

Copy of the Treaty Made November 15, 1923 between his Majesty the King and the Mississauga Indians of Rice Lake, Mud Lake, Scugog Lake and Alderville

Reprinted From The Edition Of 1932 By

Edmond Cloutier, C.M.G., O.A., D.S.P
Queen's Printer And Controller Of Stationery
Ottawa, 1957

90200 1

INDIAN TREATY

ARTICLES OF A TREATY made and concluded on the fifteenth day of November in the year of Our Lord One thousand nine hundred and twenty-three, between His Most Gracious Majesty, George the Fifth, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, Emperor of India, by His Commissioners, Angus Seymour Williams, of the City of Ottawa, in the Province of Ontario, Esquire, Barrister-at-law, and Departmental Solicitor of the Department of Indian Affairs: Robert Victor Sinclair, of the said City of Ottawa, Esquire, one of His Majesty's Counsel, learned in the law, and Uriah McFadden, of the City of Sault Sainte Marie, in the said Province, Esquire, one of His Majesty's Counsel learned in the law, the said Angus Seymour Williams, Chairman of the said Commission, representing the Dominion of Canada, and the said Robert Victor Sinclair and Uriah McFadden, representing the Province of Ontario, of the One Part, and the members of the Mississauga Tribe, inhabiting, as members of bands thereof, reserves at Rice Lake, Mud Lake, Scugog Lake and Alderville, all in the Province of Ontario, by their chiefs and headmen, of the Other Part.

WHEREAS, the Mississauga Tribe above described, having claimed to be entitled to certain interests in the lands in the Province of Ontario, hereinafter described, such interests being the Indian title of the said tribe to fishing, hunting and trapping rights over the said lands, of which said rights, His Majesty, through His said Commissioners, is desirous of obtaining a surrender, and for such purpose has appointed the said Commissioners, with power on behalf of His said Majesty, to enquire into the validity of the claims of the said tribe, and, in the event of the said Commissioners determining in favour of the validity thereof, to negotiate a treaty with the said tribe for the surrender of the said rights upon the payment of such compensation therefor as may seem to the said Commissioners to be just and proper:

AND WHEREAS the said Commissioners, having duly made the said enquiry, have determined in favour of the validity of the said rights.

AND WHEREAS the Indians belonging to the said tribe, having been duly convened in Council, at the respective places named hereunder, and having been requested by the said Commissioners to name certain chiefs and headmen to be authorized on their behalf to conduct negotiations with the said Commissioners for a surrender of the said rights and to sign a treaty in respect thereof and to become responsible to His Majesty for the faithful performance by the said tribe and by the respective bands thereof inhabiting the said reserves, of such obligations as shall be assumed by them under such treaty, the said Indians have therefore appointed for the purposes aforesaid the several chiefs and headmen who have subscribed to this treaty:

AND WHEREAS the said Commissioners, acting under the powers in them reposed as aforesaid, have negotiated the present treaty with the said tribe:

NOW THEREFORE THIS TREATY WITNESSETH that the said tribe and the Indians composing the same, occupying as members of bands the said reserves, by their chiefs and headmen, duly authorized thereunto as aforesaid, 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 right, title, interest, claim, demand and privileges whatsoever, in, to, upon, or in respect of the lands and premises described as follows, that is to say:

FIRSTLY: All that parcel of land situate in the Province of Ontario and described as commencing on the northeasterly shore of Georgian Bay at that mouth of the French River which forms the boundary between the District of Parry Sound and the District of Sudbury; thence southerly and easterly along the shores of

Georgian Bay to that point on Matchedash Bay where the land included in the surrender of the eighteenth day of November, 1815, of record in Book of Surrenders, Volume One, is reached, and including all the islands in the Georgian Bay waters in which the Indians making this treaty have any interest; thence along the easterly limit of the said lands purchased in 1815 to the Narrows between Lake Couchiching and Lake Simcoe; thence due east across the said Narrows; thence southerly and easterly following the east side of the Narrows and the north shore of Simcoe to the foot of McPhee Bay off the northerly part of Lake Simcoe; thence by a straight line easterly to a point thirty-three miles north of the northwest corner of the Township of Rawdon measured along the division line between the Counties of Hastings and Peterborough, which point is the most western northwest corner of the parcel surrendered on the twenty-eighth day of November, 1822 (noted in Volume One of the Book of Surrenders as number twenty-seven and one-quarter, 27¼); thence following the north and west boundaries of the last mentioned parcel to the Ottawa River; thence westerly along the interprovincial boundary to the mouth of the Mattawa River; thence westerly along the interprovincial boundary to the mouth of the Mattawa River, Talon Chute and Talon Lake, Turtle Lake, and Trout Lake to the westerly point of Trout Lake; thence to the shore of Lake Nipissing at North Bay; thence by the north shore of Lake Nipissing to the French River; thence by those waters along the division line between the Districts of Parry Sound and Sudbury to the place of commencement: Excepting thereout and therefrom those lands which have already been set aside as Indian reserves. The parcel hereby surrendered contains seventeen thousand, six hundred square miles, more or less.

SECONDLY: All that parcel of land situate in the Province of Ontario and described as parts of the Counties of Northumberland, Durham, Ontario and York, commencing at the point where the easterly limit of that portion of the lands said to have been ceded in 1787, which was confirmed on the first of August, 1805, of record as number thirteen in Volume One, of the Book of Surrenders, intersects the northerly shore of Lake Ontario; thence northerly along the said easterly and northerly limits of the confirmed tract to the Holland River; thence northerly along the Holland River and along the westerly shore of Lake Simcoe and Kempenfelt Bay to the Narrows between Lake Couchiching and Lake Simcoe; thence southeasterly along the shores of Lake Simcoe to the Talbot River; thence easterly along the Talbot River to the boundary between the Counties of Victoria and Ontario; thence southerly along that boundary to the northwest angle of the Township of Darlington; thence along the northerly boundary line of the Townships of Darlington, Clarke, Hope and Hamilton to Rice Lake; thence along the southern shore of said lake to River Trent along the River Trent to the Bay of Quinte; thence westerly and southerly along the shore of the Bay of Quinte to the road leading to Carrying Place and Weller's Bay; thence westerly along the northern shore of Lake Ontario to the place of beginning: Excepting thereout and therefrom those lands which have already been set aside as Indian Reserves. The land hereby conveyed contains two thousand, five hundred square miles more or less.

AND ALSO all the right, title, interest, claim, demand and privileges whatsoever of the said Indians, in, to, upon or in respect of all other lands situate in the Province of Ontario to which they ever had, now have, or now claim to have any right, title, interest, claim, demand or privileges, except such reserves as have heretofore been set apart for them by His Majesty the King.

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

AND THIS TREATY FURTHER WITNESSETH that in consideration of the aforesaid surrender, His Majesty, through His said Commissioners, hereby agrees, upon the execution of a treaty similar to this treaty by the Chippewa Tribe inhabiting as members of bands, reserves at Christian Island, Georgina Island and Rama, in the Province of Ontario, to pay to each member of the said Mississauga Tribe, being also a member of one of the said bands, the sum of twenty-five dollars, to be paid through the Indian agents for the respective bands, with a reasonable time after the execution of the said treaties, and a further sum of ---233,425.00 dollars--- to be administered for the said tribe by His Majesty's Department of Indian Affairs under and pursuant to the provisions of the Indian Act, Revised Statutes of Canada, 1906, Chapter Forty-three and its amendments; making together the sum of 250,000.00 dollars.

AND THE UNDERSIGNED chiefs and headmen, on their own behalf and on behalf of all the Indians whom they represent, do hereby solemnly covenant, promise and agree to strictly observe this treaty in all respects and that they will not, nor will any of them, nor will any of the Indians whom they represent, molest or interfere with the person or property of anyone who now inhabits or shall hereafter inhabit any portion of the lands covered by this treaty, or interfere with, trouble, or molest any person passing or travelling through the said lands or any part thereof, and that they will assist the officers of His Majesty in bringing to justice and punishment any Indian, party to this treaty, who may hereafter offend against the stipulations hereof or infringe the laws in force in the lands covered hereby:

AND IT IS FURTHER UNDERSTOOD that this treaty is subject to an agreement dated the day of April, A.D. 1923, made between the Dominion of Canada and the Province of Ontario, a copy of which is hereto attached.

IN WITNESS WHEREOF, His Majesty's said Commissioners and the said chiefs and headmen have hereunto

set their hands and seals at the places and times hereinafter set forth, in the year herein first above written.

SIGNED AND SEALED at Alderville on the nineteenth day of November, A.D. 1923, by His Majesty's Commissioners and the undersigned chiefs and headmen in the presence of the undersigned witnesses, after first having been interpreted and explained.

Witnesses:

KATHLEEN MOODIE.
W. R. COYLE.

A. S. WILLIAMS, *Chairman*.
R. V. SINCLAIR.
URIAH McFADDEN.
ROBERT FRANKLIN.
NORMAN MANSDEN.
FRANK SMOKE.
ERNEST CROWE.
JOHN LAKE.
WM. LOUKEE.

SIGNED AND SEALED at Mud Lake on the fifteenth day of November, A.D. 1923, by His Majesty's Commissioners and the undersigned chiefs and headmen in the presence of the undersigned witnesses, after first having been interpreted and explained.

Witnesses:

KATHLEEN MOODIE.
R. J. McCAMUS.

A. S. WILLIAMS, *Chairman*.
R. V. SINCLAIR.
URIAH McFADDEN.
CHIEF D. E. WHEATUNG.
ALFRED McCUE.
JOSEPH WHEATUNG.
GEORGE TAYLOR.
SAMSON FAWN.
BERTRAM McCUE.
GEORGE COPPAWAY.
ALBERT WHEATUNG.
L. D. TAYLOR.

SIGNED AND SEALED at Rice Lake on the sixteenth day of November, A.D. 1923, by His Majesty's Commissioners and the undersigned chiefs and headmen in the presence of the undersigned witnesses, after first having been interpreted and explained.

Witnesses:

KATHLEEN MOODIE.
R. J. McCAMUS.

A. S. WILLIAMS, *Chairman*.
R. V. SINCLAIR.
URIAH McFADDEN.
GEO. PAUDASH.
HANLON HOWARD.
J. PAUDASH.
HENRY COWIE.
WM. ANDERSON.
ALFRED CROWE.
MADDER HOWARD.

SIGNED AND SEALED at Scugog Lake on the twenty-first day of November, A.D. 1923, by His Majesty's Commissioners and the undersigned chiefs and headmen in the presence of the undersigned witnesses, after first having been interpreted and explained.

Witnesses:

**KATHLEEN MOODIE.
WILSON GERROW.**

**A. S. WILLIAMS, Chairman.
R. V. SINCLAIR.
URIAH MCFADDEN.
THOS. MARSDEN.
AUSTIN GOOSE.
ISAAC JOHNSON.
DAVID ELLIOTT.
his
CHAS. X McCUE.
mark
JOHN W. MARSDEN.
JOHN H. MARSDEN.
NORMAN MARSDEN.
CHAS. F. MARSDEN.
ELIJAH MARSDEN.**

MEMORANDUM OF AGREEMENT made this of April, 1923,

BETWEEN:

The Government of the Dominion of Canada, acting herein by the Honourable Charles Stewart,
Superintendent General of Indian Affairs,

of the first part,

AND

The Government of the Province of Ontario, acting herein by the Honourable Beniah Bowman, Minister of
Lands and Forests for the said Province,

of the other part

WHEREAS certain Indians of the Chippewa and Mississauga tribes claim that the said tribes were and are entitled to a certain interest in lands in the Province of Ontario to which the Indian title has never been extinguished by surrender or otherwise, the said lands being described as parts of the counties of Renfrew, Hastings, Haliburton, Muskoka, Parry Sound and Nipissing, and being bounded on the south and east by the lands included in the surrenders of the Indian title made on the 18th of November, 1815, the 5th of November, 1818, and November, 1822; on the north by the Ottawa and Mattawa Rivers and Lake Nipissing, and on the west by the lands included in the surrender of the Indian title made in 1850, known as the Robinson-Huron surrender, and by the Georgian Bay, the area in question including about 10,719 square miles.

AND WHEREAS a departmental enquiry made by the Department of Indian Affairs indicates that the said claim has such probable validity as to justify and require further investigation, and if found valid to be satisfied on such just and fair terms as may be settled by a treaty of surrender.

NOW THEREFORE THIS AGREEMENT made in pursuance of certain statutes of Canada and of the Province of Ontario, both intituled "an Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands," the Statute of Canada having been passed in the 54th and 55th years of the reign of Her Majesty Queen Victoria and chaptered 5, and the statute of Ontario in the 54th year of Her Majesty's said reign and chaptered 3.

WITNESSETH THAT the Governments of Canada and of the Province of Ontario have agreed as follows: ---

1. The Government of Canada will, pursuant to Part I of the Enquiries Act, R.S.C., 1906, c. 104, and amendments, appoint three persons as commissioners to enquire into the validity of the claim of the Chippewa and Mississauga Indians aforesaid, and will empower the said commissioners, in the event of their determining in favour of the validity of the said claim, to negotiate a treaty with the said Indians for the surrender of the said lands upon payment of such compensation as may be fixed by such treaty.
2. Of the three commissioners so named, one shall be selected by the Government of Canada, who shall be Chairman of the Commission, and the remaining two shall be selected by the Minister of Lands and Forests for the Province of Ontario and notified to the Superintendent General of Indian Affairs.
3. The question of the validity of said claim may be determined by any two of the said Commissioners and it shall be necessary that at least two of them of whom the chairman shall be one shall concur in any treaty which may be negotiated.

4. The expenses of the said commission, including the remuneration and expenses of the commissioners and any expenses incurred for securing the attendance of witnesses or otherwise, shall be payable by the Government of Canada, but the rates of remuneration of each of the commissioners selected by the Minister of Lands and Forests for the Province of Ontario shall be agreed upon between him and the Superintendent General of Indian Affairs before the Constitution of the Commission.
5. In the event of the commissioners negotiating a treaty with the Indians the compensation to be paid to such Indians shall be payable to the Dominion of Canada by the Province of Ontario from time to time in accordance with the terms of the treaty of surrender, and shall be applied by the Dominion of Canada in accordance with the said terms.
6. In the event of provision being made by such treaty of surrender for the setting apart of reserves for the Indians, the Dominion of Canada will bear the expense to be incurred in the location and survey thereof, and the Province of Ontario will concur in the setting apart of such reserves.
7. All such reserves shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may be allotted; portions thereof may, upon their surrender for the purpose by the said band or bands, be sold, leased or otherwise disposed of by letters patent under the Great Seal of Canada, and the proceeds of such sale, lease or other disposition applied for the benefit of such band or bands, provided, however, that in the event of the band or bands to which any such reserve has been allotted becoming extinct, or if for any other reason such reserve or such portion thereof as remains undisposed of is declared by the Superintendent General of Indian Affairs to be no longer required for the benefit of the said band or bands, the same shall thereafter be administered by and for the benefit of the Province of Ontario, and any balance of the proceeds of the sale or other disposition of any portion thereof then remaining under the control of the Dominion of Canada shall, so far as the same is not still required to be applied for the benefit of the said band or bands of Indians, be paid to the Province of Ontario, together with accrued unexpended simple interest thereon.

IN WITNESS WHEREOF these presents have been signed by the parties thereto.

Signed and Delivered on behalf of the
Government of Canada by the Honourable
Charles Stewart, Superintendent General
of Indian Affairs, in the presence of
(Sgd.) W. J. PRATT. (Sgd.) CHAS. STEWART

Signed and Delivered on behalf of the
Government of the Province of Ontario
by the Honourable Beniah Bowman, Min-
ister of Lands and Forests for the said
Province, in the presence of
(Sgd.) W. C. CALN. (Sgd.) BENIAH BOWMAN