The James Bay Treaty

Treaty No. 9

Articles of a Treaty made and concluded at the several dates mentioned therein, in the year of Our Lord one thousand nine hundred and six, 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 Ontario, Ontario; Esquire, and sundry of his Majesty's Council, representing the Province of Ontario, of the one part, and the Indians, Chiefs, and other inhabitants of the territory within the limits hereinafter defined and described by their Chiefs and headphone, herein 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 Province of Canada at certain places in the said territory in the present year of 1865, 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 enter into arrangements, by treaty, with the inhabitants of the said territory, for the accommodation of His Majesty's Indian subjects inhabiting the said lands, and to make a treaty and arrange with them, so that there may be peace and good will between them and His Majesty's said subjects, and that His Indian people may be assured of what allowances they are to receive upon and from His Majesty's bounty and beneficence.

And whereas the Indians of the said treaty are now convened in Council at the several points named hereunder, and being convened by His Majesty's Commissioners to name certain Chiefs and Headmen who shall be authorized on their behalf to conclude such negotiations and sign any treaty to be entered into, and to become responsible to His Majesty for the faithful performance of their respective duties and obligations as shall be enjoined upon them, the said Indians have therefor acknowledged for that purpose the several Chiefs and Headmen who have subscribed here.

And whereas the said Commissioners have proceeded to negotiate a treaty with the Indians of the said treaty, and other Indians inhabiting the said territory hereinafter defined and described, and the same has been agreed upon and concluded by the respective bands of the said inhabitants, and the said lands do hereby arise, reserve, and set apart to the Government of the Province of Canada, for His Majesty the King and His successors forever, all their right, title, and interest in and to the lands included within the following limits, that is to say, that part of the said lands lying and being in the Province of Ontario bounded on the south by the said Lake, and the western boundaries of the said territory, and the Robinson-Owen Treaty of 1850, and the Robinson-Kasie Treaty of 1856, 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 said boundary of the territory ceded by the North West Angle Treaty, No. 3, that said lands containing an area of nearly thousand square miles, more or less.

And
And also, the said Indian rights, titles and privileges whatsoever to all other lands which situate 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 forever.

And His Majesty the King hereby agrees with the said Indians that they shall have rights to use and customary rights of hunting, trapping and fishing throughout the tracts or lands as hereafter 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 reserving such lands as may be requisite 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 such proportion as larger or smaller families and in the location of the said reserves having regard to their respective places of habitual residence, and shall be adopted and confirmed, shall be held and administered by His Majesty for the benefit of the Indians free of all claims, taxes or debts by colonization.

Provided always, that His Majesty reserves the right to deal with any settler within the limits of any lands reserved for any band as he may see fit, and also, that the said reserves of land, or any part thereof, 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 and assent, but no such sale shall be made to any Indians, or any of them, be entitled to sell or dispose of any of the lands allotted to them as reserves.

It is moreover agreed between His Majesty and the said Indians, 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 whatever nature, may be appropriated to that purpose by His Majesty's Government of the Dominion of Canada, the compensation being made to the Indians for the value of such improvements, timber, and an equivalent in land, money or the equivalent for the area of the reserve so appropriated.

And with a view to show the satisfaction of His Majesty with the behavior and good conduct of the said Indians, and in extinguishment of all their just claims, His Majesty, through His Governor-in-Council, agrees to make each Indian a present of eight dollars in cash.

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

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

Further, His Majesty agrees to pay such salaries of teachers to instruct the children of said Indians and to provide such school buildings and educational equipment as may seem advisable to His Majesty's Government of Canada.
And the undersigned John Crie and Chief, and Peanman, on their own behalf and on behalf of all the Indians whom they represent, do hereby solemnly promise and engage to-steadily 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 submit to 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 White, that year inhabiting, and forever to exclude any part of the said ceded territory, and that they will not molest the person or property of any inhabitant of such ceded land, or of any other district or country, or interfere with or trouble any person passing or travelling through the said land or any part thereof, so that they will assist the officers of His Majesty in bringing to justice and punishing any Indian offending against the stipulations of this Treaty or infringing the law in force in the country in which,

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

In Witness Whereof, the aforesaid Commissioners and the said Crie and Peanman have hereunto set their hands at the place and time set forth in the year therein first written.

Signed at Chippewa on the tenth day of July, 1805 by His Majesty's Commissioners and the Chief Peanman in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses

[Signatures]

[Signatures]

Signed at Fort Erie on the nineteenth day of July, 1805 by His Majesty's Commissioner and the Chief Peanman in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses

[Signatures]

[Signatures]
Signed at McTaggart on the Sixth day of June 1906 by His Majesty's Commissioners and the Chiefs & Mac Dxen in the presence of the undersigned witnesses after having been first interpreted and explained.

Witnesses

Duncan Campbell Scott
Samuel Ishk

Ross MacPhee
Andrew Anderson
Archibald MacIver

Alexander MacMillan
Old Cheese

Lour Mac Leod

Allen, 1906

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

Witnesses

Duncan Campbell Scott

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

Witnesses

Duncan Campbell Scott

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

Witnesses

Duncan Campbell Scott

Isaac

William Prosper

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

Witneses

George Moorone
James S. Charbote
Gregg M. Leavitt
Claude D. O'Neal
William Jones
Edmund Brown

Duncan Campbell Lea
Samuel Amot
Daniel Coogee MacKee
Alex Peckley
Portootkbi
Peter Alitgonabbi
Tom Neehawabo
Jaar Winding 92°

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

Witneses

A. K. Brewster
Peabook Teeannap
A. J. Cook
William Rogers

Duncan Campbell Lea
Samuel Amot
Daniel Coogee MacKee
Nooghee Neehawabo 92°
Seneewabo 9° 15' 30" N
Matawagan 80°
Oragama 1° 45'
Signed at Moose Factory on the twenty-first day of August 1905 by His Majesty’s Commissioners and the Chiefs & Headmen in the presence of the undersigned witnesses after having been first interpreted & explained.

Witnesses

George Moore
Thomas Carson R.C. & Co.
Alex. George Mead M.D.
James Sikewerne

Signed at Moose Factory on the eighth day of August 1905 by His Majesty’s Commissioners and the Chiefs & Headmen in the presence of the undersigned witnesses after having been first interpreted & explained.

Witnesses

George Moore
Thomas Carson R.C. & Co.
John Wisner, M.D.
James Sikewerne

Signed at Moose Factory on the twenty-first day of August 1905 by His Majesty’s Commissioners and the Chiefs & Headmen in the presence of the undersigned witnesses after having been first interpreted & explained.

Witnesses

George Moore
Thomas Carson R.C. & Co.
John Wisner, M.D.
James Sikewerne
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 v. Seybold et al.

As to all Treaty Indian Reserves in Ontario (including those in the territory covered by the North-West Angle Treaty which are or shall be duly established pursuant to the Statutory 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 North-West Angle Treaty which may be duly established as aforesaid Ontario agrees that the proceeds thereof shall be considered to form part of the Reserve and may be disposed of by the Dominion for the benefit of the Indians to the same extent and subject to the same undertakings as to the proceeds heretofore agreed with regard to the lands in such reserve.

The question as to whether other Reserves in Ontario include proceeds made to depend upon the instruments and circumstances and law affecting each case respectively.

Nothing is hereby created by either party with regard to the constitutional or legal rights of the Dominion or Ontario as to the sale or title to Indian Reserve or proceeds made or to any of the covenants submitted by the covevants, or to the covevants, or to any of the Governments herein, but it is intended that, as a matter of policy and convenience the Reserve may be administered as herein before agreed.

Nothing herein contained shall be considered as binding Ontario to confirm the titles heretofore made by the Dominion to portions of Reserve No. 38 B already granted by Ontario as appearing in the proceedings.

(Sgd) C.L. Nielson.
For the Dominion.

(Sgd) Edward Blake.
For Ontario.

Dated 7th July, 1902.