

# The James Bay Treaty Treaty No. 9.

Articles of a Treaty made and concluded at the several dates mentioned therein, in the year of Our Lord one thousand nine hundred and five between His Most Gracious Majesty the King of Great Britain and Ireland, by His Commissioners Duncan Campbell Scott, of Ottawa, Ontario, Esquire, and Samuel Stewart, of Ottawa, Ontario, Esquire; and Daniel Gagny, <sup>Mon Martin's Fall,</sup> Esquire, representing the Province of Ontario, of the one part; and the Ojibeway Cree and other Indian inhabitants of the territory within the limits hereinafter defined and described, by their Chiefs and Headmen, herunto subscribed, of the other part:

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

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

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

And whereas the said Commissioners have proceeded to negotiate a treaty with the 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 forever, all their rights, titles and privileges whatsoever, to the lands included within the following limits, that is to say:— That portion or tract of land lying and being in the Province of Ontario bounded on the south by the Height of Land and the northern boundaries of the territory ceded by the Robinson-Superior Treaty of 1850, and the Robinson-Huron Treaty of 1850, and bounded on the East and North by the boundaries of the said Province of Ontario as defined by law, and on the West by a part of the eastern boundary of the territory ceded by the North West Angle Treaty, No. 3; the said land containing an area of ninety thousand square miles, more or less.

And

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

To have and to hold the same to His Majesty the King and His Successors forever.

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

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

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

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

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

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

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

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

And

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

They promise and engage that they will, in all respects, obey and abide by the law; that they will maintain peace between each other, and between themselves and other tribes of Indians, and between themselves and others of His Majesty's subjects, whether Indians, Half-breeds or Whites, this year inhabiting and hereafter to inhabit any part of the said ceded territory; and that they will not molest the person or property of any inhabitant of such ceded tract, or of any other district or country, or interfere with or trouble any person passing or travelling through the said tract or any part thereof, 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 between the Dominion of Canada and Province of Ontario, which is hereto attached.

In Witness Whereof His Majesty's said Commissioners and the said Chiefs and Headmen have hereunto set their hands at the places and times set forth in the year herein first above written.

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

Witnesses

Thomas Clouston Rae C. J.  
 Alex. George Meindl M.D.  
 Jacob Williams Clerk

Bureau Campbell Scott

Samuel Scott  
 Daniel George MacMartin  
 Missabay +  
 Liemar + Miscaly  
 George + Wahewahung  
 Kwiash +  
 Karioecie +

combach +  
 David + Skunk  
 John + Skunk  
 Thomas + Panceheese

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 & explained.

Witnesses

O. A. Tupper C. J.  
 Thomas Clouston Rae  
 Alex. George Meindl M.D.  
 Chas. H. Gordon Clerk

Bureau Campbell Scott

Samuel Scott  
 Daniel George MacMartin  
 Yano +  
 George + Kamay Joe  
 Wenansan + Arane  
 George + Quises  
 Katchang +

Moonia +  
 Joe + Goodwin  
 Abraham + Atlookan  
 Hoan + Oo Kinceyuk  
 Koon + Keshinapais

John + Ait panaguestum  
 Jacob + Rabbit

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

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

Duncan Campbell Scott  
Samuel Stuart  
Daniel George MacMartin  
his Louis + McDougall Sr Andrew + McDougall  
mark  
Michel + Penatucke old + Cheese  
mark

Louis MacDougall  
attorney at law

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

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

Duncan Campbell Scott  
Samuel Stuart  
Daniel George MacMartin  
his Michel + Batisse Round + Eyes  
mark  
Thomas + Fox Jimmy + Pierce  
mark

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

Witnesses  
Joe Miller  
Pelham Logan  
A.M.C. Bunting  
Kenneth Ross

Duncan Campbell Scott  
Samuel Stuart  
Daniel George MacMartin  
his Andrew Luke +  
mark  
Joseph Shumaker  
Thomas Chicken  
James Neave  
to Sal Jimmie  
of C.P.P.O.

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

Witnesses  
A.G. McLeod  
Pelham Logan  
Alex. George Meindl M.D.  
Joseph Louis Canavan

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

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

Witnesses  
George Moosonee  
James G. Christie  
Grace M. Lavis  
Claude D. O'Neil  
Pellam Rogan  
Edmund Morris

Buncan Campbell Scott  
Samuel Stuart  
Daniel George MacMartin  
Alex Pecketai 406  
Pootoosh his + mark  
Peter Mitigonabic his + mark  
Tom Keshwaban "C"  
Jacob Windabic 216

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

Witnesses  
Kadremawijy  
Isabella Lemongus  
P. Todchere  
Pellam Rogan

Buncan Campbell Scott  
Samuel Stuart  
Daniel George MacMartin  
Kwoskigijekweang 19 PPS 9 DP  
Keneswabe 9 5 N 2 N  
Matawagan 206  
Odagamea 405

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

Witnesses

Thomas Clouston Esq, C.T., H.C.  
Alex. George Meindl M.D.  
Samuel Isenhoff

Buncan Campbell Esq  
Samuel Stewart  
Daniel George MacMaster  
William + Whitehead  
William + Coaster  
David + Knapawut  
Ostasamoo + Long Tom  
William + Weenjoet

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

Witnesses

Thomas Clouston Esq, C.T., H.C.  
A.W. Patterson  
A.W. O'Brien  
Alex. George Meindl M.D.  
Joseph Patterson  
James L. Brown

Buncan Campbell Esq  
Samuel Stewart  
Daniel George MacMaster  
Charlie + Stephen  
Patrick + Stephen  
David + Wynne  
Andrew + Wesley  
Jacob + Saktail  
John + Wesley  
David + Biria  
Peter + Saktaney  
Saul + Scott  
W + Hoodum  
Saul + 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 & explained.

Witnesses

George Moosonee  
Thomas Clouston Esq, C.T., H.C.  
John George Monak, S.B.C.  
Thomas David Holland B.A.  
James Parkinson

Buncan Campbell Esq  
Samuel Stewart  
Daniel George MacMaster  
Simon Swallow +  
George Tappisa +  
Henry Sailor +  
John Nakooe +  
John Dick +  
Simon Watchewan H.C. S.B.C.  
John Jefferies H.C. S.B.C.  
Fred Mark +  
John Metappe +  
Simon Oceena +

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

Witnesses

Thomas Clouston Esq, C.T., H.C.  
James Davidson Esq, H.C.  
Joseph Louis Caracci

Buncan Campbell Esq  
Samuel Stewart  
Daniel George MacMaster  
August + Weenusk  
John + Kuse  
William + Jule

# Agreement

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

As to all Treaty Indian Reserves in Ontario (including those in the territory covered by the North West Angle Treaty which are or shall be duly established pursuant to the statutory Agreement of One Thousand Eight Hundred and Ninety Four) and which have been or shall be duly surrendered by the Indian to sell or lease for their benefit, Ontario agrees to confirm the title 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 precious metals shall be considered to form part of the Reserves and may be disposed of by the Dominion for the benefit of the Indian to the same extent and subject to the same undertaking as to the proceeds as heretofore agreed with regard to the lands in such Reserves.

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

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

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

(Sgd) C. L. Newcombe,

For the Dominion.

(Sgd) Edward Blake,

For Ontario.

Dated 7th July, 1902.