

**COMMISSIONER OF INDIAN LANDS
V.
JANNELL**

(1865), 18 R.J.R.Q. 187 (ALSO REPORTED: 1 L.C.L.J. 111)

Lower Canada Superior Court in Review, Badgley, Berthelot JJ., and Monk A.J., 30 December 1865

***Held:* That the sale of Indian Lands without authority from the Commissioner is illegal.**

BADGLEY, J.: The Defendant, having bought a piece of land from the Abenaki Indians, without any authority from the Commissioner, the latter brought the present action to revendicate this land, as sold without any authority from him. The plea was that the land was out of the precincts of the Indian Village. The statute did not draw any distinction of this kind. It extended to all the lands of the tribe. The Defendant never got any authority though others did. There was no doubt about the land in question belonging to the Indian tribe. The statute was precise; and, therefore, the judgment of the Court below in favor of Plaintiffs must be confirmed. (1 *L.C.L.J.*, p. 111.)