

The James Bay Treaty—Treaty No. 9

ARTICLES OF A TREATY made and concluded at the several dates mentioned therein, in the year of Our Lord one thousand and nine hundred and five, between His Most Gracious Majesty the King of Great Britain and Ireland, by His Commissioners, Duncan Campbell Scott, of Ottawa, Ontario, Esquire, and Samuel Stewart, of Ottawa, Ontario, Esquire; and Daniel George MacMartin, of Perth, Ontario, Esquire, representing the province of Ontario, of the one part; and the Ojibeway, Cree and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their chiefs, and headmen hereunto subscribed, of the other part:—

Whereas, the Indians inhabiting the territory hereinafter defined have been convened to meet a commission representing His Majesty's government of the Dominion of Canada at certain places in the said territory in this present year of 1905, to deliberate upon certain matters of interest to His Most Gracious Majesty, of the one part, and the said Indians of the other.

And, whereas, the said Indians have been notified and informed by His Majesty's said commission that it is His desire to open for settlement, immigration, trade, travel, mining, lumbering, and such other purposes as to His Majesty may seem meet, a tract of country, bounded and described as hereinafter mentioned, and to obtain the consent thereto of His Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good-will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to count upon and receive from His Majesty's bounty and benevolence.

And whereas, the Indians of the said tract, duly convened in council at the respective points named hereunder, and being requested by His Majesty's commissioners to name certain chiefs and headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be found thereon, and to become responsible to His Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have therefore acknowledged for that purpose the several chiefs and headmen who have subscribed hereto.

And whereas, the said commissioners have proceeded to negotiate a treaty with the Ojibeway, Cree and other Indians, inhabiting the district hereinafter defined and described, and the same has been agreed upon, and concluded by the respective bands at the dates mentioned hereunder, the said Indians do hereby cede, release, surrender and yield up to the government of the Dominion of Canada, for His Majesty the King and His successors for ever, all their rights titles and privileges whatsoever, to the lands included within the following limits, that is to say: That portion or tract of land lying and being in the province of Ontario, bounded on the south by the height of land and the northern

boundaries of the territory ceded by the Robinson-Superior Treaty of 1850, and the Robinson-Huron Treaty of 1850, and bounded on the east and north by the boundaries of the said province of Ontario as defined by law, and on the west by a part of the eastern boundary of the territory ceded by the Northwest Angle Treaty No. 3; the said land containing an area of ninety thousand square miles, more or less.

And also, the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in Ontario, Quebec, Manitoba, the District of Keewatin, or in any other portion of the Dominion of Canada.

To have and to hold the same to His Majesty the King and His successors for ever.

And His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the government of the country, acting under the authority of His Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes.

And His Majesty the King hereby agrees and undertakes to lay aside reserves for each band, the same not to exceed in all one square mile for each family of five, or in that proportion for larger and smaller families; and the location of the said reserves having been arranged between His Majesty's commissioners and the chiefs and headmen, as described in the schedule of reserves hereto attached, the boundaries thereof to be hereafter surveyed and defined, the said reserves when confirmed shall be held and administered by His Majesty for the benefit of the Indians free of all claims, liens, or trusts by Ontario.

Provided, however, that His Majesty reserves the right to deal with any settlers within the bounds of any lands reserved for any band as He may see fit; and also that the aforesaid reserves of land, or any interest therein, may be sold or otherwise disposed of by His Majesty's government for the use and benefit of the said Indians entitled thereto, with their consent first had and obtained; but in no wise shall the said Indians, or any of them, be entitled to sell or otherwise alienate any of the lands allotted to them as reserves.

It is further agreed between His said Majesty and His Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings, railways, or roads of whatsoever nature may be appropriated for that purpose by His Majesty's government of the Dominion of Canada, due compensation being made to the Indians for the value of any improvements thereon, and an equivalent in land, money or other consideration for the area of the reserve so appropriated.

And with a view to show the satisfaction of His Majesty with the behaviour and good conduct of His Indians, and in extinguishment of all their past claims, He hereby, through His commissioners, agrees to make each Indian a present of eight dollars in cash.

His Majesty also agrees that next year, and annually afterwards for ever, He will cause to be paid to the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, four dollars, the same, unless there be some exceptional reason, to be paid only to the heads of families for those belonging thereto.

Further, His Majesty agrees that each chief, after signing the treaty, shall receive a suitable flag and a copy of this treaty to be for the use of his band.

Further, His Majesty agrees to pay such salaries of teachers to instruct the children of said Indians, and also to provide such school buildings and educational equipment as may seem advisable to His Majesty's government of Canada.

And the undersigned Ojibeway, Cree and other chiefs and headmen, on their own behalf and on behalf of all the Indians whom they represent, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of His Majesty the King.

They promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace between each other and between themselves and other tribes of Indians, and between themselves and others of His Majesty's subjects, whether Indians, half-breeds or whites, this year inhabiting and hereafter to inhabit any part of the said ceded territory; and that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district or country, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof, and that they will assist the officers of His Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the law in force in the country so ceded.

And it is further understood that this treaty is made and entered into subject to an agreement dated the third day of July, nineteen hundred and five, between the Dominion of Canada and Province of Ontario, which is hereto attached.

In witness whereof, His Majesty's said commissioners and the said chiefs and headmen have hereunto set their hands at the places and times set forth in the year herein first above written.

Signed at Osnaburg on the twelfth day of July, 1905, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

THOMAS CLOUSTON RAE, C.T.,
Hudson's Bay Co.
ALEX. GEORGE MEINDL, M.D.
JABEZ WILLIAMS, Clerk, H. B. Co.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
his
MISSABAY x
mark
his
THOMAS x MISSABAY.
mark
his
GEORGE x WAHWAASHKUNG.
mark
his
KWIASH x
mark
his
NAHOKEESIC x
mark
his
OOMBASH x
mark
his
DAVID x SKUNK
mark

his
JOHN x SKUNK.
mark
his
THOMAS x PANACHEESE.
mark

Signed at Fort Hope on the nineteenth day of July, 1905, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

F. X. FAFARD, O.M.I.
THOMAS CLOUSTON RAE.
ALEX. GEORGE MEINDL, M.D.
CHAS. H. M. GORDON, H. B. Co.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
✓ YESNO, x
GEORGE x NAMAY.
WENANGASIE x DRAKE.
GEORGE x QUISEES.
KATCHANG, x
MOONIAS, x
JOE x GOODWIN.
ABRAHAM x ATLOOKAN.
HARRY x OOSKINEGISH.
NOAH x NESHINAPAIS.
JOHN A. x ASHPANAQUESHKUM.
JACOB x RABBIT.

Signed at Marten Falls on the twenty-fifth day of July, 1905, by His Majesty's commissioners and the chief and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

THOMAS CLOUSTON RAE, C. T., H. B.
Co.
ALEX. GEORGE MEINDL, M.D.
SAMUEL ISERHOFF.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
WILLIAM x WHITEHEAD.
WILLIAM x COASTER.
DAVID x KNPAYSWET.
OSTAMAS x LONG TOM.
WILLIAM x WEENJACK.

Signed at Fort Albany on the third day of August, 1905, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

THOMAS CLOUSTON RAE, C. T., H. B.
Co.
A. W. PATTERSON.
G. W. COCHRAN.
ALEX. GEORGE MEINDL, M.D.
JOSEPH PATTERSON.
MINNIE COCKRAM.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
CHARLIE x STEPHEN.
PATRICK x STEPHEN.
DAVID GEO. x WYNNE.
ANDREW x WESLEY.
JACOB x TAHTAIL.
JOHN x WESLEY.
XAVIER x BIRD.
PETER x SACKANEY.
WM. x GOODWIN.
SAML. x SCOTT.

Signed at Moose Factory on the ninth day of August, 1905, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

GEORGE MOOSONEE.	DUNCAN CAMPBELL SCOTT.
THOMAS CLOUSTON RAE, C. T., H. B. Co.	SAMUEL STEWART.
JOHN GEORGE MOWAT, H. B. Co.	DANIEL GEORGE MACMARTIN.
THOMAS BIRD HOLLAND, B.A.	SIMON SMALLBOY, x
JAMES PARKINSON.	GEORGE TAPPAISE, x
	HENRY SAILOR—Signed in Cree syllabic
	JOHN NAKOGEE “ “
	JAMES DICK “ “
	SIMON QUATCHEWAN “ “
	JOHN JEFFRIES “ “
	FRED. MARK “ “
	HENRY UTAPPE, x
	SIMON CHEENA, x

Signed at New Post on the twenty-first day of August, 1905, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

THOMAS CLOUSTON RAE, C.T., H. B. Co.	DUNCAN CAMPBELL SCOTT.
SYDNEY BLENKARNE BARRETT, H. B. Co.	SAMUEL STEWART.
JOSEPH LOUIS VANASSE.	DANIEL GEORGE MACMARTIN.
	his
	ANGUS x WEENUSK.
	mark
	his
	JOHN x LUKE.
	mark
	his
	WILLIAM x GULL.
	mark

Signed at Abitibi on the seventh day of June, 1906, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

GEORGE DREVER.	DUNCAN CAMPBELL SCOTT.
ALEX. GEORGE MEINDL, M.D.	SAMUEL STEWART.
PELHAM EDGAR.	DANIEL GEORGE MACMARTIN.
	his
	LOUIS x McDUGALL, SR.
	mark
	his
	ANDREW x McDUGALL.
	mark
	his
	OLD x CHEESE.
	mark
	his
	MICHEL x PENATOUCHE.
	mark
	LOUI MACDOUGALL.
	ANTOINE PENATOUCHE.

Signed at Matachewan on the twentieth day of June, 1906, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

PELHAM EDGAR.
GEORGE MONTEITH.
ALEX. GEORGE MEINDL, M.D.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
his
MICHEL x BATISE.
mark
his
ROUND x EYES.
mark
his
THOMAS x FOX.
mark
his
JIMMY x PIERCE.
mark

Signed at Mattagami on the seventh day of July, 1906, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

JOS. MILLER.
PELHAM EDGAR.
A. M. C. BANTING.
KENNETH ROSS.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
his
ANDREW x LUKE.
mark
JOSEPH SHEMEKET—Signed in syllabic characters.
THOMAS CHICKEN—Signed in syllabic characters.
JAMES NEVUE—Signed in syllabic characters.

Signed at Flying Post on the sixteenth day of July, 1906, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

A. J. McLEOD.
PELHAM EDGAR.
ALEX. GEORGE MEINDL, M.D.
JOSEPH LOUIS VANASSE.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
ALBERT BLACK ICE—Signed in syllabic characters.
JOHN ISAAC—Signed in syllabic characters.
WILLIAM FROG—Signed in syllabic characters.
THOMAS FROG—Signed in syllabic characters.

Signed at New Brunswick House on the twenty-fifth day of July, 1906, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

GEORGE MOOSONEE.
JAMES G. CHRISTIE.
GRACE MCTAVISH.
CLAUDE D. OVENS.
PELHAM EDGAR.
EDMUND MORRIS.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
ALEX. PEEKETAY—Signed in syllabic characters.
POTOOSH, ^{his} x
mark
PETER MITIGONABIE, ^{his} x
mark
TOM NESHWABUN—Signed in syllabic characters.
JACOB WINDABAIE—Signed in syllabic characters.

Signed at Long Lake on the ninth day of August, 1906, by His Majesty's commissioners and the chiefs and headmen in the presence of the undersigned witnesses, after having been first interpreted and explained.

Witnesses:

H. E. TREMAYNE.
ISABELLA TREMAYNE.
P. GODCHERE.
PELHAM EDGAR.

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
KWAKIGIGICKWEANG—Signed in syllabic characters.
KENESWABE—Signed in syllabic characters.
MATAWAGAN—Signed in syllabic characters.
ODAGAMEA—Signed in syllabic characters.

Agreement Between the Dominion of Canada and the Province of Ontario

THIS AGREEMENT made on the third day of July, in the year of Our Lord, 1905, between

The Honourable Frank Oliver, Superintendent General of Indian Affairs,
on behalf of the government of Canada

Of the one part:

And

The Honourable Francis Cochrane, Minister of Lands and Mines of the province of Ontario, on behalf of the government of Ontario

On the other part.

Whereas, His Most Gracious Majesty the King of Great Britain and Ireland is about to negotiate a treaty with the Ojibeway and other Indians inhabitants of the territory within the limits hereinafter defined and described by their chiefs and headmen for the purpose of opening for settlement, immigration, trade, travel, mining and lumbering, and for such other purposes as to His Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and of obtaining the consent thereto of His Indian subjects inhabiting the said tract, and of arranging with them for the cession of the Indian rights, titles and privileges to be ceded, released, surrendered and yielded up to His

Majesty the King and His successors for ever, so that there may be peace and good-will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to count upon and receive from His Majesty's bounty and benevolence, which said territory may be described and defined as follows, that is to say, all that portion or tract of land lying and being in the province of Ontario, bounded on the south side by the height of land and the northern boundaries of the territory ceded by the Robinson-Superior Treaty of 1850, and the Robinson-Huron Treaty of 1850, and bounded on the east and north by the boundaries of the said province of Ontario as defined by law, and on the west by a part of the eastern boundary of the territory ceded by the Northwest Angle Treaty No. 3; the said land containing an area of ninety thousand square miles, more or less, said treaty to release and surrender also all Indian rights and privileges whatsoever of the said Indians to all or any other lands wherever situated in Ontario, Quebec, Manitoba, or the district of Keewatin, or in any other portion of the Dominion of Canada.

And whereas, by the agreement made the 16th day of April, 1894, entered into between the government of the Dominion of Canada, represented by the Honourable T. Mayne Daly, and the government of the province of Ontario, represented by the Honourable John M. Gibson, in pursuance of the statute of Canada passed in the fifty-fourth and fifty-fifth years of Her Majesty's reign, chaptered five and intituled, "An Act for the settlement of certain questions between the governments of Canada and Ontario respecting Indian lands," and the statute of Ontario passed in the fifty-fourth year of Her Majesty's reign, chaptered three, and entitled, "An Act for the settlement of certain questions between the governments of Canada and Ontario respecting Indian lands," and by the sixth clause of the said agreement it is provided, "That any future treaties with the Indians in respect of territory in Ontario to which they have not before the passing of the said statutes surrendered their claim aforesaid, shall be deemed to require the concurrence of the government of Ontario," and by the said intended treaty it is signified and declared that His Majesty show his satisfaction with the behaviour and good conduct of His Indian subjects, and in extinguishment of all their past claims through His commissioners, will make to each Indian a present of eight dollars in cash, and will also next year and annually afterwards for ever cause to be paid to each of the said Indians in cash, at suitable places and dates, of which the said Indians shall be duly notified, the sum of four dollars, and that unless there be some exceptional reason, such sums will be paid only to heads of families for those belonging thereto.

It is therefore agreed by and between the governments of Canada and of Ontario as aforesaid, as follows:—

That, subject to the provisions contained in the hereinbefore recited agreement of 16th April, 1894, and also the agreement made on 7th July, 1902, by counsel on behalf of the governments of the Dominion and Ontario, intervening parties, upon the appeal to the Judicial Committee of the Privy Council in the suit of the Ontario Mining Company v. Seybold et al. (Ont. S.P., 1904, No. 93), a copy whereof is hereto attached; and the surrender of the Indian title within Ontario to the entire territory herein defined and described, duly obtained,—

The government of the province of Ontario hereby gives consent and upon the following conditions concurs in the terms proposed to be entered into, made and agreed by the said treaty, in so far that the said government of Ontario, on and after the payment to the Indians of the above mentioned present of eight dollars, and thereafter the payment annually of four dollars to each Indian, for ever, as above specified, promises and agrees to pay the said sums to the government of Canada, upon request when and as the same are paid to the Indians,

upon proof, when required, of such payments—such payments to be free from any expenses at the cost of Ontario attendant upon distribution of the said sums of money.

And the government of Ontario, subject to the conditions, aforesaid, further concurs in the setting apart and location of reserves within any part of the said territory, as surrendered or intended to be surrendered, in area not greater than one square mile for each family of five, or in like proportion, at points to be chosen by the commissioners negotiating the said treaty, one of the said commissioners to be appointed by the Lieutenant Governor of Ontario in Council, and the selection of the said reserves to be subject to the approval of the Lieutenant Governor in Council.

And the government of Ontario stipulates no part of the expense of survey and location of the said reserves to be at any time at the cost of the government of Ontario.

And further, that no site suitable for the development of water-power exceeding 500 horse-power shall be included within the boundaries of any reserve.

It is also agreed between the parties hereto that no part of the cost of negotiating the said treaty is to be borne by the province of Ontario.

In witness whereof, these presents have been signed and sealed on behalf of the government of Canada by the Honourable Frank Oliver, Superintendent General of Indian Affairs, and on behalf of the government of Ontario by the Honourable Francis Cochrane, Minister of Lands and Mines.

Signed, sealed and delivered by the Honourable Frank Oliver, in presence of FRANK PEDLEY, and by the Honourable FRANCIS COCHRANE in the presence of GEO. W. YATES.	FRANK OLIVER.
	F. COCHRANE.

Agreement between counsel on behalf of the Dominion and Ontario, intervening parties upon the appeal to the Judicial Committee of the Privy Council in Ontario Mining Company vs. Seybold et al.

As to all treaty Indian reserves in Ontario (including those in the territory covered by the Northwest Angle Treaty, which are or shall be duly established pursuant to the statutory agreement of one thousand eight hundred and ninety-four), and which have been or shall be duly surrendered by the Indians to sell or lease for their benefit, Ontario agrees to confirm the titles heretofore made by the Dominion, and that the Dominion shall have full power and authority to sell or lease and convey title in fee simple or for any less estate.

The Dominion agrees to hold the proceeds of such lands when or so far as they have been converted into money upon the extinction of the Indian interest therein, subject to such rights of Ontario thereto as may exist by law.

As to the reserves in the territory covered by the Northwest Angle Treaty which may be duly established as aforesaid, Ontario agrees that the precious metals shall be considered to form part of the reserves and may be disposed of by the Dominion for the benefit of the Indians to the same extent and subject to the same undertaking as to the proceeds as heretofore agreed with regard to the lands in such reserves.

The question as to whether other reserves in Ontario include precious metals to depend upon the instruments and circumstances and law affecting each case respectively.

Nothing is hereby conceded by either party with regard to the constitutional or legal rights of the Dominion or Ontario as to the sale or title to Indian reserves or precious metals, or as to any of the contentions submitted by the cases of either government herein, but it is intended that as a matter of policy and convenience the reserves may be administered as hereinbefore agreed.

Nothing herein contained shall be considered as binding Ontario to confirm the titles heretofore made by the Dominion to portions of Reserve 38B already granted by Ontario as appearing in the proceedings.

(Sgd.) E. L. NEWCOMBE, *for the Dominion.*

(Sgd.) EDWARD BLAKE, *for Ontario.*

Dated 7th July, 1902.

DEPARTMENT OF ATTORNEY GENERAL, TORONTO.

Copy of an Order in Council approved by His Honour the Lieutenant Governor, the 13th day of February, A.D. 1907.

Upon consideration of the report of the Honourable the Minister of Lands, Forests and Mines, dated 11th February, 1907, the Committee of Council advise that Your Honour may be pleased to ratify so far as may be necessary the treaty entitled the James Bay Treaty No. 9, made by the Commissioners, Messrs. Duncan Campbell Scott, Samuel Stewart and Daniel George Mac-Martin, who were appointed to negotiate with the Ojibeway, Cree and other Indians inhabiting the territory hereinafter defined for the cession by the said Indians to the Crown on the terms embodied in the treaty, all their rights, titles and privileges to the land included in the said territory, the limits of which may be described as follows: That portion or tract of land lying and being in the province of Ontario bounded on the south by the height of land and the northern boundary of the territory ceded by the Robinson Superior Treaty of 1850, and the Robinson Huron Treaty of 1850, and bounded on the east and north by the boundaries of the said province of Ontario as defined by law and on the west by a part of the eastern boundary of the territory ceded by the Northwest Angle Treaty No. 3.

The committee further advise that Your Honour may be pleased to approve and confirm the selection of the following reserves described in the schedule attached to the report of the said commissioners, dated 6th November, 1905, and in the schedule of reserves Treaty No. 9, 1906, it being clearly understood that the government of the Dominion shall be responsible for the survey of the said reserves and that plans and field notes of the said reserves shall be deposited in the office of the Minister of Lands, Forests and Mines when such surveys have been made.

Osnaburg, an area of 20 square miles.
English River, an area of 12 square miles.
Moose Factory, an area of 66 square miles.
New Post, an area of 8 square miles.
Abitibi, an area of 30 square miles.
Matachewan, an area of 16 square miles.
Metagami, an area of 20 square miles.
Flying Post, an area of 23 square miles.
Ojibeways, at Chapleau, 160 acres.
Moose Factory Creees, at Chapleau, 160 acres.
New Brunswick House, an area of 27 square miles.
Long Lake, an area of 27 square miles.

Certified,

J. LONSDALE CAPREOL,

Clerk, Executive Council.

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 5th November, 1930.

The Committee of the Privy Council, on the recommendation of the Superintendent General of Indian Affairs, submit for Your Excellency's ratification and confirmation the annexed instrument containing the adhesion to James Bay Treaty Number Nine of the Ojibeway Indians and other Indians in Northern Ontario, taken at Trout Lake on the 5th day of July, 1929; at Windigo River on the 18th day of July, 1930; at Fort Severn on the 25th day of July, 1930; at Winisk on the 28th day of July, 1930, by Mr. Walter Charles Cain and Mr. Herbert Nathaniel Awrey, who were appointed by Order in Council P.C. 921, 30th May, 1929, as His Majesty's Commissioners to take the said adhesion.

E. J. LEMAIRE,

Clerk of the Privy Council.

The Honourable

The Superintendent General of Indian Affairs.

Adhesions to Treaty Number Nine

WHEREAS His Most Gracious Majesty George V, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, has been pleased to extend the provisions of the Treaty known as The James Bay Treaty or Treaty Number Nine, of which a true copy is hereto annexed, to the Indians inhabiting the hereinafter described territory adjacent to the territory described in the said Treaty, in consideration of the said Indians agreeing to surrender and yield up to His Majesty all their rights, titles and privileges to the hereinafter described territory.

AND WHEREAS we, the Ojibeway, Cree and all other Indians inhabiting the hereinafter described Territory, having had communication of the foregoing Treaty and of the intention of His Most Gracious Majesty to extend its provisions to us, through His Majesty's Commissioners, Walter Charles Cain, B.A., of the City of Toronto, and Herbert Nathaniel Awrey, of the City of Ottawa, have agreed to surrender and yield up to His Majesty all our rights, titles and privileges to the said territory.

NOW THEREFORE we, the said Ojibeway, Cree and other Indian inhabitants, in consideration of the provisions of the said foregoing Treaty being extended to us, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for His Majesty the King and His Successors forever, all our rights, titles and privileges whatsoever in all that tract of land, and land covered by water in the Province of Ontario, comprising part of the District of Kenora (Patricia Portion) containing one hundred and twenty-eight thousand three hundred and twenty square miles, more or less, being bounded on the South by the Northerly limit of Treaty Number Nine; on the West by Easterly limits of Treaties Numbers Three and Five, and the boundary between the Provinces of Ontario and Manitoba; on the North by the waters of Hudson Bay, and on the East by the waters of James Bay and including all islands, islets and rocks, waters and land covered by water within the said limits, and also all the said Indian rights, titles and privileges whatsoever to all other lands and lands covered by water, wherever situated in the Dominion of Canada.

TO HAVE AND TO HOLD the same to His Majesty the King and His Successors forever.

AND we, the said Ojibeway, Cree and other Indian inhabitants, represented herein by our Chiefs and Councillors presented as such by the Bands, do hereby agree to accept the several provisions, payments and other benefits, as stated in the said Treaty, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein on the part of the said Chiefs and Indians therein named, to be observed and performed, and in all things to conform to the articles of the said Treaty as if we ourselves had been originally contracting parties thereto.

AND HIS MAJESTY through His said Commissioners agrees and undertakes to set aside reserves for each band as provided by the said aforementioned Treaty, at such places or locations as may be arranged between the said Commissioners and the Chiefs and headmen of each Band.

IN WITNESS WHEREOF, His Majesty's said Commissioners and the said Chiefs and headmen have hereunto subscribed their names at the places and times hereinafter set forth.

SIGNED at Trout Lake, on the Fifth day of July, 1929, by His Majesty's Commissioners and the Chief and headmen in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses:

MARY C. GARRETT.
LESLIE GARRETT.
GORDON L. BELL, M.B.
KARL BAYLY.

WALTER CHARLES CAIN, *Commissioner*.
HERBERT NATHANIEL AWREY, *Commissioner*.
SAMSON BEARDY—Signed in Syllabic.
GEORGE WINNAPETONGE—Signed in Syllabic.
JEREMIAH SAINNAWAP—Signed in Syllabic.
ISAAC BARKMAN.
JACK MCKAY—Signed in Syllabic.
JACOB FROG—Signed in Syllabic.

SIGNED at Windigo River on the Eighteenth day of July, 1930, by His Majesty's Commissioners and the Chief and headmen in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses:

JOHN T. O'GORMAN.
JOHN WESLEY.

WALTER CHARLES CAIN, *Commissioner*.
HERBERT NATHANIEL AWREY, *Commissioner*.
APIN KA-KE-PE-NESS—Signed in Syllabic.
JONAS WA-SA-KI-MIK—Signed in Syllabic.
SAMUEL SA-WA-NIS—Signed in Syllabic.
JOHN QUE-QUE-ISH—Signed in Syllabic.
PATRICK KA-KE-KA-YASH—Signed in Syllabic.
SENIA SAK-CHE-KA-POW—Signed in Syllabic.

SIGNED at Fort Severn on the Twenty-fifth day of July, 1930, by His Majesty's Commissioners and the Chief and headmen in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses:

JOHN T. O'GORMAN.
DAVID A. HARDING.
R. KINGSLEY ROSE.
GEO. THIRD.
GERALD McMANUS.
RENE GAUTHIER.
H. F. BLAND.
HENRY J. MANN.

WALTER CHARLES CAIN, *Commissioner*.
HERBERT NATHANIEL AWREY, *Commissioner*.
GEORGE BLUECOAT—Signed in Syllabic.
MUNZIE ALBANY—Signed in Syllabic.
SAUL CROW—Signed in Syllabic.

SIGNED at Winisk on the Twenty-eighth day of July, 1930, by His Majesty's Commissioners and the Chief and headmen in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses:

L. PH. MARTEL, O.M.I.
JOHN THOMAS O'GORMAN.
JOHN HARRIS.
RAY T. WHEELER.

WALTER CHARLES CAIN, *Commissioner.*
HERBERT NATHANIEL AWREY, *Commissioner.*
XAVIER PATRICK—Signed in Syllabic.
JOHN BIRD—Signed in Syllabic.
DAVID SUTHERLAND—Signed in Syllabic.

ONTARIO
EXECUTIVE COUNCIL OFFICE

Copy of an Order in Council, approved by the Honourable the Lieutenant Governor, dated the 18th day of June, A.D. 1931

The Committee of Council have had under consideration the report of the Honourable the Minister of Lands and Forests, dated June 8, 1931, therein he states that, by a Commission dated the thirtieth day of May, 1929, issued in pursuance of an agreement dated the first day of March, 1929, between the Superintendent General of Indian Affairs on behalf of the Government of Canada and the Minister of Lands and Forests of the Province of Ontario on behalf of the Government of Ontario, and in accordance with a Minute of a Meeting of the Committee of the Privy Council approved by His Excellency the Governor General on the said thirtieth day of May, 1929, Mr. Walter Charles Cain, Deputy Minister of Lands and Forests for the Province of Ontario, and Mr. Herbert Nathaniel Awrey, of the Department of Indian Affairs, were appointed Commissioners "For the purpose of negotiating an extension of James Bay Treaty No. 9 with the Ojibeway and other Indians, inhabitants of the territory within the limits hereinafter defined and described, by their chiefs and headmen, for the purpose of opening for settlement, immigration, trade, travel, mining and lumbering, and for such other purposes as to His Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and of obtaining the consent thereto of His Indian subjects inhabiting the said tract, and of arranging with them for the cession of the Indian rights, titles and privileges to be ceded, released, surrendered and yielded up to His Majesty the King, and His successors forever, so that there may be peace and good-will between them and His Majesty's other subjects, and that His Indian people may know and be assured of what allowances they are to count upon and receive from His Majesty's bounty and benevolence, which said territory may be described and defined as follows, that is to say:—

All that tract of land and land covered by water in the Province of Ontario, comprising part of the District of Kenora (Patricia portion), containing one hundred and twenty-eight thousand three hundred and twenty square miles more or less, being bounded on the south by the northerly limit of Treaty Nine; on the west by the easterly limits of Treaties Three and Five, and the boundary between the provinces of Ontario and Manitoba; on the north by the waters of Hudson Bay, and on the east by the waters of James Bay, and including all islands, islets and rocks, waters and land covered by water within the said limits;

the said treaty to release and surrender also all Indian rights and privileges whatsoever of the said Indians to all or any other lands wherever situated in Ontario, Quebec, Manitoba or the District of Keewatin or in any other portion of the Dominion of Canada."

That the said James Bay Treaty amongst other things provided for the laying aside of reserves for each band in the proportion of one square mile for each family of five or in that proportion for larger or smaller families, such reserves when confirmed to be held and administered by His Majesty for the benefit of the Indians free of all claims, liens or trusts by Ontario.

That adhesions to Treaty Number Nine, copy of which Adhesions is hereto annexed, marked Schedule "A", entered into between the said Commissioners and the Indians under the authority heretofore referred to, provide for the setting aside, through the said Commissioners, such reserves for each Band as is provided for by the said aforementioned Treaty at such places or locations as may be arranged between the said Commissioners and the Chiefs and Headmen of each Band.

That, by Ontario Statute, 1912, ch. 3, the Legislative Assembly of the Province of Ontario consented to recognize the rights of the Indian inhabitants in the territory added to and now included in the Province of Ontario by The Ontario Boundaries Extension Act, Statutes of Canada, 1912, Chapter 40.

That said Commissioners appointed to negotiate said extension of said James Bay Treaty Number 9, among other things, reported that,—

"A band of Indians residing in the vicinity of Deer Lake within the territory included in Treaty No. 5, signed Adhesion to said Treaty on the 9th June, 1910, and under its conditions were assured a reserve in the proportion of 32 acres per capita. At this time the territory formed no part of the Province of Ontario, it being then part of the Northwest Territories. A final selection of the reserve had not been made and although the band in 1910 resided in the vicinity of Deer Lake and the members have since changed their abode and are now in larger numbers resident about Sandy Lake, situate within territory covered by the Commission under which the undersigned Commissioners are functioning.

In 1910 when this band was admitted they numbered 95, augmented in the year following by 78 Indians transferred from the Indian Lake band resident in Manitoba. These numbers have now increased to 332, and as the Island Lake Indians have been allotted their reserve and have had it duly surveyed on a basis excluding those transferred to the Deer Lake band, the latter are now entitled to a grant."

That the Deer Lake band of Indians desires that a reserve be set aside for said band.

That the places or locations for the reserves set aside for each band of Indians, whose Chiefs and Headmen in the years 1929 and 1930 signed the Adhesions to Treaty No. 9, have been arranged between said Commissioners and the Chiefs and Headmen of each respective band of Indians.

That the places or locations of said reserves so set aside and so arranged between the said Commissioners and the Chiefs and Headmen of each respective band of Indians are set forth in the Report of Commissioners *re* Adhesions to Treaty No. 9 for the year 1930, in which Report said Commissioners recommend:—

"(a) That the surrender made in the year 1905 by the Indians of such portion of the territory then in the Northwest Territories and now within the Province of Ontario be approved and confirmed.

"(b) That the following reserves situated in the area referred to in the preceding paragraph (a) be approved and confirmed.

1. Osnaburg, North side Albany river, 53 square miles.
2. Fort Hope, 100 square miles.
3. Marten Falls, 30 square miles.
4. Fort Albany, 140 square miles.

These reserves having been duly surveyed and plans of same filed some years ago.

“(c) That all the new reserves hereinafter roughly described and shown coloured black on accompanying map (marked Schedule “B”) be approved and confirmed.

“(d) That any mining claims staked out and recorded, within any of the above mentioned unsurveyed reserves, subsequent to the date of the signing of the Adhesion covering the areas, shall in all respects be subject to the provisions of Ontario Statutes 1924, Cap. 15, 14 Geo. V, which defines and protects the rights of the Indians.”

The Minister, therefore, recommends the approval, ratification and confirmation of:—

1. The surrenders, as far as may be necessary, made in the year 1905 by the Indians of such portions of the territory as at that time were within the limits of the Northwest Territories and now within the Province of Ontario by reason of The Ontario Boundaries Extension Act, Statutes of Canada, 1912, Ch. 40.

2. The Osnaburg (North side Albany river, 53 square miles), Fort Hope (100 square miles), Marten Falls (30 square miles) and Fort Albany Reserve (140 square miles) allotted to the Indians in pursuance of the surrenders made by them in the year 1905 under Treaty No. 9, at which time such reserves were within the limits of the Northwest Territories but now, under The Ontario Boundaries Extension Act, Statutes of Canada, 1912, Ch. 40, within the limits of the Province of Ontario.

3. The Treaty entitled Adhesions to Treaty No. 9 made by Messrs. Walter Charles Cain and Herbert Nathaniel Awrey, who were appointed to negotiate with the Ojibeway and other Indian inhabitants of the territory, referred to in page 1 hereof, for the cession by said Indians to the Crown on the terms embodied in said Treaty No. 9 of their rights, titles and privileges to the land included in the said territory.

4. The reserves mentioned in the report of the said Commissioners and duly selected by them under agreement with the representative Chiefs and Headmen of each Band, such reserves being described and set out on Schedule “C” hereto attached; it being clearly understood however that the Government of Canada shall be responsible for the survey of these reserves and that plans and field notes of such shall be deposited in the Department of Lands and Forests for the Province and be duly approved by the Surveyor-General.

The Minister further recommends that any mining claims staked out and recorded within any of the above mentioned unsurveyed reserves subsequent to the date of the signing of the Adhesion covering the areas shall in all respects be subject to the provisions of Ontario Statutes, 1924, Chapter 15, which defines and protects the rights of the Indians.

The Committee of Council concur in the recommendations of the Honourable the Minister of Lands and Forests, and advise that the same be acted on.

Certified,

C. H. BULMER,

Chief, Executive Council.

SCHEDULE "C"

Reserves Approved and Confirmed

FOR TROUT LAKE INDIANS

RESERVE 1, Trout Lake.—Lying on the East and Southeast shore of Trout Lake where it empties into the Fawn river and on both sides thereof along the shore of said lake for $3\frac{1}{2}$ miles more or less and back therefrom to a distance of approximately 12 miles, always, as far as possible, at a distance of $3\frac{1}{2}$ miles from the shore on each side of the main channel of the said Fawn river, containing 85 square miles more or less.

RESERVE 2, Sachigo Lake.—Lying at the outlet of Sachigo lake where it empties into Sachigo river and extending on both sides thereof along the shore of the said lake $1\frac{1}{2}$ miles more or less and back therefrom to a distance of approximately 4 miles, always, as far as possible, at a distance of $1\frac{1}{2}$ miles from the shores on each side of the main channel of the said river, containing 14 square miles more or less.

RESERVE 3, Wunnumin Lake.—Lying at the southeast end of Wunnumin lake where it empties into the Winisk river, $4\frac{1}{2}$ miles in frontage by 6 miles in depth, the area to be largely to the South side, the North boundary to be so extended as to include sufficient area on both sides of the river, containing 27 square miles more or less.

FOR CARIBOU LAKE INDIANS

Caribou Lake.—Lying on the South shore of Caribou lake, slightly to the left or Westerly end, so that sufficient frontage of a somewhat extended bay will be included, the dimensions to be approximately 8 miles long by 4.4 miles wide.

FOR DEER LAKE BAND

Sandy Lake Narrows.—Lying at the Narrows, being a stretch of water lying between Sandy Lake and Lake Co-pe-te-qua-yah, the reserve to comprise 10,624 acres, or approximately 17 square miles, to be laid out in a rectangle having a width, so far as possible, of at least 3 miles with sufficient depth to satisfy the acreage requirement.

FOR FORT SEVERN BAND

Fort Severn.—At the mouth of the Beaverstone river, where it joins the Severn river, $1\frac{1}{2}$ miles frontage on each side of the Beaverstone river and back 5 miles more or less from the mouth, the said river being shown on map No. 20a, issued in 1926 by the Province of Ontario, as "Beaverstone", although called "Castorum" by the Hudson's Bay Company and "We-ke-mow" by the Indians, containing 15 square miles more or less.

FOR WINISK BAND

Winisk.—Situated at the old outpost of the Hudson's Bay Company up the Winisk river at its junction with what is known as the Asheweig river, the reserve to be so laid out as to comprise a width of 3 miles or $1\frac{1}{2}$ miles on each side of the West branch of the Asheweig river where it empties into the Winisk, and to follow both sides of the said Asheweig river $5\frac{1}{2}$ miles, or such distances as will afford a total area of 17 square miles more or less.

FOR ATTAWAPISCAT BAND

Attawapiscat.—Situated at the junction of the Little Eqwan river with the main Eqwan river, to start on the main Eqwan river at a point $4\frac{1}{2}$ miles west of the said junction and to comprise a width of 6 miles, or 3 miles on each side of the river, and a depth down the river of approximately 17.4 miles, containing 104.4 square miles more or less.

It being clearly understood that the Government of the Dominion is to be responsible for the survey of these reserves and that plans and field notes of the said reserves shall be deposited in the office of the Minister of Lands and Forests when such surveys have been made.