



GESGAPEGIAG

DESCRIPTION

The Gesgapegiag Indian Reserve, which is part of the cadastre of the township of Maria, includes a portion of lot 69, range 1 Cascapédia, a portion of lot 1, Range 2 Cascapédia, as well as lots 1-1, 1-2, 1-3 and 1-4 of block E, Range 1 Cascapédia.

The reserve covers 222 hectares.

LOCATION

This reserve is located 45 kilometres west of Bonaventure, on the north shore of Cascapédia Bay.

LAND TITLE HISTORY

Before 1860

When the lots of the township of Maria were officially created, in 1860, the records mentioned an Indian occupation in Range 1 Cascapédia. Though no title was found in support of such an occupation, the Supreme Court, in *Guerin vs The Queen* (1984), confirms and defines the concept of ancestral rights. According to that judgement, the aboriginal title is "derived from the Indians' historical occupation and possession of their tribal lands", and exists independently of the *Royal Proclamation of 1763*.

Thus, the title of ownership of old reserves like Gesgapegiag originates from the occupation and the possession of the lands since time immemorial rather than from a transfer between governments. Besides, such a title or right of ownership is collective: it is attributed to a band, not to individuals. Moreover, it is inalienable, being only transferable through surrender to the federal government.

Finally, the *Constitution Act of 1983*, under section 35, recognizes and affirms the ancestral rights of the Aboriginal peoples of Canada.

July 1, 1867 - REGISTRATION NUMBER X14591

The *British North America Act, 1867* (currently known as the *Constitution Act, 1867*) confirms the jurisdiction of the Canadian government over the Indians and the lands reserved for them.

January 4, 1940

Order in Council 19/38 - The Governor General in Council authorizes the purchase of a part of a lot in the township of Maria as a firewood lot for the use of Maria Reserve Indians.

October 23, 1940 - REGISTRATION NUMBER X17194

Order in Council 22/5923 - This order renews the authorization given last January to buy a firewood lot from William Sexton at the agreed price of \$200.

December 9, 1940

The Government of Canada purchases a portion of lot 1 (Range 2 Cascapédia, township of Maria) belonging to William Sexton. The area mentioned is 40 acres, more or less.

March 30, 1942

Government of Québec Letters Patent 1413 for lot 1 (Range 2, cadastre of the township of Maria) delivered to William Sexton for an area of 82 acres. Subject to the vested rights of the Department of Indian Affairs.

May 5, 1942 - REGISTRATION NUMBER X17195

The Government of Canada purchases from William Sexton a portion of lot 1 (Range 2 Cascapédia, township of Maria) covering approximately 40 acres.

November 18, 1957 - REGISTRATION NUMBER X17196

Order in Council 1957-1484 - The Government of Canada transfers to the Government of Québec the control and management of a portion of lot 69, Range 1 Cascapédia, covering 5.6 acres, for road purposes in accordance with the Indian Act, R.S.C. 1952, chapter 149, section 35.

January 25, 1989 - REGISTRATION NUMBER 121729

The Maria Indian Reserve becomes the "Gesgapegiag Indian Reserve".

29 August 1996 - REGISTRATION NUMBER 260307

The Government of Canada purchases lots 1-1, 1-2, 1-3 and 1-4, block E, Range 1 Cascapédia, cadastre of the township of Maria.

March 19, 1998 - REGISTRATION NUMBER 260307

Order in Council 1998-442 - The Government of Canada rules that lots 1-1, 1-2, 1-3 et 1-4, block E, Range 1 Cascapédia, cadastre of the township of Maria, shall be added to the territory of Gesgapegiag Indian Reserve.

CHRONOLOGY OF BOUNDARY SURVEYS

- 1) **1901:** determination of the outer boundaries by David Mill;
- 2) **1938:** Claude Rinfret resurveys the outer boundaries, and surveys a portion of lot 1 (the "woodlot") in Range 2 as an addition to the reserve;
- 3) **1962:** Damien Roy resurveys the reserve boundaries, including the "woodlot";
- 4) **1978:** Jacques Sasseville resurveys the reserve's outer boundaries, including the "woodlot". The resurvey is completed in 1980.