

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 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 Stewarr, of Ottawa, Ontario, Esquire; and Daniel Sagan, the Haudenosaunee, of the Province of Ontario, of the one part; and the Chipewyan Cree and other Indian inhabitants of the territory within the limits hereinafter defined and described, by their Chiefs and Headmen, herunto 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 founded 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 Chipewyan 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 herebycede, release, surrender and yield up to the Government of the Dominion of Canada, for His Majesty the King, and His Successors forever, 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 North West Angle Treaty, No. 3; the said land containing an area of ninety thousand square miles, more or less.

And

And also the said Indian rights, titles and privileges whatsoever to all other lands wherever situated in Ontario, Quebec, Manitoba, the District of Newwater, 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 forever.

And His Majesty the King hereby agrees with the said Indians that they shall have 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 or 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, taxes 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 Majesty and His said 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 forever, 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 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

And the undersigned Ojibway 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; in 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 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 Osnaburgh on the twelfth day of July 1705 by His Majesty's Commissioners and the Chiefs & Headmen in the presence of the undersigned witnesses after having been first interpreted & explained.

Witnesses

Thomas Clouston Esq
 Alex. George Meindl M.D.
 Jacob Williams Clerk

Francis Campbell Scott

Samuel Smith
 Daniel George MacLachlan
 Missabay + Comback
 Niema + Micaly David + Samk
 George + Waheewahung John + Stunk
 Kewick + Thomas + Panawere
 Kewick +
 Kewick +

Signed at Fort Hope on the nineteenth day of July 1705 by His Majesty's Commissioners and the Chiefs and Headmen in the presence of the undersigned witnesses after having been first interpreted & explained.

Witnesses

Off. A. Tappin Esq
 Thomas Clouston Esq
 Alex. George Meindl M.D.
 Chas. Hill Gordon Clerk

Francis Campbell Scott

Samuel Smith
 Daniel George MacLachlan
 Grant + Monias John + Abt panagushkan
 George + Namay Joe + Goodwin Jacob + Rabbit
 Menansau + Arare Abraham + Ahlookan
 George + Quises Hoany + Kinegeuk
 Katchang + Koin + Keshinopais
 Katchang +

signed at Marlborough Falls on the twenty fifth day of July 1905 by His Majesty's Commissioners and the Chiefs & headmen in the presence of the undersigned witnesses after having been first interpreted & explained.

Witnesses

Thomas Clouston Rae, C.T., H.B.C.
Alex. George Meindl M.D.
Samuel Searhoff

Bureau Campbell Scott

Samuel Stewart
Daniel George MacMaster
William Whitehead
William Coaster
David Knappawut
Ostasmoost Long Tom
William Weenish
max

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

Witnesses

Thomas Clouston Rae, C.T., H.B.C.
A.H. Patterson
A. McCreem
Alex. George Meindl M.D.
Philip Patterson
Minnie Lockman

Bureau Campbell Scott

Samuel Stewart
Daniel George MacMaster
Charlie Stephen
Patrick Stephen
David Wynne
Andrew Waley
Jacob Saktail
John Waley
Naris Biria
Peter Saokany
Samb Scott
Montford
max
max
max
max
max
max
max
max
max
max

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 & explained.

Witnesses

George Moosonee
Thomas Clouston Rae, C.T., H.B.C.
John George Masak, H.B.C.
Thomas David Holland B.A.
James Parkinson

Bureau Campbell Scott

Samuel Stewart
Daniel George MacMaster
Simon Smullen
Henry Tappin
Henry Saylor
John Nakooz
John Dick
Simon Metchuan
John Jefferies
Fred Mark
James Metappe
Simon Cicena
H.C. 706
700
max
max
max

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

Witnesses

Thomas Clouston Rae, C.T., H.B.C.
George Meindl M.D.
Joseph Louis Caravel

Bureau Campbell Scott

Samuel Stewart
Daniel George MacMaster
August Weenish
John Weenish
William Guil
max
max
max

Signed at Nitisi on the seventh day of June 1905 by His Majesty's
Commissioners and the Chiefs & Headmen in the presence of the
undersigned witnesses after having been first interpreted and explained.

Witnesses
George Grever
Alex. George Meindl M.D.
Pellam Logan

Duncan Campbell Scott
Samuel Stuart
Daniel George MacMartin
Louis + McDougal Sr
Andrew + McDougal
Michel + Penatuck
old + Cheese

Loui mac Dougal
attest, etc

Signed at Matachewan on the twentieth day of June 1906 by His
Majesty's Commissioners and the Chiefs & Headmen in the presence of the
undersigned witnesses after having been first interpreted and explained.

Witnesses
Pellam Logan
George Boutwell
Alex. George Meindl M.D.

Duncan Campbell Scott
Samuel Stuart
Daniel George MacMartin
Michel + Batise
Thomas + Fox
Rome + Eyes
Jimmy + Pierce

Signed at Metagama on the seventh day of July 1906 by His Majesty's
Commissioners and the Chiefs & Headmen in the presence of the
undersigned witnesses after having been first interpreted and explained.

Witnesses
Geo Miller
Pellam Logan
A. M. C. Bunting
Kenneth Ross

Duncan Campbell Scott
Samuel Stuart
Daniel George MacMartin
Andrew Luke +
Joseph Shumner
Thomas Chicken
James Waver
The Dal...
C. P. P.

Signed at Flying Post on the sixteenth day of July 1906 by His Majesty's
Commissioners and the Chiefs & Headmen in the presence of the
undersigned witnesses after having been first interpreted & explained.

Witnesses
A. J. M. L. ...
Pellam Logan
Alex. George Meindl M.D.
Joseph Louis ...

Duncan Campbell Scott
Samuel Stuart
Daniel George MacMartin
Albert Black ...
Isaac ...
John Isaac ...
William Frog ...
Thomas Frog ...

Signed at New Brunswick House on the twenty fifth day
of July 1906 by His Majesty's Commissioners & the Chiefs & Headmen in the
presence of the undersigned witnesses after having been first interpreted & explained:

Witnesses

George Morrison
James G. Christie
Grace M. Lavis
Claude D. O'Neil
Pellam Logan
Edmund Morris

Buncan Campbell Scott
Samuel Hurst
Daniel George MacMaster
Alex Pecketai
Pootoosh hi + mark
Peter Mitigonabie his + mark
Tom Keshwabun cr
Jaest Windabie 265

Signed at Long Lake on the ninth day of August 1906 by His
Majesty's Commissioners & the Chiefs & Headmen in the presence of the
undersigned witnesses after having been first interpreted & explained

Witnesses

H. H. Remondy
Isabella Leonard
P. Louchere
Pellam Logan

Buncan Campbell Scott
Samuel Hurst
Daniel George MacMaster
Kwiskigijekweang 9 P P S 9 4 P
Keneswabe 9 5 1 2 1
Matawagan 4 C D 6
Olagames 4 C 6 5

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 North-West Angle Treaty which are or shall be duly established pursuant to the statutory Agreements of One Thousand Eight Hundred and Ninety-Four) and which have been or shall be duly surrendered by the Indian to sell or lease for their benefit, Ontario agree 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 agree 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 North-West Angle Treaty which may be duly established as aforesaid Ontario agree that the precious metals shall be considered to form part of the Reserve and may be disposed of by the Dominion for the benefit of the Indian 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 herein before agreed.

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

(Sgd) C. L. Newcombe,

For the Dominion.

(Sgd) Edward Blake,

For Ontario.

Dated 7th July, 1902.