

**CANADA'S INDIAN RESERVES: THE USUFRUCT**

**IN OUR CONSTITUTION**

**prepared by**

**Wm. B. Henderson**

**for**

**Research Branch**

**Indian and Northern Affairs**

**Ottawa KIA OH4**

**February 1980**

**CANADA'S INDIAN RESERVES: THE USUFRUCT IN OUR CONSTITUTION****Table of Contents**

Preface	ii
I Introduction	1
II Enters the Usufruct	2
A. The American View	2
B. The Canadian View	4
(1) Background	4
(2) St. Catherines Milling	4
(3) Ontario Mining Co. V. Seybold	12
(4) Attorney-General for Canada v. Giroux	15
(5) The Star Chrome Case	16
C. The Aftermath	19
III Exit the Usufruct	24
IV The Usufruct Without	29
A. A Framework for Decision	29
B. A Test Case	30
V Farewell to the Usufruct	32
Footnotes	34