

TREATY RESEARCH REPORT

TREATY NINE

(1905-1906):

THE JAMES BAY TREATY

by

James Morrison

for

Treaties and Historical Research Centre

Indian and Northern Affairs Canada

1986

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FOREWORD

In response to continuous petitions from the Cree and Ojibwa people of northern Ontario, and in keeping with its policy of paving the way for settlement and development, the federal government in 1905-06 negotiated Treaty Nine, alias the James Bay Treaty. This treaty differs from the other "numbered" treaties in that, for the first and only time, a provincial government took an active role in the negotiations. Together with the area acquired by adhesions in 1929-30, Treaty Nine covers almost two-thirds of the province of Ontario.

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I: "We ask you to help us"

Chief Louis Espagnol was worried. "All of my old people who used to hunt near here are in great need," he wrote from Lake Pogamasing in December of "The trappers have stolen all our beaver, so there is nothing left for them to hunt and they are too old to go anywhere else ... there are also about twenty old sick women, invalids and orphans who are very badly off and they all join me in asking you to help us."¹ The chief's plea was addressed to James Phipps, visiting superintendent of Indian Affairs for Manitoulin Island and Lake Huron. In forwarding the request to his departmental superiors, Phipps explained that only some of these people fell within his jurisdiction. "About half the Indians in the Band of Louis Espagnol," he noted; "have no Reserve nor any Treaty relations with the Crown."²

Sahquakegick, alias Louis Espagnol, was chief of one of the divisions of the Eshkemanetigon or Spanish River Band on Lake Huron. In September of 1850 his older brothers had signed, on behalf of the band, one of the two agreements the Honourable W.B. Robinson had negotiated with the Indian people of northern Lakes Huron and Superior.³ Under the terms of what came to be called the Robinson-Huron and Robinson-Superior Treaties, various bands of Ojibwa had surrendered to the Crown an immense territory between the lake front and the height of land dividing the Great Lakes and Hudson Bay watersheds in exchange for an annuity, a reserve for each band, and the promise of continued hunting and fishing rights over unoccupied Crown lands.⁴ In 1850 the surrendered lands had been part of the province of Canada (West) -- which at Confederation became the province of Ontario. Beyond the height of land, within territories covered, until 1870, by the Hudson's Bay Company's Rupert's Land Charter of 1670, lived several thousand more Ojibwa and Cree people.⁵ As with Louis Espagnol's band, some of those who lived near the northern divide belonged to groups which had taken part in the Robinson treaties. In the course of making those agreements, for example, W.B. Robinson reported that Long Lake, which lies about one hundred and fifty kilometers inland from Lake Superior, was the headquarters for 216 Indians, only 80 of whom actually inhabited the ceded tract, with the rest living "beyond the Height of Land in the Hudson's Bay Territory."⁶ To people such as these, it seemed inexplicable that an artificial boundary prevented all band members from sharing equally in treaty benefits. "I frequently meet with Indians from the height of. land at Missaisagua & Serpent River," Superintendent Phipps had commented in early 1880, "and have often been applied to by them to be placed on the Pay list of the Robinson Treaty, which of course could not be done."⁷

But Chief Espagnol's urgent petition in December of 1884 was qualitatively different from earlier requests--and Mr. Phipps knew the reason why. As he informed the superintendent-general of Indian Affairs, the "construction of the Canadian Pacific Railway has opened up the country in the neighbourhood of Lake Pogamasing to White Trappers who deprive the Indians of the Beaver (which they carefully preserved, never taking all, but leaving some to increase) and as the Whites kill and destroy all they can, the consequence will be that no Beaver will be left in that section of country."⁸ At first, the northern Cree and Ojibwa had welcomed the railroad--for Indian people had never hesitated to adopt the white man's technologies if they could be put to Indian use. This was as true of transportation as it was of more obvious material goods such as the gun, the iron pot and the canvas tent. Within a year of the advent of steam vessels on Lake Huron in the 1840s, Ojibwa people--if they could afford the fare--were travelling to and from their lakeshore village sites to Sault Ste Marie, to Manitoulin Island, or to Penetanguishene and Owen Sound to trade, visit relatives and receive their annual presents from the British government.⁹ When the railhead had arrived north of

Lakes Huron and Superior, many people drew on traditional skills as they guided exploration parties, helped to cut the right of way, and provided construction camps with country food.¹⁰ For those who lived near the line of track, the railway greatly simplified transportation of supplies to their winter hunting grounds. And for all of the northern inlanders, it meant cheaper goods and higher prices for furs, thanks to itinerant merchants who followed the railhead westward--just as, a generation earlier, fur traders had plied their wares on the steamer route along the northern and eastern coast of Lake Huron.¹¹

"Until two years ago we had almost a monopoly of the fur trade, not losing many skins to the weak opposition who were against us," wrote Chief Trader T.C. Rae of the Hudson's Bay Company, whose district in 1885 covered much of northeastern Ontario. Rae's analysis was typical of Company employees:

Now however the best part of the district is intersected by the Nipissing & Superior Branch of the Canadian Pacific Railway & the country is liable, at any time, to be raided by free traders who can transport goods without much trouble within any easy distance of Flying Post & Matawagamingue from which places the Railroad is distant only 50 or 60 miles in a straight line.¹²

For the first time since its merger with the Northwest Company in 1821, the Hudson's Bay Company faced serious competition in the near north. Its officials were furious with the "sharks who do business along the line"--as Chief Trader Alex Matheson of Red Rock called them--especially since their number included station agents and other C.P.R. employees who "trade with every Indian they come across."¹³ By 1890, the Hudson's Bay Company had been forced to downgrade inland posts such as Mattawagamingue and Brunswick House and to move much of their business to railway hamlets like Biscoasting and Chapleau, Missanabie and Dinorwic.¹⁴

Throughout the north, Company employees were ordered to watch the opposition closely and to keep inlanders away from the railway line.¹⁵ "Several Albany Indians were coming over to meet the opposition to trade their furs," reported the officer in charge of the Lake Nipigon post in 1892, when one of the Company's men "intercepted them & brought them to him securing all the fur they had & as they were still short of some necessaries gave them the above amount in debt on condition that they would immediately return to their own posts in Albany district, which they did."¹⁶ But the Hudson's Bay Company was not always so successful. According to the chief factor at Moose Factory in 1891, some enterprising Cree had already taken their furs out to the railway, where their eyes were thus opened to the fact that much higher prices would be paid them along the line...than they



“The train from the East brought in an old friend, Chief Louis Espaniol of Pogamasing. Louis was attired in great splendour and his appearance was greatly admired. He had on a Caribou skin uniform with any amount of fringe, as well as pendants of goose bones with tips of deer skin. The Jacket had pockets of red and blue cloth, decorated with beads of various colours. He also wore garters similarly decorated. On his feet were a pair of Caribou moccasins with porcupine designs. He wore a wampum bandolier, and on his breast were two large George 3rd silver medals...Taking him all in all, Louis was quite a heavy swell, and he was very well aware of the fact.”

Treaty Commissioner Samuel Stewart, Biscoasting, 12 July 1906.

Ontario Archives, SM631.

could get at Moose."¹⁷ The refrain was always the same. The Indian people were becoming "very much more troublesome to deal with," even refusing to repay the goods advanced them on account in the fall.¹⁸ There was, of course, more than a little special pleading in all of this. Chief Trader Matheson revealed all when he explained to the Company commissioner in 1892 that there "is an inevitable loss on Indian Advances, but it is more apparent than real, as the goods debted out to Indians are always priced higher than general customers."¹⁹ At Chapleau, goods advanced to Indian people were marked up 35 per cent over the same merchandise sold to "general" customers.²⁰

With a mixture of anger and genuine regret, Hudson's Bay Company traders mourned the passing of their paternalistic sway over the northern Ojibwa and Cree. "The Indians are becoming more corrupted according to their intercourse with the whites and roving Missionaries," wrote Peter Warren Bell from Michipicoten. "The only true Indian is the simon pure . . . Hudson Bay infidel who has intercourse with the Company alone & only at stated periods."²¹ Like all such generalizations, Bell's complaint contained a kernel of truth--for the railway was not an unalloyed blessing to the Indian people. Observers like Bell repeated a litany already familiar from the history of Indian-white relations throughout the Americas.²² "I sent James Saunders to drive Ashanoquet further inland," remarked John Black, the Chapleau trader, in December of 1885, "the old fellow is reported to me as sponging along the line of the C.P.R. in pursuit of liquor." Chapleau, like any other frontier town, was a rough and tumble sort of place. "The C.P.R. officials are determined to clear their division points," added Black, "but I am afraid whiskey shall be sold in injurious quantities in spite of all their efforts. Section gangs to a man refuse to give any assistance in pulling down grog shacks saying, reasonably enough, they were not hired to endanger their lives doing police work."²³ In fact, there was little police work of any kind along the railway. Independent traders found it lucrative business to exchange "ascuty wabo" for furs. Though the Hudson's Bay Company had virtually eliminated the sale of fire water within Rupert's Land after 1821 (after freely distributing it for a century and a half), Company men began offering liquor covertly to their Indian customers in railway towns. It took the threat of legal sanctions from the Sault Ste Marie Indian agent to persuade both the Company and its competition to stop supplying the Robinson Treaty Indians of Chapleau and Missanabie with liquor.²⁴ To a missionary like the Jesuit Father Joseph Specht, who travelled widely throughout the hinterland from his base at Thunder Bay, white contact was an unmitigated disaster for his Indian charges. He complained bitterly about the "intemperance" and family violence he saw, and he particularly deplored the presence of so many isolated single men--construction gangs or section crews--among the Indian women.²⁵

And with increased contact came the usual complement of unfamiliar diseases. When combined with the cyclical downturn in animal populations--a regular occurrence at seven to ten-year intervals--the consequences could be devastating. An outbreak of measles at Chapleau and Missanabie in 1889 caused several deaths among the treaty Indians of those localities and then spread to the non-treaty people who lived inland from the railway line near Micabanish (Brunswick) and Missinaibi Lakes. These same people had barely recovered when the rabbit population--a traditional winter food--hit bottom, causing more hardship.²⁶ Country food was again scarce a decade later, when an epidemic of influenza struck the same groups, decimating their populations.²⁷ According to the Hudson's Bay Company trader on Missinaibi Lake, several people died of star-

vation during the winter of 1898-99 Alone.²⁸ But it was not just within reach of the railway line that suffering occurred. Several hundred kilometers away, at Moose Factory on the James Bay coast, measles and pneumonia combined during the winter and spring of 1900-01 to carry off more than 60 of the 600 or so people who traded at that post.²⁹

Traditional healers were little match for the white man's diseases; yet access to the white man's healers--who if seldom more successful at providing a cure, were better at preventing a given disease from spreading--was very much a random affair. At a large Hudson's Bay Company establishment like Moose Factory, there was usually a doctor in residence, and that particular locale also had an Anglican Mission hospital with a nurse in charge. At Fort Albany, further up the James Bay coast, the Oblate Fathers had opened a small hospital staffed by Grey Nuns from Ottawa.³⁰ But for most of the inland Cree and Ojibwa, this type of medical care was something available only to treaty Indians. From the 1850s on, physicians like David Layton and Thomas Simpson travelled widely on the upper Great Lakes as employees of the Indian Department's northern superintendency on Manitoulin Island, vaccinating against disease, performing minor surgery and dispensing medicine--"the Indians appearing to appreciate greatly the advantage."³¹ North and west of Lake Superior, doctors frequently accompanied the Indian agent from Port Arthur on his annual visits in the 1880s and 1890s to the people belonging to the Robinson-Superior Treaty of 1850 or Treaty No. 3 of 1873.³² This is not to say that departmental personnel refused treatment to ineligible persons who came their way. In August of 1903, for instance, Jabez Williams, the clerk in charge of Osnaburgh House at the head of the Albany River, sent down a number of non-treaty Indians to Dinorwic on the C.P.R. to see the visiting doctor.³³ But the question, typically, was one of cost. During the measles epidemic of 1889-92, the treaty Indians at Chapleau and Missanabie were given medical help, which was paid for out of interest money from the sale of land and timber on their reserve at Michipicoten. Their non-treaty relatives from beyond the railway line received no such assistance.³⁴

By the first decade of the twentieth century, the death rate for Indian people north and west of Lake Superior was between 42 and 53 per thousand population--compared with a rate of 18.2 per thousand for the Six Nations Iroquois in southern Ontario and 13 to 16 per thousand for the Canadian population as a whole.³⁵ Yet if the northern Ojibwa and Cree were noticeably less healthy than they had been a century before, social stress alone does not explain their appeals for treaty relations with the government. Previous generations had also experienced epidemic disease and alcohol-related violence and still managed to survive.³⁶ It was the scale of white contact which was different. Though the number of individuals who followed the Canadian Pacific Railway into the near north was never large--especially compared to the Canadian west--these new arrivals directly threatened the Indian way of life. As Chief Louis Espagnol had protested in 1884, white trappers were the shock troops of the new economic order.

"Fur bearing animals are decreasing very rapidly," was the laconic note of a Lake Huron trader in 1886; "white trappers are killing all the Beaver etc."³⁷ Two years later, one of his colleagues was accusing these newcomers of using poison--something totally alien to Indian hunting technique.³⁸ In 1889, T.C. Rae at Mattawagamingue Post, considerably north of the railway line, blamed the failure of the beaver hunt at least in part on "the poaching of white trappers and free-men who take their furs out to the Frontier."³⁹ Not that the Company was averse to taking these pelts. Most of the furs received in 1888 at Red Rock Post, at the mouth of the Nipigon River on Lake Superior, were purchased from whites--though the trader complained that the skins were "depreciated in value from being badly dressed."⁴⁰

These white inroads set up a vicious downward spiral in the subsistence round. It was the Indian tradition that, in case of illness, the next-of-kin would not hunt until the sick person had recovered. If that person died, his relatives went into mourning for up to a year, blackening their faces, tearing their clothes and refusing to hunt on that individual's lands.⁴¹ With the increasingly frequent epidemics of the last two decades of the nineteenth century, outsiders--against whom traditional conjuring sanctions did not work⁴²--found it that much easier to clean out a given area of its furs. This in turn led Indian people, like the members of Louis Espagnol's band, to petition for government support. "The Indians have been suffering more or less for a long time back for want of Medical attendance," the White Fish Lake trader wrote the government in May 1885, in reference to Chief Espagnol's people:

their children especially are continually dying. And may be something more will have to be done for them so that they can get medical attendance at Sudbury when absolutely necessary and you know the Indian way the Head of the family will neither work nor hunt while any of his are laid up. Had not their Corn & potatoe crops been a failure last season, and this winter their hunting grounds over run by White Trappers killing out their Beaver etc the ac[count] now forwarded to you for provisions supplied them would not have been so much⁴³

Only towards the Albany River were the Indian people still relatively undisturbed. J.P. Donnelly, Indian agent at Port Arthur, reported in 1893 that the fur hunts of the Long Lake Band were more profitable than the other bands in his agency because no white trappers had yet reached them. He went on to recommend a law against whites trapping "as it is not their natural vocation and as they have many other ways of living, while the Indians have no other means of support but fur-trading and fishing."⁴⁴ Donnelly's opinion was shared by E.B. Borron, an Ontario magistrate with responsibility for the remote parts of the province. Borron had been met at Missanabie Station in the summer of 1886 by members of the Brunswick Lake Indian Band who were, he reported, "exceedingly anxious that a treaty should be made with them":

... No treaties have yet been concluded with the Indians in this territory for the surrender of their claims. To do so with the natives on or near the coast of James Bay may perhaps be premature and uncalled for by circumstances. But as regards the Missinaibi and other Indians whose case I have promised the chiefs of the former band to represent, there can be no reasonable doubt on this subject. The Canadian Pacific Railway for upwards of a hundred miles passes through their hunting grounds, and will unquestionably lead, sooner or later, to the destruction of the larger game, the fur-bearing animals, and to some extent also of the fish, on which they are solely and entirely dependent for a living. These Indians are simply hunters and trappers, and not one in twenty grows even so much as a potatoe. Thus they have no other resource to fall back upon. The completion of the railway renders their hunting grounds easily accessible at all seasons of the year ...

The claims of this particular band, the magistrate went on, as well as of nearby bands at Flying Post and Mattawagamingue had been either overlooked or "entirely and unaccountably neglected by the Indian Department at Ottawa."⁴⁵

Mr. Borron was considerably more sympathetic to native aspirations than was the Ontario government to which he was reporting. While he was correct in noting where jurisdiction over Indians lay, he was naive to believe that, his own government would make any representations on the Indians' behalf. Ontario had just been awarded that territory by the British Privy Council after a boundary dispute with the Dominion; as we will see later, the Indian Department had no wish to further antagonize

an aggressive provincial government which was also objecting, both politically and legally, to the terms and conditions of the 1850 Robinson Treaties and Treaty No. 3 of 1873

In this regard, it is interesting to note exactly why E.B. Borron--who was a retired mining executive from Sault Ste Marie--had come to Missanabie in the summer of 1886. Only secondarily concerned with dispensing the white man's justice, the Ontario magistrate's annual northern trips were designed to provide his government with information on the industrial potential of the vast region beyond the railway.⁴⁶ His reports, like those of the Geological Survey of Canada, which was also sending exploratory parties north of the Great Lakes, provided a spur to development. For though extensive mining claims had been staked and developed along the north shore of Lakes Huron and Superior beginning in the 1840s, culminating in a gold and silver boom near Thunder Bay in the 1870s, the difficulties of interior transportation had hampered exploration work further inland.⁴⁷ Again, the C.P.R. changed the rules of the game. By the summer of 1899, the Indian people of Missinaibi Lake and adjoining bands had yet another reason to petition the government.

Their audience on this occasion consisted of two senior Indian Department officials, J.A. Macrae and Duncan Campbell Scott, who had come to the headwaters of the Moose River to pay annuities to the nearby Robinson Treaty Indians. These people, Macrae advised the superintendent-general of Indian Affairs, had travelled considerable distances to see him, asking what the government proposed to do about the rights of Indian people living between James Bay and the Great Lakes who were not covered by the Robinson Treaties:

saying that they heard that railroads were projected through their country and that already miners, prospectors and surveyors were beginning to pass through it in such largely increased numbers that the game was disturbed, interference with their livelihood had commenced and their rights were being trespassed upon . . .

Fortunately, added Macrae, he was able to mollify them by promising that "when the Government permitted projects to proceed which might affect their interests it would certainly not fail to properly consider their claims."⁴⁸

These petitions were now too frequent to be ignored. At Biscoasting in the summer of 1901, Chief Louis Espagnol delivered another eloquent speech--this time to Samuel Stewart of the Indian Department--reiterating that the people near to the height of land still wanted treaty and claiming that government inaction was breaching a promise originally made by the Honourable W.B. Robinson in 1850.⁴⁹ And for the first time, government officials began hearing from the remoter parts of the hinterland north of Lake Superior. In December of 1901, Jabez Williams of the Hudson's Bay Company's Osnaburgh House forwarded a petition from the people who lived on or near Lake St. Joseph at the head of the Albany River, which then formed the boundary between the Northwest Territories and the province of Ontario.⁵⁰ "For the past two or three years exploration for minerals has been carried on in the country contiguous to Lake St. Joseph," they wrote "and an occasional party has penetrated to the Lake itself and the waters of the Albany River have been descended as far as Eabemet Lake in the prosecution of the search." They asked to meet "His Majesty's officials at any time the following summer in order to release their rights in their lands and have "the benefits of the Annuity Grant extended to us". They also wished to discuss

the location of lands they wanted to reserve for themselves and their descendants "as white men are already building upon land which we desire to retain."⁵¹

That the Osnaburgh people were already familiar with the general provisions of Indian treaties is not particularly surprising, since they were linked by trade and marriage ties to the nearby Nipigon, Lac Seul and Sturgeon Lake Bands which had participated in the Robinson-Superior Treaty and in an adhesion to Treaty No. 3 in 1874--as well as to the people of the upper Berens River who had taken part in Treaty No. 5 of 1875.⁵² One of the spokesmen identified in their 1901 petition was Isaish Poo-yah-way who, though he lived on Lake St. Joseph, was stated to be a "Treaty Indian belonging to Lac Seul Band."⁵³ But it is also clear that, in this particular instance, a Hudson's Bay Company employee was doing his best to promote the idea of a treaty. As Jabez Williams informed the superintendent general in his covering letter, he had himself written out the petition at the request of the Indians after a council meeting in the fall.⁵⁴ And four years earlier, he had already shown a definite interest in the subject. Writing to the acting director of the Geological Survey in January of 1897 about the prospects for mineral exploration near his post, Williams had reminded him that the Indian title was not yet extinguished in that part of the Northwest Territories:

Would it not be a wise move on the part of the Government to close this matter with our Northern Indians now? I am merely suggesting these matters to you knowing that a settlement of matters of this kind can often be made much easier and to better advantage before civilization has set its foot on the country than afterwards and as they more or less affect your department.⁵⁵

Williams' motives seem to have involved the usual mix of altruism and self-interest. Along with his immediate superior, Chief Factor Alex Matheson, and other Company employees such as T.C. Rae of Mattawagamingue Post, Williams had been investing in mining developments near Pic and Michipicoten⁵⁶, and his enthusiasm for his "private affairs" was such that the Hudson's Bay Company considered him unreliable and indiscreet.⁵⁷ Shortly after forwarding to Ottawa the petition from the Osnaburgh Band, Jabez Williams was asking the new director of the Geological Survey--the famous explorer-geologist Robert Bell--for copies of all maps and reports on the Lake St. Joseph area. "The Indians here have applied for Treaty," he advised Bell in March of 1902, "I think from what I learned last fall that prospectors are about to reach in this direction. In fact they have done so slightly of late. The Crane Indians who lies [sic] beyond Cat Lake wish to come in and the Eabemet Band as well. The Government should seize the opportunity now."⁵⁸ By June 1902, Williams and Chief Factor Matheson were actively discussing the boundaries of a new treaty, which they felt should extend from the intersection of the existing agreements further south, up across the hunting grounds of the "Crane Indians"⁵⁹ to the headwaters of the Severn River. Yet their discussion also contains the first suggestion that not all of the Indian people were equally eager to be taken into treaty. "Your notes re the proposed treaty are as I have for some time thought best," wrote Williams:

Whatever is done in the matter by the Department the sooner the better. The Osnaburg Indians are anxious for it. There may be some little difficulty with the Fort Hope Indians now but it may not be insurmountable. They were alright last year. Unless they have changed their minds the Indians as far as the Attawapiskat River northward from the Albany were inclined to accept it. The R[oman] C[atholic] Attawapiskat Indians are led by Kachang who is not anxious for government control for reasons you know of....⁶⁰

If the meaning of this cryptic reference to the Attawapiskat people is not entirely clear, it is still safe to say that a band's interest in treaty relations with the government was, by 1901, generally proportional to its proximity to the railway line and the newcomers who were arriving with it. If the white man were to move in, then what the northern Cree and Ojibwa wanted above all else was a form of influx control--and they looked to the government, represented by the Indian Department, to provide it. Should the government not be willing to get involved, it was also clear that some groups were prepared to take matters into their own hands. In 1903, an expedition mounted by the Geological Survey of Canada was turned back by the Crane chief when they tried to head north from Osnaburgh House--putting the lie, it would seem, to Jabez Williams' earlier claim that the Cranes were anxious for treaty. When the survey party returned the following year, some Cranes stopped them just north of Cat Lake. "The Chief invited us to camp with him," Charles Camsell remembered many years later, "and as his invitation was the equivalent of a command I thought it wise to accept." The chief made it clear to Camsell "that as long as he was Chief of his band he would not permit any white man in his country, and we would have to go back south in the morning." When the surveyors decided to press on anyway, they were given a Crane guide, warned of the dire perils ahead of them and informed that the chief would meet them on their way out and search their luggage.⁶¹

This was exactly the type of situation the federal government wanted to avoid. It had happened before, in 1872, when gold mining operations in the vicinity of Jackfish Lake west of Lake Superior had been stopped by Chief Blackstone and his Ojibwa band until a treaty was made with them--which was done the following year.⁶² And it had happened in late 1849, when Chiefs Shingwakonce and Nubenaigoching had led a war party to Mica Bay, just north of Sault Ste Marie, to oust miners who had begun operations before any agreement had been made with the Ojibwa inhabitants of the area.⁶³ The inspector of Indian agencies, J.A. Macrae, had already warned in 1901 that this could happen again; in his memorandum to the superintendent-general detailing the request of the Missinaibi Lake people to be taken into treaty, he had suggested that someone be employed to spend several weeks collecting information on the Indian people who lived beyond the railway line. Not only would this provide a reliable estimate of the numbers and "disposition" of the people involved, but it would "prevent any possible complications arising between the Indians and any persons who may have business within the territory." Just such "complications," he reminded his superior, had led to the making of the Robinson Treaties.⁶⁴ There is a certain irony in this particular government official's stated fear of an untoward incident, because if anything could have been deliberately calculated to antagonize the northern Ojibwa and Cree it would have been further delays in dealing with the substance of their complaints about white incursions. Yet it took Mr. Macrae a full two years to brief the superintendent-general on the 1899 meeting he and D.C. Scott had held with non-treaty Indians at Missinaibi Lake. In the meantime, as he informed Clifford Sifton, survey and exploration in advance of new railway and settlement proposals for northern Ontario were already under way.⁶⁵ Had the Indian people known more about the workings of government, they would have been well advised to frighten a few more survey parties.

Almost twenty years, then, after the Canadian Pacific Railway had passed through northern Ontario, the federal government began to seriously consider dealing with the rights of the northern

Cree and Ojibwa because one middle-level civil servant--Macrae--decided that the issue could no longer be avoided. "Recent developments seem to have brought about the time when it becomes proper to inform you of the aforementioned facts," the inspector of Indian agencies told his political master, Sifton, explaining why he had not previously forwarded Indian requests for a treaty, "...already, country to which the Indians have recognized and unextinguished rights is being settled and used."⁶⁶ But what was the exact extent of that Indian country? To help the superintendent-general understand this question, Macrae had attached to his memorandum of 3 June 1901 a map showing a huge area of present-day Quebec and Ontario as unceded land.⁶⁷ Here was the crucial fact which was to distinguish the eventual James Bay Treaty from its predecessors-including Treaty No. 8, which had been negotiated two years earlier with native inhabitants of the Northwest Territories.⁶⁸ The Ojibwa and Cree of the near north were about to founder on the rock of federal-provincial relations.

II: A Divided Jurisdiction

Clifford Sifton seems to have anticipated the legal difficulties which would be posed by any Indian treaty within Ontario or Quebec, because he immediately referred J.A. Macrae's report to the departmental law clerk for his opinion. Reginald Rimmer's advice to the superintendent-general was simple: avoid the mistake which the federal government had already made with Treaty No. 3 of 1873 of doing without the provinces. "Unless the Dominion is willing to incur the risk of being held liable for all covenants while the Province receives all benefits therefrom," Rimmer wrote on 24 June 1901, "I think the consent of each Province should certainly be obtained."⁶⁹ This was, to coin a cliché, easier said than done. Since Confederation, the Dominion government had been embroiled in a series of disputes with Ontario and Quebec over provincial boundaries, as well as over the financial obligations each province was to bear for--among other matters--Indian treaty annuities.

The first to be raised was the boundary question. Though its true western limit had never been clearly defined, the northern boundary of the old province of Canada West (and of its predecessor, Upper Canada) had been considered to be the height of land north of Lakes Huron and Superior. On pre-Confederation maps, the area beyond that divide was generally conceded to the Hudson's Bay Company and to the Indian people themselves.⁷⁰ This was not good enough, however, for Oliver Mowat's Ontario administration, which began insisting that the province's true western boundary extended to the Lake of the Woods and its northern limit to James Bay and the Albany River. As proof that history and law are often two different matters, the disputed territory was awarded to Ontario in 1884 by the Judicial Committee of the Imperial Privy Council--then the highest court in the land.⁷¹ The Canadian government particularly objected to the northern boundary award because, as John A. Macdonald so prophetically explained to Ontario's lieutenant-governor in 1887, it meant that the province of Quebec would also have to extend to James Bay:

Now if you will look at the map and see the enormous extent of country proposed to be added to the two Provinces you will see what a vast preponderance it gives to them over the other Provinces of the Dominion. History will repeat itself and posterity will find out that the evils

that exist in other federations from the preponderance of one or more members will again happen.⁷²

For its own political reasons, the Dominion continued to claim the natural resources of the disputed lands north and west of Lake Superior by virtue of the 1873 Treaty (No. 3) with the Indian people of that region. However, when the Dominion issued a timber license for the Lake of the Woods area to the St. Catherines Milling and Lumber Company in 1883, the province of Ontario sued, and the case made its way through to the highest court. In July of 1888 the Judicial Committee of the Privy Council ruled that although the federal government alone had constitutional responsibility for "Indians and lands reserved for the Indians," once a given area had been freed by treaty from the burden of the Indian title the complete beneficial interest in those lands passed to the province. The Dominion timber license was invalid.⁷³

There was a great deal of fallout from the St. Catherines Milling case. Forced to abandon its Jurisdictional argument, the federal government agreed to the passing of the Imperial Canada-Ontario Boundary Act of 1889, which confirmed the 1884 Privy Council award to Ontario.⁷⁴ For its part, armed with what it considered a vindication of provincial rights, the Ontario government went on to dispute the status of reserve lands set apart by the Treaty No. 3 commissioners for the Indian people of northwestern Ontario before the boundary question had been definitively settled. On 6 April 1894, the two governments signed a formal agreement on the subject of Treaty Three reserves, in accordance with statutes passed by their respective legislatures in 1891.⁷⁵ The sixth clause of that agreement 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."⁷⁶ Since there was little other land in the province not covered by treaty⁷⁷, that clause was primarily aimed at those northern lands so recently included within Ontario's boundaries. There can be no question that the provincial government knew there were unextinguished Indian rights within the disputed territory, because their own representative--the stipendiary magistrate, E.B. Borron--had told them so as far back as 1886.

In Ontario's view, the 1894 agreement was designed not only to affect the location of future Indian reserves within the province, it was to apply to all aspects of any new treaty--including its cost. Since the 1870s both Ontario and Quebec had been fighting a rearguard action against the Dominion--and each other--over the question of which government was liable for increased annuities payable to the Lakes Huron and Superior people because of an "escalator" clause in the 1850 Robinson Treaties, negotiated on behalf of the old province of Canada West.⁷⁸ Once again, the matter went from arbitration proceedings right up to the Judicial Committee of the Privy Council, and again the Dominion lost.⁷⁹ But Ontario was objecting to more than a simple rise in its financial liability. The province's counsel, Aemilius Irving--the man who drafted the 1894 agreement--devoted a great deal of time to attacking the Robinson Treaty annuity lists themselves. Using the services of, among others, Magistrate E.B. Borron, Irving argued that all sorts of ineligible persons--"half-breeds," Indian people from Manitoulin Island, and Indian people from beyond the height of land--were in receipt of treaty monies, and he threatened to put this matter as well before the arbitrators.⁸⁰ Anticipating an adverse decision, the superintendent-general had assigned the inspector of Indian agencies, J.A. Macrae, and the department's accountant, D.C. Scott, to

clean up the payment lists. The trip Macrae and Scott made to the headwaters of the Moose River in 1899--at which time they received the petition from non-treaty people living nearby--was part of that investigation.⁸¹

Given this background, it is not surprising that the Indian Department ignored earlier requests for treaty--or that Mr. Macrae, for example, waited two years before submitting the petition of the Missinaibi Lake people to the superintendent-general. Even if this position was eminently unfair to the Indian petitioners, there was nothing to be gained by needlessly antagonizing the provincial government. The law clerk Reginald Rimmer expressed a prevailing fear in his 1901 memorandum to Clifford Sifton, when he warned that Ontario might "ignore entirely any Treaty made without her consent" and might proceed to grant lands to which the Indian title was still unextinguished.⁸² Whether the latter action would have been legal is another question altogether; that particular issue was left unanswered by the courts in the St. Catherines Milling case because the area in dispute was already covered by a valid treaty (No. 3).⁸³ But Ontario was certainly in the habit of ignoring Indian title. Just before that particular treaty, in 1872, Deputy Superintendent-General William Spragge had reported to Cabinet that negotiations for the surrender of the tract lying between the Robinson-Superior Treaty of 1850 and Treaties One and Two of 1871 had broken down because the Indian people had "taken serious umbrage at lands being sold and Patented by the Government of the Province of Ontario while as yet the Indian title thereto remains unextinguished and the Indians unremunerated." He reminded the government that after mining licenses had been issued in similar circumstances during the 1840s, the Sault Ste Marie Indian people had forced the miners to leave. In Spragge's view, Ontario's actions contravened the 1860 Indian Act.⁸⁴ The Dominion government, which had inherited the imperial Crown's responsibility for Indian Affairs, was obviously much less successful than its predecessors at curbing the actions of settler governments. Until that particular incident in the 1840s, the Crown's representatives in what is now Ontario had strictly enforced the Royal Proclamation of 1763. No lands were surveyed or granted until they had first been purchased from their Indian inhabitants.⁸⁵ Individuals could not even hope to gain prescriptive title by occupying Indian lands-- "squatters' rights" were a legal impossibility.⁸⁶

What is most curious about Reginald Rimmer's fear, in 1901, that the province might contravene or disregard any new treaty made without its consent is that, true to form, Ontario was ignoring Indian title in the territory being considered for surrender anyway. It was Ontario, after all, which had jurisdiction over the white trappers who were harassing Chief Espagnol's people and the others who lived north of Lakes Huron and Superior. It was Ontario which had licensed the surveyors and mining exploration parties the Indian people were complaining about to federal officials. And, as the Cree and Ojibwa were later to discover, it was Ontario which had already given out timber licenses to lands they wished to reserve for themselves. If the incursion of whites was the gun pointed at the head of the Indian people, Ontario's finger was on the trigger.

While federal officials such as Mr. Rimmer could argue that any new treaty would need provincial consent, there were differing views as to the form that both "concurrence" and the treaty itself might take. When the request of the Osnaburgh Indian people to be taken into treaty arrived in early 1902, the superintendent-general passed it along for comment to Indian Commissioner J.A.J. McKenna. The commissioner reminded Clifford Sifton that Indian Affairs were a federal not a provincial responsibility, and that therefore "the Provinces should not be parties to the treaties." He suggested instead some sort of "understanding" which would not run contrary to general Indian policy. As befits the man who had just negotiated Treaty No. 8 in the Northwest Territories--which had a large Métis population--McKenna proposed settling "half-breed" claims first. Then, to avoid

"inconsistency," he said extinguishment of Indian title should be confined to Ontario and Quebec and should take the form of an adhesion to the Robinson-Huron Treaty of 1850.⁸⁷ For the Osnaburgh people, who straddled the boundary between Ontario and the District of Keewatin, this meant that more than half of their number would be left out of any potential treaty.

By the time a final package was ready for the superintendent-general's consideration in August of 1903, departmental officials had made several important changes. The idea of securing an adhesion to the Robinson Treaty was dropped, mainly because of Ontario's well-known opposition to the clause in that treaty which had provided for an increase in annuities. A new treaty, which "might be called Treaty No. 9 or the James Bay Treaty" would be made with the Indian people of Ontario alone, because "Indian title in the Province of Quebec has never been recognized or surrendered as in the Province of Ontario"--although an understanding would be obtained from Quebec that suitable Indian reserves would be set apart "at proper times." The memorandum stressed once again that neither province would be an actual party to the new agreement, which would follow the form of the numbered treaties made since the 1870s (with "necessary restrictions") rather than fall back upon the "forms and terms" of much earlier treaties.⁸⁸

The Dominion waited almost a full year before advising Ontario of these intentions. What seems to have precipitated matters was a letter Prime Minister Wilfrid Laurier had received in late April of 1904, announcing the discovery of minerals along the route of the new Grand Trunk Pacific Railway through northwestern Ontario and reminding him that Indian rights in the area had still not been ceded.⁸⁹ On April 30, the deputy superintendent-general wrote the Ontario commissioner of Crown lands outlining the "main stipulations upon which the treaty would be based":

It is proposed to offer the Indians a maximum annuity of \$4.00 a head and a gratuity at the first payment of the same amount once and for all. It is further proposed to set apart reserves of sufficient area in localities chosen by the Indians with special regard for their needs, which reserves should be held in trust by the Department, free of any claims of the Province for timber upon, or base or precious metals in, upon or under the soil. These Reserves should be surveyed and confirmed by the Ontario Government within one year after selection by the Indians or at any time after the expiry of one year upon the request of this Department. It is proposed to provide the ordinary educational facilities afforded by day schools to be established upon Reserves. It is contended that as the entire area of the land will, by this treaty, remain with the Province free for all Indian claims, the financial responsibility, as well as the provision of reserves, should rest with the Province of Ontario.⁹⁰

The federal government should not have been surprised by Ontario's response. Drafted, as usual, by the province's octogenarian lawyer, Aemilius Irving, the letter testily referred to the agreement of 16 April 1894 and to a new agreement made in 1902 between counsel for both governments on the appeal involving the Ontario Mining Company v. Seybold --yet another legal dispute over the status of Indian reserves in northwestern Ontario. "The Government of Ontario does not concede that without its concurrence," it stated, "the Department of Indian Affairs can promote a treaty with the Indians placing the financial responsibility as well as the providing of reserves upon the Province."⁹¹

The department's reply was that of an injured suitor. The agreements referred to had not been overlooked, Deputy Superintendent-General Frank Pedley wrote on June 23; the Dominion was properly seeking provincial "concurrence," in keeping with its policy of paving the way for railway lines "by the extinction of all aboriginal rights in the territory to be exploited." Ontario, he pointed out, was about to receive an incredible bargain:

The terms laid down upon which the treaty might be based are the maximum terms which would, in any event, be offered to the Indians. They are in effect the same as those fixed by the Robinson treaty, and the Government interested might be considered fortunate to cancel the Indian title at this time by considerations which were thought adequate in the year 1850.⁹²

The province delayed the matter for almost a year, despite frantic pleas from the department--which had planned negotiations for the summer of 1904--to discuss the "New Indian Treaty."⁹³ Finally, Pedley sent the commissioner of Crown lands a draft order-in-council on 8 May 1905, outlining the proposed treaty terms and again urging the province to agree to it "before the Indians come into closer contact with white people, as they are apt to be easily influenced to make extra demands."⁹⁴

This argument seems to have been decisive. The Ontario provincial treasurer wrote back on June 1 agreeing, on his government's behalf, to the treaty terms, but making two important changes. Instead of allowing the Indian people to choose their own reserves, those sites were to be chosen by the commissioners--and one of the commissioners would be a provincial appointee.⁹⁵ The Dominion accepted the latter point but altered the wording of the former so that the views of the commissioners and the Indian people were more likely to "harmonize";⁹⁶ the draft of the "proposed James Bay Treaty" which Pedley sent Matheson on June 12--identical in all respects to the final treaty--stated that the reserve locations would be "arranged between His Majesty's Commissioners and the Chiefs and Headmen." The rest of the document followed the format of the other "numbered" treaties. The clause on hunting and fishing rights had been copied, word for word, from Treaty No. 8 of 1899.⁹⁷

Still Ontario wanted changes. The provincial treasurer advised Pedley on June 23 that acting on the advice of counsel (Aemilius Irving again) Ontario wanted an agreement "defining the liability of the Province in respect to the Treaty." Matheson enclosed an amended order-in-council and the draft of an agreement which stated that the province would pay over to the Dominion the amount of annuities and would agree to the setting aside of reserves, but that all further payments and expenditures would be at federal expense. In addition, no site suitable for development of water power exceeding 500 H.P. was to be included within the boundaries of any reserve. And the Dominion was to bear the cost of the treaty, and pay the Ontario commissioner.⁹⁸ On June 26, the federal government agreed to the provincial stipulations--it was "not desirable to have Indians located near large centers of population which usually grow up around large falls where water power can be readily utilized for commercial purposes"⁹⁹--and settled on a per diem of \$10.00 for the Ontario commissioner.¹⁰⁰ The agreement between Ontario and the Dominion was formally signed on July 3. By "Order of His Excellency in Council" dated 29 June 1905, the two federal commissioners--Duncan Campbell Scott and Samuel Stewart, both departmental employees--and the Ontario commissioner--Daniel McMartin, a Perth, Ontario lawyer--were appointed "to negotiate a treaty with the Indians."¹⁰¹

But what, one might ask, was there left to negotiate? If treaties such as this were contracts and the Judicial Committee of the Privy Council had recently held that they were¹⁰²—then presumably both parties were to consent to the arrangement, after some sort of bargaining process over terms. There had been actual negotiations with at least some of the earlier treaties—the obvious example being Treaty No. 3. The Indian people of Lake of the Woods and vicinity had refused the Dominion's original surrender proposals in the period 1869-72, forcing the government to sweeten its offer.¹⁰³ The order-in-council of 3 July 1905 which approved the proposed James Bay Treaty certainly implied that there were to be negotiations, by referring to the monetary consideration to be paid the Indian people "in the event of a treaty being signed," but then it stated that those terms were the maximum which would be offered.¹⁰⁴ Compared with Treaty No. 3, the annuity payable under the new agreement would be one dollar less (four dollars as opposed to five), there would be no distribution of ammunition or net twine, no farm implements or carpentry tools, and no salaries or clothing for the chiefs and councillors.¹⁰⁵ Given the petitions being received, particularly from those bands living closest to the railway line, the department undoubtedly assumed that the northern Ojibwa and Cree would accept any proposals the government put forward. But let us suppose that some of the Indian people had refused. What then? Ontario, it is clear, would have continued with the settlement and development of the lands anyway. That fact, coupled with the province's claim to veto power over the treaty terms, had effectively removed any negotiating power the Indian people might have had. The treaty commissioners themselves were perfectly aware of this. As Duncan Campbell Scott explained in an article he wrote a year later for the American magazine Scribners, the Indian people were to make certain promises "and we were to make certain promises, but our purpose and our reasons were alike unknowable":

What could they grasp of the pronouncement on the Indian tenure which had been delivered by the law lords of the Crown, what of the elaborate negotiations between a dominion and a province which had made a treaty possible, what of the sense of traditional policy which brooded over the whole? Nothing. So there was no basis for argument, The simple facts had to be stated and the parental idea developed that the King is the great father of the Indians, watchful over their interests, and ever compassionate.¹⁰⁶

To see how this potentially unpalatable reality was presented to the Indian people, we should join Duncan Campbell Scott and his fellow commissioners on their canoe trips through the northern wilds in the summers of 1905 and 1906.

III: Duncan Comes Down the River

The Treaty Nine commissioners arrived by train at Dinorwic in northwestern Ontario on 2 July 1905, accompanied by a physician, A.G. Meindl, and two Dominion police constables, James Parkinson and J.L. Vanasse. They were met by Chief Trader T.C. Rae, who had been delegated by the Hudson's Bay Company to accompany the expedition. With the help of Rae and his crew of Albany River guides, they set off the following day for Osnaburgh House with their canoes and luggage, which included several thousand dollars in small bills, flags and medals for the chiefs, medical supplies and a large, unwieldy camera. If for nothing else, the James Bay Treaty deserves to be remembered for those wonderful glass slides which Duncan Campbell Scott took of the Indian people of northern Ontario—as evocative as the more famous Indian portraits of Edward Curtis,

though much less romantically posed.¹⁰⁷ Here is a group of Fort Hope men awaiting the treaty, some with traditional clothing and long hair, some in western dress with cropped locks. Here is an Indian family in its tent at Abitibi Post, a brand new sewing machine clearly visible in the background. And here is our old friend Chief Louis Espagnol, looking "quite the heavy swell" in all his finery in front of the Company store in Biscoasting. What could better express the message the government was trying to convey to its Indian charges than the sight of the treaty fleet arriving at Long Lake with flags flying? Or the commissioners lounging in front of their official tent in proper suit and tie, flanked by the policemen in full dress uniform? Yet in their unofficial moments the official party seem, to a modern observer, ever so slightly ridiculous--Commissioner Scott on the portage trail, looking like a fastidious beekeeper in pith helmet and mosquito net; the members of a trader's family in front of a Hudson's Bay Company canoe, maintaining Victorian standards of dress and decorum in the midst of the wilderness. All of them could just as easily have been travelling to a native village in Mashonaland or to a Himalayan hill station of the British Raj.

The members of the treaty party seem to have enjoyed themselves immensely. Who wouldn't have preferred exotic northern travel to stuffy Ottawa in the summertime? Duncan Campbell Scott, of course, was a literary figure of some note (though he's no longer read) and he understandably favoured his artistic pursuits over his regular work. "Indian Affairs was not one of the Government's most exacting departments," his friend Madage Macbeth later remembered, so "Duncan had quite a little leisure during office hours. He did not suppress his artistic impulses at these times, but worked zealously on his practice piano."¹⁰⁸ The northern air definitely stimulated Scott's creative muse. His good friend Pelham Edgar--an English professor at Toronto's Victoria College who was hired as secretary on the 1906 expedition--was visibly impressed. "We have the Oxford Book of Poetry always handy," he wrote from Abitibi in June of 1906, "and when I paddle Duncan often reads . . . Duncan caught a poem as we were going through Island Lake and is still reeling it in. I have not yet seen it. This morning he read two splendid stories to me that he has written lately."¹⁰⁹ The poet's eyes, though, were still in the English Lake District, not in the bush country that painters like Tom Thomson had already seen so well:

Then a leaf-comment died away in murmurs. The smoke of our camp-fire amid the firs
Like a tall ghost rose up below the moon. The enchanted water joined an antiphonal rune
In labials and liquids with the rocky shoal Where we were moored by pressure of the breeze
That barely chafed our bark canoe, and stole Like a sing-flutter though the hazel trees.
Hidden above there, half asleep, a thrush Spoke a few silver words upon the hush- Then
paused self-charmed in silence.¹¹⁰

All in all, it was quite a literary expedition. Both Commissioners Scott and Steward kept diaries¹¹¹, and the former reported on his travels in Scribners magazine. Pelham Edgar, who spent a great deal of time fishing--"the Indians had two long names for me, one of which translated means 'The man who always asks where the trout are' and the other 'The man who always fishes and never catches anything'"¹¹²--contributed several articles about the treaty tour to a long-defunct periodical called Canada.¹¹³ Even Police Constable Joseph Vanasee wrote, at Professor Edgar's urging, about the Indian customs he witnessed at Lac Seul in 1905.¹¹⁴ The commissioners were also joined for the last part of their 1906 journey by the painter Edmund Morris, son of the Manitoba lieutenant-governor who had negotiated several of the earlier "numbered" treaties,

whose charcoal pastels of the Indian people of Chapleau, Missinaibi and Long Lake are now at the Royal Ontario Museum in Toronto.¹¹⁵

As proper Victorians, the commissioners always noticed when particular bands could be distinguished for their cleanliness or godliness. "At Osnaburg," wrote Scott, "the civilizing work of the Church Missionary Society was noticeable. A commodious church was one of the most conspicuous buildings at the post and the Indians held services in it every evening".¹¹⁶ At Mattagami the Indian people treated with "were well dressed and appeared to be living comfortably. A degree of unusual cleanliness was to be observed in their surroundings and habits."¹¹⁷ At Fort Albany, both the Roman Catholic and Anglican clergy were given unstinting praise. The Catholic Mission, noted Scott, "has an air of prosperity and comfort":

The celebration of mass was well attended on Sunday. The Church of England mission is also in a flourishing condition. The large church was filled for all Sunday services conducted by Bishop Holmes, and the Indians took an intelligent part in the services.¹¹⁸

On other subjects, the treaty party was not so sanguine. Samuel Stewart remarked that, despite the absence of a hotel or saloon, at Missanabie "the Indians experience no difficulty in getting intoxicants. A favourite drink with them is one known as 'John Bull Bitters', which purports to cure almost every known disease." Here, they gave the Indians a lecture on sobriety.¹¹⁹ At Lac Seul Post, which the commissioners passed on their way to Osnaburgh in July of 1905, they found out that a "Dog Feast" was underway. Since these ceremonies were illegal, they summoned the chief, who told them that the majority of the band refused to let him halt the activities. The conjurer Neotanaqueb, on the other hand, who "was considered to have great skill in driving out the evil spirits from those afflicted with any kind of disease" was absolutely unrepentant--though the commissioners couldn't help but be surprised "at the wisdom shown by him in the replies given to certain questions and the manner in which he avoided to



“We could not help but be impressed with the fact that the Moose Factory Indians were the most comfortably dressed and, in every way, an apparently better class of Indians than those we had met up to this time.”

Treaty Commissioner Samuel Stewart, 10 August 1905

Public Archives Canada, PA 59528.

answer others." The government party went on its way after giving the Indians "a lecture on the folly of their conduct" and warning them that their future actions would be carefully watched.¹²⁰

Osnaburgh was the first official stop on the treaty tour. Because of its close water connection to the Treaty No. 3 reserve at Lac Seul, the commissioners were afraid that the Indian people here would offer the most "difficulty" over the difference between the terms of the proposed James Bay agreement and the more favourable provisions of the older treaty. They therefore asked the Indian people to select "representative men" to whom the treaty could be interpreted, and when that was done, told the representatives to ask any questions "they desired to have answered":

Missabay, the recognized chief of the band, then spoke, expressing the fear of the Indians that, if they signed the treaty, they would be compelled to reside upon the reserve to be set apart for them, and would be deprived of the fishing and hunting privileges which they now enjoy.

On being informed that their fears in regard to both these matters were groundless, as their present manner of making their livelihood would in no way be interfered with, the Indians talked the matter over among themselves, and then asked to be given till the following day to prepare their reply.

This request was immediately granted, and when the meeting was convened again the following morning the chief said they were prepared to sign the treaty with His Majesty, "as they believed that nothing but good was intended. The money they would receive would be of great benefit to them and the Indians were all very thankful for the advantages they would receive from the treaty."¹²¹ The chiefs and principal men then signed the agreement with all due formality and the commissioners paid out the gratuity of \$8.00 to nearly 350 people--which number, Samuel Stewart observed with some astonishment, included one particular Indian "his three wives and seventeen children."¹²² Just before the official feast--of bannock, bacon, pork and tea, followed by a plentiful supply of pipes and tobacco--the old blind Chief Missabay made an eloquent speech in which he praised the government for the way it had treated the Indians and "advised the young men to listen well to what the white men had to say and to follow their advice and not to exalt their own opinions above those of men who knew the world and had brought them such benefits."¹²³ The Osnaburgh people had been told that they could elect a chief and two councillors. Missabay was at once nominated for the first position but he declined, saying that his affliction would prevent him from carrying out his duties. The old man's son, however, urged him to accept "as his wisdom would be of great value in directing the affairs of the band" and finally Missabay relented. Following the election of the two councillors, Missabay was presented with a twelve-foot Union Jack "much to the delight of all the Indians."¹²⁴ On the morning of July 13, after the Osnaburgh people had described the location of the lands they wanted as a reserve, the treaty party set off for Fort Hope, 200 kilometers further down the Albany River on Eabemet Lake.

At Fort Hope--as, indeed, at all the other stops on their tour--the commissioners followed the same procedures as at Osnaburgh. The treaty was interpreted to the Indian representatives, following which the document was signed and the Indians were paid their gratuity. In conjunction with the feast, there were elections for chief and councillors, and the new chief was



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Commissioners Report, Osnaburgh House, July 1905

Ontario Archives, S7600.

presented with the flag. The final item of business was selection of a reserve.¹²⁵ One important difference from Osnaburgh, however, was that the Fort Hope people wanted much fuller explanations of the treaty terms--which would be consistent with the statement we noted earlier from the trader Jabez Williams that these people were less anxious for treaty than surrounding groups. It took the commissioners quite some time to convince them that there was not something behind the provisions of the agreement, for as Moonias, one of the principal men of the band argued, "they were not giving up very much for what they were to receive, and it had never been his experience to receive something for nothing." Father F.X. Fafard of the Roman Catholic Mission at Albany, a man fluent in both Cree and Ojibwa languages, helped the commissioners greatly by explaining to the Indian people the government's reasons "for asking them to surrender their title to their unused lands."¹²⁶ At this point, an individual named Yesno (so called because his knowledge of English consisted only of the words "yes" and "no") made "an excited speech, in which he told the Indians that they were to receive cattle and implements, seed-grain and tools":

Yesno had evidently travelled, and had gathered an erroneous and exaggerated idea of what the government was doing for Indians in other parts of the country, but, as the undersigned wished to guard carefully against any misconception or against making any promises that were not written in the treaty itself, it was explained that none of these issues were to be made, as the band could not hope to depend upon agriculture as a means of subsistence; that hunting and fishing, in which occupations they were not to be interfered with, should for very many years prove lucrative sources of revenue. The Indians were informed that by signing the treaty they pledged themselves not to interfere with white men who might come into the country surveying, prospecting, hunting, or in other occupations; that they must respect the laws of the land in every particular, and that their reserves were set apart for them in order that they might have a tract in which they could not be molested, and where no white man would have any claims without the consent of their tribe and of the government.¹²⁷

At Marten's Falls, "rather an unimportant post of the H.B.Co.," which the treaty party reached on July 25, the Indian people were again suspicious of the government's motives, as it "seemed to them that an offer was being made to give them something for which they were not expected to make any return." But again the commissioners' explanations set such fears at rest "and the money paid to them was accepted with gratitude." At the feast, during which the flag was presented, the new chief, William Whitehead, made a "very sensible speech thanking the King and the government for the benefits conferred on his people."¹²⁸

The first three stops on the treaty tour certainly convey the flavour of the discussions the commissioners were to have with all the Indian people they met during their two summers in the north, although the further they travelled down river the more warmly the message Duncan Scott said they were trying to convey--one of governmental paternalism--seems to have been received. At Fort Albany on August 6, the commissioners were presented with an address in Cree syllabic expressing the people's pleasure at being brought into treaty:

From our hearts we thank thee, O Great Chief, as thou hast pitied us given us temporal help. We are very poor and weak. He [the Great Chief] has taken us over, here in our own country, through you [his servants]...¹²⁹

At Moose Factory three days later, the Indian spokesman said they had all been looking forward to treaty for a long time and thanked the government men for promising law and order, schools and money, which would greatly help the poor and needy among them.¹³⁰ The people of New Post on the Abitibi River, with whom the commissioners met on August 21, again expressed the prevailing concern about the effect the treaty might have on their hunting and fishing rights, but when "assured that these would not be taken from them they expressed much pleasure and their willingness to sign treaty."¹³¹

The treaty party was showered with the same expressions of gratitude the following summer. On arriving at the Montreal River post of Matachewan on 19 June 1906, wrote Samuel Stewart, "we were welcomed by Mr. Lafrican, HBCo Agent, while the Indians old and young, male and female, formed in two lines through which we had to pass and shake each one by the hand."¹³² After the usual explanations and question period, the Indian spokesman Michel Baptiste said the treaty terms "were very satisfactory to them."¹³³ From the commissioners' report, it would seem that the discussion period was becoming increasingly unnecessary. On July 7 at Mattawagamingue (Mattagami) Post, the Indian people were again given the opportunity to ask

questions and after "a short conversation among themselves," stated that they were fully content."¹³⁴ And at New Brunswick House near the end of July, when the people were asked "whether they had any questions to ask or any remarks to make," they replied, through Mr. J.G. Christie, Hudson's Bay Company officer, that they were perfectly satisfied with what they were to receive



The commissioner's entourage at Fort Albany.

Seated: Commissioner's Stewart, McMartin, Scott

Standing: Constables Parkinson, Vanasse

Foreground: T.C. Rae, Dr. A.G. Meindl

Public Archives Canada, PA 59617.

under the treaty and were willing to sign at once."¹³⁵ The Indian people of the latter two places were, of course, among those whose claims Ontario Magistrate E.B. Borron had promised to represent in the summer of 1886, so it should not be surprising that they and the other groups from near the height of land were even more grateful for the commissioners' visit than those along the Albany River. In fact, one of the unanswered questions about Treaty No. 9 is why the government representatives chose to deal first with the people who lived furthest away from the frontier of settlement--it was only as they were nearing Lake Abitibi at the end of their 1905 mission that the official party had begun to see the signs of "approaching civilization and of the activity in railway construction and surveying which had rendered the making of the treaty necessary."¹³⁶

Taking the commissioners' diaries and report alone, it would be difficult to argue that the treaty had not been negotiated. After all, the Indian people were given the chance for questions and discussion, even if they didn't always take advantage of it. The commissioners themselves,

on their return to Ottawa at the end of August 1906, certainly had no doubts about what they'd accomplished. They reported that they had taken a cession of that part of Ontario described in the treaty (about 90,000 square miles) as well as of another 40,000 or so square miles in the Northwest Territories; and it gave them great pleasure to refer to the "evident desire of the Indians at all points visited to display their loyalty to the government by the reception given to the commissioners and also by the recognition of the benefits conferred upon them by the treaty."¹³⁷ But is this how the Indian people themselves actually perceived what they had done? Despite Duncan Campbell Scott's pessimistic conclusion that the motives of both parties to the agreement "were alike unknowable," the treaty had been an important exercise in cross-cultural communication. Some sort of message had obviously been communicated to the Indian people to create such a favourable response.

One possible explanation is that the Indian people had no sense of land ownership, and that therefore, as Father Fafard had explained to the people of Fort Hope, they were simply giving up their title to a large area of land "of which they could make no use."¹³⁸ But the question is not that simple. In its most basic sense, property involves rights, not things¹³⁹--and the Indian people seem to have viewed the treaty process, as a discussion as to which party to the agreement would have which rights to which things. At Fort Hope, the skeptical band members had been told that by signing the treaty they were agreeing not to interfere with the whites who were coming into their country for a variety of reasons. They do not seem to have been told that they were giving up all of their own rights to their traditional lands, with the exception of certain small "reserves"; that thenceforth they would have no say whatsoever in the management or development of those lands; that they would be prevented from hunting, fishing and trapping on any particular areas occupied by whites; or that their hunting, fishing and trapping could be regulated by government as it saw fit. Yet the text of the treaty states that the Indian people had thereby ceded "all their rights, titles and privileges whatsoever" to the lands in question. With respect to hunting and fishing, the document reads:

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 therefore described, subject to such regulations as may from time to time be made

by the government of the country, acting under 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.¹⁴⁰

At Osnaburgh the blind chief, Missabay, had voiced the Indians' fear that if they signed the treaty they would be forced to live on the reserve set apart for them and would be deprived of their hunting and fishing rights. The commissioners replied that such fears were groundless "as their present manner of making their livelihood would in no way be interfered with." No wonder the various bands along the Albany River felt they were getting something for nothing. As we saw from the commissioners' notes on their travels, this same question was invariably given the same answer--that Indian hunting and fishing rights "would not to be taken from them," as they told the people of New Post. Even at those stops where the people immediately welcomed the treaty, the issue came up. Nearly seventy years after the treaty, an elderly gentleman who had been an apprentice clerk at Mattagami Post remembered the commissioners telling the local people they could hunt over the surrendered lands "just the same" as before the agreement. "If there was any

clause in the Treaty that was put in there against that," Robert Laurence added emphatically, "the Indians didn't understand it, and I know that quite well, because they didn't understand half of what was going on anyway".¹⁴¹ James Wesley, who attended the official ceremonies at Fort Albany as a young boy, was equally insistent on this point when interviewed in 1972. The British government told them, he said, they should not be afraid "because there will not be any legislation governing trapping, hunting animals and hunting birds and fishing if you are in favour of the Treaty."¹⁴²

It could be said in the commissioners' defence that it wasn't their fault the Indian people didn't understand the basic incompatibility between Indian and white land use practices--such misunderstandings had always accompanied the land surrender process. As far back as 1805, for example, the Credit River Mississauga, who had ceded large tracts along Lake Ontario to the Crown in the preceding quarter century, were complaining bitterly to the lieutenant-governor of Upper Canada that white farmers were setting their dogs on them every time they tried to cross planted fields to hunt.¹⁴³ But unlike these early Ontario land cessions or most of the preceding "numbered" treaties, the government was not in this case trying to pave the way for agricultural settlement; nor did the government expect the Indian people themselves to settle down and take up farming on their reserves. As the Treaty Nine delegation had explained at Fort Hope, "the band could not hope to depend upon agriculture as a means of subsistence"; hunting and fishing, "in which occupations they were not to be interfered with" would provide them with a lucrative source of revenue for many years to come.¹⁴⁴ Why did the commissioners say this? They must have known that the level of government represented by the Ontario envoy, Daniel McMartin, would not only be allowing whites to exploit the timber and mineral resources of the surrendered lands, but would also be assuming control of the game, the fish and the fur-bearing animals that the Indian people thought were being reserved for their own exclusive use. During the very summer that the Treaty Nine commissioners were making their way down the Albany River to James Bay, provincial constables and game wardens were raiding fur trade posts along the line of the Canadian Pacific Railway and seizing beaver and otter pelts trapped in violation of provincial government regulations.¹⁴⁵ By confining themselves, as Duncan Campbell Scott had put it, to the "simple facts" of their mission, the commissioners were seriously misleading the Indian people as to the exact nature of the agreement they were being asked to sign.

But would a more honest explanation of the treaty terms have changed the outcome of the negotiations? Though retrospective questions are never good historical practice, it seems safe to say that most of the Albany River bands would probably have refused to participate. On the other hand, the bands on James Bay, as well as those closest to the railway line, might well have signed the treaty anyway--both because they would have felt they had no real alternative, and because, as we noted earlier, the commissioners were very successful at promoting the tangible benefits of adherence to the treaty.

The most obvious treaty benefit was money. At \$40.00 for an average family, the gratuity had significant cash value. It was also a source of income entirely independent from the fur trade. This had particular meaning in the more remote parts of northern Ontario, where the Hudson's Bay Company was still more or less unopposed. For one thing, the Company was trying to maintain its two hundred year-old system of bartering goods for furs--which, as we saw above, was highly profitable.¹⁴⁶ This system changed quickly with the treaty, however, and not entirely to the Company's disadvantage. The trader at Fort Albany, for example, after entering in his journal

the main aspects of the treaty meeting on 3 August 1905 and highlighting the distribution of the \$8.00 gratuity, noted that he had been "busy in store selling for cash, sold \$1,072.00 worth of goods."¹⁴⁷ But the Hudson's Bay Company seems to have been even more worried about the effect the treaty payments might have on the Company's own paternalistic relationship with many of the northern Cree and Ojibwa. H.B.C. traders were accustomed to giving out relief supplies in times of hard-ship--partly for humanitarian reasons, though mainly for the sound economic motive that destitute Indian people didn't trap--but they fully expected the Indian people to repay these advances as soon as they were able. What they didn't want was a system that would provide the Indian people with the necessities of life without their having to sustain the flow of furs. During the terrible winters of 1899-1901, the Company had asked the Department of Indian Affairs for permission to distribute flour, at government expense, to needy Métis and non-treaty people in much of northern Ontario. When that permission was granted, the Company carefully instructed its traders not to tell the recipients where the supplies were coming from "as should the Indians get the smallest hint that there is flour to be had at any of our posts gratis they would not try to help themselves."¹⁴⁸ It is not that the Indian people were inherently "indolent"--a favourite complaint among traders--just that they did not consider themselves employees of the fur companies. Their main aim in life, as one of the more perceptive H.B.C. traders put it, was "not to make us rich but themselves comfortable."¹⁴⁹

There is no reason, therefore, to distrust the treaty commissioners' many citations of the warm thanks they received for the monetary provisions of the agreement. Indeed, most of the Indian people seem to have perceived the whole of the proposed arrangement with the government as a chance to make themselves more comfortable. On 9 August 1906, at Long Lake Post, Chief Newatchkigigswabe thanked the government for what had been done for his people, particularly by way of annuity, and "hoped that provision would be made for their sick and destitute, as even in the best seasons the Indians found it very difficult to do more than make a living, and were able to do very little towards assisting one another." The commissioners, it is true, tried to guard against such unrealistic expectations, telling the chief that "the government was always ready to assist those actually requiring help, but that the Indians must rely as much as possible on their own exertions for their support."¹⁵⁰ This was in keeping with their intention--stated at several points in their report--to avoid the type of "outside promises" which had plagued several of the earlier treaties.¹⁵¹ The "Indians cannot," they informed the superintendent-general at the end of their mission, "and we confidently believe do not, expect any other concessions than those set forth in the documents to which they gave their adherence."¹⁵² But there is such a thing as non-verbal communication, and the way in which the government party presented itself to the Indian people created several unforeseen consequences. Robert Laurence was somewhat cynical as, in 1974, he remembered this aspect of the treaty ceremonies at Mattagami:

It was certainly, to my way, a one-sided agreement, you see. One-sided. And the poor Indians--they came in there with the big canoes, flags flying, and Mounted Police, and all this kind of stuff, and made a great thing about the Great White Father and how they were going to look after them and protect them. All bunkum--to my way of thinking anyway.¹⁵³

For years afterwards, the government would hear complaints about unfulfilled provisions of the treaty. The Indian people expected relief supplies¹⁵⁴; they thought the chiefs and councillors

were to be paid salaries¹⁵⁵; they asked about the feast that had been promised them at annuity time¹⁵⁶; and they insisted that a "medical officer was granted them to appear once a year."¹⁵⁷ The last point can be taken as typical. Nowhere in their official report did the Treaty Nine commissioners mention anything about providing medical assistance to Indian people, and the treaty document itself is silent on the subject. On the other hand, the commissioners were accompanied throughout their northern tour by Dr. A.G. Meindl, who gave physical examinations and inoculations, extracted teeth and dispensed medicine.¹⁵⁸ Is it any wonder the northern Cree and Ojibwa assumed that medical services were a provision of the treaty? For the last word on at least one band's perception of the James Bay Treaty, we should turn to James Wesley, the Cree historian of the Fort Albany reserve:

August 3rd, 1905. Duncan came down from the Albany River and the people were told one day ahead of time that there would be a meeting ... (He said) "I am here under the British Government to tell you people if you are interested in a proposal from the British Government for you to give up your land for the government to look after. And if you are in favour of the idea give us your land. You will be given \$8.00 a year when you have given us your land. We will also give \$8.00 to all the people that are born from you. And also you will be visited by the doctor yearly and he will administer medicine and without charge to you people. Do not be afraid because there will not be any legislation governing trapping, hunting animals and hunting birds and fishing if you are in favour of the Treaty. If something happens to you as to sickness or need of help the Government will help you, all the people from Albany, Attawapiskat, Winisk, Fort Severn will have this help. This will be all for now; I will give you one hour to think it over. If you do not accept this treaty, the government will do whatever it wants with you. Where we have come from, all the Indians have agreed to sign treaty; if you don't you will find it hard for yourselves..."¹⁵⁹



The commissioner's fleet arrives at Long Lake Post, 8 August 1906. Public Archives Canada, PA 59577.

IV: The Adhesion Period, 1907-1930

It would be misleading to say that the Indian people did nothing but complain about the unfulfilled provisions of the agreement that they had signed. In the years immediately following the treaty, they frequently thanked the government for the benefits bestowed on them, asking that the promised schools be built quickly and that constables and magistrates be stationed among them to enforce the law.¹⁶⁰ If they objected to the declining value of their annuity-- because the Hudson's Bay Company had raised its prices at inland posts--this was clearly not the government's fault.¹⁶¹ They petitioned the government for fishing nets and carpentry tools and--undoubtedly influenced by their missionaries--even asked for seeds and farming implements, though as the Treaty Nine commissioners themselves had observed, the whole area was not exactly suited to agriculture.¹⁶²

This latter request does raise the interesting question of what, exactly, the Indian people were to do with the reserves set apart for them. The commissioners seem to have expected the various bands to choose sites close to the trading posts and missions where, at some future date, they would eventually settle; and many of them, as at Fort Hope, Fort Albany and New Brunswick House, did in fact choose locations in the immediate vicinity of the posts the treaty party visited. Other bands, however, seem to have taken literally the commissioners' explanation that reserves were to be places of refuge from the white man--the Moose Factory people picked a site a considerable distance up river from their usual gathering centre on the shores of James Bay. And according to Art McLeod, son of the trader at Flying Post, Chief Albert Black Ice selected his own hunting ground near Bromley Lake as his band's reserve.¹⁶³ As priorities changed, or as people began to realize an area's potential (or lack of it), many bands asked that their reserve sites be altered. In 1908, the Osnaburgh Band petitioned for new lands to the southwest of Lake St. Joseph because, they said, their original reserve was valueless for farming, mining or lumbering.¹⁶⁴ The Martens Falls Band further down the Albany River had already made the same request in 1907.¹⁶⁵

In their official report, the Treaty Nine commissioners say next to nothing about the way in which reserves were selected, but one can assume that because of Ontario's effective veto on the matter, they didn't go out of their way to help the Indian people come to a decision. Robert Laurence later remembered that the Mattagami Band had originally wanted a site east of the post that was good deer-hunting country, but James Miller, the local Company manager, persuaded them that Kenogamissi Falls down river was a better choice because of its power potential. Since the commissioners, "wouldn't allow that," he added, Mr. Miller "got them the only place--where they eventually got" because "he knew there was some good pine there."¹⁶⁶ This choice, it turned out, was particularly ironic because in the order-in-council of 13 February 1907 confirming that location, the Ontario government kept all the red, white and jack pine timber for itself for a period of ten years.¹⁶⁷ In 1921, Ontario allowed a power company to dam Kenogamissi Falls as a source of electricity for the mining town of Timmins, thereby flooding out portions of the Mattagami Indian Reserve.¹⁶⁸ The province was nothing if not consistent. In 1919, Ontario refused to confirm the Matachewan Reserve, about one hundred kilometers east of Mattagami, because it was already covered by a pulp license given to the J.R. Booth Company in 1906.¹⁶⁹ And the province had a simple negative answer for bands that wished to alter their reserve sites. When the Moose Factory people requested a change in 1913, on the grounds that they had chosen their reserve too hurriedly--it was suitable for neither farming nor lumbering--the Ontario government replied that it saw no reason why any reserve should be changed from the location in

which the commissioners had fixed it. The Moose Band received the same negative response when they again proposed a change in 1920.¹⁷⁰

In some instances, problems with reserve locations arose because of the very structure of the bands created by the treaty. The non-treaty Indian people at Biscoasting, most of them members of Chief Louis Espagnol's band, had been attached by the Treaty Nine commissioners to the Mattagami and Flying Post Bands. In 1914, they petitioned the department to have a joint reserve set up with their Robinson Treaty relatives, preferably at Biscoasting, but they were refused on the grounds that they should "reside on the reserves ... set aside for them."¹⁷¹ Most of the Treaty Nine bands, in truth, were aggregations of a number of overlapping traditional bands which the commissioners had grouped for convenience under the name of a particular Hudson's Bay Company trading post. In the case of the Albany River bands, the government's good intentions created some unintended consequences.

A federal order-in-council of 3 July 1905, we will remember, had instructed the Treaty Nine commissioners to take a surrender of lands in Ontario only.¹⁷² A year earlier, in fact, the Department of Indian Affairs specifically told C.C. Chipman of the Hudson's Bay Company that no people living beyond the Albany River in the Northwest Territories would be included in the treaty, even if this appeared arbitrary to the Indians concerned.¹⁷³ At the last minute, the Company seems to have persuaded the federal government to reconsider, for another order-in-council, issued on 6 July 1905 (while the commissioners were already in the field), empowered them to set aside reserves in "that part of the North West Territories lying between the Albany River, the District of Keewatin and Hudson Bay," and to admit to treaty any Indian living in that region.¹⁷⁴ On the one hand, this was a sensible decision, because it would obviously prevent the type of misunderstandings which had occurred with the Robinson Treaties, when band members living on the wrong side of the height of land had been excluded from participation. In the commissioners' view, it would also "add to the community of interest which for trade purposes exists among these Indians a like responsibility for Treaty obligations."¹⁷⁵ But there wasn't really that much "community of interest" among such large numbers of people. Many families from the more remote parts of the hinterland only came out to the Albany River posts once or twice a year, and they very clearly belonged to traditional bands whose gathering centres were elsewhere. The treaty band created at Fort Albany, for instance, included people whose hunting grounds lay north of the Attawapiskat River, well up the west side of James Bay. And, as the commissioners themselves noted, Fort Hope Post was the meeting point for some 700 people "who have their hunting grounds on both sides of the Albany and as far as the headwaters of the Winisk River."¹⁷⁶ Once they began to understand what the government intended the reserves to be used for, these more remote groups began to press the government for separate band and reserve status. Thus, as part of the adhesions to Treaty Nine in 1930, the Attawapiskat Band was recognized and given a separate reserve on the Ekwana River--without the Fort Albany Treaty Band, to which these people had originally belonged, being forced to surrender part of its own reserve.¹⁷⁷ Other groups were not so fortunate. It took the Cat Lake people, who were attached to the treaty as part of the Osnaburgh Band, until 1970 to get separate recognition.¹⁷⁸ And the people of Webequie (at the head of the Winisk River), Lansdowne and Summer Beaver--all constituent parts of the Fort Hope Treaty Band--were still trying, sixty years after the treaty.¹⁷⁹ These people were, in a sense, unlucky that the government

changed its mind in July of 1905. Had they waited until the adhesion process to participate in the treaty, they would have received their own independent status at that time.

At least, however, the people living in the Northwest Territories were given the opportunity to enter treaty; the closely related Ojibwa and Cree of the province of Quebec, with one peculiar exception, were not. On their arrival at Abitibi Post in 1906, the commissioners had anticipated difficulty as the post was situated "a few miles within the province of Quebec and the majority of the Indians who trade there belong to that province." The government representatives were forced to tell the Abitibi people that they could only treat with those whose hunting grounds were in Ontario, but that if those from Quebec would choose a reserve site, the Dominion would try to have the provincial government set it apart for them later.¹⁸⁰ After separate discussions with the Ontario group, which agreed to treaty terms, both the Ontario and Quebec bands chose their own chiefs and councillors. The Ontario chief was presented with a flag and copy of the treaty; the Quebec Chief received a flag and pipe of tobacco.¹⁸¹ Unfortunately, the Quebec government refused to provide a reserve, so the Department of Indian Affairs was forced to find a compromise solution. In June of 1908, Samuel Stewart was dispatched to Abitibi Post, where he proposed to the members of both bands that the Dominion would pay Treaty Nine annuities to the Quebec people if their brethren would allow them to share their reserve in Ontario. According to the terms of the agreement they signed, the Quebec people gave their adherence to Treaty Nine and relinquished to the Crown all their rights to the territory described in the treaty-as well as in the province of Quebec.¹⁸²

The federal government must have intended that Quebec enter the treaty-making process at some point, because in 1912 it extended the boundaries of both Quebec and Ontario to Hudson Bay. The second clause of each statute provided that the respective provinces would recognize Indian



“One tent would present an indiscriminate squalor of pots, dirty tin dishes, and filthy rabbit skins; another would reveal tidily-rolled blankets, neat cedar bark floors, a hand sewing machine, and a gaudy clock which measured the hours, but never the time of day. I realize how far we are from civilization, for not two percent of these Indians can speak a word of English.”

Treaty secretary, Pelham Edgar, Abitibi, June 1906.

Public Archives Canada, PA 59520

rights in the newly acquired territories "to the same extent" as the government of Canada had previously recognized such rights.¹⁸³ Indian Department officials, however, seem to have had only Ontario in mind. Duncan Campbell Scott had already recommended in 1908 that when the northern Ontario boundary was settled "all the Indians within that Province should be allotted to treaty No. 9"; he felt that this would probably happen "before long."¹⁸⁴ There were differing views as to the length of this time interval. Two years earlier, when the "Cranes" north of Osnaburgh (their hostile chief being dead) had expressed a desire to enter treaty, they were told that it was not the government's intention "at present" to add to the numbers taken into treaty.¹⁸⁵ In reality, most of the momentum for the adhesions, as with the original agreement, was to come from the Indian people. And not surprisingly, their stated reasons were the same as those which had been voiced a generation earlier.

"We would like to join in a Treaty as the other Indians at York Factory on the west of us or Albany, Fort Hope, Osnaburg, Attawapiskat on the south of us," wrote James Stoney in July of 1915, on behalf of the people far up the Hudson Bay coast at Winisk and Fort Severn. "We have

never been asked to get into any of these Treaties. We are practically surrounded by these Indians who get help from the Government and our hunting grounds in this cold northern climate are very poor and we would be very pleased to be able to join in any of these Treaties. Now that the Hudson's Bay is being approached by railways and white men are coming into this northern country we will be driven from our land."¹⁸⁶ With the building of two new transcontinental railways through northern Ontario, the Indian Department was deluged, as usual, with complaints about the whites who had been attracted to the north country by the high prices paid for furs. An independent trader on the railway line just east of Savant Lake relayed, in the fall of 1919, a typical statement of grievance from two Treaty Nine people of the Osnaburgh Band. "J. Bish of Allan Water had come to their camp," reported Ed Troke, "had taken them by the neck and threatened them saying if they were there when he came back in three days he would beat them up and burn their camp. This has caused them to move their camp and families away from a vicinity where Wbageshick has trapped for four years and Wanabetonge on and off for twenty years." Troke added that the injured parties were "good law-abiding natives" and claimed that Bish should not be allowed to drive them from a place where he himself wanted to trap. "This man has been boasting of catching 150 beaver in one season two years ago, a time when he should be in military service."¹⁸⁷ As in the 1880s, the Indian people were accusing these white trappers of using poison to speed their catch.¹⁸⁸ Throughout the north, treaty and non-treaty people alike expressed their contempt for provincial constables and game overseers, who they felt were favouring whites and depriving them of their traditional rights. "From what I know and have heard," wrote the Port Arthur Indian agent in 1917 about one such individual, "the Indians fear and despise the constable and the only way any of them might assist him without payment would be to dig his grave."¹⁸⁹ The Ontario government was following what it considered to be "scientific" principles of wildlife management, enforcing compliance with its regulations on seasons and on the species of game, fish and fur-bearing animals which could be caught. Officials of the provincial Game and Fisheries Department regarded Indian treaty rights as at best a privilege and at worst a nuisance, to be respected only if absolutely necessary. Thus Indian people were to be allowed to hunt "out of season" for food, but not for profit, despite a two hundred year-old tradition of bartering country food--first to fur traders, then to mining, lumbering and railway camps--in exchange for certain necessities.¹⁹⁰

The Indian people, of course, protested. The annuity payment officer who travelled the Albany River in 1913 was told that all the Treaty Nine people were "alarmed" at hearing that the government was preventing traders from buying or possessing certain furs. At Osnaburgh, the chief said "that his people were beginning to fear that the Government did not intend to keep faith with them, in accordance with the understanding upon which they surrendered their country to the government." To prevent the traders from buying their furs, said the chief, was tantamount to preventing them "from hunting or trapping fur-bearing animals, a privilege which the Government assured them they were to have for all time, when the Treaty was made." The payment officer told these people that it was not the government which made the treaty with them which was enforcing these regulations, but that these rules had nonetheless been made for their benefit, and that so long as they kept to the proper seasons, they would be free from prosecution.¹⁹¹ The Indian Department, however, took a very dim view of people like old Peter Taylor, a member of the Treaty

Nine band at English River, who in 1924 was stated to be openly defying the law "by declaring that the Dominion



Commissioners Cain and Awrey congratulating the new chief and Councillors of the Osnaburgh Band after their election, 1929.

Public Archives Canada, C68958.

Government, nor any other Government, cannot and will not stop him from killing beaver, otter and moose whenever he feels disposed to do so"; Taylor was to be told that he could be prosecuted "as he was a very bad example to the Indians."¹⁹² Between the treaty and the adhesions, however, officials of the Indian Department--along with some of the northern traders--did urge the Ontario government to refuse "to grant licenses to the white man to hunt in the northern districts," or at the very least to set aside areas where only Indian people might hunt or trap.¹⁹³ Though the Quebec government had already done so, Ontario considered such a policy politically unacceptable.¹⁹⁴ Instead, the province was in the process of setting aside wildlife preserves across the north, to which no one at all would have access. One of these was the 1925 Chapleau Game Preserve, which not only included the Treaty Nine reserve of the New Brunswick House Band within its boundaries, but excluded those people and their Robinson Treaty relations from 6000 square miles of their traditional hunting grounds.¹⁹⁵

Poor fur hunts, high food prices and provincial government regulations were behind all of the petitions the Indian Department received after 1915 from the Indian people of Fort Severn, Winisk

and Big Trout Lake in far northern Ontario.¹⁹⁶ A "sack of flour was \$45 to \$50 (or 40 cents per pound) and tea \$2.50 a pound," wrote one of the Trout Lake band members in 1927.¹⁹⁷ "We are receiving no Treaty and only a very little help from the Government, which does not go very far amongst so large a band of Indians," said Sampson Beardy, the Trout Lake chief in April of 1928. "Four years ago we were given the Game Laws and told to keep them." Chief Beardy



Treaty negotiations at Big Trout Lake, July 1929. Chief Samson Beardy standing and Commissioners Cain and Awrey seated at the pay table.

Public Archives Canada, PA 94969.

asked that his people be allowed to obtain fur with their firearms, and that they have the trapping season extended beyond the end of March, for "since these laws have been laid upon our people their circumstances have become worse, until now it seems some will hardly survive the winter."¹⁹⁸ Discussions between Ontario and the Dominion had been underway since 1923 on the subject of adhesions to Treaty Nine, and had the province not backed out at the last minute, the expedition would have set out in the summer of 1927.¹⁹⁹ By 1928, the Indian Department had found out the details of the groups living in the area proposed for surrender, and the tour was officially set for the following summer.²⁰⁰ To Walter Cain, the Ontario deputy minister of Lands and Forests who was appointed provincial commissioner, Deputy Superintendent-General Duncan Campbell Scott addressed a final appeal. The "Indians residing in the District of Patricia," he wrote in May of 1929, "are much exercised over the rapid disappearance of the furbearing animals," which they attribute "to the inroads of white trappers." Since Cain would be receiving first-hand information, Scott added, he hoped the former would suggest to his government "the justice of setting apart various tracts in which the Indians shall have the sole right to take game, or that the game laws may be so modified as will preserve to the Indians a continuance of living."²⁰¹

If the original treaty expedition through northern Ontario had been organized by the federal government and hosted by the Hudson's Bay Company--with one provincial representative along for the ride--the two adhesion commissioners were very mindful of their separate status. Walter Cain arrived at Big Trout Lake on 3 July 1929 in a Moth aircraft captained by Roy Maxwell of the provincial air service, while federal Commissioner H.N. Awrey (a departmental employee) and the physician, Dr. Bell, arrived a day later on board an R.C.A.F. plane. When the province issued a press statement the following year claiming that their representative's aircraft was the "pilot plane of the flight," Awrey issued an immediate denial.²⁰¹ When the commissioners arrived at Trout Lake, reported the federal representative, "great enthusiasm was manifested by the Indians who had assembled there to meet the two commissioners who had been sent by the King to look into their complaints and if possible, to make a treaty for the amelioration of their condition." These people were "greatly excited by the sight of the aeroplane." On July 5, the commissioners explained the treaty terms of gratuity and annuity (at \$8 and \$4 respectively, the same as in 1905), reserves and schools, and stated that the Indian people "would still have the privilege to hunt and fish as usual in return for the land which they were ceding." The people of Trout Lake agreed to the full terms of the agreement and a number of leading men signed the document. Sampson Beardy, the traditional chief, was elected chief of the new Trout Lake Indian Band.²⁰²

The commissioners had also expected the famous "Cranes" to show up at Big Trout Lake for treaty--they had been advised by letter to do so--but none of them actually arrived. By a strange coincidence, Walter Cain's return flight was forced down by bad weather on an uncharted lake miles off course, where he "quite unexpectedly" came upon some of the Cranes—whose chief still had Dr. Scott's letter in his pocket. Cain told them that he expected their attendance the following year at Big Trout Lake, but--independent as always--they remained noncommittal.²⁰³ Six months later, they asked through their missionary to have the commissioners come to see them on their own grounds, as their canoes were "too old and weak" for the trip north and as the three groups of them had decided to unite as one.²⁰⁴ Walter Cain found their excuses spurious at best, but because it looked "as if they were fully determined to be aggregated as a separate band whether they be admitted to treaty or not," he agreed to the commissioners visiting them the following year.²⁰⁵ On 17 July 1930, Cain and Awrey flew onto the Windigo River at Nikip, where they found 176 people who "presented a picture, in comparison with other bands, of unkempt, ill-clothed, rather penurious and distressed people." However, notwithstanding their seemingly underprivileged condition," the doctor found them in above-average health with not a tooth cavity among them, "thanks presumably to the lack of sugar and sweetmeats." After a "thorough explanation of the Treaty," the leaders "submitted many questions which were fully answered, after which they indicated readiness to sign the Adhesion."²⁰⁶

The last two groups admitted to treaty in 1930 were those at Fort Severn and Winisk on the Hudson Bay coast. The group at Fort Severn was at first hesitant "under their natural restraint or childish reserve in the presence of white men" but eventually they began an exchange of "ideas and opinions" which led them declaring their full satisfaction with the treaty.²⁰⁷ At



The elusive Cranes take treaty at Windigo Lake, 18 Lake 1930. Standing: Samuel Sawanis, interpreter John Wesley, Dr. O'Gorman, Chief Ka-ka-pe-ness, Senia Sak-ch-ka-pow. Seated: H.N. Awrey, W.C. Cain.

Public Archives Canada, C68920.

Winisk, the "Indians possessed more knowledge of the terms and conditions of Treaty No. 9 than many members of other bands who had been admitted twenty-five years ago," and through their interpreters, Father Martel and William Owen, frequently stated that they knew "perfectly all about the Treaty."²⁰⁸ In this regard, the commissioners' report does seem somewhat at variance with the memories of Michael Patrick, a Winisk band member whose brother signed the treaty, who in 1983 claimed that the Indian people did not really understand that much about the arrangement. Mr. Patrick's reminiscences also suggest that the presence of a provincial commissioner, at Winisk at least, went entirely unnoticed:

Then came another story of another boss who would arrive soon and he would called the "shonia ogima" ("money boss," i.e. Indian Affairs). This would be a government boss. The mail came through these trading companies, announcing the upcoming arrival of these men and contained within the announcement was a notice to decide about the state of land and payment of four dollars or eight dollars for the land. The person who took the money would in turn receive the laws. That's what the notice said even though nobody really understood what the notice meant. That letter came to my brother Xavier Patrick who understood some English because he had gone to school . . . These people finally arrived, the Indian Affairs man, one doctor and R.C.M.P. There were no Lands and Forests representative yet. When they arrived, they gave word that three candidates should be selected for the position of chief. One was my

brother Xavier, another David Sutherland and John Bird. Xavier was selected over the others because of his knowledge of English. We did not understand Eng- lish nor did the visitors understand us. Our interpreter also did not speak our dialect. He was brought in from Stranger River. He was a halfbreed . . . In our discussions, it was stated that anyone who wanted the laws would receive money . . . With the agreement, the government's representative stated that no one wanted to control the lifestyle of the people. The people who relied on the birds would be left in their care and no one else would take them away. The animals who walked also were left in their care and no one else could hunt them. No one could dictate terms which would affect their traditional lifestyle. Food, in the form of birds, animals and fish could still be used by the people. The white man had cattle, gardens and would continue to live this way. The people would also control the trees and use them as in the past. Laws were applied to the land however, in order to take care of it, and to avoid destroying it by fire. It was also stated that anyone not interested in making his own living, who was lazy, could not be helped but those who were skillful and had the ambi- tion to run their lives, would be assisted by the government...²⁰⁹

The district involved in the adhesions consisted of some 128,000 square miles and represented--to quote one contemporary press report--"the last unceded Indian territory in the whole Dominion."²¹⁰ Together with the territory acquired in 1905-06, Treaty Nine took in more than two-thirds of what is now the province of Ontario and paved the way for the development of untold resource wealth. The government of the province and the rest of its people undoubtedly benefitted from the treaty, and many of the Indian people claim that they did too. Michael Patrick, at the end of his long life, felt that the Indian people had kept their side of the agreement, though, like any elder, he worried about what the future had in store:

We, in our native world, are beginning to lose too much. Not many people can take care of their own. We should ensure that all people possess the necessary skills to survive on their own. I have heard that what the government promised in benefits to native people, money is running out . . . Before it's too late, we must begin to talk to our people to encourage self sufficiency for the future²¹⁰

Whether, given the political realities of the treaty period, the northern Cree and Ojibwa could have expected different treatment is a matter for historical argument. But one thing does seem clear. Though Treaty Nine did not really cover "the last unceded territory" in all of Canada--as the people of northern Quebec, British Columbia and the Northwest Territories will readily testify--it represented the end of a policy leading back to the British Indian Department of the eighteenth century. No future agreement with the Indian people of Canada will ever look this way again.

ENDNOTES

1. Louis Espagnol to James Phipps (in French), 15 December 1884. Public Archives of Canada (PAC), Record Group 10 (RG 10)/Volume 2289, File 57,641.
2. James Phipps to the Superintendent General of Indian Affairs, 5 February 1885. Ibid.
3. In 1885, Louis Espagnol was chief of the inland or #2 division of the band. PAC, RG10/Vol. 9499 Robinson Treaty Annuities, Spanish River, Nowquaigabo alias Green Feather, Onomsin, Pinense and Louis Espagnol were the four sons of Frisé or the Spaniard--who was chief at Spanish River at the time of the War of 1812. The first two sons signed the

Robinson-Huron Treaty of 1850. Hudson's Bay Company Archives (HBC Arch.) B109/a/2, entry 13 January 1829; B109/a/8, entry 25 January 1835. Letter of T.G. Anderson to S.P. Jarvis, 6 August 1837. PAC, RG10/Vol. 66, p. 63794. Letter of Louis Espagnol to Charles Dupont, 1 July 1867. PAC, RG10/Vol.620, p. 154.

4. For printed copies of both Robinson Treaties, plus Commissioner Robinson's official report, see Alexander Morris, The Treaties of Canada with the Indians of Manitoba and The North-West Territories (Toronto: Coles Canadiana Edition 1971), pp. 16-21; 302-309.
5. It would be impossible to reconstitute the exact populations involved from fur trade records alone. In 1905-06, the Treaty Nine commissioners paid annuities to some 3,000 Indian people living between the height of land and the Albany River and immediate vicinity; adhesions to the Treaty in 1929-30 added at least another 2,000. By the terms "Ojibwa" and "Cree," I mean groups speaking dialects identified by contemporary linguists as Ojibwa or Cree—this is not how the Indian people in question identified themselves. See Adolph Greenberg and James Morrison, "Group Identities in the Boreal Forest: The Origin of the Northern Ojibwa," Ethnohistory Vol. 29, No. 2 (1982):75-102.
6. In letter of Robert Bruce to George Ironside, 25 June 1851. PAC, RG10/Vol. 613.
7. James Phipps to Charles Skene, 20 January 1880. PAC, RG10/Vol. 7757, File 27043-9.
8. James Phipps to S.G.I.A., 5 February 1885. PAC, RG10/Vol. 2289, File 57,641.
9. In December of 1850, Indian Agent George Ironside wrote that he had had to leave Manitoulin Island in late August in accordance with the wishes of the Hon. W.B. Robinson and the Indians generally "on board the steamer 'Gore' to accompany to the place of Council, the Chiefs and Principal Men from the North Shore." PAC, RG10/Vol. 572.
10. "James H. Rowan's Report on the Progress of Railway Surveys, 1872," in Elizabeth Arthur (ed.), Thunder Bay District 1821-1892 (Toronto: The Champlain Society, 1973), pp. 121-24.
11. This is not to imply that there was no competition in the Lake Huron fur trade until the steamers came along, only that the absolute numbers of traders went up.
12. Mattawagamingue Report 1885. HBC Arch., 8124/e/8 (1).
13. Alex Matheson to P. MacDougall, 5 January 1893. Alexander Matheson Papers, Letterbook, pp. 96-97. Metropolitan Toronto Library (MTL), Baldwin Room (BR) S22.
14. HBC Arch., B261/e/l(G); B261/e/6b; B355/e/5b.
15. HBC Arch., B261/e/9; B149/e/.3; 8117/e/6.
16. HBC Arch., B149/e/4.

17. HBC Arch., B135/e/29.
18. HBC Arch., B124/e/8(9); B314/e/4, p. 7.
19. Matheson to HBC Commissioner, 11 June 1892. Matheson Papers, Folder 1890-92. MTL, BR S22.
20. HBC Arch., B261/e/8, C(2).
21. HBC Arch., B129/e/2
22. The references are far too numerous to list here. In 1840, to give just one example, Indian Agent T.G. Anderson reported that English and American traders used to wait at Drummond Island on Lake Huron with supplies of whisky "to intoxicate the passing Indians and deprive them of their presents." "Report on the Affairs of the Indians in Canada," Canada (Province of), Legislative Assembly, Journals, 11 Vic (1847) Appendix T.
23. John Black to P.W. Bell, 29 December 1885. Lake Superior District Accounts 1885, Archives of Ontario (AO), HBCo Records Box 5.
24. PAC, RG10/Vol. 2849, File 175,824-2.
25. The Woodstock Letters, a record of current events and historical notes connected with the colleges and missions of the Society of Jesus in North and South America.
26. HBC Arch., B261/e/8, G(7).
27. HBC Arch., B313/e/3, C and G.
28. HBC Arch., B314/e/4.
29. HBC Arch., B135/e/33.
30. The James Bay Treaty: Treaty Number Nine (Ottawa: Queen's Printer, 1964), pp. 8-9.
31. Charles Dupont to William Spragge, 19 July 1867, in Arthur (ed.), Thunder Bay District, pp. 108.
32. T. Kue-Hing Young, Indian Health Care in Northwestern Ontario: Health Status, Medical Care and Social Policy (MSc. Thesis, University of Toronto, 1979), pp. 58-60.
33. Simon Ross to Alex Matheson, .22 August 1903. HBC Arch., B273/b/6.
34. Canada, Parliament, House of Commons, Sessional Papers 60 Vic. (1897), No. 14, p. 19.

35. Young, Indian Health Care, pp. 68-69.

36. For references to eighteenth and nineteenth century epidemics, see Young, pp. 50-57.

37. HBC Arch., B109/e/9.

38. HBC Arch., B355/e/26, letter from T.C. Rae.

39. HBC Arch., B336/e/1.

40. HBC Arch., B336/e/1.

41. "Re Indian Superstitions," Robert Bell Papers, PAC MG53 B199 (notes of conversation with T. C. Rae, 19 September 1890).

42. In September of 1829, the trader at La Cloche on Lake Huron reported that the local Indians were making "the Grand Medicine" to ward off "canabal" Indians from Mattawagamingue. HBC Arch., B109/a/3, 10 September 1829.

43. T.B. Ross to James Phipps, 7 May 1885. PAC, RG10/Vol. 2289 File 57641.

44. Canada, Parliament, House of Commons, Sessional Papers 57 Vic. (1894), No. 14, p. 12.

45. Ontario, Legislative Assembly, Sessional Papers 53 Vic. (1890), No. 87, p. 85; Northerly and Westerly Ontario: Borron's Reports 1880-92 (Toronto: Queen's Printer, 1892), p. 15.

46. Ibid.

47. "Thomas Keefer on Mining in Thunder Bay", in Arthur (ed.), Thunder Bay District pp. 159-162; A.W. Roland to H. de la Ronde, 5 September 1875, Matheson Papers, Folder 1899. MTL, BR, S22.

48. Memorandum, 3 June 1901. PAC, RG10/Vol. 3033 File 235-225(1) (Treaty File).

49. Memorandum, 22 August 1901. Treaty File.

50. Jabez Williams to S.G.I.A., 12 December 1901. Treaty File.

51. Petition of Osnaburgh Indians, Treaty File.

52. Charles A. Bishop, The Northern Ojibwa and the Fur Trade (Toronto: Holt, Rinehart and Winston, 1974), pp. 134-36.

53. Petition of Osnaburgh Indians, Treaty File.

54. Jabez Williams to S.G.I.A., 12 December 1901. Treaty File.

55. Jabez Williams to J.F. Whiteaves, 16 January 1897, enclosed in letter of Whiteaves to A.M. Burgess, deputy minister of the Interior, 3 February 1897, PAC, RG10/Vol. 3722 File 24161.
56. Alex Matheson to T.C. Rae, 20 July 1898; W. Broughton to Matheson, 10 September 1899; D.C. McTavish to Matheson, 10 September 1899; A.W. Patterson to Matheson, 9 March 1901. Matheson Papers.
57. HBC Arch., B129/e/18.
58. Jabez Williams to Robert Bell, 1 March 1902. PAC, MG53 B204.
59. Though the term was occasionally more widely used, the Crane Indians--named after an eighteenth-century ancestor--generally consisted of the traditional bands who occupied the area between Cat Lake and Big Trout Lake, north of the Albany River. See Edward S. and Mary Black Rogers, "Who were the Cranes? Groups and Group Identity Names in Northern Ontario," paper presented to the conference on Algonquin Archaeology, Calgary, 1980.
60. Jabez Williams to Alex Matheson, 12 June 1902. HBC Arch., B155/6/2
61. Charles Camsell, Son of the North (Toronto: Ryerson Press, 1954), pp, 169, 172-74. I am indebted to Ed and Mary Black Rogers for this reference.
62. W.B. Frue to A.H. Sibley, 4 April 1892, in Arthur (ed.) Thunder Bay District, pp. 148-149.
63. Memorandum of 5 September 1872, in Privy Council Minute, 16 October 1872. PAC, RG2/Vol. 49, File 726A No. 821.
64. Memorandum, 3 June 1901. Treaty File.
65. Ibid.
66. Ibid.
67. Ibid.
68. René Fumoleau, As Long as This Land Shall Last (Toronto: McClelland and Stewart, 1975), pp. 70-73.
69. Legal Memorandum, 24 June 1901. Treaty File.
70. The description of the lands ceded by the Robinson-Huron Treaty of 1850 has them extending "inland to the height of land which separates the territory covered by the charter of the Honourable Hudson's Bay Company from Canada." Morris, Treaties, p. 305.
71. Ontario, Parliament, Legislative Assembly. Sessional Papers 1889, no. 60.

72. Quoted in J.C. Morrison, Oliver Mowat and the Development of Provincial Rights in Ontario (Toronto: Ontario Department of Public Records and Archives, 1961), pp. 170-171.
73. St. Catherines Milling and Lumber Company v. The Queen (1889) 14 App. Cas. 46 (P.C.).
74. 52-53 Vic. Cap. 28 (U.K.).
75. 54-55 Vic. Cap. 5 (Canada); 54-55 Vic. Cap. 3 (Ontario).
76. The James Bay Treaty, p. 26.
77. A number of Indian claims had been referred to the arbitrators dealing with accounts outstanding from the old province of Canada--among them a claim from certain Lake Simcoe and Lake Huron people to a tract of land near Georgian Bay; and another from the people of Lake Temagami, who were arguing that they had not participated in the 1850 Robinson Treaty. AO Irving Papers.
78. Ontario, Legislative Assembly. Sessional Papers 1884 No. 81.
79. In Re: Indian Claims (1897) App. Cas. 199 (P.C.)
80. The amount of material on this subject in the Irving Papers at the Archives of Ontario is too voluminous to list in its entirety. See, however, Mr. Borron's report of 31 December 1891.
81. PAC, RG10/Vol. 2832, File 170-073 (1), especially Mr. Macrae's report of 18 February 1899.
82. Legal Memorandum, Treaty File.
83. St. Catherines Milling and Lumber Company and the Queen (1887) Ontario Court of Appeal, per Haggerty C.J.O.
84. Memorandum of 5 September 1872, in Privy Council Minute of 16 October 1872. PAC, RG2/Vol. 49, File 726 A No. 821.
85. In December of 1792, the surveyor-general of Upper Canada informed the famous Mohawk leader Joseph Brant, who had applied for a grant of lands on Burlington Bay in his capacity as an officer of the Indian Department that "those lands are not purchased from the Mississauga Nation and that the King's Proclamation in 1763 totally prohibits any of His Majesty's subjects from settling on Indian lands, or his Governors in this country from granting therein warrants of survey. . ." AO RG1 A-1-2 Vol. 1.
86. The leading case in this regard is R. v. McCormick (1859) U.C.O.B. per Robinson C.J.U.C.
87. Memorandum of 22 February 1902. Treaty File.

88. Draft Memorandum of 17 August 1903. Treaty File.
89. Thos. B. Irving to Laurier, 17 April 1904. Treaty File.
90. Pedley to E.J. Davis, 30 April 1901. Treaty File.
91. Aubrey White to Pedley, 30 May 1904, in Ontario, Legislative Assembly Sessional Papers 1908, No. 71.
92. Pedley to White, 23 June 1901. Treaty File.
93. Letters of 27 February 1905; 18 March 1905. Treaty File.
94. Pedley to J.J. Foy, 8 May 1905. Treaty File.
95. A.J. Matheson to Pedley, 1 June 1905. Treaty File.
96. Matheson to Pedley, 1 June 1905. Treaty File.
97. Pedley to Matheson, 1 June 1905. Treaty File.
98. Matheson to Pedley, 23 June 1905. Treaty File.
99. Pedley to Superintendent-General, 26 June 1905. Treaty File.
100. Ibid.
101. PAC, RG2, File 1231 D No. 1222.
102. In the Robinson Treaty Annuities case (1897) A.C. 199 at 204 per Lord Watson.
103. Demands of the Indians, 22 January 1869. RG10/Vol. 1918, File 2790B.
104. PAC, RG2, File 1236D No. 1262.
105. Treaty Number Three; with adhesions made in 1874 and 1875 (Ottawa: Queen's Printer, 1966).
106. Duncan Campbell Scott, "The Last of the Indian Treaties," Scribners (November 1906):
107. These slides and prints are now part of the photographic collection at the Public Archives of Canada. There are also contemporary copies at the Archives of Ontario.
108. Madge Macbeth, Over My Shoulder (Toronto: the Ryerson Press, 1953), p. 143.

109. Pelham Edgar, "Travelling with a Poet," Across My Path (Toronto: Ryerson, 1952), p. 60.
110. Scott, "The Fragment of a Letter," quoted in Edgar, p. 61.
111. Scott's Diary (and Edgar's for 1906) is in RG10/Vol. 1028, Stewart's is in RG10/Vol. 11,399.
112. Edgar, p. 63; Pelham Edgar, "Twelve Hundred Miles by Canoe," Canada (24 November 1906 through 16 March 1907).
113. Joseph Vanasse, "The White Dog Feast," The Canadian Magazine Vol. 30 #1 (Nov. 1907): 62-64.
115. Edmund Morris A.R.C.A. The Indian Tribes of Canada (Toronto, 1909). pp. 7-8.
116. The James Bay Treat, p. 5.
117. Ibid., p. 15.
118. Ibid., p. 8.
119. 1906 Diary, p. 95. RG10/Vol. 11,399 File 2.
120. 1905 Diary, pp. 24-26; see also Vanasse, "The White Dog Feast."
121. The James Bay Treaty, pp. 4-5.
122. 1905 Diary, p. 39.
123. Ibid., p. 39; The James Bay Treaty, p. 5.
124. 1905 Diary, pp. 40-41.
125. The James Bay Treaty, pp. 6-7.
126. 1905 Diary, pp. 55-56.
127. The James Bay Treaty, p. 6.
128. 1905 Diary, pp. 67-69.
129. The James Bay Treaty, p. 8.
130. Ibid., p. 9.

131. 1905 Diary, p. 126.
132. 1906 Diary, pp. 40-41.
133. The James Bay Treaty, p. 14.
134. Ibid., p. 15.
135. Ibid., p. 16.
136. Ibid., p. 10.
137. Ibid., p. 10-11, 17.
138. Ibid., p. 6.
139. C.B. Macpherson, Property (Toronto: University of Toronto Press, 1978), pp. 3-4.
140. See Appendix A.
141. Interview taped by James Morrison in Sault Ste Marie, Ontario, 17 March 1974. Mr. Laurence died in 1975.
142. Interview with James Wesley, Kashechewan, October 1972. Taped and transcribed by Arthur Cheechoo.
143. Meeting with the Mississaugas, PAC C.O. 42/240 Folio 51, 1 August 1805.
144. The James Bay Treaty, p. 6.
145. HBC Arch., B273/b/7, letter from King, Dinorwic, 2 November 1904; B312/b/, letter from Taylor, Mattawa, to Drever, Abitibi, 30 March 1905; B312/b/4, letter of Taylor to HBC Commissioner, 22 September 1905.
146. HBC Arch., B3/b/102, David Armit to Samuel Iserhoff, 3 February 1902.
147. HBC Arch., B3/a/205, entry 3 August 1905.
148. HBC Arch., B218/b/1, letter of George McKenzie to Robert Skene, 22 November 1899; McKenzie to district posts, 20 December 1900; McKenzie to HBC Commissioner, 18 January 1901.
149. HBC Arch., B145/e/11.
150. The James Bay Treaty, p. 17.

151. Ibid., pp. 6, 11; for the problem of "outside promises" see W.E. Daugherty, Treaty Research Report: Treaty One and Treaty Two (Treaties and Historical Research Centre, Indian and Northern Affairs Canada, 1983), pp. 14-19.
152. The James Bay Treat, p. 11.
153. Laurence interview.
154. William Goodwin to Indian Department (in syllabic with English translation) 21 July 1922. RG10/Vol. 6888, File 488/29-3 Vol. 5.
155. Memo of David Laird, 27 October 1910. RG10/Vol. 6887, File 488/28-3 Vol. 2.
156. H.A. West to J.D. McLean (with enclosures), 10 June 1911. RG10/Vol. 6882, File 411/28-3 Vol. 1.
157. HBC Arch., 8155/b/5, letter of 12 June 1911; Memo of 3 November 1913, RG10/Vol. 6897, File 492/28-3 Vol. 5.
158. Dr. Meindl's reports are attached to the Commissioners' Report in Canada, Parliament, House of Commons, Sessional Papers 1907, I: 293-296.
159. James Wesley interview.
160. Report of 18 August 1906; report of 22 September 1910, RG10/Vol. 6887, File 486/28-3 Vol. 2.
161. Report of 18 August 1906, Ibid.
162. Report of 22 September 1910, Ibid.
163. Interviewed by James Morrison, 15 October 1977. Mr. McLeod, a "half breed," as he calls himself ' was married to a woman from the New Brunswick House Band.
164. HBC Arch., B155/b/5, letter of 12 June 1911.
165. Report of September 1907, RG10/Vol. 6887, File 486/28-3 Vol. 1.
166. Interview with Robert Laurence.
167. Letters of 8 October 1910; 3 November 1910. RG10/Vol, 7835, File 30065-3 Vol. 1.
168. Letters of 4 June and 5 August 1921. Ibid.
169. Letter of 1 October 1919, RGI10/Vol. 7757, File 27044-1.

170. Memo of S. Bray, 12 November 1913; letters of 5 March and 12 March 1930. Ibid.
171. Letters of 31 July 1914; 13 August 1914; 27 July 1915; RG10/Vol. 3180, File 452-054.
172. PAC, RG2/File 1236 D No. 1262.
173. Letters of 11 May and 18 May 1904. Treaty File.
174. PAC, RG2/File 1238D No. 1275.
175. The James Bay Treaty, p. 3.
176. Ibid., p. 6.
177. Ibid., p. 35; report of 17 July 1928, RG10/Vol. 6889, File 486/28-3 Vol. 8.
178. Bishop, The Northern Ojibwa, pp. 66, 67, 76.
179. Letter of 29 December 1932. RG10/Vol. 6889, File 486/28-3 Vol. 10.
180. The James Bay Treaty, pp. 13-14.
181. 1906 Diary, pp. 24-25.
182. 1908 Diary, p. 165; PAC, RG2/Vol. 514, PC 1593 9 July 1908.
183. Statutes of Canada 2 George V Chapters 40 and 41.
184. Memo of 14 May 1908. RG10 Vol. 4009, File 249, 462-1.
185. Letters of 15 October and 15 November 1906. Treaty File.
186. Letter of 29 July 1915. Treaty File.
187. Letter of 19 October 1919. RG10/Vol. 2406, File 84,041 Pt. 2.
188. Letter of 24 February 1917. Ibid.
189. Various letters ibid., esp. 5 January 1917.
190. Various letters ibid.
191. Report of W.J. McLean, 3 November 1913. RG10/Vol. 6897, File 492/28-3 Vol. 5.
192. Report of H.N. Awrey, 14 August 1924. RG10 Vol./6888. File 486/28-3 Vol. 6.
193. Report of H.N. Awrey, 15 August 1929, RG10/Vol. 6889, File 486/28-3 Vol. 8; Report of 31 July 1931. RG10/Vol. 6889, File 486/28-3 Vol. 9; Superintendent General to Howard

Ferguson, 2 February 1929. AO, RG3 Ferguson Papers Box 102; "Report of the Special Committee on the Game Situation" 1933, AO, RG8 I-7-B-2, p. 140.

194. Ontario, Legislative Assembly, Sessional Papers, 1933 No. 32, p. 70.

195. Vince Crichton, The Chapleau Game Preserve (Ontario Department of Lands and Forests, 1947); RG10/Vol. 7763.

196. Letters of 22 March 1922; 27 November 1923; various R.C.M.P. dispatches, Treaty File.

197. Letter of David Banty, 20 April 1927, Treaty File.

198. Petition enclosed in letter of Leslie Garrett, 9 April 1928. RG10/Vol. 6819, File 490/2-17.

199. Ibid.

200. Ibid.

201. Ibid., clipping from Star Weekly. 3 August 1929.

202. Ibid. and Commissioners Report 1929, RG10/Vol. 3033, File 235-225-3.

203. Letter of 23 July 1929, Vol. 6819, File 490/2-17.

204. Letter of 12 October 1929, ibid.

205. Letter of 18 November 1929, ibid.

206. Commissioners' Report 1930. RG10/Vol. 3033, File 236-225-3.

207. Ibid., p. 14.

208. Ibid., p. 17.

209. Interviewed by Greg Spence, 18 January 1983. Tape in possession of Ojibway-Cree Cultural Centre, Timmins, Ontario.

210. Toronto Mail and Empire, 8 January 1929.

211. Michael Patrick interview.

APPENDIX

A



CANADA

THE JAMES BAY TREATY

TREATY No. 9

(MADE IN 1905 AND 1906)

AND

ADHESIONS MADE IN

1929 AND 1930

JAMES BAY TREATY

TREATY No. 9

OTTAWA, November 6, 1905.

The Honourable

The Supt. General of Indian Affairs,

Ottawa,

SIR,—Since the treaties known as the Robinson Treaties were signed in the autumn of the year 1950, no cession of the Indian title to lands lying within the defined limits of the province of Ontario had been obtained. By these treaties the Ojibeway Indians gave up their right and title to a large tract of country lying between the height of land and Lakes Huron and Superior. In 1873, by the Northwest Angle Treaty (Treaty No. 3), the Saulteaux Indians ceded a large tract east of Manitoba, part of which now falls within the boundaries of the province of Ontario. The first-mentioned treaty was made by the old province of Canada, the second by the Dominion.

Increasing settlement, activity in mining and railway construction in that large section of the province of Ontario north of the height of land and south of the Albany river rendered it advisable to extinguish the Indian title. The undersigned were, therefore, appointed by Order of His Excellency in Council on June 29, 1905, as commissioners to negotiate a treaty with the Indians inhabiting the unceded tract. This comprised about 90,000 square miles of the provincial lands drained by the Albany and Moose river systems.

When the question first came to be discussed, it was seen that it would be difficult to separate the Indians who came from their hunting grounds on both sides of the Albany river to trade at the posts of the Hudson's Bay Company, and to treat only with that portion which came from the southern or Ontario side. As the cession of the Indian title in that portion of the Northwest Territories which lies to the north of the Albany river would have to be consummated at no very distant date, it was thought advisable to make the negotiations with Indians whose hunting grounds were in Ontario serve as the occasion for dealing upon the same terms with all the Indians trading at Albany river posts, and to add to the community of interest which for trade purposes exists amongst these Indians a like responsibility for treaty obligations. We were, therefore, given power by Order of His Excellency in Council of July 6, 1905, to admit to treaty any Indian whose hunting grounds cover portions of the Northwest Territories lying between the Albany river, the district of Keewatin and Hudson bay, and to set aside reserves in that territory.

In one essential particular the constitution of the commission to negotiate this treaty differed from that of others which undertook similar service in the past. One member* was nominated by the province of Ontario under the provisions of clause 6 of the Statute of Canada, 54-55 Vic., chap. V., which reads: "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." The concurrence of the government of Ontario carried with it the stipulation that one member of the commission should be nominated by and represent Ontario.

It is important also to note that under the provisions of clause 6 just quoted, the terms of the treaty were fixed by the governments of the Dominion and Ontario; the commissioners were empowered to offer certain conditions, but were not allowed to alter or add to them in the event of their not being acceptable to the Indians.

After the preliminary arrangements were completed, the commissioners left Ottawa for Dinorwic, the point of departure for Osnaburg, on June 30, and arrived there on July 2.

The party consisted of the undersigned, A. G. Meindl, Esq., M.D., who had been appointed to carry out the necessary work of medical relief and supervision, and James Parkinson and J. L. Vanasse, constables of the Dominion, police force. At Dinorwic the party was met by T. C. Rae, Esq., chief trader of the Hudson's Bay Company, who had been detailed by the commissioner of the Hudson's Bay Company to travel with the party and make arrangements for transportation and maintenance en route. Mr. Rae had obtained a competent crew at Dinorwic to take the party to Osnaburg. The head man was James Swain, an old Albany river guide and mail-carrier, who is thoroughly familiar with the many difficult rapids of this river.

The party left Dinorwic on the morning of July 3, and after crossing a long portage of nine miles, first put the canoes into the water at Big Sandy Lake. On July 5 we passed Frenchman's Head reservation, and James

* Mr. D.G. MacMartin.

Bunting, councillor in charge of the band, volunteered the assistance of a dozen of his stalwart men to help us over the difficult Ishkaqua portage, which was of great assistance, as we were then carrying a great weight of supplies and baggage. On the evening of the 5th, the waters of Lac Seul were reached, and on the morning of the 6th the party arrived at Lac Seul post of the Hudson's Bay Company. Here the commission met with marked hospitality from Mr. J.D. McKenzie, in charge of the post, who rendered every assistance in his power. He interpreted whenever necessary, for which task he was eminently fitted by reason of his perfect knowledge of the Ojibeway language.

The hunting grounds of the Indians who traded at this post had long ago been surrendered by Treaty No. 3, but it was thought advisable to call at this point to ascertain whether any non-treaty Indians had assembled there from points beyond Treaty No. 3, but adjacent to it. Only one family, from Albany river, was met with. The case was fully investigated and the family was afterwards attached to the new treaty.

The afternoon of the 6th was spent in a visit to the Lac Seul reserve in an attempt to discourage the dances and medicine feasts which were being held upon the reserve. The Indians of this band were well dressed, and for the most part seemed to live in a state of reasonable comfort. Their hunting grounds are productive.

The party left Lac Seul on the morning of July 7, en route for Osnaburg passing through Lac Seul, and reached the height of land, via Root river, on, July 10. Thence by the waters of Lake St. Joseph, Osnaburg was reached on the 11th.

This was the first point at which treaty was to be made, and we found the Indians assembled in force, very few being absent of all those who traded at the post. Those who were absent had been to the post for their usual supplies earlier in the summer, and had gone back to their own territory in the vicinity of Cat lake.

Owing to the water connection with Lac Seul, these Indians were familiar with the provisions of Treaty No. 3, and it was feared that more difficulty might be met with at that point than almost any other, on account of the terms which the commissioners were empowered to offer not being quite so favourable as those of the older treaty.

The annuity in Treaty No. 3 is \$5 per head, and only \$4 was to be offered in the present instance. The proposed treaty did not provide for an issue of implements, cattle, ammunition or seed-grain.

As there was, therefore, some uncertainty as to the result, the commissioners requested the Indians to select from their number a group of representative men to whom the treaty might be explained. Shortly after, those nominated presented themselves and the terms of the treaty were interpreted. They were then told that it was the desire of the commissioners that any point on which they required further explanations should be freely discussed, and any questions asked which they desired to have answered.

Missabay, the recognized chief of the band, then spoke, expressing the fears of the Indians that, if they signed the treaty, they would be compelled to reside upon the reserve to be set apart for them, and would be deprived of the fishing and hunting privileges which they now enjoy.

On being informed that their fears in regard to both these matters were groundless, as their present manner of making their livelihood would in no way be interfered with, the Indians talked the matter over among themselves, and then asked to be given till the following day to prepare

their reply. This request was at once acceded to and the meeting adjourned.

The next morning the Indians signified their readiness to give their reply to the commission-ers, and the meeting being again convened, the chief spoke, stating that full consideration had been given the request made to them to enter into treaty with His Majesty, and they were prepared to sign, as they believed that nothing but good was intended. The money they would receive would be of great benefit to them, and the Indians were all very thankful for the advantages they would receive from the treaty.

The other representatives having signified that they were of the same mind as Missabay, the treaty was then signed and witnessed with all due formality, and payment of the gratuity was at once proceeded with.

The election of chiefs also took place, the band being entitled to one chief and two council-ors. The following were elected:—Missabay, John Skunk and George Wawaashkung.

After this, the feast which usually accompanies such formalities was given the Indians. Then followed the presentation of a flag, one of the provisions of the treaty; this was to be held by the chief for the time being as an emblem of his authority. Before the feast began, the flag was presented to Missabay the newly elected chief, with words of advice suitable for the occasion. Missabay received it and made an eloquent speech, in which he extolled the manner in which the Indians had been treated by the government; advised the young men to listen well to what the white men had to say, and to follow their advice and not to exalt their own opinions above those of men who knew the world and had brought them such benefits. Missabay, who is blind, has great control over his band, and he is disposed to use his influence in the best interests of the Indians.

At Osnaburg the civilizing work of the Church Missionary Society was noticeable. A commodious church was one of the most conspicuous buildings at the post and the Indians held service in it every evening. This post was in charge of Mr. Jabez Williams, who rendered great service to the party by interpreting whenever necessary. He also gave up his residence for the use of the party.

On the morning of July 13 the question of the location of the reserves was gone fully into, and the Indians showed great acuteness in describing the location of the land they desired to have reserved for them. Their final choice is shown in the schedule of reserves which is annexed to this report.

We left Osnaburg on the morning of July 13, and entered the Albany river, which drains Lake St. Joseph, and, after passing many rapids and magnificent lake stretches of this fine river, we reached Fort Hope at 5 o'clock on the afternoon of the 18th. This important post of the Hudson's Bay Company is situated on the shore of Lake Eabamet, and is the meeting point of a large number of Indians, certainly 700, who have their hunting grounds on both sides of the Albany and as far as the headwaters of the Winisk river. The post was in charge of Mr. C. H. M. Gordon.

The same course of procedure was followed as at Osnaburg. The Indians were requested to select representatives to whom the business of the commission might be explained, and on the morning of the 19th the commissioners met a number of representative Indians in the Hudson's Bay Company's house. Here the commissioners had the benefit of the assistance of Rev. Father

F. X. Fafard, of the Roman Catholic Mission at Albany, whose thorough knowledge of the Cree and Ojibeway tongues was of great assistance during the discussion.

A more general conversation in explanation of the terms of the treaty followed than had occurred at Osnaburg. Moonias, one of the most influential chiefs, asked a number of questions. He said that ever since he was able to earn anything, and that was from the time he was very young, he had never been given something for nothing; that he always had to pay for everything that he got, even if it was, only a paper of pins. "Now," he said "you gentlemen come to us from the King offering to give us benefits for which we can make no return. How is this?" Father Fafard thereupon explained to him the nature of the treaty, and that by it the Indians were giving their faith and allegiance to the King, and for giving up their title to a large area of land of which they could make no use, they received benefits that served to balance anything that they were giving.

"Yesno," who received his name from his imperfect knowledge of the English language, which consisted altogether in the use of the words "yes" and made an excited speech, in which he told the Indians that they were to receive cattle and implements, seed-grain and tools. Yesno had evidently travelled, and had gathered an erroneous and exaggerated idea of what the government was doing for Indians in other parts of the country, but, as the undersigned wished to guard carefully against any misconception or against making any promises which were not written in the treaty itself, it was explained that none of these issues were to be made, as the band could not hope to depend upon agriculture as a means of subsistence; that hunting and fishing, in which occupations they were not to be interfered with, should for very many years prove lucrative sources of revenue. The Indians were informed that by signing the treaty they pledged themselves not to interfere with white men who might come into the country surveying, prospecting, hunting, or in other occupations: that they must respect the laws of the land in every particular, and that their reserves were set apart for them in order that they might have a tract in which they could not be molested, and where no white man would have a tract in which without the consent of their tribe and of the government.

After this very full discussion, the treaty was signed, and payment was commenced. The payment was finished on the next day, and the Indian feast took place, at which the chiefs elected were Katchange, Yesno, Joe Goodwin, Benj. Ooskinegisk, and George Quisees. The newly elected chiefs made short speeches, expressing their gladness at the conclusion of the treaty and their determination to be true to its terms and stipulations.

It is considered worthy of record to remark on the vigorous and manly qualities displayed by these Indians throughout the negotiations. Although undoubtedly at times they suffer from lack of food owing to the circumstances under which they live, yet they appeared contented, and enjoy a certain degree of comfort. Two active missions are established at Fort Hope, the Anglican, under the charge of Rev. Mr. Richards, who is resident, and the Roman Catholic, under the charge of Rev. Father Fafard, who visits from the mission at Albany.

Fort Hope was left on the morning of July 21, and after passing through Lake Eabamet the Albany was reached again, and after three days' travel we arrived at Marten Falls at 7.35 on the morning of Tuesday, July 25.

This is an important post of the Hudson's Bay Company, in charge of Mr. Samuel Iserhoff. A number of Indians were awaiting the arrival of the commission. The first glance at the Indians served to convince that they were not equal in physical development to those at Osnaburg or Fort Hope, and the comparative poverty of their hunting grounds may account for this fact.

The necessary business at this post was transacted on the 25th. The treaty, after due explanation, was signed and the payment made immediately. Shortly before the feast the Indians elected their chief, Wm. Whitehead, and two councillors, Wm. Coaster and Long Tom Ostamas.

At the feast Chief Whitehead made an excellent speech, in which he described the benefits that would follow the treaty and his gratitude to the King and the government for extending a helping and protecting hand to the Indians.

The reserve was fixed at a point opposite the post and is described fully in the schedule of reserves.

The commodious Roman Catholic church situated on the high bank of the river overlooking the Hudson's Bay Company's buildings was the most conspicuous object at this post.

Marten Falls was left on the morning of Wednesday, July 26. Below this point the Albany flows towards James Bay without any impediment of rapids or falls, but with a swift current, which is a considerable aid to canoe travel.

The mouth of the Kenogami river was reached at 2.45 on the afternoon of July 27. This river flows in with a large volume of water and a strong current. It took two days of heavy paddling and difficult tracking to reach the English River post, which is situated about 60 miles from the mouth of the river and near the Forks. We found many of the Indians encamped along the river, and they followed us in their canoes to the post, where we arrived on the afternoon of July 29.

This is a desolate post of the Hudson's Bay Company, in charge of Mr. G. B. Cooper. There are very few Indians in attendance at any time: about half of them were assembled, the rest having gone to "The Line," as the Canadian Pacific railway is called, to trade.

Compared with the number at Fort Hope or Osnaburg, there was a mere handful at English River, and it did not take long to explain to the Indians the reason why the commission was visiting them. As these people cannot be considered a separate band, but a branch of the Albany band, it was not thought necessary to have them sign the treaty, and they were merely admitted as an off-shoot of the larger and more important band.

The terms of the treaty having been fully explained, the Indians stated that they were willing to come under its provisions, and they were informed that by the acceptance of the gratuity they would be held to have entered treaty, a statement which they fully realized. As the morrow was Sunday, and as it was important to proceed without delay, they were paid at once.

We left the English River post early on Monday morning, and reached the mouth of the river at 6 p.m. Coming again into the Albany, we met a number of Marten Falls Indians who had not been paid, and who had been camped at the mouth of the river, expecting the commission. After being paid, they camped on the shore near us, and next morning proceeded on their way to Marten Falls, with their York boats laden with goods from Fort Albany. The next day a party of Albany Indians were paid at the mouth of Cheepy river and the post itself was reached on the morning of August 3, at 9.30. Here the commissioners had the advantage of receiving much assistance from Mr. G.W. Cockram, who was just leaving the post on

his way to England, and Mr. A.W. Patterson, who had just taken charge in his stead.

In the afternoon the chief men selected by the Indians were convened in a large room in the Hudson's Bay Company's store, and an interesting and satisfactory conversation followed. The explanations that had been given at the other points were repeated here, and two of the Indians, Arthur Wesley and Wm. Goodwin, spoke at some length, expressing on their own behalf and on behalf of their comrades the pleasure they felt upon being brought into the treaty and the satisfaction they experienced on receiving such generous treatment from the Crown. Some of the Indians were away at their hunting grounds at Attawapiskat river, and it was thought advisable to postpone the election of chiefs until next year. The Indians were paid on August 4 and 5.

During the afternoon the Hudson's Bay Company's steamer *Innenew* arrived, with the Right Rev. George Holmes, the Anglican Bishop of Moosonee, on board.

On Saturday the Indians feasted and presented the commissioners with an address written in Cree syllabic, of which the following is a translation:-

"From our hearts we thank thee, O Great Chief, as thou hast pitied us and given us temporal help. We are very poor and weak. He (the Great Chief) has taken us over, here in our own country, through you (his servants).

"Therefore from our hearts we thank thee, very much, and pray for thee to Our Father in heaven. Thou hast helped us in our poverty.

"Every day we pray, trusting that we may be saved through a righteous life; and for thee we shall ever pray that thou mayest be strong in God's strength and by His assistance.

"And we trust that it may ever be with us as it is now; we and our children will in the church of God now and ever thank Jesus.

"Again we thank you (commissioners) from our hearts."

Fort Albany is an important post of the Hudson's Bay Company, and here there are two flourishing missions, one of the Roman Catholic and one of the Church of England. Father Fafard has established a large boarding school, which accommodates 20 Indian pupils in charge of the Grey Nuns from the parent house at Ottawa. Here assistance is given to sick Indians in the hospital ward, and a certain number of aged people who cannot travel with their relatives are supported each winter. The church and presbytery are commodious and well built, and the whole mission has an air of prosperity and comfort. The celebration of mass was well attended on Sunday. The Church of England mission is also in a flourishing condition. The large church was well filled for all Sunday services conducted by Bishop Holmes, and the Indians took all intelligent part in the services.

We left Albany on the morning of Monday, August 7, in a sail-boat chartered from the Hudson's Bay Company, and, the wind being strong and fair, we anchored off the mouth of Moose river at 7 o'clock the same evening. Weighing anchor at daylight on Tuesday morning, we drifted with the tide, and a light, fitful wind and reached Moose Factory at 10.30. We had been accompanied on the journey by Bishop Holmes, who immediately upon landing interested himself with Mr. J. G. Mowat, in charge of this important post of the Hudson's Bay Company, to secure a meeting of representative Indians on the morrow.

On the morning of the 9th a meeting was held in a large room placed at our disposal by the Hudson's Bay Company. The Indians who had been chosen to confer with us seemed remarkably intelligent and deeply interested in the subject to be discussed. When the points of the treaty were explained to them, they expressed their perfect willingness to accede to the terms and conditions. Frederick Mark, who in the afternoon was elected chief, said the Indians were all delighted that a treaty was about to be made with them; they had been looking forward to it for a long time, and were glad that they were to have their hopes realized and that there was now a prospect of law and order being established among them. John Dick remarked that one great advantage the Indians hoped to derive from the treaty was the establishment of schools wherein their children might receive an education. George Teppaise said they were thankful that the King had remembered them, and that the Indians were to receive money, which was very much needed by many who were poor and sick. Suitable responses were made to these gratifying speeches by ourselves and Bishop Holmes, and the treaty was immediately signed. Payment commenced next day and was rapidly completed.

It was a matter of general comment that the Moose Factory Indians were the most comfortably dressed and best nourished of the Indians we had so far met with.

On the evening of Thursday the Indians announced that they had elected the following chief and councillors: Frederick Mark, James Job, Simon Quatchequan and Simon Cheena. As they were to have their feast in the evening, it was decided to present the Bag to the chief on that occasion. The feast was held in a large workshop placed at the disposal of the Indians by the Company; and before this hall, just as night was coming on, the flag was presented to Chief Mark. In many respects it was a unique occasion. The gathering was addressed by Bishop Holmes, who began with a prayer in Cree, the Indians making their responses and singing their hymns in the same language. Bishop Holmes kindly interpreted the address of the commissioners, which was suitably replied to by Chief Mark. It may be recorded that during our stay at this point a commodious church was crowded every evening by interested Indians, and that the good effect of the ministrations for many years of the Church Missionary Society were plain, not only to Moose Factory but after the immediate influence of the post and the missionaries had been left. The crew from Moose Factory which accompanied the commissioners as far as Abitibi held service every night in camp, recited a short litany, sang a hymn and engaged in prayer, a fact we think worthy of remark, as in the solitude through which we passed this Christian service made a link with civilization and the beat influences at work in the world which had penetrated even to these remote regions. On Friday, August 11, the question of a reserve was gone into, and settled to the satisfaction of ourselves and the Indians. A description of the location is given in the schedule of reserves.

During our stay we had the opportunity of inspecting Bishop's Court, at one time the residence of the Bishop of Moosonee, but which the present bishop intends to convert into a boarding school for Indian children. The hospital under the supervision of 'Miss Johnson was also inspected.

On Saturday, August 12, we left Moose Factory at 12.30. For one week we were engaged with the strong rapids of the Moose and Abitibi rivers, and did not reach New Post, our next point of call, until 12.30 on Saturday, the 19th. New Post is a small and comparatively unimportant post of the Hudson's Bay Company. It is situated on a beautiful bend of the Abitibi river, and commands an excellent hunting country. The post is in charge of Mr. S. B. Barrett, and nowhere was the commission received with greater consideration and hospitality than at this place. The New Post Indians, although few in number, are of excellent character and disposition. They met us with great friendliness. The treaty was concluded on Monday, the 21st, and the Indians were at once paid. The reserve question was also discussed, and the location finally fixed as shown by the schedule of reserves. One of the leading Indians, Esau Omakeess, was absent from the reserve during the negotiations. He,

however, arrived during the time the payments were being made, and signified his approval of the action taken by his fellow Indians. He was subsequently chosen un-animously as chief of the band.

We started for Abitibi on Tuesday morning, August 22. On the previous evening the chief had announced to the commissioners his intention of accompanying the party, with five companions, to assist in passing the difficult series of portages which lie immediately above New Post. One unacquainted with the methods of travel in these regions will not perhaps realize the great assistance this was to the party. At a moderate estimate, it saved one day's travel; and this great assistance was to be rendered, the chief said, without any desire for reward or even for maintenance on the route (they were to bring their own supplies with them), but simply to show their good-will to the commissioners and their thankfulness to the King and the government for the treatment which had been accorded them. They remained with us until the most difficult portages were passed, and left on the evening of August 24, with mutual expressions of good-will. As we ascended the Abitibi evidences of approaching civilization and of the activity in railway construction and surveying, which had rendered the making of the treaty necessary, were constantly met with. Surveying parties of the Transcontinental railway, the Timiskaming and Northern Ontario railway and Ontario township surveyors were constantly met with.

On the morning of August 29 we reached Lake Abitibi, camped at the Hudson's Bay Company's winter post at the Narrows on the same evening, and arrived at Abitibi post the next night at dusk. We did not expect to find many Indians in attendance, as they usually leave for their hunting grounds about the first week in July. There were, however, a few Indians who were waiting at the post in expectation of the arrival of the commission. These were assembled at 2.30 on the afternoon of August 31, and the purpose of the commission was carefully explained to them. Until we can report the successful making of the treaty, which we hope to accomplish next year, we do not think it necessary to make any further comment on the situation at this post. A full list of the Indians was obtained from the officer in charge of the Hudson's Bay Company's post, Mr. George Drever. Mr. Drever has thorough command of the Cree and Ojibeway languages, which was of great assistance to the commissioners at Abitibi, where, owing to the fact of the Indians belonging to the two provinces, Ontario and Quebec, it was necessary to draw a fine distinction and where the explanations had to be most carefully made in order to avoid future misunderstanding and dissatisfaction. Mr. Drever cheerfully undertook this difficult office and performed it to our great satisfaction.

We left Abitibi on the morning of September 1, with an excellent crew and made Klock's depot without misadventure on Monday, September 4. We reached Haileybury on the 6th and arrived at Ottawa on September 9.

In conclusion we beg to give a short resume of the work done this season. Cession was taken of the tract described in the treaty, comprising about 90,000 square miles, and, in addition, by the adhesion of certain Indians whose hunting grounds lie in a northerly direction from the Albany river, which may be roughly described as territory lying between that river and a line drawn from the northeast angle of Treaty No. 3, along the height of land separating the waters which flow into Hudson Bay by the Severn and Winisk from those which flow into James Bay by the Albany and Attawapiskat, comprising about 40,000 square miles. Gratuity was paid altogether to 1,617 Indians, representing a total population, when all the absentees are paid and allowance made for names not on the list, of 2,500 approximately. Throughout all the negotiations we carefully guarded

against making any promises over and above those written in the treaty which might afterwards cause embarrassment to the governments concerned. No outsider promises were made, and the Indians cannot, and we confidently believe do not, expect any other concessions than those set forth in the documents to which they gave their adherence. It was gratifying throughout to be met by these Indians with such a show of cordiality and trust, and to be able fully to satisfy what they believed to be their claims upon the governments of this country. The treatment of the reserve question, which in this treaty was most important, will, it is hoped, meet with approval. For the most part the reserves were selected by the commissioners after conference with the Indians. They have been selected in situations which are especially advantageous to their owners, and where they will not in any way interfere with railway development or the future commercial interests of the country. While it is doubtful whether the Indians will ever engage in agriculture, these reserves, being of a reasonable size, will give a secure and permanent interest in the land which the indeterminate possession of a large tract could never carry. No valuable water-powers are included within the allotments. The area set apart is, approximately, 374 square miles in the Northwest Territories and 150 square miles in the province of Ontario. When the vast quantity of waste and, at present, unproductive land, surrendered is considered, these allotments must, we think, be pronounced most reasonable.

We beg to transmit herewith copy of the original of the treaty signed in duplicate, and schedule of reserves.

We have the honour to be, sir,

Your obedient servants,

DUNCAN C. SCOTT,

SAMUEL STEWART,

DANIEL G. MACMARTIN,

Treaty Commissioners.

Schedule of Reserves—Treaty No. 9—1905

OSNABURG

In the province of Ontario, beginning at the western entrance of the Albany river running west-ward a distance estimated at four miles as far as the point known as "Sand Point" at the eastern entrance of Pedlar's Path Bay, following the shore of this point southwards and around it and across the narrow entrance of the bay to a point on the eastern shore of the outlet of Paukumjeesenaneseeppee, thence due south; to comprise an area of twenty square miles.

In the Northwest Territories, beginning at a point in the centre of the foot of the first small bay west of the Hudson's Bay Company's post, thence west a frontage of ten miles and north a sufficient distance to give a total area of fifty-three square miles.

FORT HOPE

In the Northwest Territories, beginning at Kitchesagi on the north shore of Lake Eabamet extending eastward along the shore of the lake ten miles, lines to be run at right angles from these points to contain sufficient land to provide one square mile for each family of five, upon the ascertained population of the band.

MARTEN FALLS

In the Northwest Territories, on the Albany river, beginning at a point one-quarter of a mile below the foot of the rapid known as Marten Falls down stream a distance of six miles and of sufficient depth to give an area of thirty square miles.

ENGLISH RIVER

In the province of Ontario, beginning at a point on the Kenogami or English river, three miles below the Hudson's Bay Company's post, known as English River post, on the east side of the river, thence down stream two miles and with sufficient depth to give an area of twelve square miles.

PORT ALBANY

In the Northwest Territories, beginning at the point where the North river flows out of the main stream of the Albany, thence north on the west side of the North river a distance of ten miles and of sufficient depth to give an area of one hundred and forty square miles.

MOOSE FACTORY

In the province of Ontario, beginning at a point on the east shore of Moose river at South Bluff creek, thence South six miles on the east shore of French river, and of sufficient depth to give an area of sixty-six square miles.

NEW POST

In the province of Ontario, beginning at a point one mile South of the north-east end of the eastern arm of the lake known as Taquahtagama, or Big lake, situated about eight miles inland south from New Post on the Abitibi river, thence in a northerly direction about four miles, and of sufficient depth in an easterly direction to give an area of eight square miles.

The reserves are granted with the understanding that connections may be made for settlers' roads wherever required.

DUNCAN C. SCOTT,

SAMUEL STEWART,

DANIEL G. MACMARTIN,

Treaty Commissioners.

James' Bay Treaty—Treaty No. 9

OTTAWA, October 5, 1906.

The Honourable

The Supt. General of Indian Affairs,

Ottawa.

SIR,—The operations of the Treaty 9 commission during last season ceased at Abitibi, as owing to the absence of the most influential Indians interested in the proposed negotiations it was found impossible to complete the business at that point. In addition to the Abitibi Indians there also remained a number comprising probably a third of the whole population of the treaty situated at various Hudson's Bay Company's posts, north of the height of land, and scattered along the line of the Canadian Pacific railway as far west as Heron Bay.

Accordingly, to meet and conclude negotiations with these Indians, the commissioners left Ottawa on May 22. Some changes in the party had

of necessity to be made. Mr. T. C. Rae, who last year had charge of transportation, was unable to accompany the commission. In his place Mr. Pelham Edgar, of Toronto, who acted as secretary, was added to the party. The services of Mr. J. L. Vanasse, Dominion police constable, were alone retained, as, owing to promotion, Mr. Parkinson could not be detailed for the work. With these exceptions the personnel of the party was the same as last year.

The route to Fort Abitibi from Mattawa, which latter place was left on the morning of May 23, was by the Canadian Pacific railway to Timiskaming, thence by boat to New Liskeard and North Timiskaming. A portage of 17 miles had next to be encountered before reaching Quinze lake, the starting point by canoe for Fort Abitibi.

Arrangements were completed on the morning of May 29 for departure, but a violent wind-storm prevented our starting. Through the kindness of Mr. McCaig, foreman for Mr. R. H. Klock, we were able to leave at one o'clock in the afternoon by "alligator" boat *Trudel*, for The Barrier, 10 miles distant, the first portage north of our starting point. Here we were obliged to camp, as the river was blocked for a considerable distance by a "drive" of logs.

At half-past nine on the morning of the 30th the "drive" was all through, and we were able to leave for the post, which was reached at three in the afternoon of June 4.

A majority of the Indians had arrived, but there were a number reported to be on the way who were expected within a day or two. It was thought advisable to wait for them, the interval being utilized by the commissioners in preparing the pay-lists, and by the doctor in giving medical advice to those requiring it.

On June 7, the looked-for Indians having arrived, a meeting was called for the afternoon of that day. Some difficulty was anticipated in negotiating the treaty at Abitibi owing to the peculiar position of the Indians who trade at that post. The post is situated a few miles within the province of Quebec, and the majority of the Indians who trade there belong to that province. It was natural for the Indians to conclude that, as it was the Dominion government and not the provincial government that was negotiating the treaty, no distinction would be made between those hunting in Ontario and those hunting in Quebec. The commissioners had, however, to state that they had no authority to treat with the Quebec Indians, and that the conference in regard to the treaty could only be held with those whose hunting grounds are in the province of Ontario. The Quebec Indians were, however, given to understand that a conference would be held with them later, and that upon their signifying where they desired to have a reserve set apart for them, the government would undertake to secure, if possible, the land required by them at the place designated.

The policy of the province of Ontario has differed very widely from that of Quebec in the matter of the lands occupied by the Indians.

In Ontario, formerly Upper Canada, the rule laid down by the British government from the earliest occupancy of the country has been followed, which recognizes the title of the Indians to the lands occupied by them as their hunting grounds, and their right to compensation for such portions as have from time to time been surrendered by them. In addition to an annual payment in perpetuity, care has also been taken to set apart reservations for the exclusive use of the Indians, of sufficient extent to meet their present and future requirements.

Quebec, formerly Lower Canada, on the other hand, has followed the French policy, which did not admit the claims of the Indians to the lands in the province, but they were held to be the

property of the Crown by right of discovery and conquest. Surrenders have not, therefore, been taken from the Indians by the Crown of the lands occupied by them.

The reserves occupied by the Indians within the province of Quebec are those granted by private individuals, or lands granted to religious corporations in trust for certain bands. In addition, land to the extent of 230,000 acres was set apart and appropriated in different parts of Lower Canada under 14 and 15 Vic., chap. 106, for the benefit of different tribes.

Several reserves have also been purchased by the Federal government for certain bands desiring to locate in the districts where the purchases were made.

The conference with the Ontario Indians proved to be highly satisfactory. When the terms of the treaty were fully explained to them through Mr. George Drever, who has a mastery of several Indian dialects, Louis McDougall, Jr., one of the principal men of the band, stated that they were satisfied with the conditions offered and were willing to faithfully carry out the provisions of the treaty. They would also rely upon the government keeping its promises to them. The band hoped that the reserve to be set apart for them would include as great an extent of lake frontage as possible. The other Indians being asked whether they were all of like mind with the spokesman in regard to the treaty, replied that they were, and that they were willing that representatives of the band should sign for them at once. The treaty was accordingly signed by the commissioners and representative Indians, as well as by several witnesses who were present at the conference.

In the forenoon of June 8, payments of annuities were made with great care, in order that only those Indians whose hunting grounds are in Ontario should have their names placed on the list. The commissioners are satisfied that in the performance of this duty they were successful.

In the afternoon an election of a chief and councillors was held, which resulted in Louis McDougall, Jr., being chosen as chief and Michel Penatouche and Andrew McDougall as councillors.

A conference was also held with representative Indians regarding the reserves desired by the band. The conclusion arrived at will be seen by reference to the schedule of reserves attached. After due deliberation the Quebec Indians decided upon the location of their reserve.

The usual feast was held, at which the presentation of a flag and a copy of the treaty took place.

The commissioners and the medical officer having concluded their duties, we left on the morning of June 9 for Quinze lake, which place was reached on the evening of the 12th.

On the morning of the 13th the long and difficult portage between Quinze lake and North Timiskaming was crossed, and at the latter place the boat was taken for Haileybury, Latchford was reached by the Timiskaming and Northern Ontario railway on the afternoon of the 14th. The crew, consisting of five men from Temagami and a number of Indians from Matachewan post, including Michel Baptiste, who was afterwards elected chief, assembled late in the afternoon, and on the

morning of the 15th we left by way of Montreal river for Matachewan. The post at Matachewan was reached on the afternoon of June 19, after a difficult journey owing to the numerous rapids in the river and the height of the water. Matachewan is beautifully situated at a point on the Montreal river upon high grounds; the lofty shores of the stream are thickly wooded.

A conference was held with the Indians on the afternoon of the 20th. As usual, the terms of the treaty were fully explained, and an opportunity given the Indians to ask any questions regarding any matter on which further information was desired. Michel Baptiste, on behalf of the Indians, said that the terms of the treaty were very satisfactory to them, and that they were ready to have, representatives of the band sign at once. The treaty was therefore signed and witnessed with all due formality.

Payments were made on the 21st to the 79 Indians. The election for a chief resulted in Michel Baptiste being chosen for that position, and at the feast in the evening he was presented with a flag and a copy of the treaty.

The location of the reserve desired by the Indians received careful consideration, and no objection can, it is thought, be taken to the site finally decided upon.

Arrangements have been made for leaving Matachewan early in the morning of the 23rd, but a heavy rain-storm prevented our doing so before half-past four in the afternoon.

The return trip was made by way of Montreal river, Lady Evelyn lake and Lake Temagami to Temagami station. From the latter place we proceeded by train to Biscotasing our point of departure both for Fort Mattagami and Flying Post. At Biscotasing we also expected to meet a number of Indians belonging to Treaty No. 9, who reside in the vicinity of that place during the summer months.

Biscotasing was reached at twenty minutes past four on the afternoon of Saturday, June 30, and the commissioners were obliged to remain there awaiting the men from Mattagami who were to bring them by canoe to that place, and who did not arrive until the evening of July 3.

We left for Mattagami on the morning of July 4. The Fort was reached about ten on the morning of July 7, when a cordial welcome was given us by Mr. Joseph Miller, who is in charge of that post. We also met at the post Dr. W. Goldie and his brother, of Toronto, who were spending their holidays at that place. Dr. Goldie had been giving the Indians free medical attendance as far as the medicine he had with him permitted, and he also offered his services in association with Dr. Meindl during our stay at the post. Here we also met Mr. Kenneth G. Ross, chief forest ranger for the district, and several of his assistants, who had come to the post owing to the Indians employed by them desiring to be present at the treaty.

The Indians treated with at Mattagami were well dressed, and appeared to be living comfortably. A degree of unusual cleanliness was to be observed in their surroundings and habits. They gave a cheerful hearing to the terms of the proposed treaty, which was fully explained to

them through Mr. Miller, who acted as interpreter. They, like the other Indians visited, were given an opportunity to ask any questions or to make any remarks they might desire with reference to the propositions made to them.

The Indians held a short conversation among themselves, and then announced through Joseph Shemeket, one of their number, that they were fully satisfied with the terms of the treaty, and were prepared to have it signed by representatives of the band. The treaty was, therefore, at once signed and witnessed. Payments were begun and concluded in the afternoon, and preparations made for the feast. An election for chief was also held, resulting in Andrew Luke being chosen for that position, to whom a flag and a copy of the treaty were presented in the presence of the band.

It is considered by the commissioners that the reserve selected, as shown by the schedule of reserves, should meet with approval.

Mattagami was left on the morning of July 9, and Biscotasing reached on the evening of the 11th. The party left on the afternoon of the 12th for Flying Post and arrived there about eleven on the morning of the 15th (Sunday). The Indians at Flying Post, although small of stature, are lively and energetic, and the journey from Biscotasing to Flying Post and return was rendered enjoyable by the cheerfulness with which they undertook all tasks, and the quickness with which they accomplished the journey. The Indians were assembled on the morning of the 16th, and the terms of the treaty were fully explained through Mr. A. J. McLeod, Hudson's Bay Company's officer, who acted as interpreter. Isaac, one of the leading Indians, speaking for the band, said that they thankfully accepted the benefits offered by the treaty and were willing to observe its provisions. The treaty was, therefore, duly signed and witnessed. The Indians also signified their desire regarding the position of the reserve to be allotted to them, and their choice, as indicated in the schedule, is recommended for approval. Albert Black Ice was unanimously elected as chief of the band, and at the feast which was held in the evening, the usual presentation of a flag and a copy of the treaty was made. The return journey to Biscotasing was begun on the morning of July 17, and that place was reached on the afternoon of the 19th. On the morning of the 20th payments were made to the Indians of Flying Post and Mattagami residing at Biscotasing.

The work of the commission was facilitated by the assistance of Mr. J. E. T. Armstrong, who is in charge of the Hudson's Bay Company's store at that place, and who is thoroughly familiar with the Indians. The considerable Indian population at this point is made up of stragglers from the Spanish River band of the Robinson Treaty, and from Flying Post and Mattagami. They make their living by acting as guides and canoeists for sportsmen, and occasionally work in the mills. Their children have the advantage of attendance at a day school to which the department has been able to give some financial assistance, and also the benefit of mingling on terms of educational equality with white children.

We left for Chapleau about a quarter-past four in the afternoon, and arrived about seven in the evening. Here we were met by the Right Rev. George Holmes, Bishop of Moosonee, and Rev. C. Banting, who aided us in every way possible in the discharge of our duties at Chapleau. Mr. J.

M. Austin, who has had long experience with the Indians of that place, also gave us valuable assistance.

It was not necessary to make treaty with the Indians of Chapleau, as they belong to bands residing at Moose Factory, English River, and other points where treaty had already been made. They were, however, recognized as members of the bands to which they belong, and were paid the gratuity due them, after being informed as to what the acceptance of the money by them involved.

Reference to the schedule of reserves will show that small areas are recommended for the Ojibeways and Crees at this point. Large reserves having been set apart for the bands to which they belong at other points in the province, it is only thought advisable and necessary to give them a sufficient area upon which to build their small houses and cultivate garden plots. The Ojibeway reserve is contiguous to the land purchased by the Robinson treaty Indians, which has already been considerably improved.

Payments having been completed at Chapleau, the party left on the evening of the 22nd for Missinaibi and arrived at that station at eight in the evening. This place is of considerable local importance as being the point of departure of one of the main routes to Moose Factory and James Bay by way of Missinaibi river. There is also direct water communication with Michipicoten on lake Superior.

Bishop Holmes, with Rev. Mr. Ovens and his wife and two lady missionaries, who had expected to accompany us as far as New Brunswick House, on their way to Moose Factory, arrived at Missinaibi on the morning of July 23. Their crew had, however, been awaiting them for several days and they were, therefore, able to leave at once for their destinations. Our crew, with a canoe from New Brunswick House, did not reach Missinaibi until the evening of the 23rd, and our departure was thus delayed until the morning of the 24th.

New Brunswick House was reached on the afternoon of the 25th, where we found the bishop and his party, who had only arrived a few hours before us. This post is situated at the northern end of the beautiful Missinaibi lake, and the outlook from the post is delightful.

The Indians were assembled in the evening and the terms of the treaty explained to them. On being asked whether they had any questions to ask or any remarks to make, they replied, through Mr. J. G. Christie, Hudson's Bay Company's officer, that they were perfectly satisfied with what they were to receive under the treaty, and were willing to sign at once. The signatures of the commissioners and of five of the leading men were, therefore, affixed to the treaty, as well as that of six witnesses. Payments were made on the 25th to about 100 Indians. Alex. Peeketay was chosen by the Indians for the position of chief, and he was presented with a flag and a copy of the treaty at the feast held on the evening of the 26th. A conference regarding the reserve to be set apart was also held. The decision arrived at in regard to this matter will be seen by reference to the schedule attached.

Our duties, as well as those of the doctor, being concluded, we left on the morning of the 28th for Missinaibi, and arrived at that place on the afternoon of the 29th.

Payments were made on the 30th to ninety-eight Moose Factory Indians who live at Missinaibi.

We left on the 31st for Heron Bay, our point of departure for Long Lake, and arrived at the former place at half-past twelve in the afternoon. Arrangements for canoes were not completed until the afternoon of the following day, so that it was not until a quarter to five that we were able to leave for the last post to be visited by us.

The route to Long Lake is at all times a rather difficult one, but was more than ordinarily so this season owing to the water in the Pic river being unusually low. The post was reached on the morning of the 8th. We were accompanied on this trip by Mr. H. A. Tremayne, District Inspector, Hudson's Bay Company, and his wife and young daughter.

A conference was held with the Indians on August 9, and their adhesion to treaty obtained. Peter Taylor, speaking for the Indians, said they were perfectly satisfied with the terms of the treaty, and much pleased that they were to receive annuity like their brethren of the Robinson Treaty, and also that they were to be granted land which they could feel was their own. Payments were made to 135 Indians. The question of a reserve was carefully gone into, and the commissioners have no hesitation in recommending the confirmation of the site chosen.

The Indians of Treaty 9 stated that they desired to have Newatchkigigswabe, the Robinson Treaty chief, recognized as their chief also, as he had been recognized by them in the past. This was agreed to, and at the feast held on the evening of August 9 the usual presentation of a flag and a copy of the treaty was made. At the conclusion of the feast the chief spoke, thanking the government for what had been done for the Indians of Long Lake. He said that the Indians who had been receiving annuity money for years were glad that their brethren were now placed on an equal footing with them. He hoped that provision would be made for their sick and destitute, as even in the best seasons the Indians found it very difficult to do more than make a living, and were able to do very little towards assisting one another. In reply, the chief was informed that the government was always ready to assist those actually requiring help, but that the Indians must rely as much as possible upon their own exertions for their support.

The return journey was begun on the afternoon of August 10, and Heron Bay was reached on the evening of the 14th. At this place we concluded our duties in connection with the making of the treaty by paying English River Indians, now residing at Montizambert.

The commissioners have pleasure in referring to the evident desire of the Indians at all points visited to display their loyalty to the government, by the reception given to the commissioners, and also by their recognition of the benefits conferred upon them by the treaty.

We desire also to acknowledge the kind attention paid to us and the assistance given by the officers of the Hudson's Bay Company and Revillon Frères.

Nine hundred and fifteen Indians were paid at the points mentioned. Inspector J. G. Ramsden, who visited the Indians who joined treaty in the summer of 1905, paid 2,047. The population of the whole treaty may, therefore, be placed at 3,000 approximately.

Attached to this report will be found a copy of the treaty with signatures as completed, and schedule of reserves.

We have, &c.,

DUNCAN C. SCOTT,

SAMUEL STEWART,

D. G. MacMARTIN,

Treaty Commissioners.

Schedule of Reserves—Treaty No. 9—1906

ABITIBI

In the province of Ontario, beginning at a point on the south shore of Abitibi lake, at the eastern boundary of the township of Milligan projected, thence east following the lake shore to the outlet of Kaquaquakechewaig (Current-running-both-ways) creek, and of sufficient depth between the said creek and the eastern boundaries of the townships of Milligan and McCool to give an area of thirty square miles.

MATACHEWAN

In the province of Ontario, inland and north from Fort Matachewan, beginning at the creek connecting a small lagoon with the northwest shore of Turtle lake, thence south on the west shore of said lake a sufficient distance to give an area of sixteen square miles.

MATTAGAMI

In the province of Ontario, on the west side of Mattagami lake, three-quarters of a mile north of a point opposite the Hudson's Bay Company's post, thence north following the lake front a distance of four miles, and of sufficient depth to give an area of twenty square miles.

FLYNG POST

In the province of Ontario, commencing at a point half a mile south of Six-mile rapids, on the east side of Ground Hog river, thence south a distance of four miles, and of sufficient depth to give an area of twenty-three square miles.

OJIBEWAYS-CHAPLEAU

In the province of Ontario, one hundred and sixty acres abutting and south of the reserve sold to the Robinson Treaty Indians, one mile below the town of Chapleau.

MOOSE FACTORY CREES—CHAPLEAU

In the province of Ontario, one hundred and sixty acres fronting Kerebesquashesing river.

NEW BRUNSWICK HOUSE

In the province of Ontario, beginning at the entrance to an unnamed creek on the west shore of Missinaibi river, about half a mile southwest of the Hudson's Bay Company's post, thence north four miles, and of sufficient depth to give an area of twenty-seven square miles.

LONG LAKE

In the province of Ontario, beginning at a point where the "Suicide" or Little Albany river enters Long lake, thence in a southerly direction four miles, following the lake frontage, of a sufficient depth to give an area of twenty-seven square miles.

The reserves are granted with the understanding that connections may be made for settlers' roads wherever required.

DUNCAN C. SCOTT,
S. STEWART,
D. GEO. MacMARTIN,
Treaty Commissioners.

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 ob-

tained; 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.

<i>Witnesses:</i>	DUNCAN CAMPBELL SCOTT
THOMAS CLOUSTON RAE, C.T.,	SAMUEL STEWART.
Hudson's Bay Co.	DANIEL GEORGE MACMARTIN.
ALEX. GEORGE MEINDL, M.D.	his
	MISSABAY X
	mark
	his
JABEZ WILLIAMS, Clerk, H. B. Co.	THOMAS X MISSABAY.
	mark
	his
	GEORGE X WAHWAASEKUNG.
	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.

<i>Witnesses:</i>	DUNCAN CAMPBELL SCOTT.
F. X. FAFARD, O.M.I.	SAMUEL STEWART.
THOMAS CLOUSTON RAE.	DANIEL GEORGE MACMARTIN.
ALEX. GEORGE MEINDL, M.D.	YESNO, X
CHAS. H.M. GORDON, H.B. Co.	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.

<i>Witnesses:</i>	DUNCAN CAMPBELL SCOTT.
THOMAS CLOUSTON RAE, C. T., H. B.	SAMUEL STEWART.
Co.	DANIEL GEORGE MACMARTIN
ALEX. GEORGE MEINDL, M.D.	WILLIAM X WHITEHEAD.
SAMUEL ISERHOFF.	WILLIAM X COASTER.
	DAVID X KNAPAYSWET.
	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.

<i>Witnesses:</i>	DUNCAN CAMPBELL
THOMAS CLOUSTON RAE, C. T., H. B.	SAMUEL STEWART.
Co.	DANIEL GEORGE MACMARTIN
A. W. PATTERSON.	CHARLIE X STEPHEN.
G. W. COCHRAM.	PATRICK X STEPHEN.
ALEX. GEORGE MEINDL, M.D.	DAVID GEO. X WYNNE.
JOSEPHA PATTERSON.	ANDREW X WESLEY.
MINNIE COCKRAM.	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.

<i>Witnesses:</i>	DUNCAN CAMPBELL SCOTT.
GEORGE MOOSONEE.	SAMUEL STEWART.
THOMAS CLOUSTON RAE, C. T., H. B.	DANIEL GEORGE MACMARTIN.
Co.	SIMON SMALLBOY, X
JOHN GEORGE MOWAT, H. B. Co.	GEORGE TAPPAISE, X
THOMAS BIRD HOLLAND, B.A.	HENRY SAILOR— Signed in Cree syllabic
JAMES PARKINSON.	JOHN NAKOGEE " "
	JOHN 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.

<i>Witnesses:</i>	DUNCAN CAMPBELL SCOTT.
THOMAS CLOUSTON RAE, C.T.,H. B.	SAMUEL STEWART.
Co.	DANIEL GEORGE MACMARTIN.
SYDNEY BLENKARNE BARRETT, H. B.	his

Co.
JOSEPH LOUIS VANASSE.

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

DUNCAN CAMPBELL SCOTT.
SAMUEL STEWART.
DANIEL GEORGE MACMARTIN.
his
LOUIS x MCDOUGALL, SR.
mark
his
ANDREW x MCDOUGALL.
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.

<i>Witnesses:</i> 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.
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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.

<i>Witnesses:</i> 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. his POOTOOSH, X mark his PETER MITIGONABIE, X mark TOM NESHWABUN - Signed in syllabic characters. JACOB WINDABAIE-Signed in syllabic characters.
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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.

<i>Witnesses:</i> 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.
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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 is 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, forever, 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 coat 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 horsepower 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 Hon-)	
ourable Frank Oliver, in presence)	FRANK OLIVER.
of FRANK PEDLEY, and by the Hon-))	
ourable FRANCIS COCHRANE in the))	F.COCHRANE.
presence of GEO. W. YATES.)	

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, <i>for the Dominion.</i>
(Sgd.)	EDWARD BLAKE, <i>for Ontario.</i>
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 Crees, 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

P.C. 2547

**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 herein-after 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:

WALTER CHARLES CAIN, *Commissioner*

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

HERBERT NATHANIEL AWREY, Commis-
sioner.
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, *Commis-
sioner*.
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 3½ miles more or less and back therefrom to a distance of approximately 12 miles, always, as far as possible, at a distance of 3½ 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 1¾ miles more or less and back therefrom to a distance of approximately 4 miles, always, as far as possible, at a distance of 1¾ 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, 4½ 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-quah, 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, 1½ 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 1½ 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 51 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 4½ 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.

APPENDIX B

Treaty Nine

Original Bands and Reserves

<u>BAND</u>	<u>RESERVE</u>	<u>COMMENTS</u>
Missanabie Cree	No reserve	Band resides on I.R. #62 (Michipicoten Band land).
Cat Lake	Cat Lake	Formerly part of Osnaburgh Band
Osnaburg	Osnaburg #63A Osnaburg #63B	
Fort Hope	Fort Hope #64 Webiqui Indian Settlement	
Martin Falls	Martin Falls #65	
Constance Lake Albany	English River #66 Constance Lake #92 Fort Albany #67	Set aside in 1945.
Moose Factory	Moose Factory #68 Factory Island #1	Set apart in 1956.
New Post	New Post #69	
Abitibi Ontario	Abitibi #70	Undivided interest shared by Abitibi Dominion.
Abitibi Dominion	Abitibi #70 Amos #1	Undivided interested shared by Abitibi Dominion. Set apart in 1958 (situated in Province of Québec).
Mattagami Matachewan	Mattagami #71 Matachewan #72	
Flying Post	Flying Post #73	
Chapleau Ojibway	Chapleau #74 Chapleau #74A	Former school lands set apart in 1950.
Chapleau Cree	Chapleau #75	
Brunswick House	(New) Brunswick House #76 Mountbatten #76A	Surrendered in 1926. Set apart in 1947.
Long Lake #77	Long Lake #77	Long Lake Band #58 joined Robinson-Superior Treaty

		in 1850.
Indians of Locality	Kapuskasing Indian Settlement #83	Purchased in 1924 for squatters from Brunswick House and Chapleau Band.
Trout Lake	Big Trout Lake #84 Sachigo Lake #85 Wunnumin Lake #86	
Fort Severn	Fort Severn #89	Original reserve surrendered in 1973 to be exchanged for an equal area elsewhere.
Weenusk	Winisk #90	
Attawapiskat	Attawapiskat #91 Attawapiskat #91A	Set aside in 1964.

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