

# CHARBONNEAU v. DE LORIMIER

(1906), 8 Que.P.R. 115

Quebec Circuit Court, Purcell J.C.C., 17 November 1906

*Opposition afin d'annuler.--Indian Act.--Proof of status of Indians.--Real and personal property exempt from seizure.-- Rev.S.C. c. 43, s.78.*

HELD:--1o. The status of an Indian as such may be proved by his certificate of birth, his general reputation, his residence in the reserve or his election as municipal councilor.

2.--The real and personal property of Indians inside the reserve is exempt from seizure. (1) See *Lepage v. Watso*, 4 Q.L.R. 81; 22 L.C.J. 97; 8 R.L. 596; 1 L.N. 322.

*Per Curiam*:--Seeing the certificate of birth filed;

Considering in addition that it is established that opposant is reputed, as were his parents before him, to be an Indian, that he resides on the reserve, and that he has been twice elected municipal councilor, a position which can only be held by an Indian;

Seeing R.S.C. chap. 43, sec. 78, (*Vide* in the French version where the word "*Droit*" is used) exempting the real and personal property of Indians inside the reserve: See 17 R.J.Q. 189:--

Opposition maintained with costs.

*Pelletier & Létourneau*, attorneys for plaintiff contestant.

*Victor Martineau*, attorney for defendant opposant.

(Ed.F.S.)

*Durand v. Sioui*, 4 Q.L.R., 93;

*Bassieres v. Bastien*, 17 S.C. 189.