, as a result of action taken by the United States and Canadian Governments in connection with the outbreak of foot and mouth disease among livestock in the Province of Saskatchewan.

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If there is any further information regarding the situation at St. Regis that you would like to have, please let me know.

Yours sincerely,

CIF/MD

Director.

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

Records Service Division

Slip No. 11

Indian Affairs File No. 0128-7-1

Subject of File.....

MAIN FILE ON CHARGE TO

W

REFERENCE

DISPOSAL

REFERRED To	By	REMARKS	DATE	PA OR BF	By	DATE	FOR RECORDS USE
Secy Ch-17		19414	5-3-52				

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001418

0/128-7-1

FIELD SERVICE



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

PLEASE QUOTE

FILE...33/18-31
c.c.33/ 3-6

P. O. Box 987,
Cornwall, Ontario,
March 3rd, 1952.

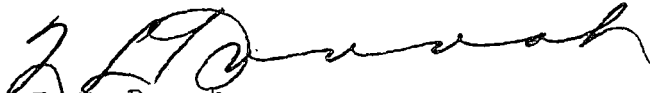
Indian Affairs Branch, Ottawa, Ontario.

RE: Resolution No. 4,
St. Regis Council,
March 3rd, 1952.

The above resolution deals with the embargoes recently placed by the United States Government (Department of Agriculture) and the Canadian Government on livestock, meat products and certain feeds entering United States and Canada.

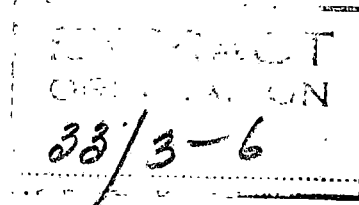
Insofar as the matter of United States embargoes are concerned your office is fully familiar with our situation. However, since the Director's letter of March 3rd, your 1/78-31-2 (Secy), the Canadian Government has placed an embargo on beef coming into Canada from the United States.

For the time being we are slaughtering our own hogs on the Community Farm and this relieves the situation somewhat. We have, however, no beef stock on the Reserve. Apart from the marketing of our livestock in transit through the States we were getting to the point where we had a fairly good solution worked out. With the Embargo now put on by the Canadian Government it is hard to say what will happen next, as no doubt Canadian Customs officials and R.C.M.P. will be ordered to enforce this embargo. However, everything possible has been done by the writer to improve the situation and if trouble occurs it will not be the fault of this office.


T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

001419

St. Regis Council, March 3rd, 1952.



x

x

x

4. On the motion of Wilson Lazore and Richard J. Seymour, Council requests Department to have Canadian Government take up with Washington, Department of Agriculture, the relaxation of embargo regulations in order that livestock and feed can be moved from and to the St. Regis Reserve, Quebec to and from Canadian market centres; and that Canadian embargo on U.S. meat be lifted for St. Regis Reserve. Carried.

x

x

x

Sgd. T.L. Bonnah,
Superintendent.

1/18-31-2 (Secy.)

Ottawa, March 3, 1952.

T.L. Bonnah, Esq.,
Superintendent,
Indian Agency,
CORNWALL, Ontario.

Dear Mr. Bonnah:

This will acknowledge your letter of February 28th, concerning the difficulties that have arisen as a result of the embargo on Canadian meat, livestock, hay, grain and feeds of all kinds.

I am glad that a solution is being worked out to bring in meat from the United States. This will, no doubt, ensure an adequate supply to meet ordinary requirements.

As to obtaining any relaxation of the embargo to permit livestock and feed to be shipped in transit to and from the reserve, there does not appear to be any action that this Branch could take in the matter that would prove helpful. The whole question has been discussed with an official of our own Department of Agriculture and it has been pointed out that, under the United States law, the embargo is mandatory as long as there is evidence of foot and mouth disease among the livestock in another country. It was pointed out, moreover, that any relaxation would, no doubt, require action by the Congress of the United States by way of amendment to the law on the subject. For this reason and having regard to the serious nature of the disease, it is not thought that any representations that the Branch might make, through regular channels to the United States authorities, would result in any relaxation at St. Regis.

- 2 -

The immediate problem as I understand it is to provide feed for livestock and to find a way to get hogs and calves to market. If present supplies of grain, hay and feeds become exhausted, I believe that no great difficulty should be experienced in obtaining adequate supplies from the United States. I would suggest that you discuss this with our customs officials and find out what arrangements could be made should this course of action become necessary. As for marketing livestock, I do not see how this can be done under present conditions and, consequently, there would appear to be no alternative but to continue to feed livestock beyond market time.

It occurs to me, however, that as soon as the St. Lawrence is free of ice it should be possible to make arrangements to transport feed to the reserve and livestock to market by using a scow or other suitable vessel. This would, no doubt, provide a temporary solution of the existing difficulties.

Yours sincerely,



Director.

CIF
DMM/BM

not sent

1/18-31-2
(Secy.)

Ottawa, March 1st, 1952.

T. L. Bonnah, Esq.,
Supt., Indian Agency,
Box 987,
CORNWALL, Ontario.

Dear Mr. Bonnah:

This will acknowledge your letter of February 28th concerning the difficulties that have arisen as a result of the embargo on Canadian meat, livestock, hay, grain and feeds of all kinds.

I am glad that a solution is being worked out to bring in meat from the United States. This will no doubt ensure an adequate supply to meet ordinary requirements.

As to obtaining any relaxation of the embargo to permit livestock and feed to be shipped in transit to and from the reserve there does not appear to be any action that this Branch could take in the matter that would prove helpful. The whole question has been discussed with an official of our own Department of Agriculture and it has been pointed out that under the United States law the embargo is mandatory as long as there is evidence of foot and mouth disease among the livestock in another country. It was pointed out, moreover, that any relaxation would no doubt require action by the Congress of the United States by way of amendment to the law on the subject. For this reason and having regard to the serious nature of the disease it is not thought that any representations that the Branch might make, through regular channels to the United States authorities, would result in any relaxation at St. Regis.

The immediate problem as I understand it is to provide feed for livestock and to find a way to get hogs and calves to market. If present supplies of grain, hay and feeds become exhausted I believe that no great difficulty should be experienced in obtaining adequate supplies from the United States. I would suggest that you discuss this with our customs officials and find out what arrangements could be made should this course

-2-

of action become necessary. As for marketing livestock I do not see how this can be done under present conditions and consequently there would appear to be no alternative but to continue to feed livestock beyond market time.

It occurs to me, however, that as soon as the St. Lawrence is free of ice it should be possible to make arrangements to transport feed to the reserve and livestock to market by using a scow or other suitable vessel. This would no doubt provide a temporary solution of the difficulties with which you and the members of the band are faced.

Yours sincerely,



Director.



FIELD SERVICE

URGENT

15795



CANADA

PLEASE QUOTE

FILE 33/18-31

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
1952 FEB 23 PM 1:54
INDIAN AFFAIRS BRANCH

INDIAN AFFAIRS

P. O. Box 987,
Cornwall, Ontario,
February 28, 1952.

COPY

Filed on

File 33/128-7-1

Indian Affairs Branch, Ottawa, Ontario.

The Director's telegram of the 27th has been received and the matter was taken up with local United States Customs officials with a view to lifting livestock embargo in transit. There is absolutely nothing that can be done at this level despite sympathy extended by the local officials as we also have Border Patrol to contend with. I am informed the only hope of obtaining any relaxation is for your office to take this up immediately with high level officials of the Department of Agriculture in Washington. The sooner the better.

A solution is being worked out with Canadian officials over meat coming into the St. Regis Reserve. This is not our only problem. Apart from our own herd at the Community Farm, there are quite a number of livestock on the St. Regis Reserve for which food has to be purchased. You are aware that no hay or grains or feeds made from grains can be brought through the United States Customs. There are also a number of hogs on the Reserve apart from our Community Farm that will have to be marketed one way or another. Ice conditions have been very unsafe this winter and very poor at this writing. We ourselves will have around 20 hogs ready for market on March 15th and we cannot get them out nor can we afford to feed them beyond marketing time. Had we refrigeration facilities on the Reserve we would slaughter ourselves and store the meat here but we definitely have no facilities for such a large number of hogs. By April 1st we will have another 15 or more hogs ready for market with a similar number for June 1st. This program, of course, was all set out to take care of our Revolving Fund Loan. Further, we have field seeds which we were taking to the cleaning plant in Huntingdon next week to have ready for Spring planting and we cannot get through the Customs with this.

.....

001425

NOTED
29/2/52
B.D.

-2-

As the chief concern at the moment is the marketing in Canada of hogs and veal calves as well as the purchase of feed for livestock, may I urge upon you the necessity of pressing the United States Department of Agriculture for an immediate solution.

Livestock involved:

500 cattle

300 hogs

2000 chickens.



T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

*Discussed with
Col. Jones.*

c.c. sent to Colonel Jones.

001426

117 File Pa 26-2-5V CH
118-31-2
492-18-12 (D.I.A.)

INDIAN AFFAIRS
FEB 26 1952
PM 2:50
13691
OTTAWA, February 26, 1952.

Norman Saylor, Esq., Q.C.,
Advocate,
1403 Aldred Building,
MONTREAL, Quebec.

Dear Mr. Saylor:

You will recall your visit on Thursday last to this office regarding the regulations which are being applied to Caughnawaga Indians employed in the United States bringing their cars into Canada during periodic visits to their home reserves.

It is understood that the regulations in force provide that Canadian citizens working in the United States, who are bona fide residents of Canada, are not entitled to a Travellers Vehicle Permit as in the case of an American tourist or traveller. To obtain such a permit, a person would have to show proof that he was a resident of the United States. Canadian residents are not permitted to import and use automobiles in Canada as travellers.

It is further understood that a Canadian citizen working in the United States and still a bona fide resident of Canada can only bring in a car bought in the United States under certain conditions. A Canadian resident employed in the United States could obtain what is called a Commercial Vehicle Permit, which would permit him to use the automobile from the United States direct to his destination in Canada and, in reverse, from his residence in Canada direct to the United States, but for only that purpose. In such cases, a bond is required before the permit is issued and the person obtaining the permit knows the limitation of use attached to the permission.

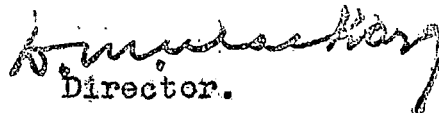
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001427

- 2 -

From the foregoing and the information supplied by yourself, it would seem that much would depend on what is regarded by the Customs Division of the Department of National Revenue as residence in the United States. Consequently, complete information covering the length of residence of each of those whose names appear on the list to which you referred should be supplied so that representations may be made on their behalf. It is not known, of course, what the outcome of any representations made by this Branch will be but it might, at least, disclose the information regarding the matter of residence on which this whole case seems to be centered. As I mentioned to you, the Branch has not been successful in having the restrictions relaxed in the case of any Indian employed in the United States whose residence has been determined as being in Canada.

Yours sincerely,


Director.

DMM/BM



NORMAN SAYLOR K. C.
ADVOCATE

1403 ALDRED BUILDING
MONTREAL

001429
PLATE



DEPARTMENT OF NATIONAL REVENUE
CUSTOMS AND EXCISE

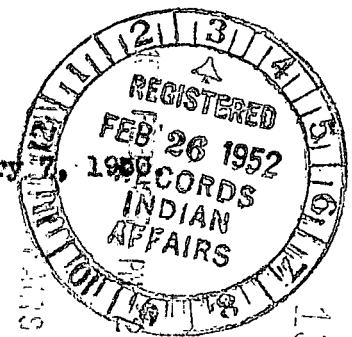
Your file 492-19-1 (Secy.)

REFER TO FILE

40048

Ottawa.

January 7, 1952



Mr. T.R.L. MacInnes,
Secretary, Indian Affairs Branch,
Department of Mines & Resources,
Ottawa, Ont.

Dear Sir:

Re: Customs Seizure No. 40048/24488
Levi Paul, Shubenacadie, N.S.

I am in receipt of your letter of the 3rd instant together with a copy of the letter of F.B. McKinnon, Regional Supervisor of Indian Agencies, Eskasoni, N.S., submitted on behalf of Mr. Levi Paul in connection with the above numbered seizure of Mr. Paul's automobile.

Mr. Paul, who is a Canadian, reported in at Canadian Customs at Woodstock Road, N.B. with a U.S. automobile and was refused a Traveller's Vehicle Permit (Form E-50) for the automobile, apparently for the reason that he had recently purchased it in the United States and under the provisions of Item 1215 of the Customs Tariff "used or second-hand automobiles manufactured prior to the calendar year in which importation into Canada is sought are prohibited entry".

Mr. Paul then returned to the United States and reported in at Centreville, N.B. and obtained a Traveller's Vehicle Permit for the automobile, apparently without disclosing the fact that he was a Canadian, etc.

The seizing officer reports in connection with this seizure as follows:

1. On the evening of 24th Oct. Cronkhite of the Woodstock Town Police advised that there was an automobile at the garage of Currie Bros. in Woodstock which some Indians had brought over, and abandoned. He believed that it had not been entered through the Customs.
2. Patrol was made to the garage, where the car was seen, it was learned that the occupants had left for Maine in a taxi. A telephone call was put in to the Border and the taxi held there until our arrival.
3. It was found that the car was registered in Maine in the name of Levi Paul, on Oct. 5th 1949. Paul had documents with him to show that he is a Micmac Indian, of Shubenacadie, N.S., this had been issued by the Indian Agent at Shubenacadie, No. 6162.
4. Mr. H. Kennedy, C.E.E. officer, of Woodstock Road, advised that this man had applied for a Form E 50 on 23rd., at that port, and had been refused.
5. Paul had with him Form E 50, issued at the Port of Centreville, N.B. No. B 566961, on Oct. 24th for this car. He stated that he was a Canadian Indian, with his permanent home at Shubenacadie, N.S. He had left there in April 1949 and gone to work in Maine, he was now on his way to Shubenacadie again.
6. The car in question had broken down and needs some repairs, and due to the fact that it was placed under seizure, Paul and his family returned to Maine in order that they might get some money to return to their home in Nova Scotia.

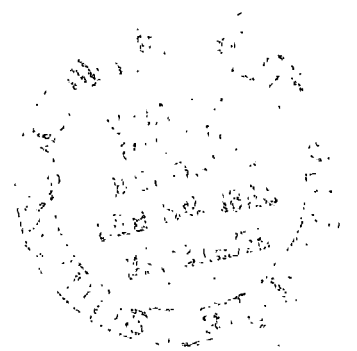
Considering all the circumstances the Department has no objection to allowing Mr. Paul to export the car merely on payment of storage charges and the R.C.M. Police are being advised accordingly.

Yours truly,

W.L. Hicklin
W.L. Hicklin,
for Deputy Minister.

MJS/MLF

Revised



RE CUSTOMS SEIZURES - CARS

1. I understand that Canadian citizens working in the United States who are bona fide residents of Canada are not entitled to a Travellers Vehicle Permit as in the case of an American tourist. To obtain such a permit a person would have to state that he was a resident of the United States. Canadian residents are not permitted to import and use automobiles in Canada as travellers.

2. It is understood that a Canadian citizen working in the United States and still a bona fide resident of Canada may only bring in a car bought in the United States under certain conditions. A Canadian resident could obtain what is called a Commercial Vehicle Permit, which would permit him to use the automobile from the United States direct to his destination in Canada and, in reverse, from his residence in Canada direct to the United States, but for only that purpose. In such cases a deposit or bond is required before the permit is used, and the person obtaining the permit knows the limitation of use attached to the permission.

3. Customs have advised that Mr. Saylor discussed the matter with them early in December and that he "intimated that these difficulties had only recently arisen and that some of the men who work in the United States have been put on what may be called a black-list and refused entry of their cars except under Commerical Vehicle Permit with bonds."



Major McKay

492-19-1 (D.I.A.)

OTTAWA, February 26, 1952.

Norman Saylor, Esq., Q.C.,
Advocate,
1403 Aldred Building,
MONTREAL, Quebec.

Dear Mr. Saylor:

You will recall your visit on Thursday last to this office regarding the regulations which are being applied to Caughnawaga Indians employed in the United States bringing their cars into Canada during periodic visits to their home reserves.

It is understood that the regulations in force provide that Canadian citizens working in the United States, who are bona fide residents of Canada, are not entitled to a Travellers Vehicle Permit as in the case of an American tourist or traveller. To obtain such a permit, a person would have to show proof that he was a resident of the United States. Canadian residents are not permitted to import and use automobiles in Canada as travellers.

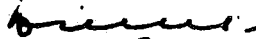
It is further understood that a Canadian citizen working in the United States and still a bona fide resident of Canada can only bring in a car bought in the United States under certain conditions. A Canadian resident employed in the United States could obtain what is called a Commercial Vehicle Permit, which would permit him to use the automobile from the United States direct to his destination in Canada and, in reverse, from his residence in Canada direct to the United States, but for only that purpose. In such cases, a bond is required before the permit is issued and the person obtaining the permit knows the limitation of use attached to the permission.

...2

- 2 -

From the foregoing and the information supplied by yourself, it would seem that much would depend on what is regarded by the Customs Division of the Department of National Revenue as residence in the United States. Consequently, complete information covering the length of residence of each of those whose names appear on the list to which you referred should be supplied so that representations may be made on their behalf. It is not known, of course, what the outcome of any representations made by this Branch will be but it might, at least, disclose the information regarding the matter of residence on which this whole case seems to be centered. As I mentioned to you, the Branch has not been successful in having the restrictions relaxed in the case of any Indian employed in the United States whose residence has been determined as being in Canada.

Yours sincerely,



Director.

DEB/BS

File 7145-16

Series D No. 8
(2nd Revision)

MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA

(CUSTOMS DIVISION)

OTTAWA, January 1, 1948.

To Collectors of Customs and Excise and others concerned:

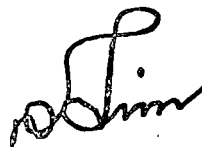
CONSOLIDATED DEPARTMENTAL REGULATIONS GOVERNING TRAVELLERS' VEHICLES

Herewith is printed a revision of the regulations respecting the temporary importation of automobiles and other vehicles into Canada by non-residents, and the temporary exportation therefrom of such vehicles by Canadian residents.

The term "automobile" herein is held as including the outfit forming part of the vehicle or being an accessory thereof. A separate permit is not required for a trailer.

Similar permits to those provided in respect of travellers' vehicles may be issued under the same conditions in regard to motorcycles and bicycles, as well as teams and carriages imported by non-residents, or exported by residents.

Memorandum, Series D No. 8 (Revised 1946) and Supplements Nos. 1 to 4 thereto, are hereby superseded.



*Deputy Minister of National Revenue,
Customs and Excise*

AUTOMOBILES IMPORTED BY NON-RESIDENTS FOR TRANSPORTATION PURPOSES

1. Automobiles imported by non-residents for their personal transportation may be admitted without the payment of duty thereon, under Traveller's Vehicle Permit (Form E.50), subject to the following regulations:—

- (a) On arrival at the frontier Customs port of entry, the driver of the automobile shall report at Customs and apply for a permit. The applicant for a permit shall be a non-resident of Canada and a temporary visitor therein. He, or she, shall be the owner of the automobile, or a member of the immediate family of the owner, who is also a non-resident of Canada, or shall be able to produce written authority from the owner to use such vehicle.
- (b) The automobile shall be admissible only when imported for the use of the non-resident permit holder for the transportation of such non-resident, his family and guests, and such incidental carriage of articles as may be necessary and appropriate to the purposes of the journey, but not to be used for the transportation of persons or articles for hire, nor in any case primarily for the carriage of articles. The use by any other person than the non-resident permit holder shall result in seizure and forfeiture of the vehicle.
- (c) No fee is to be collected for Customs attendance at any time in connection with the entry of travellers' automobiles.

2. *Temporary Admission, Forty-eight Hours, at Ports and Outports on the Frontier Only.*

In respect of automobiles entering Canada for a stay not exceeding forty-eight hours, when the Collector or Sub-Collector is satisfied that conditions of subsections (a) and (b) of Section 1 are complied with, he is authorized to permit entry upon the owner surrendering his State licence card, which will be returned to him on the return journey. In such cases, the use of Form E.50 may be dispensed with.

3. *Travellers' Vehicle Permits for a Period not Exceeding Sixty Days.*

In respect of automobiles entering Canada for a period not exceeding sixty days, the Collector, if satisfied that the conditions stipulated in subsections (a) and (b) of Section 1 are complied with, may admit the vehicle without formal entry and may issue a permit on Form E.50 for a period not exceeding sixty days.

- (a) Should a traveller who has been granted a sixty-day permit desire an extension for a further period up to six months from the time of original entry, he may, upon presentation of the permit before the expiry date of same, apply for such extension to any Collector or Sub-Collector of Customs and Excise, who, upon being satisfied as to the bona fides of the use of the automobile, may issue a new Form E.50 and retain the expired permit for cancellation.

4. *Travellers' Vehicle Permits for a Period in Excess of Sixty Days.*

- (a) If, on reporting at the Customs frontier port of arrival, the non-resident owner of an automobile desires a traveller's vehicle permit for a period in excess of sixty days, the Collector, if satisfied that the conditions stipulated in subsections (a) and (b) of Section 1 are complied with,

may admit the vehicle without formal entry and may issue such permit on Form E.50 for the period designated by the traveller, such period, however, in the first instance, not to exceed six months.

- (b) If, through accident, illness or other unusual circumstances, the exportation of the vehicle at the expiration of six months from the date of original entry cannot be effected, the matter shall be reported to the Deputy Minister of National Revenue for Customs and Excise, Ottawa, who, if satisfied as to the bona fides of the application, may authorize the extension of the traveller's vehicle permit for such additional period of time as may be necessary, and may specify the conditions under which such extension may be granted, and with what security.

COMMERCIAL VEHICLES

5. *Carrying Passengers Only.*

Automobiles, motor trucks and other motor vehicles, may enter Canada and return to the United States without payment of duty on such vehicles when employed in conveying passengers in transit across the frontier, provided they are employed only for through transportation of passengers (either or both ways) between a point or place in the United States and a point or place in Canada. After a careful examination and appraisal has been made of such vehicles to enable the Customs officer to identify them on leaving the Dominion, Commercial Vehicle Permit (Form E.50-B) shall be issued by the Collector or Sub-Collector on his being furnished with:—

- (a) a cash deposit equivalent to the duty and taxes payable on the automobile, or
- (b) a bond of an approved guarantee company on Form D-3½, or
- (c) the special bond of an approved guarantee company on Form D3-A.

On exportation of the vehicle under Customs supervision within a period of thirty days, the cash deposit shall be subject to refund or the bond to cancellation. In default of proof of such exportation within thirty days, the cash deposit shall be taken to account as Customs duty and taxes, and the provisions of the bond enforced.

6. *Carrying Goods.*

Automobiles, motor trucks and other highway vehicles, carrying goods (dutiable or not) for delivery to a point in Canada, may be admitted under Commercial Vehicle Permit (Form E.50-B), under the provisions of Section 5 above if proceeding to an interior port with a load (and under the same Section but without requiring a bond if the goods imported thereby are intended for delivery within the limits of the frontier port of arrival, provided the Collector is satisfied that security is not required), subject to due entry at Customs at the frontier port of arrival of all goods to be discharged in Canada, and the payment of all duties and taxes to which such goods may be liable, failing which they must be forwarded in bond under manifest by railway to the port of destination. Provided, however, that goods arriving by highway vehicles entitled to entry on Form B.4 or B.4½ as settlers' effects, and goods for bona fide exhibitions or horses for racing purposes eligible for entry on Form B.18, may be allowed to proceed to interior destinations under Commercial Vehicle Permit for the vehicle, and Manifest Form A.8 for the goods, without convoy; the same privilege may be granted in respect of articles for special use and horses for breeding

purposes, if the report and deposit required under Memoranda Series D No. 23 (Revised 1942) and No. 5 respectively, are not made at the frontier, in which case the report, and deposit (if any), shall be made at the port of destination.

- (a) The exemption from duty prescribed in these Regulations shall not apply to vehicles used by peddlers with goods for sale; in which case duty and taxes are to be collected.
- (b) The term "local traffic" used in this Regulation, and in the bond forms established in connection therewith, and the term "through transportation" shall not be held to prevent motor vehicles of foreign origin and not duty paid brought in by non-residents of Canada and *Used in the International Conveyance of Passengers*—from (i) discharging passengers at different points in Canada on the inward trip, provided such passengers are destined through direct from the point of embarkation to the point of discharge, or (ii) taking on passengers at different points in this country on the outward journey, provided the passengers so laden are destined through direct from the point of lading to a point in a foreign country. *This not to include the privilege of taking on passengers at one point in Canada and discharging such passengers at another point therein.*

7. Arriving Empty to Obtain Load for Export at Frontier or Inland Port.

Automobiles or motor vehicles of foreign origin and not duty paid, being driven into Canada to obtain a load for export, may be admitted under the provisions of Section 6 if proceeding to an interior port for a load, and under the same Section but without requiring a bond if obtaining the load within the limits of the frontier port of arrival, provided the Collector is satisfied that security is not required. Export entries must be required in respect of all goods exported by motor vehicle.

8. Automobiles, Trucks and Other Vehicles Exported Temporarily by Residents of Canada.

- (a) Automobiles, trucks and other vehicles of Canadian origin, or duty paid in Canada, whether travelling under their own power or transported by rail or ship, may be exported, temporarily, upon execution of Form E.60. This Form (which may be issued and verified at any Port in Canada) and the relative Provincial Motor Vehicle Permit, are required to be shown to Canadian Customs when departing from or returning to Canada. This means of identification permits the car and equipment to be admitted without payment of duty and taxes, except upon the value of repairs and equipment acquired abroad, as noted in paragraph (b).
- (b) If it became necessary, because of an accident, to have repairs made abroad in order to enable the vehicle to continue the tour and return under its own power, the compulsory repairs so made shall be exempt from duty and taxes, provided that such exemption from duty and taxes shall not be allowed on repairs exceeding \$200 in value, except with the authority of the department. In cases where no accident to the vehicle has occurred, but tire casings or inner tubes, or both, have been replaced in the ordinary course, exemption from duty and taxes may be granted under this regulation on one tire casing and one inner tube only.
- (c) If additional equipment is installed and when the Provincial Motor Vehicle Permit expires, a new Identification Form E.60 is required.

9. Vehicles Carrying Two-way Radio Installations, or "Mobile Telephones".

Pending international arrangements whereby the apparatus may be utilized in either country, vehicles equipped with mobile telephones may be permitted entry into Canada under Traveller's Vehicle Permits or Commercial Vehicle Permits as the case may be, provided the installations are secured by Customs seals in such a manner as to prevent operation in Canada. After the installation has been placed under seal and noted on the permit form, the vehicle will be allowed to proceed. On report outwards the seal will be removed by the Customs Officer. Should the seal be found to have been broken or removed, the vehicle will be subject to seizure.

10. Carrying Goods in Transit Only.

Highway vehicles may enter Canada without payment of duty on such vehicles and return to the United States when employed in conveying goods (dutiable or not) in transit in bond through Canada from a point or points in the United States to another point or points therein, under the following regulations:—

(a) Motor vehicle operators desiring to become bonded carriers as provided for in these regulations shall make application to the Department of National Revenue, Ottawa, for the privilege, stating—

- (a) the full name and address of the applicants;
- (b) the number of motor vehicles owned and operated by them, and the total value thereof;
- (c) the Canadian frontier ports of entry and exit through which their arrival in and departure from Canada will occur;
- (d) the route to be travelled through Canada;
- (e) whether they propose to transport goods—
 - (i) on their own behalf,
 - (ii) on behalf of one or more particular shippers or on behalf of shippers generally.

(b) Upon the application being approved, the applicant shall be required to submit to the Department the bond of a Guarantee Company acceptable to the Dominion Government in approved form as set forth in Appendix I hereof, in a penal sum to be fixed by the Minister not to exceed \$80,000, the bond to remain in full force and effect for a period of twelve months unless revoked prior to expiration, and shall be subject to renewal thereafter annually with the approval of the Department.

(c) Upon approval of the bond the applicant will be authorized as a bonded carrier for the transportation of goods in bond by motor vehicle from one point in the United States to another point therein, in transit through Canada, via the ports of entry and exit and the route specified in the bond, subject to full compliance with Customs laws and regulations, and in particular to those pertaining to the transportation of "in bond" goods.

(d) Motor vehicle operators who have not furnished the general bond provided for herein, but who have occasion to or are called upon to transport a single shipment of goods "in bond" through Canada, shall make application to the Collector at the frontier port of arrival in Canada for the privilege, specifying the route. The Collector may then permit the transportation of goods in bond by the particular motor vehicle by the specified route and for the single trip only, upon the production of a Guarantee Bond in the approved form as set forth in Appendix II hereof in a penal sum of not less than \$1,000 and not exceeding

\$10,000. The procedure with respect to manifesting, checking, etc., to be followed with respect to the single trip bonded carrier will be the same in every particular as that provided for the bonded carrier operating under a general bond.

(e) As authority granted by these regulations is for "through" transportation of goods, the movement through Canada shall be continuous, except for—

- (a) necessary stops for servicing the vehicle, or for the immediate needs of the driver, and
- (b) stops occasioned through accident or emergency en route (*vide sec. (j)*).

Discharge of goods from bonded vehicles while in transit through Canada for transfer to other vehicles, for storage, or for any other purpose (except as set forth in section (j) hereof), is not permitted.

(f) Goods arriving in Canada in bonded motor vehicles, or in compartments therein, which are regarded as secure by the Collector of Customs at the frontier port of arrival shall be sealed by Canadian Customs seals supplied by the Department at the expense of the parties accommodated and may be permitted to be transported in bond under these regulations without unloading and without examination. Goods which are not sealed or which, although sealed, are not regarded by the Collector as sufficiently secure, shall be checked against the manifest, and, at the discretion of the Collector, must be unloaded for this purpose if a satisfactory check cannot be accomplished otherwise.

(g) Where the nature of the goods or the type of vehicle used does not permit of the merchandise being placed under seal, or unnecessary time and labour would be involved in unloading and checking such goods, or for any other reason, the Collector may, in his discretion, permit the load to be moved in transit in bond under the convoy of a Customs Officer, at the expense of the party accommodated.

(h) A highway manifest, Customs Form A-8½, shall be prepared in quadruplicate by the carrier or the shipper, describing each shipment and shall be produced to the Collector at the frontier port of arrival in Canada. One set will be required for each motor vehicle, to be disposed of as follows:—

- (i) the original to be retained at the frontier port of arrival;
- (ii) one copy to be delivered to the driver of the vehicle to be presented by him to the Collector at the frontier port of exit;
- (iii) another copy to be placed in a sealed envelope addressed to the Collector at the frontier port of exit and to be delivered to him by the driver of the vehicle, and
- (iv) the fourth copy to be mailed direct to the Collector at the frontier port of exit.

(i) At the frontier port of exit the Collector will receive from the driver his copy of the manifest and the copy forwarded under sealed cover. With respect to sealed vehicles, or sealed compartments therein, the Collector will satisfy himself that the seals are intact, will cancel the manifest by impressing the port dating stamp thereon, and will return one cancelled copy by mail to the port of issuance. In respect of materials which are not in sealed vehicles or sealed compartments, a detailed check of the packages shall be made against the manifest, the vehicles to be unloaded at the discretion of the Collector for this purpose if a satisfactory check cannot be accomplished otherwise, after which the manifest shall be cancelled and one cancelled copy returned to the frontier

port of issuance. The second copy of the manifest shall be retained at the frontier port of departure for port record purposes. The copy of the manifest received by mail from the frontier port of issuance will be cancelled and mailed to the Department for record purposes.

(j) In the case of accident or other emergency en route, goods in an "in bond" motor vehicle may be transferred to another motor vehicle (bonded or otherwise). The driver shall report to the nearest Collector of Customs or officer of the R.C.M.P. (by telephone, telegraph or messenger) and request the attendance of an officer to supervise transshipment. The officer will endorse on both copies of the manifest carried by the driver particulars of the accident or emergency and details of the loss or damage to the "in bond" goods listed on the manifest (opening the envelope addressed to the Collector at the frontier port of exit for this purpose, and resealing thereafter). The supervising officer will take into custody any goods which, as a result of the accident or emergency, cannot be transferred or forwarded, reporting full particulars to the department for instructions. The salary and overtime of the supervising officer, together with actual and reasonable travelling and other expenses shall be repaid to the Department by the parties accommodated.

(k) Commercial Vehicle Permit Form E.50-B will be used for each through trip, but, a general bond having been previously filed which may be taken to cover both the goods and the vehicle transporting same, no further security will be required.

(l) The Minister may require repayment by the parties accommodated of the salary and overtime of officers at frontier ports of entry and exit who are assigned to the duty of checking shipments being transported in transit "in bond" through Canada as a special service.

(m) For the purpose of these regulations, the term "motor vehicle" means any vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used upon the highways in the transportation of property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails. For manifesting purposes a separate manifest will be required for each type of vehicle forming a combination.

(n) The personnel in charge of motor vehicles operating under these regulations must be citizens of Canada or of the United States, and each will be required by the Immigration authorities and the R.C.M.P. to carry (a) his birth certificate, and (b) a certificate of identity signed by the manager of the transportation company concerned, bearing the photograph and a description of the holder and his signature. This requirement may be waived, however, in the case of a private owner transporting his own goods in his personally-owned vehicle for non-commercial purposes.

(o) Nothing in these regulations shall be taken as conferring authority to owners of United States trucks to operate over the Canadian Highways without the proper motor vehicle licence, issued by the appropriate Provincial authorities concerned, where required. It will be the responsibility of operators to make their own arrangements for licensing of their trucks with the Provincial Government Highways Departments.

APPENDIX I

GUARANTEE COMPANY'S SPECIAL BOND FOR MOTOR
VEHICLES OPERATING AS BONDED CARRIERS OF
MERCHANDISE IN TRANSIT THROUGH CANADA

KNOW ALL MEN BY THESE PRESENTS

That we,

(hereinafter called the Guarantee Company) are held and firmly bound unto His Majesty the King in the sum of.....dollars, to be paid to His said Majesty, His Heirs and Successors, for the payment of which we bind ourselves and our assigns by these presents.

Whereas

..... of
has been granted permission to transport goods in bond through Canada, from a point or points in the United States of America to another point or points therein, by motor vehicle, without payment of duties and taxes, entering Canada at the Canadian frontier port of and departing from Canada via proceeding by the the port of following route

Now, therefore, the condition of the above written obligation is such that if the said bonded carrier his successors or assigns do, and shall export all goods that shall have been brought into Canada by him to be transported by motor vehicle "in bond" in transit through Canada and under manifest; and if the said bonded carrier conforms to and complies with the regulations established by the Minister of National Revenue relating to the transportation of "in bond" goods in transit through Canada for export by motor vehicle, and all Customs laws and regulations now in effect or which may be lawfully made hereafter by competent authority, the above obligation to be void; otherwise to remain in full force and effect.

It is a further condition of these presents that this said bond as between the Guarantee Company and His Majesty the King is to remain in full force and effect for the period of one year from the date hereof, subject to renewal annually thereafter with the approval of the Deputy Minister of National Revenue, and also subject to cancellation for cause at any time by the Deputy Minister of National Revenue.

In witness whereof the said company has hereunto affixed its Corporate Seal and by its.....

..... and
signed this Bond at.....
this..... day of....., 194....

Witness

(Seal)

APPENDIX II

GUARANTEE COMPANY'S SPECIAL BOND FOR MOTOR
VEHICLES IN TRANSIT THROUGH CANADA TRANS-
PORTING A SINGLE TRIP SHIPMENT OF GOODS

KNOW ALL MEN BY THESE PRESENTS

That we,
(hereinafter called the Guarantee Company) are held and firmly bound unto His Majesty the King in the sum of.....dollars, to be paid to His said Majesty, His Heirs and Successors, for the payment of which we bind ourselves and our assigns by these presents.

Whereas

..... of
has been granted permission for one trip to transport goods in bond through Canada, from a point or points in the United States of America to another point or points therein, without payment of duties and taxes, entering Canada at the Canadian frontier port of and departing from Canada via the port of proceeding by the following route

..... by motor
vehicle bearing Licence No. of the
State or Province of.....

Now, therefore, the conditions of the above obligation are such that if within six days from the date of the original importation of the said motor vehicle and its contents as per report inwards thereof and manifest at the frontier customs house where this bond is delivered, the said motor vehicle and contents be withdrawn for actual export beyond the limits of Canada and proof of such export be filed in due course with the Collector at the said port, then the above obligation to be void; otherwise to remain in full force and effect.

In witness whereof the said company has hereunto affixed its Corporate Seal and by its.....

..... and
signed this Bond at.....
this..... day of....., 194....

Witness

(Seal)

10

Form D.34

**GUARANTEE COMPANY'S SPECIAL BOND FOR
AUTOMOBILES ADMITTED TEMPORARILY**

KNOW ALL MEN BY THESE PRESENTS

(a) Name of
Guarantee
Company.
(b) Amount
of duty and
taxes on
automobile.
That we (a)..... (hereinafter called the
Guarantee Company) are held and firmly bound unto His Majesty
the King in the sum of (b)..... Dollars, to be paid to His said
Majesty, His Heirs and Successors, for the payment of which we bind
ourselves and our assigns by these presents.

Whereas permission is hereby requested to use in bond for
commercial purposes in Canada a certain automobile manufactured by
.....
.....
Manufacturer's No. owned by resident
outside of Canada at which said automobile
and its outfit valued at \$. has been reported inwards at a
frontier Customs House in Canada.

And whereas the said Guarantee Company have agreed to
guarantee the due exportation of the said automobile and its outfit
as provided by the Canadian Customs Regulations.

Now, therefore, the conditions of the above obligation are such
that if within thirty days from the date of the original importation of
the said automobile and its outfit as per Report inwards thereof at a
frontier Customs House in Canada where this Bond is delivered, the
said automobile and outfit be withdrawn for actual export beyond the
limits of Canada and proof of such export be filed in due course with
the Collector at the said port, then the above obligation to be void;
otherwise to remain in full force and effect.

In witness whereof the said Company has hereunto affixed its
Corporate Seal and by its Attorney-in-fact signed this bond at
..... this day of 19....

..... (Seal)
Witness.

11

Form D.3-A

**GUARANTEE COMPANY'S SPECIAL BOND FOR
AUTOMOBILES USED INTERNATIONALLY**

KNOW ALL MEN BY THESE PRESENTS

That we,
(hereinafter called the Guarantee Company) are held and firmly bound unto
His Majesty the King in the sum of
Dollars to be paid to His said Majesty, His Heirs and Successors, for the
payment of which we bind ourselves and our assigns by these presents.

Whereas permission is hereby requested to use in Bond for the carrying
of passengers between a point in the United States of America and a point in
Canada but not to be used for local traffic in Canada, a certain automobile
manufactured by Manufacturer's
No. owned by
Resident outside of Canada at which said
automobile, valued at \$. is to be reported
inwards at the Canadian Customs frontier port of
as provided by the Canadian Customs Regulations:

Now, therefore, the condition of the above obligation is such that if within
thirty days from the date of each original importation and report inwards on
Form E.50-B of the above described automobile, the said automobile be with-
drawn for actual export beyond the limits of Canada and proof of such export
be filed in due course with the Collector of Customs and Excise at the said
Canadian Customs frontier port then the above obligation is to be void, other-
wise to remain in full force and effect.

It is a further term of these presents that this said bond as between the
Guarantee Company and His Majesty the King is to remain in full force and
effect for the period of one year from the date thereof and is to cover the said
automobile for any number of such thirty days entries into Canada and exports
from Canada within the said term of one year, provided, however, that the
liability of the said Guarantee Company ceases upon the payment of any claim
under this bond.

In witness whereof the said Company has hereunto affixed its corporate
seal and by its Attorney-in-fact signed this bond at

this day of 19....

..... (Seal)
Witness.

001440

File No. 7145-19

Series D No. 8
Second Revision
Supplement No. 1

MEMORANDUM
DEPARTMENT OF NATIONAL REVENUE, CANADA
Customs Division

Ottawa, 19th May, 1949.

**To Collectors of Customs and Excise,
and others concerned:**

CONSOLIDATED DEPARTMENTAL REGULATIONS
GOVERNING TRAVELLERS' VEHICLES

Carrying Goods in Transit Only

The following is added to the regulations as
Subsection (p) to Section 10:

(p) The in transit privileges referred to in Section 10 may be extended to trucks entering Canada with merchandise which is to be transferred to vehicles, railway cars, vessels or aircraft for export. When movements of this kind are undertaken the "port of exit" referred to in the preceding paragraphs of this section will refer with equal force to any port where a transfer is made. In all cases the transshipment will take place under Customs supervision and Highway Manifests cancelled by transshipment rather than by actual export will, in addition to any other information, carry a notation showing the remanifest number or numbers under which the merchandise went forward and the point where final export is to take place.

Transshipment must be made directly from the inward bound truck to a vehicle, railway car, vessel or aircraft operated by the second carrier or into a sufferance warehouse approved by the department.

Nothing in these regulations shall be construed as amending or cancelling in any way legislation or agreements controlling the movement of United States and Canadian freight between Pacific west coast ports.

Merchandise" in transit" must originate in and be destined for points outside of Canadian territory.



Deputy Minister of National Revenue
Customs and Excise.

001441

File No. 7145-19

Series D No. 8
(2nd Revision)
Supplement No. 2

MEMORANDUM

DEPARTMENT OF NATIONAL REVENUE, CANADA

(CUSTOMS DIVISION)

OTTAWA, June 11, 1949.

To Collectors of Customs and Excise and others concerned:

CONSOLIDATED DEPARTMENTAL REGULATIONS GOVERNING TRAVELLERS' VEHICLES

The following is added to the regulations as Section 11:

11. In Transit Movements by Highway through the United States.

Canadian highway vehicles may enter the United States and re-enter Canada without payment of duty on such vehicles when employed in conveying passengers and their baggage and/or merchandise in transit in bond through the United States from one point in Canada to another point therein, under the following regulations:—

- (a) Motor vehicle operators must comply with all United States regulations.
- (b) The vehicles must be of Canadian manufacture or duty paid in Canada and covered by a Form E. 60 Permit.
- (c) A Highway Manifest Customs Form A.8½ (Revised) is to be prepared in quadruplicate by the carrier or the shipper, describing each shipment and shall be produced to the Collector at the frontier port of departure from Canada. One set will be required for each motor vehicle or unit and will be disposed of in the following manner:
 - (i) the original to be retained at the frontier port of departure,
 - (ii) one copy to be delivered to the driver of the vehicle to be presented by him to the Collector at the frontier port of re-entry,
 - (iii) another copy to be placed in a sealed envelope addressed to the Collector at the frontier port of re-entry and to be delivered to him by the driver of the vehicle,
 - (iv) the fourth copy to be mailed direct to the Collector at the frontier port of re-entry and after cancellation forwarded to the Department.

Sufficient detail must be shown on each manifest to enable the Customs Officer to accurately check the contents of the vehicle. Failure to declare any merchandise or any false declaration renders the goods and vehicle liable to seizure. The manifests will be given a Sending Port Number only, taken from the Register of Manifests Forwarded. Cancellation will be effected at the port of re-entry by placing thereon the Port Dating Stamp and the signature of the officer responsible for the examination of the vehicle.

- (d) All vehicles carrying merchandise in transit through the United States must either be sealed or checked in detail at both exit and entrance. Where seals are not used this check must be carefully performed and

wherever necessary or desirable the vehicles must be unloaded. All labour in loading or unloading must be supplied by the operator of the vehicle without expense to the Department and any vehicles not complying with this phase of the regulations will be refused transit.

- (e) Yellow Ball Tyden Seals, serially numbered, are available on requisition for use at all frontier offices and these will be used wherever seals are applied and a charge of 25 cents will be made for each truck, trailer or semi-trailer, irrespective of the number of seals used to close the various openings on each vehicle. This charge will be collected from the parties accommodated at the actual time of sealing except where trucking companies are operating on a regular schedule and making more than twenty-five in transit trips in any one calendar month. In such cases a record may be kept and payment accepted promptly at the end of each month. The seals will be broken by a Customs Officer at the point of re-entry into Canada and if the seals have been broken in transit or a discrepancy is noted in the seal numbers, the contents of the vehicle must be checked out in detail against the manifest.
- (f) The general regulations already provided with respect to bonding on casual trips and for general bonds for commercial vehicles operating on a more or less repetitive schedule will be applied to in transit movements through the United States in the same way as in transit movements through Canada. (See Section 10).
- (g) In the case of accident or other emergency en route while in United States territory, the driver shall report to the nearest United States Collector of Customs and safeguard the contents of the load pending instructions for transshipment or export by other means. The driver should also have his copy of the relative manifest endorsed by the proper United States officials to indicate exactly what happened and when the merchandise finally reaches the Canadian border it will be checked in detail at the expense of the operator.
- (h) In some limited cases it may be possible to provide convoy officers on request and at the expense of the parties accommodated. This would be an alternative to unloading and checking at both ends of the journey. In rare cases where the merchandise enters or leaves Canada at a point where there is no Customs office the convoy arrangements are mandatory, but in all other cases they are subject to the discretion of the Collector and the availability of convoy officers. Requests which involve service for unreasonable distances should be refused. The parties accommodated must provide transportation for the officers in both directions, using taxis or company vehicles and also supplying room and board where such items are necessary. The charge for the officer's time will be at the rate of \$1.50 per hour, minimum \$3.00, but not to exceed a maximum of \$24.00 for any twenty-four hour period during which the officer is continuously away from his home port.
- (i) If any shortages are found indicating that merchandise has been left in the United States a full report should be forwarded to the Department in order that a check may be made against Export Permits, Export Entries and Foreign Exchange. If additional material is found to have been added to the load, standard seizure action will be taken. In order to avoid tracing difficulties a manifest should never be permitted to remain uncanceled for an unreasonable length of time. Customs Tyden Seal Record Form T.103 will be operated wherever seals are used and receipts for individual collections at the rate of 25 cents per vehicle will be issued on Form K.21 or any other suitable document.

- (j) The Minister may require repayment by the parties accommodated of the salary and overtime of officers at frontier ports of entry and exit who are assigned to the duty of checking shipments being transported in transit "in bond" through the United States as a special service.



*Deputy Minister of National Revenue,
Customs and Excise.*



EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE
CORRESPONDANCE EXCLUSIVE AVEC WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL



W. M. ARMSTRONG
GENERAL MANAGER GÉRANT GÉNÉRAL
TORONTO

TELEGRAPHS

FULL RATE PLEIN TARIF	
DAY LETTER LETTRE DE JOUR	
NIGHT MESSAGE DÉPÊCHE DE NUIT	
NIGHT LETTER LETTRE DE NUIT	
PLACE X OPPOSITE SERVICE DESIRED INDIQUEZ PAR UN X LE GENRE DE SERVICE DESIRÉ	

CHECK

RECEIVERS NO.

TIME FILED

CHARGE TO
DEPT. OR
ADDRESS

**Dept. of Citizenship & Immigration,
Indian Affairs Branch.**

Send the following message, subject to the terms on back hereof, which are hereby agreed to

Veuillez expédier la dépêche suivante aux conditions mentionnées au verso auxquelles je consens par les présentes

1/18-31-2

OTTAWA FEBRUARY 27 1952

**T L BONNAH
SUPT INDIAN AGENCY
BOX 987
CORNWALL ONTARIO**

REYOURTEL RE EMBARGO ON LIVESTOCK AND MEAT WOULD SUGGEST YOU DISCUSS MATTER WITH LOCAL UNITED STATES CUSTOMS OFFICIALS AND SEE IF THEY WOULD PERMIT TRANSIT OF LIVESTOCK AND PROCESSED MEATS UNDER SEAL FROM CORNWALL ISLAND DIRECT TO RESERVE STOP ALSO CHECK WITH LOCAL CANADIAN CUSTOMS OFFICIALS AND ASCERTAIN IF AMERICAN MEAT COULD BE BROUGHT TO RESERVE AS TEMPORARY EXPEDIENT TO ENSURE MEAT SUPPLY

**DIRECTOR
INDIAN AFFAIRS BRANCH**

IS YOUR MESSAGE COMPLETE? EXTRA WORDS COST ONLY A FEW CENTS.

VOTRE MESSAGE EST-IL CLAIR ET COMPLET? LES MOTS SUPPLÉMENTAIRES COÛTENT À PEINE QUELQUES CENTS

001444

CANADIAN NATIONAL TELEGRAPH COMPANY

(OPERATING ITS OWN LINES AND THOSE OF THE GREAT NORTH WESTERN TELEGRAPH COMPANY, THE GRAND TRUNK PACIFIC TELEGRAPH COMPANY AND CANADIAN GOVERNMENT RAILWAYS). HEREINAFTER CALLED THE COMPANY.

TERMS AND CONDITIONS UPON WHICH TELEGRAPH AND CABLE MESSAGES SHALL BE TRANSMITTED ARE PRESCRIBED BY ORDER NO. 49274, DATED DECEMBER 5TH, 1932, OF THE BOARD OF TRANSPORT COMMISSIONERS FOR CANADA AND PUBLISHED IN THE CANADA GAZETTE.

It is agreed between the sender of the message on the face of this form and this Company that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of any unrepeatable telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cipher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate; and, in that case, the Company shall be liable for damages suffered by the sender to an extent not exceeding \$200.00, due to the negligence of the Company in the transmission or delivery of the telegram.

Correctness in the transmission and delivery of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent for any distance not exceeding 1,000 miles, and two per cent for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavour to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

LA "CANADIAN NATIONAL TELEGRAPH COMPANY"

(EXPLOITANT SES PROPRES LIGNES DE MÊME QUE CELLES DE LA "GREAT NORTH WESTERN TELEGRAPH COMPANY", DE LA "GRAND TRUNK PACIFIC TELEGRAPH COMPANY" ET CELLES DES CHEMINS DE FER DU GOUVERNEMENT CANADIEN)—CI-APRÈS NOMMÉE LA COMPAGNIE.

LES CLAUSES ET CONDITIONS SUIVANT LESQUELLES LES DEPECHEES PAR TELEGRAPHE ET PAR CABLE SERONT TRANSMISES, SONT PRESCRITES PAR L'ORDONNANCE No. 49274 DE LA COMMISSION DES TRANSPORTS DU CANADA EN DATE DU 5 DECEMBRE 1932 ET PUBLIEE DANS LA GAZETTE OFFICIELLE DU CANADA AINSI QUE PAR L'ORDONNANCE No. 57471 EN DATE DU 22 MAI 1939.

Il est convenu entre la compagnie et l'expéditeur de la dépêche écrite au verso que la dite compagnie n'encourra aucune responsabilité au delà du montant perçu pour la transmission de la dite dépêche, à l'égard de tous dommages pouvant résulter du défaut de transmission ou de livraison, ou d'une erreur dans la transmission ou la livraison de toute dépêche non répétée, que ces dommages soient imputables à la négligence des employés de la dite compagnie ou autrement, ou à des retards causés par une interruption dans le fonctionnement de ses lignes, ou à toute erreur dans des dépêches chiffrées ou de sens obscur, ou à toute erreur due à une écriture illisible.

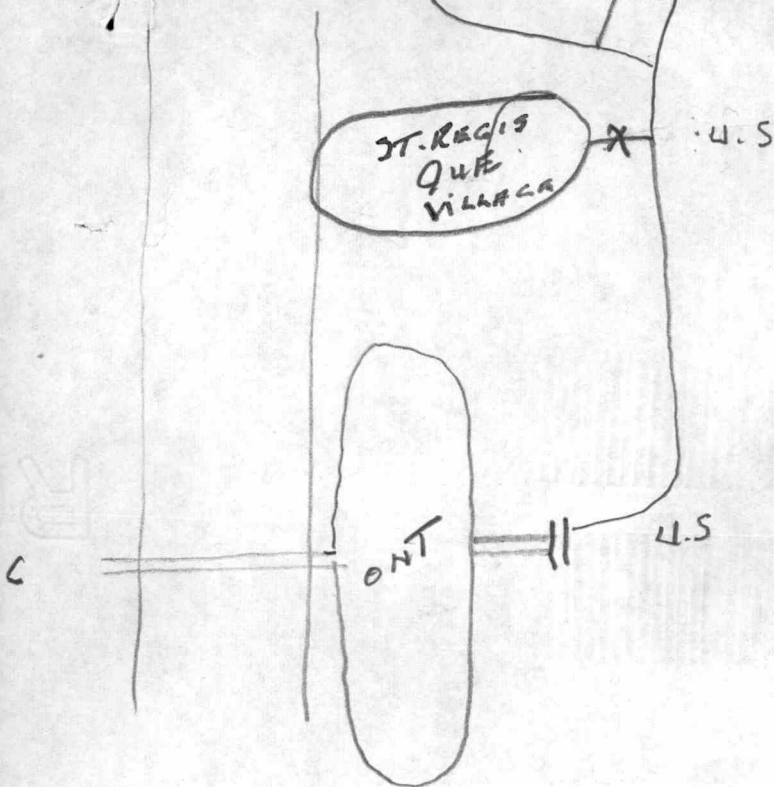
Pour éviter tout risque d'erreur, la compagnie répètera toute dépêche moyennant un versement supplémentaire de la moitié du tarif régulier, et dans ce cas, la responsabilité de la compagnie vis-à-vis l'expéditeur sera limitée à \$200, à l'égard de tous dommages dus à la négligence de la compagnie dans la transmission ou la livraison de la dépêche.

On peut s'assurer contre tout risque d'erreur dans la transmission et la livraison des dépêches, au moyen d'un contrat écrit stipulant le montant de l'assurance, et sur paiement (en sus du taux ordinaire pour les dépêches répétées) d'une prime calculée sur la base suivante: soit, 1% du montant assuré, pour toute distance n'excédant pas 1000 milles, et 2% pour toute distance plus grande.

La dite compagnie ne sera pas responsable du fait ou de l'omission d'une autre compagnie, mais s'efforcera de transmettre toute dépêche par toute compagnie de télégraphe dont il faudra se servir afin de faire parvenir la dépêche à destination, mais la compagnie n'agira en ce cas qu'en qualité d'agent de l'expéditeur et sans assumer de responsabilité. La compagnie n'assumera de responsabilité qu'à l'égard des dépêches présentées et acceptées à l'un de ses bureaux d'expédition; lorsqu'une dépêche est expédiée à un tel bureau par un messenger de la compagnie, ce messenger sera censé être l'agent de l'expéditeur; lorsqu'une dépêche est communiquée par téléphone, la personne qui la reçoit sera censée agir pour l'expéditeur et avoir l'autorité nécessaire pour consentir aux présentes en son nom. La compagnie ne répondra d'aucuns dommages, à moins qu'avant lui en soit donné par écrit dans les 60 jours qui suivront la remise de la dépêche pour transmission.

Aucun employé de la compagnie n'a le droit de changer les présentes conditions.

MEMORANDUM



26-2-52

Phoned Mr. Allan, ^{Departmental Secretary} of Agriculture
who stated that the ban was effective
across Canada. He thought there
was nothing to prevent meat brought
in the United States being brought
into Canada.

Mr. Brunker of the Inspection
Service, Customs Division, National
Revenue, suggested that the matter
be discussed with the local
United ^{States} Customs officials &
that possibly livestock & processed
meats could be shipped under
seal from Cornwall Is. to the Reserve
S.D.



EXCLUSIVE CONNECTION WITH WESTERN UNION CABLE SERVICE

CANADIAN NATIONAL



J. R. WHITE, GENERAL MANAGER
TORONTO

TELEGRAPHS

STANDARD TIME

1952 FEB 25 PM 9 53

J. La 1/18-31
MOA461 103 NL 1 EXTRA=CR CORNWALL ONT 25=

DIRECTOR INDIAN AFFAIRS BRANCH DEPT CITIZENSHIP AND
963 IMMIGRATION=OTTAWA=

*Placed on
0/128-7-1*

URGENT YOU OBTAIN CONCESSION FROM AMERICAN GOVT TO PERMIT
ENTRY OF MEAT PRODUCTS FROM ONTARIO AND QUEBEC POINTS TO ST
REGIS RESERVE STOP ALSO PERMISSION TO SHIP LIVESTOCK FROM
QUEBEC RESERVE IN TRANSIT THROUGH NEW YORK STATE TO QUEBEC
AND ONTARIO LOADING POINTS STOP NO COOKED CANNED OR OTHER
MEATS ALLOWED THROUGH AMERICAN CUSTOMS ON ACCOUNT OF FOOT AND
MOUTH DISEASE IN WEST STOP MEAT SUPPLY FOR ONE THOUSAND
PEOPLE HERE VERY LOW DESIRE CANADIAN CUSTOMS LAWS BE DECLARED
INAPPLICABLE ON FOOD PRODUCTS COMING INTO ST REGIS RESERVE IN
ORDER TO AVOID HARDSHIPS ON PEOPLE STOP NO TROUBLE CORNWALL
ISL RESERVE= T L BONNAH SUPT STREGIS AGENCY=

001448

13449

1952 FEB 26 AM 10:10

INDIAN AFFAIRS



001449

0/127-1-2 (Secy.)
1/18-31-2

Ottawa, February 19, 1952.

Andrew Paull, Esq.,
President,
North American Indian Brotherhood,
P. O. Box 211,
North Vancouver, B. C.

Dear Mr. Paull:

Please refer to my letter of January 11th and previous correspondence, in which I advised you that the general question of the rights of the Indians under the provisions of the Jay Treaty with respect to the importation of goods into Canada from the United States free of duty had been referred to the Law Officer of the Crown for review.

With respect to the provision in the Jay Treaty of 1794 which purports to exempt from Custom duties "their own proper goods and effects of whatever nature" of Indians, the Law Officer has advised that a provision in the Income Tax Act, namely, Section 49 of Chapter 25 of the Statutes of 1949 (2nd Session), would appear to nullify the exemption in question. Section 49 provides that no person is entitled to any exemption or immunity from any duty or tax by an Act of the Parliament of Canada unless provision for such exemption or immunity is expressly made by the Parliament of Canada.

Yours sincerely,


CIP/ND

0/127-1-2
COPY

File CS49242

CANADA

DEPUTY MINISTER OF NATIONAL REVENUE
CUSTOMS AND EXCISE

OTTAWA 2.

January 31st, 1952.

Laval Fortier Esq., K.C.,
Deputy Minister of
Citizenship & Immigration,
Ottawa, Ont.

Dear Mr. Fortier:

RE: Customs Seizure No. 19242/28894

With further reference to your letters of July 20th and November 29th, 1951 and mine of July 26th and December 7th, I have now received from the Deputy Minister of Justice a letter of which I enclose a copy and which you will find self-explanatory. In view of Mr. Varcoe's opinion as expressed therein, I must insist on Mr. Francis and all other Indians complying with the provisions of the Customs Act with respect to goods which they import from the United States or elsewhere and paying duty thereon when any duty is imposed by the Customs Tariff.

As I appreciate that many Indians have been acting in the bona fide belief that they were exempt by law from the payment of duties, I shall try to avoid prosecution or the exaction of penalties so far as I consistently can do so.

Yours very truly,

(Sgd) D. Sim

COPY

Department of Justice, Ottawa.

January 29th, 1952.

The Deputy Minister,
Department of National Revenue,
Customs and Excise.

Dear Sir:

RE: Exemption of Canadian Indians under
the Jay Treaty of 1794

Since I last expressed an opinion upon the effect of the provision in the Jay Treaty of 1794 which purports to exempt from customs duties "their own proper goods and effect of whatever nature" of Indians, my attention has been called to a recent amendment to the Income Tax Act, namely Section 49 of Chapter 25 of the Statutes of 1949 (2nd Session). This provides that no person is entitled to any exemption or immunity from any duty or tax imposed by an Act of the Parliament of Canada unless provision for such exemption or immunity is expressly made by the Parliament of Canada.

It appears to me that this recent amendment nullifies the exemption here in question and I beg to advise you accordingly.

Yours truly,

(sgd) F. P. Varcoe

Deputy Minister.

1/18-31-2
(Secy.)

, December 28, 1951.

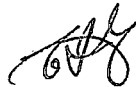
L. H. Taylor, Esq.,
Secretary, Customs Division,
Department of National Revenue,
Ottawa, Ontario.

Dear Sir:

Appended hereto is a copy of a letter dated December 24th received from Mr. Joseph Bear Shield, Fort Qu'Appelle, Saskatchewan, in which he requests information as to the charges an Indian would have to pay to bring a used car into Canada from the United States.

I should appreciate it if you would give Mr. Bear Shield the information he requests direct and forward a copy of your letter to this Branch for our information.

Yours truly,



CIF/MD



R. L. MacInnes,
Secretary.

1/16-37-2

Fort Du appelle
Saskia

Dear

Nov 24, 1951

Sis

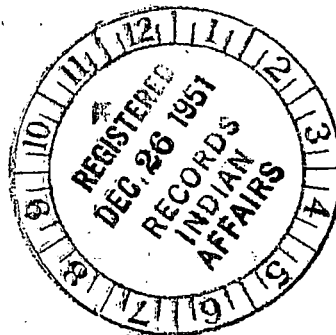
Please can you tell
me what will a Indian
have to pay to get a car
a cross the line from
montana U.S. He will be
1937 Ford. I was to pay \$65
for the car. some white
men told me that a Indian
should not pay the money
for a Old car. to cross the
line. He said you are Indian.

Please Let me know
soon

Yours

Joseph Bear Shield
Fort Du appelle
Saskia

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INDIAN AFFAIRS

1951 DEC 26 AM 9:24

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DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

OFFICE OF THE DEPUTY MINISTER

DATE

DEC 8 1951

TO: Director of Canadian Citizenship
Registrar of Canadian Citizenship
Director of Immigration
✓ Director of Indian Affairs
Chief, Editorial and Information

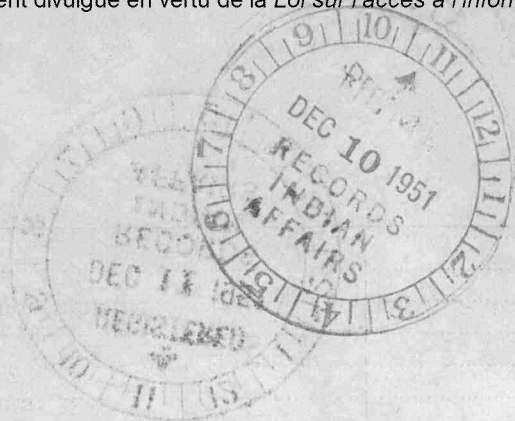
ATTENTION OF:

For Action:.....
For Direct Reply:.....
For Reply and Signature in Deputy Minister's
Behalf:.....
For Preparation of Reply:.....
For Report or Comments:.....
To Note and Pass to:.....
To Note and Return:.....
For Discussion with Undersigned:.....
For Information:.....
For Translation:.....



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CANADA

DEPUTY MINISTER OF NATIONAL REVENUE
CUSTOMS AND EXCISE

Dept. of Citizenship & Immigration OTTAWA DEC 8 1951 Deputy Minister's Office
--

OTTAWA 2, December 7, 1951.

Laval Fortier, Esq., K.C.,
Deputy Minister of
Citizenship and Immigration,
Ottawa, Ontario.

Dear Mr. Fortier, Re: Customs Seizure No. 49242/28894

I have your letter of November 29th regarding seizure of some household electrical equipment from Mr. Louis Francis who resides on the St. Regis Indian Reserve.

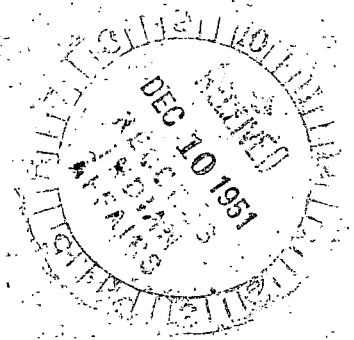
Mr. Francis was one of a delegation of six who recently interviewed a departmental official regarding seizures made by the Royal Canadian Mounted Police on the St. Regis Reserve. At that interview Mr. Francis was assured that for the present the goods would not be removed from his residence. He was further informed, however, that in the opinion of the Department duty and taxes were properly payable.

I have received no reply to my letter of July 26th from the Department of Justice on the question of the Jay Treaty. Verbal enquiries on two or three occasions brought the reply that the matter was still being considered.

I intend to write to Mr. Varcoe.

Yours faithfully,

David Sim.



IN REPLY REFER TO:

Chief Counsel
18163-45-810



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON 25, D. C.

Original on 0/127-1-2

T. R. L. MacInnes, Esq.
Secretary
Indian Affairs Branch
Department of Citizenship and
Immigration
Ottawa, Ontario, Canada

DEC -5 1951

Dear Mr. MacInnes:

Your letter of November 21, 1951 to Mr. Theodore Haas, requesting information concerning the effect of the Jay Treaty of 1794 on the liability of Indians to pay custom duties (your file 0/127-1-2(Secy.)), was referred by Mr. Haas to this office for reply. Mr. Haas is no longer with the Bureau, but is now attached to the Office of the Solicitor of the Department of the Interior. I am glad to respond to your inquiry.

The case of United States v. Garrow, 25 Court of Customs and Patent Appeals 410, 88 F. 2d 318 (1931), cert. den. 302 U.S. 695 (1937), is directly in point on your inquiry. Relying upon the Supreme Court case of Karnuth v. United States ex rel. Albro, 279 U.S. 231 (1929), the court held that (1) the provision of Article III of the Jay Treaty which exempted Indians from the payment of customs duties was abrogated by the War of 1812; (2) although Article IX of the Treaty of Ghent of 1814 provided for the restoration to the Indian tribes of such rights as they enjoyed prior to the War of 1812, this provision, unlike Article III of the Jay Treaty, was not self-executing, and since no enabling legislation was ever enacted by Congress, a restoration of the Indians' pre-war rights was not effected; and (3) statutory exemptions beginning with the tariff act of March 2, 1799 (1 Stat. 627, 702), which contained substantially the same exemptions as the Jay Treaty contained were terminated by the tariff act of July 24, 1897 (30 Stat. 151). It does not appear that Congress, since that time, has ever revived those exemptions.

The protesting Indian in the Garrow case was a Canadian resident, and the court did not indicate in any explicit language whether its ruling with respect to the Jay Treaty applied also to Indians who are residents of the United States and who return to the United States from Canada bearing goods imported from Canada, nor do there appear to be any cases on this point.

If further information on this subject is desired, it is suggested that inquiry be made of the Bureau of Customs of the Department of the Treasury, which is the agency charged with administration of Federal customs laws.

Sincerely yours,

Edwin E. Ferguson

Chief Counsel

copied, date 12-5-51

Copy for Indian Affairs Branch

52852

6/127-1-2 (Secy.)

1/18-31-2

1951 DEC 5 AM 11:56

INDIAN AFFAIRS

Ottawa, November 29, 1951.

D. Sim, Esq.,
Deputy Minister,
Customs and Excise Division,
Department of National Revenue,
Ottawa, Ontario.

Dear Mr. Sim:

Please refer to your letter of July 26th, in reply to my letter of July 20th, concerning the seizure of certain articles from Mr. Neil Bent of the Lower Similkameen Indian Band, B.C., and with respect to privileges of Canadian Indians under the Jay Treaty.

In the meantime, a report has been received from the Indian Superintendent in charge of the St. Regis Indian Reserve near Cornwall, Ontario, advising that the R.C.M. Police have seized the following articles, apparently for non-payment of duty, from Mr. Louis Francis, a member of the St. Regis Band:

- 1 General Electric refrigerator, Serial No. 01083225.
- 1 electric washer manufactured by Mercantile Stores Company Incorporated, Serial No. 1906, Model 100P.
- 1 second hand Ivanhoe oil burner, Model 2203E, Serial No. 0794496.

It may be mentioned that the St. Regis Indian Reserve comprises a number of islands in the St. Lawrence River and a parcel of land on the south side of the river contiguous with the boundary. Because of the geographical position of the Reserve the Indians have had close business relations with neighbouring communities in the United States for many years.

(Secy.)
1/18-81-2

Copy for Indian Affairs Branch

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RECEIVED 24 11:26

INDIAN AFFAIRS



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It is pointed out by the Indian Superintendent, moreover, that the St. Regis Indians believe that they may bring in articles from the United States under the terms of the Jay Treaty for their own personal use but not for resale.

It is noted in your letter above mentioned that disposition of the goods seized from Mr. Bent is being held in abeyance pending further consideration. I understand that you are consulting the Deputy Minister of Justice as to the specific privileges granted under the Jay Treaty and the classes of persons to whom the privileges extend.

In view of this, possibly you might wish to withhold action in the case of Mr. Francis also until the general question has been clarified. I should be much obliged if you could let me know where the matter now stands.

Yours sincerely,

Laval Fortier

Laval Fortier.

CIF/ND

all

T. R. L M

to Mrs.

0/127-1-2
1/18-31-2
(Secy.)

, November 29, 1951.

MEMORANDUM TO THE DIRECTOR:

It will be recalled that the general question of the rights of the Indians under the Jay Treaty was referred to the Department of Justice for review following receipt of a submission by the President of the North American Indian Brotherhood. The opinion of the Deputy Minister of Justice, dated June 1st, is to the effect that the Jay Treaty is of full force and effect in so far as it relates to the Indians.

For your information, relevant provisions of the Jay Treaty are quoted with a brief historical summary of events. A more detailed statement on the Jay Treaty is appended hereto. The provisions of Article III of the Treaty, in so far as they relate to Indians, are as follows:

"It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other.....

"No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians."

2.

The Treaty was self-executing and did not require legislation to give effect to its provisions.

Following the War of 1812, the Treaty of Ghent, concluded December 24, 1814, restored to the Indians the privileges they may have enjoyed or been entitled to in 1811.

While there do not appear to have been any special concessions granted to Indians under the Canadian tariff laws, it would seem that they were given certain privileges in regard to bringing in goods from the United States in exchange for handicraft articles sold there. The Department was advised by the Customs Department in 1893 that field officials at St. Regis were to permit the free interchange of articles between the St. Regis Indians and adjacent United States traders. The importation of articles by Indians in exchange for Indian wares sold in the United States was referred to the Governor in Council by the Minister of Customs. By Order in Council 3053, dated November 2, 1897, the Governor General in Council declined to entertain the recommendation of the Minister of Customs. Apparently since that date the Customs Department has required Indians to pay duty on articles brought into Canada from the United States. The position of Indians as to importing goods from Canada into the United States has been somewhat different in that in the Tariff Act of 1799, and in subsequent acts, provision was made for the free entry of Indian goods. Under the tariff revision of 1897, however, no such provision was made, nor, according to my understanding, has any such provision been made since that time.

The question of imposition of duty on Indian merchandise entering the United States was dealt with in the United States courts in the case of the United States v. Mrs. P. L. Carrow. The collector at the Port of Hogsburg, N. Y., imposed a duty under the Tariff Act of 1930 on baskets which Mrs. Carrow, a member of the St. Regis Band, brought into the United States (December, 1934). Mrs. Carrow appealed to the United States Customs Court. This Court sustained her appeal, and the amount of duty paid by her was refunded. The case was carried by the United States authorities to the Court of Customs and Patent Appeals, which reversed the decision of the Customs Court.

The Court of Customs and Patent Appeals took the position that the Jay Treaty was in effect abrogated by the War of 1812 and that the Treaty of Ghent was held not to have been a self-executing treaty but dependent on legislative enactment, and that failure of Congress to properly legislate in accordance with the provisions of the Treaty renders

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the merchandise of Indians entering the United States dutiable. An appeal to the Supreme Court of the United States was denied.

My understanding, therefore, has been that the United States does not recognize that the Indians have any rights under the Jay Treaty to import goods from Canada free of duty, but information as to the present legal position is being obtained.

The department has no record of the question of the right of Indians to import goods into Canada from the United States under the provisions of the Jay Treaty having been dealt with by the courts in Canada. For this reason, and as a result of repeated representations from the President of the North American Indian Brotherhood, who insisted that the Indians had rights under the Treaty, the reference to Justice above mentioned was made in order to clarify the position of the Indians.

Pursuant to the opinion of June 1, above mentioned, a specific case was referred to Justice on the question of the legality of the seizure of certain articles from Mr. Neil Dent, a member of the Lower Similkameen Band, B. C. In an opinion dated July 13, the Deputy Minister of Justice advised that the articles, with the exception of two tires and shirts, were free from Customs duty and had been illegally seized, and that the tires and shirts, if it could be proved that they were intended for personal use of the Indian, would also be free of duty.

The Deputy Minister then wrote to the Deputy Minister of National Revenue, Customs and Excise Division, on July 20, drawing attention to the opinion from Justice on the particular case and also on the general question of the rights of Indians under the Jay Treaty. It was suggested that steps be taken to return the goods seized from Mr. Dent.

In his reply, letter dated July 26, the Deputy Minister of National Revenue expressed surprise that that Department had only received notice of the opinion from Justice through this department. He also advised that a reference was being made to Justice to determine the precise nature of the privileges given and as to the classes of persons to whom the privileges extend. From the tone of the letter and some conversations that have taken place between officials of this Branch and the Customs Division, it would appear that an impression has been gathered in Customs circles that this department was seeking to establish rights for the Indians under the Treaty. Actually, however, as stated above, the reference to Justice was made because of representations by Indians on the subject. As a matter of fact, the opinion has come as somewhat of a surprise to this office as it appears to be at variance with the established

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position of the Canadian Government as laid down by the Order in Council referred to above and since maintained. From the viewpoint of administration and policy, moreover, it may be pointed out that differentiation between Indians and other members of the community in respect to Customs duties is hardly in keeping with declared policy of extending full responsibility as well as rights of citizenship to Indians. It is recognized also that to exempt Indians from Customs duties might lead to many abuses, such as bringing in goods to accommodate other persons or for resale--practices which might easily develop into a racket. At the same time, it must be kept in mind that the reference to Justice was made simply to clarify the legal position, and Justice of course would not be concerned with policy or administration either of this department or of the Department of National Revenue. It is understood that a communication has been received by Justice from the Department of National Revenue and that the opinion of June 1 is being reviewed.

It is recalled that some years ago on a reference to Justice by this department on the question of the liability of Indians to pay income tax an opinion was given, the effect of which was that Indians who resided on Indian reserves were not liable for income tax on wages even when earned off a reserve. This opinion, however, was changed in a subsequent opinion given to the Department of National Revenue on a reference by that Department. This gave rise to considerable confusion, as the department, in accordance with the first opinion, circularized the Indian Superintendents and, through them, the Indians. When the opinion that was given to the Department of National Revenue was made available, it was necessary to notify the Indian Superintendents of the effect of the new opinion. Some of the Indians, of course, who had been made aware of the effect of the first opinion took strong exception, and we have never heard the end of it.

This experience emphasizes the undesirability of making any information regarding the opinion given in respect to Customs duties exemption under the Jay Treaty available to officials in the field, much less the President of the North American Indian Brotherhood and other interested Indians, until the whole question has been clarified.

Since the above-mentioned exchange of correspondence the Superintendent of the St. Regis Agency has reported that certain articles have been seized by the Royal Canadian Mounted Police from Mr. Louis Francis for non-payment of duty.

In a letter dated November 13th, the Superintendent advised that the general question came up for discussion at a meeting of the

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Band Council held on November 5th, at which the Council requested him to ask the department to have a legal adviser look into the matter.

On November 26th a delegation of Indians from St. Regis, including Chief Peters and five others, bearing a letter of introduction from the Indian Superintendent, called at this office with regard to Customs seizures generally. Apparently there have been a number of seizures in recent months. They mentioned the Francis case in particular and intimated that they were considering engaging counsel to look into the whole Customs matter. They asked for historical information on the Jay Treaty, which was given to them. Naturally, no information was given regarding the opinion from Justice or its implications. It was pointed out to them that the administering authority was the Department of National Revenue. It is understood that they discussed the seizures with officials of that Department.

In order to expedite clarification of the general question, which undoubtedly will continue to be very active, it is thought that it would be advisable to have the case brought to the attention of the Deputy Minister of National Revenue. Accordingly, a draft letter has been prepared for the Deputy Minister's signature and is submitted herewith.


CIS/MD


T. R. L. MacInnes,
Secretary.

RE: JAY TREATY

A Treaty of Amity, Commerce and Navigation, between the United States and Great Britain, known as the Jay Treaty, was concluded November 19, 1794; ratification exchanged at London, October 28, 1795, proclaimed February 29, 1796.

Relevant provisions of Article III of the Treaty, in so far as they relate to Indians, are quoted as follows:

"It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other.....

"No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians." (Bemis, S.F., Jay's Treaty: A Study in Commerce and Diplomacy, New York, 1923).

The first ten articles of the Treaty were to be permanent by virtue of Article XXVIII.

The United States Tariff Act of 1799 contained a provision as follows:

"United States Statutes at Large: Vol. I, page 702, Tariff Act 1799:

"Sec. 105. And be it further enacted. That no duty shall be levied or collected on the importation of peltries brought into the territories of the United States, nor on the proper goods and effects of whatever nature, of Indians passing, or repassing the boundary line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging bona fide to Indians, nor be entitled to the exemption from duty aforesaid. * * *

The Canadian authorities do not seem to have enacted any legislation giving effect to the provisions of Article III of the Jay Treaty. Legislation such as the United States enacted would not appear to have been necessary as the Treaty was self-executing.

Following the War of 1812, the Treaty of Ghent, concluded December 24, 1814, restored to the Indians the privileges they may have enjoyed or been entitled to in 1811. Article IX of the Treaty reads in part as follows:

"And His Britannic Majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all

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the possessions, rights and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities. * * *."

In a copy of a letter on file dated March 15, 1873, from the Acting Secretary, Treasury, Washington, to the Hon. C. Delano, Secretary of the Interior, after referring to the provision in the tariff laws regarding Indians, states as follows: "this provision of law was enacted to carry out the provision of Article 3rd of the Treaty of Commerce between the United States and Great Britain ratified 19th November 1794 it being almost in the precise language of the Treaty."

The United States tariff laws continued to grant the free entry of Indian goods up to 1897 when this privilege was withdrawn by the Customs Act approved on July 24th of that year.

In a letter dated October 16, 1897, Mr. John Martin, Special Deputy, Office of the Collector of Customs, Port of Plattsburg, N. Y., advised the Assistant Secretary, Department of Indian Affairs, as follows:

"The Act, Approved July 24, 1897, repeals the old tariff law and does not contain any section authorizing the free entry of Indian goods which has been the feature of all our tariff laws since 1798."

While there does not seem to have been any special concessions granted to Indians under the Canadian tariff laws, it would appear that they were given certain privileges in regard to bringing in goods from the United States in exchange for handicraft articles sold there.

According to the records, the Assistant Commissioner, Customs Department, Canada, communicated with the Deputy Superintendent General of Indian Affairs on May 2nd, 1893, enclosing a copy of a letter to the Sub-Collector of Customs, St. Regis, Quebec, dated April 28, 1893, in which he instructed him as follows:

"I am desired by the Controller of Customs to advise you that, in view of the disposition which has always been evinced by the Government to extend to the Indians the greatest possible consideration in the matter of goods obtained by them in the United States, contiguous to their Reserves, as the result of the exchange of articles of Indian handiwork for articles of United States manufacture or production, you are hereby instructed to permit the free interchange of articles as between the Seven Nations Indians or other Indians occupying the Reserves near your station, and the adjacent United States traders, who, as the Department is advised, are in the habit of taking from Canadian Indians baskets and other articles produced by their own labour, and giving them in exchange such goods as they may need.

"The Council of the Seven Nations Indians have been advised from this Department that these instructions would go to you, and that all past privileges which they had enjoyed would not be interfered with by you."

The importation of articles by Indians in exchange for Indian wares sold in the United States was referred to the Commissioner of Customs in 1897. The question of the free interchange of articles between the Seven Nations Indians or other Indians occupying the Reserve at St. Regis and the United States traders, who bought Canadian Indian baskets and other articles, was ^{then} referred to the Governor in Council by the Minister of Customs. By Order in Council 3053 dated November 2, 1897, the Governor General in Council declined to entertain the recommendation of the Minister of Customs

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on the question of the free interchange of articles between Indians occupying the Reserve at St. Regis and the United States traders. Copy of Order in Council is appended hereto.

Following enactment of the United States Customs Act, 1897, the Department gave consideration to approaching the United States authorities to allow the Indians to take goods into the United States for sale. In view of the decision of the Governor in Council, however, no further action was taken at that time to approach the authorities of the United States as it was considered that it would be out of the question that representations should be made to the United States Government for privileges for Canadian Indians which our own Government did not see its way to grant.

In 1911 the headmen of the Indians at St. Regis made application to the Department of Customs for free entry of goods imported into the Indian Reserve at St. Regis in exchange for Indian wares taken to the United States. In a letter dated March 30, 1911, the Commissioner of Customs communicated with the Department and referred to the decision made by the Government in 1897 on a similar request.

In a letter to the Deputy Superintendent General, dated April 24, 1930, the Commissioner of Customs suggested that it would be well for the Indian Agent, Port Arthur area, to impress upon the Indians that "it is their duty to report at Customs and pay duty on any goods that they may bring in from the United States." In a letter dated December 3, 1930, the Departmental Solicitor, for Commissioner of Customs, after quoting the Order in Council of November 2, 1897, advised as follows: "Since that date the Department has required Indians to pay duty on articles of any consequence brought into Canada."

In 1931 a delegation of St. Regis Indians asked to have representations made to the Government of the United States with a view to having the duty removed from Indian products such as baskets, moccasins, and other distinctively Indian products, entering the United States. The matter was referred to the Department of External Affairs with the request that the matter be brought before the Government of the United States with a view to having Indian goods enter the United States free of duty as was done prior to the tariff revision of 1897. The reply of the Under-Secretary of State for External Affairs, letter dated January 29, 1931, is quoted in part as follows:

"I note that there is no provision in the Canadian Customs Act or Tariff or regulations thereunder, permitting free entry into Canada from the United States of Indian products as such. Moreover, goods of any kind imported by Indians are subject to the same tariff requirements as if imported by persons other than Indians.

"In the circumstances, therefore, it does not appear that the Canadian Government would be justified in making a request for exemption from duty, unless it is itself prepared to grant equivalent exemption to goods made by Indians domiciled in the United States."

In accordance with the advice received from Customs from time to time, the Indians were advised that they were subject to customs laws and regulations in the same manner as other people. There does not appear to be any record of the position of the Indians under the Jay Treaty to import goods into Canada from the United States having been decided by the courts in Canada. In the United States, however, there have been a number of court decisions with respect to the provisions of Article III of the Treaty.

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The question of imposition of duty on Indian merchandise entering the United States was dealt with in the United States courts in the case of the United States v. Mrs. P. L. Garrow. The collector at the Port of Hogsburg, N. Y., imposed a duty under the Tariff Act of 1930 on baskets which Mrs. Garrow, a member of the St. Regis Band, brought into the United States in December, 1934. Mrs. Garrow appealed to the United States Customs Court. This Court sustained her appeal, and the amount of duty paid by her was refunded. The case was carried by the United States authorities to the Court of Customs and Patent Appeals, which reversed the decision of the Customs Court (1937).

The Court of Customs and Patent Appeals took the position that the Jay Treaty was in effect abrogated by the War of 1812 and that the Treaty of Ghent was held not to have been a self-executing treaty but dependent on legislative enactment, and that failure of Congress to properly legislate in accordance with the provisions of the Treaty renders the merchandise of Indians entering the United States dutiable. The Court cites in part a Supreme Court judgment, Kernuth, Director of Immigration, et al. v. United States ex rel. Albro, 1929 (279 U.S. 231), on the question of the force and effect of the Jay Treaty, concluding part of the citation as follows:

"These expressions and others of similar import which might be added, confirm our conclusion that the provision of the Jay Treaty now under consideration was brought to an end by the War of 1812, leaving the contracting powers discharged from all obligations in respect thereto, and, in the absence of a renewal, free to deal with the matter as their views of national policy, respectively, might from time to time dictate."

An appeal to the Supreme Court of the United States in the Garrow case was denied.

According to my understanding, Great Britain, following the War of 1812, also took the position that the War had abrogated the Jay Treaty.

Following a submission this year by the President of the North American Indian Brotherhood, a reference was made to the Department of Justice with regard to the rights of the Indians under the provisions of the Jay Treaty with respect to the importation of goods into Canada from the United States free of duty and crossing the border without restriction. The opinion of the Deputy Minister of Justice dated June 1, 1951, is to the effect that the Jay Treaty, in so far as it relates to Indians, is still in force.

The foregoing is based on the following sources:

1. Benis, S.F., Jay's Treaty: A Study in Commerce and Diplomacy, New York, The Macmillan Company, 1923.
2. Departmental File 190994, Vol. 1 & 2.
3. " " 1/18-31-2, Vol. 1 & 2.
4. " " 0/127-1-2, Vol. 1.
5. " " 492-19-2, Mrs. P. L. Garrow Case.
(Including Judgment of United States Customs Court and Court of Customs and Patent Appeals in Garrow Case).


C. I. Fairholm.

November 20, 1951.

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Privy Council
Canada

Extract from a Report of the Committee of the
Honourable the Privy Council, approved by
His Excellency on the 2nd November 1897.

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Customs.

That the recommendation of the Minister of Customs
as to the expediency of authorizing by Order of the
Governor in Council, the free interchange of articles
as between the Seven Nation Indians or other Indians
occupying the Reserves at St. Regis and the United
States traders, which privilege is now exercised under
the terms of a letter addressed to George Lang, Sub-
Collector at St. Regis, by the Assistant Commissioner
of Customs on the 28th day of April 1893, be not enter-
tained. (Annex)

(Sgd) John J. McGee

Clerk of the Privy Council.

The Honourable

The Superintendent General
of Indian Affairs.

(Annex to O.C. 3053, 2nd November 1897)

Customs)

The Treasury Board had under consideration a memorandum from the Hon. Minister of Customs reporting that a letter in the following terms was addressed to Geo. Lang, Sub Collector of Customs at St. Regis by the Assistant Commissioner of Customs on the 28th day of April 1893:-

"I am desired by the Controller of Customs to advise you that in view of the disposition which has always been evinced by the Government to extend to the Indians the greatest possible consideration in the matter of goods obtained by them in the United States, contiguous to their Reserves, as the result of exchange of articles of Canadian Indian handiwork for articles of United States manufacture or production, you are hereby instructed to permit the free interchange of articles as between the Seven-Nation Indians or other Indians occupying the Reserves near your station, and the adjacent United States traders, who, as the Department is advised are in the habit of taking from Canadian Indians baskets and other articles produced by their own labour, and giving them in exchange such goods as they may need".

"The Council of the Seven Nations have been advised from this Department that these instructions would go to you, and that all past privileges which they had enjoyed would not be interfered with by you."

The Minister states that John Angus, one of the Head Men of the Seven Nations has applied in person on behalf of the Seven Nation Indians for a confirmation of this letter by his Excellency the Governor General in Council, and he recommends for consideration the expediency of authorizing the free interchange of articles as between the Seven Nation Indians or other Indians occupying the Reserves at St. Regis, and the United States Traders, who are in the habit of taking from Canadian Indians baskets and other articles produced by their own labour and giving them in exchange such goods as they may need for their own use.

The Treasury Board regret that they cannot submit the memorandum for the favourable consideration of Council.

Treaty of Peace and Amity, between His Britannic Majesty
and The United States of America.

Signed at Ghent, The 24th December, 1814.

(Ratifications exchanged 17 February, 1815).

Article IX. The United States of America engage to put an end, immediately after the Ratification of the present Treaty, to hostilities with all the Tribes or Nations of Indians, with whom they may be at War at the time of such Ratification; and forthwith to restore to such Tribes or Nations respectively, all the Possessions, Rights, and Privileges, which they may have enjoyed, or been entitled to in 1811, previous to such hostilities; Provided always, that such Tribes or Nations shall agree to desist from all hostilities against the United States of America, their Citizens and Subjects, upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

And His Britannic Majesty engages, on his part, to put an end, immediately after the Ratification of the present Treaty to hostilities with all the Tribes or Nations of Indians with whom he may be at War at the time of such Ratification; and forthwith to restore to such tribes or Nations, respectively, all the Possessions, Rights and Privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities; Provided always, that such Tribes or Nations shall agree to desist from all hostilities against His Britannic Majesty, and his Subjects upon the Ratification of the present Treaty being notified to such Tribes or Nations, and shall so desist accordingly.

The Treaty of Ghent is published in "Treaties and Agreements Affecting Canada in Force between His Majesty and the United States of America, with Subsidiary Documents, 1814-1913." Ottawa, 1915. New ed. (1814-1925), 1927, published by the Department of State, Canada.

1/18-31-2
(Secy.)

, December 4, 1951.

T. L. Bonnah, Esq.,
Supt., Indian Agency,
Box 987,
Cornwall, Ontario.

This is with reference to your letter of October 23rd, your file 33/18-31, concerning the seizure of certain articles from Mr. Louis Francis, a member of the St. Regis Indian Band.

The matter has been referred to the Department of National Revenue, the administering authority, for consideration.

CIF/MD

File
T. R. L. MacInnes,
Secretary.

1/18-31-2
0/127-1-2
(Secy.)

, December 4, 1951.


T. L. Bonnah, Esq.,
Supt., Indian Agency,
Box 987,
Cornwall, Ontario.

This will acknowledge your letter of November 13th concerning the request of the St. Regis Band Council to have a legal adviser look into the text of the 'Treaty of 1812' between Great Britain and the United States.

There does not appear to be any record of a treaty between the United States and Great Britain in the year 1812. There was, however, a treaty following the War of 1812 known as the Treaty of Ghent, which was concluded in 1814, in which reference is made to Indians, and possibly this was in mind. Please clarify.

As you know, a delegation of Indians from St. Regis, including Chief Peters and five others, called at this office on November 26th with respect to Customs seizures generally. Mr. Benedict, who acted as spokesman for the delegation, asked for a copy of Article IX of the Treaty of Ghent. Article IX has been copied and is enclosed herewith for transmission to him. He also asked for a reference source for Article III of the Jay Treaty, which was given to him. A copy of Article III is also enclosed.

Encl.2
CIF/MD


T. R. L. MacInnes,
Secretary.

Ottawa, November 29, 1951.

D. Sim, Esq.,
Deputy Minister,
Customs and Excise Division,
Department of National Revenue,
Ottawa, Ontario.

Dear Mr. Sim:

Please refer to your letter of July 26th, in reply to my letter of July 20th, concerning the seizure of certain articles from Mr. Neil Bent of the Lower Similkameen Indian Band, B.C., and with respect to privileges of Canadian Indians under the Jay Treaty.

In the meantime, a report has been received from the Indian Superintendent in charge of the St. Regis Indian Reserve near Cornwall, Ontario, advising that the R.C.M. Police have seized the following articles, apparently for non-payment of duty, from Mr. Louis Francis, a member of the St. Regis Band:

- 1 General Electric refrigerator, Serial No. 01083225.
- 1 electric washer manufactured by Mercantile Stores Company Incorporated, Serial No. 1906, Model 100P.
- 1 second hand Ivanhoe oil burner, Model 2205B, Serial No. 6794496.

It may be mentioned that the St. Regis Indian Reserve comprises a number of islands in the St. Lawrence River and a parcel of land on the south side of the river contiguous with the boundary. Because of the geographical position of the Reserve the Indians have had close business relations with neighbouring communities in the United States for many years.

2.

It is pointed out by the Indian Superintendent, moreover, that the St. Regis Indians believe that they may bring in articles from the United States under the terms of the Jay Treaty for their own personal use but not for resale.

It is noted in your letter above mentioned that disposition of the goods seized from Mr. Bent is being held in abeyance pending further consideration. I understand that you are consulting the Deputy Minister of Justice as to the specific privileges granted under the Jay Treaty and the classes of persons to whom the privileges extend.

In view of this, possibly you might wish to withhold action in the case of Mr. Francis also until the general question has been clarified. I should be much obliged if you could let me know where the matter now stands.

Yours sincerely,

GIF/SD

Laval Fortier.

[Handwritten signature]
T.R. 217

November 26, 1951.

MEMORANDUM FOR FILE:

A delegation of Indians from St. Regis, including Chief Peters, called at this office today regarding the seizure of goods from Mr. Francis and others, and also on the general question.

The following were present: Chief Peters, Mr. Benedict, Mr. L. Francis, Mr. and Mrs. James Cook, and Mr. Boots.

Mr. Benedict acted as spokesman for the delegation. He stated that in recent months there had been a considerable number of seizures of goods brought by the Indians into Canada from the United States made by the R.C.M. Police. He drew attention to the fact that the St. Regis Reserve was isolated from the rest of Canada and that the Indians bought much of their provisions and goods in the United States. He also stated that they believed that they could bring in goods from the United States. The delegation was advised that Customs was administered by the Department of National Revenue. Mr. Benedict asked if it would be possible to see someone in Customs, and he was referred to Mr. Hicklin of the Seizures Branch, National Revenue.

Mr. Benedict also wished to obtain a reference source ^{for} Article III of the Jay Treaty. He was advised that the Jay Treaty was published in full in S. F. Bemis's "Jay's Treaty: A Study in Commerce and Diplomacy", The MacMillan Company, New York, 1923. He also wished to obtain a copy of Article IX of the Treaty of Ghent, particularly that part dealing with Indians. He was advised that a copy of the Article would be made and forwarded to him.

The delegation were given no intimation whatever that the question of rights of Indians under the Jay Treaty was receiving attention.

Mr. Benedict stated that some discussion had taken place as to employing counsel to look into the whole question of Customs seizures at St. Regis. Mr. Benedict did not definitely ask if the department would be prepared to engage counsel on their behalf, but he gave some intimation that such was in mind. He was not given any encouragement, however, as to the possibility of the department employing counsel for them.





OFFICE OF THE
INDIAN AGENT



CANADA

DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE

FILE _____

St. Regis Que.
Nov. 26th., 1951.

Indian Affairs Branch,
Dept. of Citizenship & Immigration,
Ottawa, Ontario.

Gentlemen:

This will introduce Chief John J. Peters of the St. Regis Band who with his party is desirous of interviewing Departmental Officials concerning certain seizures under the Canada Customs Act. It is regretted that Mr. Peters did not find it convenient, due to working hours of some of his party, to arrange for this interview ahead of their visit.

T. L. Bonnah
Superintendent
St. Regis Agency.

FIELD SERVICE

38088



CANADA

PLEASE QUOTE
33/18-31
FILE.....

Copy on 33/3-6

1951 NOV 15 AM 9:03 DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

INDIAN AFFAIRS

P. O. Box 987,
Cornwall, Ontario,
November 13th, 1951.

Secy

Indian Affairs Branch, Ottawa, Ontario.

At the St. Regis Council held on November 5th, considerable discussion centered around the matter of the Indians being permitted to bring in merchandise, etc. free of Customs duty. The Council requested the writer to advise the Department to appoint a legal advisor to look into the text of the Treaty of 1812 between the British and United States Governments and the Indians. No resolution concerning this matter was passed at the Council.

I have not a copy of the Treaty in question and if such a thing exists, it would be greatly appreciated if you could send us a copy. Insofar as the appointment of a Departmental lawyer to go into this matter, you might advise me what, if any, steps are being taken.

T. L. Bormah,
Superintendent,
St. Regis Indian Agency.

Field Service

COPY

Canada
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
Indian Affairs Branch

P. O. Box 987,
Cornwall, Ontario,
October 23rd, 1951.

Indian Affairs Branch, Ottawa, Ontario.

This is to advise you that on the afternoon of October 19th Mrs. Louis Francis called at the office advising that the R.C.M.P. had seized certain household appliances in her home in St. Regis Village, Quebec. Mr. Morris, our Regional Supervisor, who was at the office at the time Mrs. Francis complained about the seizure will bear me out when I state that this woman was emotionally upset.

A check with the local R.C.M.P. officer discloses that the following articles have been placed under seizure in the name of Louis Francis:

- 1 General Electric refrigerator, Serial No. 01083225
- 1 electric washer manufactured by Mercantile Stores Company Incorporated, Serial No. 1906, Model 100P
- 1 second hand Ivanhoe oil burner, Model 2205B, Serial No. C794496.

It is well known to your office that the matter of seizures by the R.C.M.P. such as noted above is the cause of constant trouble on the Reserve. I have no fault to find with the R.C.M.P. on this matter as they are only carrying out their instructions. On the other hand, I am firmly convinced that from the Indians' point of view articles brought in are done so with the firm belief that they are protected under the Jay Treaty. During my term of office here, I cannot recall of any case where an Indian of St. Regis has been convicted of reselling household effects and the like brought onto the Reserve. For some reason or other, it has always been the contention amongst the Indians that while they were protected by the Jay Treaty in bringing in goods for their own personal use, they were breaking the Treaty by reselling.

2.

In the case of Louis Francis, this man is getting established under the Veterans' Land Act and has made a magnificent contribution himself as well in constructing a substantial home which is a credit to himself and an example to others. He, like most of our Indians, must depend upon United States industry to earn a livelihood and I might add, were it not for the co-operation received through American industry, we would have, in this geographically isolated part of Canada, a relief bill running into many thousands of dollars per annum as a direct charge against the taxpayers of Canada. Further, our Indians, like many other Indians in Canada, have never been given the advantage and protection in former years where they could purchase household appliances, etc. on a time payment basis. Over a period of years, the merchants on the American side in our district have built up a great confidence with the Indian people with the result that they extend to our Indians credit despite the fact that these merchants knew that they were unable to take possession of any article sold. The Indians in this locality also have the added inconvenience of paying additional charges on merchandise brought in from Cornwall due to distance and bridge toll.

In the last analysis, it would appear to the writer that if we are to expect the co-operation of the Indians in carrying out any programme for their economic betterment, a definite ruling should be had from the Justice Department or the Exchequer Court of Canada as to whether or not the Indians have the right by treaty to bring any goods into Canada duty-free for their own use.

(Sgd) T. R. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

FIELD SERVICE



22717

FILE

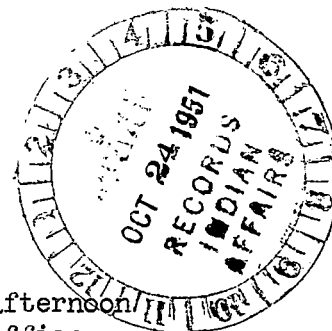
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH

P. O. Box 987,
Cornwall, Ontario,
October 23rd, 1951.

Secy

Indian Affairs Branch, Ottawa, Ontario.



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In the case of Louis Francis, this man is getting established under the Veterans' Land Act and has made a magnificent contribution himself as well in constructing a substantial home which is a credit to himself and an example to others. He, like most of our Indians, must depend upon United States industry to earn a livelihood and I might add, were it not for the co-operation received through American industry, we would have, in this geographically isolated part of Canada, a relief bill running into many thousands of dollars per annum as a direct charge against the taxpayers of Canada. Further, our Indians, like many other Indians in Canada, have never been given the advantage and protection in former years where they could purchase household appliances, etc. on a time payment basis. Over a period of years, the merchants on the American side in our district have built up a great confidence with the Indian people with the result that they extend to our Indians credit despite the fact that these merchants knew that they were unable to take possession of any article sold. The Indians in this locality also have the added inconvenience of paying additional charges on merchandise brought in from Cornwall due to distance and bridge toll.

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T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

33/18-31

P. O. Box 987,
Cornwall, Ontario,
October 23rd, 1951.

Indian Affairs Branch, Ottawa, Ontario.

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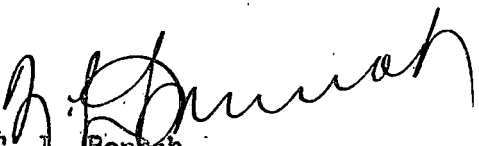
.....

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T. L. Bonnah,
Superintendent,
St. Regis Indian Agency.

1/18-31-2
(Secy.)

, October 13, 1951.

R. D. Ragan, Esq.,
Supt., Indian Agency,
Cardston, Alta.

This will acknowledge your letter of
October 9th concerning the seizure of property
belonging to an Indian situated on an Indian re-
serve by a non-Indian.

There is no change under the new Indian
Act with respect to the seizure by non-Indians of
real and personal property of an Indian situated on
an Indian reserve. See Section 88, which is similar
to Section 105 of the former Indian Act.

T. R. L. M.

T. R. L. MacInnes,
Secretary.

CIF/LID

FIELD SERVICE

14231



PLEASE QUOTE

FILE 103/26-1

118-31-2

Secy

1951 OCT 12 PM 1:42

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH

INDIAN AFFAIRS

Cardston, Alberta,
October 9th, 1951.

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

This Reserve has an increasing number of Indians holding drivers Licenses who either while drunk or otherwise, collide with automobiles driven by other people.

Invariably when this happens the owner of the vehicle which the Indian collided with comes to this office and wishes to know whether he can sue the Indian and collect damages. Our reply in the past has been that he can sue but cannot seize.

This letter is written to ask if we have been correct in the past and whether or not the New Indian Act would change any of this. In other words can a white person secure a judgement on an Indian and seize property in payment.

Advice at your convenience would be appreciated.

Yours very truly,

R. D. Ragan,
Superintendent,
Blood Indian Reserve,
Dept. of Citizenship & Immigration.

RDR/LR

Copy to Mr. Gooderham

1/18-31-2
(Secy.)

, October 2, 1951.

W. S. Arneil, Esq.,
Indian Commissioner,
P. O. Box 70,
Vancouver, B. C.

This is with reference to your letter of
September 25th and previous correspondence concern-
ing the seizure of certain goods by the R.C.M.P. from
Mr. Neil Bent of the Lower Similkameen Band.

The question of the return of the goods to
Mr. Bent has been referred to the Department of National
Revenue for consideration.

CLP/ND

[Signature]
R. L. MacInnes,
Secretary.

*See letter of D.M. to
Mr. Sims - Nat. Rev. dated July 20.*

INDIAN COMMISSIONER
BRITISH COLUMBIA

IN YOUR REPLY REFER TO
No. 164/18-1
Also to date of this letter

04121



CANADA

1/18-31-2
INDIAN AFFAIRS BRANCH

Secy
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Your

PLEASE QUOTE

FILE 1/18-31-2
(Secy.)

1951 SEP 29 AM 10:58

P.O. BOX 70
Vancouver, B.C.

Sept. 25, 1951.

INDIAN AFFAIRS

Indian Affairs Branch,
Dept. of Citizenship & Immigration,
Ottawa, Ont.

Re: Customs' seizure - Neil Bent
Lower Similkameen Band

With reference to Mr. MacInnes's letter of August 22nd and previous correspondence, representations have been made to the Deputy Minister of National Revenue for the return of Canadian goods seized by the R.C.M.P. from the above named on April 9th.

The following listed articles purchased in the United States were also seized at the same time:

- One saddle
- Two 650 x 16 tires
- One phonograph
- One pipe wrench
- One hat
- Two shirts

These goods are returnable to Neil Bent on payment of the full duty paid price but in a previous case, that of Barney Allison and Louie Pierre, following representations by the Department goods were returned to them on payment of duty only. I would recommend that representations be made for the return of these articles purchased in the United States on payment of the duty.

-EW

W. S. Arneil,
Indian Commissioner for B.C.

001497

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

OFFICE OF THE DEPUTY MINISTER

DATE

1/5/51

To:

Major MacKay

For Action:.....

For Direct Reply:.....

For Preparation of Reply:.....

For Report:.....

To Note and File:.....

To Note and Return:.....

For Discussion with Undersigned:.....

For Information:.....

For Translation:.....

Bd.

NOTED
5/9/51
J.S.

001498

87872

EXT. 67

THE DEPARTMENT OF EXTERNAL AFFAIRS

1951 SEP 5 PM 2:19 OTTAWA, August 31, 1951

To:

The Deputy Minister of Citizenship and Immigration

The documents described below are attached for your information
or for any action you consider necessary:

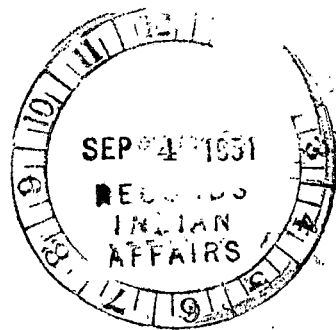
Letter No. 2753 of August 27th from Washington with enclosure.
Also referred to:

Economic: F.G. Hooton/GM



Under-Secretary of State
for External Affairs

001499



Ext. 182 C

DUPLICATE

OTTAWA FILE

No.....

Letter No. 2753.....

Date 27th August 1951.....

SECURITY CLASSIFICATION

UNCLASSIFIED

FROM: COMMERCIAL COUNSELLOR, CANADIAN EMBASSY, WASHINGTON, D. C.

TO: THE UNDER-SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference.....

Subject: U.S. Customs seizure of truck of Mr. Neil Bent, Lower Similkameen Band, B.C.

1. Further to my WA-3145 of the 17th, attached is a copy of a letter dated August 15th, file reference No. 811.62, received from the United States Bureau of Customs concerning the seizure of a truck from Mr. Neil Bent, Lower Similkameen Band, British Columbia.

Copies Referred

To.....

.....
.....
.....
.....
.....

G. A. Browne,
For the Embassy.

No. of Enclosures

Three 2.....

Post File

No.....

gab/ga

TREASURY DEPARTMENT

811.62

Bureau of Customs

Washington 25

August 15, 1951.

Mr. John H. English
Commercial Counsellor
Office of the Commercial Counsellor
Canadian Embassy
Washington, D. C.

Sir:

Further reference is made to your letter of July 12, 1951, with enclosures, in regard to the seizure of a truck from Neil Bent, an Indian of the Lower Similkameen Band, British Columbia, Canada, in connection with a violation of the customs revenue laws.

The Bureau is now in receipt of a report from the collector of customs at Seattle, Washington, and in view of the information contained therein, the forfeiture of the vehicle in question has this day been remitted on the condition that it is exported to Canada without expense to the Government.

The enclosures of your letter are being returned.

Very truly yours,

(sgd) Shirley Stephens

SHIRLEY STEPHENS,
Head, Enforcement.

Enclosure No. 23406

Copy to Supt. R.H.S. Sampson,
Okanagan Indian Agency.

1/18-31-2
(Secy.)

, August 22, 1951.

W. S. Arneil, Esq.,
Indian Commissioner,
P. O. Box 70,
Vancouver, B. C.

Please refer to my letter of July 23rd and previous correspondence concerning the seizure of a $1\frac{1}{2}$ ton pick-up truck by the United States Customs authorities from Mr. Neil Bent of the Lower Similkameen Band.

A communication has been received from the Department of External Affairs, which is quoted as follows:

"The enforcement division, United States Bureau of Customs, advised me yesterday that on the strength of information received from the Collector of Customs at Seattle, the forfeiture of the vehicle belonging to Neil Bent, an Indian of the Lower Similkameen Band, British Columbia, has been remitted on the condition that it is exported to Canada without expense to the United States Government."

Please advise Mr. Bent of the decision of the United States Bureau of Customs. Mr. Bent should immediately make arrangements to have the truck returned to Canada. It will be noted that the United States Government will not be responsible for any costs incurred in returning the truck.

T. R. L. MacInnes

T. R. L. MacInnes,
Secretary.

CIF/MD

Major Mark Kay

1/18-31-2

EXT. 67

THE DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA, August 20, 1951

To:

Heeny

The Deputy Minister of Citizenship & Immigration

The documents described below are attached for your information
or for any action you consider necessary:

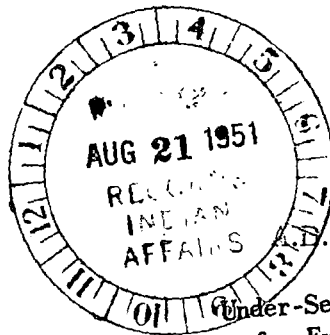
WA3145 of August 17th from Washington.

Also referred to:

1951 AUG 21 PM 3:20

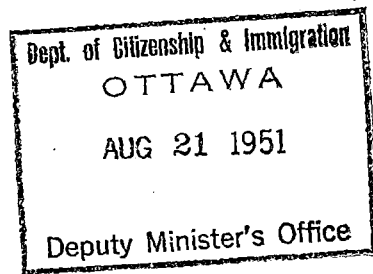
Economic: F.G. Hooton/GM

INDIAN AFFAIRS



D.P. HEENEY

Under-Secretary of State
for External Affairs



NOTED-
21.8.51.
CH.

001504

80144

UNCLASSIFIED

FROM: THE CANADIAN AMBASSADOR TO THE UNITED STATES, WASHINGTON
TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

EN CLAIR

WA-3145

August 17, 1951

Reference: My WA-2865 of 18th July

Subject: Neil Bent's vehicle.

Attention: Mr. AFW Plumptre.

The enforcement division, United States Bureau of Customs, advised me yesterday that on the strength of information received from the Collector of Customs at Seattle, the forfeiture of the vehicle belonging to Neil Bent, an Indian of the Lower Similkameen Band, British Colombia, has been remitted on the condition that it is exported to Canada without expense to the United States Government.

0/126-7-2
(Secy.)

, August 8, 1951.

T. L. Bonnah, Esq.,
Supt., Indian Agency,
Box 987,
Cornwall, Ontario.

Please refer to my letter of July 18th concerning the seizure by the R.C.M. Police of certain articles from Mrs. Paul Thomas of the St. Regis Reserve.

The Department of National Revenue have advised that when a full report has been received, "a notice will be sent to the person from whom the seizure was effected and thirty days will be allowed from the date of the notice for receipt of defence representations."

If Mrs. Thomas should wish to file representations or evidence in rebuttal of the charge laid against her, she should do so by affidavit within thirty days after receiving the notice above mentioned. Such affidavit should be sent direct to the Department of National Revenue for consideration.

T.R.L. / 17

T. R. L. MacInnes,
Secretary.

CIF/MD

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No. **2229**

Indian Affairs File No. **0/126-7-2**

Subject of File.....

MAIN FILE ON CHARGE TO *Sept*

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OR BF	BY	DATE	FOR RECORDS USE
<i>Secy 2222</i>		<i>70022</i>	<i>7-8-51/PA</i>	<i>22/</i>		<i>9-8</i>	

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001507

70022



CANADA

REFER TO FILE 6035-2

Your Ref. 0/126-7-2
(Secy.)

DEPARTMENT OF NATIONAL REVENUE
CUSTOMS AND EXCISE

1951 AUG 7 AM 10:27

Ottawa, 2, August 3, 1951.

INDIAN AFFAIRS

Secy
T.R.L. MacInnes, Esq.,
Secretary,
Department of Citizenship and Immigration
Indian Affairs Branch,
O t t a w a.

Dear Sir,

Re: Mrs. Paul Thomas,
St. Regis Reserve

Following receipt of your letter of July 23rd we enquired of the Royal Canadian Mounted Police and learned that some seizure action has been taken against Mrs. Thomas and a full report may be expected shortly. When the report is received a notice will be sent to the person from whom the seizure was effected and thirty days will be allowed from the date of the notice for receipt of defence representations.

The above, of course, is the normal method of dealing with such cases. This is being followed in the absence of provision for other procedure.

Yours truly,

W.L. Hicklin

W.L. Hicklin,
for Deputy Minister.

GCK/EMJ



Wij

Ottawa, July 25, 1951.

MEMORANDUM TO THE DEPUTY MINISTER:

It will be recalled that the general question of the rights of Indians under the Jay Treaty was referred to the Department of Justice for review following receipt of a submission by Mr. A. Paull, President, North American Indian Brotherhood. In a letter dated June 1, a copy of which is appended hereto for your convenience, the Deputy Minister of Justice advised that the Jay Treaty would appear to be of full force and effect.

Mr. Andrew Paull called at the Branch on July 23 and raised the question of the rights of Indians under the provisions of the Jay Treaty to the importation of goods into Canada from the United States free of duty. He was advised that the matter had been receiving the attention of the appropriate authorities. As the whole question is rather delicate and is not a matter that comes within the jurisdiction of this department, but of the Department of National Revenue, it was thought that it would not be in order to advise Mr. Paull or any other Indians, or to circularize our Indian Superintendents until the position had been clarified. It is expected that the department will be advised of the position of Customs in the matter when a reply is received to your letter of July 20 to the Deputy Minister, Customs and Excise, Department of National Revenue.

It will be noted also from the opinion that Indians dwelling on either side of the boundary line between Canada and the United States may pass freely into the respective countries. This would not concern Canadian Indians who, it may be mentioned, are permitted to enter the United States without inspection under the immigration laws under a general executive order, but would apply to Indians who are citizens of the United States. It is suggested that the position of these Indians with respect to border crossing be brought to the attention of officials concerned with the administration of immigration laws and regulations.

*Note:
I discussed
this question
with officials
of Justice and
National Revenue*

TTL 17

TTL 17

[Signature]
CIE/ED


[Signature]

Director.

001509

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

 NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

Records Service Division

Slip No. 2016

Indian Affairs File No. 9/126-72

Subject of File

MAIN FILE ON CHARGE TO

Secy

REFERENCE

DISPOSAL

REFERRED To	By	REMARKS	DATE	PA OR BF	By	DATE	FOR RECORDS USE
Secy	CR-11	63607	23/6/57				

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001510

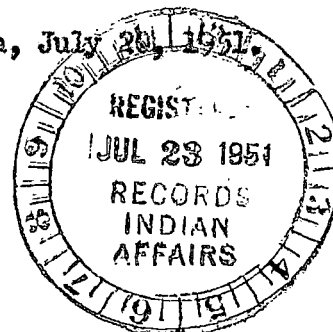
To be returned to Indian Affairs

63607

1951 JUL 23 AM 11:45

INDIAN AFFAIRS

Ottawa, July 20, 1951.



D. Sim, Esq., C.M.G.,
Deputy Minister,
Customs and Excise Division,
Department of National Revenue,
Ottawa, Ontario.

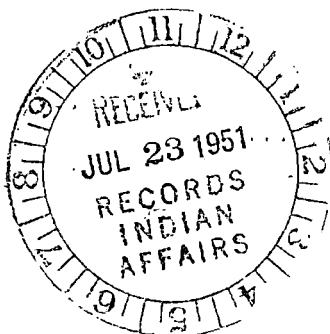
Dear Mr. Sim:

Representations have been received by this department with respect to the seizure of certain articles, evidently for non-payment of duty, by the R.C.M. Police from Mr. Neil Bent, an Indian of the Lower Similkameen Band, British Columbia.

It is represented that under the provisions of the Jay Treaty of 1794, Indians have the right to import goods into Canada from the United States free of duty. As you will doubtless recall, the Indians have brought this question up from time to time over a long period. Recently, as a result of a submission by one of the Indian organizations, the matter was referred to the Department of Justice for review. The relevant paragraph of a letter from the Deputy Minister of Justice, dated June 1, 1951, is quoted as follows:

"With reference to the importation of goods into Canada from the United States free of duty, I am of the opinion that it will depend on the particular facts of each case as it arises. In view of Article III, '... Indians passing or re-passing with their own proper goods and effects of whatever nature ...' need pay no duty. Consequently, it will depend in each instance whether the article in question is the Indian's own proper goods and effects. When the goods are in bales '... or other large packages, unusual among Indians ...', they would be liable for duty."

On the particular case in question, the details of the seizure are set out in the report of May 29th of the



2.

Indian Superintendent in charge of the Okanagan Agency, which is quoted in part as follows:

"On April 9th, R.C.M.P. came to Chopaka and searched house when whole family was away, but Antoine Qualtier was there. Antoine Qualtier says R.C.M.P. gave him a paper, then went in and searched house for U.S. funds. In course of search brought out two new U.S. tires, 650-16, between \$40.00 and \$50.00 bought at Nighthawk, Wash. (no duty), new hat bought at Oroville, Wash., and worn home (\$2.00), suit coat value \$20.00 bought at Oliver a week previously at Collens Department Store, pipe-wrench value \$3.00 at Tonasket, Wash., (no duty), one flashlight from Cawston, B.C. (old), one flashlight from workman who left it there, George Shackley from Spences Bridge, three used hammers (one from Nighthawk), pliers, one saddle, 3 or 4 years old - second hand when bought - originally from Oroville, Wash., value about \$40.00. Two shirts (girl's) from Oroville last fall bought by Qualtier girls - phonograph, second hand table - from U.S., \$30.00 also bought by Qualtier girls last fall."

Pursuant to the advice contained in the letter above mentioned, the present case was also referred to the Department of Justice. In a letter dated July 13, the Deputy Minister of Justice has advised as follows:

"Referring to your letter of June 19th last, I am of the opinion that all of the goods referred to by you, with the exception of the two new U.S. tires and the two shirts (girl's), were free from Customs duty and consequently were illegally seized by the R.C.M.P.

"If the Indian can satisfy the authorities that he bought the tires and shirts for his own personal use, then I should think that these items also are free from duty."

In view of this advice, it would be appreciated if the necessary steps might be taken to have the goods in question released to Mr. Bent.

It is suggested also that you might consider the advisability of bringing the general position of the Indians under the provisions of the Jay Treaty as interpreted by the law officers of

3.

the Crown to the attention of officials of your Department for
their information and guidance.

Yours sincerely,

Laval Fortier

Laval Fortier.

LF
CIF/VP
LF

TTC. 2 M

0/126-7-2
(Secy.)

July 23, 1951.

W. L. Hicklin, Esq.,
Customs and Excise,
Department of National Revenue,
Ottawa, Ontario.

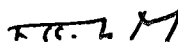
Dear Sir:

Appended hereto is a copy of a letter, dated July 10th, received by this Branch from Mrs. Paul Thomas, of the St. Regis Indian Reserve, regarding certain household goods which were evidently seized for non-payment of duty.

It will be noted that on the general question of importation of goods from the United States, Mrs. Thomas alleges that the Indians have certain rights under the Jay Treaty. It may be mentioned that, according to advice received from the law officers of the Crown, the importation of goods into Canada from the United States free of duty by Indians would depend upon the particular facts of each case, having regard to whether or not the goods in question were the Indian's own proper goods and effects, or goods in bales or other large packages unusual among Indians.

It would be appreciated if you would give this matter your consideration and advise me at your earliest convenience.

Yours truly,



T. R. L. MacInnes,
Secretary.

CIF/MD

0/126-7-2
(Secy.)

, July 23, 1951.

W. S. Arneil, Esq.,
Indian Commissioner,
P. O. Box 70,
Vancouver, B. C.

Please refer to my letter of July 4th and previous correspondence concerning the seizure of a $1\frac{1}{2}$ ton pick-up truck by the United States Customs authorities from Mr. Neil Bent of the Lower Similkameen Band.

The matter was taken up with the appropriate authorities in Washington. A reply has now been received ~~by~~ the Canadian representative in Washington, which is quoted in part as follows:

"...it is impossible for the Customs to take any action which might lead to the release of the truck unless and until Mr. Neil Bent has filed with the local U. S. Collector of Customs an 'Application for Relief.' In the final paragraph of Superintendent Sampson's letter to the Indian Affairs Branch, Ottawa, this 'Application for Relief' is referred to, but in the seventh paragraph of the interview with Mr. Neil Bent, attached to Superintendent Sampson's letter, it states that Mr. Bent had in fact refused to sign the 'Application for Relief' which had been given to him by the U. S. Customs Officer. It is apparent, therefore, that Mr. Bent has not filed the necessary application. Inasmuch as an application must be filed before action can be taken by the U. S. Customs, would you be good enough to have the necessary steps taken to see that an application is filed by Mr. Bent forthwith."

It will be noted that it will be necessary for Mr. Bent to file an 'Application for Relief.' If Mr. Bent has not already filed an application, he should do so immediately.

A copy of this letter is being forwarded to Superintendent Sampson for his information and necessary action.

T. R. L. M
T. R. L. MacInnes,
Secretary.

001516

CIF/ND

OFFICE OF THE DEPUTY MINISTER

DATE 20-7-51

To:

Major MacKay

For Action:.....

For Direct Reply:.....

For Preparation of Reply:.....

For Report:.....

To Note and File:.....

To Note and Return:.....

For Discussion with Undersigned:.....

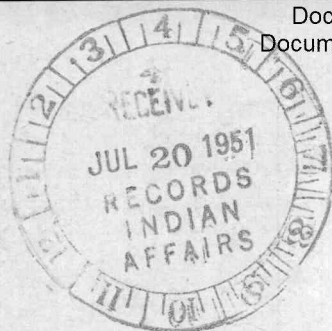
For Information:.....

For Translation:.....

Bd.

NOTED-
20/7/51
CH.

001517



001518

0/126-1-2

EXT. 47

THE DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA.

July 19, 1951

To: The Deputy Minister of Citizenship & Immigration

The documents described below are attached for your information
or for any action you consider necessary

Telegram- WA 2865 from Washington dated July 18,
Despatch 2319 of 11th July 1951- Washington

Also referred to:

Economic: H. Wright/clm

A D P Heeney
Under-Secretary of State
for External Affairs

001519

THE DEPARTMENT OF EXTERNAL AFFAIRS

July 19, 1981

OTTAWA

The Deputy Minister of Citizenship & Immigration

The documents described below are attached for your information

and for any action you consider necessary.

Telegram WA 8885 from Washington dated July 18,
Despatch 8819 of 13th July 1981 - Washington

Also referred to:



Under Secretary of State
for External Affairs

Esmond S. H. Weir

EXT. 230

COPY

MESSAGE FORM
INCOMING

File No.		
Security Classification		
UNCLASSIFIED		

FROM: THE CANADIAN AMBASSADOR TO THE UNITED STATES
TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

System EN CLAIR	No. WA - 2865	Date: July 18, 1951.
Priority	Reference: My despatch No. 2319 of July 11.	
Departmental Circulation	<p>Subject:</p> <p><u>Attention: A.F.W. Plumptre</u></p> <p>I have today received the following letter from Shirley Stephens, Head of the Enforcement Division, Bureau of Customs -</p> <p>"Reference is made to your letter of July 12, 1951, with enclosures, in regard to the seizure of a truck from Neil Bent, an Indian of the lower Similkameen band, British Columbia, in connection with a violation of the Customs revenue laws.</p> <p>"The Bureau received a petition for relief from the forfeiture of this truck on July 13, 1951, from Andrew Paull, President of the North American Indian Brotherhood.</p> <p>"The entire file is being submitted to the Collector of Customs at Seattle, Washington, in whose district the violation occurred, for prompt investigation and report. As soon as the collector's report is received, you will be advised in the matter."</p>	
Done		
Date		
References		
Done		
Date		

001521

Ext. 180 C

DUPLICATE

OTTAWA FILE

No.

Despatch No. 2319

SECURITY CLASSIFICATION

Date. 11th July, 1951.

FROM: THE CANADIAN AMBASSADOR, WASHINGTON, D. C.

TO: THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS, CANADA

Reference. Despatch No. E-2437, July 4, 1951.

Subject: Seizure by U.S. Customs Authorities of truck owned by Mr. Neil Bent.

ATTENTION: Mr. A.F.W. Plumptre

1. I have spoken to Mr. Shirley Stephens, Chief of the Enforcement Division, Bureau of Customs, and have informed him of the interest of the Canadian Government in having Mr. Neil Bent's Ford truck, which was seized by the U.S. Customs authorities, released to him. Mr. Stephens informed me that no report on the seizure has yet been received from the Washington Customs District but that if I will supply him with a copy of the documents which you sent me he will have the matter pursued immediately.

2. Meanwhile, however, he informed me that it is impossible for the Customs to take any action which might lead to the release of the truck unless and until Mr. Neil Bent has filed with the local U. S. Collector of Customs an "Application for Relief". In the final paragraph of Superintendent Sampson's letter to the Indian Affairs Branch, Ottawa, this "Application for Relief" is referred to, but in the seventh paragraph of the interview with Mr. Neil Bent, attached to Superintendent Sampson's letter, it states that Mr. Bent had in fact refused to sign the "Application for Relief" which had been given to him by the U.S. Customs Officer. It is apparent, therefore, that Mr. Bent has not filed the necessary application. Inasmuch as an application must be filed before action can be taken by the U.S. Customs, would you be good enough to have the necessary steps taken to see that an application is filed by Mr. Bent forthwith.

John H. English
for THE AMBASSADOR.

Copies Referred

To.....

No. of Enclosures

.....

Post File

No.

Ottawa, July 20, 1951.

D. Sim, Esq., C.M.G.,
Deputy Minister,
Customs and Excise Division,
Department of National Revenue,
Ottawa, Ontario.

Dear Mr. Sim:

Representations have been received by this department with respect to the seizure of certain articles, evidently for non-payment of duty, by the R.C.M. Police from Mr. Neil Bent, an Indian of the Lower Similkameen Band, British Columbia.

It is represented that under the provisions of the Jay Treaty of 1794, Indians have the right to import goods into Canada from the United States free of duty. As you will doubtless recall, the Indians have brought this question up from time to time over a long period. Recently, as a result of a submission by one of the Indian organizations, the matter was referred to the Department of Justice for review. The relevant paragraph of a letter from the Deputy Minister of Justice, dated June 1, 1951, is quoted as follows:

"With reference to the importation of goods into Canada from the United States free of duty, I am of the opinion that it will depend on the particular facts of each case as it arises. In view of Article III, '... Indians passing or re-passing with their own proper goods and effects of whatever nature ...' need pay no duty. Consequently, it will depend in each instance whether the article in question is the Indian's own proper goods and effects. When the goods are in bales '... or other large packages, unusual among Indians ...', they would be liable for duty."

On the particular case in question, the details of the seizure are set out in the report of May 29th of the

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"On April 9th, R.C.M.P. came to Chopaka and searched house when whole family was away, but Antoine Qualtier was there. Antoine Qualtier says R.C.M.P. gave him a paper, then went in and searched house for U.S. funds. In course of search brought out two new U.S. tires, 650-16, between \$40.00 and \$50.00 bought at Nighthawk, Wash. (no duty), new hat bought at Oroville, Wash., and worn home (\$2.00), suit coat value \$20.00 bought at Oliver a week previously at Collens Department Store, pipe-wrench value \$3.00 at Tonasket, Wash., (no duty), one flashlight from Cawston, B.C. (old), one flashlight from workman who left it there, George Shackley from Spences Bridge, three used hammers (one from Nighthawk), pliers, one saddle, 3 or 4 years old - second hand when bought - originally from Oroville, Wash., value about \$40.00. Two shirts (girl's) from Oroville last fall bought by Qualtier girls - phonograph, second hand table - from U.S., \$30.00 also bought by Qualtier girls last fall."

Pursuant to the advice contained in the letter above mentioned, the present case was also referred to the Department of Justice. In a letter dated July 13, the Deputy Minister of Justice has advised as follows:

"Referring to your letter of June 19th last, I am of the opinion that all of the goods referred to by you, with the exception of the two new U.S. tires and the two shirts (girl's), were free from Customs duty and consequently were illegally seized by the R.C.M.P.

"If the Indian can satisfy the authorities that he bought the tires and shirts for his own personal use, then I should think that these items also are free from duty."

In view of this advice, it would be appreciated if the necessary steps might be taken to have the goods in question released to Mr. Bent.

It is suggested also that you might consider the advisability of bringing the general position of the Indians under the provisions of the Jay Treaty as interpreted by the law officers of

3.


the Crown to the attention of officials of your Department for their information and guidance.

Yours sincerely,



CIF/MD

Laval Fortier.



T.R. 2 M

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P
Y

DEPARTMENT OF JUSTICE

CANADA

Ottawa June 1, 1951.

160997

Re: Rights of Indians under Jay Treaty of 1794

Dear Sir:

You have requested my opinion as to whether the Indians have any rights under the provisions of the Jay Treaty with respect to the importation of goods into Canada from the United States free of duty, and crossing the border without restriction.

I am of the opinion that insofar as the reference to Indians in the Jay Treaty is concerned, it would appear to be of full force and effect. It seems therefore that, in view of Article III of the Treaty, Indians dwelling on either side of the boundary line between Canada and the United States may pass freely into the respective countries.

With reference to the importation of goods into Canada from the United States free of duty, I am of the opinion that it will depend on the particular facts of each case as it arises. In view of Article III, "... Indians passing or repassing with their own proper goods and effects of whatever nature ..." need pay no duty. Consequently, it will depend in each instance whether the article in question is the Indian's own proper goods and effects. When the goods are in bales "... or other large packages, unusual among Indians ...", they would be liable for duty.

Yours truly,

(Signed)

F. P. Varcoe
Deputy Minister.

The Deputy Minister,
Department of Citizenship and Immigration,
OTTAWA, Ontario.

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I, the undersigned, hereby certify that the foregoing is a true and correct copy of the original as filed in my office.

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JAN 10 1900

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Re: Reports of Indians under 18a. Death of 1907

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DEPARTMENT OF JUSTICE

CANADA

Please Address
The Deputy Minister of Justice
Ottawa

OTTAWA, July 13, 1951.

160997

Re: Rights of Indians under Jay Treaty of 1794

Dear Sir:

Referring to your letter of June 19th last, I am of the opinion that all of the goods referred to by you, with the exception of the two new U.S. tires and the two shirts (girl's), were free from Customs duty and consequently were illegally seized by the R.C.M.P.

If the Indian can satisfy the authorities that he bought the tires and shirts for his own personal use, then I should think that these items also are free from duty.

Yours truly,

(Sgd) F. P. Varcoe
Deputy Minister.

The Deputy Minister,
Department of Citizenship and Immigration,
OTTAWA, Ontario.

C
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DEPARTMENT OF JUSTICE

CANADA

Please Address
The Deputy Minister of Justice
Ottawa

OTTAWA, July 13, 1951.

160997

Re: Rights of Indians under Jay Treaty of 1794

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(Sgd) F. P. Varcoe
Deputy Minister.

The Deputy Minister,
Department of Citizenship and Immigration,
OTTAWA, Ontario.

C
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DEPARTMENT OF JUSTICE

CANADA

Please Address
The Deputy Minister of Justice
Ottawa

OTTAWA, July 13, 1951.

160997

Re: Rights of Indians under Jay Treaty of 1794

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Yours truly,

(Sgd) F. P. Varcoe
Deputy Minister.

The Deputy Minister,
Department of Citizenship and Immigration,
OTTAWA, Ontario.

0/126-7-2
(Secy.)

, July 18, 1951.

W. L. Hicklin, Esq.,
Customs and Excise,
Department of National Revenue,
Ottawa, Ontario.

Dear Sir:

Appended hereto is a copy of a letter, dated July 10th, received by this Branch from Mrs. Paul Thomas, of the St. Regis Indian Reserve, regarding certain household goods which were evidently seized for non-payment of duty.

It will be noted that on the general question of importation of goods from the United States, Mrs. Thomas alleges that the Indians have certain rights under the Jay Treaty. It may be mentioned that, according to advice received from the law officers of the Crown, the importation of goods into Canada from the United States free of duty by Indians would depend upon the particular facts of each case, having regard to whether or not the goods in question were the Indian's own proper goods and effects, or goods in bales or other large packages unusual among Indians.

It would be appreciated if you would give this matter your consideration and advise me at your earliest convenience.

Yours truly,

T. R. L. MacInnes,
Secretary.

CIF/MD

001531

Indian Affairs Branch

NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

Indian Affairs File No. 9776-1

Subject of File.....

MAIN FILE ON CHARGE TO 100M

[illegible]

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001532



8/126-2
Document disclosed under the Access to Information Act / Document divulgué en vertu de la Loi sur l'accès à l'information
Dept. of Citizenship & Immigration
OTTAWA
JUL 17 1951
Deputy Minister's Office

SS/RJ

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

See
Wesley
17-7-51

OTTAWA July 13, 1951.

160997
Re: Rights of Indians under Jay Treaty of 1794

Dear Sir:

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Yours truly,

F.P. Varcoe
Deputy Minister.

The Deputy Minister,
Department of Citizenship and Immigration,
OTTAWA, Ontario.



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1951 JUL 17 PM 1 38

INDIAN AFFAIRS

NOTED
17/7/51
C.H.

0/126-7-2
(Secy.)

, July 18, 1951.

T. L. Bonnah, Esq.,
Supt., Indian Agency,
Box 987,
Cornwall, Ont.

Appended hereto is a copy of a letter, dated July 10th, received by this Branch from Mrs. Paul Thomas, of the St. Regis Indian Reserve, concerning the seizure by the R.C.M.P. of certain articles evidently for non-payment of duty.

Please advise Mrs. Thomas that her letter was received and is being referred to the appropriate authorities for consideration. You might point out to her that Customs administration does not come under the jurisdiction of this department.

CIF/MD

T. R. L. MacInnes
T. R. L. MacInnes,
Secretary.

St. Regis, Reserve.

July 10th

of 126-7-2

Dear Sir:

On Sunday July 8th, two Mounted Police-men came to my house and took a survey of all my house-hold Goods,

As I live a few feet from the United States Boundary Line, most of my house-hold goods came from the States, so the Police-men gave me 30 days to pay duty on it.

To my knowledge, under the J. Treaty, all Indians are free of duty, taxes and etc, as long as its for their own use. Most of the Indian men make their living

working in the States, and is the only place we can establish credit, because we are just poor people, when we buy something we have to pay so much a month, otherwise we couldn't afford very much of anything. In the past we have never had any trouble with the Customs, we went and came as we pleased, and brought our house-hold goods and groceries without ever leaving to report at any Customs.

Please look into this detail at once and why the sudden change. Has the J. Treaty ceased to exist?

If you would be kind
enough to inform me
the details at soon as
possible, I will be very
grateful.

Yours Truly,
Mrs. Paul Thomas
Cornwall Post Office
General Delivery
c/o Mr. Bonnah.



CONFIDENTIAL

25 JUL 1951

5713

0/126-7-2
0/127-1-2
(Secy.)

, July 4, 1951.

W. S. Arneil, Esq.,
Indian Commissioner,
P. O. Box 70,
Vancouver, B. C.

This is with reference to your letter of June 27th, and previous correspondence, concerning the seizure of a $1\frac{1}{2}$ ton pickup truck by the United States Customs authorities from Mr. Neil Bent, of the Lower Similkameen Band.

The question of the release of Mr. Bent's truck has been referred to the Department of External Affairs, with the request that the matter be taken up with the appropriate authorities in Washington.

T. R. L. MacInnes

T. R. L. MacInnes,
Secretary.

GIF/LD

INDIAN COMMISSIONER
BRITISH COLUMBIA



INDIAN AFFAIRS BRANCH

47952

IN YOUR REPLY REFER TO

No. 164/18-1
Also to date of this letter

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

PLEASE QUOTE

FILE.....

1951 JUN 29 AM 8:45
P.O. BOX 70
Vancouver, B.C.

INDIAN AFFAIRS
June 27, 1951.

[Handwritten signature]
T.R.L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Ottawa, Ont.

Dear Mr. MacInnes:

I wish to refer to my letter of May 17th and Indian Superintendent Sampson's letter of May 29th with attached report, relative to the United States Customs' seizure of a truck, the property of Neil Bent, Indian of the Lower Similkameen Band.

Mr. Sampson's detailed report would seem to indicate that Mr. Thompson of the United States Customs at Oroville, Wash., is of the opinion that the Collector of Customs of Seattle, Wash., might be approached with a view to further consideration of the case and arranging possible terms for the release of Bent's truck.

In view of the seizure originating in the United States no action is contemplated by this office without first receiving your instructions.

Yours very truly,

[Handwritten signature: W. S. Arneil]

W. S. Arneil,
Indian Commissioner for B.C.

/EW

To be returned to Indian Affairs

45800

0/127-1-2

0/126-7-2

(Secy.)

File

1951 JUN 25 PM 2:07

INDIAN AFFAIRS Ottawa, June 21, 1951.



A. D. P. Heeney, Esq., K. C.,
Under-Secretary of State for External Affairs,
Ottawa, Ontario.

Dear Mr. Heeney:

Representations have been received by this Department concerning the seizure of a one and one-half ton pick-up truck by the United States Customs authorities from Mr. Neil Bent, an Indian of the Lower Similkameen Band, British Columbia.

The Indian Superintendent in charge of the Okanagan Indian Agency investigated the case, and the details are set out in his report of May 29th, together with memorandum of interviews with persons concerned, copies of which are appended hereto.

It would appear that Mr. Bent's truck was seized because he is alleged to have used it to transport money he received from a Mr. A. Lenton, Nighthawk, Washington, for the sale of sixteen head of cattle which apparently were not cleared through Customs in accordance with existing regulations. According to the report, Mr. Bent denies using the truck for the purpose of transporting the money.

It will be noted, from the report of the Superintendent, that in an earlier sale of cattle by Mr. Bent to Mr. A. Lenton, the necessary Customs requirements were complied with. This case would appear to be the first on record in which Mr. Bent has not complied with the regulations governing the export of cattle. He is seventy-one years old and, by his education and background, may not be fully aware of the need for strict adherence to the regulations. I may mention that the Indians from the Lower Similkameen Reserve, because of its geographical position and transportation facilities, have had, over a long period of time, close business and commercial relations with residents of the State of Washington.



2.

As a matter of fact, it is necessary for them to go through the United States in order to make purchases in some of the nearby towns in Canada. It is being brought to the attention of Mr. Bent and other Indians of this area that they must comply with the regulations governing the export of cattle from Canada to the United States.

It would be appreciated if the matter could be taken up with the appropriate authorities in Washington with a view to the release of Mr. Bent's truck.

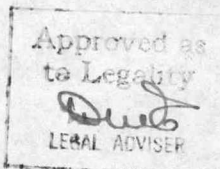
Yours sincerely,

LAVAL FORTIER

Laval Fortier.

CLF/ND

sum



0/127-1-2

0/126-7-2

(Secy.)

Ottawa, June 21, 1951.

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It would be appreciated if the matter could be taken up with the appropriate authorities in Washington with a view to the release of Mr. Bent's truck.

Yours sincerely,

[Signature]
GIF/ID

Laval Fortier.

B. M. M.

T. R. L. M

0/127-1-2
0/126-7-2
(Secy.)

Ottawa, June 19, 1951.

F. P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa, Ontario.

Dear Mr. Varcoe:

This will acknowledge your letter of June 1st, your file reference 160997, wherein you give your opinion as to the rights of Indians under the Jay Treaty.

Recently certain articles have been seized from Mr. Neil Bent, an Indian of the Lower Similkameen Band, British Columbia. The details of the seizure are set out in the report of the Indian Superintendent who investigated the matter, which is quoted in part as follows:

On April 9th, R.C.M.P. came to Chopaka and searched house when whole family was away, but Antoine Qualtier was there. Antoine Qualtier says R.C.M.P. gave him a paper then went in and searched house for U.S. funds. In course of search brought out two new U.S. tires, 650-16 between \$40 and \$50 bought at Nighthawk, Wash. (no duty) new hat bought at Oroville, Wash., and worn home (\$2.00), suit coat value \$20 bought at Oliver a week previously at Collans Department Store, pipe-wrench value \$3.00 at Tonasket, Wash., (no duty), one flashlight from Cawston, B.C. (old), one flashlight from workman who left it there, George Shackley from Spences Bridge, three used hammers (one from Nighthawk), pliers, one saddle, 3 or 4 years old - second hand when bought - originally from Oroville, Wash., value about \$40. Two shirts (girl's) from Oroville last fall bought by Qualtier girls - phonograph, second hand table - from U.S., \$30 also bought by Qualtier girls last fall.

2.

R.C.M.P. pried boards off gable on kitchen (2 boards) and left them lying on ground. Witnessed by Antoine Qualtier. Also broke window in log store house accidentally.

R.C.M.P. searched Neil Bent in shed for money belt but found no money,.....

S/Sgt. Brabazon stated that Cpl. Wallace, who searched the Bent home had authority of Writ of Assistance under Foreign Exchange Control Board, and that there is no obligation upon searching officer to restore searched building to original condition, such as replacing boards torn from gable of Bent's home. Also officer had authority to search Bent's person under same document.

Goods seized are in charge of R.C.M.P. at Penticton and may be obtained by Bent if he will pay full duty paid price. Canadian goods seized will be returned to Bent when R.C.M.P. are ordered to do so by Customs Dept.

S/Sgt. Brabazon states Indians are not being especially picked on by R.C.M.P. in these investigations, that whites are also being searched and that recently two white men have been prosecuted and truck seized, fined \$100 under excise Act. S/Sgt. Brabazon also stated that there is strong suspicion and some evidence that Indians are bringing liquor from the U.S. and R.C.M.P. intend continuing watching this illegal activity and may be searching other places and persons for liquor in future. (Extract from report dated May 29th, Okanagan Agency).

I have noted your observation that the question as to whether the importation of goods into Canada from the United States free of duty by Indians would depend upon the particular facts of each case. It would be appreciated if you would advise me of the legality of the seizures of the articles referred to in the Indian Superintendent's report above quoted.

Yours sincerely,

Laval Fortier.

T-16.2 M
hmm. CIB/MD

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P
Y

DEPARTMENT OF JUSTICE

Please Address
The Deputy Minister of Justice
Ottawa

CANADA

Ottawa June 1, 1951.

160997

Re: Rights of Indians under Jay Treaty of 1794

Dear Sir:

You have requested my opinion as to whether the Indians have any rights under the provisions of the Jay Treaty with respect to the importation of goods into Canada from the United States free of duty, and crossing the border without restriction.

I am of the opinion that insofar as the reference to Indians in the Jay Treaty is concerned, it would appear to be of full force and effect. It seems therefore that, in view of Article III of the Treaty, Indians dwelling on either side of the boundary line between Canada and the United States may pass freely into the respective countries.

With reference to the importation of goods into Canada from the United States free of duty, I am of the opinion that it will depend on the particular facts of each case as it arises. In view of Article III, "... Indians passing or repassing with their own proper goods and effects of whatever nature ..." need pay no duty. Consequently, it will depend in each instance whether the article in question is the Indian's own proper goods and effects. When the goods are in bales "... or other large packages, unusual among Indians ...", they would be liable for duty.

Yours truly,

(Sgd) F. P. Varcoe
Deputy Minister.

The Deputy Minister,
Department of Citizenship and Immigration,
OTTAWA, Ontario.

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No. 1002

Indian Affairs File No. 0/26-7-2

Subject of File.....

MAIN FILE ON CHARGE TO Leaf

REFERENCE				DISPOSAL			
REFERRED To	By	REMARKS	DATE	PA OR BF	By	DATE	FOR RECORDS USE
<u>Leaf</u>	<u>CR-17</u>	<u>32129</u>	<u>19/5/51</u>	<u>BF</u>	<u>MS.</u>	<u>22/5/51</u>	

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001549

0/126-7-2

FIELD SERVICE

32129



CANADA

PLEASE QUOTE

164/18-1

1951 MAY 19 AM 10:56
DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

INDIAN AFFAIRS

Vernon, B.C.,
May 15, 1951.

W.S. Arnell, Esq., Indian Commissioner for B.C., Vancouver.

Re: Neil Bent and Customs Seizures

This will acknowledge your letter of May 9th concerning representations made by the North American Indian Brotherhood on behalf of the above-named Indian of Lower Similkameen Band. The Department also wrote about this under date of May 8th and a copy of this letter is being forwarded to them.

Very little is known about this matter by the undersigned, other than what was overheard at Penticton when the Bents were talking to you and Mr. Andrew Paull. I expect to go to the Lower Similkameen early next week and will make an investigation at that time, and report immediately I return.

R.H.S. Sampson,
Superintendent,
Okanagan Indian Agency.

S:CM

cc - Indian Affairs Branch.

Your File 0/126-7-2 (Secy)

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No. **1198**

Indian Affairs File No. 8/126-7-2

Subject of File.....

MAIN FILE ON CHARGE TO *Leah*

[illegible]

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001551

FIELD SERVICE

39817



PLEASE QUOTE

164/18-1
FILE 164/P-4-005

Secy

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

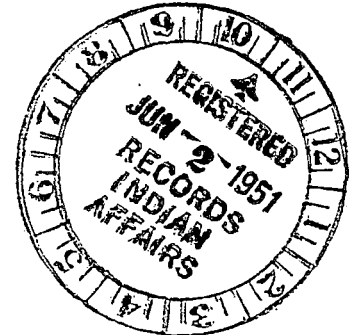
1951 JUN 2 AM 11:13

INDIAN AFFAIRS BRANCH

Vernon, B.C.
May 29th, 1951.

INDIAN AFFAIRS

Indian Affairs Branch,
Dept. of Citizenship & Immigration,
Ottawa, Ontario.



Re: Customs Seizures - Neil Bent

In their letter of May 8th, 1951, file 0/126-7-2 (Secy), the Department instructed that a report be forwarded on the above matter. The attached memorandum deals with this enquiry, and a copy is being forwarded to the Indian Commissioner for B.C., who also wrote about this matter on May 9th, 1951.

Details of the seizures are contained in the memorandum of interviews had with the various persons connected with this business, but the following summary may be helpful.

In November or December, 1950, Neil Bent of the Lower Similkameen Band sold 32 head of cattle to Austin Lenton of Nighthawk, Wash.. The Canadian and U.S. regulations about exporting cattle were complied with. In January 1951, Bent sold a further 16 head to Lenton, but neither party complied with regulations. The R.C.M.P. and the U.S. Customs learned of the latter transaction some weeks after it had taken place. The R.C.M.P. searched the Bent home, and Neil Bent's person under authority of a Writ of Assistance, under the Foreign Exchange Control Board regulations, but did not locate any U.S. funds. However, the investigation they did discover some U.S. goods which were seized because Bent could not show that duty was paid. The R.C.M.P. also mistakenly seized a suit coat bought in Canada by Bent, and some small tools of little value, some of which Bent claims were bought in Canada. The R.C.M.P. state all the U.S. goods are redeemable by Bent if he pays the full duty paid value. They are in possession of the R.C.M.P. at Penticton.

The R.C.M.P. and U.S. Customs co-operated in the investigation and the U.S. Customs seized Bent's new Ford truck, value \$2,000.00 because they allege he used the truck to carry the money he received from Lenton for sale of the 16 head of cattle which were exported without permit or inspection. There is no evidence or proof that Bent did use his truck to pick up the payment for the 16 head of cattle, and he strongly denies that he did. The U.S. Customs Officer at Oroville, Wash., insists that Bent originally stated he had 001552

(over)

stated he had used the truck but subsequently changed his story.

The U.S. Customs have a statement made and signed by Neil Bent in which he says he used a saddle horse to come and get payment for the 16 head of cattle illegally driven across the border by Lenton. They do not appear to have any evidence either to support their suspicion that the truck was used.

The "written statement" which Mr. Andy Paull refers to in the 7th paragraph of his letter appears to be the form headed: "Application For Relief From Liabilities Incurred Under The Customs or Navigation Laws of the United States.", sample copy of which is attached.



(R.H.S. Sampson),
Superintendent,
Okanagan Indian Agency.

c.c. to: W.S.Arneil, Esq., Indian Commissioner for B.C.

APPLICATION FOR RELIEF FROM LIABILITIES INCURRED
UNDER THE CUSTOMS OR NAVIGATION LAWS OF
THE UNITED STATES

Commissioner of Customs,
Through Collector of Customs,
Seattle 4, Washington.

Sir:

I have received your notice of _____ Case No. _____
that I have violated _____ thereby becoming liable to a penalty
of _____, provided in said statute, and I hereby make application for
relief from the liability incurred for the following reasons:

Subscribed and sworn to before me
this _____ day of _____ 195

Notary Public or Customs Officer

Signature of Petitioner

Address of Petitioner

(use reverse side if necessary)

Memorandum of Enquiry into R.C.M.P. seizure of Neil Bent property and U.S. Customs seizure of Ford $\frac{1}{2}$ ton pick-up truck.

Interview with Neil Bent, May 21st, 1951.

R.C.M.P. went to Neil Bent home during last week in March, 1951, looking for Neil Bent but he wasn't home. R.C.M.P. picked Neil Bent up in Keremeos and held him until Sgt. of R.C.M.P. came from Chopaka. Sgt. questioned Neil Bent about selling cattle across line. How many head taken across, and how much money he had received. Neil Bent didn't tell them at first. R.C.M.P. questioned Austin Lenton and Neil Bent at Nighthawk. Lenton told R.C.M.P. 16 head of cattle sold and Neil Bent confirmed. The R.C.M.P. brought Neil Bent home to Chopaka and then left.

On April 9th, R.C.M.P. came to Chopaka and searched house when whole family was away, but Antoine Qualtier was there. Antoine Qualtier says R.C.M.P. gave him a paper then went in and searched house for U.S. funds. In course of search brought out two new U.S. tires, 650-16 between \$40 and \$50.00 bought at Nighthawk, Wash. (no duty) new hat bought at Oroville, Wash, and worn home (\$2.00), suit coat value \$20.00 bought at Oliver a week previously at Collens Department Store, pipe-wrench value \$3.00 at Tonasket, Wash., (no duty), one flashlight from Cawston, B.C. (old), one flashlight from workman who left it there, George Shackley from Spences Bridge, three used hammers (one from Nighthawk), pliers, one saddle, 3 or 4 years old - second hand when bought - originally from Oroville, Wash., value about \$40.00. Two shirts (girls) from Oroville last fall bought by Qualtier girls - phonograph, second hand table - from U.S., \$30.00 also bought by Qualtier girls last fall.

R.C.M.P. pried boards off gable on kitchen (2 boards) and left them lying on ground. Witnessed by Antoine Qualtier. Also broke window in log store house accidentally.

R.C.M.P. searched Neil Bent in shed for money belt but found no money.

On April 25th, 1951, Neil Bent, John Edward and Noel Edwards on way to Penticton. Reported to Customs Officer, Warden Pete, and he let them go. They went across street to store for gas. Customs man came over and told them to wait, that Thompson from Oroville wanted to see them. They waited and Thompson came over. Thompson seized the truck stating that it was because Neil Bent had sold 32 head of cattle to Austin Lenton. Thompson didn't give Neil Bent any paper or show him any notice in writing. Neil Bent told Thompson the 32 head were sold before Christmas and transaction was put through the Customs at Nighthawk by Warden Pete. Money was left at Customs Office in Nighthawk by Austin Lenton and picked up by Neil Bent. Cheque was later cashed at Keremeos Canadian Bank of Commerce where money was left.

Neil Bent told R.C.M.P. about 16 head sold in January Austin Lenton was taking cattle across line just before Easter and was picked up by U.S. After that the investigation went to Lenton ranch and discovered Bent cattle there. R.C.M.P. interviewed Neil Bent at Keremeos just after Easter, about sale of 16 head. R.C.M.P. asked Neil Bent if he was smuggling, he said "Maybe that's the word you use, but I don't believe I'm smuggling because I'm an Indian". R.C.M.P. questioned Neil Bent and he admitted selling 16 head of cattle to Lenton without going through Customs and that he had spent all the money. The R.C.M.P. intimated that Neil Bent might lose his truck and Neil Bent protested he hadn't done anything wrong. (Neil Bent states he and A. Lenton went to Customs together and declared entry, when 32 head sold before Christmas - but this wasn't done when selling the second bunch.) Reason for neglecting to report second bunch was because of delay of two weeks or more having cattle tested. Austin Lenton drove cattle away from Bent place himself. Neil Bent didn't drive them away. Austin Lenton arranged that Neil Bent would go to Nighthawk and get his payment about a week later. Neil Bent rode to Nighthawk by horse. Left home about 5 o'clock in evening to go to Nighthawk for payment. Didn't see anyone but Austin Lenton who paid him in Canadian money except for \$50.00, (this \$50.00 was paid later for two tires previously mentioned.)

Truck seizure. When truck was seized Customs man (name not known) drove Neil Bent and Edward boys back home to Chopaka. They told Neil Bent they wanted to see him at Oroville. James Bent took Neil Bent to Oroville late the same day and they took his statement which he signed, which gave all details as given above. The U.S. Customs also gave him a document to sign, (something about recovery of truck) but Neil Bent would not sign it. Next day he went to see Andy Paull.

Interview with S/Sgt. Brabazon of R.C.M.P., Penticton, B.C. On May 22nd, 1951 who instigated investigation as a result of enquiries into illegal export of cattle to U.S. by Neil Bent.

S/Sgt. Brabazon stated that Cpl. Wallace, who searched the Bent home had authority of Writ of Assistance under Foreign Exchange Control Board, and that there is no obligation upon searching officer to restore searched building to original condition, such as replacing boards torn from gable of Bent's home. Also officer had authority to search Bent's person under same document.

Goods seized are in charge of R.C.M.P. at Penticton and may be obtained by Bent if he will pay full duty paid price. Canadian goods seized will be returned to Bent when R.C.M.P. are ordered to do so by Customs Dept.


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S/Sgt. Brabazon reported that J. Lucis had been caught exporting cattle to U.S. without permit.

Interview with Canadian Customs at Osoyoos, B.C., May 22nd, 1951
Form B and B.13 required to be completed by party exporting cattle (in this case Austin Lenton). Payment to be made in U.S. funds and vendor must comply with R.E.C.B. regulations (i.e. turn U.S. funds into Canadian Bank of Commerce for Canadian dollars.) R.C.M.P. completely justified in searching for U.S. funds.

Interview with Mr. Thompson of U.S. Customs at Oroville, Wash., May 22nd, 1951. Mr. Thompson states Neil Bent stated in front of three customs officers at Nighthawk that he had gone down in his truck to pick up payment for 16 head of cattle from Austin Lenton, but subsequently denied this and stated to Thompson at questioning at Oroville that he crossed river and rode by back trail to Nighthawk to pick up payment. Mr. Thompson stated Austin Lenton stated before witnesses that Neil Bent had come in truck to receive payment. States further that he can give no official report of action or opinion of Bent's chances of recovery of truck seized, but suggested contacting Collector of Customs at Seattle, Federal Office Building, Seattle, Wash. Says believe Bent has been involved in smuggling cattle for a long time, perhaps not only his, but rustled cattle also. Doesn't feel U.S. will be able to seize truck permanently if our Canadian State Department intervenes on Bent's behalf.

Interview with Austin Lenton, Nighthawk, Wash., May 22nd, 1951, buyer of 16 head of cattle driven over without permit. States he definitely did not tell U.S. Customs that Neil Bent had come in his Ford truck, says he doesn't know how he came, it was after dark. Says he certainly doesn't recall Neil Bent telling Customs that he came by truck.


(R.H.S. Sampson), Superintendent,
Okanagan Indian Agency.

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

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Records Service Division

Slip No. 1101

Indian Affairs File No. 0/126-7-2

Subject of File.....

MAIN FILE ON CHARGE TO Secy

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OR BF	BY	DATE	FOR RECORDS USE
<u>Secy</u>	<u>Ch 17</u>	<u>35789</u>	<u>26/5/57</u>				

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001557

Copy for Indian Affairs Branch

0/126-7-2

Paul

Ottawa, May 21, 1951.

Andrew Paull, Esq.,
President,
North American Indian Brotherhood,
P. O. Box 211,
North Vancouver, B. C.



Dear Mr. Paull:

This will acknowledge your letter of April 20th, enclosing a copy of a letter dated March 15th, 1878, from Mr. F. Horthey to the Treasury Department, Washington, D.C., in which it is stated that Indians are free of duties, taxes, etc., in their trade with the United States.

I wrote to you on May 4th with respect to the seizure of a pump and food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve.

As you were advised by the Secretary, Indian Affairs Branch, in a letter to you dated August 16th, 1950, the Department has been unable to locate any record of the letter from Mr. Horthey to the Treasury Department. It will be noted that the department from which the letter originated is not shown, and it is therefore difficult to identify its source. From the text of the letter, however, it would appear that it relates to United States Customs administration and not to Canadian laws or regulations. A copy of your copy of the letter is being brought to the attention of the authorities reviewing the provisions of the Jay Treaty with respect to the matters raised in your letter of April 7th.

Yours sincerely,

H. E. Harris

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CIF/MD

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MINISTER OF CITIZENSHIP AND IMMIGRATION

OTTAWA, May 5th, 1951.

TO: The Deputy Minister

FOR: Director of Indian Affairs

Preparation of reply for signature of.....the Minister

Discussion with.....

Perusal and necessary action.....

Report.....



to attached letter from Andrew Paul, President, North American Indian Brotherhood, P.O.Box 211, North Vancouver, B.C., enclosing copy of official correspondence from Canadian Government to U.S. Government showing that Indians are free of duties, taxes, etc., in trade with the U.S., as support of his contention that the pump and food mixer should not have been confiscated by RCMP from home of Calvin Adams of the Sarnia Indian Reserve of the Chippewas. The copy of the document enclosed is March 15, 1878 but doesn't indicate the Department from which it emanated.

Major MacKay:

For preparation of reply,
as requested.

W.T. Rife
for Deputy Minister.

NOTED
7/5/51
A.M.

M.C. Hord
Private Secretary 001560



MINISTER OF CITIZENSHIP AND IMMIGRATION

OTTAWA, May 5th, 1951.

TO: The Deputy Minister

FOR: Director of Indian Affairs

Preparation of reply for signature of..... the Minister

Discussion with.....

Perusal and necessary action.....

Report.....

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M. C. Hough
Private Secretary 001562

ANDREW PAULL
President
North American Indian Brotherhood

Tel. North 1489R

P.O. Box 211

North Vancouver B.C.
April 20th. 1951.

Hon. Walter E. Harris K.C.M.P.
Minister of Citizenship and Immigration

Ottawa Ont.

Dep. of Citizenship & Immigration
OTTAWA
APR 23 1951
MINISTER'S OFFICE

Honourable Sir;-

As you are the Privy Councillor of Canada, protecting the rights of the Indians, I enclose, copy of official correspondence from the Government of Canada, to the Government of the United States, showing that Indians are free of duties, taxes etc. in their trade with the United States.

This and other actions of the Crown, gave to the Indians the undisputed understanding such was the case, and it is for this understanding that Calvin Adams of the Sarnia Indian Reserve of the Chippewas, brought to his home from the U.S. a pump, and a food mixer, latterly seized by the RCMP, and which by a previous letter I had prayed to you, as representing the King and the people of Canada, to have these chattel returned, and thanking you and with kind personal regards, and again reminding you, that these compacts are huaranteed to us by the Jay Treaty of Amity, which provides that no government can change, so the RCMP exceeded their authority. These are the words and intent of the Jay Treaty, and that is exactly what was meant.

Respectfully yours

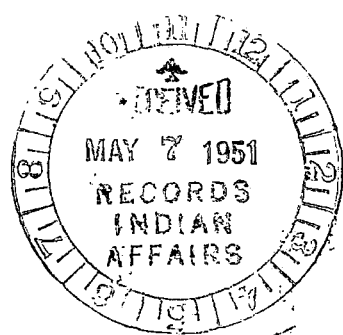
Andrew Paull
ANDREW PAULL
President
North American Indian Brotherhood.

*Dept to
Mr. Adams*

24992

1951 MAY 8 AM 9:31

RECEIVED
AF-100



COPY

A TRUE COPY

Treasury Department,
Washington, D.C.

March 15th, 1878.

Referring to your letter of the 11th, instant addressed to the secretary of the interior, and by leave referred to this Department, in which you ask, in behalf of the Iroquois and other Indians in Canada, that they be relieved of all taxes or duties in their trade and intercourse with the people of the United States. I enclose herewith for your information that all Indians are free of duties passing or repassing the boundry lines of the United States and Canada and also free of taxes- License in trading, and selling bead-work, bark-work, baskets, snow-shoes, moccasins, medines, etc. etc. of their own Manufacturing Premises.

A Copy of Department reply thereto.

I am, very respectfully,

J.F. Horthey,

Assistant.

Ottawa, May 21, 1951.

Andrew Paull, Esq.,
President,
North American Indian Brotherhood,
P. O. Box 211,
North Vancouver, B. C.

Dear Mr. Paull:

This will acknowledge your letter of April 20th, enclosing a copy of a letter dated March 15th, 1878, from Mr. J. F. Horthey to the Treasury Department, Washington, D.C., in which it is stated that Indians are free of duties, taxes, etc., in their trade with the United States.

I wrote to you on May 4th with respect to the seizure of a pump and food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve.

As you were advised by the Secretary, Indian Affairs Branch, in a letter to you dated August 16th, 1950, the Department has been unable to locate any record of the letter from Mr. Horthey to the Treasury Department. It will be noted that the department from which the letter originated is not shown, and it is therefore difficult to identify its source. From the text of the letter, however, it would appear that it relates to United States Customs administration and not to Canadian laws or regulations. A copy of your copy of the letter is being brought to the attention of the authorities reviewing the provisions of the Jay Treaty with respect to the matters raised in your letter of April 7th.

Yours sincerely,

T.R.L. M

over. CIF/MD

Ottawa, May 21, 1951.

F. P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa, Ontario.

Dear Mr. Varcoe:

Please refer to my letter of May 7th, request-
ing your opinion as to whether the Indians have any rights under
the provisions of the Jay Treaty with respect to the importation
of goods into Canada from the United States free of duty, and
crossing the border without restriction.

In the meantime the following have been forwarded
to the Department by Mr. Andrew Paull, President, North American
Indian Brotherhood, with the request that they be referred to the
appropriate authorities:

- (1) Memorandum entitled "The Jay Treaty."
- (2) Memorandum on "Border Crossing."
- (3) A copy of a letter dated March 15, 1878,
from a certain Mr. J. P. Horthey to the
Treasury Department, Washington, D.C.

It may be mentioned that the Department has been
unable to locate any record of the letter from Mr. Horthey to the
Treasury Department above-mentioned.

The foregoing is being referred to you for your
information and consideration.

Yours sincerely,

B. V. V.

all
CIP/ND

Laval Fortier.

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.

Records Service Division

Slip No.....987

Indian Affairs File No. 0126-7-2

Subject of File.

MAIN FILE ON CHARGE TO

[illegible]

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001568

INDIAN COMMISSIONER
BRITISH COLUMBIA

31874



CANADA

INDIAN AFFAIRS BRANCH

IN YOUR REPLY REFER TO

PLEASE QUOTE

No. 164/18-1

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

FILE.....

Also to date of this letter

1951 MAY 19 AM 8:48

P.O. BOX 70
Vancouver, B.C.

INDIAN AFFAIRS

May 17, 1951.

T.R.L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Ottawa, Ont.

Dear Mr. MacInnes:

I have received a copy of your letter of May 8th to Mr. R.H.S. Sampson, Indian Superintendent, Vernon, as well as a copy of a letter from Andrew Paull to the Director dated May 4th relating to the seizure from Neil Bent, a member of the Lower Similkameen Band, of a 1½ ton truck by the U.S. Customs at Oroville, Washington.

On May 9th and prior to receiving the above correspondence I had requested Mr. Sampson to submit a report and pending its receipt in a few days time I am unable to clarify or to deal specifically with the complaint outlined in Mr. Paull's letter.

Mr. Paull approached me accompanied by Neil Bent and Councillor Bob Allison of the Lower Similkameen Band when in Penticton recently. Mr. Paull complained about the R.C.M. Police searching Neil Bent's house during his absence and later undressing Bent in a shed, searching for U.S. funds. No cash was found. Mr. Paull also stated Bent's truck had been seized by the U.S. Customs. It transpires that Bent, in January last, sold some sixteen head of cattle to a U.S. buyer near Oroville, Wash. The cattle were taken across the international boundary without application having been made to the authorities on either side of the boundary for export or import permits. I assume the R.C.M. Police were working on a complaint from the Canadian Customs as I have learned the Foreign Exchange Control Board are not involved. Mr. Paull has advised me that he has solicited assistance from a United States Indian organization in Washington,

-2-

D.C., in an endeavour to obtain the release of Bent's truck.

You will note from Supt. Sampson's letter of May 15th that the matter is being investigated and that a report will follow early next week.

Yours very truly,



W. S. Arneil,
Indian Commissioner for B.C.

/EW

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No. 846

Indian Affairs File No. 0/126-7-2

Subject of File.....

MAIN FILE ON CHARGE TO

[illegible]

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001571

0/127-1-2

0/126-7-2 (Secy.)

Copy for Indian Affairs Branch 26205

1951 MAY 10 AM 9:15

INDIAN AFFAIRS

Ottawa, May 8, 1951.



Pacy

F. P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa, Ont.

Dear Mr. Varcoe:

Appended hereto is a copy of a letter to the Minister, dated April 7th, from Mr. Andrew Paull, President, North American Indian Brotherhood, with respect to the seizure by the R.C.M. Police of a pump and food mixer from Mr. Calvin Adams of the Sarnia Reserve.

On the particular case in question, the matter was referred to the Department of National Revenue, and according to information received from that Department, the goods were seized in July 1950 (customs seizure No. 4407/26620). It is stated that Mr. Adams admitted obtaining the goods in the United States and transporting them to his home by boat. The goods were forfeited to the Crown, November 1950, advertised for sale by tender, and sold, and the Department of National Revenue advises that the case is closed and that it would not be possible to re-open it.

It will be noted that on the general question of importation of goods from the United States, Mr. Paull alleges that the Indians have certain rights under the Jay Treaty, which was negotiated between the United States and Great Britain in 1794 and proclaimed in 1796. Indians have claimed that Article III of the Jay Treaty is still in force by reason of Article IX of the Treaty of Ghent, 1814, and that under the provisions of Article III they have the right to import goods from the United States without payment of duty and also to freely pass and repass the boundary.

In so far as I am aware, the Government of Canada has never recognized that the Indians have any rights with respect to importation of goods into Canada from the United States free of duty under

Secy



2.

the terms of the Jay Treaty. The Department has no record of the question having been dealt with by the courts in Canada. There have been a number of court cases in the United States in which the Indians claimed the right to import goods from Canada into the United States free of duty under the provisions of the Jay Treaty. According to our understanding, the present position is that Indians are not allowed any special privileges with respect to the importation of goods into the United States by reason of the Jay Treaty.

On the question of border-crossing privileges, it is true that the Indians are permitted to enter the United States without inspection under the immigration laws under General Order No. 109 of the United States Department of Labour, Bureau of Immigration, of July 18, 1928, a copy of which is appended hereto. This Order apparently was based on the legislative authority of Congress rather than any right under the Jay Treaty.

The Canadian Customs and Immigration authorities do not recognize any rights of Indians under the Jay Treaty either to enter or leave Canada or to be relieved of the payment of duties or imposts on goods brought into Canada from the United States.

Various groups of Indians have been bringing this question up over a long period of time, and accordingly, it would be appreciated if you would kindly advise me if in your opinion the Indians have any rights under the provisions of the Jay Treaty with respect to the importation of goods into Canada from the United States free of duty, and crossing the border without restriction.

Yours sincerely,

LAVAL FORTIER

Laval Fortier.

buu.
CIP/MD

T.R.Z.M

Approved as
to Legality

[Signature]

LEGAL ADVISER

001574

Copy for Indian Affairs Branch

0/126-7-2 (Secy.)

25384

Secy MAY 8 PM 3:18

Ottawa, May 4, 1951.

INDIAN AFFAIRS

Andrew Paull, Esq.,
President,
North American Indian Brotherhood,
P. O. Box 211,
North Vancouver, B. C.



Dear Mr. Paull:

This will acknowledge your letters of April 7th and 30th regarding the seizure of a pump and food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve.

As a result of your representations the Department took the matter up with the Department of National Revenue, which, as you are aware, is the responsible administering authority.

That Department investigated the case. According to information received, the goods were seized in July 1950 (customs seizure No. 4407/26620). It is stated that when first questioned Mr. Adams stated that he had purchased the goods in Canada, but on further questioning he admitted obtaining them in the United States and transporting them to his home by boat. Following this the reports indicate that Mr. Adams was communicated with by the customs authorities and given an opportunity to make representations, which he failed to do. Accordingly the goods were forfeited to the Crown in November 1950 and were advertised for sale by tender by posting notices in Sarnia, Point Edward and Courtright. Four tenders were received and the highest accepted.

In these circumstances the Department of National Revenue advises that the case is closed and that it is not possible to re-open it.

Apparently there is misunderstanding on the part of Mr. Adams regarding the sale to be held at Sarnia on May 9th. It

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Document disclosed under the Access to Information Act
Document divulgué en vertu de la Loi sur l'accès à l'information

2.

is true that a sale of unclaimed goods is to be held in the Customs House at Sarnia on that date. This, of course, could not include the items in question, which have already been sold.

It is regretted, therefore, that there is now no way in which this Department can assist Mr. Adams to recover the forfeited goods.

On the general question of the Jay Treaty, your observations are being brought to the attention of the appropriate authorities, and the matter will be reviewed. The present position, however, as stated by the Department of National Revenue, is that there is no provision in the Canadian Customs Act or Tariff, or the regulations established thereunder, which would permit of the free entry into Canada of dutiable articles imported by Indians.

Yours sincerely,

H. E. Harris

THLH/ED

THLH

T-RCZM

O
P
Y

ANDREW PAULL
President
North American Indian Brotherhood

Tel. North 1489R

P. O. Box 211

North Vancouver B.C.
April 20th. 1951.

Hon. Walter E. Harris K.C.M.P.
Minister of Citizenship and Immigration

Ottawa Ont.

Honourable Sir;-

As you are the Privy Councillor of Canada, protecting the rights of the Indians, I enclose, copy of official correspondence from the Government of Canada, to the Government of the United States, showing that Indians are free of duties, taxes etc. in their trade with the United States.

This and other actions of the Crown, gave to the Indians the undisputed understanding such was the case, and it is for this understanding that Calvin Adams of the Sarnia Indian Reserve of the Chippewas, brought to his home from the U.S. a pump, and a food mixer, latterly seized by the RCMP, and which by a previous letter I had prayed to you, as representing the King and the people of Canada, to have these chattel returned, and thanking you with kind personal regards, and again reminding you, that these compacts are huaranteed to us by the Jay Treaty of Amity, which provides that no government can change, so the RCMP exceeded their authority. These are the words and intent of the Jay Treaty, and that is exactly what was meant.

Respectfully yours
(Sgd) ANDREW PAULL, President,
North American Indian Brotherhood.

001579

COPY

A TRUE COPY

Treasury Department,
Washington, D.C.

March 15th, 1878.

Referring to your letter of the 11th, instant addressed to the secretary of the interior, and by leave referred to this Department, in which you ask, in behalf of the Iroquois and other Indians in Canada, that they be relieved of all taxes or duties in their trade and intercourse with the people of the United States. I enclose herewith for your information that all Indians are free of duties passing or repassing the boundry lines of the United States and Canada and also free of taxes- License in trading, and selling bead-work, bark-work, baskets, snow-shoes, mocasins, medines, etc. etc. of their own Manufacturing Premises.

A Copy of Department reply thereto.

I am, very respectfully,

J.F. Horthey,

Assistant.

Ottawa, May 7, 1951.

F. P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa, Ont.

Dear Mr. Varcoe:

Appended hereto is a copy of a letter to the Minister, dated April 7th, from Mr. Andrew Paull, President, North American Indian Brotherhood, with respect to the seizure by the R.C.M. Police of a pump and food mixer from Mr. Calvin Adams of the Sarnia Reserve.

On the particular case in question, the matter was referred to the Department of National Revenue, and according to information received from that Department, the goods were seized in July 1950 (customs seizure No. 4407/26620). It is stated that Mr. Adams admitted obtaining the goods in the United States and transporting them to his home by boat. The goods were forfeited to the Crown November 1950, advertised for sale by tender, and sold, and the Department of National Revenue advises that the case is closed and that it would not be possible to re-open it.

It will be noted that on the general question of importation of goods from the United States, Mr. Paull alleges that the Indians have certain rights under the Jay Treaty, which was negotiated between the United States and Great Britain in 1794 and proclaimed in 1796. Indians have claimed that Article III of the Jay Treaty is still in force by reason of Article IX of the Treaty of Ghent, 1814, and that under the provisions of Article III they have the right to import goods from the United States without payment of duty and also to freely pass and repass the boundary.

Insofar as I am aware, the Government of Canada has never recognized that the Indians have any rights with respect to importation of goods into Canada from the United States free of duty under

2.

the terms of the Jay Treaty. The Department has no record of the question having been dealt with by the courts in Canada. There have been a number of court cases in the United States in which the Indians claimed the right to import goods from Canada into the United States free of duty under the provisions of the Jay Treaty. According to our understanding, the present position is that Indians are not allowed any special privileges with respect to the importation of goods into the United States by reason of the Jay Treaty.

On the question of border-crossing privileges, it is true that the Indians are permitted to enter the United States without inspection under the immigration laws under General Order No. 109 of the United States Department of Labour, Bureau of Immigration, of July 18, 1928, a copy of which is appended hereto. This Order apparently was based on the legislative authority of Congress rather than any right under the Jay Treaty.

The Canadian Customs and Immigration authorities do not recognize any rights of Indians under the Jay Treaty either to enter or leave Canada or to be relieved of the payment of duties or imposts on goods brought into Canada from the United States.

Various groups of Indians have been bringing this question up over a long period of time, and accordingly, it would be appreciated if you would kindly advise me if in your opinion the Indians have any rights under the provisions of the Jay Treaty with respect to the importation of goods into Canada from the United States free of duty, and crossing the border without restriction.

Yours sincerely,

Laval Fortier.

Handwritten:
Laval
CIP/MD

Handwritten:
T.R. 2 M

0/126-7-2(Secy.)

Ottawa, May 8, 1951.

Andrew Paull, Esq.,
President,
North American Indian Brotherhood,
North Vancouver, B.C.

Dear Mr. Paull:

This will acknowledge receipt of your letter of May 4th, concerning the seizure of a 1½ ton pick-up truck from Neil Bent of the Lower Similkameen Band by the United States Customs authorities.

An inquiry is being made into the matter and will be brought to the attention of the appropriate authorities.

Yours sincerely,

W. J. C.
Director.

T.K.L.M.

0/126-7-2(Secy.)

~~XXXXXXXXXXXXXX~~

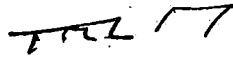
Citizenship and Immigration

, May 8, 1951.

R. H. S. Sampson, Esq.,
Superintendent, Indian Agency,
Vernon, B.C.

Appended hereto please find a copy of a letter dated May 4, received at this Branch from Andrew Paull, concerning the seizure of a 1½ ton pick-up truck from Neil Bent, Indian of the Lower Similkameen Band by the United States Customs authorities.

Please submit a full report on this case at your earliest possible convenience.


T. R. L. MacInnes,
Secretary.

cc. forwarded to Indian Commissioner Arneil, Vancouver,
for his comments.

ANDREW PAULL
President
North American Indian Brotherhood

North Vancouver, B.C.
May 4th, 1951.

Major D. M. MacKay,
Director, Indian Affairs Branch
Copeland Bldg.,
Ottawa, Ontario.

Dear Major MacKay:

Neil Bent an aged Indian of the Lower Similkameen in B.C. was deprived the use of his $1\frac{1}{2}$ ton pickup truck which cost him \$1,800.00 last year and with license, insurance the total must be near \$2,000.00.

The RCMP and the U.S. Customs have been very rough with these people recently, going into his house tearing things around, breaking two boards under the shingles of his roof and taking away many of his personal effects and clothing most of which was purchased in B.C.

I spoke to Commissioner Arneil, as we were together at Penticton when I helped explain B.C. Order in Council 1063, whereby the province takes up to 5% of the Reserve, which you know all about, and I feel that if I was not there the Indians would have not accepted. Anyway the province will now use 103 acres for a flood control project.

Arneil will speak to the head RCMP here. But since this seizure of the truck was so un-warranted the Indians paid me a big compliment, by asking me to help them, as Neil Bent is opposite to Mrs. Suzette Terbasket, for whom I am acting in the Qualtier Estate.

I arrived at Osoyoos Wash. with Neil Bent, his son in law, Councillor Bobby Allison, and others, at the office of a Mr. Thompson, U.S. Customs Collector. I introduced myself and told him I had some papers to give to him. I feel that he then realized that he confronted with some one that was not old(,) and illiterate like Neil Bent. I laid down my papers and he read them very carefully and he said.

" Even if Neil Bent had a right as you claim, I could not now release the truck unless I was instructed to do so by the Treasury Department at Washington D.C. so you better write to Washington, and suggest that you also write to your government, so they too can make representations to Washington and I further suggest, that you also write to

.... the Indian Agent

001585

- 2 -

the Indian Agent at Nespelem, Wash. as he no doubt would help, and explain the geographical and physical conditions, making it necessary for the Indians to come across the line to trade and shop, as there is no bridge near Keremeos. And you can tell your government that we are going to close the U.S. Customs at Night Hawk, as this was costing us \$5,000.00 a year and only the Indians were coming across the line there."

He further contended that Neil Bent had admitted using his truck to collect his U. S. Funds. "No he never said that" spoke Mrs. Emily Bent who was the interpreter. "He said he came on a horse, but on other times he used his truck to buy groceries." From this it appears that the Customs Collector did not understand Neil Bent correctly. I most sincerely ask you to, at your very earliest convenience take the necessary action to help Neil Bent to get his truck back as soon as possible, as with spring now here, he needs it for his farm hands to work on the farm.

Neil Bent is innocent of any wrong doing, even with the white men's laws. During prohibition I have learned that rum running was a big business around this part, and they went over the limit illegally to try and force Bent to admit that he broke the tariff laws of the U.S. They tried to have him sign a written statement admitting that he broke the laws, but he refused. That was before I was called into this trouble.

He did not use his truck as surmized by the collector of customs. Even had he used his truck on this transaction, he would have been correct according to my submission, is his privilege by the terms of the Jay Treaty. But he does not even have to rely on the Jay Treaty, as he did not break any tariff laws.

My impression is that the collector now regrets his actions against Neil Bent, and he was to me very solicitous, and advised me what to do so that he may eventually be instructed to release the truck to Neil Bent.

Will you then PLEASE ask our Minister to intercede for us, and ask him to help, or for you to do whatever is required in such cases, as it was suggested by the U.S. Collector, that our government should also write to the Treasury Department at Washington, D.C., and it is in the hope that you will do this I am writing this plea on behalf of this old Indian and thanking you in advance, and enclosing a road map to refresh your memory of this, the paradise of Canada, I have the honour to be,

Respectfully yours

(Signed) Andrew Paull
President

North American Indian Brotherhood.

DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No. 781 Indian Affairs File No. 0/26-7-2

Subject of File

MAIN FILE ON CHARGE TO Self

REFERENCE				DISPOSAL			
REFERRED TO	By	REMARKS	DATE	PA OR BF	By	DATE	FOR RECORDS USE
<u>Self</u>	<u>0222</u>	<u>24661</u>	<u>7-5-57</u>				

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001587

ANDREW PAULL
President

North American Indian Brotherhood

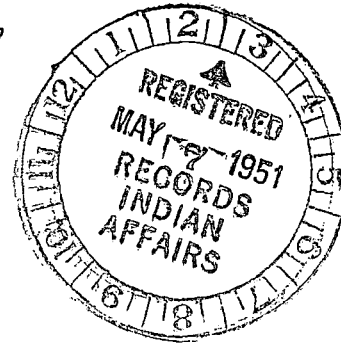
Tel. North 1489-R.

P.O. Box 211

North Vancouver B.C. 10

May 4th. 1951.6

Major D.M. MacKay
Director Indian Affairs Branch
Copeland Bldg;-
Ottawa Ont. Canada.



Dear Major MacKay;-

Neil Bent an aged Indian of the Lower Similkameen in B.C. was deprived the use of his $1\frac{1}{2}$ ton pickup truck which cost him \$1,800.00 last year and with license, insurance the total must be near \$2,000.00.

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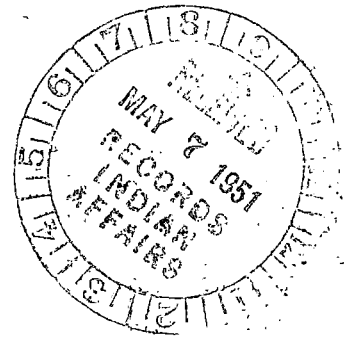
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"Even if Neil Bent had a right as you claim, I could not now release the truck unless I was instructed to do so by the Treasury Department at Washington D.C. so you better write to Washington, and suggest that you also write to your government, so they too can make representations to Washington and I further suggest, that you also write to the Indian Agent at Nespelem Wash. as he no doubt would help, and explain the geographical and physical conditions, making it necessary for the Indians to come across the line to trade and shop, as there is no bridge near Keremeos. And you can tell your government that we are going to close the U.S. Customs at Night Hawk, as this was costing us \$5,000.00 a year and only the Indians were coming across the line there."

He further contended that Neil Bent had admitted using his truck to collect his U.S. Funds. "No he never said that" spoke Mrs Emily Bent who was the interpreter. "He said he came on a horse, but on other times he used his truck to buy groceries." From this it appears that the Customs Collector did not understand Neil Bent correctly. I most sincerely ask you to, at your very earliest convenience take the necessary action to help Neil Bent to get his truck back as soon as possible, as with spring now here, he needs it for his farm hands to work on the farm.

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-2-

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But he does not even have to rely on the Jay Treaty, as he did not break any tariff laws.

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Respectfully yours

Andrew Paull
(signed)

ANDREW PAULL
President
North American Indian Brotherhood.

Copy

PRESIDENT

May 3rd.

51.

United States
Treasury Department
Washington D.C.

Dear Sir:-

Re. 16--34. Osooyoos Wash.

I, Andrew Paull, the undersigned, a native Indian and President of the official organization representing the Indians in Canada, most sincerely pray, that you instruct your Customs Collector at Osooyoos Wash. U.S.A. to immediately return the truck he seized from an 80 year old Indian, because that Indian Neil Bent, is not guilty of any offence, and for the reason that his freedom of movement, and freedom to enjoy intercourse of trade and commerce, without the payment of duties or taxes and licenses as guaranteed to the Indians of North American, as provided under the terms and conditions of the JAY TREATY signed by the United States and Great Britain that no succeeding government may change or alter.

Neil Bent from whom the truck was seized has been accused by the Customs Collector at Osooyoos Wash. of having used his truck to enter into the U.S.A. to collect U.S. funds for the sale of some of his cattle.

Neil Bent who is a native Indian, is about 80 years old, his vision is so impaired that he cannot drive a car, and for this disability he cannot get a drivers license, he has no drivers license, so he never drives his truck, which is often used by his farm hands working on his ranch.

Neil Bent has told me, that on or about the 9th. of January last, the roads were so bad from frost, he could not go from his farm at Chopeka B.C. to Night Hawk to collect his money, that he went there on a saddle horse, but that on some occasions he had gone there on his truck to purchase groceries and when were discussing this with the Customs Collector, who claimed that Bent had used his truck for this purpose, and that he had so admitted, Mrs Amily Bent interrupted to say that while she was interpreting, Mr. Bent had denied using the truck, but admitted that on other occasions he had gone there with the truck to purchase groceries, as the closest grocery store on the Canadian side is some 30 miles away, and that during the winter months while the roads were bad they bought their groceries in the U.S. side, otherwise they would starve to death, and this is his privilege even during the summer months.

Neil Bent's farm is several miles north of the International Boundary line on the west bank of the Similkameen River, which is called "Okanogan River" on the U.S. side.

He has to enter the United States before he can get back into Canada, as there is no bridge on the Canadian side. To get to a store on the Canadian side he has to travel about 35 miles, and it is a matter of privilege for any one to purchase food wherever available.

On this occasion a white man came to his ranch to purchase cattle for breeding purposes, so he told Mr. Bent, and the cattle were driven to the boundary line, and taken over by the white man, a citizen of the United States, who told Mr. Bent he would leave the money at the grocery store on the U.S. side a few days later.

Eventually Mr. Bent went there to get his money, but the white man was interrogated by the U.S. officials and his cattle, car and truck were seized. Later on Mr. Bent's truck was also seized.

Mr. Bent would have to drive his cattle to the Canadian market about 35 to 50 miles, so when this white man came to his farm offering to buy, and he being an old man, he took the opportunity to sell, so he could realize money during mid-winter.

The Jay Treaty permits Neil Bent to enjoy free trade and intercourse of commerce, as though the boundary line did not exist, according to the wording of the Jay Treaty, and it is permitted that he shall do this without paying a duty, a tax or a license, except that any white person doing business with an Indian shall have a license from the United States Government, but which is certainly not the responsibility of Neil Bent, an aged and illiterate Indian, who in the past has exercised all modes of trade and commerce across the boundary line for many years, and as he only did this for his own use and benefit, and not for profit he has acted well within his legal rights.

I submit that the Supreme Court of the United States having upheld a portion of the Jay Treaty on the rights of Indians to pass and repass the boundary line, that we must presume that all factors in the Jay Treaty have the same force and effect, including free intercourse of trade and commerce.

That his truck was seized on the allegation that he used it to take United States funds. But we say that he is not able to drive a truck, and he got the money while he rode on a horse, and that is born out by the state of the interpreter who stated before the undersigned and the Customs Collector, that what Mr. Bent stated was that on other occasions he had gone on his truck to purchase groceries at Hight Hawk which is on the United States side of this isolated part of British Columbia and the state of Washington.

I submit there was no criminal intent, and I pray that the Jay Treaty of Amity be now implemented by your order to have the truck returned to Neil Bent, and to this I will forever pray.

Respectfully yours

President North American Indian Brotherhood.

Andrew Paul

001592

Copy

ANDREW PAULL

President
North American Indian Brotherhood

Tel. North 1489 R

North Vancouver, B. C.

P. O. Box 211

Commissioner of Customs,
Through Collector of Customs,
Seattle 4, Washington, U.S.A.

Dear Sir:-

Case No. 16--34.

I have been retained and instructed by Mr. Neil Bent, a North American Indian, he being a member of the Lower Similkamean Tribe of Indians, residing at Chopeka, B. C., Canada, to act on his behalf in the matter of the truck seized by the U. S. Customs officials at Osoyoos, Wash.

Mr. Neil Bent, an aged native Indian, is protected by the provisions of the JAY TREATY, signed by Great Britain and the United States Government in the year 1794, and as amended two years later, it was provided:

"That no stipulations in any Treaty subsequently concluded by either of the contracting parties with any other state of nations, or within any Indian Tribe can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid Third Article of the Treaty of Amity, commerce and navigation (referring to the said Jay Treaty) to the subjects of His Majesty and to the citizens of the United States and to the Indians dwelling on either side of the Boundary Line aforesaid."

The Supreme Court of the United States upheld the terms of the Jay Treaty in the year 1832. See also (McCandless vs. U.S. in Re. Diabo--25F (2nd) 71 aff'g F (2nd) (282). Neil Bent has not received any written notice from you as suggested in the paper you asked him to sign. He has not violated any of the Tariff Laws of the United States.

He did not use his truck as suggested to bring United States Funds into Canada.

All his actions have been in conformity with the provisions of the Jay Treaty, which provisions have been upheld in the United States Courts, and succeeding Presidents of the United States of America.

His position is fortified by the said Jay Treaty and because of this undeniable fact, I have no alternative but to ask on his behalf, that his truck be given to him now, as by the above, he is not required to put in a defence, nor is he in a position to sign any document that he had violated the Tariff Laws of the United States.

I enclose and attach explanatory documents concerning the said Jay Treaty, which I submit will permit you to be apprized of the facts and to now order that the truck be returned to Neil Bent, as he needs

-2-

it in his daily work on his farm, as he is an aged Indian, he needs it, and do most sincerely pray that you now so order, and I have the honour to be

Respectfully yours,



ANDREW PAULL
President

North American Indian Brotherhood.

COPY

A TRUE COPY

Treasury Department,
Washington, D.C.

18th,
March, 1878.

Referring to your letter of the 11th, instant, addressed to the secretary of the interior, and by leave referred to this Department, in which you ask, in behalf of the Iroquois and other Indians In Canada, that they be relieved of all taxes or duties in their trade and intercourse with the people of the United States. I enclose herewith for your information that all Indians are free of duties passing or repassin the boundary lines of the United States and Canada and also free of taxes- License in trading, and selling bead-work, bark-work, baskets, snowshoes, mocasins, medicins, etc. etc. of their own Manufacturing Premises.

A Copy of Department reply thereto.

I am, very respectfully

J.F. Horthey,

Assistant.

Copy

Jay Treaty

The international boundary laid down by Great Britian and the United States actually cut through the Great Lakes and upland territory which, which was the domain of the Six Nation people, and the occupants were under no sort of obligation reconize that line.

These two Powers, therefore, came together in 1796, in a new treaty intended to perfect peace between themselves, and then took cognisance of the rights of these aboriginal nations, and agreed upon an article which recited their right to freedom of movement, as though the British American boundary did not exist. It is Article 111 of the Jay Treaty, so called (Malloy's Treaties and Conventions. Vol,IP,590 Government Printing Office Washington, 1910;-

It is agreed, that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, freely to pass and repass by land, and inland navagation, into the respective territories and countries of the two parties, on the Continent of America (the country within the limits of the Hudson's Bay Company only excepted), and navaigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever. But goods in bales or other large packages unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

BORDER CROSSING

Explanatory Article to the Third Article of the Treaty of November 9th, 1794, respecting the Liberty to Pass and Repass the Borders and to carry on Trade and Commerce.

- - - - -

Concluded May 4th, 1796: Ratification advised by Senate, May 9th, 1796.

- - - - -

Whereas by third Article of the Treaty of Amity, commerce and navigation, concluded at London on the 19th day of November 1794, between His Britanic Majesty and the United States of America, it was agreed that it should at all times be free to His Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, by the Treaty of Peace to the United States, freely to pass and repass by land or navigation, into the respective territories and countries of the two contracting parties, on the continent of America (the property within the limits of the Hudson Bay Company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said Article: And whereas by the Article of the Treaty of Peace and friendship concluded at Greenville on the third day of August 1795, between the United States and the Nations or Tribes of Indians called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimes, Miamis, Eel River, Weeas, Kickapoos, Piankashaws and Kaskaskias. It was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the Indian Tribes, as a trader who is not furnished with a license for that purpose under the authority of the United States; which latter stipulation has excited doubts, whether in its operation it may not interfere with the due execution of the third Article of the Treaty of Amity, commerce and navigation. And it being the sincere desire of His Britanic Majesty and the United States that mutual satisfaction and friendship, and for that purpose His Britanic Majesty having named His Commissioners Phines Bond, Esquire, Consul-General for the Middle and Southern States of America. (And now His Majesty's charge d'affaires to the United States). And the President of the United States having named for their Commissioner, Timothy Pickering, Esquire, Secretary of State of the United States to whom agreeable to the laws of the United States, he has instructed to each other their full powers, having in virtue of the same, and conformably to the spirit of the last Article of the said Treaty of Amity, commerce and Navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, that no stipulations in any Treaty subsequently concluded by either of the contracting parties with any other State or Nation, or with any Indian Tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid third Article of the Treaty of Amity, commerce and navigation, to the subjects of His Majesty and to the citizens of the United States, and to the Indians dwelling on either side of the boundary line aforesaid. But all the said persons shall remain at full liberty, freely to pass and repass, by land or inland navigation, into the respective territories of the contracting parties, on either side of the said boundary line. And freely to carry on trade and commerce with each other, according to the stipulations of the said third Article of the Treaty of Amity, commerce and navigation.

This explanatory Article, when the same shall have been ratified by His Majesty and by the President of the United States, by and with the advice and consent of their Senate. And the respective ratifications mutually exchanged shall be added to and make a part of the said Treaty of Amity, commerce and navigation, and shall be permanently binding upon His Majesty and the United States.

In witness whereof we the said Commissioners of His Majesty the King of Great Britain and the United States of America, have signed the present explanatory Article, and hereto affix our seals.

Done at Philadelphia, this 4th, day of May, A.D. 1796.

"P. Bond"

Seal.

"Timothy Pickering" Seal.

The Treaty of Peace 1784 clearly recognizes the Indians as allies. It will be remembered that in that year, Col. Joseph Brant, Ambassador of the Indians, met Lord Sydney, then Governor General, and the latter subsequently received from King George III a message for Brant and the Indians. This message was recognition of the rights and position of the Five Nations, as the Indians then were called, as allies of the Crown.

Further evidence that the Indians were always considered as allies rather than subjects of the Crown may be found in various United States enactments and judgments. Article III of the Jay Treaty, entered into in 1794, refers to three groups of peoples, namely "His Majesty's Subjects" (being British Subjects) "Citizens of the United States" and "Indians dwelling on either side of the boundary line." Quite obviously the Indian was not regarded as being a citizen and subject of either country.

Article III of the said Treaty between Great Britain and the United States, whereby the boundary line was fixed between Canada and the U.S.A. provides:

"It is agreed that it shall at all times be free to his Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, - into the respective territories and countries of the two parties, on the continent of America (the country within the limits of the Hudson's Bay Company only excepted)

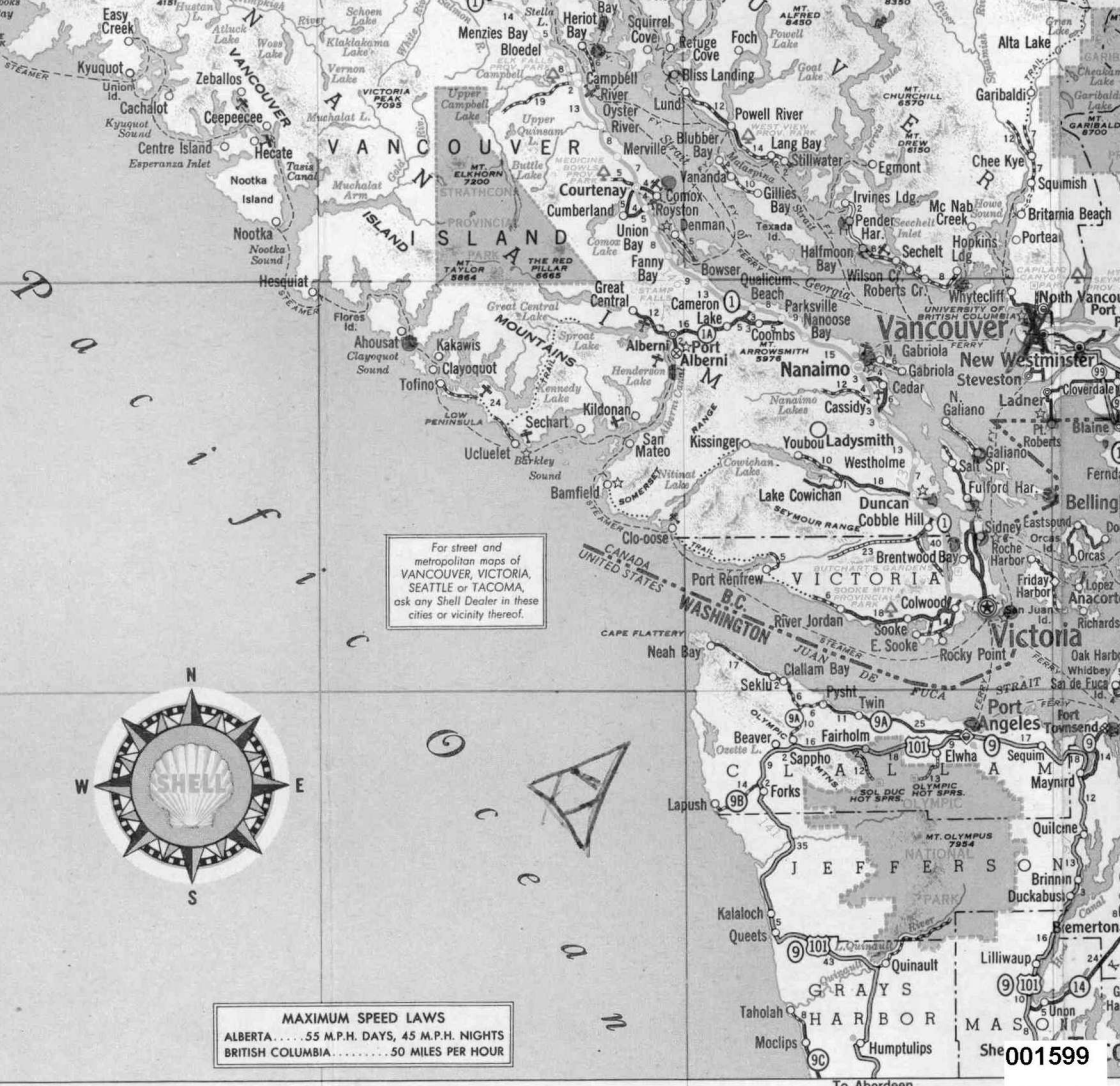
Two years later, the provisions of the aforementioned Jay Treaty were broadened by the Treaty of 1796 which provides:

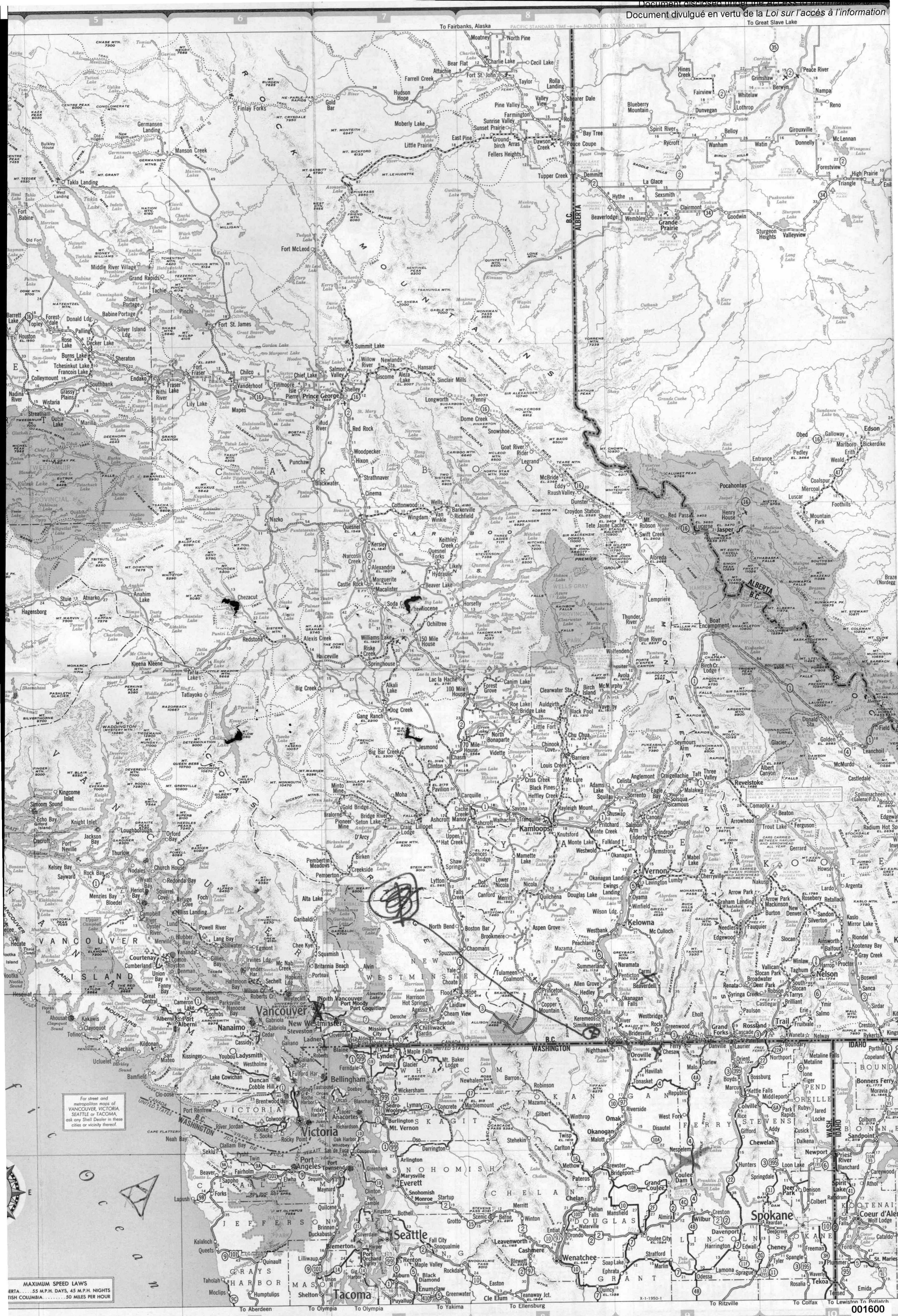
"That no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state of nations, or within any Indian tribe can be understood to derogate in any manner from the rights of free intercourse and commerce secured by the aforesaid third article of the Treaty of Unity, Commerce and Navigation (referring to the Said Jay Treaty) to the subjects of His Majesty and to the citizens of the United States and to the Indians dwelling on either side of the boundary line aforesaid.

The first ten articles of the Jay Treaty, which includes article III, cited above, were made permanent by article XXVII (of the said second Treaty) and thereby the Indians are permanently treated as a class and category entirely separate and distinct from that of British subject or United States subject. Again in 1832. The Supreme Court of the United States:-

The British Crown, previously to the Revolution, considered the Indians as Nations competent to maintain the relations of Peace and War and capable of governing themselves under its protection (quoted from Wheaton, 4th, p,64)

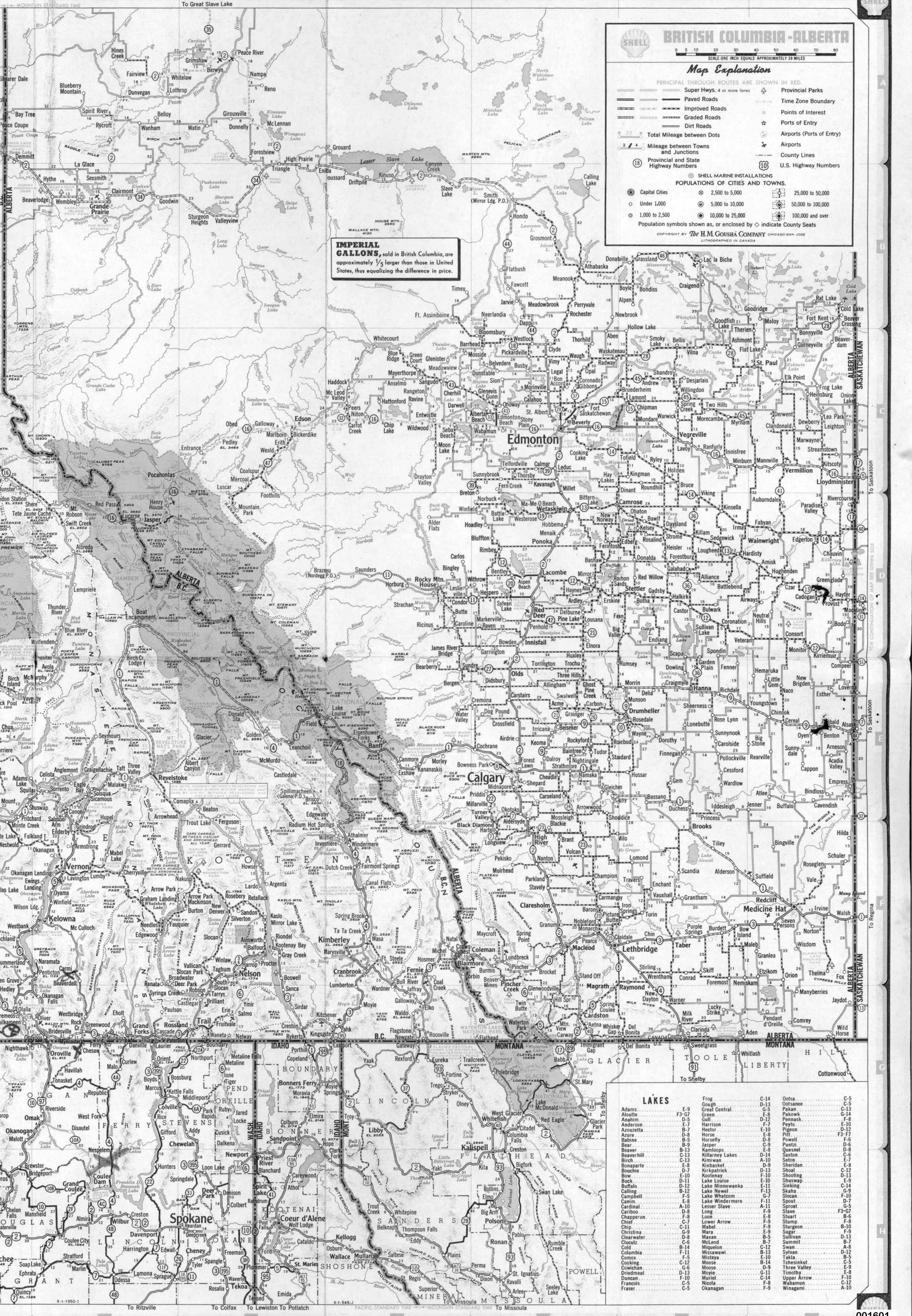
From the foregoing it would appear that the Indians, formerly allies of the Crown, never really lost that status by any mutual agreement and consequently, they, must, in law, still be regarded as allies and not as subjects.

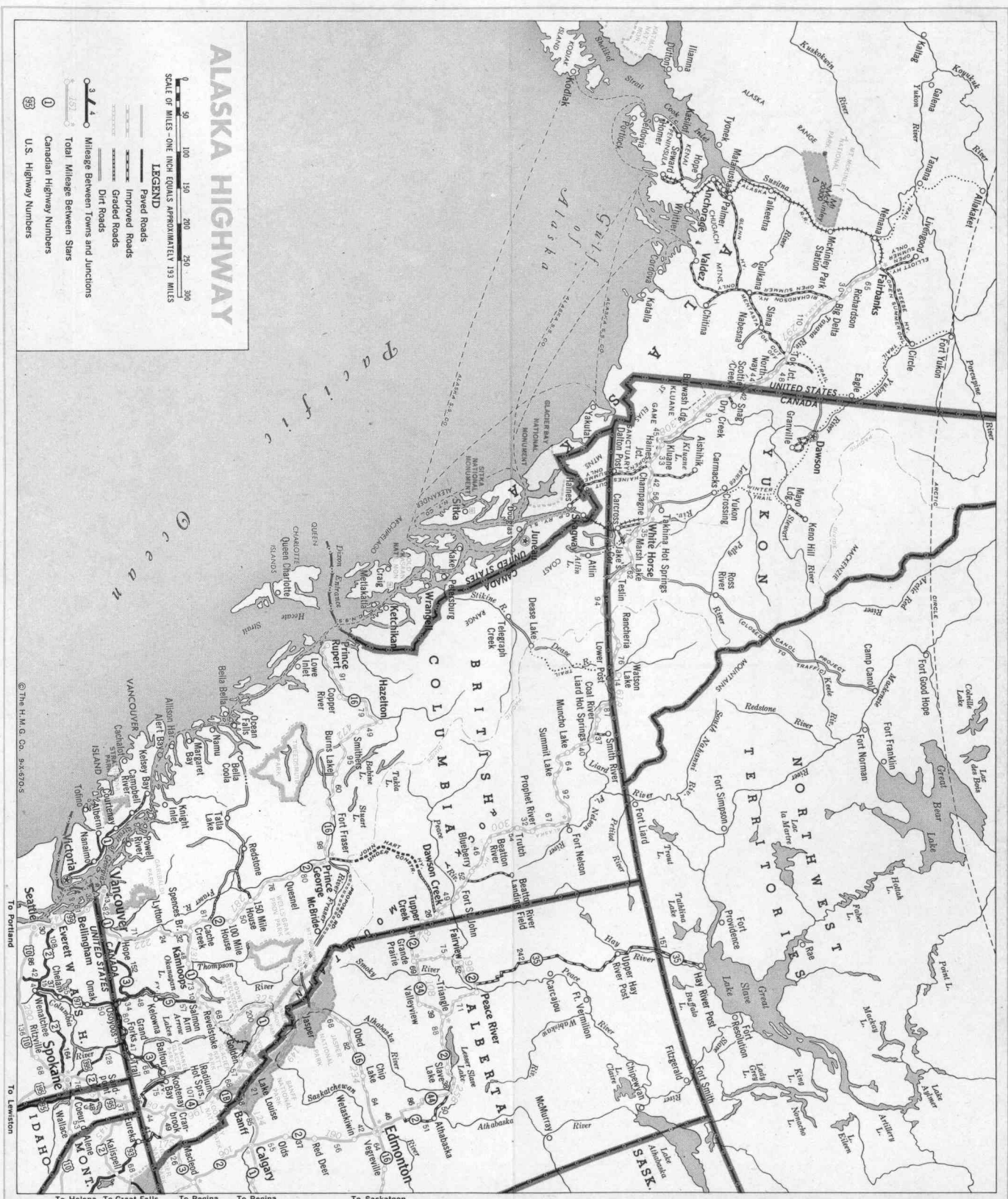
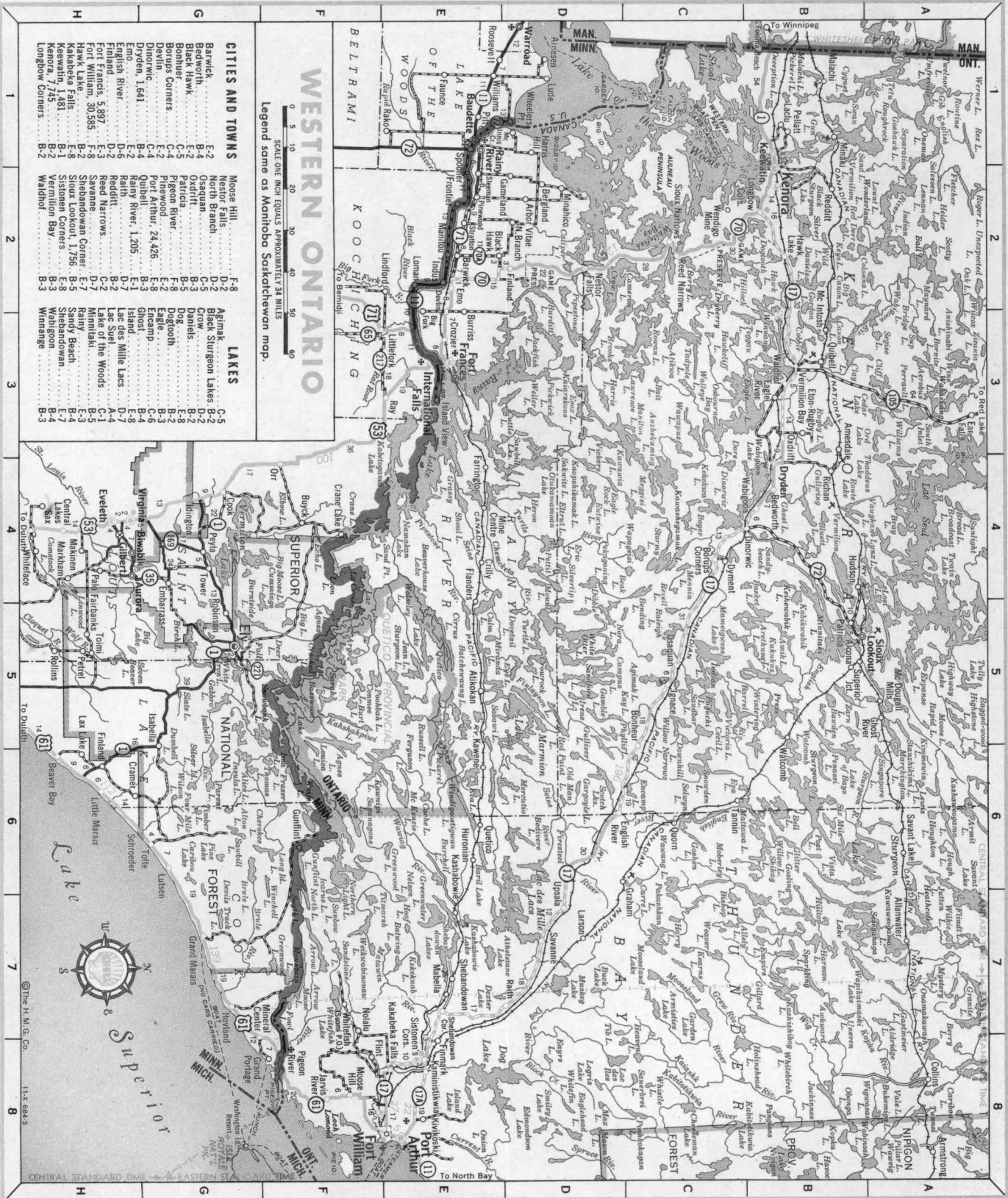




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BRITISH COLUMBIA

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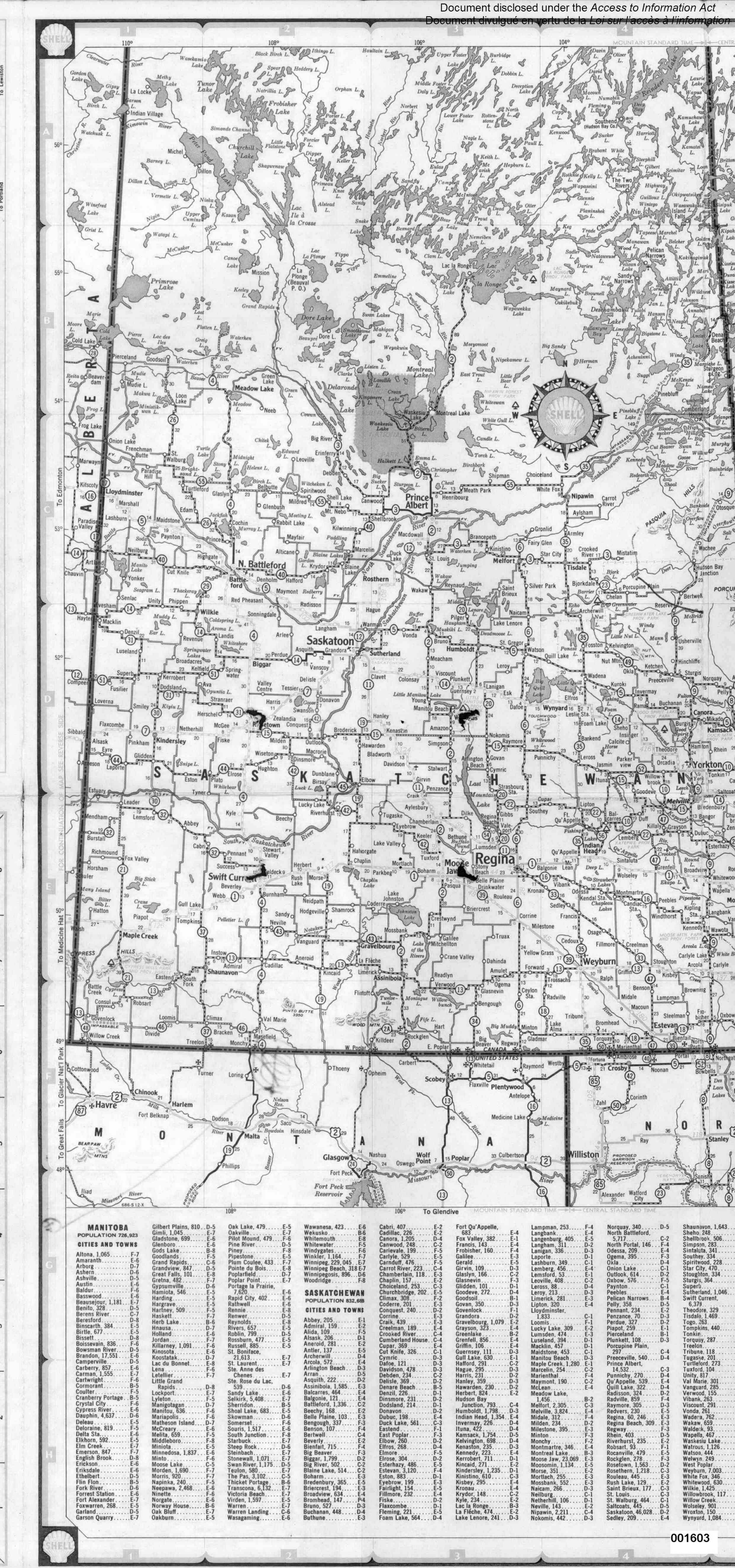
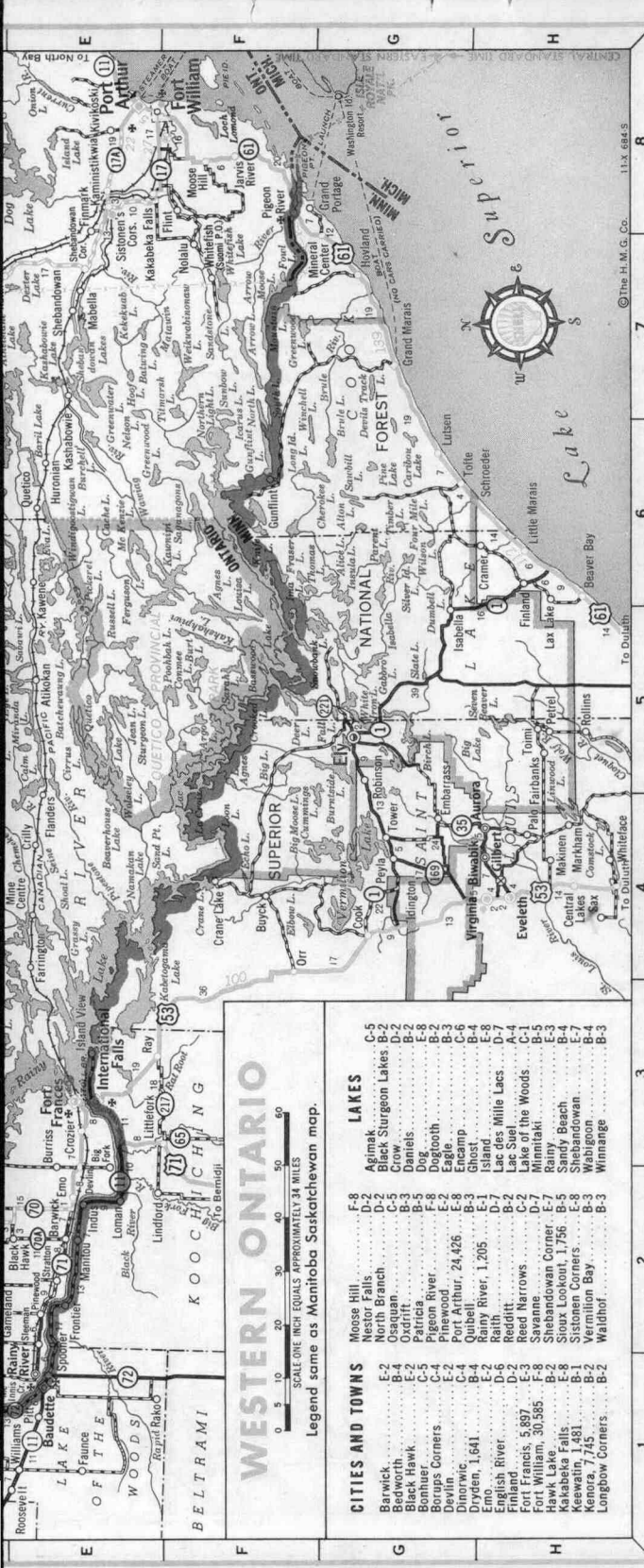
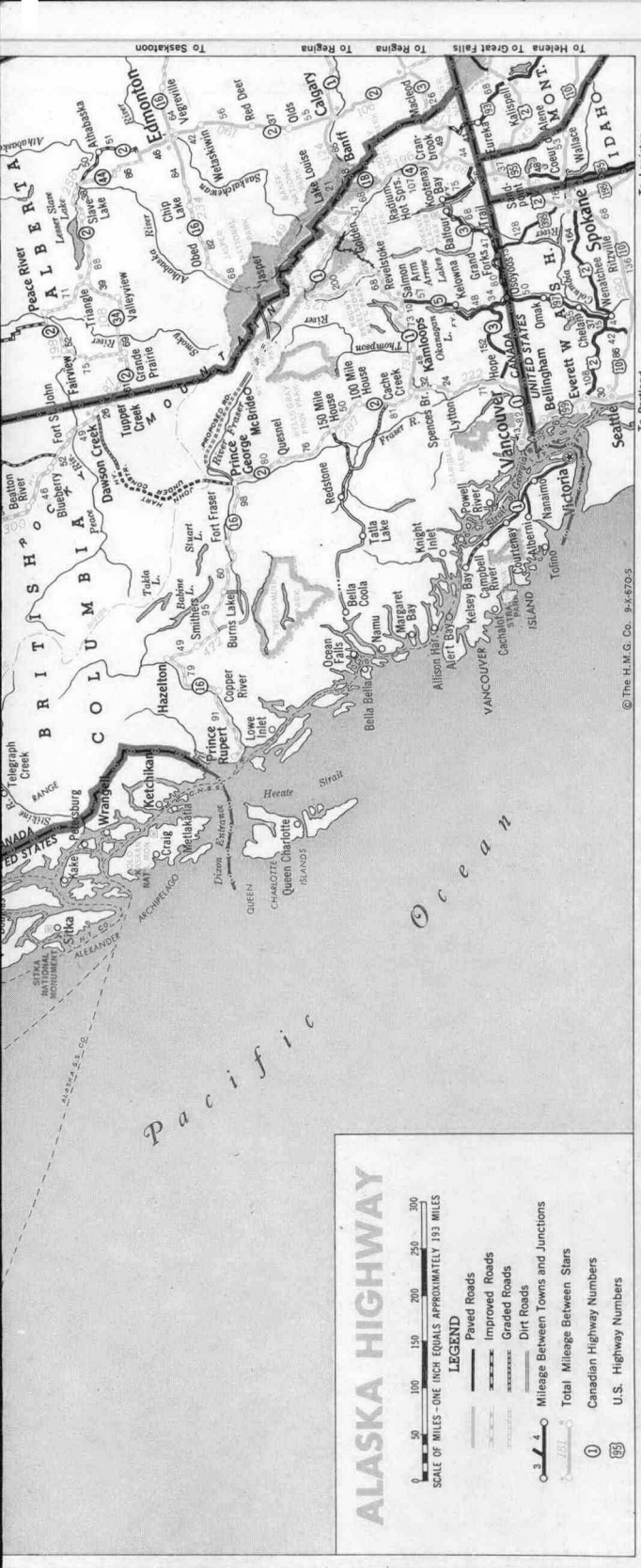
MAP OF
BRITISH COLUMBIA
AND
WESTERN CANADA

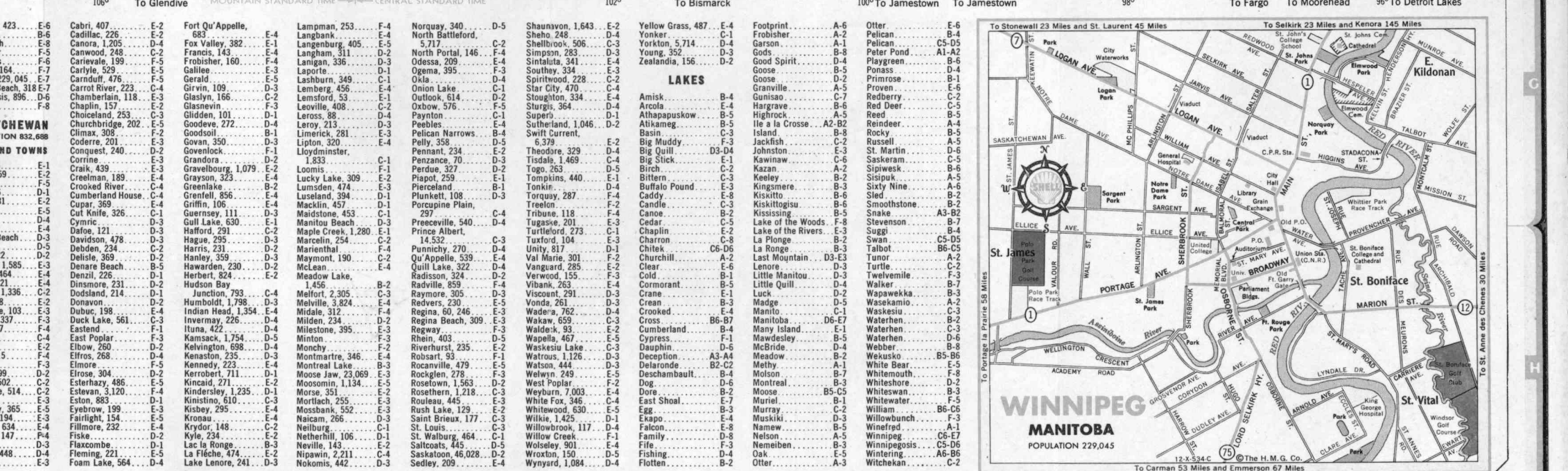
OLIVER GARAGE CO. LTD.
Thank you
Pres./Secy.



SHELL

001602





DEPARTMENT OF MINES AND RESOURCES

Indian Affairs Branch

NOTE: *This slip to be used for passing correspondence when the main file is charged out or is not required, and must not be removed but will be attached to the main file as soon as possible.*

Records Service Division

Slip No.....**760**..... Indian Affairs File No.....**0/126-7-2**.....

Subject of File.....

MAIN FILE ON CHARGE TO *Secy*

REFERENCE				DISPOSAL			
REFERRED TO	BY	REMARKS	DATE	PA OR BF	BY	DATE	FOR RECORDS USE
<i>Secy</i>	<i>CR-17</i>	<i>22972</i>	<i>2/5</i>				

Note: If action cannot be taken without the file, please make statement to that effect and return paper to Records Division.

001605

FIELD SERVICE

22972



CANADA

PLEASE QUOTE

FILE 29/3-8-2

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
1951 MAY 5 AM 11:13 INDIAN AFFAIRS BRANCH

Sarnia, May 4th, 1951.

INDIAN AFFAIRS

Seay

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

s.19(1)

I wish to acknowledge receipt of your letter O/126-7-2 of May 2nd, 1951 requesting a report with regard to seizure by the R.C.M.P. of a pump and food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve.

Calvin Adams lives on the Reserve and is [REDACTED] Sarnia Band. He is the son of the present Chief, Telford Adams, who feels that he is a law unto himself. In my opinion, both Telford and Calvin Adams should be placed in the category of professional agitators.

On July 8th, 1950 the R.C.M.P. seized the following goods from Calvin Adams:-

- 1 Ward's Electric Shallow Well Pump, serial #05-HH35058. Attached to the shallow well pump was 1 electric $\frac{1}{4}$ H.P. 60 cycle motor.
- 1 Kitchen Aid Food Mixer, serial #3B-133-133.

The goods were seized under seizure order #26620 and Adams received a letter from the Department of National Revenue under date of November 8th, 1950 informing him that the above-mentioned goods were forfeited. It is presumed

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that Adams appealed between the period July 8th and November 8th, 1950, but the appeal was not granted.

The R.C.M.P. were authorized on January 23rd, 1951 to sell the articles in accordance with the Customs Act. This action ~~was~~ taken.

Corporal Woods, of the local Sarnia R.C.M.P. detachment, stated that on questioning, Adams admitted purchase of the goods in the United States and that he failed to declare them and no duty was paid. He evidently smuggled them from the United States to Canada via boat.

On discussing this matter with Corporal Woods he was quite willing, and in fact suggested, that the matter be referred to the Department of National Revenue.

I trust that the above information will be of some assistance.



M. W. McCracken,
Superintendent, Sarnia Indian Agency.

MWM/D



REFER TO FILE CS 44407

Your Ref. 0/126-7-2

DEPARTMENT OF NATIONAL REVENUE
CUSTOMS AND EXCISE

Ottawa, May 5, 1951.

T.R.L. MacInnes, Esq.,
Secretary,
Indian Affairs Branch,
Department of Citizenship and Immigration,
O t t a w a.

Dear Sir, Re: Customs Seizure No. 44407/26620

This will acknowledge receipt of your letter of May 4th regarding the above seizure.

The goods in question were seized in July 1950 and when first questioned Adams stated he had purchased them in Canada. On further questioning he admitted obtaining the goods in the United States and transporting them to his home via boat. The Royal Canadian Mounted Police say that Adams resides on the Sarnia Reserve and that he commutes daily to his place of employment at the Detroit-Edison Plant, Marysville, Michigan.

The goods were forfeited to the Crown in November 1950 and were advertised for sale by tender by posting notices in Sarnia, Point Edward and Courtright. Four tenders were received and the highest accepted.

Yours truly,

W. L. Hicklin

W.L. Hicklin,
for Deputy Minister.

WLH/EMJ

Judgment, 1936

McKelland,

Supreme Court of 1937

1948 Oct 28, to Raymond L. L. L.

492/19/1

This will acknowledge receipt of your letter of the 14th regarding the above matter. The goods in question were sold on January 1950 and when first purchased Adams stated he had purchased them in Canada. On further questioning he admitted obtaining the goods in the United States and transporting them to his home via boat. The Royal Canadian Mounted Police say that Adams resides on the British Reserve and that he commutes daily to his place of employment at the Holt-Ridgway Plant, Marquette, Michigan. The goods were forfeited to the Crown in October 1950 and advertised for sale by tender in public notice to tender and the highest sealed four tenders were received and the highest accepted.

Yours truly,

W. L. McKelland
For Deputy Minister

Ottawa, May 4, 1951.

Andrew Paull, Esq.,
President,
North American Indian Brotherhood,
P. O. Box 211,
North Vancouver, B. C.

Dear Mr. Paull:

This will acknowledge your letters of April 7th and 30th regarding the seizure of a pump and food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve.

As a result of your representations the Department took the matter up with the Department of National Revenue, which, as you are aware, is the responsible administering authority.

That Department investigated the case. According to information received, the goods were seized in July 1950 (customs seizure No. 4407/26620). It is stated that when first questioned Mr. Adams stated that he had purchased the goods in Canada, but on further questioning he admitted obtaining them in the United States and transporting them to his home by boat. Following this the reports indicate that Mr. Adams was communicated with by the customs authorities and given an opportunity to make representations, which he failed to do. Accordingly the goods were forfeited to the Crown in November 1950 and were advertised for sale by tender by posting notices in Sarnia, Point Edward and Courtright. Four tenders were received and the highest accepted.

In these circumstances the Department of National Revenue advises that the case is closed and that it is not possible to re-open it.

Apparently there is misunderstanding on the part of Mr. Adams regarding the sale to be held at Sarnia on May 9th. It

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is true that a sale of unclaimed goods is to be held in the Customs House at Sarnia on that date. This, of course, could not include the items in question, which have already been sold.

It is regretted, therefore, that there is now no way in which this Department can assist Mr. Adams to recover the forfeited goods.

On the general question of the Jay Treaty, your observations are being brought to the attention of the appropriate authorities, and the matter will be reviewed. The present position, however, as stated by the Department of National Revenue, is that there is no provision in the Canadian Customs Act or Tariff, or the regulations established thereunder, which would permit of the free entry into Canada of dutiable articles imported by Indians.

Yours sincerely,

TRIM/MD

T.R.L.M.

Duke.

0/126-7-2

, May 4, 1951.

W. L. Hicklin, Esq., 123 Connaught Bldg.,
Customs and Excise,
Department of National Revenue,
Ottawa, Ontario.

Dear Sir:

Representations have been received by this Department with respect to the seizure by the R.C.M.P. of a pump and a food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve, Ontario. It is represented that under the provisions of the Jay Treaty Indians have the right to import goods into Canada from the United States free of duty.

The correspondent advises that the pump and food mixer will be auctioned on May 9th.

It would be appreciated if you would give this matter your consideration and advise me at your earliest convenience.

Yours truly,

T.R.L. MacInnes,
Secretary.

*on May 9
Sarnia Customs*

0/126-7-2(Secy.)

Ottawa, May 4, 1951.

MEMORANDUM TO THE DEPUTY MINISTER

Please refer to the transmission slip of April 12th, from the Private Secretary, forwarding a letter from Mr. Paull dated April 7th regarding the seizure of a pump and food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve.

It will be noted that Mr. Paull alleges that the Indians have certain rights to import goods from the United States into Canada under the provisions of the Jay Treaty.

A draft letter to the Department of Justice is being prepared for your signature on the question as to what rights, if any, the Indians may have under the Jay Treaty with respect to the importation of goods into Canada from the United States free of duty.

SIF/ITH

Director.

T.R.L.M

MINISTER OF CITIZENSHIP AND IMMIGRATION

OTTAWA, May 2nd, 1951.

TO: The Deputy Minister

FOR: Director of Indian Affairs

Preparation of reply for signature of..... the Minister

Discussion with.....

Perusal and necessary action.....

Report.....



in conjunction with letter referred with my memorandum of April 12th, from Andrew Paull, - concerning customs duties and his belief that Indians should not be subject to same. Mr. Paull, in the letter herewith, refers to case of Calvin Adams a Chippewa Indian of Reserve near Sarnia, who had a pump and food mixer seized from his home by RCMP. Apparently the RCMP are to auction these articles on MAY 9th, next, and Mr. Paul asks that they be not auctioned but returned to Mr. Adams. He encloses memorandum re the Jay Treaty to uphold his contentions.

May we have a reply at the earliest possible date, please.

Major MacKay:

For draft reply, as suggested.

W. J. R. L. L. L.

NOTED 2/5/51

M. C. Stord
Private Secretary

for Deputy Minister.

001614



C
O
P
Y

ANDREW PAULL

President

North American Indian Brotherhood

Tel. North 1489R.

P.O. Box 211

North Vancouver, B.C.

April 30th, 1951.

Hon. Walter E. Harris, M.P.K.C.P.C.
Minister of Citizenship and Immigration,
Ottawa, Ont.

Honourable Sir:

I have received a letter from Calvin Adams a Chippewa Indian residing on the Indian Reserve near Sarnia, Ontario, to the effect, that, the pump and food mixer which was seized from his home by the R.C.M.P. will be auctioned on May 9th next.

This is therefore to place my most sincere plea, that you take whatever steps may immediately be now required to restore these articles to Calvin Adams.

I attached a memorandum regarding the Jay Treaty and I am sure that this is sufficient evidence, with others that could now be found, that the Indians were permitted to bring into Canada and vice versa, such articles as they require for their own use, and because of this sacred Treaty, the Indians of today, do presume that such compacts cannot be abrogated by a policeman, and I do again pray that these articles be not sold, and that they be now returned to Calvin Adams, and thanking you, I have the honour to be,

Respectfully yours,
(Signed) Andrew Paull
President
North American Indian Brotherhood.

Jay Treaty

The international boundary laid down by Great Britain and the United States actually cut through the Great Lakes and upland territory which, was the domain of the Six Nation people, and the occupants were under no sort of obligation recognize that line.

These two Powers, therefore came together in 1796, in a new treaty intended to perfect peace between themselves, and then took cognisance of the rights of these aboriginal nations, and agreed upon an article which recited their right to freedom of movement, as though the British American boundary did not exist. It is Article III of the Jay Treaty, so called (Malloy's Treaties and Conventions. Vol. 1 - P. 590, Government Printing Office Washington, 1910:-

It is agreed, that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the boundary line, freely to pass and repass by land, and inland navigation, into the respective territories and countries of the two parties, on the Continent of America (the country within the limits of the Hudson's Bay Company only excepted), and navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other.

No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever. But goods in bales or other large packages unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

MINISTER OF CITIZENSHIP AND IMMIGRATION

OTTAWA, May 2nd, 1951.

TO: The Deputy Minister

FOR: Director of Indian Affairs

Preparation of reply for signature of..... the Minister

Discussion with.....

Perusal and necessary action.....

Report.....

.....

in conjunction with letter referred with my memorandum of April 12th, from Andrew Paull, - concerning customs duties and his belief that Indians should not be subject to same. Mr. Paull, in the letter herewith, refers to case of Calvin Adams a Chippewa Indian of Reserve near Sarnia, who had a pump and food mixer seized from his home by RCMP. Apparently the RCMP are to auction these articles on MAY 9th, next, and Mr. Paul asks that they be not auctioned but returned to Mr. Adams. He encloses memorandum re the Jay Treaty to uphold his contentions.

May we have a reply at the earliest possible date, please.

M. C. Hood
Private Secretary 001618

(Secy)

, May 2, 1951.

M. W. McCracken, Esq.,
Supt., Indian Agency,
Sarnia, Ontario.

Representations have been received with respect to the seizure by the R.C.M.P. of a pump and food mixer from Mr. Calvin Adams of the Sarnia Indian Reserve.

There does not appear to be any information on file regarding this case. I should appreciate it if you would forward particulars as soon as possible, as it might be necessary to refer the matter to the Department of National Revenue.

CIF/MD

T. R. L. MacInnes,
Secretary.

0
P
Y

President:
Andrew Paull
P.O. Box 211
North Vancouver, B.C.

GRAND COUNCIL
NORTH AMERICAN INDIAN BROTHERHOOD

Office of President,
April 7th, 1951.

Hon. W. E. Harris M.P.
Minister of Citizenship and Immigration
Ottawa Ont.

Honourable Sir:-

I am writing this letter in a most sincere way in asking that you exercise the authority of your high office in ordering the R. C. M. P. to return to Calvin Adams of the Sarnia Indian Reserve, one pump and one food mixer taken away from his home, which is tantamount to theft, and which he had purchased for his own use from the City of Port Huron in the United States, and which was allowed to the understanding of the Indians of Canada, by the provisions of the Jay Treaty of 1794 and as amended in 1796, and in particular Article III. of the Jay Treaty.

The Jay Treaty referred to, recognized three distinct groups of people, first the British, then the citizens of the United States, and the Indians living on either side of the boundary line.

The intent and purpose was to provide freedom to the Indians, to pass and re-pass the boundary line, and to enjoy free intercourse and commerce.

See

(Malloy's Treaties and Conventions. Vol. I page 590
Government Printing office, Washington D. C. 1910)

Article III. of the said Jay Treaty between Great Britain and the United States, whereby the boundary line was fixed between Canada and the United States, provides:-

"It is agreed that it shall at all times be free to His Majesty's subjects, and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land and inland navigation, into the respective territories and countries of the two parties, on the continent of America (the country within the limits of the Hudson's Bay Company only excepted)".

Two years later, the provisions of the aforementioned Jay Treaty were broadened by the Treaty of 1796, which provides:-

"That no stipulation in any treaty subsequently concluded by either of the contracting parties with any other state

2.

of nations, or with any Indian tribe can be understood to derogate in any manner from the rights of free intercourse and commerce secured by the aforesaid Third Article of the Treaty of Unity, Commerce and Navigation, (referring to the said Jay Treaty) to the subjects of His Majesty and to the citizens of the United States and to the Indians dwelling on either side of the boundary line aforesaid."

The first ten articles of the Jay Treaty which includes article III, cited above, were made PERMANENT by Article XXVIII. (of the said second treaty.)

I submit, that by the terms of the Jay Treaty signed by Great Britain and the United States, no one and no government was permitted to subsequently change the terms and conditions of the Jay Treaty, and the Government of Canada is precluded by any subsequent legislation to deny the right of the Indians to bring into Canada the articles which have been seized by the R.C.M.P. from Calvin Adams, and for these compacts, I ask that you now order the return of the articles or their equivalent.

In support of this contention, I ask you to read Maxwell, interpretation of statutes at page 3, where he urges, "that the intention of the Legislature must be gathered from the plain and ordinary meaning of the words in the statute and not elsewhere"

And by that eminent authority we must submit that the Parliament of Canada is ultra vires by any direction to the R.C.M.P. to abrogate the Jay Treaty. And I further submit as my authority the decision by Parke D. in the case of Nixon vs. Phillips (1852) 21 C.J. ex 88, and in particular these words, "but we must construe it according to its plain and obvious meaning".

Many United States decisions state that laws made by Congress do not apply to Indians, unless they are specifically mentioned, and this arose from a violation of the Jay Treaty.

By section 91 article 24 of the B.N.A. Act, Canada was made a delegate of the Queen over Indians and Indian lands, and Canada has not and cannot legislate to violate the Jay Treaty, and as a delegate of the Queen, Canada, cannot have a delegate in the R.C.M.P. by Order in Council, nor can the revenue laws abrogate the Jay Treaty, according to the very provisions of the Jay Treaty.

The Indians have for years understood this freedom, but little by little, the authorities, whittle down, and by intimidation and force

3.

gradually eradicate, what was promised to the Indians, and all we are asking for in this case, is for the government of Canada to carry out what they are committed to do, and continue to honor and carry out the Treaties made by Great Britain, in this case, the Jay Treaty.

In further support of this contention, all I have to do is submit, sub-section three of the Statute of Westminster or Westminster Statute (1935), that, "parliament and the provinces could only legislate within their competence."

I could go on and on, in support of my case, but knowing your willingness not to abrogate the commitments of His Britanic Majesty, and added with your knowledge of these matters, I conclude, I have dealt sufficiently, except to add that the Chippewas are mentioned as among those to enjoy the Terms of the Jay Treaty, and that Calvin Adams, is one of the sons of the Chief of the Chippewas residing on the Indian Reserve near Sarnia, and that he did navigate by water in transporting the articles that were seized by the R.C.M.P. about one year ago, and it was his right and privilege, and for that reason, I ask, that you instruct whomsoever you wish to return the pump and food mixer, or their equivalent, to Calvin Adams and to this I will ever pray, because it was guaranteed to him by the Commissioners, on behalf of His Britanic Majesty on the 4th. day of May 1796.

And on his behalf I have the honor to be,

Respectfully yours

(Signed)
Andrew Paull
President
North American Indian Brotherhood.

P.S. The pump and mixer is a household necessity; could your department replace these while, you examine the legality, which may take a long time.

MINISTER OF CITIZENSHIP AND IMMIGRATION

OTTAWA,

April 12, 1951

TO: The Deputy Minister

1951 APR 14 AM 9:30

FOR: Director of Indian Affairs.

Preparation of reply for signature of

INDIAN the Minister

Discussion with

Perusal and necessary action

Report



to attached letter from Andrew Paull, President, North American Indian Brotherhood, P.O.Box 211, North Vancouver, B.C., concerning customs duties, and his belief that Indians should not be subject to customs laws. He refers in particular to Calvin Adams of the Sarnia Indian Reserve, from whose home certain articles were confiscated by the RCMP, as he had brought them from Port Huron in the U.S., and had not paid duty on them.

Major MacKay:

For draft reply, as suggested.

60.7.15.
for Deputy Minister.

NOTED
12/4/51
C.H.

Private Secretary 001623



001624

MINISTER OF CITIZENSHIP

OTTAWA,

TO: The Deputy Minister

FOR: Director of Indian Affairs.

Preparation of reply for signature of..... the Minister

Discussion with.....

Perusal and necessary action.....

Report.....

to attached letter from Andrew Paull, President, North American Indian Brotherhood, P.O.Box 211, North Vancouver, B.C., concerning customs duties, and his belief that Indians should not be subject to customs laws. He refers in particular to Calvin Adams of the Sarnia Indian Reserve, from whose home certain articles were confiscated by the RCMP, as he had brought them from Port Huron in the U.S., and had not paid duty on them.

J. Levy

Private Secretary 001625

7/3-8 (EA)

OTTAWA, April 13, 1951.

H. O. White, Esq., M.P.,
House of Commons,
O T T A W A.

Dear Mr. White:

In reply to your letter of April 10 I have to inform you that there are some aspects respecting individual cases which cannot be answered without reference to the field. This has been done and more detailed information will be forwarded when enquiries have been completed.

Indians are eligible for the Aged Allowance on attaining their 70th birthday subject to a means test. The allowance is payable in arrears with effect on the first of the month following receipt and approval of an application. The application form is filled out in triplicate by the Indian Superintendent on behalf of the applicant, one copy is retained for his records and two copies are forwarded to head office where eligibility factors are checked and payment authorized. Payment is made direct to the Indian except in cases of mental or physical disability, when the Indian Superintendent may recommend that the allowance be paid in trust for administration through the Indian Agency Trust Account.

Every reasonable effort is made to secure evidence supporting statements of age. Information concerning the age of the applicant on the Membership Lists maintained at head office is considered official; but the Indian Affairs Branch will accept any reasonable documentary proof of age and in the absence of more satisfactory evidence, a sworn statement of the applicant, corroborated by the declaration of a responsible person in the community who could be expected to know the true age of the person concerned, may be accepted. I am forwarding herewith copies of our application form for an allowance to

- 2 -

aged Indians.

In respect to Mr. Phillip Schuyler, we have no record of an application having been submitted on his behalf but the case will be investigated immediately.

Similarly, we have no information regarding Mr. Enoch Thompson's complaint, and this matter will also be the subject of further enquiry and a later report.

In regard to the purchase of motor vehicles by Canadian Indians in the United States, I understand the situation is no different than it was on March 23, 1950, when I forwarded you the opinion received from the Department of National Revenue.

On the general question of the application of Customs laws and regulations, Indians are treated in like manner to non-Indians and enjoy no special privileges in regard thereto. I understand that under provisions of Item 1215 of the Customs Tariff used or second hand automobiles may not be imported into Canada by Canadians. However, you will appreciate the fact that I am not in a position to speak with authority respecting the regulations of another Department.

As soon as we have details respecting the claims of Mr. Enoch Thompson and Mr. Phillip Schuyler, I will be pleased to forward our opinions and findings regarding these cases.

Yours sincerely,

Director.

EA/PL

0/126-7-2
Sec'y.

, April 12, 1951,

MEMORANDUM TO E.A.

This is with reference to your memorandum of April 11 concerning the information requested by Mr. White, M.P., regarding the importation of used cars into Canada by Indians.

It will be recalled that Mr. White wrote to the Branch on February 16, 1950, regarding the same general question, and with particular reference to the seizure of a car belonging to Walter George, Southwold, Ont. Full information was given to him in a letter dated March 23, 1950, *hereunder*.

According to the information received from the Department of National Revenue, "under the provisions of Item 1215 of the Customs Tariff 'used or second-hand automobiles manufactured prior to the calendar year in which importation into Canada is sought are prohibited entry'". In so far as I am aware there has been no change in the Customs Regulations governing the importation of used cars into Canada.

On the general question of the application of Customs laws to Indians, according to my understanding, the position is ~~that~~ Indians are subject to the Customs laws in the same manner as other people, and there is no provision made whereby special consideration could be given to any person because of Indian status.

T.R.L. M

T.R.L. MacInnes,
Secretary.

[Signature]
CIF/FL

001628



CANADA

PLEASE QUOTE

FILE.....

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

Ottawa April 11, 1951.

*Col. Acland wrote material
for this first thing in the
morning.*

MEMORANDUM TO THE SECRETARY

Will you please provide information necessary to reply to the following paragraph contained in a letter from Mr. H. O. White, M.P.:

"There is another matter regarding the purchase by Indians of used cars which I would like to ask you about. Can an Indian resident, say of the Muncey Reservation, get a special permit from the Department of Customs and Excise to buy a used car in the United States and bring it into Canada for his own use free of duty but not for resale? If such is the case would you advise me as to the proper procedure for Indians to follow who desire to purchase a used car in the United States."

Eric Acland
Executive Assistant.

Copy ~~sent~~ to R. H. S. Sampson,
Supt., Okanagan Indian Agency.

0/126-7-2

, January 27, 1951.

W. S. Arneil, Esq.,
Indian Commissioner,
P. O. Box 70,
Vancouver, B. C.

Re: Seizure No. 44658/26697
Louis Pierre, Lower Similkameen Band

Please refer to my letter of October 10th and
previous correspondence regarding the above-noted seizure.

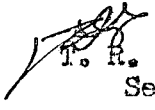
A communication has been received from the
Department of National Revenue as follows:

"Under the provisions of Section 174 of the
Customs Act decision has now been rendered in this matter
as follows:

That the deposit be retained as duty
properly payable."

Please bring this to the attention of Mr. Louis
Pierre.

GIP/LD


T. R. L. MacInnes,
Secretary.



CANADA

DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

OTTAWA

PLEASE QUOTE

FILE.....



6/7/26 9-2
REFER TO FILE 44658



CANADA

DEPARTMENT OF NATIONAL REVENUE

1951 JAN 26 AM 9:09 CUSTOMS AND EXCISE

Secy
Ottawa, January 25, 1951.

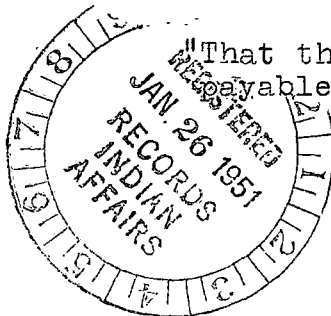
Mr. T. R. L. MacInnes,
Secretary,
Indian Affairs Branch,
Dept. of Citizenship and Immigration,
O t t a w a.

7173

Dear Sir:

Re: Customs Seizure No. 44658/26697
Louis Pierre

Under the provisions of Section 174 of the
Customs Act decision has now been rendered in this
matter as follows:



"That the deposit be retained as duty properly payable."

Yours truly,

W. L. Hicklin

W. L. Hicklin,
for Deputy Minister.

/JM

0/126-7-2

, January 15, 1951.

T. L. Bonnah, Esq.,
Supt., Indian Agency,
P. O. Box 987,
Cornwall, Ontario.

Re: Seizure No. 45513/27081
Peter Martin, Yellow Island, Quebec

Please refer to my letter of October 26th and
previous correspondence regarding the above-noted seizure.


A communication has been received from the Depart-
ment of National Revenue as follows:

"Under the provisions of Section 174 of the Customs
Act decision has now been rendered in this matter as follows:

that the deposit be retained as equal to
duty and taxes properly payable."

Please bring this to the attention of Mr. Martin.

CIF/MD


T. R. L. MacInnes,
Secretary.



CANADA

OFFICE OF THE
DIRECTOR

DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE

FILE.....

OTTAWA

MEMORANDUM

Refer to case &
this letter.

Presumably Martin sent
in a deposit which is
considered satisfactory.



CANADA

DEPARTMENT OF NATIONAL REVENUE
CUSTOMS AND EXCISE

REFER TO FILE CS 45513

2816

1951 JAN 10 AM 9: Ottawa.

January 9, 1951.

T.R.L. MacInnes, Esq.,
Secretary, Indian Affairs Branch,
Department of Citizenship & Immigration,
O t t a w a.

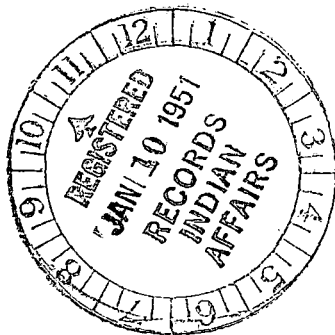
Dear Sir:

Re: Customs Seizure No. 45513/27081

- Peter Martin

Under the provisions of Section 174 of the
Customs Act decision has now been rendered in this
matter as follows:

that the deposit be retained as equal
to duty and taxes properly payable.



Yours truly,

W. L. Hicklin

W. L. Hicklin,
for Deputy Minister.

o. ✓ 18-31-2.
— INDIAN AFFAIRS BRANCH —

CLOSED
VOLUME

VOLUME

2.

SUBJECT

CT Customs Act
Seizure of Goods from
Indians

TO

1A 1-102

001637

CROSS REFERENCES

FILE NUMBER	SUBJECT
1.....
2.....
3.....
4.....
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INSTRUCTIONS

1. This cover must not be folded under.
2. File should be retained no longer than is absolutely essential. If a file is frequently needed at short intervals, it is better to B.F. it for two or three days than keep it out of Central Registry indefinitely. This ensures its being completed and kept in order and also gives other officers an opportunity of using it.
3. Central Registry must be notified whenever a file is passed directly between one official and another.
4. All outgoing letters should bear the official file number and originator's designation.
5. ONE SUBJECT—ONE COMMUNICATION—Where the contents of outgoing letters necessarily refer to more than one subject, the originator will prepare additional copies for attachment to relevant files.
6. Correspondence must not be removed from file, except as provided in the regulations governing the conduct of correspondence.
7. Incorrectly filed material will not be removed without notification to Central Registry.
8. Official office designations are to be used for routing purposes.
9. Disposal entries on file jackets must be initialled and dated.
10. Urgent Tags, flags and other markers will be removed in Divisional Offices as soon as appropriate action on the folios has been taken.
11. Officials are reminded that strict adherence to the security regulations is essential when dealing with classified material.