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REDUCTION 26 1/2 DATA 77/0196 Indian Affairs Red Series

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ROLL # 17-C.

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Indian Affairs
Red Series

(RG 10, Volume 2544)

File		
- 111,772	CAPE CROKER AGENCY - CORRESPONDENCE REGARDING THE ARREARS DUE BY THOMAS PENTON ON LOT NO. 26, CON 4, WEST OF BURY ROAD, LINDSAY TOWNSHIP.	1890
111,793	SARNIA - PAYMENT OF THE ARREARS DUE BY ANNE C. CHASE ON LOT NO. 23, RANGE 5, FRANCIS SURVEY, TOWN OF SARNIA.	1890-1891
111,795	SAULT STE MARIE - LIST OF PATENTS REQUIRED FOR THE MONTH OF DECEMBER.	1890-1891
111,796	CAPE CROKER AGENCY - CORRESPONDENCE RELATIVE TO THE ARREARS DUE BY ELIZABETH MOORE ON LOT NO. 10, CON 8, EAST OF BURY ROAD, TOWNSHIP OF LINDSAY.	1890
111,808	STRATHROY - APPLICATION FROM ALEXANDER S. McDOUGALD TO LEASE THE W 2/3 OF THE E 1/2 OF THE N 1/2 OF LOT NO. 2, RANGE 5, CARADOC RESERVE.	1890
111,809	MANITOWANING - LAND RETURN OF THE GORE BAY OFFICE DURING THE MONTH OF NOVEMBER.	1890^
111,811	VIGER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER 1890. CORRESPONDENCE RELATIVE TO LAND ASSIGNMENTS.	1890-1891

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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MEMO.

Lds. 151 10 12 90
Mc U. 12-12 90
UD 31-12 90
Cor 7-1-91
Lands ~~Dap~~ 91
Mc U. 12 1. 91
Lemas ~~Dap~~ 1. 91
Lands 5. 3. 91

No. 111793

Department of Indian Affairs,

189 0

Anne C. Chase.
Glencoe.
16 Dec.

Re Lot 23 Range 5
Francis Survey Sarnia

17 Dec. Let to Mrs A. C. Chase.
22/26 Dec let from Mrs Chase.
9 Jany let to do
1891.

16 Jan. Let to Mrs or Miss A. C. Chase.
16/5 " " from Do
12/16 Mch let to E from Do

ACTION.

ACTION CONTINUED.

RED
111793

29/342

Poor Copy.

Indian Affairs. (RG 10, Volume 2544, File 111,793)
PUBLIC ARCHIVES
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CANADA

Official 111793

To L Vankoughnet Esq
Deputy Superintendent-General
Indian Affairs
Ottawa

DEPARTMENT OF INDIAN AFFAIRS
DEC 6 1880

LAND BRANCH
DEC 11 18

Your Agent at Sarnia
Mr. E Watson having
died.
I write to you.
I wish to pay the last
instalment on lot
purchased in Sarnia
Sale No. 555 Lot 23 in
the 5th Range

Indian Affairs. (RG 10, Volume 2544, File 111,793)

PUBLIC ARCHIVES
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Poor c

Francis Survey Town
of Tarnia.
Please advise due
of the last payment
due & Taxes & to where
I shall remit the
same.
I shall then send a
Postal Order for the
balance due on the
purchase money &
& demand the
Patent.
Kindly advise me in
due Course & oblige
Anne L. Chase
Glencoe Ontario

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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MEMORANDUM.

Department of Indian Affairs,

To Mr Orr

Ottawa, 11th December 1880

Sale 555 Lot 23 Range 5 Sarnia was sold on the 15th Oct 1886 to Anne C Chase in whose name it now stands.

Price of Lot $88.00
Paid on do 70.40
Balce due $17.60

Notice sent

H M Lee

MEMORANDUM.

Department of Indian Affairs,

To Corse Bro

Ottawa, 11 Dec 1880

CORRESPONDENCE DEC 19 1880 BRANCH

To ack letter from Annie C. Chase and say that the bal due on lot 23. Range 5. Francis Sunny Sarnia is for Principal $17.60 and interest thereon @ 6% from 15th Oct 1886 till paid. Say taxes are not paid to this Dept. Say that this amt and interest may be sent direct to this Dept.

for Dec

Indian Affairs. (RG 10, Volume 2544, File 111,793)

PUBLIC ARCHIVES
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111.793.

Mrs Annie C. Chase
Glencoe,
Ont:

Decr 17th 1890.

Madam,

I have to ack: the Recd. of your letter ~~of~~ ~~the~~ not dated enquiring with regard to Sale, No. 555, of Lot 23, Range 5, Francis Survey, Town of Sarnia; and in reply I beg to inform you that the balance due is:- Principal $17.60 and Interest thereon @ 6% from the 15 Oct. 1886 until paid. The money should be deposited in any Chartered Bank of Canada and the Bank Certifs & Draft may

Afford Dw

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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be forwarded direct to
the Department.

With regard to your
enquiry respecting
taxes, I may state
that they are not payable
[illegible] at this dept.

Yours

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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Official

1. To Acctnt
2. To deposit & cr
2. Corrce Br. to ack
3. To Audit & Timber Br.
4. Prior action in Dec 24/90

112393

LAND BRANCH
JAN 10 1891

To H. Vankonghnet Esq
Deputy Supt. General
Indian Affairs
Ottawa

Your letter No 111.793
of Dec 17th 1890. received
Enclosed please find
Twenty one Dollars
and Ninety cents
($21.90)
Principal & Interest
due on Sale No
555. of Lot 23, Range
5. Francis Survey.
Town of Sarnia.

Ackd.
9 Jany '91

Entd { Princ $17.60 / Int. $4.30 } $21.90
Sale 555 -
Sundry Sales Book
Page 326

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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PUBLIC ARCHIVES
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Please forward me
receipt & Deed for
Same & Oblige
Anne L. Chase
Glencoe
Ontario
Dec 22nd 1890

111793

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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Memorandum

Department of Indian Affairs,

To Cor^ce Br^n Ottawa, 10. Jany 1891.

CORRESPONDENCE JAN 12 1891 BRANCH

To ack. letter from Annie C Chase of the 22nd ult + say that upon her filing in the Dept. Declarations by two disinterested parties shewing compliance with the conditions of sale viz. that the lot has been built upon, fenced or cultivated, and giving her name in full place of residence & stating whether she is a Spinster, widow or married woman

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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PUBLIC ARCHIVES
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11179 3

RETURN TO CORRESPONDENCE BRANCH.

Mrs (or Miss) Annie C. Chase
Glencoe
Ont.
January 16th 91

Madam,

I have to ack the receipt of your letter of the 22nd ultimo inclosing the sum of $21.90 on part for Lot 23, Range 5, Francis Survey, Town of Sarnia; & in reply I have to inform you that, upon your filing in the Department declarations by two disinterested parties, shewing compliance with the conditions of sale namely that the lot has been built upon, fenced or cultivated, and giving your name in full, place of residence, & stating whether you are a spinster, widow or married woman & if a married woman the place of residence name in full & occupation of

Your

R.S. for Dm

A.M. Mrs

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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your husband Patent
will, if the above requirements
are satisfactorily complied
with, be issued & forwarded
to you.

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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CANADA

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112896

Glencoe Ont
Jan 13th 1891

J. Sinclair Esq
Chief Clerk & Accountant
Indian Department Ottawa

Sir

Referring to your
favor Jan 9th 1891
No 111793. would you
kindly inform me
what steps I shall
take to secure Deed
for Sale No 555. Lot
23. Range 5 Francis
Survey. Sarnia Ontario

Indian Affairs. (RG 10, Volume 2544, File 111,793)

PUBLIC ARCHIVES
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CANADA

You would much oblige: if you would refer this letter to the proper Department for issuing the Deed of Title

I am Sir

Yours etc

Anne L. Chase

Indian Affairs. (RG 10, Volume 2544, File 111,793)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111798

Mar 12-1-91

Indian Affairs. (RG 10, Volume 2544, File 111,793)

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Indian Affairs
Red Series

(RG 10, Volume 2544)

File		
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Indian Affairs. (RG 10, Volume 2544, File 111,795)

PUBLIC ARCHIVES
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CANADA

MEMO.

Lds. 10/12 90
Me U. 18-12-90
Lands 1-91
Cor 12 1 91

No. 111795

Department of Indian Affairs,

1890

Wm Van Abbott
Sault Ste Marie

4/6 Dec.

With requisitions for patents for November

22. Dec. Let to Wm Van Abbott.
29 Dec
2 Jan 1891 letter " do.
16 " " E to do

ACTION.

13/34

ACTION CONTINUED.

RED
111795

Indian Affairs. (RG 10, Volume 2544, File 111,795)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111795

REQUISITION FOR PATENTS for parties entitled to the same for the Month of December 1890

DEPARTMENT OF INDIAN AFFAIRS DEC 6 1890

Sale No.	NAME IN FULL.	PLACE OF RESIDENCE.	OCCUPATION.	DESCRIPTION OF LAND TO BE PATENTED.			
				Lot.	Con. or Street.	Acres.	Town or Township.
289	Albert Martin Lillie	Macdonald	Farmer	S½ N.E¼	3rd	80	Macdonald
289 ✓	Sarah Eliza Mabel Wife of James Yard	Macdonald	Farmer	W½ S.W¼	3rd	63	Macdonald
292	Peter Peterborough	Macdonald	Farmer	W½ N.E¼	3rd	79½	Macdonald
306 314	Frederick Donnelly	Laird	Farmer	S.W¼	Laird	154¾	Shesheke
348 ✓	Peter James Nelson	Sault Ste Marie	Barrister at Law	Part Section	3	3/4	Addition to Sault Ste Marie 1890 R° Pos. 424

I hereby Certify the above Applicants for Patents will not thereby acquire more land than is allowed by the Land Regulations of the Department.

Dated Indian Office, Sault Ste Marie 4th Decr 1890

Wm. Wm. Wm.

District of Algoma } I Robert Rush of the town of Sault Ste
Province of Ontario } Marie District of Algoma and Province
To Wit } of Ontario High constable and Walter
of Algoma Province of Ontario
Wm V.A. Sanders of Township Macdonald District Farmer make
oath and say that we is duly acquainted
with Albert Martin Miller of the Township
of Macdonald who owns the south half
of South East quarter of Section twenty
nine in the [redacted] of Algoma
containing eighty acres, and that he
has cleared fenced and under cro,
Wm V.A. more than Six acres and a
house of the dimensions of eighteen
feet by twenty feet and that
he has occupied and improved
the same for more than three last
summers and that he still
occupies the said land and
that this deponent is not aware
of any adverse claim to or occupation
of said lot

Sale No 209

Sworn before me
at the town of Sault Ste
Marie the 1st Day
of September A.D. 1890

Robert Rush
Walter Sanders

Wm Vm Abbott
Indian Land Agent

Indian Affairs. (RG 10, Volume 2544, File 111,795)

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PUBLIC ARCHIVES
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CANADA

111795

District of Algoma
Province of Ontario
To Wit

I Peter Peterbaugh of the Township of Macdonald in the District of Algoma and Province of Ontario Farmer and John Hartley of the Township of Macdonald District of Algoma Province of Ontario, Farmer. Make oath and say that he is well acquainted with the North half of Lot 19 Sale 289 63 acres in the Township of Macdonald and that there are four acres cleared fenced and under crop and two acres chopped and a house of the dimensions of eighteen feet by twenty four feet and that it is owned and has been occupied for more than the three past years for and on behalf of Sarah Eliza Garrett, wife of James Garrett of the Township of Macdonald, Farmer, and that all these improvements have been done for and on her behalf and that this deponent is not aware of any adverse claim to or occupation of said lot

Sworn before me
at Sault Ste Marie
this 8th day of November
A D 1890
after being read
over and explained
Wm Wm Abbott
Indian Lands Agent

John Hartley
Peter his X Peterbaugh
mark

Indian Affairs. (RG 10, Volume 2544, File 111,795)

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CANADA

111795 110225

District of Algoma and Province of Ontario
To Wit

I. William Taylor of the Township of Laird in the District of Algoma and Province of Ontario, Farmer and David Forrest of the Township of Laird in the District of Algoma and Province of Ontario, Farmer, Make oath and say that he is well acquainted with Frederick Corsality of the Township of Laird who owns the south west quarter of section five in the Township of Laird and that he immediately entered into occupation and improvement of sale No 305. and has continued to occupy and improve the same up to the present date, and that he still intend to so reside on and continue to improve, that he has more than ten acres cleared fenced and under crop, that he has a house of the dimension of eighteen feet by twenty four feet, a barn twenty four feet by thirty six feet and also another dwelling twelve feet by fourteen feet and that all these improvements have been made by him and on his behalf and that this deponent is not aware of any adverse claim to or occupation of said lots

No 305 & 310 sold 1 Dec 1887.
Re time of occupation [illegible]
occupation from date of sale

Sworn before me at Sault Ste Marie this 27th day of June A.D. 1890

William Taylor
David Forrest

Wm Van Abbott
Indian Lands agent

Indian Affairs. (RG 10, Volume 2544, File 111,795)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

111795

DEPARTMENT OF INDIAN AFFAIRS
DEC 6 1890

District of Algoma
Province of Ontario
To Wit

I John Hurley of the Township of Macdonald District of Algoma and Province of Ontario, Farmer and James Garret of the Township of Macdonald and District of Algoma and Province of Ontario Farmer, Make Cash and say he is well acquainted with the West half of the North East Quarter of Section thirty one in Township of Macdonald containing seventy nine and a half acres and that there are cleared fenced and under crop five acres and a house of the dimensions of thirteen feet by eighteen feet and that it has been owned and occupied for more than the past three years for and by Peter Peterbaugh of the Township of Macdonald, Farmer, and that all these improvement have been made for and by the said Peter Peterbaugh and that this deponent is not aware of any adverse claim to or occupation of said lot

Peter Peterbaugh has a full size house on his Patented Sale 221. Patent 8538. half a mile from the [illegible] within lot
Wm Van Abbott
Indian Lands Agent

Sale No 292

Sworn before me
at Sault Ste Marie
this 8th day of
November AD 1890
Wm Van Abbott
Indian Lands Agent

John Hurley
James Garret

221

Indian Affairs. (RG 10, Volume 2544, File 111,795)

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DEPARTMENT OF INDIAN AFFAIRS
DEC 6 1890

Letter book 645

111795

Indian Lands Agency
Sault Ste Marie
4th December 1890

Sir

I have the honor to forward you herewith application for the following Patent which please forward so soon as possible as the parties applying are anxious to raise money on their lands in order to make further improvements

Sale No 219 Albert Martin Little
√289 Eliza Garret
√292 Peter Peterbaugh
√305 } Frederick Horsality
√310 }
340 John James Kehoe

I have the honor to be
Sir
Your most obt Servt
Wm Van Abbott
Indian Lands Agent

L. Vankoughnet Esqr
Deputy Superintendent General
of Indian Affairs
Ottawa

LAND BRANCH
DEC 11 1890

Lands Branch
R S Gordon
6 Decr 90

Indian Affairs. (RG 10, Volume 2544, File 111,795)

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CANADA

MEMORANDUM.

Department of Indian Affairs,

To Cor^ce B^r

Ottawa, 18 Dec 1880

To ack letter from Mr Agent Van Abbott of the 4th inst & say as regards Patent asked for Sale 209. that this Sale stands in the name of Isaac B. Lillie & not Albert Marlin Lillie for whom Patent is asked.
Say as regards Sale 340, the usual Certificate asked for in connection with his Land Return must be furnished before Patent can issue

for DM

Indian Affairs. (RG 10, Volume 2544, File 111,795)

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RETURN TO
CORRESPONDENCE BRANCH.

111795 Wm Van Abbott Esq.
Indian Land Agent.
Sault Ste Marie,
Ont.

545

Decr 22nd 1890.

Answer reqd

Sir,

I have to ack the rect. of your letter of the 4th inst, with encls, making requisition for Patents covering Sales 209, 289, 292 305-310 & 340; and in reply I have to inform you, as regards ~~the Patent asked for for~~ Sale 209, that the same stands in the name of Isaac B. Lillie & not Albert Martin Lillie, for whom Patent is requested; and with respect to Sale

Indian Affairs. (RG 10, Volume 2544, File 111,795)

PUBLIC ARCHIVES
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Sale 340 the usual
Certificate asked for
in connection with
your Land Return
must be furnished
before Patent can
issue

Jam & C.

Indian Affairs. (RG 10, Volume 2544, File 111,795)

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CANADA

112471

Letter book 572
file 111,795

Indian Lands Agency
Sault Ste Marie
29th December 1890

Ackd on E
16/1/91

Sir

I have the honor to forward you herewith two assignments from Isaac Broad Lillie to Albert Martin Lillie of Sale No 209 omitted in my letter of 4th December with my applications for Patents I trust that Patent may issue for this lot so soon as possible

I have the honor to be
Sir
Your most obt servt
Wm Van Abbott
Indian Lands Agent

LAND BRANCH
JAN 5 1891

Ref 9766

L. Vankoughnet Esqr
Deputy Superintendent General
of Indian Affairs
Ottawa

1 Land Br
2 Cor

Done on E 16/1/91

R S for DM

3/1/91

Indian Affairs. (RG 10, Volume 2544, File 111,795)

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Indian Affairs
Red Series

(RG 10, Volume 2544)

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111,811	VIGER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER 1890. CORRESPONDENCE RELATIVE TO LAND ASSIGNMENTS.	1890-1891

Indian Affairs. (RG 10, Volume 2544, File 111,796)

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CANADA

MEMO.

Lds 10 12 90
Ml U. 12.12.90
Lands 20 12 90

No. 111796

Department of Indian Affairs,

1890

Wm Simpson.
Wiarton.
4/6 Dec.

With affidavit of no improvements on Lot 10 Con 8 EBR Lindsay.

17 Dec., Cr to Wm Simpson
20/23 Dec letter Wm Simpson

ACTION.

8/34-2

ACTION CONTINUED.

RED
111796

Poor Copy.

Indian Affairs. (RG 10, Volume 2544, File 111,796)

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1796

Dominion of Canada,
PROVINCE OF ONTARIO.
County of Bruce
TO WIT:

In the matter of Lot Ten Con Eight E. of
Township of Lindsay County of Bruce
Province of Ontario

We William Hanna and Alexander Richard Weatherh
of The Township of Lindsay
in the ——— County of Bruce Farmers
Do solemnly declare that we are co
acquainted with the said Lot 10
Concession 8 East of Bury Road in
The township of Lindsay in the said
County and Province
and Say that the above Lot is unoc-
cupied and no improvements made
thereon
and that the owner is not a resident
of the township
and that the land is fit for Farm
and we believe That Alfred Rous
intends to become an actual Set
on the above Lot if he can have
it

And I make this solemn declaration conscientiously believing the same to be true, and by virtue
"ACT RESPECTING EXTRA-JUDICIAL OATHS."

DECLARED before me at Cape Chin
Township of Lindsay
in the ——— County of Bruce
this 29th day of November
in the year of our Lord 1890

William Ha
A. R. Weather

James Weatherhead
A Commissioner, Etc.

Indian Affairs. (RG 10, Volume 2544, File 111,796)

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In the Matter of

Sale — 6820

Lot — 10

Con — 8 E. B. R.

Tp. Lindsay

Statutory Declaration.

ECHO PRINT

In lieu of Cancella-
tion.

Indian Affairs. (RG 10, Volume 2544, File 111,796)

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111796

DEPARTMENT OF INDIAN AFFAIRS
DEC 6 1890

Indian Land Office
Marton 4th Dec. 1890

Sir

Re Sale 5820 - Lot 10 Con 8 E.B.R. Lindsay

I send herewith for your consideration an affidavit - showing that Lot 10 Con 8 E. B. R. Lindsay (Sale 5820) is unoccupied and unimproved, and that the owner is a non-resident of the Township. and that the land is fit for farming purposes.

I would most respectfully recommend that the owner of the above Mentched Lot gets three Months in which to pay arrears and enter into occupation.

LAND BRANCH
DEC 11 1890

Your Obd Servant
Wm Simpson
I. L. Agent

L. Vankoughnet Esqr
Deputy Supt General
of Indian Affairs
Ottawa

Indian Affairs. (RG 10, Volume 2544, File 111,796)

PUBLIC ARCHIVES
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MEMORANDUM.

Department of Indian Affairs,

To Cor^ce Br

Ottawa, 11 Dec 1880

To ack. letter from Mr Agent Simpson of the 4th inst. and say that he may give the owner of lot 10 Con 8. EBR Lindsay three months within which to pay up & enter into occupation. Say he should report at the expiration of the time given

for DM

MEMORANDUM.

Department of Indian Affairs,

To Mr Orr

Ottawa, 11th Decr 1880

Sale 5820 Lot 10 Con 8 EBR Lindsay was sold on the 1st April 1887 to Amelia Lyndall & by her assigned to Elizabeth Moore in whose name it now stands

Price of Lot $75.00
Paid on do 15.00
Bal^ce due $60.00

H S McMe

Notice sent

Indian Affairs. (RG 10, Volume 2544, File 111,796)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111.796

Wm Simpson Esq.
Indn. Lands Agent.
Wiarton, Ont.

Ans. regd.

Dec. 17, 1890.

Sir,

I have to ack. the rect. of yr. letter of the 4th Inst with enclosure; & in reply I beg to inform you that you may give the owner of Lot 10, Con 8, G.B.R. Lindsay three months within which to pay the arrears due thereon and enter into occupation of the Lot.

At the end of the time given you should report to the Dept. what has been done in the matter.

Ian

Afforton

Indian Affairs. (RG 10, Volume 2544, File 111,796)

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ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
DEC 23 1890

112268

Indian Lands Office
Wiarton 20th Dec. 1890

Sir

Re your letter dated 17th Dec. 1890 No 111,796

Yours of the 17th Instant No 111,796, acknowledging the receipt of my letter of the 4th Instant. with enclosure, And in reply informing me that I may give the Owner of Lot 10 Con 8 E.B.R. Lindsay three Months within which to pay the arrears due thereon and enter into occupation of the Lot.

At the end of the time to report to the Department what has been done in the Matter. Received

In reply I have the honor to say - that I have just notified the Owner of the above mentched Lot in accordance with those instructions

Your Obed't Servant
Wm Simpson
I. L. Agent

L. VanKoughnet Esqr
Deputy Sup't General
of Indian Affairs
Ottawa

LAND BRANCH
DEC 26 1890

Indian Affairs. (RG 10, Volume 2544, File 111,796)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

Indian Affairs
Red Series

(RG 10, Volume 2544)

File		
- 111,772	CAPE CROKER AGENCY - CORRESPONDENCE REGARDING THE ARREARS DUE BY THOMAS PENTON ON LOT NO. 26, CON 4, WEST OF BURY ROAD, LINDSAY TOWNSHIP.	1890
- 111,793	SARNIA - PAYMENT OF THE ARREARS DUE BY ANNE C. CHASE ON LOT NO. 23, RANGE 5, FRANCIS SURVEY, TOWN OF SARNIA.	1890-1891
- 111,795	SAULT STE MARIE - LIST OF PATENTS REQUIRED FOR THE MONTH OF DECEMBER.	1890-1891
- 111,796	CAPE CROKER AGENCY - CORRESPONDENCE RELATIVE TO THE ARREARS DUE BY ELIZABETH MOORE ON LOT NO. 10, CON 8, EAST OF BURY ROAD, TOWNSHIP OF LINDSAY.	1890
111,808	STRATHROY - APPLICATION FROM ALEXANDER S. McDOUGALD TO LEASE THE W 2/3 OF THE E 1/2 OF THE N 1/2 OF LOT NO. 2, RANGE 5, CARADOC RESERVE.	1890
111,809	MANITOWANING - LAND RETURN OF THE GORE BAY OFFICE DURING THE MONTH OF NOVEMBER.	1890^
111,811	VIGER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER 1890. CORRESPONDENCE RELATIVE TO LAND ASSIGNMENTS.	1890-1891

Indian Affairs. (RG 10, Volume 2544, File 111,808)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Lds. ✓ 12-92

No. 111808

Department of Indian Affairs,

189 2

Thos Gordon.
Strathroy.

6/8 Dec

With application from Alex S. McDougald to lease W ⅔ of E ½ of N ½ of Lot 62 Range B Caradoc Res.

ACTION.

7/32

ACTION CONTINUED.

RED
111808

Indian Affairs. (RG 10, Volume 2544, File 111,808)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Melbourne P.O.
Dec 8 1894

Thomas Gordon Esq
Indian Agent
Strathroy
Ont

Dear Sir

Herewith you will please find enclosed an application for the Peter Weeks land if the description of the Lot is not correct kindly make it right. I have gone over the place carefully & find that it requires more ditching than I thought it would. With respect to the fencing I mean to put one cross fence & half of all line fences. There is no timber on the land that will do for fencing the material will have to be drawn from a distance I think I would Buy Oak posts and securely fasten the rails to them with wire Kindly forward application as soon as possible as I have a chance of getting some rails now

Yours truly Alex McDougall

Indian Affairs. (RG 10, Volume 2544, File 111,808)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Melbourne [illegible]

Application for a Lease of ~~Lot~~ the westerly part of the East 1/2 of the north 1/2 of Lot No 2 in the 5th Range in the Caradoc reserve containing 33 1/3 acres For a term of ten years I will clear up Stump & Burn off clean 20 acres costing about 4.50 per acre. Will Build 234 rods of new fence worth $234 00/100. Will dig 150 rods of open ditching worth .50 cents per rod and pay a yearly rent in cash of ($16.00) Sixteen dollars

Will give as Sureties

Daniel De Cow

Daniel McDougall

Indian Affairs. (RG 10, Volume 2544, File 111,808)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111808

Landsp

DEPARTMENT OF INDIAN AFFAIRS DEC 8 1890

Indian Office
Strathroy 6th Dec 1890

Sir

Alexander S. McDougald of the Township of Caradoc in the County of Middlesex and Province of Ontario, applies to lease for a term of ten years from 1st December 1890 the Westerly two thirds of the East half of the north half of lot number 2 in Range 5 Caradoc Reserve containing 33⅓ acres more or less upon the following conditions. (Viz)

To clean up stumps and bring into good cultivation 20 acres value $4.50 pr acre.

Make 234 wds fencing worth $234. Make 150 wds ditching worth 50c pr wd. and pay $20 a year cash rental quarterly in advance.

Fences to come up to the requirements of the By-law of the Township of Caradoc relative to line fences within the said Township. To feed all straw on the place, and perform the necessary amount of statute labor. All improvements to

LAND BRANCH DEC 11 1890

Indian Affairs. (RG 10, Volume 2544, File 111,808)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111808

all improvements to be made within four years from the date of the Lease.

The conditions would stand as follows

Clearing land	$ 90.00
Fencing	234 00
Ditching	75 00
Rental	[illegible]
	$ 599.00

I herewith send for consideration McDougalds letter with offer to me, and in connection therewith state, when in Melbourne yesterday I had a personal conversation with him and stated, that his offer of $16.00 a year was in my judgment too low a rental, but if he would go up to $20, I would make the application for him. This after some reasoning he consented to, and I therefore placed that amount in the application instead of the $16 stated in his written application to me. Mr McDougald is a very steady worthy farmer, and is a desirable Tenant. I forgot to get from him the names of sureties, but these he can get at any time if his

Indian Affairs. (RG 10, Volume 2544, File 111,808)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111808

his application is agreed to by the Department.
The land applied for is the land now owned by Peter Week, an almost blind Indian, and one who can make no use of it otherwise than by leasing.

I have the honor to be
Sir
Your obedient servant
Thunchordon
Indian Agent

C. Vankoughnet Esq
Deceneral of
Indian Affairs
Ottawa

P.S. Overlooked the fact that reading his application to lease viz that he has given the names of his sureties which are.
Daniel Decow and
Daniel McDougald both responsible farmers living in the Township of Ekfrid and County of Middlesex.

T.G.

Indian Affairs. (RG 10, Volume 2544, File 111,808)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

M[illegible]

To D.M.

See File 102,3[illegible] & Supt Grant [illegible] note thereon Better defer for the present AA Dec 12/90

Department of Indian Affairs,

Ottawa, 11. Dec 1890.

Mr Agent Gordon forwards an application behalf of Alex. S. McDougald to lease the Westerly 2/3 of the E 1/2 of the N 1/2 of lot No. 2. Range 5. Caradoc Reserve 33 1/3 acres for 10. years from 1st Dec. 1890 as follows-

Clearing land 20 acres @ $4.50 p.a.	$90.
Fencing 234 rods @ $1. p. rod. --	234.
Ditching 150 " @ $.50 " " --	75.
Rental $20. yearly for 10. years	200.
Total	$599.

The proposed tenant is strongly recommended by the Agent & names of Sureties are submitted also well recommended. This land is under location Ticket No 795 to Peter Week. This land has not been surrendered and Mr Gordon reports the locatee as an almost blind Indian. As the offer is a very good one the undersigned would recommend that lease be issued under the 38th Sec of [illegible] Act:

W. Ayde

Indian Affairs. (RG 10, Volume 2544, File 111,808)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

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Indian Affairs
Red Series

(RG 10, Volume 2544)

File		
- 111,772	CAPE CROKER AGENCY - CORRESPONDENCE REGARDING THE ARREARS DUE BY THOMAS PENTON ON LOT NO. 26, CON 4, WEST OF BURY ROAD, LINDSAY TOWNSHIP.	1890
- 111,793	SARNIA - PAYMENT OF THE ARREARS DUE BY ANNE C. CHASE ON LOT NO. 23, RANGE 5, FRANCIS SURVEY, TOWN OF SARNIA.	1890-1891
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111,808	STRATHROY - APPLICATION FROM ALEXANDER S. McDOUGALD TO LEASE THE W 2/3 OF THE E 1/2 OF THE N 1/2 OF LOT NO. 2, RANGE 5, CARADOC RESERVE.	1890
111,809	MANITOWANING - LAND RETURN OF THE GORE BAY OFFICE DURING THE MONTH OF NOVEMBER.	1890^
111,811	VIGER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER 1890. CORRESPONDENCE RELATIVE TO LAND ASSIGNMENTS.	1890-1891

Indian Affairs. (RG 10, Volume 2544, File 111,809)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Acct: 11 12-90
Mkt 12. 12. 90
Mkt 20. 12. 90

No. 111809

Department of Indian Affairs,

1890

B.W. Ross
Cockburn Isld.
3/8 Dec

Land Return for
Gore Bay $60.01/100
29/11/90 let. to Agt. Ross (a)
1891
5th Jany let. E. to Agt Ross.

ACTION.

ACTION CONTINUED.

RED
111809

19/34-1

Indian Affairs. (RG 10, Volume 2544, File 111,809)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111809

No. OF RETURN.

RETURN made by B. W. Ross Indian Agent, of Land Sales and payments thereon, in ~~Bank Deposits~~ registered letter, on Account of the Indians of Gore Bay Office during the Month of November 1890.

DEPARTMENT OF INDIAN AFFAIRS. DEC 8 1890

No. of Sale.	Date of Payment.	Name of Purchaser, Residence and Occupation.	Township or Place.	Part of Lot.	No. of Lot.	No. of Concession, Range or other Division.	Acres.	Price per Acre.	Total Amount of Sale. $ cts.	No. of Instalment.	Principal Paid. $ cts.	Interest Paid. $ cts.	Total Paid. $ cts.	In what Bank deposited.	Interest Computed From date of Sale.	Interest Computed To date of Payment.	REMARKS.
	1890																
✓ 557	Nov. 14	Margaret Phalen	Barrie Island		16	7	100	.50	50.00	2	10.00	6.80	16.80		July 11, 79	Nov 11, 90	
✓ 558	" 14	Joseph Phalen	Barie Island		15	7	100	.50	50.00	2	10.00	6.80	16.80		July 11, 79	Nov 11, 90	
✓ ~~933~~ 1122½	" 15	Andrew C. McRae	Mills		23	8	116	.25	29.00	2-3-4	17.40	9.01	26.41		Apl. 20, 82	Nov 20, 90	See Official letter 98227 Oct. 1st 1890
											37.40	22.61	60.01				

Indian Lands Office
Cockburn Island
November 30th 1890

B. W. Ross

Certified that the amts. collected in this Return are the amts. which should have been collected on acct of the lots mentioned for the purposes claimed in this Return.

In chge of Ld & Timb. Ret.

Indian Affairs. (RG 10, Volume 2544, File 111,809)

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CANADA

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Indian Affairs
Red Series

(RG 10, Volume 2544)

File		
- 111,772	CAPE CROKER AGENCY - CORRESPONDENCE REGARDING THE ARREARS DUE BY THOMAS PENTON ON LOT NO. 26, CON 4, WEST OF BURY ROAD, LINDSAY TOWNSHIP.	1890
- 111,793	SARNIA - PAYMENT OF THE ARREARS DUE BY ANNE C. CHASE ON LOT NO. 23, RANGE 5, FRANCIS SURVEY, TOWN OF SARNIA.	1890-1891
- 111,795	SAULT STE MARIE - LIST OF PATENTS REQUIRED FOR THE MONTH OF DECEMBER.	1890-1891
- 111,796	CAPE CROKER AGENCY - CORRESPONDENCE RELATIVE TO THE ARREARS DUE BY ELIZABETH MOORE ON LOT NO. 10, CON 8, EAST OF BURY ROAD, TOWNSHIP OF LINDSAY.	1890
- 111,808	STRATHROY - APPLICATION FROM ALEXANDER S. McDOUGALD TO LEASE THE W 2/3 OF THE E 1/2 OF THE N 1/2 OF LOT NO. 2, RANGE 5, CARADOC RESERVE.	1890
- 111,809	MANITOWANING - LAND RETURN OF THE GORE BAY OFFICE DURING THE MONTH OF NOVEMBER.	1890
111,811	VIGER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER 1890. CORRESPONDENCE RELATIVE TO LAND ASSIGNMENTS.	1890-1891

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Acct. 11 - 12 - 90
Lds. 12 12 90
Cor. 18 12 90
Lds 24 12 90
Lds 1 - 1 - 91
Lands 12 - 1 - 91
M N. 11 1 91
Mrs 12 8 91
Lds 15 8 91
H Chow
Lands.

No. 111811

Department of Indian Affairs,

1890

N. Le Bel
Cacouna
4/8 Dec.

Land Return for November.

23 Dec. Lt to N. LeBel.
31 Dec
2 Jan 1891 letter N. LeBel.

1891

20th Jan. Lt to N. LeBel.
14 Aug Ref to do
7/18 Aug letter N. LeBel.

ACTION.

66/34-1

ACTION CONTINUED.

RED
111811

Poor Copy.

Indian Affairs. (RG 10, Volume 2544, File 111,811)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
DEC 8 1890

No. OF RETURN.

111811

RETURN made by Narcisse LeBel Indian Agent, of Land Sales and Payments thereon, in Bank Deposits, on Account of the Indians of Réserve Viger during the Month of Novembre 1890

No. of Sale.	Date of Payment.	Name of Purchaser, Residence and Occupation.	Township or Place.	Part of Lot.	No. of Lot.	No. of Concession, Range or other Division.	Acres.	Price per Acre.	Total Amount of Sale. $ cts.	No. of Instalment.	Principal Paid. $ cts.	Interest Paid. $ cts.	Total Paid. $ cts.	In what Bank deposited.	Interest Computed. From date of sale	Interest Computed. To date of Payment.	REMARKS.
22	Nov. 24	Edouard Lafrance Cultivateur St. Epiphane P.Q.	Viger	Ouest	45	1	100	$ cts 4.85	485 00	7	29 30	24 10	53 40	Jacques Cartier Grasseville P.Q. 25 Nov. 1890			

Narcisse LeBel
agent

Form No. 31.

Indian Affairs. (RG 10, Volume 2544, File 111,811)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA
Poor Copy.

111811

MEMORANDUM.

Department of Indian Affairs,

To Cor Br -

Ottawa, 18 Dec - 1890

CORRESPONDENCE DEC 18 1890 BRANCH

To Ack. Mr. Agent N. LeBel's letter of the 4th ult. enclosing Land Return for Nov. 1890 etc. and inform him that before the amt. of $53.40 can be credited on lot 45 Rge 1 Viger (sale No 22) an assignment for his pt. from Achille Marquis to Edouard Lafrance must be filed in the Dept. or a certificate showing that Lafrance pays this money on behalf of Marquis.

for D.M.

To Cor

2. Return File to Lands Branch

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
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CANADA

RETURN TO
CORRESPONDENCE BRANCH.

111811

N. LeBel. Esq.
Indian Agent
Caconna.
P. Q.

Decr 23rd 1890.

LAND BRANCH
Dec 24 1890

Sir,

I have to ack the rect. on the 8th inst of your letter dated of the 4th ultimo? enclosing your Land Return for Novr last together with B'k Certificates of Deposit & Draft for $53.40 being the amount thereof; and in reply I have to inform you that before this amount can be credited on Lot 45, Range 1, Tiger (Sale No 22) an Assignment from Achille Marquis to

Reforded

A.N. W.

To Lands Branch

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

to

Edouard Lafrance
must be filed
in the Dept or
a Certificate
shewing that Lafrance
paid this money
on behalf of
Marquis.

Jaun & C.

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
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CANADA

"Translation"
of assignment No 97

Before the undersigned Mtre Charles Arthur Gauvreau, Notary Public, residing in the parish of St Jean Baptiste of l'Isle-Verte, Co of Temiscouata;

Appeared Sieur Achille Marquis, farmer of l'Isle Verte aforesaid, who by these presents acknowledges having relinquished and do hereby relinquish all his rights, pretentions, works and titles which he has or may have on the S.W ½ of lot No 45 in 1 Cove, Viger, parish of St Epiphane, wishing and meaning that the said present owner be in no way disturbed either by himself his heirs or assigns, hereafter.

And the said appearer hereby gives full power to the holder of these presents to apply and obtain a patent for the said portion of said lot in his own name —

Done and passed at l'Isle Verte under No 97. this 21 June 1887 and the said appearer on being requested to sign having declare, not to be able to do so, the Notary has signed lecture of same first being made

Sign. Chs A Gauvreau B.P.
Sine copy of the Minute remaining in my office.
Chs. A Gauvreau

Indian Affairs. (RG 10, Volume 2544, File 111,811)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

Mr de Boucherville

112502

DEPARTMENT OF INDIAN AFFAIRS
JAN 2 1891

Caconna 31 Decembre 1890

A l'honorable,
Dep. du Surintendant Général des affaires
Ottawa.

Monsieur,

J'ai l'honneur d'accuser reception de la vôtre en date du 23 courant demandant une cession d'Achille Marquis à Edouard Lafrance afin de créditer la somme de $53.40 payé par Edouard Lafrance sur la partie sud Ouest du lot no 45 concession tel que calculé par Mr l'Inspecteur Dingman et la balance due sur sur l'autre demi lot partie Est devra être payé par Mr Achille Marquis tel qu'il a convenu avec Mr Dingman,

Ci-inclus est la cession de Mr Marquis au porteur qui est Mr Edouard Lafrance.

Vu qu'il a payé sa partie en entier il désire avoir une patente pour son demi lot dont je vous ferai requisition au mois de Janvier.

J'ai l'honneur d'être
Monsieur
Votre ob. serviteur
Marc Sebel
Agent

Land Branch
Rt for DM

2 Jany 91

Indian Affairs. (RG 10, Volume 2544, File 111,811)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

"Beauharnois"

Cacouna 31 Dec 90

Sir,

I have the honor to acknowledge the receipt of your favor dated the 23 inst. and beg for assignment from Adolphe Marquis to Edouard Lafrance in order to credit the sum of $35.00 paid by the latter on the S.W. portion of lot 45 in the 1st Con. This is the amount said to have been due according to Mr Inspector Dingman's calculations.

The balance remaining due on the Easterly portion of said lot is to be paid according to agreement with Mr Dingman by Adolphe Marquis.

As soon as January find assignment from Marquis to Lafrance and as the latter has paid in full for his half lot he wishes for his patent. I will make out application for his patent in question in the course of January. I have

LAND BRANCH JAN 13 1891

Indian Affairs. (RG 10, Volume 2544, File 111,811)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111811

MEMORANDUM.

Department of Indian Affairs,

To Cor Br.

Ottawa, 13 Jany 1891.

To Ack. Mr. Agent LeBel's letter of the 31st ult. and enclose the Relinquishment, herewith, of Pt. of lot 40 Con. 1, Viger for amendment.

Say that a declaration must accompany this document showing that Edouard Lafrance is the owner of pt. lot refered to therein or an assignment from Achille Marquis to ~~Edouard~~ Edouard Lafrance must be furnished the Dept. before the $53.40, forwarded with Nov. Land Return, can be entered or Pat.d issue to Edouard Lafrance.

Acty DM

DM

CORRESPONDENCE BRANCH JAN 14 1891

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111811

RETURN TO
CORRESPONDENCE BRANCH.

N. Le Bel Esq
Indian Agent
Caconna
Que.

January 20th 1891

Sir,

I have to ack the receipt of your letter of the 31st ultimo; & on reply I have to inform you that the Relinquishment enclosed herewith of part of Lot 45, Con 1, Vigor, is returned for amendment. A declaration must accompany the document showing that Edouard Lafrance is the owner of the part of Lot referred to therein, or an Assignment from Achilee Marquis to Edouard Lafrance must be furnished the Department, before the sum of $53 40/100 forwarded with your Novr Land Return can be entered

Or

Hfor Due

A.N. Wm

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

or Patent issue to Edward Lafrance.

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111811

MEMORANDUM.

Department of Indian Affairs,

To Cor Br.

Ottawa, 12 Aug. 1891

DENCE AUG 12 1891 BRANCH

2 Lands Br

I write Agent N. LeBel and call his attention to letter to him of the 20th July last in which he was informed that an assignment must be furnished the Dept. from Achille Marquis to Edward LaFrance before the payment of $95.40 Paid by Edward LaFrance as per Land Return of Nov. 1890 can be created on Lot 45 Rge 1 Viger which stands in the name of Achille Marquis on the Books of the Dept.

Say

MEMORANDUM.

Department of Indian Affairs,

To

Ottawa, 188

Say that he should attend to the matter at once.

DOR

J. D. McL.

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Fde 111,811

118758

DEPARTMENT OF INDIAN AFFAIRS
AUG 18 1891

Tacoma 17 Août 1891

ACCOUNTANTS
AUG 19 1891
BRANCH.

A l'honorable
Dep. du Sur. Général des Affaires Indiennes
Ottawa.

Monsieur,

J'ai l'honneur d'accuser réception de la vôtre en date du 14 courant, appelant mon attention sur votre lettre officielle du 20 Janvier dernier, demandant la cause du retard à vous répondre.

En réponse je dois vous dire que j'ai donné avis à Mr Laprance en même temps que je lui ai expédié votre document pour être amendé, comme il ne me l'a pas encore retourné, j'ai mis cela en oublie. Je lui ai donné avis de nouveau aujourd'hui et il sera difficile à Mr Laprance de faire amender son papier, ou fournir une cession de A. Magnis en sa faveur, ou que ce dernier réside aux Etats-Unis.

J'ai l'honneur d'être
Monsieur
Votre ob serviteur
N. LeBel
agent

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

(Translation)

Exd.

Cacouna
17th Aug. 1891

To the Hon.
The Supt. Genl. of Indian Affairs
Ottawa.

LAND BRANCH
AUG 26 1891

Sir:-

I have the honour to acknowledge the receipt of your letter of the 14th instant calling my attention to your official letter of the 20th January last asking the cause of my delay in replying to you.

In reply I beg to say that I notified Mr. Lafrance at the same time that I forwarded him your document to be amended. As he has not yet returned it to me, I suppose he has forgotten about it. I have today notified him again.

It will be diffieult for

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Mr. Lafrance to amend his
deed or to furnish a deed
of cession from A. Marquis
in his favour, as the latter
resides in the United States.

Thanks, &c.
N. LeBel
Agent.

Indian Affairs. (RG 10, Volume 2544, File 111,811)

PUBLIC ARCHIVES
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CANADA

Indian Affairs
Red Series

(RG 10, Volume 2545)

File			
111,834	1	CONFIDENTIAL REPORT BY MR. McKENNA AND MR. RIMMER RESPECTING A DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT ON INDIAN MATTERS.	1899-1901
111,834	2	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	3	JUDGMENT BY THE PRIVY COUNCIL REGARDING THE CONTROVERSY BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE FULFILMENT OF THE OBLIGATIONS CREATED BY THE NORTH WEST ANGLE TREATY NO. 3.	1910
111,834	4	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	5	TERMS OF AGREEMENT OF THE ROBINSON-HURON TREATY SIGNED ON THE 9th OF SEPTEMBER 1850.	1850-1893

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO

No. 111834 (Vol. 1) Confidential

Department of Indian Affairs.

RED

111834

CONFIDENTIAL

113-11

48949

Confidential Report of Messrs Rimmer & McKenna.

PUBLIC ARCHIVES RECORD

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Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

~~254347~~ 93

DEPARTMENT OF INDIAN AFFAIRS CANADA

Re the Titles of the Dominion and the Province of Ontario respectively in Indian Lands, Indian Reserves and in the royal metals and other minerals therein and timber thereon.

The undersigned has carefully considered the memorandum of Mr. Hardy, dated 28th July, 1897, on file 111,-834-1A. It will observed that the opinion expressed in this memorandum limits rather than dissents from the general principles adduced, but that such limitation produces considerable difference in the practical value of the title of the Province.

The following is the opinion of the undersigned in relation to questions considered in Mr. Hardy's memorandum or which seems to be incident thereto.

1. The effect of Section 109 of the B. N. A. Act was to vest in the Province all lands within the area of the Province and all the title of the Crown in such lands "subject to any interest other than that of the Province in the same." The Crown title became vested in the Province, the Dominion taking only such rights in respect of lands in the Province as were by the Acts specifically granted to her. (Examples being those stated in Sections 108 and 117, which however, apparently do not effect Indian Affairs).

By Section 91 sub Section 24 of the B. N. A. Act, the Dominion was given exclusive legislative authority over "Indians, and the lands reserved for the Indians." It may be

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be considered to have been definitely decided in the St. Catherines Milling and Lumber Company vs. The Queen 14 A. C. 46, that the words of Sec. 91 s. s. 24 did not alienate from the Province any of the Crown rights in lands within the Province; but it may also be considered that the effect of the Section was to vest in the Dominion in trust for the Indians all the Indian title in any lands within the Province, on the principle laid down in the case of Mowat vs. Casgrain decided by the Court of Queen's Bench, Quebec, 20th January, 1897, that the right of administration of the Indian interest was a necessary adjunct of the right of legislation. Though the case last cited be not binding as between the Dominion and Ontario, it is considered that the principle upon which it was decided may be taken as founded upon a reasonable interpretation of the intention of the Imperial Parliament as ascertained from careful consideration of the whole of the B. N. A. Act.

The title of the Dominion to administer any lands in which the Indians are interested is considered to be only coextensive with the Indian interest. Consequently it results that reserves set apart for Indians prior to confederation are held by the Dominion in trust subject to the limitations of the grant of such reserves and to the conditions under which they were set apart. Subject to special words of limitation or grant and to special conditions it may be generally stated that the Dominion has in such reserves, in trust for the Indians, a fee simple estate from date of Treaty, not subject to subsequent Provincial Legislation.

Vide:- Attorney General vs. Mercer 8 App. cas. 767, St. Catherines Milling and Lumber Company vs. The Queen 14 A. C. 46, Attorney General of Canada vs. Attorney General of Ontario and Attorney General of Quebec, 1897, A. C. 199. The Fisheries case 1898, A. C. not yet reported, Mowat vs. Casgrain

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Casgrain (above cited). Also 4. B.N.A. Act Cases 236.

2. It must be conceded on the part of the Dominion that the royal metals which could pass only by a special grant are not incident to the Dominion's title in reserves set apart prior to confederation or which have been or shall be vested in the Dominion in trust for Indians subsequent to confederation unless an intention that the precious metals should become the property of the Indians is evidenced by the grant of the reserves or from the circumstances under which they were set apart, the Duke of Northumberland's case 1 Rowd 336, Attorney General of British Columbia vs. Attorney General of Canada 14 A. C. 295; and that as incident to the Crown title in the absence of special grant, the precious metals belong to the Province as part of the "paramount estate of the Crown underlying the Indian title" (St. Catherines Milling Company's case). However as stated by Mr. Hardy where Indian reserves which have been legally set apart for the benefit of the Indians are surrendered to the Dominion Government to be sold for the benefit of the Indians, the Dominion can grant the land and the baser metals." That is to say the base metals are incident to the Dominion's title in the reserves in trust for the Indians. Vide also 4 B.N.A. Act Cases 127 and 236.

3. As to the so-called "Indian title" alleged to subsist at the time of confederation in the "disputed territory" and in the lands of Ontario north of the height of land which divides the waters flowing into the Great Lakes from those flowing into the Hudson Bay it has been clearly held as an essential part of the decision in the St. Catherines Milling Co's case that though such title was an interest other than that of the Province in the land the tenure of the Indians by virtue of the Royal Proclamation of 1763 was a merely personal

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personal and usufructary right dependent upon the good will of the Crown; and that there had all along been vested in the Crown a substantial and paramount estate underlying the Indian title which became plenum dominium whenever that title was surrendered or otherwise extinguished. In the case cited it was held that the paramount estate of the Crown was in the Province; and it appears to be a reasonable deduction from the decision in the case that the right to extinguish the Indian title rested with the Province and that it was the Crown in virtue of the Province on whose will the right of the Indians was dependent, vide also 10 O. R. 196. The question of the determination of the Indian title is considered to be one for the consideration of the Province. If the Province decides that it is desirable to adhere to the policy of purchase of such title rather than mere extinguishment at the will of the Province the concurrence of the Dominion will be required as representing the Indians (vide Sec. 92 s. s. 5 of the B. N. A. Act in this connection). Since the Quebec Act, it is only as a declaration of sound policy that the Province would appear to be bound by the Royal Proclamation of 1763, which provided in effect that until the Indian title was ceded by or purchased from the Indians no lands in the area covered by their unextinguished title should be granted by the Crown (vide judgment of Boyd C. 10 O. R. 196, St. Catherines Milling Company and the Queen). The legislative power of the Dominion enables the Dominion to enact regulations for the release of the Indian title but it does not extend to interference with the title of the Province, including the determination of the Indian title at the will of the Crown, or oblige the Province to take a surrender on the Dominion's terms. (St. Catherines Milling Company's case and the Fisheries case above cited.

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4. By the North West Angle Treaty 3. the Dominion took a surrender from the Indians of all their title in the tract comprised in the surrender it being at that time assumed by the Dominion that the lands surrendered were without the boundaries of Ontario. In 1884 it was finally determined by the Judicial Committee that 32,000 square miles of land included in the surrender were within the boundaries of Ontario. The contention was then raised on behalf of the Dominion that the surrender of the Indian title in the 32,000 square miles inured to the benefit of the Dominion. The habendum and tenendum of the Treaty are "to have and to hold the same to Her Majesty the Queen and Her Successors forever;" and it has been held that the surrender to the Crown inured to the benefit of the Province. It does not appear to have been authoritatively determined to what extent, if any, the Province is liable for the obligations of the Treaty. From some words of Lord Watson in the judgment of the St. Catherines Milling Company's case it might be inferred ~~that he expressed~~ that he considered Ontario liable for all the obligations of the Treaty. The words used by Lord Watson may however, be considered obiter dictum and it must be acknowledged that they are difficult to reconcile with an essential portion of the judgment of the Judicial Committee in the case of Att'y Gen. of Ontario vs. Att'y Gen. of Canada and Att'y Gen. of Quebec, 1897 A. C. 199. In accordance with the views expressed in the preceding paragraph it would appear that Ontario was under no liability for the obligations of the Treaty, save so far as she might agree to be bound thereby as a matter of policy. As between the Dominion and the Province the question of Ontario's obligations for money payments made by the Dominion under the Treaty is considered in a separate memorandum relating

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relating to Treaty 3 in which the effect of arbitration under 54-55 Vic. D. c. 6 and 51 Vic. Ont. c. 2, in relation to accounts between the Dominion and the Province is considered. As between Ontario and the Indians as represented by the Dominion, the Province was subject to no obligation of the Treaty as such, but as a matter of policy Ontario by her own act in passing the statute 54 Vic. Ont. c. 6, authorizing the Agreement afterwards made in conformity to that Statute and 54-55 Vic. D. c. 5, acknowledged the necessity of confirming the reserves set apart by the Dominion in order to avoid dissatisfaction or discontent among the Indians. The intention of the Ontario legislature as shown by the Statute was to recognize the action of the Dominion Government in setting aside reserves under the Treaty and to confirm the action of the Dominion Government in order to avoid dissatisfaction or discontent among the Indians "unless some good reason presents itself "for a different course." It is considered that the only good reason which could present itself would be one which would give [redacted] satisfaction and content to the Indians, the object of the statute being to avoid dissatisfaction or discontent. In view of the expressed object of the Agreement it must be considered that the intention of the Ontario Government was to confirm the title of the Indians in their reserves subject to all the conditions of enjoyment. The conditions relating to reserves embodied in the Treaty were (1) Selection where most convenient and advantageous for each Band by officers of the Dominion Government after conference with the Indians. (2) Area of reserves not to exceed one square mile for each family of five or in that proportion for larger or smaller families and such selection to be made "during the course of next summer," or so soon thereafter as might be found practicable. (3) Sale, lease or other disposition by the Government of the Dominion for the

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the use and benefit of the Indians with their consent. There were other conditions relating to the reserves not embodied in the Treaty but which should have been so embodied, inasmuch as they were imposed by the Indians during the negotiations for the Treaty, and which are in view of the illiterate condition of the Indians as much conditions of their enjoyment as those actually inserted in the Treaty. These conditions include the benefit of metals precious or base discovered on the reserve. Hon. A. Morris in his report, dated 14th October, 1873, says(Morris's Treaties page 50) "They asked if the " mines would be theirs I said if they were found on their " reserves it would be to their benefit but not otherwise. " They asked if an Indian found a mine would he be paid for " it, I told them that he could sell his information if he " could find a purchaser like any other person." There is evidence (Morris's Treaties page 62) that one chief said "My terms I am going to lay down before you; the decision of " our chiefs; ever since we came to a decision you rush it "back. " The sound of the rustling of the gold is under my " feet where I stand; we have a rich country; where we stand " upon is Indians' and belongs to them. If you grant us our " request you will not go back without making a Treaty." Again a chief said: (Morris's Treaties page 70) "Should we " discover any metal that was of use, could we have the privilege of putting our own price upon it." Lt. Governor Morris replied "If any important minerals are discovered " on any of their reserves, the minerals will be sold for " their benefit with their consent." It is to be concluded that the Indians were aware of the existence of gold and silver and that their stipulations related particularly to these metals; and although the words"minerals"used by General Morris would

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would not if used in a Crown grant be sufficient to pass the precious metals, yet in view of the previous words of the chiefs it must be considered that he intended to convey to their minds that the metals both precious and base would be theirs. It appears that the ownership of the precious metals is a condition of title as essential to avoid "dissatisfaction " and discontent among the Indians" as any condition actually inserted in the Treaty; and so in view of the purpose of the Ontario Statute equally binding on the Ontario Government. If the conditions as to precious metals are not to be treated as inserted in the Treaty the surrender is void ab initio as being obtained by misrepresentation. (Ayiesford vs. Morris 42 L. J. Ch. 548). Under the Agreement of 1894 Ontario is called upon to make full enquiry as to reserves laid out in the territory prior to the Statutes authorizing the Agreement and " in case the Government of Ontario after such enquiry is "dissatisfied with the reserves or any of them already selected "or in case other reserves in the said territory are to be sel- "ected," to concur in the appointment by the two Governments of a commission to settle and determine any questions or all questions relating to such reserves or proposed reserves. The dissatisfaction of Ontario comtemplated by the Agreement might be construed to be such as would be based upon the dissatisfaction and discontent of the Indians. Ontario has failed to take steps for the confirmation comtemplated by the Agreement. Until the reserves are confirmed the title of the Dominion in trust for the Indians is defective; but Ontario has no more title in the reservesthan she would have is they were already confirmed. Upon confirmation the reserves become vested in the Dominion in trust for the In-

dians

Griffiths v. Robins 3 Madd 191
Cartledge v. Radburn 14 L.T. 187 and Rees v. DeBernardy 1896 2 Ch. 437.

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Indians together with theright to all metals precious or base therein. Until confirmation the Dominion can grant no title either to the lands or the metals; but she has a good possessory title by virtue of which she can protect the reserve from trespass by any party not authorized to enter upon them by ~~the~~ Dominion authority and she can permit the Indians to use the reserves for any purpose for which they are entitled to use them under the Treaty. Although Ontario can prevent the Dominion selling surrendered lands so as to pass a perfect title to a purchaser yet Ontario would appear to be powerless to alter in any manner the present status of the Dominion's title because of the power of his Excellency in Council to disallow any act of the Ontario legislature repealing the statute of 1894, a power reasonable to be exercised when a Provincial statute proposes to abrogate a solemn obligation entered into between the Province and the Dominion. By virtue of her possessory title the Dominion could lease surrendered lands because the lease would require registration in the Department and would not necessitate any consideration by the lessee of the provisions of the Ontario statute relating to the registration of land titles. Any dealings by the Dominion with lands in ~~the~~ reserves would however, be always liable to the contingency of some good reason presenting itself for non-confirmation of the reserve by Ontario. For this reason the Department has treated the Agreement of 1894 as preventing alienation in any way. As shown in the memorandum on Treaty 3 there is reason to consider that no such good reason exists.

The only land in reserves in Treaty 3 which the Dominion has sold or leased are those surrendered by Surrender No. 261. for sale for the benefit of the Rat Portage Band of

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of Indians being of Sultana Island also known as mining location X 42 and those surrendered by Surrender No. 269. Under the first surrender the Department granted five patents all dated prior to 1890. Since then in consequence of the decision in the St. Catherines Milling Company's case the Department has refused to grant any patents but has issued licenses to prospect for gold and silver on the distinct understanding that such licenses gave no ~~xxxx~~ right to the subsequent issue of patents. Three of the patents issued and the right of applicants for other patents have been transferred to the Ontario Mining Company, the patents in question including the right to precious metals subject to a royalty. The lands granted by the other two patents issued by the Dominion were transferred to one Caldwell. One Angus W. Fraser obtained a grant from Ontario of a water lot fronting on Sultana Island. Caldwell brought an action against Fraser claiming that he Caldwell was the rightful owner of the water lot. Mr. Justice Rose, on 31st January, 1893, delivered judgment in which he discussed at length the right of the Dominion and the Province in reserves set aside under Treaty 3. Almost the whole of Mr. Justice Rose's decision may be considered as obiter dictum. On appeal from Mr. Justice Rose, Mr. Shepley, Q. C., held a brief for the Dominion but he was not called upon by the Court of Appeal which decided the case between Caldwell and Fraser upon issues which in no way affected this Department. Caldwell's contention being based upon some theory of riparian ownership is evidently effectually disposed of by the judgment of the Privy Council in the Fisheries case.

It has recently come to the knowledge of the Department that the Provincial Government is purporting to grant

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grant patents including the right to precious metals in Reserve 38 B. From the opinions already expressed it is evident that the undersigned does not consider that Ontario has any right of property in the reserves. It would appear however, that the view held by Ontario is that until confirmation at least, the right to grant patents lies with the Ontario Government the benefit accruing to to the Indians. Surrenders 261 and 269 are made to"Our Sovereign Lady the Queen Her heirs and Successors;" but it is provided that the land to be disposed of is to be dealt with upon such terms as "the Government of the Dominion of Canada" may deem most condueive to the welfare of the Indians. It would appear clear that the intention of the surrender was to the Crown in right of the Dominion. Under Section 91 s. s. 24 of the B. N. A. Act and the Indian Act the administration of such reserves under the surrender is committed to this Department. I can find no principle in the St. Catherines Milling Company's case under which the words used in the judgment can properly be extended in meaning to justify Ontario's assumption of right to issue patents of lands on reserves upon any terms she pleases even though the benefit of such terms accrue to the Indians. If Ontario is the authority to issue patents they are to be issued on the Dominion's application. The views expressed in the Pinsonneault case give the Dominion this right and possibly that to issue patents. I cannot agree with the view of the St. Cathe ines Milling Company's case, adopted by Mr. Justice Rose in Caldwell vs. Fraser that the interest of the Indians in reserves is of the nature of their titles over the ceded territory; and it is therefore the Crown, in right of the Province, to whom a surrender for sale accrues

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and who therefore must grant patents. It is evident from the Treaty that the Indians expected to have in their reserves as good an estate as a whiteman in his property. The reserve once legally set apart, the Crown in right of the Province has practically made a Crown grant; and there is no more reason why the Province should issue patents, than that she should be a party to each subsequent transfer of a white man's property. At most Ontario had a bare duty to perform.

5. As shown in paragraph 2, the question arises in each separate case of Treaty as to whether the Crown has expressly granted the precious metals. The only cases in addition to Treaty 3, which seem necessary to be particularly considered in this memorandum are those of the Robinson-Superior and Robinson-Huron Treaties Nos. 60 and 61. The only words in these Treaties ~~in these Treaties~~ relating to metals, wheth precious or base, are in each Treaty the words "and should "the said chiefs and their respective tribes at any time "desire to dispose of any mineral or other valuable production "upon the said reservations the same will be at their request "sold by the order of the Superintendent General of the Indian "Department for the time being for their sole use and benefit "and to the best advantage." The use of the word"minerals" in the Treaties would not comprise the precious metals; and an endeavour has therefore been made to ascertain whether in the negotiations for the Treaties the Indians were in any way led to believe that the precious metals were granted to them or whether the old government of Canada dealt with the lands reserved by the Treaties as though the precious metals were held for the benefit of the Indians.

The undersigned after careful investigation of all accessible evidence, and particularly after perusal of the report of Messrs.

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Messrs. Vidal and T. Anderson, commissioners, appointed to investigate the Indian claims before the Treaties were made, and of the report of Mr. Robinson who negotiated the Treaties can find no evidence that the Indians contemplated the existence of precious metals; and it is considered that the word "minerals" related rather to iron and copper known to exist in the territory covered by the Treaties than to precious metals. Further,the memo. of 23rd November, 1898, by the Registrar of Lands with annexed statement on file 206,489, sh shows that the only benefit the Indians obtained from the minerals on reserves under Treaties 60 and 61 prior to confederation was $478.40 in respect of two mineral location patents. One of these patents,issued to Begley, is found on investigation to have reserved to the Crown the precious me metals. The other though not reserving did not grant the precious metals; and in any case does not establish evidence in favour of the ownership of precious metals by the Indians; because the payment of $78.40 to Indian funds was made in consequence of a patent covering a large area of Crown lands inadvertently including a small acreage of the reserve. Only the Begley patent was one of the Indian lands. After confederation up to 1875 a reservation of "all mines of gold and " silver" was contained in all grants of Indian lands. The present form of patent contains a proviso "that a royalty of 2½% shall be paid to Us, Our Heirs and Successors, upon all the gold and silver produced from the said lands;"but a note is annexed to the effect that this clause is to be struck out of patents for mining locations in Algoma, the evident intention being not to grant gold and silver in land within the limits of the Treaties 60 and 61, though the present district of Algoma does not cover all the reserves set apart by the two

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two Treaties. It must be considered that the right of the Crown in the precious metals in reserves set apart under Treaties 60-61 is in Ontario and that the Indians have no claim to precious metals therein, although as a matter of policy Ontario should concede the precious metals to them.

6. Even in cases where the prerogative right of the Croen to precious metals in reserves has not been alienated in setting apart the reserves, the question arises whether the Crown, in right of the Province and its licensees has any right to enter upon the reserves to get the minerals. This is a matter of considerable doubt. In MacSweeney on Mines (1897 edition) it is said: "There is a conflict of opinion " upon the question whether the Crown as the owner of the " mines royal is entitled to go upon the overlying surface " in the hands of a subject and dig pits and get the minerals The Indian reserves are practically lands in the hands of subjects as against Ontario. Though in the mines case 1 plowd 336 the mines were held to belong to the Crown by prerogative "With liberty to take and carry away the ores thereof and with such other incidents thereto as are necessary to be used for the getting of the ore;" yet in the case of Lyddal vs. Weston 2 Atkyn, 20 Lord Hardwick said: "there is no instance where the Crown has only a bare reservation of royal mines without any right of entry, that it can grant a license to any person to come upon another man's estate and dig upon his soil and search for such mines. I am of opinion that there is no such power in the Crown and likewise that by the royal prerogative of mines they have even no such power." The quotation by Lord Watson in the British Columbia Minescase of the above quoted words, in conjunction with others, used used in the Earl of Northumberland;s mine case does not mark approval of the words which were not essential to the judg-

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judgment in the British Columbia Mines case; and after perusal of that case I do not think it can be said that it in any way decided the right of entry by the Crown.

Even if the Crown has a right of entry on the land of her subject to search for and get precious metals, it is considered by the undersigned that the Crown, or its licensee has only power to work the minerals by means which do not involve destruction of the surface of the land. In this respect there seems no reason to consider the Crown in a better position than a subject who has reserved minerals in a grant to another subject. MacSweeney (ibid) says: "It is "not easy to see why in this respect the Crown should be in a "worse position than an ordinary subject;" but he does not urge that the Crown is in a better position. The case of Lyddal vs. Weston above quoted supports the assumption that the Crown has no right to destroy the property of a subject in its quest for precious metals. The case of Bell vs. Wilson 35 L. J. Ch.337 (1866) and Hext vs. Gill L.R. 7 Ch. 699 (1872), although the cases between subjects may with Lyddal vs. Weston be quoted in support of the statement that the prerogative right of the Crown carries with it no right to damage the surface of a subject's property. Humphries vs. Brogden 12, Q. B. 737 and Richards vs. Jenkins 18 L. T. 437 may also be cited as showing that the right to minerals carried with it no right to injure the surface property. In this connection the case of the Earl of Jersey vs. Neath 22Q B. D. is an authoritative confirmation of the principle laid down in Bell vs, Wilson and Hext vs, Gill. In fact these cases read with Lyddal vs. Weston tend to confirm the opinion that the Crown has not even a right to enter to prospect for precious metals

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metals though it may have a right to work mines already open. As between two grantees of the Crown the first in date being of land and the later of mines it is impossible to see on what principle of justice the latter should have a right to injure the property of the former. From the text books and the cas cited it would appear that there has been a gradual curtailment of the prerogative of the Crown in mines and their incidents as it was considered to exist in the reign of Queen Elizabeth when the Mines Case was decided until the only way in which the Crown now exercises its prerogative over precious metals on the land of a subject is by the operation of old mines and the exaction of a royalty upon precious metals mined by the owner of the land in question.

It is evident from the views above expressed that the claim put forward by Mr. Hardy is not considered to be of much practical value to Ontario. It further follows that the licensees of the Ontario Government should not be permitted to prospect on duly constituted Indian reserves without the authority of the Superintendent General.

Where the precious metals in reserves have not been granted to the Indians, it would be a matter of arrangement between the Dominion and Ontario as to the disposal thereof in view of the small practical value of Ontario's interest and the dissatisfaction likely to be occasioned amongst the Indians if their reserves were injured in development of mines without a corresponding advantage to them.

7. In consequence of what has been said in paragraph 4. with regard to the confirmation of Treaty 3 Reserves it must be considered that when the reserves are confirmed in accordance with Ontario's obligation there will be as incident of the Dominion's title in the reserves a right to the timber

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timber thereon inasmuch as no reservation of the timber was made in the Agreement of 1894, and the same not having been reserved from the Indians by the Treaty they are entitled to the benefit thereof.

Attention may be drawn to a memorandum of the Hon. David Mills, dated 3rd September, 1897, on file 46,508, in wh which he deals with the question of Indian title. The memorandum in question prepared when Mr. Mills was not Minister of Justice constitutes a statement of case prepared by a practising Counsel rather than an opinion, by which Mr. Mills would feel himself in any way bound as Minister of Justice. It is not thought to be binding on this Department; and it does not appear to agree with the views of the majority of the judges before whom the St. Catherines Milling Company's case was heard. The undersigned has also perused the opinion of Mr. C. Robinson, Q. C., on file 46,508, dated 5th January, 1899, from which it appears that he had carefully considered the decisions of all courts in the St. Catherines Milling Company's case. Mr. Robinson's opinion appears to be based on the assumption that the Province has concurred in the creation of Reserve 38 B. Upon this assumption Mr. Robinson appears to incline to the opinion that the precious metals in Treaty 3 Reserves are not controlled by the Province.

In conclusion and by way of recapitulation it may be said that the undersigned considers:-

1. That the prerogative right of Ontario in Indian reserves is not of the great value which it appears to be Ontario's object to maintain.

2. That it involves escheat on failure of the trusts attending Indian Reserves in the Province; but such right of escheat

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escheat in no way interferes with the right of the Dominion to apportion the reserves for enfranchisement under the Indian Act, as such apportionment improves the value of the prerogative right of the Crown which is exercisable upon the failure of heirs of enfranchised Indian (Attorney General vs. Mercer).

3. That it does not involve the right to precious metals when the specific Treaty grants expressly or should from the negotiations expressly grant them to the Indians.

4. That it comprised the right to work old mines of gold and silver and the right to use the old means of access to such mines, subject to the terms of the specific Treaty.

5. That it does not empower the licensee of the Province to disturb the surface of a reserve in search of precious metals; and it is doubtful whether it empowers such licensee to enter on the reserve for such purpose.

6. That in the absence of express reservation the Crown in right of Ontario has no title to the timber on the reserves.

7. That the Province cannot grant patents of lands in reserves except on Dominion's request.

8. That since the Agreement of 1894, the obligation lies on Ontario to confirm the reserves set apart by the Dominion under Treaty 3 unless such reserves are shown to be unsatisfactory to the Indians, *or the concurrence of the Indians can be obtained in some alternative arrangement.*

9. Upon confirmation the reserves in Treaty 3 are to be administered by the authority which administers the reserves set apart before confederation. Since 31 Vic. c. 42 in force at the date of the Treaty "the control and management of the land and property of the Indians in Canada" have been in

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in the Superintendent General of Indian Affairs. Until confirmation the Dominion has a good possessory title.

It is further considered that Ontario as a matter of policy should allow the precious metals to the Indians under Treaties 60-61 in conformity with her policy embodied in Section 3 of the "Mines Act" Ontario; although as a matter of law this Statute would appear to have no application to Indian Reserves.

Law Clerk.

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DEPARTMENT OF INDIAN AFFAIRS CANADA.

CASE No. 20.

Files

5,045 1/2/3/4

Claim on behalf of the Dominion to arrears of augmented annuities due to the Indians or paid by the Dominion Government to them under Treaties 60 and 61

This claim arose from the insertion in each of the above Treaties of the following words:- "That in " case the territory hereby ceded . . . . shall at " any future period produce an amount which will enable " the Government of this Province without incurring loss " to increase the annuity hereby secured . . . . . " then, and in that case the same shall be augmented " from time to time, provided that the amount paid to " each individual shall not exceed the sum of £1. Pro- " vincial currency in any one year."

Before the Board of Arbitrators, the Dominion claimed (a) Against the Province of Canada arrears of augmented annuities from 1851 to 1867. (b) Against the Provinces of Ontario and Quebec conjointly $95,200. arrears of augmented annuities from 1867 to 1873. (c) Against the Provinces of Ontario and Quebec conjointly $389,106.80, increased annuities actually paid by the Dominion to the Indians since 1874.

The Board of Arbitrators by their award of the 3rd of February, 1895, without awarding an amount decided (par. 6) that the property ceded by the Treaties passed to Ontario under Sec. 109 of the B.N.A.Act subject to a trust to pay the increased annuities on the happening

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ing after the Union of the event on which such payments depended, and to the interest of the Indians therein to be so paid; the burden of such increased annuities fell upon Ontario. On appeal to the Supreme Court of Canada the award of the Arbitrators was varied by substituting for paragraph 6 thereof, the words:- " The ceded territory mentioned became the property of Ontario under the 109th Section of the B.N.A. Act, 1867, absolutely and free from any trust, charge or lien in respect of any of the annuities, as well those presently payable as those deferred and agreed to be paid in augmentation of the original annuities upon the condition in the Treaties named mentioned."

On appeal, the Judicial Committeee of the Privy Council recommended that the judgment of the Supreme Court be affirmed. The effect is that Ontario and Quebec are conjointly liable for the increased annuities in the years in which they can be paid without incurring loss.

By Order of the 7th January, 1898, the Board of Arbitrators defined an Indian entitled to share under the Treaties and directed that, with reference to the period before the Union, the onus of showing that the names of any individuals entitled to be reckoned were improperly omitted from such lists should be on the Indians or those who act for them; and that with reference to the period after confederation the burden of showing that the names of any Indians so added since the Union to such lists were rightly added shall be on the Government of Canada. The

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The Arbitrators' definition of an Indian was not in accordance with any Statutory definition; and the Accountant by his memorandum of 22nd February, 1899, on file 54,045-4 shows the great difficulty and expense likely to accrue if a fresh list is to be settled for the purpose of adjustment of accounts between the Dominion and the Province and in view of the extent to which the burden of proof lies on the Dominion he recommends by the said memorandum acceptance of $144,868.00 in respect of the claim under ~~the~~ Treaty 61 up to and inclusive of 1898; and by memorandum of 8th February, 1899, the sum of $17,229. in settlement of the claim under Treaty 60 These figures are based upon Ontario's admission as to the years in which the increased annuities can be paid without loss. After years of litigation it has become evident that this question must be finally adjusted in an amicable manner, or the Dominion is likely to be involved in an expenditure which will vastly outweigh the benefit likely to accrue to her.

As this question is shown to be one in which Quebec is jointly interested with Ontario it has been considered that it should be settled apart from questions pending between the Dominion and Ontario alone; and with the approval of the Honourable the Superintendent General Mr. Scott's memoranda, above referred to, have, been transmitted to Mr. Hogg, Q. C., Counsel for the Dominion with the hope that he will be able to arrange with the Counsel for the Provinces an amicable adjustment upon the terms suggested by Mr. Scott which appear to be in the interest of all parties rather than prolonged litigation.

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Case No. 19. 89

Files 111834 1a.
& 100 276.

Claim on behalf of the Batchewana Band to proceeds of land in Macdonald.

This is a claim to principal and interest, being purchase money received by the Province of Canada on the sale in 1862 of land in the Township of Macdonald, Algoma credited to the Crown Lands Department instead of to the Indian Fund.

This claim was placed before Counsel; and he stated (see letter of 15th Dec.1897 on file 111834 1a) that as the amount was small he hesitated to bring the matter before the Arbitrators and advised that, on the ground of cost, it should not be proceeded with further.

We find from letters from the Deputy Minister of Finance, dated respectively 13th November 1889 and 22nd April 1890, on file 100 276, that at a meeting of the Provincial Treasurers and representatives of the Dominion held at Ottawa in 1888 it was agreed that the Dominion had no claim against the Province of Canada; and, from a letter dated 20th September 1894 from the then Deputy Superintendent General to the Auditor General that reverse entries were made in the Band's account in order to carry out the agreement.

We, therefore, conclude that this is a case which should not have gone to Counsel; and we recommend that he be instructed to proceed no further .

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Case No. 18.

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Claim arising out of Colonel Clench's defalcation.

This claim is on behalf of the Chippewas of the Thames and Sarnia, and the Wyandottes of Anderdon for $29,067.42, moneys received by Colonel Clench Crown Agent between 1845 and 1854 for the proceeds of surrendered lands and not accounted for by him, and for which the Province of Canada was claimed to be responsible because ot its not having taken proper steps to recover.

This claim was heard by th Board of Arbitrators and by Award of 20th June 1896, clause 21, was adjudged to be dismissed.

Counsel suggested that as Clench was an Imperial Officer it was a question for consideration whether at this late date the claim should be made against the Imperial Government. This question in no way affects th dispute with Ontario; but we may state that we do not consider that the Imperial Government could consider itself at this date either legally or morally responsible.

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Indian Affairs
Red Series

(RG 10, Volume 2545)

File			
111,834	1	CONFIDENTIAL REPORT BY MR. McKENNA AND MR. RIMMER RESPECTING A DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT ON INDIAN MATTERS.	1899-1901
111,834	2	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	3	JUDGMENT BY THE PRIVY COUNCIL REGARDING THE CONTROVERSY BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE FULFILMENT OF THE OBLIGATIONS CREATED BY THE NORTH WEST ANGLE TREATY NO. 3.	1910
111,834	4	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	5	TERMS OF AGREEMENT OF THE ROBINSON-HURON TREATY SIGNED ON THE 9th OF SEPTEMBER 1850.	1850-1893

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MEMO.

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No. 111834 (Vol. 1) Confidential

Department of Indian Affairs.

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Confidential Report of Messrs Rimmer & McKenna.

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DEPARTMENT OF INDIAN AFFAIRS CANADA.

DEPARTMENT OF INDIAN AFFAIRS MAY 22 1901

Ottawa, 20th March, 1899.

50 copies Report from

Sir,

We respectfully submit the result of our enquiry in the matters in dispute between the Dominion and Ontario. The cases number twenty. We have dealt with each case individually; and our recommendations in each case are made for consideration in the event of failure to effect a satisfactory arrangement with the Province which would settle them en bloc.

DEPARTMENT OF JUN 14 1901 PUBLIC PRINTING & Stationery.

Case No.1. respecting Treaty 3. is to be excepted, however, from this statement; for as it involves many important and complicated issues , we thought it better to prepare our statement rather with a view to its being used in the arrangement for a general settlement than with the object of indicating a line of action to be followed in the event of the case having to be gone on with before the arbitrators.

Proofs to Mr. Ross

It is to be noted, too, as to case 4, (the land procured at Gibson for the Oka Indians) that it perhaps scarcely comes within the category of disputed matters, as Ontario has never departed from the agreement entered into when the land was secured and would doubtless be ready to arrange this case without any litigation if the proposed general settlement should fail.

For convenience we have grouped the cases as follows:- Numbers 1 to 4, good cases; Nos.5 to 11 untenable or doubtful cases; Nos.12 to 20, cases disposed of

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of or in train for disposition.

Respecting the cases in the last named group it should be noted:-

(1) As to Case No.14 that any general arrangement should provide for Ontario's furnishing within a specified time a list of the Islands admitted by her to come within the terms of the Award of the Arbitrators; and that in the event of failure to secure a general settlement the recommendation we submit should be considered.

(2) As to Case No.20, although it was considered advisable to leave it in the hands of counsel for the purpose of proceeding with it before the Arbitrators, it would be desirable to have included in any general settlement an understanding with Ontario that our Robinson-Huron and Robinson-Superior lists as revised by the Department should be received without our being put to proof, in the same spirit as we receive Ontario's statement of revenue and expenditure in the matter.

In respect of the untenable and doubtful cases we would state that, although we do not consider we have sufficiently good ground for pressing them individually, we are of opinion that they could with advantage be used as off-sets in making any general settlement.

The three cases which if not settled amicably will be matters for litigation are:-

No.1. The Annuities and Reserves under Treaty 3.

No.2. Islands South of Moose Deer Point in Lake Huron.

No.3. La Cloche and other Islands on the North shore of Lake Huron.

As to these we consider that if, in consideration of the reduction which we suggest in the money claim in case No.1, Ontario should confirm our title to reserves (as including timber and metals previous to Treaty) under Treaty

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Treaty 3 and to the Islands referred to, convey to the Dominion the land at Gibson and the land (or a reasonable portion thereof) set apart by the Department at Temogamingue for a reserve, and agree to a fair adjustment of the other land matters, the Dominion would secure a favorable settlement.

There is a question as to whether we would not be warranted in going further, and this is the important question for decision in connection with these disputed matters. The answer to it depends upon the view to be taken of the bearing upon the Dominion's position in case No.1 of the decision of the Privy Council on the appeal of Quebec in the Robinson-Huron-Superior case No. 20, which is to the effect that the annuities are not a charge on the land but a personal liability of the old Province of Canada for which Quebec is jointly responsible, notwithstanding that Ontario has the sole ownership of all lands covered by the Robinson-Huron-Superior treaty. We very much doubt if the position of the Dominion in Case No.1 be as good as the position of Quebec in Case No.20. The Dominion's position is that as Ontario received the benefits she should bear the burdens of the treaty No.3. Quebec took the same ground as to the Robinson-Huron-Superior treaties; and certainly as between the two Provinces Ontario had all the benefits of these treaties; yet Quebec has to share in the burden. As between the Dominion and the Province of Ontario we do not think it can be established that all the benefit went to the Province. Events leading up to the treaty go to show that the securing of the land merely for the revenue to be directly derived from its sale or the sale of the timber and minerals was not the main object in the making of that treaty. It will be remembered that considerabl

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considerable discontent was created among the Indians by the proposed running of the lines of the trans-continental railway through their unsurrendered country. The Government apparently concluded that it was necessary to allay that discontent in order to enable it to carry out its policy of consolidating the Dominion and to guard against a possible Indian uprising that would injuriously affect the country as a whole. In accordance with this conclusion, and in furtherance of its general policy of securing the settlement of the country by a largely increased population, it entered upon a series of treaties with the Indians of the country extending from the eastern limit of treaty 3 to the mountains.

If this view of the Federal benefit derived from the treaty be taken into account, the contention that Ontario has the benefit and should bear the whole burden is no longer tenable, for Ontario's benefits are comparitively small when compared with the general good; and when we take into consideration of the question thus stated the decision on the appeal of Quebec in Case No.20 grave doubt arises as to whether we may not be risking a settlement of other important matters by pressing a claim which we might not be able to enforce.

It would then, perhaps, be good policy to enter upon negotiations for an amicable settlement (if an agreement of that nature be arrived at) prepared to go as far as to forego our whole claim on account of annuities under treaty 3. in consideration of the confirmation of the reserves under that treaty the acceptance of our revised Robinson-Huron-Superior lists, the confirmation of our title to Islands in the Georgian Bay and Lake Huron, and the conveyance of the land at Gibson and Temogamingue, and the adjustment of other land matters.

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In his letter of the 28th July,1897, on file 111834, the Hon.Mr.Hardy intimated that it might be desirable to consider whether in any arrangement which might be suggested

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suggested the claim of the Federal Government against the Province in respect of Indian annuities might not be taken into account with a view to placing it against the claim of the Province as to minerals, timber and lands in connnection with the reserves. That simply meant that the Dominion should forego the large claim made for annuities under treaty 3. in considerationof Ontario's confirmation of the reserves; but it is probable that Ontario would go as far as we suggest she should go in return for our withdrawing the money claim. We have a good case as to the Islands in the Georgian Bay and Lake Huron; and the ~~xhex~~ other ~~question~~ questions ought to be easy of adjustment. We might go so far towards meeting Mr. Hardy's wishes respecting the Islands south of Moose Deer Point as to offer to sell them to his Government en bloc at a valuation to be made by independent valuators. The only object we have to meet respecting them is to secure a fair return to the Indians; and it is probable it would be more profitable for the Indians to sell them en bloc than it would be for us to dispose of them en detail.

It has been suggested in previous reports upon proposals for an amicable settlement that the Dominion was not in a position to off-set one claim by another, as the Government had to protect the interests of each Indian Band irrespective of the interests of other Bands. We have not lost sight of this , nor of the fact that the Dominion is in the position of a trustee of Indian rights, and that when an Indian claim is found to be good it lies upon the Dominion to press it; but in the arrangement we suggest there is not involved the sacrificing of any Indian rights. It is, on the contrary, designed for the purpose of securing them by foregoing the doubtful claim made on behalf of the Dominion; and we make it because we

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are impressed by the consideration that if we continue to press that claim and fail we will have nothing to offer Ontario in return for the voluntary acquiescence in the Indian rights which we are endeavouring to assert, and will be put to litigation, expense, and delay in the assertion of them.

We venture to submit that the best way to secure an amicable settlement of the matters in dispute would be for each Government to select a person in whom it had confidence and agree to refer to the two persons so chosen the matters in dispute, and to mutually select a third person as umpire to decide on equitable principles all points on which the two persons cannot agree, such decision to be final and the settlement thus arrived at to be formally confirmed.

We have annexed to our joint Reports on the several cases a separate memorandum by the Law Clerk on the questions of law discussed in the Hon.Mr.Hardy's memorandum of 28th July 1897, on file 111834, which treats of the Indian interest in all reserves and unceded land in Ontario, but has particular bearing on the title in Reserves under Treaty 3. and the Robinson, Superior and Huron treaties. In all cases except case 1. our recommendations are based almost entirely upon findings of fact, our investigation of which has been joint. For investigation and opinion on questions of law necessary to be considered in any case the Law Clerk acknowledges sole responsibility; but in all cases both facts and law as found have received full discussion between us and we have joined in each conclusion and recommendation.

In making this submission we desire to acknowledge the assistance cheerfully rendered us by the officers of the

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the Department upon whose services we had necessarily to make demands.

We have the honour to be,

Sir,

Your obedient sefvants,

J. A. J. McKenna

Reginald Thimmer

Hon. Clifford Sifton, Q.C.,

Superintendent General of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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CASE No. 1.

Questions in dispute between the Dominion and Ontario arising out of, or incidental to, the North West Angle Treaty (commonly known as Treaty 3) and the cession thereby of lands in the Province.

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(268434 Interior)
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The claim of the Dominion against Ontario in connection with the above matters is chiefly based upon the legal rights and obligations of the Dominion and the Province in respect of the lands ceded by the Treaty, the Reserves agreed to be set apart under the Treaty and the consideration paid or agreed to be paid to the tribes or Bands have been considered to parties thereto, as such rights and obligations be shown to exist by the decisions of the Privy Council in the case of the St. Catherines Milling Company.

A statement of the Dominion's case was filed before the Board of Arbitrators on 18th October, 1893, and the answer of Ontario to the Dominion's case was filed before the board on 6th November, 1895. No reply to Ontario's answer has been filed. The case has not yet been heard by the Board, owing in part to time necessary in production of material required by Ontario, to the consideration by the Board of other matters, to correspondence between the Governments in relation to confirmation of reserves, and to correspondence between the Superintendent General and the Premier of Ontario, on the initative of the latter, having in view an amicable adjustment of all questions in dispute between the two Governments

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in relation to Indian Affairs. in Ontario (file 111,834 1/A.).

The Dominion case as filed may be stated in brief to be:-

(1) That the land ceded by the Treaty therein fully set forth composed 55,000 square miles.

(2). That the confirmation of the Privy Council on 11th August, 1884, of the award of Arbitrators to settle correct Northern and Western boundaries of Ontario showed 32,000 square miles of the ceded land to be within the Province.

(3). That during the boundary dispute a conventional boundary was established for the administration of the disputed territory and the Dominion expended for administration of part of the disputed territory $126,411.20 and derived revenues therefrom of $101,266.11 "leaving the net revenues received by the Dominion the sum of $25,145.09".

(4). That the reserves in the ceded territory comprised 363,754 acres of which those in Ontario comprised 347,699 acres; and the ceding Indians in Ontario numbered 2,741; while those without numbered 131.

(5) That by the decision in the St. Catherines Milling Company's case the ceded territory in Ontario formed part of the public domain of Ontario.

(6) That Ontario held the ceded territory "charged with and subject to the payment of a proportion of the annuities in the said Treaty mentioned" and that it should be awarded that Ontario ... repay to the Dominion such portion of the sums set out in Schedules A. B. and C. thereto as would fully compensate the Dominion, after deducting therefrom the "net amount received by the Dominion" from the portion administered.

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ministered by the Dominion during the joint administration. under the conventional boundary arrangement.

7. Schedule A contains a statement of Expenditures by the Dominion on account of annuities from 1873-1892. 320,421.00

Interest		165,186.87
Total		485,607.87

Schedule B contains a statement of Expenditures by the Dominion for farming supplies and utensils etc. 127,184.90

Interest	64,828.72	
Total	192,013.64	192,013.64

Schedule C contains statement of Expenditure by the Dominion cost of administration etc., 106,112,22

Interest	49,951.99	
Total	156,064.21	156,064.21

Total amount shown to be claimed by Schedules A. B. and C. up to 1893 $833,685.72

The answer of Ontario as filed may be stated in brief to be:-

(1) Denial of allegations in the Dominion case except as expressly admitted; and putting the Dominion to proof thereof.

(2) In determining Ontario's liability the circumstances attending the Treaty to be considered.

(3) That such circumstances included (a) The policy of the Dominion to acquire the N. W. T. (b) The necessity for the Dominion to allay the irritability of the Indians created by roads being pushed through unceded territory. (c) Non-consideration of Ontario's interests. (d) The Dominion's policy to secure admission of British Columbia into confederation

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confederation; and to carry out the obligations upon the Dominion entered into with British Columbia to complete a transcontinental railway. (e) The excessive consideration paid or agreed to be paid for cession of territory by Treaty, consequent on the annuities above stated; and the excessive cost of making Treaty as admitted by the Report of the then Minister of the Interior to parliament for the year ending 30th June, 1874.

(4) That in any event only a proper proportion of the amounts properly paid by the Dominion should be charged to the Province; and that the basis of such proportion would be the area ceded less reserves in Ontario as compared with the area ceded less Reserves without Ontario.

(5) That the reserves set apart by the Dominion in the ceded territory in Ontario were excessively out of proportion to those out of Ontario , that the concurrence of Ontario in the area of the reserves was necessary, and that to dispose of Ontario's objections to locations and extent thereof an Agreement was provided for by 54-55 Vic. Dom. c. 5. and and 54 Vic. Ontario c. 3; and that until proceedings completed in pursuance of the Agreement Ontario's liability could not be finally settled,and that further should the reserves in Ontario appear to have been selected rather in view of their value for timber than for the purpose for which they were required by the Treaty Ontario would be entitled to allowances in respect thereof, and there should be deducted from the Dominion's claim the excess of the value of the reserves within Ontario over the amount proper to have been set apart without Ontario..

(6) That item of $ 33,370 in Schedule A of the Dominion case paid to the Indians on completion of Treaty was a free gift and did not form part of the consideration for the

Treaty

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chargeable against Ontario.

(7) That the items in schedule B of Dominion case except $28,500 for Ammunition and Twine and $15,621.59 for clothing (to which reference was not made in Ontario's answer) were expended by reason of the Dominion's general policy relating to Indians with whom the Dominion is charged under the B. N. A. Act and were not chargeable to Ontario.

(8) That the items in schedule C of the Dominion case were not chargeable to Ontario; but were paid by reason of the Dominion's obligations under the B. N. A. Act.

(9) That the Dominion put to proof of payments and propriety of payment of annuities to the persons alleged to have been paid.

(10) That prior to 1889 dated of judgment in the St. Catherines Milling Company's case, Ontario was liable to no annuities as the Dominion denied her right in the ceded territory.

(11) That by reason of intrusion in Ontario's domain the Dominion was not entitled to charge for administration thereof; and that in any case Ontario was entitled to deduction from such charge of a proportion of money expended in useless surveys.

(12) That Dominion's claim to interest in schedules A. B and C. was founded on no legal or equitable principle.

(13) That Dominion's claim entirely defeated by intrusion upon the domain of Ontario.

By way of set off Ontario's answer claims:-

(14) That from the Dominion's claim there be deducted "all sums received by the Dominion directly or indirectly or which with due diligence should have been received"from sale of lands in

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Ontario described in the Treaty and the timber and wood thereon mines, minerals, royalties in connection therewith, by Section 109 of the B. N. A. Act declared to belong to Ontario.

Particularly that timber cut by the Rainy Lake Lumber Company amounted to $37,934.39 instead of $20,743.88 the amount credited to Ontario.

(15) That timber allowed by the Dominion Order in Council to be cut by the C. P. R. in ceded territory in Ontario, in accordance with contract in schedule to 44 Vic. D. c 1, without consent of Ontario amounted in value to $71,226.73 for timber used in Ontario and $44,056.40 used beyond Ontario. The total would be $115,283.13 which Ontario claims to be allowed. Ontario further claims to be credited the value of timber $15,000 cut in the ceded territory under Dominion Licenses.

(16) That the value of land taken for C. P. R. Right of Way, Sidings, Station, etc., which under 44 Vic., D. c. 1 was required to be transferred by the Dominion to the Company, should be allowed to Ontario.

In the pleadings filed before the arbitrators neither the Dominion nor Ontario has raised any claim to the proceeds of sales of land made for the purpose of mining precious metals in the reserves set apart in accordance with the Treaty.

It should be here stated that the Law Clerk of the Department has had conferences in relation to this case with Mr. Hogg, Q. C., Council for the Dominion in the Arbitration proceedings; and he understands that Mr. Irving, Q. C., Counsel for Ontario when spoken to by Mr. Hogg with regard to proceeding to trial of this case mentioned the before referred to correspondence between the Superintendent General and the Premier of Ontario with regard to an amicable adjustment

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justment of disputes as a reason for not yet proceeding to trial.

It is proper to consider whether this case is one which should be dealt with upon such amicable adjustment of dispute; or whether it is necessary or desirable in the interests of the Dominion and the Indians involved in the Treaty that the case should proceed before the Board of Arbitrators. In this connection it is necessary for us to endeavour to determine how far the claim of the Dominion is well founded. To reach such determination it is convenient to consider the true position of the Dominion on each question suggested by the pleadings as likely to arise before the Board of Arbitrators upon pleadings (amended if necessary) and to express our joint opinion thereon; and lastly to give the ultimate conclusion and recommendation, which we believe is to be drawn from our views. This course we adopt as follows:-

1. Issue:- From what date is the liability of Ontario in respect of the surrender of the Indian Title in the tract ceded by Treaty 3 to be considered as commencing; in other words what ground is there for Ontario's contention that she is liable to the Dominion for no expenditure made by virtue of the Treaty prior to 1889?

The whole Dominion case is virtually based upon the following words of Lord Watson in the judgment of the

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Privy Council delivered by him in the St. Catherines Milling Company's case (14 A. P. cases 46) : "Seeing that " the benefit of the surrender accrues to her, Ontario " must,of course, relieve the Crown and the Dominion " of all obligations involving the payment of money which " were undertaken by Her Majesty, and which are said to " have been in part fulfilled by the Dominion Government."

It is shown by the Law Clerk's separate memorandum, on Titles in Indian Lands and Reserves, that he is of opinion that the above words are merely obiter dictum; that the true view of the surrender in 1873 by Treaty 3 is that the Dominion Government obtained the transfer to the Crown of merely the Indian interest in the ceded territory in consideration of the covenants and obligations assumed by the Dominion by that Treaty; that the covenants and obligations were the Dominion's own, the surrender being to the Crown it inured to the benefit of the Province; and that this view is supported by the case of Attorney General for the Dominion vs. Attorney General for Ontario and Attorney General for Quebec vs. Attorney General for Ontario appeal cases 1897, page 199, in which it was held that in the similar case of Treaties 60 and 61, dated 1850, the covenants and obligations for payment of annuities entered into by the old province of Canada were in the nature of personal obligations by that Province and that the said annuities did

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did not constitute a charge on the ceded land which, by virtue of Section 109 of the B. N. A. Act, passed to Ontario on confederation.

The obligations of the Dominion being personally binding on her, but having been entered into under a mistake of her legal position with regard to the title to the lands surrendered, it becomes difficult to see in what way, since these obligations do not amount to covenants which run with the land, Ontario can in law be strictly held liable for them. Even if a mere betterment of title were an improvement contemplated by 36 V. Ont.c. 22 which still obtains under Sec. 30 of Cap. 119 of R. S. O., 1897, the statute has been held not to bind the Crown in right of the province (Queen Victoria- Niagra Falls Park, V. Colt. 22 A.R. Ont. 1). In view of the cited decision as to annuities not being a charge on lands it appears difficult to argue that the Dominion is even in so good a position as a private individual who has paid off a mortgage or incumbrance on a title. Ontario practically says that up to 1889 the Dominion was a trespasser on her property, that as such the Dominion had no rights against the true owner during the period of adverse possession; that, although in an action for the recovery of land in the case of mere adverse possession a court might decree an account of the rents and profits from the commencement of the suit (Pulteney v. Warren 6 ves 93), and although in taking such an account defendant might be allowed for lasting improvements or moneys expended in protection of the estate, yet it is questionable whether the money expended by the Dominion can be included, and, even if it can, any allowances can only be co-extensive with the period of accounting (Attorney General vs. the Earl of Craven 21 Beav. 392), and that Ontario has not demanded an account of rents and profits prior to 1889, and, consequently,

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consequently, the Dominion cannot claim any allowance prior to that date.

The arguments in favour of the case of the Dominion, as it appears upon the pleadings, have not been overlooked, but, although want of space forbids enlargement upon them, we are led to the conclusion that the Dominion's case is weak in a strictly legal sense, and that, particularly in view of the judgment in the last cited case before the Judicial Committee, which was given since the Dominion case, was filed and appears to dispose of the contention that Ontario took the ceded territory charged with, and subject to the payment of a proportion of the annuities, it is not unlikely that, should Ontario succeed in appealing to the Supreme Court and the Judicial Committee from decisions of the Arbitrators on questions of law, the result might be deplorable from the point of the Dominion's interests. Considerations of this nature, and the danger that, if the case once reaches the Arbitrators, appealable decisions on questions of law would be given, create a strong impression of the advisability of dealing with Ontario in an amicable manner from the point of policy rather than strict law. In so doing it would be correct to point out that, however the appellate tribunals may act on strict principles of law, by 54-56 V. Dom. c. 6, and the corresponding Statutes of Ontario and Quebec, "the Arbitrators shall not be bound to decide according "to strict rules of law, but may decide upon equitable "principles". The meaning of the words "equitable principles" is not free from doubt, but it is thought that they bear the ordinary construction of just, fair or impartial as between man and man. It would not appear to be equitable in this sense that Ontario should derive all the benefit and bear no burden of the Treaty; but, on the same principles, it would not be proper that Ontario bear the

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the burden for years prior to the time when she derived any benefit from the surrender. The License of the Dominion to the St. Catharine's Milling & Lumber Company to cut timber was issued in 1883. By the decision in the Company's case Ontario recovered dues on all timber cut under this License. It is, therefore, just that the liability of Ontario for all expenditure, other than that at the time of and attending the making of the Treaty, should date from 1883, prior to which date Ontario is not known to have benefited. The admission of this view reduces the claims of the Dominion, irrespective of the claim for interest hereinafter considered to $155,446.00 for expenditure specified in Schedule A, not inclusive of claim for $33,370.00 paid at the time of making of Treaty hereinafter considered, to $89,971.17, for that in Schedule B to $57,554.15, for that in Schedule C or to a total of $302,971.32 for the expenditure specified in the three Schedules.

In naming 1883 as the first year in which Ontario is known to have benefited under the Treaty, we have not lost sight of Ontario's right to call the Dominion to account under the Conventional Boundary Agreement of 1874, and the possible claim of the Dominion to allowance in such account of annuities paid during the continuance of that Agreement. The effect of this Agreement is subsequently considered.

No. 2. Issue: In view of the foregoing, what is the true basis of estimate of Ontario's liability to the Dominion, and to what extent are the policies of the Dominion and Ontario to be considered?

It is considered that the true basis is the extent to which the value of Ontario's title in the surrendered tract, prior to the surrender, was thereby increased. Notwithstanding the legal right of the Crown, in right

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right of Ontario, to determine the Indian Titles at will, it would appear to be open to the Arbitrators, in estimating such increased value to take into full consideration the policy which has prevailed for the last hundred and thirty years in the country which now constitutes Ontario of acquiring the Indian Title by purchase, and to bear in mind that this policy was dictated alike by a sense of justice to the Indians, consideration of the safety of white settlers and advisability of preventing questions of Indian Title, however unfounded, arising at a future time. In short, the Arbitrators might well estimate the terms upon which Ontario could have obtained a cession from the Indians had Ontario at Confederation been given charge of Indians and Indian affairs in the Province. It would also be open to the Arbitrators to consider the circumstances stated in the above abstract of Ontario's answer paragraph 3. On behalf of the Dominion there might be adduced the evidence that the expenditure under the Treaty, irrespective of interest, during twenty years amounted to $553,718.14 as shown by Schedules A, B and C; and that this sum virtually represents a capitalized amount at 20 years' purchase, equal to between $10 and $11 per sq. mile of 55,000 sq. miles ceded, or, an average annual expenditure for all time of $27685.90.

It would appear that so difficult, if not impossible, would it be to estimate what would have been the cost of the cession to Ontario, if negotiated by her, that the Arbitrators would be compelled to hold that the best terms obtainable had been had by the Dominion, and that the burden of proof was on Ontario to show the reductions to which she was entitled.

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Issue 3. - What deduction is Ontario entitled to by reason of the Dominion's benefit under the treaty to the extent of 23,000 sq. miles; in other words in what proportions are the expenditures under the treaty chargeable to the Dominion and Ontario respectively.

The total area ceded by the treaty was 55,000 sq. miles, of which 32,000 lies in Ontario; and 23,000 lies in Manitoba and Keewatin. The number of Indians in 1893 residing upon the ceded tract in Ontario was 2,741, in Manitoba and Keewatin 131. Are, then, the proportions of the Dominion and the Province to be estimated according to the value of the portions of the tract ceded to the Dominion or Ontario for the purposes of the Dominion and Province respectively; or according to the value of the lands to the Indians; or according to ~~acres~~ area.

If the proportions are to be based on the value of the lands to the Indians, the value might be estimated in ratio to those residing within and without Ontario, otherwise Ontario's proportion would be as 2741 to 131, the Dominion's share of liability. There is some ground for holding to the view that this is the correct proportion inasmuch as the benefit to the Dominion derived was the extinguishment of the title of the predecessors of the 131 Indians; and that of Ontario the extinguishment of the title of the greater number. However, this agreement is incapable of proof, since there is no support for the theory that any individual was limited in his rights of habitation, hunting or fishing to any portion of the ceded area. We are, therefore, driven to the proportionate value of the land covered by the cession to the Dominion as compared with that covered

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by the cession to Ontario. In the very uncertain knowledge concerning the tract in Keewatin which constitutes about two-thirds of the 23,000 sq.miles ceded to the Dominion, it cannot be proved that this land is not so valuable per sq. mile as the 32,000 sq. miles in Ontario.

We are of opinion that the proportions must be as 32,000 sq. miles in Ontario, less the Reserves ultimately confirmed in Ontario, is to 23,000 sq. miles, less the Reserves without Ontario.

Roughly, the proportions will be as 32 to 23, subject to variation in accordance with the ultimate arrangement in regard to Reserves.

Thus, roughly, Ontario is entitled to a deduction of 23/55 of the total expenditures under Treaty during the years properly chargeable against her.

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Issue 4:-

Is Ontario entitled to any deduction for the excess of reserves set apart in Ontario as compared with those of Manitoba and Keewatin within the ceded tract; and what bearing has the agreement of 1894, under 54-55 Victoria Dom. c.5 and 54 Vic. Ontario c.3?

We are of opinion that the agreement in question amounts to an admission by the Dominion that her title to the reserve was incomplete until the concurrence of Ontario in the selection thereof, and to an admission on the part of Ontario that "to avoid dissatisfaction or discontent amongst the Indians" it was necessary that reserves should be set aside, and desirable for the Dominion and the Province to come to a friendly understanding with regard to the reserve; and accordingly Ontario agreed to make enquiry as to the reserves laid out by the Dominion prior to the above statutes "with a view to acquiescing in the location and extent thereof unless some good reason presents itself for a different course."

that in cases of dissatisfaction of Ontario with reserve selected, a joint commission should be appointed by the two Governments to determine any questions relating to ~~the~~ such reserves.

The effect of the agreement would appear to be to practically tie up the reserves from alienation either by the Dominion or the Province until the proceedings required by the Agreement had been taken; but we do not consider that by the Agreement Ontario admitted any liability under the Treaty; although she considered it politic to grant reserve. The Agreement in no way effects Ontario's liability for expenditure, inasmuch as if the reserves should not be finally confirmed as set apart by the Domini the Dominion would be obliged to take the reserves

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allotted to her under the agreement, or at her own option purchase other reserves from Ontario.

In pleading the agreement Ontario is pleading her own wrong, as the duty lies on her to examine and confirm the reserves "unless some good reason presents itself." Ontario is, therefore, entitled to no deduction upon this issue.

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Issue No.5:-

Is Ontario liable to any portion of $33,370 specified in schedule A., and paid to the Indians on completion of the treaty?

The words of the Treaty are:- "And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians, she hereby, through Her Commissioners, makes them a present of $12 for each man, woman, and child belonging to the Band here represented ~~in extinguishment~~ of all claims heretofore preferred."

Ontario contends that this payment was a present and formed no part of the consideration for the Treaty. We are of opinion that, though the words of the Treaty are diplomatic, the Treaty could not have been obtained without this expenditure; that the words of the Treaty show it to have been "in extinguishment of all claims heretofore preferred;" and that there can be no doubt that it was part of the actual consideration; and that a proper proportion of $33,370 must be added to the items chargeable against Ontario since 1883.

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6. Issue:- Can Ontario be held liable for any expenditure specified in schedule B.,except $28,500.00 for ammunition and twine, and $15,621.59 for clothing, making together $44,121.59, which Ontario does not in her answer deny should be taken into accout against her.

The items to which this issue relates are:- cattle $16,455.00, implements $6,125.80, tools $3,129.60, schools $28,342.86, seeds $7,713.11, provisions and presents supplied at the Treaty and at negotiation, ~~ended~~ the first payment of annuities $21,296.96.

The contention was that the items in question were in pursuance of the general policy of the Dominion to encourage the progress of civilization among the Indian tribes, and in discharge of the Dominion's duty under the B.N.A.Act, Sec.91,Sub Sec. 24. It cannot be denied, however, that Treaty 3 contains express provision for the supply to the Indians of cattle, implements, tools, ammunition and twine, clothing and seed-grain, or that the amounts charged for these items in schedule B. are in excess of the requirements of the Treaty, nor can it be denied that by the Treaty the Crown expressly agreed to maintain schools.

Whatever may have been the policy of the Government prior to Confederation, there is no evidence that the general policy of the Dominion Government in relation to Indians in Ontario has been, or is, to meet any of the items of expenditure except that for schools (apart from the consideration of the item for provisions). It can certainly be stated that at the present time the Dominion does not make such

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such expenditures in Ontario. It can be shown that the items in question form part of the considerations for the Treaty inasmuch as the Indians expressly stipulated for the expenditure (as shown in the book of Treaties by the Hon.Alexander Morris). It can further be shown that in Manitoba and the North West Territories, where implements, clothing, cattle, etc are supplied to the Indians, the Treaties themselves, as in the case of Treaty 3, make provision therefor.

As to the expenditure on schools, it must be admitted that it is the policy of the Dominion in Ontario to defray the cost of Indian education when the funds of the band are not sufficient to defray this cost; but it may be pointed out that during the negotiations for the Treaty one of the chiefs drew attention to this question of education, and that inasmuch as the Treaty itself, in consequence, provided for schools, the Dominion Government may be considered to have lost the right which it has in the case of other Indians of charging education to the funds of the band; and even should the funds of the band in bands interested under this treaty become sufficient, the Government would still be called upon to defray the cost of education.

We are of opinion that Ontario may be properly asked to bear her proper proportion of all the expenditures stated in schedule B., except the item for provisions and presents supplied at the Treaty negotiations and at the first payment of annuities. The reason for the non-allowance of this last item is, that the Treaty contained no stipulation for these x expenditures, and upon this ground Ontario may have raised a reasonable objection to them as not forming a part of the consideration of the Treaty although we consider that without this expenditure,

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No.6. -3-

or a portion of it, there would have been small hope of effecting the Treaty.

As shown by Mr.Scott's memorandum of the 17th February,1899, on file 62509, it is impossible to state the exact amount expended on cattle, implements and tools, prior to 1883; but in view of the fact that the amounts charged for these itemsextending over a period of twenty years are $25,710.00 it would be reasonable to allow Ontario half such expenditure for the period from 1873 to 1883.

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7. Issue:- No.?

Is any proportion of the itmes specified in schedule C. of the Dominion's case properly chargeable to Ontario?

The itmes specified in the schedule comprise $25,242.53 for surveys, $49,815.56 for salaries to Agents, $21,675.11 for Agents' travelling expenses, $7,902.33 office rent, and $1,476.69 for suppression of liquor traffic,making a total of $106,112.22. Ontario disputes her liability for all the expenditures except $25,242.53 on surveys, on the ground that under the British North American Act Sec.91 sub Sec. 24 the Dominion is charged with the administration of Indian Affairs. We consider that this contention is good, particularly in view of the fact that no provision is contained in the Treaty by which any obligation is placed on the Dominion to make these expenditures. The Agents whose salaries,travelling expenses, and office rent are charged, are officers of the Dominion Government, and we see no reason why Ontario should be charged with these items expended in administration of Treaty 3 any more than she should be charged with the cost of administration within other treaty limits in Ontario.

The item of $1,476.69 expended in the supression of the liquor traffic is of such comparitively small amount that we should consider it proper to be allowed Ontario, in view of her contention that the Dominion is really doing nothing more than her duty towards the Indians, or than she does upon other reserves within other Treaty limits in Ontario; and that although Treaty 3 expressly provided against the sale of intoxicating liquors on the reserves at the

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the request of the Indians, yet this provision was inserted ~~rather~~ to allay discontent amongst the Indians, and in consequence of the Indians' protest that liquor was brought to them contrary to law, rather thanas a consideration for the treaty.

As to the item $25,242.53 for surveys, it appears from Ontario's answer that she is entirely under a misapprehension as to the nature of this charge, she evidently considering the charge to be made for surveys of townships, whereas in fact the money was expended for surveys of Indian reserves. The question of her liability for money expended on surveys of townships is one affecting the Interior Department upon the question of account between the Dominion and the Province for the period of administration under the conventional boundary Agreement of 1874. Although Ontario fails to dispute her liability for surveys of reserves,under the misapprehension to which attention is drawn, we do not consider that she can be held properly chargeable with a proportion of the amount expended. Although there is some ground for urging that the expenditure was a necessary consequence of the Treaty, and that in the case of reserves set aside before Confederation, surveys of reserves were made by the Government for the time being representing the Province of Ontario, and that in consequence the Dominion has not been charged with the expense of such surveys; yet in view of the disputed questions between the Dominion and the Province, particularly in relation to these reserves, and of the necessity for Ontario to make her own survey in order to carry out the

agreement

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agreement of 16th April,1894, for the confirmation of reserves, we consider that this item of expenditure is properly chargeable to the Dominion under the Agreement, and because of her improper assumption of the right to set aside reserves without the concurrence of Ontario.

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8. Issue No.1 - Is the Dominion entitled to claim interest on the amounts due her as claimed in schedules A.B.& C.?

Ontario denies her liability for interest upon the legal ground that there is no contract for the payment of interest, and no legal or equitable principle by virtue of which interest is recoverable by the Dominion, and further that it would be most unfair and inequitable that under the circumstances of this claim interest should be payable by her. Ontario also claims the precedent of the decision of the Board of Arbitrators in the matter of the Robinson Treaty award, dated 13th February,189 5, by which interest on arrears of increased annuities was disallowed.

Ontario's statement of the effect of the Award is not accurate. Paragraph 7 of the Award disallowed interest on annuities under the Treaty of 1850, accruing after the union, but not actually paid by the Dom, but par.9 of the award allowed interest on moneys actually expened by the Dominion, since the union for increased annuities. Upon appeal to the Supreme Court, paragraphs 7 and 9 were struck out of the Award, and by judgment of the Judicial Committee, 9th December,1896, (1897 A.C. 199) the judgment of the Supreme Court was affirmed.

We do not consider that interest is chargeable, particularly in view of the judgment of the Judicial Committee in a very similar case.

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9. Issue:- Is Ontario entitled to set off against the Dominion's claim the value of land taken for C.P.R. right of way, sidings, stations etc., within the limits of the land in Ontario ceded by the Treaty?

It will be observed that Ontario raises by way of set off and not by way of counter claim, the three matters dealt with in this and in the two next succeeding issues. It is considered that in raising the questions in this way Ontario pleads not to establish three independent claims against the Domnion; but says rather, if the Dominion is entitled to recover anything from Ontario on her original claim, her liability on the original claim is entirely met by the matters which Ontario pleads by way of set off (Vide Odgers on pleading 198 and Baines vs.Bromley 2 Q.B.D. 694). For convenience these matters are dealt with in inverse order to that in which they are treated in Ontario's answer.

The material facts with regard to this present issue are:- (1) By 44 Victoria D.Cap 1 the Dominion agreed with the Canadian Pacific Railway to transfer to it the right of way road bed station ground of the Canadian Pcific Railway when completed in order that the same might become the absolute property of the Company. (2) The Government of Ontario has transferred to the Dominion Government without condition of payment the land required for the C.P.R. Railway for road bed station grounds and other purposes between Callender station near Lake Nipissing and Fort William. (3) By Order in Council of Ontario passed, in accordance with 59 Vict. c.11 (Ont), on 3rd June,1897, a date subsequent to the filing of Ontario's answer, the lands heretofore taken and occupied by the C.P.R.Company for the road bed

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station grounds and other purposesof the said Railway between Fort William and Cross Lake close to the boundary of Manitoba became vested in the Government of the Dominion. (4) The last named Order in Council covers the whole of the right of way etc., through the tract ceded by treaty 3.

We consider that in so dealing with this question Ontario has recognised that the C.P.R. was a work for the advantage of Ontario as much as for any other portion of the Dominion, and that it was particularly useful for the developement and opening up of the tract ceded by the treaty; and therefore that Ontario is not entitled to set up by way of set off any claim for the value of the lands comprised in the above mentioned Order in Council.

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10. Issue:- Is Ontario entitled to set off against the Dominion's claim the value of timber cut within the ceded tract for use of the C.P.R.

Ontario alleges that dues on portions of the said timber used in the construction of the C.P.R. within the Province would have amounted to $71,226.73 and the dues on portions of timber used without the Province would have amounted to $44,456.42.

We consider:- (1) That it lies with Ontario to prove these proportions. (2) That Ontario might be legally entitled to set off the value of the whole of the timber cut within the ceded tract of Ontario. (3) That in case of an amicable settlement with Ontario it might be properly urged that having admitted the advantage of the C.P.R. for the purposes of opening up and developing the ceded tract, Ontario should not claim for timber used within the Province; but that her set-off should be limited to the value of the timber used without the Province.

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11. Issue:- To what extent is Ontario entitled to set off against the Dominion's claim the proceeds of sale of lands, timber, and minerals and royalties received by the Dominion during her administration of part off the ceded tract under the Conventional Boundary Agreement of 1874; and generally what effect has this agreement upon the Dominion claim?

In the Dominion case this agreement is cited and it is allowed that a net revenue has been derived under this agreement of $25,145.09. It is necessary to draw attention to the fact that the figures are wrongly placed as to position in paragraph 9 of the Dominion case; but the statement therein of the net revenue received was correct according to the accounts at that time furnished to Counsel for the Dominion. Subsequent to the filing of the Dominion case fresh accounts were made out, copies of which were deliverd to Counsel for Ontario showing a net revenue of only $2,493.21. Ontario disputes her liability to some of the items of expenditure in the last account, particularly charges for proportions of salaries of Minister of Interior, Deputy Minister and other officers of the Interior Department, and she alleges that other items should be acknowledged as receipts. The bearing of the Conventional Boundary Agreement is thus brought under consideration.

A dispute having arisen as to the true Western and Northern boundaries of Ontario the same was submitted to arbitration. Pending the arbitration by Agreement of 26th June,1874, ratified by Ontario and Dominion Orders in Council a conventional boundary was purported to be established in the meridian line passing through the most easterly point of Hunters' Island

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Island and it was agreed that until the true boundaries could be adjusted all patents for lands on the West or North of the conventional boundary should be issued by the Dominion Government; and when the true West and North boundaries should be confirmed and ratified an account ~~next~~ should be rendered of the proceeds of such land as the determination showed them to belong of right to the adverse party. The Agreement was not confirmed by Dominion and Provincial Acts. On the 3rd of August, 1878, an award of arbitrators establishing the true boundary was made. On 31st December, 1881, a despatch from the Lt. Governor of the Province was received by the Secretary of State, stating "on 26th June 1874, a provisional arrangement was made for the sale of lands in the disputed territory which arrangement was in force from its date until the 3rd of August, 1878," By Order in Council of the Dominion of 19th January, 1883, referring to the dispatch and stating that the Minister of Justice had learned that active steps towards assuming possessional Government of the country West of the conventional line had since been taken by the Government of Ontario, the action of Ontario in abrogating the Agreement was acquiesced in, On 11th August, 1884, the judicial committee of the Privy Council advised the Crown as to the boundary, in accordance with the award of the arbitrators; having first held that the award of the arbitrators was ineffective for want of authorization or confirmation by Statute.

We consider that the Agreement was ineffective for want of authorization by statute; and that it was treated with slight consideration by the Dominion. It must be pointed out that the question of accounts under the conventional boundary Agreement was first raised by the Dominion

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Dominion and not by Ontario who is entitled to call the Dominion to account. Should Ontario require accounts to be gone into from the date of the conventional ~~Agr~~ boundary Agreement, if on equitable grounds the illegality of the Agreement is not raised by the Dominion, it becomes a question whether the date of that Agreement is to be substituted for 1883 as the date of commencement of accounts. It appears to us upon the lines of reason suggested from the first issue that the arbitrators would fix 1883 as the date of accounts in respect of the cession of ~~xx~~ lands to Ontario; if the Dominion should be called upon under the Boundary Agreement to account for moneys received from proceeds of sale of lands she might possibly on the application of equitable principles be also entitled to deduct from the proceeds of the same payments made under the Treaty during the period of accounting under the conventional boundary Agreement. We have not thought it to be within the scope of our duty to go completely into questions of account under the con- ~~ventional boundary Agreement~~, As such questions are really Interior Department matter. We have however, gone into the matter sufficiently to ascertain how complicated become the questions between the Dominion and Ontario when questions of account relating to this Agreement are raised By the Agreement itself the Dominion is called upon to account for the proceeds of the sale of lands (by which would appear to mean the amount actually realized as distinguished from net proceeds or profits vide Whartons Law Lexicon.) and the Agreement deals with the issue of patents for lands and the proceeds thereof only, Ontario disputes her liability for expenditures entirely; and she raises the question whether the Dominion can charge any cost of administration. If the Dominion is entitled to

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charge any cost of administration or disbursement for surveys the question further arises whether she as stated in Ontario's case is liable for more moneys received than she has acknowledged. Then again there is the issue as to the determination of the Agreement, Ontario alleging that it was determined in 1879 and that from 1879 to 1883 the Dominion is liable for all receipts by her and not entitled to any deduction for expenditure during that period. It may be further pointed out in addition to the unreliability of the Dominion's figures as shown in paragraph 9 of her case that there have been four or five accounts as between the Dominion and Ontario under the conventional boundary Agreement showing a balance of revenue over expenditure varying from $31,568.29 to $2,493. 21; that the revenue received as shown by these accounts was almost exclusively received under timber licenses which it is questionable that the Dominion had a right to issue under the boundary Agreement; and it therefore becomes still more doubtful whether the Dominion is justified in charging for the administration of the timber limits. Further disbursements include charges for proportions of salaries of Minister, Deputy Minister and other officers amounting to $19,030.-48, which Ontario appears to have good reason to dispute, and charges for surveys the utility of which Ontario disputes. Even if in applying equitable principles in the cases before mentioned the Arbitrators should allow the Dominion to charge as part of cost of administration under the boundary Agreement $85,612.85 as expenditure under the Treaty from 1874 to 1879; there are to be set off against this $44,056.42 for timber used on C. P. R. out of Ontario

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and $19,030.48 for proportion of salaries of Minister of the Interior wrongly charged, making $63,086.90; leaving a balance of $22,525.95 to meet other items of dispute by Ontario particularly as to cost of administration. We consider that, in view of the intricate nature of the accounts under the conventional boundary Agreement, of the time and expenditure likely to be required in the settlement of these accounts, of the inconvenient nature of the proceedure heretofore adopted before the arbitrators on similar issues, of the uncertainity of the position of both parties upon this issue and the improbility that after much litigation the balance against either party would be large, the period of accounting under Treaty 3 should be from 1883; and that unless Ontario urges the matter it would be inadvisable for the Dominion to seek any account prior to that date and that in acse of an amicable settlement it should be urged upon Ontario that all questions of accounts in respect of the administration of the disputed territory prior to that date should be cancelled. Such a settlement under this paragraph would include the balance claimed for timber by C. P. R. without Ontario (Issue 10)

It appears to us that such an arrangement would be to the advantage of the Dominion in view of the possibility of a balance against the Dominion, under the conventional boundary Agreement, of the fact that the Dominion has been held to be entirely wrong in her claims both as to boundary and as to cession of lands by Treaty, which fact must weigh with the Arbitrators against her, and in view of the complication of the issues under the Treaty by the consideration of questions relating to the conventional boundary Agreement rendering it very probable

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probable that if the case should go before the Arbitrators litigation would be prolonged and expenses greatly increased beyond the value of the issue to the country by appeals to the Supreme Court and the Judicial committee..

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12. Issue:- To what extent is the Dominion put to proof of the amounts necessity and proprietary of the expenditures for which she claims repayment? Ontario submits that only Indians legally entitled to be paid annuity provided in the Treaty in question should have been paid by the Dominion and she puts the Dominion to proof that the persons alleged to have been paid were legally entitled to such payment.

We consider that Ontario's contention is good in view of the ruling of the Arbitrators in the Robinson and Superior Huron cases relating to the increased annuities. The true importance of this contention is demonstrated in our memorandum on the case in question from which it appears that after years of litigation upon points of law the Dominion is still in the position of claiming some $160-000.00 but faced with the ruling of the arbitrators that she is burdened with proof that each Indian was entitled to be paid who became so entitled since 1867, the date of confederation.

It appears to us to be absolutely demonstrated that the case of Treaty 3 may be prolonged before the Arbitrators for years and that in the end unless the parties consent sooner or later to some terms of compromise that the amount expended on litigation by even the successful party will far exceed the benefit the successful party derives.

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In the foregoing we have dealt with the questions raised on the pleadings between the Dominion and the Province, and it is evident from our findings in each case that we consider it advisable in the interests of both parties that an amicable adjustment should be reached. Before making a recommendation with regard to such amicable adjustment it is necessary to consider three questions which are not raised by the pleadings but which, from a practical point of view, require adjustment even more than the questions of account raised before the Arbitrators; these questions we deal with as follows:-

Issue No. 13.- Confirmation by Ontario of the Reserves set apart by the Dominion under the Treaty.

Treaty No. 3, made 3rd October, 1873, contains the following provision "and Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands due respect being had to lands at present cultivated by the said Indians and also to lay aside and reserve for the benefit of the said Indians to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada in such a manner as shall seem best, other reserves of land in the said territory hereby ceded which said reserves shall be selected and set aside where it shall be deemed most convenient and advantageous for each band or bands of Indians by the officer of the said Government appointed for that purpose and such selection shall be so made after conference with the Indians: provided however, that such reserve whether for farming or other purposes shall in no wise exceed in all one square mile for each family of five or in that proportion for larger or smaller families and such selection shall be made, if possible, during the course of next summer or as soon thereafter as may be found practicable ", subject to provisos in regard to the right of the Crown to deal with settlers and for the sale of reserves when surrendered by the Indians for their benefit.

It is to be noticed in connection with the above covenant

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covenant that the reserves were to be set apart with respect to the then present locations, that the Indians were themselves to be consulted with regard to the location of their reserves, that a limitation was placed on the extent of the reserves, and that, with regard to some, at least, of the reserves, no limitation was placed on their use for farming purposes only.

In considering the purposes for which the reserves were to be set aside and the extent of the Indians' interest therein, it is necessary to look not only at the written Treaty but also at the negotiation preceding its execution, because, as shown by the Law Clerk's separate memorandum herewith, the Indians were in the position of illiterates so far as concerned the written Treaty. The evidence of the negotiation published in the book of the Treaties of Canada by the Hon. Alexander Morris tend strongly to the conclusion that the Indians did not contemplate that the reserves were to be set aside only for farming purposes,and that they clearly contemplated the value of the reserves to them for other purposes, particularly that of mining, and, further, that they stipulated for reserves which they had themselves already laid out. In the course of the negotiations one chief said:- "we do not want anybody to mark out our reserves we have already marked them out".

By Order in Council of 8th July, 1874, Messrs. S. J. Dawson and R. Pither, who were appointed commissioners for the purpose of selecting reserves where it should be deemed most convenient and advantageous to each band or bands of Indians,such selection to be made as provided by the Treaty, after conference with the Indians and subject to the other conditions set forth in the Treaty. In the same Order in Council is contained a provision that "wild land reserves", apparently as distinguished from reserves more particularly applicable to farming purposes,should be removed as much as possible from the probable line of future settlement and should not

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not include any land known to the commissioners to be mineral lands or any lands for which as mineral lands bona fide applications had been filed with either the Dominion or Ontario Governments; and the reserves were not to be considered to be finally selected until confirmed by Order in Council.

On the 7th of January, 1875, all the reserves not having been selected by Mr. Dawson and Mr. Pither, J. S. Dennis was appointed in conjunction with Mr. Pither to finish the work of selecting the reserves and he was informed that such selection should be made after conference with the Indians in accordance with the provisions of the Treaty. It is evident from the voluminous report of Surveyor General Dennis on file 2790 and from other correspondence from Messrs. Dawson and Dennis on the same file that the reserves were selected, both as to location and extent, after full and protracted consultation with the Indians and with due respect to the lands then cultivated. Mr. Dennis in his report refers particularly to the cultivation of various tracts of land. Only one wild lands reserve appears to have been set apart for the use of Bands of the Rainy River, and, as it is at the outlet of Rainy River into the Lake of the Woods, it is evident that the instructions to the Commissioners were complied with.

Of the reserves so selected within the whole of the ceded tract, reserves to the extent of 348,178 acres have been surveyed; there are yet to be surveyed 17,047 acres, making a total of 365,225 acres in the entire territory. It appears from a report of Mr. Bray, dated 23rd January, 1890, on file 62,592 as follows:- "The first census after the Treaty gave a population for the whole Treaty 2,621 souls and according to the Treaty these Indians were entitled to 335,480 acres there is therefore apparently an excess in area allotted to these Indians of about 29,737 acres or 9 per centum nearly but the surveyor employed by the Department explained that in cases of excess the said excesses were made on account of the large areas of water and morass included within the boundaries of

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the reserve. That these areas were not surveyed so as to exclude them from the areas of the reserves on account of the large additional expense which would thereby be entailed and that the Department is convinced that if the area so included within the boundaries of the reserves were deducted from the above mentioned total the result would be that it would be shown that the Indians have not had any excess of land allotted to them". So far as we can judge from the words of the Treaty the exclusion of water from reserves would be justifiable. Mr. Bray states that it is impossible to estimate the apparent excess within Ontario because the number of Indians without Ontario at the date of the Treaty cannot be ascertained. If the explanation of the surveyors is to be accepted, as we consider that it should be, there appears to be no necessity for any such apportionment.

From a memorandum dated 28th November, 1890, on file 62,509 containing a note of the result of an interview on the day between Sir John Thompson and Mr. Courtney, Mr. Langelier and Mr. Machin on behalf of the Government of Quebec, and Mr. Mowat and other Ministers on behalf of Ontario, it is stated that Sir John Thompson agreed that the concurrence of the Province was required in the surrender of Indian rights in lands within the Province and it is also stated to have been proposed "that all reserves under Morris Treaty shall be deemed to have required and to require the concurrence of the Province and that a joint commission shall be appointed to consider those made". The following words are also used in the memorandum "It being conceded that it is desirable to " avoid dissatisfaction or discontent among the Indians the " Ontario Government to make fullinquiry as to the reservations " now laid out in the territory with a view to acquiescing in " the confirmation of the same without the intervention of the " commission unless some good reason presents itself for a " different course". The interview at which these proposals were made was one for consideration of the proceedure to determine

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determine the question between the Dominion and the Provinces of Ontario and Quebec and old Canada. And it would appear that at that time Ontario did not consider the stipulations of the Treaty with regard to the reserves and she did certainly acknowledge the policy of confirming those set aside by the Dominion. The result of the interview above referred to was subsequently embodied in the Agreement of 1894, already referred to in another case in which its effect has been considered. On 7th February, 1896, by letter addressed to the Assistant Commissioner of Crown Lands a request was made for information as to what action Ontario had taken under the Agreement; a reply was received stating "that the Government "of Ontario finds that the reserves selected under Treaty No. 3 "except to a very insignificant extent are all taken out of "Ontario. These selections front generally on navigable waters "and it is reported that they are injuriously located in refer-"ence to the development and opening up of the contiguous ter-"ritory. As the reserves have been made the Government of "Ontario is unwilling, I am to add, to disturb the expectations "of the Indians, and therefore would probably be disposed to "acquiesce in the selection on suitable compensation to Ontario "in view of the larger area having been reserved for reserves "within Ontario than is fair in proportion to the whole terri-"tory surrendered by the Treaty and the retardation which may "be expected in the settlement of the Provincial lands cut off "by the appropriation of lands to purposes which may cause their "undevelopment indefinitely". Many letters have been addressed to Ontario urging the necessity of action under the Agreement but so far with no result; Ontario, on the other hand, there is reason to believe, has granted patents on Sultana Island part of reserve 38 B surrendered for sale.

Our opinion is that, in view of the protracted negotiations with the Indians at the time the Treaty was made and the evidence to which attention has been drawn that the Dominion

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Dominion has adhered strictly to the terms exacted by the Indians with regard to the reserves in the ceded tract, it cannot be considered that Ontario, had she been negotiating the treaty, could have obtained any better terms with regard to the proportion of the reserves to be set aside within the Province, and, in the absence of some good reason which appears to us not to be forthcoming, Ontario should be held strictly to confirmation of reserves, and that, until she confirms the reserves, they should be treated by the Dominion as being the property of the Dominion in trust for the Indians, subject to a restriction on alienation arising from the Agreement of 1894, that the Dominion should refuse to recognize any titles granted by Ontario and that prompt measures should be taken to remove from the reserve any persons purporting to enter thereon under any title of the Ontario Government.

Issue No. 14.— The ownership of precious metals in the reserves.

Although, according to the opinion expressed in the Law Clerk's memorandum, the right to the royal metals is in the Crown as represented by the Province and it is therefore necessary for the Crown as represented by the Province to make a special grant of such royal metals, yet it is evident from the negotiations prior to the Treaty, to which reference has been repeatedly made, that Ontario could not have arranged the Treaty without granting the precious metals. There is no doubt to us that any arrangement with regard to reserves should, in justice to the Indians, include the grant of the royal metals on the reserves and that such an arrangement would be equitable and just to both the Dominion and the Province.

15. The arrangement to be made with Ontario as to her liability to the Dominion for moneys paid under the Treaty since 1893 or to be paid in future.

The proceedings before the board of Arbitrators extend only to the settlement of accounts up to 31st December, 1892. By virtue of the first Agreement of submission of 10th April,

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April, 1893, the pleadings in the case of Treaty No. 3 contain no reference to the settlement of liability after 31st December, 1892, it appears to us that should the case proceed before the board of Arbitrators as it at present stands the result will be that some of the difficulties which are now arising in connection with this case will be renewed from year to year or will accumulate until the questions in dispute will have to be again fought out. The accuracy of this statement is particularly emphasized by reference to the contention that it will lie with the Dominion to prove the payment of annuities and that they were properly paid to individuals entitled to them under the Treaty. It is needless to point out that the cost of proof of the title of each individual to receive annuity would be likely to exceed the value of the annuity to each individual and thus it would become worthless for the Dominion from time to time to prosecute such claims against Ontario,while, on the other hand, should she prosecute them the cost of resisting them to Ontario might exceed the amount of her liability if the claims were allowed without contest. It is, therefore, in our opinion essential that an arrangement should be entered into under which Ontario shall either capitalize a sum to defray once for all her pecuniary liability for the cession of Indian lands under the Treaty; or that an Agreement should be entered into for the annual payment by Ontario to the Dominion of a fixed sum in settlement of her annual liability, leaving the Dominion to deal with the Indians upon such terms as she shall think proper without the difficulty which would arise from the necessity of constantly considering how far Ontario would concur in steps taken or payments made. We venture to suggest that a fair basis of compromise would be the capitalization of an amount or an Agreement to pay an annual sum in settlement of all liabilities under the ~~Agreement~~ Treaty from 1898.

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~~first accrued to Ontario, until the date of settlement~~.

The following account shows the amount which we consider might be awarded by the Arbitrators to the Dominion up to 1893 in respect tomthe matters hereinbefore considered:-

Dr.		
Ontario's proportion of $302,971.32 being as 32,000 square miles less 543 square miles, approximate area of reserves in Ontario, to 55,000 square miles less 568 sq. miles approximate area of reserves in ceded tract, or, as 31,457 is to 54,432. Vide issues 1 and 3.		175,095.40
Ontario's proportion of $33,370 being as 31,457 is to 54,432 Vide issue 5.		19,285.00
		194,380.40
Cr.		
Proportion of $21,296.96 charged to Ontario in schedule B. for provisions, etc., being as 31,457 to 55,432,	12,085.77	
Proportion of $57,554.15 expenditure to Ont. charged in schedule C. from 1883 to 1893 vide issues 1 and 7	33,925.00	46,010.77
being as 31,457 to 55,432.-Balance		$148,369.63

Finally:- our conclusion and recommendation upon the whole case is that the Dominion Government would be justified in making a settlement with Ontario upon the basis of payment by Ontario of $148,368.63 in full settlement of accounts between the Dominion and Ontario in respect of the Treaty or of the conventional boundary Agreement or in any wise relating thereto up to 1893 provided Ontario confirms the title of the Dominion in the reserves already located by the Dominion and confirms the surveys of those already surveyed and makes a joint survey of those yet unsurveyed,and provided Ontario confirms the title of the Dominion in trust for the Indians to the royal metals upon the reserves. Having clearly in view the fact that so far at least as relates to Indian Affairs cases

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of nominally vast magnitude have been contested before the board of Arbitrators, the Supreme Court and the Judicial Committee, at great expense to the Dominion and with a comparatively minute financial benefit to the Dominion, and, in view of the fact that all litigation before the Privy Council bearing upon Indian Affairs has resulted adversely to the Dominion; and in the last case costs having been awarded by the Privy Council against the Dominion and Quebec conjointly; we recommend that rather than fail to secure an amicable settlement with Ontario the Dominion should, if necessary, further reduce the above sum of $148,369.63 to $100,000.00. We consider that the difference would be quite likely to be swallowed up in cost to the Dominion if litigation over this case is continued; and we further consider that to this Department questions of more importance than even the balance we consider due are the settlement of the reserve and royal metals questions.

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Case No. 2.

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Title to La Cloche and other Islands on the North shore ofLake Huron.

The Dominion of Canada has claimed and exercised rights of ownership over the Islands in question. On 23rd August 1881 the Dominion as represented by this Department sold La Cloche Island to William Buchner. On 30th May 1882 the Under Secretary of State advised the Department that a despatch had been received from the Lieutenant Governor of Ontario drawing attention to the sale and protesting against it on the ground of ownership by Ontario under surrender of 1862 (No.94) of this and other Islands on the North shore, and urging that the most secured to the Indians under the surrender was a right of habitation upon the Islands known as the Manitoulin group, viz:- the Great Manitoulin, Cockburn and Fitzwilliam Islands. This question was referred to Mr.Hogg, Counsel for the Dominion, with a view to its being submitted to the Board of Arbitrators. On 25th August 1898 Mr.Hogg informed the Department that he had discussed the matter with Counsel for the Province of Ontario, who expressed the opinion that it was a proper one for Ontario to take the initiative in. No pleadings have been placed before the Arbitrators, and the Minister directed that the question of the title of the Dominion to the Islands in the Manitoulin group and on the North shore should be reserved for consideration upon this present report.

We have considered the question reserved. The following are our findings and conclusions:-

That

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That, by treaty dated 9th August 1836 (45) made by Sir Francis Bond Head with the Ottawa and Chippewa Indians who "alike with the English" claimed the Manitoulin Islands and those on the North shore of Lake Huron, Sir Francis Bond Head, on behalf of the "Great Father", withdrew His Majesty's claim to the Islands and allowed them to be applied for the purpose of a place of residence for the Indians who wished to be civilized, at the same time giving the assurance that if they "would cultivate" their "land it would then be considered" their "own property," and the Ottawas and Chippewas relinquished their respective claims in favor of the Indians who should be allowed to reside on the Islands in question.

That treaty No.45 did not include St.Joseph's Island which was surrendered to the Crown by treaty No.11 (13th June 1798) and could not therefore at the date of treaty No.45 be oneof the Islands on the north shore of Lake Huron in the words of that treaty "alike claimed by the English, the Ottawas, and the Chippewas."

That by treaty No.61 (9th Sept.1850) the Chippewas purported to surrender the Islands opposite to the shores of Lake Huron from Penetanguishene to Sault Ste Marie; but that this treaty could only include unsurrendered islands, and could, therefore, not include Islands surrendered by treaty No.45, and that consequently treaty No.61 would not be limited to those on the east shore of Lake Huron as far as the mainland was surrendered.

That by surrender No.94 (6th Oct.1862) the Ottawa and Chippewa Indians occupying Manitoulin Island surrendered for their benefit (subject to the reservation on Manitoulin Island for non-consenting Indians) the said Island and all islands adjacent which had been deemed or claimed

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claimed to be appurtenant or belonging thereto, which is to be taken as including all lands covered by the treaty of 1836 (No.45).

The manner in which we have read and interpreted the said treatyand surrender is in strict accordance with Mr. Justice Burbidge's opinion (as D.M.J.) of 30th April 1883, in which he stated that "it was the interpretation to be preferred unless there be something - and as far as I am aware there is nothing - in the circumstances surrounding the transaction (i.e. the treaty of 1836) to plainly indicate a contrary intention on the part of the contracting parties." The circumstances surrounding the transaction entirely support the opinion of Mr.Justice Burbidge as shown by a Report of Mr.Justice Macaulay made in 1839, as a special Indian Commissioner, in which he carefully summarized a report made by Sir Francis Bond Head (who made the treaty) to Lord Glenelg, the then Colonial Secretary, in connection with the treaty itself. The correspondence between Sir Francis Bond Head and Lord Glenelg is included in a return of 1839 to the Imperial House of Commons which has been obtained from the Colonial Office. Sir Francis Bond Head's report of 20th August 1836, given therein, sets forth that "as the Chippewas and Ottawas consented to give up 23,000 Islands" and in his report of 20th Nov.1836 he states that "at the Great Manitoulin Island ..... the Chippewas and Ottawas ..... formally made over to me 23,000 islands." T.G.Anderson, Superintendent General of Indian Affairs on the 15th May 1837 stated as per the same return that "the Manitoulin Island and the chain of Islands on the North shore of Lake Huron have lately been appropriated as a place of resort for all Indians whose hunting grounds have failed."

We also find and conclude:-

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That Treaty No.94 does not support Ontario's contention that the Indians had only a right of habitation; and if Treaty 45 conferred only such right (as we conceive was not the case) the defect was remedied by Treaty No.94.

That all these Treaties were made prior to Confederation, and that the responsibility for their terms lies not upon the Dominion.

We may add that Ontario has exercised rights in respect to certain of these Islands; but if an arrangement were come to, or a decision obtained favorable to the Dominion, Ontario would doubtless, as she has done in other cases recoup any moneys she has so received.

J. A. Jr. Lemieux

Reginald Rimmer

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Case No. 3

Title of the Dominion Government on behalf of the Chippewas of Couchiching, Simcoe, and Huron, to Islands South of Moose Deer Point in Lake Huron.

The Islands in question have been administered by this Department since 1876; but on 30th July 1897 objection was taken by Ontario to a sale of the islands as advertised by the Department.

The facts as we find them are:-

That by treaty No.45 cited Case No. 2 the claim of the Crown to islands in the Manitoulin group and on the north shore of Lake Huron was withdrawn.

That by treaty No.61 the Chippewas of Lake Huron surrendered the shore of Lake Huron from Sault Ste Marie to Penetanguishese and the Islands adjacent; but that this did not include those in the Manitoulin group and on the north shore from St.Joseph's Island to Collins Inlet (consequent on treaty No.45).

As stated in Case No. 2 the Chippewas who made treaty 61 had no title in lands south of Moose Deer Point.

That by surrender No.76 (dated 5th June 1856) the Chippewas of Lake Simcoe and Huron surrendered for sale (subject to reservations) certain islands in Lake Conchichine and "all those Islands situate and lying in the Georgian Bay heretofore claimed by our tribe."

That prior to confederation all the Islands in Georgian Bay southeast of Collins Inlet (except Christian Island) were treated as in trust for the Chippewas of Lake Huron and Simcoe (see file 6174); and that until 1875 they were so treated by the Dominion Government.

That...

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That in that year Ontario raised the question of title, when the matter was made the subject of an investigation by Hon.David Laird, then the head of this Department, who after taking the opinion of the Hon.Edward Blake, then Minister of Justice, entered in 1876 into an understanding with Ontario that the Islands on the eastern ~~shore~~ shore north of Moose Deer Point (otherwise between Collins Inlet and Moose Deer Point) should be conceded to Ontario; but that to those south of Moose Deer Point Ontario had no claim, and that they were under the control of the Indian Depatment in trust for the Chippewas of Lakes Huron and Simcoe.

That though this arrangement was never - so far as we can ascertain - formally confirmed by the two Governments, it has nevertheless been consistently acted upon from 1876 to 1897, and exchanges of purchase money of Islands improperly sold by each Government have been made.

That in July 1897 on Islands South of Moose Deer Point being advertised by the Dominion Government for sale, the Hon.A.S.Hardy, on behalf of the Ontario Government, protested against the sale on the ground that the Dominion, contrary to the understanding referred to, had not abandoned all claim to Islands north of Moose Deer Point.

That Mr.Hardy was in error in asserting that the Dominion had acted contrary to the understanding, as since it was arrived at the Department has attempted to exercise no control over the islands on the eastern shore of Lake Huron north of Moose Deer Point which by the understanding were conceded to Ontario, but has confined its control to the Islands south of that Point and to the islands on the north shore west of Collins Inlet referred

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to in Case No.2.

Our conclusion is, that in view of the definite nature of the understanding arrived at in 1876 and of the fact that the Dominion has consistently acted in accordance therewith for twenty-two years, the Department would be justified in refusing to recede from the position then taken and acquiesced in by Ontario.

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Case No. 4

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File 8946 (1to5)

CONVEYANCE BY ONTARIO OF LAND KNOWN AS GIBSON RESERVE

On 14th May, 1881, an application was made to the Commissioner of Crown Lands of Ontario by the Department for the purchase of a tract of land for the Indians then residing at Oka who desired to take up land for farming purposes. On 18th May,1881, the Assistant Commissioner replied stating the terms on which the land would be sold. These were inter alia (a) That the quantity of land which the Indian Department should be allowed to purchase should be in accordance with the number of heads of families (each to have 200 or 300 acres). (b) That each head of a family should enter into bona fide possession, and at once commence settlement duties. (c) That such duties should be those set forth in the "Free Grant and Homestead Act." (d) That the pine timber should not pass , but the actual settler should be allowed to cut what he required for building on the same terms as applied to free grant land.

On the 6th June,1881, Deputy Superintendent General replied that as a munber of young men would require land, 25,200 acres would not be more than sufficient; that the Department had no objection to each head of a family entering into bona fide possession of his holding and commencing settlement duties thereon; that the Department did not object to such settlement being such as would constitute settlement dutieson free grant lands, provided that in case of failure on the part of the Indian occupant to complete such duties the land would not be forfeited to the Ontario Government; and that the condition as to the exemption of pine timber was agred to, provided no dues were charged the Indians, inasmuch as the land was not free grant but was to be paid for.

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By Report of the Commissioner of Crown Lands to Executive Council of Ontario, dated 17th June 1881, approved, the terms set out in Assistant Commissioner's letter of 18th May,1881, were practically embodied, and no recognition was given by Ontario of the provisios (particularly) as to exemption from forfeiture on failure in performance of settlement duties . These is of record on file a telegram of 30th June, 1881, from A.Choquette, Solicitor for the Ecclesiastics of St.Sulphice, saying that the Deputy Commissioner stated to him that no forfeiture was to take place as the land was paid for. O. in C.(Dominion) of the 27th Sept.,1881, approved of steps taken for removal of Indians from Oka to Gibson and set forth that the terms upon which the land at Gobson was purchased were embodied in the Commissioner's Report above referred to. On 15th October, 1881, a cheque for $12,791 in payment at 50 cents per acre for 25582 acres was transmitted to the Assistant Commissioner.

By a latter of 13th October 1887 ~~xxx~~ Ontario was asked if there were any objection to issue of letters-patent of land at Gibson to the Superintendent General in trust. On 30th December 1889 the Assistant Commissioner of Crown Lands by letter referred to conditions of settlement and stated that it had been decided to send an officer to Gibson to report as to the fulfillment of the conditions. By letter of 6th June 1891 the Assistant Commissioner stated that the Indians objected to inspection by an officer of Ontario, and he suggested a joint inspection. By letter of 6th July 1891 the Deputy Superintendent General urged that in view of the payment for the land at a rate beyond that required from settlers a patent should issue without performance of settlement duties; but no reply has been received. By letter of 18th March 1897 the Superintendent General asked the Commissioner of Crown

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Lands whether the Ontario Government would not be willing to waive settlement duties and issue a patent with a reservation of the pine timber for a term of years. No reply beyond acknowledgment has been received.

The lands at Gibson located by location ticket and occupied are reported on file to be 3985 acres. Those located but unoccupied are 188 acres. Lands occupied but not located 200 acres. There are, therefore, 21209 acres unoccupied. We find that notwithstanding the conditions of sale the purchase has come to be treated ~~as~~ departmentally as a regularly constituted reserve, and location tickets have been issued. Although so far back as 10th June 1886 the then Deputy Superintendent General, in a memo of that date, pointed out that it would be desirable to induce scattered Indian families on Ontario and Quebec who had not resided at Oka for years to settle upon the land at Gibson; yet the Department in March 1898 assured Chief Decaire, of Gibson, that before any portion of the "reserve" would be disposed of by the Department the consent of the "band" would be obtained under Section 38 of the Indians Act.

We conclude that the intention of Ontario in regard to the sale of the land at Gibson is to be gathered from the approved Report of the Commissioner of Crown Lands, dated 17th June,1881, referred to, which is to be read with the provisions of the public lands Act of the Province; that such intention was that a patent should issue to such locatee only upon performance of the duties specified in the Report; that Ontario had no intention of acquiescing in the creation of an additional reserve in the Province, but rather contemplated that an opportunity was to be given the Indians of proving by performance of settlement duties that they were qualified to hold land in severalty as white settlers; that from Ontario's noncompliance with repeated requests for a patent it may be inferred that she still maintains the above expressed view;

and

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and that it was not the intention of the Dominion in the event of only a portion of the Okas removing to Gibson that they should be entitled to ownership of the whole tract.

We recommend that this question be dealt with in accordance with one or other of the following modes.

(1) That Ontario be asked to provide for a joint inspection of the land at Gibson in order to ascertain who have performed settlement duties, and with a view of issuing patents to such as have performed the duties, the patents to contain, if possible, a proviso against alienation during the lifetime of the patentee except with the consent of the Superintendent General of Indian Affairs; and the patents to be, if possible, for 300 acres to each locatee; and that as to the remainder of the land Ontario be asked to acquiesce in its being reserved from settlement in order that the Department may settle thereon Indians who shall perform homestead duties and to whom patents shall subsequently issue as aforesaid.

(2) That Ontario be asked on a joint inspection to grant to Her Majesty in right of the Dominion a patent for the whole of the land for which duties have been performed, the issue of patents to individual Indians to be governed by Dominion laws, the rest of the land to be reserved from settlement and patented to the Dominion from time to time as duties are performed.

We further recommend that steps be taken to remove from the Indians at Gibson the impression that they have any interest in land there other than that for which they perform settlement duties.

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Files
67071
111834 (1a)
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83203.

CASE No. 5.

Claim on behalf of the Mississaguas of Rice, Mud, Alnwick and Scogog, and the Chippewas of Lakes Simcoe and Huron to compensation for unsurrendered lands.

This is a claim to compensation for land used for settlement, and alleged to have been hunting-grounds of the said Indians, and not to have been included in any surrender by them. The land may be briefly and roughly referred to as a large tract of land lying south of the Ottawa River, north of the 45th parallel and west of a line drawn from the N.W.corner of Pembroke Township, Renfrew County, in south by east direction to the 45th parallel, and a neck of land between Lake Coughiching and Sturgeon Bay, Lake Huron. Under instructions Counsel for the Dominion filed case before the Arbitrators on the 6th May, 1895. By letter of the 16th December, 1897, (file 111834 1a) Counsel advised that the claim was not a proper onewithinthe jurisdiction of the Arbitrators. No further steps have been taken. We agree with Counsel's opinion, and we recommend that the case be withdrawn.

Must be meant for 45th Lat.

We have considered whether this is a claim which can be successfully urged in any way on behalf of the Dominion or the Indians.

As to the large tract of land we find:-

That by Surrender of 5th November, 1818, No.20, and 28th

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28th November, 1822, No.27, the above Chippewas and Mississaguas respectively surrendered to the Crown lands South of the 45th parallel inhabited and claimed by them comprising in the whole 4,699,000 acres.

That the Chippewas of Lake Huron who made the Robinson-Huron Treaty of 9th September 1850 (No.61) were entitled to surrender the land on the north and east shores of Lake Huron as far south as Moose Deer Point (near 45th Parallel) and inland to the height of land, which territory is included in the Treaty.

That as to the Chippewas of Surrender No.20 it has for 22 years been conceded by the Department that they were not entitled to claim rights north of Moose Deer Point.

That in as much as we can discover no evidence that the Chippewas and Mississaguas who made surrenders Nos. 20 and 27 respectivelyhad any use of the land north of the one and north and west of the other prior to the surrenders the words "inhabiting and claiming" used in the surrenders may, when the surrenders are read with the treaty, be fairly taken as implying that the parties to the surrenders by them relinquished the whole territory they inhabited and claimed.

That the tract of land appears to have been used as ahunting ground generally by the Algonquins (see file 83203) and the Chippewas of Lake Huron afterwards party to treaty 61, rather than by the particular tribes on whose behalf this claim is made.

As to the neck of land between Lake Couchiching and Sturgeon Bay we find:-

That in the description of the land surrendered by treaty 16 made by the Chippewas on the 17th November 1815, which comprised lands between Lakes Simcoe and Penetanguishene, the boundaries are in part described as "also along

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along the shores of Matchedash Bay x x x x until it intersects a line at or near the mouth of a small Lake, being the western boundary of a purchase said to have been made in the year 1785."

That from an extract from a letter of the 27th January 1894 to Col.Simcoe it appears that a plan evidently relative to the said purchase had been found in the then Surveyor General's Office to which was attached a blank deed with the names or devices of three chiefs of the Mississaguas nation on papers annexed thereto and duly witnessed.

9

That from an extract from a letter of the 24th Dec. 1794 from L.S.Dorchester to Alexander McKee then Deputy Superintendent General of Indian Affairs, it appears that goods to the amount agreed upon were paid to the Mississaguas. That at the time of the letters just mentioned the authorities considered the deed invalid for want of form.

That, however, from copies of letters of 13th April 1836 and 3rd May 1836 from the Governor General's Secretary to T.G.Anderson, Superintendent General of Indian Affairs,(Departmental letter book No.3 from 1st Jan.1855) it appears that at that time it was undoubted that the greater portion of the nack of land in question was covered by the surrender of 1785, and that there was then such reason to consider that it covered the whole tract as to make it undesirable that any belief should be encouraged in the Indians that they had a title to any portion thereof.

That from Report of T.G.Anderson,dated 15th May 1837, embodied in the Return to the Imperial House of Commons in 1839 it appears that"at Coldwater and the Narrows of Lake Simcoe the number of Indians (Chippewas) in the two tribes was nearly 500 souls"; and for the Indians of Coldwater and the Narrows a strip of land extending from the former ---

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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former to the latter place containing about 900 acres was reserved for them in 1830. This land had originally been purchased from these tribes, and I believe fromspart of that tract for which they now receive an annual payment of $1,200 from the Government. The strip of land referred to was surrendered for sale 26th Nov.1836 (No.48). It appears from the same Return that the name "Mississagua" was then applied to a tribe of the Chippewa nation. This reconciles the apparent discrepancy between the 1785 purchase said to have been made from the Mississaguas, and the reference by Superintendent Anderson to the Chippewas.

That although no further record of the purchase of 1785 can be discovered the facts that surrender No.20 comprised all the land to the east, surrender No.16 all land south and west, and treaty No.61 all land north of the neck of land in question, and that the Islands in Sturgeon Bay which bounds it on the west were surrendered on 5th June 1876, No.76, strongly supported the assumption that the purchase of 1785 covered the said neck of land.

That notwithstanding the invalidity in form of this purchase, the consideration having been paid, the Crown has been in possession of the land for one hundred and thirteen years without regard to any unextinguished Indian title.

In view of the foregoing, and of the nature of the evidence forthcoming, we do not consider the above claim of the Chippewas and the Mississaguas to be one which the Department could successfully press, and we are of opinion that it should be dropped.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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Case No. 6.

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Claims for reserves in the territory of the Robinson-Superior Treaty No.60 not provided for by that Treaty.

These claims a pear to have been urged by correspondence with the Crown Lands Department of Ontario at various times from 1884 up to the present time.

We find that by Treaty No.60, dated 7th September, 1850, the Chief and principal men of the Ojibway Indians inhabiting the north shore of Lake Superior from Batchawaning Bay to Pigeon River inland to the height of land and the islands in the Lake surrendered all their right, title and interest in the whole of the territory excepting the reservations in the schedule thereto, the schedule providing for reserves at Fort William, at Gros Cap, and at Gull River; that Gull River was not surveyed until 1887 when it was so surveyed by a Surveyor of this Department as to cover an area of four miles square as provided in the Treaty; that the Department estimated that the roads and water within the tract so surveyed covered 415 acres and concluded that the Indians were entitled to that additional land; that the Department caused to be surveyed 135½ acres at Cariboo Island Point and selected 260 acres contained in Jackfish Island on which some Indians had erected houses; that the Department has since treated these lands as taken to complete the Gull River Reserve and has notified Ontario accordingly; that in 1885 the Department caused reserves to be surveyed within the territory surrendered by the treaty at Pic River 800 acres, Pays Plat 605 acres, Red Rock 468 acres McIntyre Bay 585 acres and north of the territory ceded by treaty

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Treaty 60 at Long Lake 612 acres;that Ontario was notified but has not confirmed these reserves; that a reserve at Gros Cap had been set aside in accordance with the treaty and one square mile surrendered for sale and sold in 1855 and the proceeds credited to the band; that in 1884 the Indians for whom the Gros Cap reserve was set apart asked that the remainder of the reserve be disposed of and that they be allowed to take up about 200 acres at Michipicoten River; that this request was not granted, but the Indians- or some of them- settled at Michipicoten and that in 1885 the Department surveyed 178 acres there as a reserve; that Ontario was notified, but up t o the present has failed to confirm, although on 3rd May 1898 the Commissioner of Crown Lands informed the Department that the land laid out at Michipicoten River was valuable for a townsite which it would not be in the interest of the public to shut up from settlement; that a portion of the site had been laid out and granted; that provision had been made to protect the rights of the Indians; and that there would be no difficulty in making grants of lots to the halfbreeds or Indians occupying them. No question has been raised that the Indians claiming additional reserves were not parties to the treaty.

We conclude;-

(1) That in the setting aside of the Fort William, Gros Cap, and Gull River reserves provided for by treaty 60, the provisions of the treaty in that respect were fully met.

(2) That the claim to set aside Cariboo Island Point and Jackfish Island as reserves in lieu of 415 acres the estimated area of roads and water on the Gull River reserve is untenable.

(3) That in regard to the landssurveyed at Pic River, Pays Plat, Red Rock and McIntyre Bay, neither the Department nor the Indians have any legal title to them; and that Ontario will act generously if she recognizes the Indians there as squatters

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squatters in view of the large reserves which they have under treaty.

(4) That with regard to the land surveyed by the Department at Michipicoten neither the Department nor the Indians have any title; and that the offer of 3rd May 1898 of the Commissioner of Crown Lands to protect the Indians is all that can be expected.

(5) That the land surevyed at Long Lake cannot be considered as a properly constituted reserve as it is outside treaty limits notwithstanding the fact that the Long Lake Indians have been put on the treaty annuity lists; and that nothing can be done to confirm the Department's title to it uhtil the Indian title in the surrounding territory is extinguished.

(6) That we agree with the conclusion arrived at by Inspector Macrae in his report of the 3rd November 1897, that it is not politic to encourage the creation of small reserves for Indians who ~~xxxx~~ already share in the benefit of large reserves, as such creation would complicate management and increase the expense of administration.

(7) That the application of the Department for confirmation for small reserves can only reasonably lead to a claim by Ontario to re-open the whole of the Robinson-Superior Treaty; and that it is not desirable to re-open questions settled in 1850.

We recommend that the Indians settled beyond the limits of their proper reserves be notified that if they persist in remaining off the reserves they must be prepared to take all riskes which they run under the Ontario laws and look individually to Ontario for recognition of any rights they may have, and if required by Ontario they must comply with the Provincial Homestead Regulations as squatters under such laws; that Ontario be informed accordingly; and that our request for confirmation of reserves under this heading be withdrawn.

J. D. McLean
Edmund Bremner

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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Case No. 7.

Files
152776
93317
117505
9228
111834 (1a)

Claim on behalf of the Chippewas of Garden River to compensation for land alleged to have bee n cut off from reserve.

This is a claim for $361.56; and Coursel to whom it was referred advised in a letter of 16th December 1897, file 111834 1A, that in view of the cost of procedure no benefit would accrue from bringing it before the Board of Arbitrators; and by letter dated 13th October,1898, from the Department the claim has been withdrawn. We have enquired as to the substance of the claim.

We find:-

That by treaty 61 certain reserves were set aside including one for Shing -wa-couse and his band described as "extending from Naskinonge Bay inclusive to Partridge Point above Garden River on the front and inland ten miles along the whole distance and also Squirrel Island."

That shortly after the treaty the reserve was surveyed; but that the wording of the treaty is indefinite, and it was apparently impracticable to survey in strict accordance therewith.

That in Colonel Dennis' survey in 1853 the western boundary of the reserve was made to coincide with the eastern boundary of Clarke's mining location except where a deviation was made to strike Partridge Point with the apparent object of meeting the letter of the treaty in that respect.-

That it seems probable that if Colonel Dennis had continued his line in a direct line from the point of deviation and had otherqise complied with the exact word-

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Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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wording of the treaty the reserve would have actually been less than it is now.

That Mr.Bray has stated on file 117505 that according to his view the reserve as surveyed contains 16 square miles more than intended.

That notwithstanding this it has been claimed since 1858 that 340 acres ~~of~~ properly in the reserve were included in the Clarke mining location.

That on 17th August,1865, the Department of Crown Lands transferred to the credit of the Indians $78.40 as compensation at 40 cents per acre for 196 acres which was then regarded as the extent of the overlapping of the proper reserve by the mining location.

We conclude on the above facts, and in view of the long lapse of time, that it is not advantageous to reopen the question ; that the settlement of 1865 should be regarded as final; and that no further effort to press the claim should be made.

Reginald Pimmett

Jaquiseema

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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Case No. 8.

71

Files
9789 (2)
~~176296 (1b)~~

Title of Dominion Government to Baxter Island in trust for Chippewas of Huron and Simcoe.

The alleged Island is situated off Baxter Township, Muskoka District, South of Moose Deer Point. It is claimed by the Dominion as one of the Islands included in the arrangement of 1876 referred to in Case No. 3. Ontario alleges that this is not an Island, but part of the mainland, and as such has surveyed it as part of Baxter Township, and has granted a timber license in respect of it.

We find that the alleged Island is now connected with the mainland by a neck of land well above high water level; that the Depar ment's contention is that "as there has been a gradual lowering of the water since 1859," the water level was much higher in 1859 than it is now, and that it must be taken that the neck of land was covered by water in 1850 the date of the Robinson-Huron Treaty No.61; that the only evidence (if such it can be called) adduced in support of this contention is a chart accompanying Mr.J.L.P.O'Hanley's "Report on the effect of the Chicago Drainage Canal on the levels of the Great Lakes"; that the said chart does not support the contention inasmuch as it does not shew a gradual lowering, but shows a very marked variation in the water level, and does not support the presumption that as low level may not have been reached prior to 1859 as the lowest level since that date.

Our opinion is that this case is not affected by the

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the question whether the land was an Island in 1850, but that the real question is whether the Department can establish that it was an island in ~~1875~~ 1785 the date of the purchase which we take to have covered the mainland of which Ontario claims this to be a part; that if the Department is right in contending that treaty No.61 has any bearing, the so-called island, of necessity belongs to Ontario, as the islands opposite the mainland covered by that treaty were included in the surrender to the Crown; and further that such a contention amounts to an admission that treaty No.61 covered the mainland and islands adjacent south of Moose Deer Point and should be withdrawn or ~~claim~~ the claim to islands south of the Point dropped; that we are warranted in asserting that no evidence is forthcoming that the so-called island was not part of the mainland in 1785; and that in raising such disputes as appear in this case endless complications arise with no certainty that a possible gain in one case would not be more than offset by losses in another cases.

We consequently recommend that all claim to the land in question be abandoned; and that Ontario be informed that the claim and the contention as to the application of treaty No.61 were made in error.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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Files 19233
& 111834 1A.

Case No. 9.

13

Claim on behalf of the Temogaming Band to a reserve.

This is a claim on behalf of a Band of Chippewa Indians who allege that they inhabited and used as their hunting ground a tract of land surrounding Lake Temogaming within the territory surrendered by the Robinson-Huron treaty (61).

Counsel for the Dominion under instructions filed a claim before the Board of Arbitrators on the 10th March, 1894, whereby the Arbitrators were asked to direct that a reserve be set apart. In a letter of the 16th December 1897 (File 111834½a) Counsel advised that the claim was not one which could be properly presented. We agree with Council's opinion. We think that it is not in any way a matter of account, and we recommend that it be withdrawn We have considered whether the case is one for legal proceedings outside the Arbitration, or for friendly settlement.

We find:-

That treaty 61 was made by principal men of the Chippewas inhabiting and claiming the tract of land thereby surrendered on behalf of their respective tribes or bands.

That by the treaty certain specified lands were reserved, and that no lands were expressed to be reserved for this band.

That there is no evidence on the face of the treaty that this particular tribe or band was represented in the treaty.

That there is no evidence before us that the band

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Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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in 1850 (date of the treaty) dwelt or hunted within the treaty limits.

That the territory (within the treaty limits) claimed by the band is 1,200 square miles, of which they ask a reserve of 100 square miles, their request being first made in 1877.

That since 1883 the members of the band have been on the Robinson-Huron pay-list, by virtue of the action of the Department.

That at that time there were some 100 persons members of the band, but only about 19 heads of families.

That lands within the territory claimed by the band have been surveyed by the Ontario Government Surveyors.

That in 1885, on instructions from the Department, a surveyor located the 100 square miles desired by the Indians as a reserve, and at the same time reported the quantity as much in excess of their requirements, and suggested a smaller allotment.

That these Indians are recently reported by the Superintendent to be thrifty and intelligent, and as deterred from making improvements owing to the uncertainty of tenure, and he adds that most of the band live in shanties clustered around the Hudson's Bay post on Bear Island.

That from 1885 to the present time Ontario has been asked to acquiesce in the selection by the Department of a reserve, but so far without result.

Our conclusions are:-

That there are no suitable means for compelling Ontario to set aside a reserve, and if there were, there is so little material upon which to base the claim that enforcement could not be obtained.

That, as Ontario is already seized of the principal facts in connection with this claim, she should be again

asked

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asked to acquiesce in setting aside a reserve, or to state her objections, if any, to this course; and the Department should be prepared to accept a very much smaller area than has been claimed as the present claim is very excessive and the Department is in such a position that it must take whatever is conceded.

That in the event of Ontario's refusing it will then be a subject for consideration whether past action has so far committed the Department that it has become necessary for the Dominion Government to make provision for the acquirement of a reserve.

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Case No. 10.

76

Claim on behalf of the Algonquin Indians to a reserve

File 83203.

This claim is shewn in correspondence on file. In 1866 the Crown Lands Department reserved from sale during the pleasure of the Crown the South East quarter of the Township of Lawrence, county of Haliburton. In 1888 a request was made on their behalf to have the land exchanged for a reserve nearer a market. Correspondence has passed with Ontario which shews that the Province objects to Indians in the vicinity of the Algonquin National Park, and even to the sale for purposes of an Indian reserve of Townships which were to be thrown open to settlement. The correspondence shews that these Indians are merely stragglers from other bands and are allied to those for whom the Mannwaki reserve was set apart, as well as those for whom the Golden Lake reserve was purchased in 1870.

We consider that nothing can be obtained from Ontario in the nature of a reserve for these Indians; but that it might be a matter for consideration whether they should not be offered locations at Gibson, as the few Indians there are from the Lake of Two Mountains which was the former home of these stragglers.

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Case No. 11

77

File
82200.

Claim of the Dominion on behalf of the Chippewas of Huron and Simcoe to sell water lots opposite the town of Orillia.

This claim arose out of applications for patents for water lots opposite the town of Orillia which were made to the Department from 1887 onwards. No applications have been granted.

By surrender No.48 (26th Nov.1836) the Indians surrendered for sale for their benefit "land on the public highroad leading from Coldwater to the Narrows of Lake Simcoe." This land included the townsite of Orillia. The Department sold lots in the townsite abutting on the Lake. The Ontario Government granted in 1873 to the Midland Railway Company a water lot of 5.9 acres, and in 1888 an additional lot of 59 hundredths of an acre. The Railway Company filled in the lots, and thus deprived the grantees from the Department of free access to the water. On 13th April 1888 the Department referred to the Department of Justice the question of right to administer the water lots under surrender No.48. On the 23rd March 1888 the Grand Trunk Railway Company with which the Midland Railway was amalgamated was apprised of the Department's claim to the lots. Considerable correspondence with Ontario has passed on the question of ownership of the lots; and by letter of 21st May 1896 to the Assistant Commissioner of Crown Lands the title of the Department to administer was definitely asserted. No advice from the Department of Justice was obtained until 8th July 1898, when

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when that Department advised that in consequence of the decision of the Judicial Committee of the Privy Council in the Fisheries case, it must be held that this Department had no claim to the lots in question.

We conclude:-

(1) That the claim comes within the Fisheries Case.

(2) That the Ontario Government should be advised that the claim is abandoned.

(3) That, though it is probable that injury has resulted to the patentees of the Department from the action of the Midland Railway Company which excluded them from access from their lots to the Lake, there is no obligation resting on this Department to protect the patentees, who after the issue of the patents are in a position themselves to place their claims before the Ontario Government.

Reginald Stimmel

J.G. McKenna

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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Case No. 12.

79

Files
~~12004?~~
122260 (2)

Claim on behalf of the Mississaguas of Alnwick in respect of Gaskett and Garett or Sugar Islands.

Claim that Islands were surrendered for sale in 1856 under surrender 77; that they were improperly sold after confederation by the Ontario Government; and that the Islands should be declared to be held by the Dominion Government, or that the proceeds of the sale should be paid to Indian Trust Fund.

By Award of Arbitrators of 20th June, 1896, clause 20, the alternative claim was allowed to the extent of $815 to be charged on the proper date.

(See note on next case.)

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Case No. 13.

~~File87235.~~

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Claim on behalf of the Mississaguas of Rice, Mud, and Scugog Lakes in respect of Islands.

Claim that Islands included in Surrender of 24th June 1856, No.78, were surrendered for sale and improperly sold before and after Confederation, and that the proceeds of sale should be paid to the Indian Trust Fund.

By Award of Arbitration of 20th June,1896, clause 19, the sum of $5,689 was allowed and charged against the Province of Canada of date July 1st 1867 in respect of Islands sold before Confederation, and the sum of $663.60 was allowed and charged against the Province of Ontario as of the proper dates shown by the schedule of items attached to the said claim.

It should be noted here that there was erroneously included in this claim on behalf of the Mississaguas of Rice, Mud and Scugog Lakes islands belonging to the Mississaguas of Alnwick, on whose behalf the next preceding claim was made. As the Award of the Arbitrators was in accordance in this respect with the claim as filed, the Accountant of the Department should take the fact into account in making credits under the Award.

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Case No. 14.

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Claims under surrenders 77 and 78 on behalf of the Mississaguas of Alnwick, Rice, Mud and Scugog Lakes, and governed by but not included in Award of 20th June 1896.

Files
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Specific claims other than those comprised in the Award have been made in correspondence with Ontario; and the consideration of these and of further claims made under surrenders 77 and 78 necessarily arises from the Award, par.19 and 20.

The facts as we find them are:-

By surrender 77, dated 19th June 1856, the principal members of the Mississaguas tribe of Alnwick surrendered for sale for the benefit of the tribe "All and singular those Islands lying and situate in the Bay of Quinte, in Lake Ontario, Weller's Bay and in the River St.Lawrence and also , all points and parcels of land claimed by us on the mainland which have not heretofore been ceded to the Crown" except their reserves.

By surrender 78 dated 24th June 1856 the Mississaguas tribe of Rice, Mud and Scugog Lakes, surrendered for sale for the benefit of the tribe "All and singular the Islands and mainland lying and situate in the Newcastle and Colborne Districts including the Islands in Rice Lake which have not heretofore been ceded to the Crown" excepting their reserves.

By Order in Council of the 14th June 1856 the surrenders were accepted.

In the Report of the then Superintendent General to Council, embodied in the Order, it was stated:-

That

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"That the surrender of the Mississaguas of Mud and "Rice Lakes comprises the Islands in Rice Lake hitherto "surrendered , and all the islands and mainland lying and "situate in the Newcastle and Colborne Districts, except "the reservations on the shores of Rice, Mud and Scugog "Lakes.

"That someof the Islands are valuable, one in Balsam "Lake containing 1,000 acres. That some doubts exist "as to whether these islands were or were not included in "a former su render, but that there does not seem to be "any objection to deciding the matter by accepting the "present cession.

"That the Mississaguas of Alnwick cede the islands "belonging to them in the Bay of Quinte, Lake Ontario, "Weller's Bay and the River St.Lawrence and certain parcels "of territory on the mainland.

"That to the islands in the Bay of Quinte and Lake "Ontario their title is undisputed. That the ground on "the mainland and the islands in the St.Lawrence are claim-"ed by other parties.

"He, therefore, suggests that in accepting this surr-"ender it would be advisable to insert a stipulation that "the covenant as to the investment of the proceeds for "the benefit of the Mississaguas of Alnwick should be "held binding only so far as the title of that Band shall "be found to be good; but that they shall be considered as "having now waived all right hereafter to raise claims to "the surrendered lands, this cession being considered final "as regards them."

By clauses 19 and 20 of the Award certain Islands in Lake Ontario and in the Bay of Quinte and in waters on the mainland within the area comprised in surrender 20, h have been allowed to belong to one or other of the above bands, and compensation awarded against the Province of Canada or Ontario.

And

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And Ontario has admitted the claim of the Dominion to Danard's Island in East Lake P.E.County, practically a Bay of Lake Ontario.

We conclude:-

1. That by surrenders 20 and 27,(cited in CaseNo...) the Mississaguas (whether of Rice, Mud and Scugog Lakes or of Alnwick) had surrendered all the lands to which they were entitled.

2. That after surrenders 20 and 27, and before 1856, the Mississaguas raised claims that all their territory had not been surrendered.

3. That so far as we can learn there was no ground for these claims, but the Government in 1856 admitted them as a matter of policy and in order to leave no doubt that the Indian title was extinguished.

4. That under surrender 77 , the admissions of Ontario and the Award of the Arbitrators in relation to Gaskett and Garett Islands the Dominion is entitled in trust for the Mississaguas of Alnwick to the Islands in Lake Ontario, Wellers' Bay , the Bay of Quinte and the River St.Lawrence to which the title of the said Indians is said to be good; that inasmuch as the Islands which the Indians claimed and their title to which was undisputed, in the Bay of Quinte and Lake Ontario (of which Weller's Bay is a branch) were surveyed by the Crown Lands Department in 1862 and a list and plans thereof were transferred by that Department prior to Confederation, and inasmuch as the Islands in the St. Lawrence River,called "Thousand Islands" are now administered by the Dominion and her title thereto may be held to have been admitted by Ontario's proposal to purchase on file 137553, the Dominion should continue to administer for the benefit of the said Indians only the islands

so

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so listed and surveyed prior to Confederation and the Thousand Islands, there being so far as we can find no evidence of title to other Islands; and that no question of title to Wolfe, Howe and Amherst (or Tontine) Islands arises inasmuch as they were granted or patented by the Crown prior to the Surrender, and the Indians have not claimed them.

5.That under surrender 78, the binding effect of which has been admitted by Ontario, the Dominion is entitled in trust for the Mississaguas of Rice, Mud, and Scugog Lakes to all the Islands perviously unceded in the waters included in that part of the mainland covered by treaty No.20. For all of these known by the Department to have been sold , compensation was allowed by the Arbitrators; and by letter of 26th March 1897 addressed by the Superintendent General to the Commissioner of Crown Lands, file 87235, the Commissioner was requested to indicate the Islands which Ontario admitted to come within the principles of the Award, par.19.

It is not to be presumed that Ontario will refuse to comply with this request; but should she fail to comply within a reasonable time the Department should, we submit, take steps to ascertain by survey the Islands to which the Dominion is entitled for these Indians under the surrender and Ontario's admission.

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147944.

Case No. 15.

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Claim on behalf of the Mississaguas of the credit for moneys received by the old Province of Canada for surrendered lands. Counter claim by Ontario.

This claim was for $78,774.88, principal and interest on moneys received by the Province of Canada for purchase of surrendered lands in Townships of Toronto and Trafalgar and not placed to the credit of the above Indians.

A counter claim was raised by Ontario for $5,582.36 for moneys improperly credited to the above Indians, and charged against the"Widows, Pensions and Uncommuted Stipends, Upper Canada."

By Award of the Arbitrators of the 13th November,1895 the claim of the Dominion was dismissed, and the counter claim to the extent of $2,408.86 was allowed, Ontario to be credited with the amount as from 1st January, 1869.

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Case No. 16.

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File 6251.

Claim on behalf of Deleware Indians to compensation for drowned lands.

Claim filed 11th May 1894 for $21,083.14, principal and interst, for value of lands flooded by the raising by the Welland Canal Company of a dam at Dunnville, by virtue of an Act of the Province of Canada 9 Vic.37, which lands have remained submerged.

By Award of Arbitrators of 13th November 1895, the claim was dismissed.

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Case No. 17.

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Files
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19600.

Claim on behalf of the Chippewas of the Thames in respect of Carey Farm.

This claim was for consideration money alleged to have been paid by one John Carey for land within an Indian reserve at Caradoc and not paid over to the credit of the Chippewas of the Thames.

The claim was embodied in the statement of the case filed in respect of Colonel Clench's defalcations (Case No. 18); and though the matter is not very clear it would seem to have been decided by the Board of Arbitrators on their dismissal of that case.

It does not appear to us that the Dominion had any case, for the Carey Farm was a free grant under regulations of 6th July 1804, made on the authority of the Lieutenant Governor in Council on the ground of "the petitioner having been located before any reservation was made and having made large improvements on his land;" and in view of the fact that the setting aside of the reserve was then before the Lieutenant Governor.

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Files
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Case No. 18.

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Claim arising out of Colonel Clench's defalcation.

This claim is on behalf of the Chippewas of the Thames and Sarnia, and the Wyandottes of Anderdon for $29,067.42, moneys received by Colonel Clench Crown Agent between 1845 and 1854 for the proceeds of surrendered lands and not accounted for by him, and for which the Province of Canada was claimed to be responsible because ot its not having taken proper steps to recover.

This claim was heard by the Board of Arbitrators and by Award of 20th June 1896, clause 21, was adjudged to be dismissed.

Counsel suggested that as Clench was an Imperial Officer it was a question for consideration whether at this late date the claim should be made against the Imperial Government. This question in no way affects th dispute with Ontario; but we may state that we do not consider that the Imperial Government could consider itself at this date either legally or morally responsible.

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Case No. 19. 89

Files 111834 1a.
& 100 276.

Claim on behalf of the Batchewana Band to proceeds of land in Macdonald.

This is a claim to principal and interest, being purchase money received by the Province of Canada on the sale in 1862 of land in the Township of Macdonald, Algoma credited to the Crown Lands Department instead of to the Indian Fund.

This claim was placed before Counsel; and he stated (see letter of 15th Dec.1897 on file 111834 1a) that as the amount was small he hesitated to bring the matter before the Arbitrators and advised that, on the ground of cost, it should not be proceeded with further.

We find from letters from the Deputy Minister of Finance, dated respectively 13th November 1889 and 22nd April 1890, on file 100 276, that at a meeting of the Provincial Treasurers and representatives of the Dominion held at Ottawa in 1888 it was agreed that the Dominion had no claim against the Province of Canada; and, from a letter dated 20th September 1894 from the then Deputy Superintendent General to the Auditor General that reverse entries were made in the Band's account in order to carry out the agreement.

We, therefore, conclude that this is a case which should not have gone to Counsel; and we recommend that he be instructed to proceed no further.

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CASE No. 20.

Files

5,045 1/2/3/4

Claim on behalf of the Dominion to arrears of augmented annuities due to the Indians or paid by the Dominion Government to them under Treaties 60 and 61

This claim arose from the insertion in each of the above Treaties of the following words:- "That in " case the territory hereby ceded . . . . shall at " any future period produce an amount which will enable " the Government of this Province without incurring loss " to increase the annuity hereby secured . . . . . " then, and in that case the same shall be augmented " from time to time, provided that the amount paid to " each individual shall not exceed the sum of £1. Pro- " vincial currency in any one year."

Before the Board of Arbitrators, the Dominion claimed (a) Against the Province of Canada arrears of augmented annuities from 1851 to 1867. (b) Against the Provinces of Ontario and Quebec conjointly $95,200. arrears of augmented annuities from 1867 to 1873. (c) Against the Provinces of Ontario and Quebec conjointly $389,106.80, increased annuities actually paid by the Dominion to the Indians since 1874.

The Board of Arbitrators by their award of the 3rd of February, 1895, without awarding an amount decided (par. 6) that the property ceded by the Treaties passed to Ontario under Sec. 109 of the B.N.A.Act subject to a trust to pay the increased annuities on the happening

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ing after the Union of the event on which such payments depended, and to the interest of the Indians therein to be so paid; the burden of such increased annuities fell upon Ontario. On appeal to the Supreme Court of Canada the award of the Arbitrators was varied by substituting for paragraph 6 thereof, the words:- " The ceded territory mentioned became the property of Ontario under the 109th Section of the B.N.A. Act, 1867, absolutely and free from any trust, charge or lien in respect of any of the annuities, as well those presently payable as those deferred and agreed to be paid in augmentation of the original annuities upon the condition in the Treaties ~~named~~ mentioned."

On appeal, the Judicial Committeee of the Privy Council recommended that the judgment of the Supreme Court be affirmed. The effect is that Ontario and Quebec are conjointly liable for the increased annuities in the years in which they can be paid without incurring loss.

By Order of the 7th January, 1898, the Board of Arbitrators defined an Indian entitled to share under the Treaties and directed that, with reference to the period before the Union, the onus of showing that the names of any individuals entitled to be reckoned were improperly omitted from such lists should be on the Indians or those who act for them; and that with reference to the period after confederation the burden of showing that the names of any Indians so added since the Union to such lists were rightly added shall be on the Government of Canada. The

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The Arbitrators' definition of an Indian was not in accordance with any Statutory definition; and the Accountant by his memorandum of 22nd February, 1899, on file 5,045-4 shows the great difficulty and expense likely to accrue if a fresh list is to be settled for the purpose of adjustment of accounts between the Dominion and the Province and in view of the extent to which the burden of proof lies on the Dominion he recommends by the said memorandum acceptance of $144,868.00 in respect of the claim under ~~the~~ Treaty 61 up to and inclusive of 1898; and by memorandum of 8th February, 1899, the sum of $17,229.in settlement of the claim under Treaty 60 These figures are based upon Ontario's admission as to the years in which the increased annuities can be paid without loss. After years of litigation it has become evident that this question must be finally adjusted in an amicable manner, or the Dominion is likely to be involved in an expenditure which will vastly outweigh the benefit likely to accrue to her.

As this question is shown to be one in which Quebec is jointly interested with Ontario it has been considered that it should be settled apart from questions pending between the Dominion and Ontario alone; and with the approval of the Honourable the Superintendent General Mr. Scott's memoranda, above referred to, have,been transmitted to Mr. Hogg, Q. C., Counsel for the Dominion with the hope that he will be able to arrange with the Counsel for the Provinces an amicable adjustment upon the terms suggested by Mr. Scott which appear to be in the interest of all parties rather than prolonged litigation.

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Re the Titles of the Dominion and the Province of Ontario respectively in Indian Lands, Indian Reserves and in the royal metals and other minerals therein and timber thereon.

The undersigned has carefully considered the memorandum of Mr. Hardy, dated 28th July, 1897, on file 111,-834-1A. It will observed that the opinion expressed in this memorandum limits rather than dissents from the general principles adduced, but that such limitation produces considerable difference in the practical value of the title of the Province.

The following is the opinion of the undersigned in relation to questions considered in Mr. Hardy's memorandum or which seems to be incident thereto.

1. The effect of Section 109 of the B. N. A. Act was to vest in the Province all lands within the area of the Province and all the title of the Crown in such lands "subject to any interest other than that of the Province in the same." The Crown title became vested in the Province, the Dominion taking only such rights in respect of lands in the Province as were by the Acts specifically granted to her. (Examples being those stated in Sections 108 and 117, which however, apparently do not effect Indian Affairs).

By Section 91 sub Section 24 of the B. N. A. Act, the Dominion was given exclusive legislative authority over "Indians, and the lands reserved for the Indians." It may be

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be considered to have been definitely decided in the St. Catherines Milling and Lumber Company vs. The Queen 14 A. C. 46, that the words of Sec. 91 s. s. 24 did not alienate from the Province any of the Crown rights in lands within the Province; but it may also be considered that the effect of the Section was to vest in the Dominion in trust for the Indians all the Indian title in any lands within the Province, on the principle laid down in the case of Mowat vs. Casgrain decided by the Court of Queen's Bench, Quebec, 20th January, 1897, that the right of administration of the Indian interest was a necessary adjunct of the right of legislation. Though the case last cited be not binding as between the Dominion and Ontario, it is considered thatthe principle upon which it was decided may be taken as founded upon a reasonable interpretation of the intention of the Imperial Parliament as ascertained from careful consideration of the whole of the B. N. A. Act.

The title of the Dominion to administer any lands in which the Indians are interested is considered to be only coextensive with the Indian interest. Consequently it results that reserves set apart for Indians prior to confederation are held by the Dominion in trust subject to the limitations of the grant of such reserves and to the conditions under which they were set apart. Subject to special words of limitation or grant and to special conditions it may be generally stated that the Dominion has in such reserves, in trust for the Indians, a fee simple estate from date of Treaty, not subject to subsequent Provincial Legislation.

Vide:- Attorney General vs. Mercer 8 App. cas. 767, St. Catherines Milling and Lumber Company vs. The Queen 14 A. C. 46, Attorney General of Canada vs. Attorney General of Ontario and Attorney General of Quebec, 1897, A. C. 199. The Fisheries case 1898, A. C. not yet reported, Mowat vs. Casgrain

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Casgrain (above cited). Also 4. B.N.A. Act Cases 236.

2. It must be conceded on the part of the Dominion that the royal metals which could pass only by a special grant are not incident to the Dominion's title in reserves set apart prior to confederation or which have been or shall be vested in the Dominion in trust for Indians subsequent to confederation unless an intention that the precious metals should become the property of the Indians is evidenced by the grant of the reserves or from the circumstances under which they were set apart, the Duke of Northumberland's case 1 Lowd 336, Attorney General of British Columbia vs. Attorney General of Canada 14 A. C. 295; and that as incident to the Crown title in the absence of special grant, the precious metals belong to the Province as part of the "paramount estate of the Crown underlying the Indian title" (St. Catherines Milling Company's case). However as stated by Mr. Hardy where Indian reserves which have been legally set apart for the benefit of the Indians are surrendered to the Dominion Government to be sold for the benefit of the Indians, the Dominion can grant the land and the baser metals." That is to say the base metals are incident to the Dominion's title in the reserves in trust for the Indians. Vide also 4 B.N.A. Act Cases 127 and 236.

3. ~~As~~ to the so-called "Indian title" alleged to subsist at the time of confederation in the "disputed territory" and in the lands of Ontario north of the height of land which divides the waters flowing into the Great Lakes from those flowing into the Hudson Bay it has been clearly held as an essential part of the decision in the St. Catherines Milling Co's case that though such title was an interest other than that of the Province in the land the tenure of the Indians by virtue of the Royal Proclamation of 1763 was a merely personal

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personal and usufructary right dependent upon the good will of the Crown; and that there had all along been vested in the Crown a substantial and paramount estate underlying the Indian title which became plenum dominium whenever that title was surrendered or otherwise extinguished. In the case cited it was held that the paramount estate of the Crown was in the Province; and it appears to be a reasonable deduction from the decision in the case that the right to extinguish the Indian title rested with the Province and that it was the Crown in virtue of the Province on whose will the right of the Indians was dependent, vide also 10 O. R. 196. The question of the determination of the Indian title is considered to be one for the consideration of the Province. If the Province decides that it is desirable to adhere to the policy of purchase of such title rather than mere extinguishment at the will of the Province the concurrence of the Dominion will be required as representing the Indians (vide Sec. 92 s. s. 5 of the B. N. A. Act in this connection). Since the Quebec Act, it is only as a declaration of sound policy that the Province would appear to be bound by the Royal Proclamation of 1763, which provided in effect that until the Indian title was ceded by or purchased from the Indians no lands in the area covered by their unextinguished title should be granted by the Crown (vide judgment of Boyd C. 10 O. R. 196, St. Catherines Milling Company and the Queen). The legislative power of the Dominion enables the Dominion to enact regulations for the release of the Indian title but it does not extend to interference with the title of the Province, including the determination of the Indian title at the will of the Crown, or oblige the Province to take a surrender on the Dominion's terms. (St. Catherines Milling Company's case and the Fisheries case above cited.

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4. By the North West Angle Treaty 3. the Dominion took a surrender from the Indians of all their title in the tract comprised in the surrender it being at that time assumed by the Dominion that the lands surrendered were without the boundaries of Ontario. In 1884 it was finally determined by the Judicial Committee that 32,000 square miles of land included in the surrender were within the boundaries of Ontario. The contention was then raised on behalf of the Dominion that the surrender of the Indian title in the 32,000 square miles inured to the benefit of the Dominion. The habendum and tenendum of the Treaty are "to have and to hold the same to Her Majesty the Queen and Her Successors forever;" and it has been held that the surrender to the Crown inured to the benefit of the Province. It does not appear to have been authoritatively determined to what extent, if any, the Province is liable for the obligations of the Treaty. From some words of Lord Watson in the judgment of the St. Catherines Milling Company's case it might be inferred ~~that he expressed~~ that he considered Ontario liable for all the obligations of the Treaty. The words used by Lord Watson may however, be considered obiter dictum and it must be acknowledged that they are difficult to reconcile with an essential portion of the judgment of the Judicial Committee in the case of Att'y Gen. of Ontario vs. Att'y Gen. of Canada and Att'y Gen. of Quebec, 1897, A. C. 199. In accordance with the views expressed in the preceding paragraph it would appear that Ontario was under no liability for the obligations of the Treaty, save so far as she might agree to be bound thereby as a matter of policy. As between the Dominion and the Province the question of Ontario's obligations for money payments made by the Dominion under the Treaty is considered in a separate memorandum relating

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relating to Treaty 3 in which the effect of arbitration under 54-55 Vic. D. c. 6 and 51 Vic. Ont. c. 2, in relation to accounts between the Dominion and the Province is considered. As between Ontario and the Indians as represented by the Dominion, the Province was subject to no obligation of the Treaty as such, but as a matter of policy Ontario by her own act in passing the statute 54 Vic. Ont. c. 6, authorizing the Agreement afterwards made in conformity to that Statute and 54-55 Vic. D. c. 5, acknowledged the necessity of confirming the reserves set apart by the Dominion in order to avoid dissatisfaction or discontent among the Indians. The intention of the Ontario legislature as shown by the Statute was to recognize the action of the Dominion Government in setting aside reserves under the Treaty and to confirm the action of the Dominion Government in order to avoid dissatisfaction or discontent among the Indians "unless some good reason presents itself "for a different course." It is considered that the only good reason which could present itself would be one which would give [redacted] satisfaction and content to the Indians, the object of the statute being to avoid dissatisfaction or discontent. In view of the expressed object of the Agreement it must be considered that the intention of the Ontario Government was to confirm the title of the Indians in their reserves subject to all the conditions of enjoyment. The conditions relating to reserves embodied in the Treaty were (1) Selection where most convenient and advantageous for each Band by officers of the Dominion Government after conference with the Indians. (2) Area of reserves not to exceed one square mile for each family of five or in that proportion for larger or smaller families and such selection to be made "during the course of next summer," or so soon thereafter as might be found practicable. (3) Sale, lease or other disposition by the Government of the Dominion for the

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the use and benefit of the Indians with their consent. There were other conditions relating to the reserves not embodied in the Treaty but which should have been so embodied, inasmuch as they were imposed by the Indians during the negotiations for the Treaty, and which are in view of the illiterate condition of the Indians as much conditions of their enjoyment as those actually inserted in the Treaty. These conditions include the benefit of metals precious or base discovered on the reserve. Hon. A. Morris in his report, dated 14th October, 1873, says(Morris's Treaties page 50) "They asked if the " mines would be theirs I said if they were found on their " reserves it would be to their benefit but not otherwise. " They asked if an Indian found a mine would he be paid for " it, I told them ~~that~~ he could sell his information if he " could find a purchaser like any other person." There is evidence (Morris's Treaties page 62) that one chief said "My terms I am going to lay down before you; the decision of " our chiefs; ever since we came to a decision you rush it "back. " The sound of the rustling of the gold is under my " feet where I stand; we have a rich country; where we stand " upon is Indians' and belongs to them. If you grant us our " request you will not go back without making a Treaty." Again a chief said: (Morris's Treaties page 70) "Should we " discover any metal that was of use, could we have the pri- " vilege of putting our own price upon it." Lt. Governor Morris replied "If any important minerals are discovered " on any of their reserves, the minerals will be sold for " their benefit with their consent." It is to be concluded that the Indians were aware of the existence of gold and silver and that their stipulations related particularly to these metals; and although the words"minerals"used by General Morris would

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would not if used in a Crown grant be sufficient to pass the precious metals, yet in view of the previous words of the chiefs it must be considered that he intended to convey to their minds that the metals both precious and base would be theirs. It appears that the ownership of the precious metals is a condition of title as essential to avoid "dissatisfaction " and discontent among the Indians" as any condition actually inserted in the Treaty; and so in view of the purpose of the Ontario Statute equally binding on the Ontario Government. If the conditions as to precious metals are not to be treated as inserted in the Treaty the surrender is void ab initio as being obtained by misrepresentation. (Ayleford vs. Morris 42 L. J. Ch. 548). Griffiths v. Robins 3 Madd 191 Castleage v. Radburn 14 L. T. 187 and Rees v. DeBernardy 1896 2 Ch. 437. Under the Agreement of 1894 Ontario is called upon to make full enquiry as to reserves laid out in the territory prior to the Statutes authorizing the Agreement and " in case the Government of Ontario after such enquiry is "dissatisfied with the reserves or any of them already selected "or in case other reserves in the said territory are to be sel- "ected," to concur in the appointment by the two Governments of a commission to settle and determine any questions or all questions relating to such reserves or proposed reserves. The dissatisfaction of Ontario comtemplated by the Agreement might be construed to be such as would be based upon the dissatisfaction and discontent of the Indians. Ontario has failed to take steps for the confirmation comtemplated by the Agreement. Until the reserves are confirmed the title of the Dominion in trust for the Indians is defective; but Ontario has no more title in the reservesthan she would have ~~is~~ they were already confirmed. Upon confirmation the reserves become vested in the Dominion in trust for the In-

dians

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Indians together with theright to all metals precious or base therein. Until confirmation the Dominion can grant no title either to the lands or the metals; but she has a good possessory title by virtue of which she can protect the reserve from trespass by any party not authorized to enter upon them by ~~the~~ Dominion authority and she can permit the Indians to use the reserves for any purpose for which they are entitled to use them under the Treaty. Although Ontario can prevent the Dominion selling surrendered lands so as to pass a perfect title to a purchaser yet Ontario would appear to be powerless to alter in any manner the present status of the Dominion's title because of the power of his Excellency in Council to disallow any act of the Ontario legislature repealing the statute of 1894, a power reasonable to be exercised when a Provincial statute proposes to abrogate a solemn obligation entered into between the Province and the Dominion. By virtue of her possessory title the Dominion could lease surrendered lands because the lease would require registration in the Department and would not necessitate any consideration by the lessee of the provisions of the Ontario statute relating to the registration of land titles. Any dealings by the Dominion with lands in ~~the~~ reserves would however, be always liable to the contingency of some good reason presenting itself for non-confirmation of the reserve by Ontario. For this reason the Department has treated the Agreement of 1894 as preventing alienation in any way. As shown in the memorandum on Treaty 3 there is reason to consider that no such good reason exists.

The only land in reserves in Treaty 3 which the Dominion has sold or leased are those surrendered by Surrender No. 261. for sale for the benefit of the Rat Portage Band of

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of Indians being of Sultana Island also known as mining location X 42 and those surrendered by Surrender No. 269. Under the first surrender the Department granted five patents all dated prior to 1890. Since then in consequence of the decision in the St. Catherines Milling Company's case the Department has refused to grant any patents but has issued licenses to prospect for gold and silver on the distinct understanding that such licenses gave no ~~xxxx~~ right to the subsequent issue of patents. Three of the patents issued and the right of applicants for other patents have been transferred to the Ontario Mining Company, the patents in question including the right to precious metals subject to a royalty. The lands granted by the other two patents issued by the Dominion were transferred to one Caldwell. One Angus W. Fraser obtained a grant from Ontario of a water lot fronting on Sultana Island. Caldwell brought an action against Fraser claiming that he Caldwell was the rightful owner of the water lot. Mr. Justice Rose, on 31st January, 1893, delivered judgment in which he discussed at length the right of the Dominion and the Province in reserves set aside under Treaty 3. Almost the whole of Mr. Justice Rose's decision may be considered as obiter dictum. On appeal from Mr. Justice Rose, Mr. Shepley, Q. C., held a brief for the Dominion but he was not called upon by the Court of Appeal which decided the case between Caldwell and Fraser upon issues which in no way affected this Department. Caldwell's contention being based upon some theory of riparian ownership is evidently effectually disposed of by the judgment of the Privy Council in the Fisheries case.

It has recently come to the knowledge of the Department that the Provincial Government is purporting to grant

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grant patents including the right to precious metals in Reserve 38 B. From the opinions already expressed it is evident that the undersigned does not consider that Ontario has any right of property in the reserves. It would appear however, that the view held by Ontario is that until confirmation at least, the right to grant patents lies with the Ontario Government the benefit accruing to to the Indians. Surrenders 261 and 269 are made to"Our Sovereign Lady the Queen Her heirs and Successors;" but it is provided that the land to be disposed of is to be dealt with upon such terms as "the Government of the Dominion of Canada" may deem most conducive to the welfare of the Indians. It would appear clear that the intention of the surrender was to the Crown in right of the Dominion. Under Section 91 s. s. 24 of the B. N. A. Act and the Indian Act the administration of such reserves under the surrender is committed to this Department. I can find no principle in the St. Catherines Milling Company's case under which the words used in the judgment can properly be extended in meaning to justify Ontario's assumption of right to issue patents of lands on reserves upon any terms she pleases even though the benefit of such terms accrue to the Indians. If Ontario is the authority to issue patents they are to be issued on the Dominion's application. The views expressed in the Pinsonneault case give the Dominion this right and possibly that to issue patents. I cannot agree with the view of the St. Cathe ines Milling Company's case, adopted by Mr. Justice Rose in Caldwell vs. Fraser that the interest of the Indians in reserves is of the nature of their titles over the ceded territory; and it is therefore the Crown, in right of the Province, to whom a surrender for sale accrues and

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and who therefore must grant patents. It is evident from the Treaty that the Indians expected to have in their reserves as good an estate as a whiteman in his property. The reserve once legally set apart, the Crown in right of the Province has practically made a Crown grant; and there is no more reason why the Province should issue patents, than that she should be a party to each subsequent transfer of a white man's property. At most Ontario had a bare duty to perform.

5. As shown in paragraph 2, the question arises in each separate case of Treaty as to whether the Crown has expressly granted the precious metals. The only cases in addition to Treaty 3, which seem necessary to be particularly considered in this memorandum are those of the Robinson-Superior and Robinson-Huron Treaties Nos. 60 and 61. The only words in these Treaties ~~in these Treaties~~ relating to metals, wheth precious or base, are in each Treaty the words "and should "the said chiefs and their respective tribes at any time "desire to dispose of any mineral or other valuable production "upon the said reservations the same will be at their request "sold by the order of the Superintendent General of the Indian "Department for the time being for their sole use and benefit "and to the best advantage." The use of the word"minerals" in the Treaties would not comprise the precious metals; and an endeavour has therefore been made to ascertain whether in the negotiations for the Treaties the Indians were in any way led to believe that the precious metals were granted to them or whether the old government of Canada dealt with the lands reserved by the Treaties as though the precious metals were held for the benefit of the Indians.

The undersigned after careful investigation of all evidence accessible, and particularly after perusal of the report of Messrs.

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Messrs. Vidal and T. Anderson, commissioners, appointed to investigate the Indian claims before the Treaties were made, and of the report of Mr. Robinson who negotiated the Treaties can find no evidence that the Indians contemplated the existence of precious metals; and it is considered that the word "minerals" related rather to iron and copper known to exist in the territory covered by the Treaties than to precious metals. Further,the memo. of 23rd November, 1898, by the Registrar of Lands with annexed statement on file 206,489, sh shows that the only benefit the Indians obtained from the minerals on reserves under Treaties 60 and 61 prior to confederation was $478.40 in respect of two mineral location patents. One of these patents,issued to Begley, is found on investigation to have reserved to the Crown the precious me metals. The other though not reserving did not grant the precious metals; and in any case does not establish evidence in favour of the ownership of precious metals by the Indians; because the payment of $78.40 to Indian funds was made in consequence of a patent covering a large area of Crown lands inadvertently including a small acreage of the reserve. Only the Begley patent was one of the Indian lands. After confederation up to 1875 a reservation of "all mines of gold and " silver" was contained in all grants of Indian lands. The present form of patent contains a proviso "that a royalty of 2½% shall be paid to Us, Our Heirs and Successors, upon all the gold and silver produced from the said lands;"but a note is annexed to the effect that this clause is to be struck out of patents for mining locations in Algoma, the evident intention being not to grant gold and silver in land within the limits of the Treaties 60 and 61, though the present district of Algoma does not cover all the reserves set apart by the two

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two Treaties. It must be considered that the right of the Crown in the precious metals in reserves set apart under Treaties 60-61 is in Ontario and that the Indians have no claim to precious metals therein, although as a matter of policy Ontario should concede the precious metals to them.

6. Even in cases where the prerogative right of the Croen to precious metals in reserves has not been alienated in setting apart the reserves, the question arises whether the Crown, in right of the Province and its licensees has any right to enter upon the reserves to get the minerals. This is a matter of considerable doubt. In MacSweeney on Mines (1897 edition) it is said: "There is a conflict of opinion " upon the question whether the Crown as the owner of the " mines royal is entitled to go upon the overlying surface " in the hands of a subject and dig pits and get the minerals The Indian reserves are practically lands in the hands of subjects as against Ontario. Though in the mines case 1 plowd 336 the mines were held to belong to the Crown by prerogative "With liberty to take and carry away the ores thereof and with such other incidents thereto as are necessary to be used for the getting of the ore;" yet in the case of Lyddal vs. Weston 2 Atkyn, 20 Lord Hardwick said: "there is no instance where the Crown has only a bare reservation of royal mines without any right of entry, that it can grant a license to any person to come upon another man's estate and dig upon his soil and search for such mines. I am of opinion that there is no such power in the Crown and likewise that by the royal prerogative of mines they have even no such power." The quotation by Lord Watson in the British Columbia Minescase of the above quoted words, in conjunction with others, used used in the Earl of Northumberland;s mine case does not mark approval of the words which were not essential to the judg-

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judgment in the British Columbia Mines case; and after perusal of that case I do not think it can be said that it in any way decided the right of entry by the Crown.

Even if the Crown has a right of entry on the land of her subject to search for and get precious metals, it is considered by the undersigned that the Crown, or its licensee has only power to work the minerals by means which do not involve destruction of the surface of the land. In this respect there seems no reason to consider the Crown in a better position than a subject who has reserved minerals in a grant to another subject. MacSweeney (ibid) says: "It is "not easy to see why in this respect the Crown should be in a "worse position than an ordinary subject;" but he does not urge that the Crown is in a better position. The case of Lyddal vs. Weston above quoted supports the assumption that the Crown has no right to destroy the property of a subject in its quest for precious metals. The case of Bell vs. Wilson 35 L. J. Ch.337 (1866) and Hext vs. Gill L.R. 7 Ch. 699 (1872), although the cases between subjects may with Lyddal vs. Weston be quoted in support of the statement that the prerogative right of the Crown carries with it no right to damage the surface of a subject's property. Humphries vs. Brogden 12, Q. B. 737 and Richards vs. Jenkins 18 L. T. 437 may also be cited as showing that the right to minerals carried with it no right to injure the surface property. In this connection the case of the Earl of Jersey vs. Neath 22Q B. D. is an authoritative confirmation of the principle laid down in Bell vs, Wilson and Hext vs, Gill. In fact these cases read with Lyddal vs. Weston tend to confirm the opinion that the Crown has not even a right to enter to prospect for precious metals

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metals though it may have a right to work mines already open. As between two grantees of the Crown the first in date being of land and the later of mines it is impossible to see on what principle of justice the latter should have a right to injure the property of the former. From the text books and the cas cited it would appear that there has been a gradual curtailment of the prerogative of the Crown in mines and their incidents as it was considered to exist in the reign of Queen Elizabeth when the Mines Case was decided until the only way in which the Crown now exercises its prerogative over precious metals on the land of a subject is by the operation of old mines and the exaction of a royalty upon precious metals mined by the owner of the land in question.

It is evident from the views above expressed that the claim put forward by Mr. Hardy is not considered to be of much practical value to Ontario. It further follows that the licensees of the Ontario Government should not be permitted to prospect on duly constituted Indian reserves without the authority of the Superintendent General.

Where the precious metals in reserves have not been granted to the Indians, it would be a matter of arrangement between the Dominion and Ontario as to the disposal thereof in view of the small practical value of Ontario's interest and the dissatisfaction likely to be occasioned amongst the Indians if their reserves were injured in development of mines without a corresponding advantage to them.

7. In consequence of what has been said in paragraph 4. with regard to the confirmation of Treaty 3 Reserves it must be considered that when the reserves are confirmed in accordance with Ontario's obligation there will be as incident of the Dominion's title in the reserves a right to the timber

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timber thereon inasmuch as no reservation of the timber was made in the Agreement of 1894, and the same not having been reserved from the Indians by the Treaty they are entitled to the benefit thereof.

Attention may be drawn to a memorandum of the Hon. David Mills, dated 3rd September, 1897, on file 46,508, in wh which he deals with the question of Indian title. The memorandum in question prepared when Mr, Mills was not Minister of Justice constitutes a statement of case prepared by a practising Counsel rather than an opinion, by which Mr. Mills would feel himself in any way bound as Minister of Justice. It is not thought to be binding on this Department; and it does not appear to agree with the views of the majority of the judges before whom the St. Catherines Milling Company's case was heard. The undersigned has also perused the the opinion of Mr. C. Robinson, Q. C., on file 46,508, dated 5th January, 1899, from which it appears that he had carefully considered the decisions of all courts in the St. Catherines Milling Company's case. Mr. Robinson's opinion appears to be based on the assumption that the Province has concurred in the creation of Reserve 38 B. Upon this assumption Mr. Robinson appears to incline to the opinion that the precious metals in Treaty 3 Reserves are not controlled by the Province.

In conclusion and by way of recapitulation it may be said that the undersigned considers:-

1. That the prerogative right of Ontario in Indian reserves is not of the great value which it appears to be Ontario's object to maintain.

2. That it involves escheat on failure of the trusts attending Indian Reserves in the Province; but such right of escheat

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escheat in no way interferes with the right of the Dominion to apportion the reserves for enfranchisement under the Indian Act, as such apportionment improves the value of the prerogative right of the Crown which is exercisable upon the failure of heirs of enfranchised Indian (Attorney General vs. Mercer).

3. That it does not involve the right to precious metals when the specific Treaty grants expressly or should from the negotiations expressly grant them to the Indians.

4. That it comprised the right to work old mines of gold and silver and the right to use the old means of access to such mines, subject to the terms of the specific Treaty.

5. That it does not empower the licensee of the Province to disturb the surface of a reserve in search of precious metals; and it is doubtful whether it empowers such licensee to enter on the reserve for such purpose.

6. That in the absence of express reservation the Crown in right of Ontario has no title to the timber on the reserves.

7. That the Province cannot grant patents of lands in reserves except on Dominion's request.

8. That since the Agreement of 1894, the obligation lies on Ontario to confirm the reserves set apart by the Dominion under Treaty 3 unless such reserves are shown to be unsatisfactory to the Indians, *& the concurrence of the Dominion can be obtained in some alternative arrangement.*

9. Upon confirmation the reserves in Treaty 3 are to be administered by the authority which administers the reserves set apart before confederation. Since 31 Vid. c. 42 in force at the date of the Treaty "the control and management of the land and property of the Indians in Canada" have been in

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in the Superintendent General of Indian Affairs. Until confirmation the Dominion has a good possessory title.

It is further considered that Ontario as a matter of policy should allow the precious metals to the Indians under Treaties 60-61 in conformity with her policy embodied in Section 3 of the "Mines Act" Ontario; although as a matter of law this Statute would appear to have no application to Indian Reserves.

Law Clerk.

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MINISTER OF THE INTERIOR
CANADA

Ottawa, 13th June, 1901.

Mr. Smart,

A confidential report was made by Mr. McKenna and Mr. Rimmer respecting the question in dispute between the Ontatio and Dominion Governments on Indian matters. I wish you to have fifty copies printed at once and they are to be considered as strictly confidential and all of them are to be handed to me.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 1)

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DEPARTMENT OF INDIAN AFFAIRS CANADA

Ottawa, 13th June, 1901.

Memor andum :- Mr. McLean.

Please note what the Minister has directed in the attached memorandum. When the fifty copies are printed I would be glad if you would forward them to my office.

D. C. Scott

Deputy Supt. General.

Encl:

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Indian Affairs
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(RG 10, Volume 2545)

File			
- 111,834	1	CONFIDENTIAL REPORT BY MR. McKENNA AND MR. RIMMER RESPECTING A DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT ON INDIAN MATTERS.	1899-1901
111,834	2	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	3	JUDGMENT BY THE PRIVY COUNCIL REGARDING THE CONTROVERSY BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE FULFILMENT OF THE OBLIGATIONS CREATED BY THE NORTH WEST ANGLE TREATY NO. 3.	1910
111,834	4	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	5	TERMS OF AGREEMENT OF THE ROBINSON-HURON TREATY SIGNED ON THE 9th OF SEPTEMBER 1850.	1850-1893

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

Statement of Case of the Dominion

On behalf of the Chippewa Indians of Lake Huron and Simcoe, and the Mississagua Indians of Mud Lake, Rice Lake, Alnwick and Sengog

vs.

THE PROVINCE OF ONTARIO.

AND THE PROVINCE OF CANADA.

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IN THE MATTER OF THE ARBITRATION

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Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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IN THE MATTER OF THE ARBITRATION

FOR THE SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 AND 55 VICTORIA, CHAPTER 6, CANADA; 54 VICTORIA, CHAPTER 2, ONTARIO: AND 54 VICTORIA, CHAPTER 4, QUEBEC.

Filed the 6th day of May, 1895.

CLAIM of the Dominion on behalf of the Chippewa Indians of Lake Huron and Lake Simcoe, and the Mississagua Bands of Mud Lake, Rice Lake, Alnwick and Scugog, against Province of Canada and the Province of Ontario, for compensation for certain unsurrendered tracts of land in the said Province.

1.

The above-named Indians have for many years claimed and do now claim that a certain large tract of land, which is hereinafter set out and referred to, formed the huuting-grounds and abode of their ancestors; and that the title of the said Indians to these lands has never been surrendered to the Crown.

2.

The lands, with respect to which the Indians allege that their title has not been extinguished by treaty or surrender to the Crown, comprise all that tract of land in the Province of Ontario containing approximately ten

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thousand seven hundred and nineteen square miles, bounded on the north by the Ottawa River, on the east by the surrender of the 8th November, 1822, on the south by the said surrender, by the surrender of 5th November, 1818, and 18th November, 1815, and by Lakes Simcoe and Conchiching, and on the west by the Georgian Bay and the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, and which lands may be more particularly described as follows:—COMMENCING on the Georgian Bay at the northeastern angle of the surrender of the 18th November, 1815; thence southerly and easterly following the boundaries of the said surrender to the westerly shore of Lake Simcoe; thence northerly following the said westerly shore of Lake Simcoe and the westerly shore of Lake Conchiching to the foot of the said Lake Conchiching; thence northerly and easterly along the boundaries of the surrender of the 5th November, 1818 to the northeastern angle of the said surrender; thence easterly and northerly along the boundaries of the surrender of the 8th November, 1822, to the Ottawa River; thence up the said Ottawa River to the point where it crosses the 47th parallel of latitude; thence southerly and easterly along the boundaries of the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, to Moose Deer Point on the Georgian Bay; thence southerly following the easterly shore of the Georgian Bay to the point of COMMENCEMENT, excepting thereout and therefrom certain Island at the foot of Lake Conchiching and in the head waters of the Severn River, that are claimed by the Indians as their property.

3.

Prior to Confederation the said lands were dealt with by the Province of Canada and portions thereof were sold and disposed of as crown lands, but no portion of the proceeds of the said sales was paid to the Indians or any compensation made to them by the said Province of Canada.

4.

The Indians above named assert that although the said land now forms part of the Province of Ontario and has been surveyed and used by that Province, and has been laid out into townships, and portions of it have from time to time been sold and conveyed, and the full benefit and advantage of the said land has been enjoyed by the said Province of Ontario, in the same manner as if the title of the said Indians had been surrended and extenguished; yet the said tribes, and bands of Indians have never been in any way compensated for or in respect to their title and interest in the said lands.

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5.

The claim of the Indians for compensation has, on many occasions, been brought by the Dominion to the notice of Ontario, and although that Province has acknowledged that no surrender or extinguishment of the Indian title to the said lands has ever taken place, yet Ontario has refused and declined to acknowledge the claim of the said Indians to be compensated, the allegation of that Province being that the Dominion and not Ontario must compensate the Indians, for their right title and interest in the said lands.

6.

The Dominion, on behalf of the said Indians, claims that the said lands came into the hands and possession of Ontario under the 109 section of the British North America Act, 1867, subject to the Indian title thereto, which was and is an interest in the lands "other than that of the Province in the same," and that the said title and interest of the Indians are still outstanding and unsurrendered.

7.

The Indians have, on many occasions since the date of the Union, signified their willingness to the Dominion to cede and surrender their claims in and upon the said lands upon receiving proper compensation therefor, and the Dominion has brought the question of this desire on the part of the Indians to the notice of Ontario, and has requested that some fair and equitable settlement of the claims of these Indians, should be made; but up to the present time, no step has been taken by Ontario towards making such settlement.

8.

In the year 1884, the number of Indians forming the several bands interested in the said lands, and who would be entitled to share in any compensation which may be granted was 1227, made up as follows:—

Chippewas of Beausoleil		318
"	Snake Island	137
"	Rama	248
Mississaguas of Mud Lake		158
"	Rice Lake	94
"	Alnwick	231
"	Scugog	41
		1227

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and at the present time the numbers are about the same. The Dominion therefore submits that in view of the valuable character of the said land, being to a large extent situated in, or close to the centres of population, the Indians should receive from and be paid by the Province of Canada and the Province of Ontario a liberal allowance and indemnity, for their interest and title in the said lands, for the respective periods during which the said lands were comprised in either of the said Provinces; and that Ontario should hereafter provide an annuity for the said Indians, or that a lump sum should be provided by Ontario and paid to the Dominion from which the Indians might receive and be paid annuities in the future.

9.

The Dominion, on behalf of the said Indians, submits the said claim to the consideration of the arbitrators, and prays for an award which will answer, and provide for, the just claims and demands of the Indians entitled in the premises.

W. D. HOGG,
Of Counsel for the Dominion.

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

Statement of Case of the Dominion

On behalf of the Mississaguas of Rice, Scugog and Mud Lakes

vs.

The Province of Canada and the Province of Ontario.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

Statement of Case of the Dominion

On behalf of the Mississaguas of Rice, Scugog and Mud Lakes

VS.

The Province of Canada and the Province of Ontario.

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IN THE MATTER OF THE ARBITRATION

FOR THE SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 AND 55 VICTORIA, CHAPTER 6, CANADA; 54 VICTORIA, CHAPTER 2, ONTARIO: AND 54 VICTORIA, CHAPTER 4, QUEBEC.

Filed the 28th day of December 1894. 10

STATEMENT OF THE DOMINION, on behalf of the Mississagua Indians of Rice Lake, Mud Lake and Scugog Lake in the Province of Ontario, against the Province of Canada and the Province of Ontario.

1.

The present claim arises with respect to certain moneys which came into the hands of the late Province of Canada prior to the Union, and to certain other moneys which have come into the hands of Ontario, being the proceeds of the sale of certain unsurrendered Islands and other lands, situate in what was known, at the date hereinafter mentioned, as the Newcastle and Colborne Districts of the Province of Canada. 20

2.

Prior to the 24th day of June, 1856, the Mississagua tribe of Indians inhabiting the borders of Rice Lake, Mud Lake and Scugog Lake in the said Newcastle and Colborne Districts of the Province of Canada, part of which districts is now embraced in the Counties of Peterborough, Victoria

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and Northumberland in the Province of Ontario, were in possession of all the Islands in the said several Lakes, and of certain other islands and portions of the mainland in the said district, with respect to which Islands and Mainland they had not made any surrender of their title thereto, to the Crown.

3.

That on the said 24th June, 1856, the Chiefs and principal men of the said Mississagua tribe of Indians, made and executed a surrender of all their right, title and interest in the said Islands and mainland, which surrender is in the words following :

" Know all Men by these Presents that we, the undersigned George " Paudaush, John Crow, Robert Soper, Peter Nogee, John Bigman, Jacob " Crane, James McCue, Peter Patchey, Isaac Irons and Joseph Muskrat, " Chiefs and Principal Men forming a part of the Mississagua Tribe of " Indians settled and inhabiting the borders of Rice Lake, Mud Lake, and " Scugog Lake, in the Newcastle and and Colborne Districts, Province of " Canada, in General Council assembled, as well for ourselves as for each " and every member of that portion of the Mississagua Tribe of Indians to " which we belong or form a part, for the consideration hereinafter men- " tioned and stipulated, do hereby freely, fully and voluntarily surrender, " convey and forever quit claim to Our Most Gracious Sovereign Lady " Queen Victoria and Her successors, in trust, to be sold or otherwise dis- " posed of to the best of advantage for ourselves and our descendants for- " ever, all and singular the islands and mainland lying and situate in the " Newcastle and Colborne Districts, including the islands in Rice Lake " which have not heretofore been ceded to the Crown, save and except the " lands now occupied by our tribe and known as the Indians reservations " on the borders of Rice, Mud and Scugog Lakes in the aforesaid districts, " the principal arising from such sales to be safely funded, and the interest " accruing therefrom to be paid annually to us and our said descendants " for all time to come.

" The instrument must be immediately submitted for the considera- " tion of our great Father the Governor General, and unless His Excel- " lency is pleased to approve of the forgoing arrangement, it must be and " remain null and void to all intents and purposes.

" IN WITNESS WHEREOF, we have hereunto set our hands, seals " and totems at Mud Lake, this 24th day of June, A. D. one thousand eight " hundred and fifty-six.

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"SIGNED and SEALED in our presence, after having been read and
"fully explained to the Council.

"JOHN SHORT.
"LUKE T. SKYE.
"M. G. PAUDAGH,
Interpreter.
"JOHN FAWN.
"JAMES SCHOFIELD.
"WILLIAM MARSDEN.
"JACOB CRANE, JR.

GEORGE PAUDAUSH, (totem) [L. S.]
JOHN CROW, (totem) [L. S.]
ROBERT SOPER, (totem) [L. S.]
PETER NOGEE, (totem) [L. S.]
JOHN BIGMAN, (totem) [L. S.]
JACOB CRANE, (totem) [L. S.]
JAMES McCUE, (totem) [L. S.]
PETER PATCHEY, (totem) [L. S.]
ISAAC IRONS, (totem) [L. S.]
JOSEPH MUSKRAT, (totem) [L. S.]

4.

That by an Order of His Excellency the Governor General in Council, dated the 14th day of July, 1856, the said surrender was accepted by Her Majesty, represented by the Province of Canada, which Order in Council is in the words following, that is to say:—

"COPY of a Report of a Committee of the Honorable the Executive
"Council, dated the 12th July, 1856, approved by His Excellency
"the Governor General in Council on the 14th July, 1856.

"On a report from the Superintendent General of Indian Affairs, sub-
"mitting two surrenders made by the Mississagua Indians of Rice and
"Mud Lakes, and by the Mississaguas of Alnwick, of certain lands and
"islands which they claim.

"The Superintendent General states that the above surrenders were
"obtained by Captain Anderson in June last; that the only stipulations
"attached to them are that the moneys arising from the sale of such sur-
"rendered lands may be invested for the benefit of the bands surrendering
"and that a duplicate of the instrument be given to such bands.

"That the surrender by the Mississaguas of Mud and Rice Lakes com-
"prises the islands in Rice Lake hitherto surrendered, and all the islands
"and mainland lying and situate in the Newcastle and Colborne Districts,
"except the reservations on the shores of Rice, Mud and Scugog Lakes.

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"That some of the islands are valuable, one in Balsam Lake containing "1,000 acres. That some doubts exist as to whether these Islands were "or were not included in a former surrender, but that there does not seem "to be any objection to deciding the matter by accepting the present "cession.

"That the Mississaguas of Alnwick cede the islands belonging to them "in the Bay of Quinté, Lake Ontario, Weller's Bay and the River St. Law- "rence, and certain parcels of territory on the mainland.

"That to the islands in the Bay of Quinté and Lake Ontario their title "is undisputed. That the ground on the mainland and the islands in the "St. Lawrence, are claimed by other parties.

"He therefore suggests that in accepting this surrender it would be "advisable to insert a stipulation that the covenant as to the investment "of the proceeds for the benefit of the Mississaguas of Alnwick, should "be held binding only so far as the title of that band shall be found to be "good, but that they shall be considered as having now waived all right "hereafter to raise claims to the surrendered lands, this cession being con- "sidered final as regards them.

"The Committee recommend that the surrenders be accepted in the "manner and upon the conditions suggested by the Superintendent Gene- "ral, and that they be recorded in the offices of the Commissioner of Crown "Lands and of the Provincial Registrar respectively.

"Certified,

WM. H. LEE,
C. E. C.

"To the Honorable,
"The Provincial Registrar,
&c., &c., &c.

That for many years prior to the date of the said surrender, to wit: from the year 1844 and thereafter up to the date of the union of the Provinces in 1867, the Province of Canada sold and disposed of certain Islands within the said district, and received large sums of money therefor, which said money was used by the Province of Canada for the general purpose of the Goverment, and was not dealt with for the benefit of the said Indians, in the manner provided by the said surrender.

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6

That after the date of Union the Province of Ontario sold and disposed of certain Islands and other lands coming within the terms of the said surrender, and received large sums of money therefor, which money was retained by the said Province and was not paid over to the Dominion to be dealt with and invested in the the manner provided by the said surrender

7.

That during the period between the year 1844 and the year 1867, the Province of Canada received from the sale and disposition of the said Islands as aforesaid, the sum of $5926 60, which sum was used in and applied to the ordinary purposes of Government, and to this sum there should be added interest upon the amount of each sale from the date thereof, as shown in the schedule marked " A " hereto annexed, up to such date as the award herein may specify.

8.

That the Province of Ontario has received from the sale and disposition of Islands since the year 1867, the sum of $2669.40, which amount has been retained by Ontario and has not been handed over to the Dominion to be applied for the purposes mentioned in the said surrender, to which sum should be added interest upon the amount of each sale from the date thereof, as shown on the schedule marked " B " hereto annexed, up to such date as may be specified in the award to be made herein.

9

The Dominion states that the said sum of $5926.60 and interest thereon as aforesaid, is properly payable by or chargeable to the account of the Province of Canada, and that the said sum of $2669.40 and interest thereon as aforesaid, is properly payable by or chargeable to the account of the Province of Ontario; and the Dominion, on behalf of the said Indians, submits this claim to the Arbitrators and asks that an award be made in its favor, in accordance with the facts and statements above set out.

W. D. HOGG,
Of Counsel for the Dominion.

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"A"

LIST OF ISLANDS which were held in trust for the Indians by the Department of Indian Affairs, and which were sold and patented by the Crown Lands Department, prior to Confederation.

Name of Island.	Lake and Township.	Date of Sale.	Acres.	Price Paid.
Garden Island	Lake Ontario	27th Feb., 1844		£163.15=$655 00
Mud Island	Lake Ontario	26th June, 1852		93.10= 374 00
Tic Island	Rice Lake, Hamilton	23rd Nov., 1853	3 acres 22 perches.	6. 0= 24 00
Wapoose and Nut Island	Bay of Quinte, Fredericksburgh	12th May, 1853		12. 0= 48 00
Hart or Hare in front of E. ½ 1 in 3rd Con.	Lake Ontario, Fredericksburgh	30th March, 1853.		26.10= 106 00
Cameron Island	Balsam Lake, Somerville	23rd May, 1855		
	S. W. Pt		285	131.16= 527 20
	N. E. Pt		284	117. 0= 468 00
	N. W. Pt		286	160.17= 643 40
	S. E. Pt		285	135.7.6=541 50
Hog Island	Bay of Quinté, Township Adolphustown	5th July, 1854		30 00
Large and Small Burleigh Islands		6th August, 1855.		7. 1= 28 25
An Island in Bay of Quinté, in front of lot 8 in 1st Con	Township of Sydney	March, 1857		75. 0= 300 00
Sugar Island or Island No. 2	Rice Lake, Otonabee	Patented 8th June, 1859		798 00
Zwick's Island	Bay of Quinté, Thurlow	20th March, 1860.	15	200 00
Long Island	Rice Lake, Monoghan.	Patented 21st Dec. 1863		822 25
Ungers' Island	Mohawk Bay, Richmond	1st Sept., 1863		64 00
Horse Shoe, west part.	Lake Ontario	26th Sept., 1864		297 00
				$5,926 60

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"B"

LIST OF ISLANDS SOLD AND PATENTED BY ONTARIO SINCE CONFEDERATION.

Name of Island.	Lake and Township.	Date of Sale.	Acres.	Price Paid.
Horse Shoe, east part.	Lake Ontario.....	8th Feb., 1869..	.....	$223 50
Lot letter "A" on the west side of the Bobcaygeon Road on the Island in the stream between Rokeby and Bobcaygeon.....	Verulam.....	23rd Feb., 1870..	9 sq. perch.	40 00
Lot letter "B" on the west side of the Bobcaygeon Road on the Island in the stream between Rokeby and Babcaygeon.....	Verulam.....	23rd Feb., 1870..	14½ sq. p.	40 00
Lot letter "C" on the west side of the Bobcaygeon Road on the Island in the stream between Rokeby and Bobcaygeon.....	Verulam.....	23rd Feb., 1870..	7⅓ sq. p.	40 00
Island No. 2 or St. Mary's; Island No. 3 or St. Anne's called respectively Ball and Doe on Haslett's plan....	Balsam Lake and Bexley and Somerville..	3rd Dec., 1873..	24 16	24 00 16 00
Island No. 1 or Birch Island as shown on Haslett's plan.....	Somerville, Balsam Lake....	15th Sept., 1874..	6	20 00
Fraser's Island, lying opposite 13 in 5th Con. No. 1 on Haslett's plan.....	Verulam, Sturgeon Lake...	10th Sept., 1874..	4	10 00
Davin's Island or No. 4 called Pismire. (No. 1 on Haslett's plan)..	Balsam Lake, Somerville...	9th Augt., 1875.	2	5 00
Islands "M" and "N" in Four Mile Lake, Nos. 7 and 8 on Haslett's plan.....	Somerville.....	22nd June, 1875..	21½	21 50
Robinson's Island, or Grape Island No. 2 on Haslett's plan....	Sturgeon L'ke, Verulam	7th October, 1878	90/100 of an acre.	6 00
Wilson's Island.....	Trent River.....	.....	.....	2,223 40
				$2,669 40

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IN THE MATTER OF THE ARBITRATION

BETWEEN

THE DOMINION,

THE PROVINCE OF CANADA

AND

THE PROVINCES OF ONTARIO AND QUEBEC.

ANSWER BY ONTARIO

TO THE

CASE OF THE DOMINION

AGAINST

THE PROVINCE OF CANADA

ON BEHALF OF

THE CHIPPEWA INDIANS OF THE THAMES AND OF SARNIA AND THE WYANDOTTE INDIANS.

TORONTO:
WARWICK BROS. & RUTTER, Printers, Bookbinders, &c., 68 and 70 Front Street West.
1896.

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IN THE MATTER OF THE ARBITRATION

BETWEEN

THE DOMINION,

THE PROVINCE OF CANADA

AND

THE PROVINCES OF ONTARIO AND QUEBEC.

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In the Matter of the Arbitration for the Settlement of all Questions Relating or Incident to the Accounts, and for the Settlement of Matters of Account between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said two Provinces, Pursuant to 54 and 55 Victoria Chapter 6, Canada; 54 Victoria Chap. 2, Ontario; and 54 Victoria Chapter 4, Quebec.

Filed the 23rd day of May, 1896.

Statement on the part of the Province of Ontario in answer to the Statement of Claim of the Dominion, on behalf of the Chippewa Indians of the Thames and of Sarnia, and of the Wyandotte Indians, filed 26th day of April, 1895, against the Province of Canada in connection with, and arising out of the alleged defalcation of the late Joseph Brant Clench, Indian Agent and other alleged claims as in the said Statement of the Dominion set forth and charged.

1. Until the year 1893 the Government of Ontario had no knowledge of the matters stated in the case of the Dominion.

2. Prior to the passing of the Act of the Province of Canada on 13th October, 1860, 23 Vict. chapter 151, the sales of lands surrendered to be sold for the benefit of the Indians themselves, and the management and investment of the proceeds arising from such sale, together with the dealings with the Indians were placed by the Crown under the management of officers who were under the direct supervision of the Governor or Lieutenant-Governor, for the time being, as representing Her Majesty, and such officers acting in such matters, were Imperial officers and in no way responsible to the Provincial Legislatures; and as all the defaults in the Dominion case charged were those of such officers or officer, Ontario denies any liability of the late Province of Canada for all matters in the said case charged.

3. Except as hereinafter expressly admitted Ontario denies all the allegations of fact in the statement of the Case of the Dominion set forth and contained therein.

4. Ontario denies that Joseph Brant Clench was in the year 1845 the Crown Agent of the Province of Canada for the purposes stated in the third paragraph of the Dominion Case.

5. Ontario has no knowledge of the sales of lands by the said Joseph Brant Clench as in the fourth paragraph of the Dominion Case stated, and puts the Dominion to the proof thereof, and Ontario denies that the Government of the late Province of Canada had any control over the said Joseph Brant Clench in respect of the application by the said Joseph Brant Clench of money received from said lands, in manner and form in the said fourth paragraph stated.

6. Ontario states and is prepared to prove that the patents purporting to grant lands within the surrendered lands, which were issued by the Crown Lands Department of the Province of Upper Canada, were issued as in the sixth paragraph of the Dominion Case mentioned, upon the

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requisition, or Fiat, of the officers acting under the direct supervision of the Governor or Lieutenant-Governor for the time being, as in the second paragraph above stated, as representing Her Majesty and upon the representation made by them to the Commissioner of Crown Lands Department that the whole of the purchase money for the said lands respectively, had been duly paid to the said officers, for and on behalf of the Indians for the uses and purposes for which the said lands were surrendered for sale, and the said Commissioner of Crown Lands never had any control over the said purchase money in any part thereof.

7. Ontario denies that the debt of the Province of Canada at the Union of 1867, for which Ontario and Quebec are conjointly liable to the Dominion of Canada can be increased by any of the matters in the Statement of Case of the Dominion set forth.

8. Ontario requires the Dominion to produce at the hearing, all documents and instruments connected with or bearing upon the matters stated in the Case of the Dominion and in the within statement of defence by Ontario, and particularly as follows:

The Commissions or appointments of the civil secretaries of the Governors or Governor-General and of the Superintendents of the Indian Officers holding the said office of civil secretary or of Superintendent, during periods of the sales of lands made by the said Joseph Brant Clench, of which it is complained the said Joseph Brant Clench did not account for the monies arising from such sales.

The instructions given by the Indian department, Civil Secretary or Chief Superintendent or other officer, by letter or otherwise to the said Joseph Brant Clench, for the sales of the different tracts of lands in the first paragraph of the Statement of Claim by the Dominion.

The letters and reports from the said Joseph Brant Clench to the department of Indian affairs, or Civil Secretary or Chief Superintendent or other officer during the said period.

The copies of the letters written by the said officers or persons to the said Joseph Brant Clench during said period.

All requisitions or Fiats issued by the Indian department, the Civil secretary or Chief Superintendent or other officer to the Government of the Province of Canada, or to the Commissioner of Crown Lands, in relation to sales of lands made by the said Joseph Brant Clench, whereby patents for grant of such lands were to be issued to purchasers in respect of which, it is complained, the said Joseph Brant Clench did not account for the monies received from such sales.

The Pay Rolls of the Indian Department and the receipts for salary received by the said Joseph Brant Clench during the period of the alleged defaults of him, the said Joseph Brant Clench.

ÆMILIUS IRVING,
J. M. CLARK.
Of counsel for Ontario.

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion of Canada, the Province of Canada, and the Provinces of Ontario and Quebec.

ANSWER OF THE PROVINCE OF ONTARIO

TO THE CASE OF THE DOMINION RELATING TO THE

CLAIMS FOR INCREASES AND ARREARS OF ANNUITIES

UNDER THE

HURON-SUPERIOR TREATIES OF 1850.

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IN THE MATTER OF THE ARBITRATION FOR THE SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT, BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 AND 55 VICTORIA, CHAPTER 6, CANADA; 54 VICTORIA, CHAPTER 2, ONTARIO; AND 54 VICTORIA, CHAPTER 4, QUEBEC.

Filed the twenty-fifth day of June, 1894.

Statement on the part of the Province of Ontario, in reply to the "Case of the Dominion, relating to the Claims of the Ojibeway Indians of Lake Huron and Lake Superior, for Arrears of Annuity, and for Increased Annuities, under the Treaties made by the Hon. W. B. Robinson, in the year 1850."

Interpretation.

1. In this Statement the expressions "Canada," "Ontario," and "Quebec," mean the Dominion of Canada, and the Provinces of Ontario and Quebec, as defined by the British North America Act, 1867, including the respective Governments thereof; the expressions "Huron Treaty" and "Superior Treaty," mean the two treaties set forth in the third and fourth paragraphs of the Statement of Case of the Dominion, filed on the 5th day of October, 1893; the expression "Dominion Case," means the said Statement of Case of the Dominion; and the expression, "the Union," means the Union of the Provinces effected by the B. N. A. Act, 1867.

Canada to prove Case.

2. Ontario puts Canada to proof of all allegations contained in the Dominion Case, except as admitted herein.

Denial of whole claim of Canada:

3 Ontario denies the whole claim of Canada set out in the Dominion Case, and every part and parcel thereof, and disclaims all liability in respect thereof, whether separately or conjointly with Quebec, for, among other reasons, the following:—

Reasons in short;

(*a*) In respect of so much of the claim put forward as existing prior to the Union:

1. The liability, if any, was of the late Province of Canada, and should have been included in the debts and liabilities of the late

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Province at the time of the Union, or in 1873, when all excess of debt of the late Province beyond $62,500,000 was purported to be assumed by Canada pursuant to the Act, 36 Vict., cap. 30.

2. That the territories did not produce revenues sufficient to permit payment of augmentations without loss.

3. That neither the Imperial Officers who had charge of the Indians' interests up to 1860, nor the Government of the Province of Canada, in whose hands the management of the Indians' affairs was placed, from 1860 to 1867, proposed or recognized such claim, and the Dominion cannot now review the action of these former Guardians.

(*b*) In respect of so much of the claim put forward as arising subsequent to the Union:

1. The liability, if any, was of the Province of Canada, in respect of which Ontario as a separate Province has no liability in any case, except—if at all—conjointly with Quebec.

2. By section 13 of the Award of 3rd September, 1870, Ontario was expressly freed from any liability separately from Quebec.

3. That no trust exists in respect of the said lands; that the Indian title was extinguished in order that the lands might be opened up for settlement and that patents from the Crown might issue therefor to purchasers; and that the annuities or augmentations are not liens on the lands.

4. That the Dominion, at the Union, or at or before the passing of the said Act, 36 Vict., cap. 30, included, or is to be deemed to have included, the liability in the amount of the debt of the Province of Canada assumed by the Dominion, and of which Ontario and Quebec were thereby relieved.

5. That the territories did not produce revenues sufficient to permit payment of augmentations without loss.

And which said reasons are, with additional reasons in favour of the disallowance of the said claim in whole or in part, hereinafter more fully set forth. — Additional reasons set forth hereinafter.

4. Ontario admits that the treaties set forth in paragraphs 3 and 4 of the Dominion Case, were entered into as alleged, but, for greater certainty as to the contents thereof, craves leave to refer at the hearing of this matter to the original instruments. — Original treaties to be produced.

5. As an aid to the tracing of the descent of the Treaty Indians, and to the determining from time to time the identity of the individual Indians legally entitled to pay- — Indians who were paid, 1850-1892, to be identified:

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ments under the treaties, Ontario requires Canada to show who were the individual Indians to whom was paid, from 1850 to 1873 inclusively, their proportion of the specific annuities of $2,400 and $2,000, and, from 1874 to 1892 inclusively, the full augmented annuities, as in paragraphs 5, 6, 7, 15 and 16 of the Dominion Case stated, distinguishing also who of such Indians were in the respective years residents of the Manitoulin Islands.

Residents of Manitoulin to be distinguished.

6. Ontario does not admit that the revenue derived from the territories, or from either of them, from the year 1850 up to the year 1867, as stated in paragraph 8 of the Dominion Case, did produce a sufficient amount to enable the Government of the late Province of Canada, without incurring loss, to pay in each of the said years the increase required to bring the annuity up to $4 for each individual Indian, or any increase whatever in any of such years.

Denial that revenues, 1850 to 1867, sufficient to enable late Province of Canada to pay augmentations of annuities without loss.

7. Ontario does not admit the claim that "for the 16 years from the date of the said treaties until the date of Confederation of the Provinces in 1867, and based upon the increased annuity of $4 per head, and after giving credit for the sum of $1.60, which was yearly paid to each individual Indian during the said period, there is due and payable by the late Province of Canada to the Indians aforesaid, the sum of $325,440 for principal money and interest," as in paragraph 9 of the Dominion Case is alleged, or in fact any sum whatsoever.

Denial of liability of the late Province of Canada for arrears of augmentations, 1850 to 1867, or interest thereon :

(*a*) The particulars of claim for the said sum of $325,440, furnished by Canada subsequent to the filing of the Dominion Case herein, disclose that $102,400 parcel thereof, and stated by such particulars to be the amount which should have been paid as an augmentation, represents the difference between $1.60 which was paid, and the sum of $4 alleged to have been payable, to each Indian, and claimed to be due as principal money payable as arrearages; and that the sum of $43,520 is interest on such claim for arrearages, from the time at which the said arrearages are in each year charged, to the 30th June, 1867; and that the residue of the said sum of $325,440, that is, $179,520, is interest calculated on the aggregate of the said sums of $102,400 and $43,520 from the 1st July, 1867, to 31st December, 1892.

Claim against late Province of Canada analyzed:

On false principle of capitalizing interest to 30th June, 1867;

(*b*) The said claim for arrearages is taken on the wrongful bases of an estimated Indian population of 2,700 in each of the years (instead of the population of 2,662 in the treaties mentioned), and the allowance of the maximum yearly sum of $4 to each individual of that number.

And on false bases of population and individual allowance.

8. Ontario denies that any arrears in respect of the augmentation of the annuities from the year 1867 to the year 1875, in paragraph 15 of the Dominion Case

Denial of claim for arrears, 1867-1875 :

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mentioned, or any part thereof, are due or payable to the Indians, and disclaims all liability in respect thereof, and of the interest claimed thereon, and in respect of the sum of $95,200 in the said paragraph mentioned, and every part thereof.

(*a*) The amount of $95,200 is arrived at on the wrongful bases of an estimated Indian population of 2,700 in each of the years (instead of the population of 2,662 in the treaties mentioned) and the allowance of the maximum yearly sum of $4 to each individual of that number.

Founded, moreover, on false bases of population and individual allowance.

9. Ontario does not admit that the revenues derived from the Lake Huron territory were sufficient, in 1875, or for a series of years subsequently, if at all, to entitle the Indians to the augmented annuities, as stated in paragraph 7 of the Dominion Case, or that the revenues from the Lake Superior territory were sufficient in 1875, or in any year subsequently, to entitle the Indians, if to any, to more than a fractional part of the augmentation in said paragraph 7 mentioned.

Denial that revenues after 1874 sufficient throughout to meet augmentation.

10. Ontario denies all liability in respect of the payment claimed to have been made by Canada from the year 1875, up to and inclusive of the year 1892, of "the full increased annuity of $4 to each individual Indian within the said treaties," as in paragraph 16 of the Dominion Case, and in respect of the sum of $389,106.80 in the said paragraph mentioned;

Denial of liability, 1875-1892, for augmentations paid by Dominion, or interest thereon:

(*a*) And Ontario claims proof that such payments were only to persons duly and legally entitled thereto, according to the true intent and meaning of the said treaties;

Proof required that payments were to Treaty Indians only;

(*b*) And also claims and charges as follows:

1. That, as hereinafter more fully appears, Ontario can have no liability in respect of this demand separately, but only, if at all, conjointly with Quebec, it being, if a liability, a liability of the Province of Canada;

No separate liability of Ontario;

2. That the sum of $88,000, hereinafter mentioned, covered all claims which might have been made against the Province of Canada, or against Ontario, in respect of this demand;

The $88,000 covers this claim;

3. That if evidence is given by Canada of the persons to whom payments were made, it will appear that Canada has made payments to persons and classes of persons not entitled to share in the annuities according to the true intent and meaning of the said treaties, and that to that extent such payments, with the interest thereon, should be disallowed: (As to which, *See* sections 15, 16 and 17, *post*);

Payments wrongfully made—

To persons and classes not entitled;

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4. That Canada has wrongfully made payments to Indians, residents, as hereinafter, of the Manitoulin Islands, and to that extent, the same, with the interest thereon, should be disallowed ;

To residents of Manitoulin

5. That Canada has in the several years made payments to individual Indians of sums larger than the net revenues of the said territories would in the respective years, without loss, permit according to the true intent and meaning of the said treaties, and that the same, with the interest thereon, should be disallowed ;

To individuals, of sums larger than revenues justified ;

6. That Canada has in each and every of the said years paid a larger aggregate sum than the maximum aggregate yearly sum contemplated and authorized on a true construction of the treaties, and that the excess of such payment, with the interest thereon, should be disallowed ;

Of sums larger in the aggregate than the treaties contemplate.

7. That Ontario is not liable for any portion of the interest included in the said sum of $389,106.80, and such interest should be disallowed.

Ontario not liable for interest.

11. Ontario denies that the lands ceded under the treaties "came into the hands and possession of Ontario, subject to the trusts contained in the said treaties, and subject to 'an interest other than that of the Province in the same,' within the meaning of section 109" of the B.N.A. Act, 1867, or subject to the liabilities in paragraph 12 of the Dominion Case mentioned, and denies that there were any such trusts or any such interest ; and denies that "from and after the 30th June, 1867, the Province of Ontario, as the beneficial owner of the said lands, and recipient of the revenues derived therefrom, was legally liable to provide the Dominion with moneys necessary to pay the said annuities to the Indians under the said treaties."

Ontario denies that these lands were subject to a trust or lien under B. N. A. Act, 1867, sec. 109.

12. Ontario has not admitted, and does not now admit, "that the revenues received by Ontario have been sufficient or more than sufficient for many years past to have satisfied the claims of the said Indians to be paid the full increased annuities mentioned in the said treaties, of $4 for each individual Indian," as stated in paragraph 14 of the Dominion Case.

Ontario has not admitted revenues sufficient to pay augmentations for many years past as in Par. 14 of Case.

(*a*) The so-called admission, if any, was subject to the assent thereto of Quebec, and was made, it now appears, upon insufficient information, and without taking into account the charges or expenditures which would form proper items of set-off, and was not, in terms, or in anywise, such as could mislead Canada, or justify the making of improper or excessive payments, or the preferring any claim for arrears.

The admission, if any, upon insufficient information and without regard to set-off ; and subject to assent of Quebec ;

Canada not mislead thereby.

(*b*) Ontario has always denied any separate liability ; and denies any subsisting liability whether separately or conjointly with Quebec.

Ontario has always denied separate liability.

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13. Those years in which, if at all, the net revenues or balance may have been sufficient to meet any augmentation of the specific annuities of $2,000 and $2,400 without loss, as provided by the treaties, according to the true intent and meaning of the said treaties, can only be determined upon the making up of an account of the receipts, expenditures and charges in respect of the said territories.

Augmentations—years in which any payable can only be determined by an account:

(*a*) And in illustration of the nature and description of the said expenditures and charges which should be set off against the receipts of all revenues from the said territories, before it can be determined whether such annuities can be increased without incurring loss, may be mentioned, amongst other things, all expenditures and charges tending to promote the development or settlement of the territories, or whereby the value and saleableness of the lands, timber, minerals, etc., were enhanced, or expected or likely to be enhanced, under the following heads:

Illustration of expenditures to be taken into account;

Surveys, whether Land or Coast.
Colonization Roads.
Fire Ranging.
Bush Ranging.
Fisheries Protection.
Expenses of Agencies.
Collection of Timber Revenue.
Contingencies, Advertising, etc.
Departmental Expense of Collection and Management.
Geological Survey.
Explorations and Inspections.
Locks, Dams, Timber Slides.
Navigation Improvements, and Dredging.
Harbours and Light Houses.
Roads and Bridges.
Expenditure on Dog Lake and Savanne route, and on Dawson route and Fort William Road, to Height of Land.
Buildings for Land Registry Offices.
Court Houses, Gaols, Lock-Ups, etc.
Other Public Works and Public Buildings.
Administration of Justice in or in respect of this territory.
Registrars of Land Titles' salaries, etc.
Postal Expenditure—Postal Contracts by Land or Water.
Expenses of and incident to the negotiation and execution of the Treaties.

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13. Those years in which, if at all, the net revenues or balance may have been sufficient to meet any augmentation of the specific annuities of $2,000 and $2,400 without loss, as provided by the treaties, according to the true intent and meaning of the said treaties, can only be determined upon the making up of an account of the receipts, expenditures and charges in respect of the said territories.

Augmentations—years in which any payable can only be determined by an account:

(*a*) And in illustration of the nature and description of the said expenditures and charges which should be set off against the receipts of all revenues from the said territories, before it can be determined whether such annuities can be increased without incurring loss, may be mentioned, amongst other things, all expenditures and charges tending to promote the development or settlement of the territories, or whereby the value and saleableness of the lands, timber, minerals, etc., were enhanced, or expected or likely to be enhanced, under the following heads:

Illustration of expenditures to be taken into account;

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Expenses of Agencies.
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Contingencies, Advertising, etc.
Departmental Expense of Collection and Management.
Geological Survey.
Explorations and Inspections.
Locks, Dams, Timber Slides.
Navigation Improvements, and Dredging.
Harbours and Light Houses.
Roads and Bridges.
Expenditure on Dog Lake and Savanne route, and on Dawson route and Fort William Road, to Height of Land.
Buildings for Land Registry Offices.
Court Houses, Gaols, Lock-Ups, etc.
Other Public Works and Public Buildings.
Administration of Justice in or in respect of this territory.
Registrars of Land Titles' salaries, etc.
Postal Expenditure—Postal Contracts by Land or Water.
Expenses of and incident to the negotiation and execution of the Treaties.

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Expenses of and incident to the payment of the annuities and other moneys.

Expenses of setting apart, marking out or survey of the Reserves.

Salaries and expenses of Indian Agents and Superintendents, and cost of agencies.

Cost of Maintenance of, and legislative grants to the Indian Department (proportion).

Free Port of Sault Ste. Marie, 1861-6, (established for encouragement of the Fisheries and of the settlement of the country): Loss of Revenue consequent on.

Railways—Railway Aid: Grants, subsidies, and expenditures in respect of this territory.

And such other items as, on further information, may be deemed advisable.

(*c*) And it is submitted that, for the purposes of the said account interest should be allowed upon any yearly deficits which may appear.

Yearly deficit to carry interest.

14. Ontario claims that in determining whether the territories have in any year produced such an amount of revenue as may, with the balance, if any, of former years, permit of an augmentation of the annuities without loss, not the net balance of the principal or *corpus* of such revenue, but only the income or interest thereof (computed at the rate of 5 per centum) is to be taken as applicable to the purposes of such augmentation, first, however, deducting from such income or interest the specific annuities of $2,000 and $2,400 hereinbefore mentioned.

Augmentations to be based not on *corpus* of revenue but on income thereof.

15. As hereinbefore, and by paragraphs 5 and 6 of the Dominion Case, and by the particulars of claim herein furnished by Canada, appears, the Province of Canada for 17 years after the making of the treaties, and the Dominion for the 7 years after the Union—that is from the year 1850 to the year 1874—restricted the payment of the amount distributed to a number of Indians not exceeding 2,700 (or only 38 in excess of the treaty number);

Number of Indians sharing in distributions, 1850-1874:

But in the year 1875 the number sharing in the distribution was suddenly increased by over 1,000 persons, that is to a total of 3,791, and has been increased still further year by year since.

Sudden increase of number, 1875.

16. The said treaties, on a true interpretation thereof, while providing for a diminution of the annuities in the event of a decreased population, do not contemplate that in the event of the annuities being augmented, the number of Indians to be taken into account in the ascertainment of the gross amount of such augmentation shall exceed the number—2,662—mentioned in the treaties.

The Treaties provide for the payment of round sums annually in perpetuity; for ascertainment of augmentations by reference to Treaty number of Indians; and for decrease of round sums in case of diminution in numbers.

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(*a*) The payment provided for by the treaties, until the revenues should justify an increase, was of a round yearly sum, without regard to the number of individual Indians; and Ontario claims that, in like manner, according to the proper legal construction of the treaties, the increased payment contemplated by the treaties is not, in so far as the Crown is concerned, of an annuity certain to each individual Indian, but of a round yearly lump sum, the amount whereof to be determined, year by year, by multiplying a sum not exceeding four dollars (according as the net revenues may permit) by a number not exceeding 2,662, so that in no one year should such lump sum exceed the sum of $10,648, inclusive, or $6,248 exclusive, of the sums of $2,000 and $2,400 mentioned in the treaties; and so that thus, whether the number of individual Indians entitled to share in the distribution increases or diminishes, the aggregate round amount to be distributed among them is to be ascertained always by the same rule, unless the treaty number should be diminished to less than two-thirds, when the annuity would be subject to a proportionate reduction.

(*b*) If as guardian of the Indians, Canada has chosen, or shall hereafter choose, to pay a sum larger than as above provided, the excess should come out of the funds of Canada, and not be charged against either Ontario or the Province of Canada.

If Canada, as Guardian of the Indians, chooses to make excessive payments, Canada must bear the liability.

17. In the event of the treaty number of Indians being disregarded in the ascertainment of the sum to be distributed, and that, on the contrary, each individual Indian is declared to be entitled to the maximum augmentation, or as much thereof as the revenues may permit without loss, Ontario claims that the specific annuities, with the augmentations, if any, should be paid and delivered to the Indians only who were parties to the treaties, or their lawful descendants, according to the laws or regulations relating to Indians in force at the time of the making of the said treaties, or subsequently, before and at the Union; and that the following classes, among others, should be excluded from such payment, and from every enumeration or computation for the purposes of the treaties:

If Treaty number of Indians disregarded in ascertaining amount of augmentation, then certain classes of persons should be excluded.

(*a*) White men and women, and negroes;

(*b*) Half-breeds, and other persons of mixed blood, other than such, if any, as may be entitled under the said laws and regulations;

(*c*) American Indians, and other aliens, and their descendants;

(*d*) Non-treaty Indians, and their descendants;

(*e*) Indians of other tribes and nations than the treaty tribes and nations;

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(*f*) Indians, or others, adopted into the tribes, and their descendants ;

(*g*) Treaty Indians, or their descendants, who are out of the limits of the treaties, and settled upon other reserves than those set apart under the said treaties, or are or have been in receipt of other considerations than those provided by the treaties, or have received grants of land—as at the Manitoulin Island—thus by their acts electing to take other provision at the hands of the Crown than that provided by these treaties, (in which connection reference is made to the Manitoulin Island Treaty of 6th October, 1862, set out in Appendix D hereto) ;

(*h*) Indians, and their descendants, making pretense of claim of right under the treaties, who failed to prefer such claim within a reasonable time thereafter, as until after the lapse of more than a generation, when material witnesses and other evidence in rebuttal of such claim might be difficult, or impossible, to procure ;

(*i*) Indians or others who would be excluded under the laws or regulations of the Province of Canada.

And Ontario puts Canada to proof in respect of these matters.

Duty of Canada to preserve record of descent, etc.

18. In order to facilitate the ascertaining the identity from time to time of the Treaty Indians or their descendants, Ontario asks that Canada be required to keep a record of the descent, census and migrations of the Treaty Indians, for the purposes of the Treaties, as affecting the rights and obligations thereunder of the Province of Canada, or the Province of Ontario, as the case may be, and in reference to the possible decrease of the Indian population provided for in the Treaties; and that Ontario have right of access to such record.

Indians settled in or migrating to Manitoulin, thereby elect to surrender Huron and Superior treaty benefits.

19. Ontario asks that it be declared that such of the Treaty Indians or their descendants as have migrated to or are settled or resident upon the Manitoulin Island or Islands, whether upon the surrendered or the unsurrendered part thereof, and are so entitled to the benefits, present and prospective, of the said Manitoulin Island Treaty, have as a consequence, elected to forego, and have in fact forfeited, all benefit to which they may have been entitled under the said Huron and Superior Treaties.

20. As to the said arrears, Ontario claims :

Reasons why no arrears payable :

36 V. c. 30 conclusive.

(*a*) That as hereinafter, the Act 36 Vict. cap. 30, is to be taken as conclusive that no such arrears are properly chargeable ;

Payment of the specific annuities satisfied the claim ;

(*b*) That the payment of the specific annuities of $2,400 and $2,000 respectively, from the year 1850 up to the year 1874, to the chiefs and their tribes, fully discharged the claim in respect of the annuities, and of the augmentations, payable in each of the said several years ;

Not demanded at the time ;

(*c*) That no demand having been made therefor at the time, in any of the years, Canada is debarred from now claiming the same, or any part thereof, against the Province of Canada, or against Ontario ;

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(*d*) That the report of the Minister of Justice of Canada, dated the 7th of July, 1875, hereinafter, in section 21, referred to, is as well conclusive that no such demand had up to that date been made, as suggestive that the question of the arrears should be indefinitely postponed ;

Nor up to 1875 ; and the question then postponed indefinitely ;

(*e*) That the territories did not, in any of the said years, produce or shew a net revenue or balance sufficient to justify any claim for such arrears ;

Revenues not sufficient to justify claim ;

(*f*) That no such arrears are properly claimable or allowable in respect of any year whose net revenue or balance was insufficient to permit of payment without loss ;

Not claimable for years where net revenues insufficient ;

(*g*) That the revenues of subsequent years are not referable back, or in any way to be regarded or made available, either for the purpose of covering actual arrearages, or as a colour for the creation of pretended arrearages, of past years ;

Revenues of subsequent years not referable back to cover arrearages ;

(*h*) That arrears in respect of any augmentation of the annuity beyond the sums of $2,000 and $2,400 mentioned in the treaties, can only be claimed, if at all, by, or on behalf, and for the use of the individual Indian to whom the same was primarily properly payable, and to whom his due proportion of the $2,000 or $2,400 had been properly paid ;

Arrearages claimable only by individual Indian to whom same primarily payable ;

(*i*) That such portion of the said arrears as is claimed by or on behalf of the Treaty Indians or their descendants resident upon the Manitoulin Islands as aforesaid should be disallowed.

Residents of Manitoulin excluded ;

(*j*) That it not having been apparent or ascertainable at the time, in any of the years—as in fact, in the absence of certain particulars of expenditures and charges, it is not now apparent—that the revenues would permit of any augmentation without loss, so no such arrears are now properly claimable or recoverable ;

Arrears not now claimable for past years, it not having been apparent or ascertainable at the time that the revenues would have permitted.

(*k*) And specially as to that portion of the said arrears claimed as arising before the Union—

As to arrears claimed as arising before the Union :

1. That the claim was not proposed to the Province of Canada, nor any demand in respect thereof made by the Imperial Officers who had charge of the Indians' interests from the time of the making of the treaties and up to the year 1860 ; nor was admitted nor in any way recognized by the Province of Canada, whose wards the said Indians were, and in whose management their affairs were placed from the year 1860 to the year 1867—wherefore it is not now competent for Canada to review

The Imperial officers made no demand, nor did Province of Canada as guardian admit or recognize ;

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the action of these former guardians of the Indians' interests, and disturb a matter to be deemed as having been so settled and concluded; and

2. That even if the sum claimed, or any part thereof, had been due to the Indians, the same was of the debts and liabilities of the Province of Canada, and ought to have been included—and is to be taken to have been included—in the amount of the debts and liabilities of the Province of Canada charged to or assumed by the Dominion, and the Dominion is in consequence now precluded from claiming the same, or any part thereof, as a subsisting liability of the Province of Canada, or as against Ontario, whether separately, or conjointly with Quebec;

If claimable, should have been included in liabilites of Province of Canada assumed by Dominion.

(*l*) And specially as to that portion of the said arrears arising after the Union—

As to arrears if any after the Union:

1. That, as hereinafter more at large appears, the same was a liability of the Province of Canada, in respect of which Ontario has either no liability whatever, or, if any, then not separately but only conjointly with Quebec; and

A liability of Province of Canada; if of Ontario, not separately, but jointly with Quebec;

2. That the sum of $88,000 hereinafter mentioned, covered all demands which might have been made against the Province of Canada, or against Ontario, in respect of such arrears.

The $88,000 set apart covered demand.

21. Ontario claims that no interest is chargeable upon the said arrears:

No interest payable on arrears of annuities:

(*a*) No special circumstances have been shewn, nor can be shewn, whereby interest is payable in respect of default in the payment of the said annuities or augmented annuities;

No special circumstances can be shewn;

(*b*) No interest on such alleged arrears can be held to run or be recoverable before demand, if interest be recoverable;

No demand for arrears;

(*c*)—1. Ontario proposed, in 1874, that if Canada was advised that the lands in question were subject to a trust, and Ontario so liable for any augmentation of the annuities, the point should be forthwith submitted to the Court of Chancery on a statement of facts concurred in by the Governments concerned;

Ontario proposed, in 1874, to refer question of trust or lien to legal tribunal;

2. The Minister of Justice of Canada, dealing with the proposal, by his report of the 7th of July, 1875, (which report was concurred in by the Minister of the Interior and Superintendent-General of Indian Affairs, in a report dated the 12th of July, 1875, and adopted by Order in Council of Canada of the 22nd of July, 1875) recommended, as to the same, and as to the question of arrears, as follows:

Canada accepted the proposal to refer;

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"The question of the arrears might be postponed for a while, and, meantime, the question as to the liability of the Ontario Government on the specific lands might be decided, either by the Court of Chancery, as proposed, or by the Supreme Court, after the organization of that tribunal;"

3. Canada has, nevertheless, wholly failed to take any steps, or institute any proceedings towards obtaining a decision of the question from a Court of Justice, until the institution of the proceedings in the present Arbitration, wherefore Ontario claims that interest, if any recoverable, should not run upon the said arrears before the filing of the Dominion Case herein.

But until now, has failed to move.

22. By the said Case, Canada, inconsistently, claims the augmentations arising before the Union as a liability of the Province of Canada, payable by Ontario and Quebec conjointly, but the augmentations after the Union as a liability of Ontario alone, and concedes that the specific annuities payable after the Union were a liability of the Province of Canada, but claims the augmentations thereof after the Union as a separate liability of Ontario.

The liability for the annuities is indivisible, and cannot be severed so that one portion be against the Province of Canada and the other portion against Ontario;

(*a*) And Ontario claims that the augmentations, if any, of the annuities, equally with the specific annuities of $2,400 and $2,000 aforesaid, and the augmentations for the period after, equally with those for the period prior to, the Union, were liabilities of the Province of Canada, and that the responsibilities and obligations in respect of the one and the other were, and are, indivisible, and not susceptible of severance so as to permit of the assignment of a portion only thereof to the Province of Canada, and the imposing the remaining portion on the Province of Ontario, but that the whole thereof was an obligation, one and undivided, for which the Province of Canada alone was responsible, and in respect of which, in whole or in part, Ontario has no liability, but if any, not separately but only conjointly with Quebec.

The whole an undivided obligation of the Province of Canada.

23. Ontario states that the annuities and the augmentations thereof, payable by the said treaties, were of the debts and liabilities of the late Province of Canada existing at the Union, for which Canada is liable under section 111 of the B. N. A. Act, 1867, and as to which Ontario, with Quebec, was relieved, or ought to have been relieved, by Canada, of all charge, pursuant to the Act of Canada, 36 Vict., chap. 30.

The annuities and augmentations liabilities of Province of Canada, and Dominion liable under Sec. 111 of B. N. A. Act, and Ontario and Quebec relieved by Act of 1873:

(*a*) In the Public Accounts of the Dominion of Canada for the fiscal year ending 30th June, 1868, printed by Order of Parliament, and forming Sessional Paper No. 4, of 1869, is a

Action of Dominion as to Statement of Debt of Province of Canada, and including the annuities therein;

"STATEMENT SHEWING THE DEBT OF THE PROVINCE OF CANADA, 30TH JUNE, 1868,"

wherein the Dominion, of its own volition, included, as an item of such debt, a sum of $88,000 (parcel of the larger sum of $999,835.55 therein

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appearing) in respect of that portion of the annuities under the said Treaties which would become payable after the Union.

(*b*) In the said Statement, the Dominion credits the Province of Canada with the amount of the

"Authorized debt under the British North America Act.....$62,500,000,"

and carries the excess of debt of the Province of Canada, over that sum, forward as a balance to the next fiscal year, and so a varying balance from year to year (as appears by the Public Accounts of the respective years), until on 1st July, 1872, it is stated as follows:

"To balance from last year's statement .....$10,506,088.84."

(*c*) This is the sum referred to in the Act of Canada, 36 Vict. cap. 30, "*as now ascertained*," as follows:

"Whereas by the provisions of 'The British North America Act, 1867,' and by the terms and conditions under which the Provinces of British Columbia and Manitoba were admitted into the Dominion, Canada became liable for the debts and liabilities of each Province existing at the time of its becoming part of the Dominion, subject to the provision that each Province should, in account with Canada, be charged with interest at the rate of five per cent. per annum on the amount by which its said debts and liabilities exceeded, or should receive interest, at the same rate, by half-yearly payments in advance, on the amount by which its said debt and liabilities fell short of, certain fixed amounts:

"And whereas the amount fixed as aforesaid in the case of the Provinces of Ontario and Quebec conjointly (as having theretofore formed the Province of Canada), was sixty-two millions five hundred thousand dollars ($62,500,000), and the debt of the said late Province, AS NOW ASCERTAINED, exceeded the said sum by ten millions five hundred and six thousand and eighty-eight dollars and eighty-four cents ($10,506,088.84), for the interest as aforesaid on which the said two Provinces were chargeable in account with Canada;

"And whereas it is expedient to relieve the said Provinces of Ontario and Quebec of the said charge, and for that purpose hereafter to consider the fixed amount in their case as increased by the said sum of ten millions five hundred and six thousand and eighty-eight dollars and eighty-four cents," etc;

(*d*) On the 30th June, 1873, as appears by the Public Accounts of the fiscal year, the Dominion credits the Province of Canada as follows:

"By transfer to Consolidated Fund, in accordance with the Act 36 Vict., c. 30.....$10,506,088.84"

thereby balancing the account up to the point at which the amount of the excess of the debt was ascertained as stated in the said Act.

(*e*) The said sum of $88,000 was, therefore, either covered by the sum of $62,500,000, so charged to the Dominion and credited to the Province of Canada pursuant to the B. N. A. Act, 1867, or embraced in the sum of

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$10,506,088.84, so assumed by the Dominion, and of the charge in respect of which Ontario and Quebec were so relieved under the 36 Vic. cap. 30; failing which, Ontario and Quebec were at all events relieved thereof by the combined effect of the said two Statutes.

(*f*) The said Act, 36 Vict., cap. 30, was passed on the 23rd May, 1873, and the augmentations now claimed by the Dominion Case as arrears were ascertainable as well then as now, and, if a valid charge, should have been ascertained and included among the debts and liabilities of the Province of Canada, of which Ontario, with Quebec, was relieved as aforesaid. And Ontario claims that the same is to be deemed to have been by the Dominion then passed upon and determined not to be a valid charge, or as to the portion thereof arising after the Union, that the same was determined to be sufficiently covered by the said sum of $88,000.

The augmentations claimed as arrears were ascertainable as well at the passing of the Act 36 V. c. 30 as now;

(*g*) And as to the augmentations, if any, enuring after the passage of the said Act, 36 Vict., cap. 30, Ontario claims that the full measure of the obligation, if any, in respect thereof, was ascertainable, and could and ought to have been by Canada provided for—with any necessary provisos for rebate—at or before the passage of the said Act.

The subsequent augmentations were also ascertainable and should have been provided for at or before the passing of the said Act;

(*h*) All obligations under the treaties having been so ascertainable, are to be deemed to have been by Canada actually ascertained in the measure in which Canada desired to be indemnified in respect thereof; and the said Act, 36 Vict., cap. 30, is to be taken as conclusive that, in the view of Canada, and in fact, every obligation arising prior thereto under the treaties, had been fully satisfied by the payment of the specific annuities of $2,400 and $2,000, and that every obligation arising subsequently thereto, or subsequently to the Union, was sufficiently provided against, and Canada sufficiently indemnified, by the said sum of $88,000.

All obligations under the Treaties to be deemed to have been ascertained in the full measure in which Canada desired to be indemnified;

36 V. c. 30, conclusive that the augmentations prior thereto were fully satisfied by the payment of the specific annuities;

And that as to all obligations subsequent thereto, or subsequent to the Union, Canada was sufficiently indemnified by the said $88,000.

(*i*) And Ontario claims that Ontario was thereby wholly relieved, and was intended to be relieved, as well separately as conjointly with Quebec, of every obligation and liability in respect of the annuities and augmentations under the treaties, and that the burden and obligation of providing for the said annuities and augmentations thereby devolved upon Canada.

Ontario relieved of every liability as well sepately as conjointly with Quebec;

And the obligation of providing for the annuities, including the augmentations, devolved upon Canada;

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(*j*) Canada, upon the occasion of the assumption of the said sum of $88,000, had knowledge of and had regard to various considerations and contingencies—as, among others, the prospective possible decrease of the Indian population, the increasing value of the reserves, and the augmentation of the share of these tribes of the Indian Fund—as leading to the acceptance by Canada, deliberately and knowingly, of the said sum of $88,000 as a sufficient indemnification against all obligations in respect of the annuities or augmentations so enuring after the Union;

The $88,000 was accepted by Canada in view of all contingencies.

(*k*) Ontario shews that in the event of a decrease of the said Indians to or below a certain number, the said sum of $88,000 would be more than sufficient to produce the maximum yearly allowance provided for by the said treaties.

24.—(*a*) By the Record of the Proceedings of the Arbitrators appointed pursuant to section 142 of the B. N. A. Act, 1867, it appears that the said Arbitrators, on 27th October, 1869, made the following order:

The Award of 3 September, 1870, under B.N.A. Act, sec. 142, relieves Ontario of any liability separately from Quebec

"The Counsel for the Provinces of Quebec and Ontario shall prepare and print their respective Cases and communicate them to each other for such observations in response as they may deem necessary.

"The Cases shall be communicated to the Arbitrators (together with an authoritative declaration by the Governments of Quebec and Ontario respectively, of their agreement with the Dominion Government in the matter of the amount of debt of the Province of Canada), on or before the fifteenth of January next.

"The Arbitrators may order, either *mero motu*, or upon the suggestion of Counsel, an oral argument upon such points as they may deem necessary."

(*b*) The Case of the Province of Quebec, in so far as the same relates to the Indian annuities, is as follows:

Record of Proceedings, Ontario Sessional Papers, 1873, No. 27, pp. 13, 18, 78; Quebec Sessional Papers, 1870, No. 11.

"The British North America Act, 1867, reserves to the Parliament of Canada the exclusive legislative authority in matters relating to Indians and Indian lands; its executive has the superintendence of all Indian affairs. This rendered necessary the charge in the statement of liabilities of the principal of annuities payable to Indians as a compensation agreed upon, both by deeds and treaties, for the lands in Upper Canada which they surrendered to the Government. The annuities amount to $31,064, and have, since the surrender, been a permanent charge on the Canadian Budget. They are capitalized at 5 per cent., forming $621,280, and are, as just now stated, the price or consideration stipulated by the Indians for the surrender of large tracts of land in Upper Canada. Information as to the quantity of these lands remaining unsold, and the arrears due on the 30th June, 1867, on those previously sold, will require to be obtained. The undersigned have been, as yet, unable to obtain a statement of these unsold lands and arrears. By section 109 of the above Act, all lands are made over to the Province within which they are situated, *subject however to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.*

"These annuities being the price unpaid of the lands themselves, are a charge on them. The contract between Government and the Indians ought to be governed by the same rules as

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similar contracts between individuals. The lands being within the Province of Ontario, became, under said section 109, the property of that Province, subject however to the interest of the Indians in the same. This interest is the payment of the annuities stipulated as a compensation for the lands ceded. It might also be called a Trust, the administration of which is left to the Dominion, the legal guardian of the Indians. Ontario, receiving the lands, and the arrears due for those sold, is subject to all legal and equitable claims, which may exist on them It should therefore be charged with the principal of the annuities.

"It would be manifestly unjust to require Quebec to share in paying for these lands, which will be the effect of the capital being allowed to remain in the statement of liabilities, unless compensation is required from Ontario from the lands and arrears representing the capital of these annuities;"

(*c*) The Answer of the Province of Ontario to the statement of Case of the Province of Quebec, in so far as the same relates to the Indian annuities, is as follows:

"The larger portion of these annuities, amounting to $26,664, existed prior to 1841, and arose out of the surrender, from time to time, by the Indians of the greater part of the lands of Upper Canada, which were afterwards sold, and the moneys received from their sale went into the general revenue, in which Lower Canada participated after the Union, to an amount that would have created a capital fund that would have paid ten times the amount of these annuities, and in 1846 they were made, by the statute passed that year, a special charge, in Schedule B, upon the Consolidated Revenue, and the lands released from them thereby.

"The remaining annuities for Upper Canada lands are $4,400, chargeable under the treaty of surrender made by the Honourable W. B. Robinson, and for them an equivalent was made to Lower Canada by the setting apart upwards of 200,000 acres of the Crown Lands there for the Indians, and by a charge annually upon the general revenue of $4,400, or an amount similar to that appropriated for Upper Canada under Mr. Robinson's treaty. Under these circumstances, Ontario denies any separate liability for the principal of these annuities."

(*d*) The said capitalized sum of $621,280 comprehends the sum of $88,000 hereinbefore mentioned;

(*e*) Counsel for Ontario asked the said Arbitrators for a declaration of their ruling upon the contention of Quebec in regard to the said Indian annuities;

(*f*) By section 13 of their Award the said Arbitrators set forth their conclusion thereon accordingly, as follows:

"That all lands in either of the said Provinces of Ontario and Quebec, respectively, surrendered by the Indians in consideration of annuities to them granted, which said annuities are included in the debt of the late Province of Canada, shall be the absolute property of the Province in which the said lands are respectively situate, free from any further claim upon or charge to the said Province in which they are so situate by the other of the said Provinces;"

Section 13 of the Award, relieving Ontario of separate liability.

(*g*) And Ontario claims:

1. That the lands surrendered by the said treaties were so "surrendered by the Indians in consideration of annuities to them granted;" and

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2. That the lands "surrendered by the Indians" under the treaties cannot be said to be "the absolute property" of Ontario, "free from any further claim upon or charge to" Ontario by Quebec, if the augmentations of the annuities are, as proposed by Canada, made a charge to Ontario alone, thereby wholly relieving Quebec therefrom and putting that Province in the interested position (therein acting with Canada) of seeking to impose upon Ontario this further claim or charge for which Ontario, if at all liable, can only be liable conjointly with Quebec;

3. That Canada has, in the presentation of the Case, ignored the force and effect of the said Award;

4. That by the said Award, Ontario is exonerated from any separate liability in respect of the annuities and augmentations.

25. And as a deduction of the title of Ontario to the said territories, free and clear of any lien or charge under the said treaties, Ontario shews:

Deduction of Title of Ontario to the lands, free of lien:

(1) That the so called Indian title in these lands was extinguished absolutely in order that patents might issue free of any lien or liability.

The Indian title extinguished absolutely, that Patents might issue free of lien;

(2) That the treaties do not in terms purport to create, as they do not in fact create, any lien or charge upon the surrendered territories or upon the proceeds thereof:

The treaties do not purport to create, nor in fact create, any lien;

a. The reference in the treaties to what the territories might produce is not, on a true construction of the treaties, to be taken as suggestive of any lien upon the lands, but only as indicative of the circumstances which might both justify an augmentation, and, under the restrictions of the treaties, determine the measure thereof;

True construction of the treaties on this head;

(3) That these territories, after the surrender, remained of the mass of the public lands of the Province of Canada, freed from the Indian interest;

The lands, after surrender, of the public lands of the Province of Canada, freed from the Indian interest;

a. That the revenues arising from these territories passed, without being in any way kept separate or apart, into the general Territorial Revenues of the Province;

The proceeds of the lands not kept apart;

b. That the general Territorial Revenues passed into, and formed an undivided constituent part of, the Consolidated Revenue Fund of the Province;

But passed into and became an undivided part of the Consolidated Revenue Fund;

(4) That the annuities (including the augmentations thereof) were assumed as a charge upon the said Consolidated Revenue Fund of the Province of Canada;

The annuities assumed as a charge upon the Consolidated Revenue Fund;

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(5) That at the Union, the said annuities, with the augmentations, were of the debts or liabilities of the Province of Canada ; and

Section 111 of the B N. A. Act, 1867, provides that the Dominion of Canada "shall be liable for the debts and liabilities of each Province existing at the Union ;"

At the Union the annuities were of the liabilities of the Province of Canada ;

For which the the Dominion liable under Sec. 111, B.N.A. Act, 1867 ;

(6) That the Act 36 Vict., cap. 30, hereinbefore recited, is to be taken as conclusive that there remains no obligation of the Province of Canada, or of Ontario, unsatisfied or undisposed of under the treaties, and therefore no subsisting obligation which could be the subject of a lien upon the lands or the proceeds thereof ;

The Act, 36 V., c. 30, conclusive that no subsisting obligation which could be the subject of a lien ;

(7) That as a matter of established Law, upon the Cases, the consideration moneys under the treaties form no lien upon the said lands ;

As a matter of Law, the consideration moneys under these treaties no lien ;

(8) And as bearing upon the question as between Ontario and Quebec, Ontario shews :

The question as between Ontario and Quebec :

a. That upon the subdivision, at the Union, of the Province of Canada into the two Provinces of Ontario and Quebec, the lands which had been the property, whole and undivided, of the Province of Canada, were, by force of section 109 of the B. N. A. Act, 1867, apportioned between Ontario and Quebec respectively, in severalty ;

At the Union the lands of the Province of Canada apportioned between Ontario and Quebec in severalty ;

b. That, under the circumstances hereinbefore, in section 24, appearing, the 13th section of the Award of the Arbitrators appointed pursuant to section 142 of the B. N. A. Act, 1867 is to be taken as a declaration that the said territories were subject to no lien under the said treaties, and that if there was any subsisting liability Quebec was to be held therefor jointly with Ontario, and that in fact Ontario was subject to no separate liability ;

Award of 3 September, 1870, conclusive, against separate liability of Ontario ;

c. That under the Act of the Province of Canada, 14 and 15 Vict. cap. 106, an annuity of £1,000 was granted for distribution among Indian tribes of that portion of the Province of Canada which is now Quebec, and made a charge upon the Consolidated Revenue Fund of the Province, which charge, as a portion of the debt of the Province of Canada, was assumed by Canada (as in the case of the abilities and charges under the said treaties) by virtue of the said Act, 36 Vict. cap. 30, and Ontario, as well as Quebec, so wholly relieved therefrom ;

Quebec compensated ;

Indian annuities, Lower Canada, assumed by Dominion ;

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d. By which said Act also, 14 and 15 Vict. cap. 106, 230,000 acres of the public lands of the Province of Canada were set apart and appropriated to and for the use of the Indian tribes of the said portion of the Province which is now Quebec;

Quebec further compensated;

(9) That from the time of the first dealings of the British Crown with the Indians of Canada up to the year (1850) of the Huron and Superior treaties, there has been no instance of the lands comprehended in any surrender being declared or held to be subject to any lien in respect of annuities; in fact, until the year 1834, not even the Territorial Revenues were liable for their payment, but they were defrayed, year by year, from the Imperial grant. In 1834 the charge was, by Executive authority, as a matter of equitable arrangement, without regard to, nor as involving any inherent right of, the Indians, transferred to the Territorial Revenue (not then yet merged in the Consolidated Revenue); in 1840, when the Crown, in return for a Civil List, surrendered its territorial and other hereditary revenues arising within the Canadas to the new Province of Canada, to form part of its Consolidated Revenue Fund, the Imperial Act of Union, 3 and 4 Vict. cap. 35, made no provision for the payment or securing the payment of the Indian annuities; this was remedied under the (reserved) Act of the Province of Canada, 9 Vict. cap. 114, (which finally received the assent of Her Majesty in Council on 16th August, 1847), and the confirmatory Imperial Act, 10 and 11 Vict. cap. 71, whereby the Indian Annuities were included in the Civil List, and charged, in common with the other items thereof, upon the Consolidated Revenue Fund of the Province. At the Union, 1867, these old Indian annuities were of the debts and liabilities of the Province of Canada, and they also (as in the case of the annuities under the said treaties) formed a portion of the excess of debt assumed by the Dominion under the said Act, 36 Vict. cap. 30, Ontario, with Quebec, being thus relieved of all liability or charge in respect thereof:

Review of systems securing payments of annuities to Indians before 1850:

Not in any instance held to be a lien;

[Report of Commissioners Rawson *et al*, App. (EEE.) to Journals, Leg. Ass., Can., 1844-5, pp. 6, 7];

Old Indian annuities, Upper Canada, assumed by Dominion;

a. Such were the dealings and policy of the Crown in regard to surrenders of the Indian interest in the waste lands of the Crown prior to 1850; and Ontario claims that there were no special circumstances and no reasons why the surrenders under the Huron and Superior treaties should be, or should be deemed to be, in the matter of lien, on any different footing, and that they are not in fact on any different footing, but that the annuities in the one case as in the other were, in the full, a charge upon the Consolidated Revenue Fund of

Annuities under Huron and Superior Treaties formed no exception;

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the Province of Canada, to the effectual exclusion of any lien, charge or encumbrance upon the surrendered lands, or upon any lands now of Ontario, or upon the revenues or proceeds thereof;

And Ontario free of separate liability.

(10) That therefore Ontario stands wholly freed and discharged of all separate liability in respect of the said annuities, augmentations and arrears, and every part and parcel thereof.

Benefits conferred by Huron and Superior Treaties on the Indians:

26.—(*a*) Ontario shews that under the Huron and Superior treaties large and valuable considerations were, by the grace and bounty of the Crown, given to the Indians, that is to say:

1. The right to hunt and to fish in the surrendered territories, and the waters thereof, as they had been accustomed, except in such portions as might be sold or leased, and occupied;

2. A sum in hand of $16,640;

3. An annuity certain of $4,400, subject to be increased as provided in the treaties.

4. Valuable reservations, with the right to sell the mineral and other productions thereof, and the right also to the purchase moneys or proceeds of any portions of the lands of the reserves that might be sold or leased.

Present material condition of the Huron and Superior Indians.

(*b*) The said Indians are now, as a consequence, possessed of valuable and increasingly valuable estates, and have, moreover, at their credit, bearing interest, an accumulated Fund already amounting to a large sum, as shewn in Appendix A hereto; and they are, in the ordinary course, probably destined to become comparatively wealthy:

(*c*) In the Appendices hereto are given particulars of:

A. The Reservations;

B. The amount at credit of the respective bands of the Indian Fund;

C. The present condition of the bands, as shewn by recent official reports of the Department of Indian Affairs of Canada;

D. The Manitoulin Island Treaty, of 6th October, 1862.

Ontario entitled to abandoned reservations.

27.—(*a*) In the event of the migration of the said Indians, or of any band of the said Indians, to other territory, Ontario claims to be entitled to the reservations deserted by such Indians or band;

Reversionary title of Ontario to the reservations, and the proceeds thereof, in certain contingencies.

(*b*) And claims, in the event of the extinction (as a recognized tribal or bandal organization, or otherwise) of the said Indians, or of any band of the said Indians having a separate interest and property, that Ontario—and not Canada— is entitled to

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the reversion as well of the reservations set apart for the said Indians, or for the said separate bands, as of the accumulated proceeds thereof;

(c) And claims to be entitled, in right of the Province, and to the exclusion of any claim thereto in right of Canada, to any property of the said Indians, or of any of them, or of any enfranchised Indian of the said tribes, which has escheated, or may hereafter escheat, to the Crown, and to be entitled to the reversion of such arrears of annuity as any Indian may, at the time of his death, have been or be entitled to.

Ontario entitled, as against Canada, to escheats; and to arrears.

O. MOWAT.
ÆMILIUS IRVING.

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APPENDIX A.

APPROXIMATE areas of the Lake Huron Indian Reserves under the Robinson Treaty.

No.	Name.	Area.
1	Garden River	130,000 acres, rough
2	Batchewaung	160,000 acres
3	Dokis	35,000 "
4	Lake Nipissing	81,000 "
5	Henvey's Inlet	26,000 "
6	Parry Island	19,000 "
7	Shawanaga, including block at Naiscontaing	19,648 "
8	Whitefish Lake	50,666 "
9	Spanish River	28,000 " rough.
10	Thessalon River	23,983 "
11	Serpent River	29,000 "
12	Mississaga River	10,000 "
13	Whitefish River	20,000 "
14	Grondine Point	10,000 "
15	Maganetawan	16,700 "
16	French River, No. 13	5,200 "
17	Chief Tahgaiwenina at Lake Wahnapitae	2,560 "
18	Temagaming Lake, exclusive of Water	27,000 "
	(MEMO.—This last has not yet been set apart as Indian Reserve. The Indians claim 100 square miles or 64,000 acres.)	693,757 acres.

DEPARTMENT OF CROWN LANDS,
TORONTO, December 14th, 1893.

GEO. B. KIRKPATRICK,
Director of Surveys.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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APPROXIMATE areas of the Lake Superior Indian Reserves under the Robinson Treaty.

No.	Name.	Area.
1	Fort William	18,778 acres
2	Gros Cap, Lake Superior	10,240 "
3	Michipicoten River	Applied for 178 "
4	Pic River	" 800 "
5	Pays Plat	" 605 "
6	Long Lake	" 862 "
7	Nepigon River, Township Booth	" 468 acres.
	Caribou Island Point, Lake Nepigon	" 135½ "
	Jackfish Island, Lake Nepigon	" 260 "
	Gull River, Lake Nepigon	" 9,825 "
		10,688½ "
		42,151½ "

GEO. B. KIRKPATRICK,
Director of Surveys.

DEPARTMENT OF CROWN LANDS,
TORONTO, December 14th, 1893.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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AREA, ETC., OF THE MANITOULIN ISLAND.

[The whole island formed an Indian Reserve. Under the McDougall treaty of 1862, set out in appendix D hereto, the larger portion was surrendered by the Indians to the Crown in trust to grant certain portions thereof by patent to the resident Indians, and to sell the remainder for their benefit. By the terms of the Treaty, the Indians of the unceded portion of the island were to be entitled to precisely the like benefits whenever they might come to the determination of acceding to the Treaty. Meantime they were to hold the unceded portion as a Reserve in common. Certain of the Huron-Superior Indians are resident, some on the ceded and some on the unceded part of the island, actually participating in the benefits of the McDougall treaty whilst still in the enjoyment of all the benefits of the Huron and Superior Treaties. *See* also as to the Manitoulin, pages 28-9, *post*.]

Total area of ceded portion (but including Cockburn and Barrie Islands).....657,772 acres

	Acres.
Of which granted to Indians	21,828
Remaining for sale	330,282
Already sold	305,612
	657,722

Amount at credit of Indians of ceded portion, per Appendix B hereto.	$116,350 01
Amount of unpaid purchase moneys, 30th June, 1893	83,812 00
	$200,162 01

Area of unceded portion.....105,300 acres

(*Communication from Department of Indian Affairs of 6th February, 1894.*)

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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APPENDIX B.

STATEMENT showing the condition of the various accounts of the Indian Bands of the ceded territories, Huron and Superior, on the 30th June, 1892, according to Report of Department of Indian Affairs submitted to Parliament—Canada Sessional Papers, 1893, No. 14, Part 2, page 17.

No. of account.	Name.	Capital.
		$ c.
26	Ojibeways of Lake Huron	48,000 00
1	Batchewana	4,085 87
11	French River Indians	5,079 23
12	Garden River Indians	62,883 25
13	Henvey Inlet Indians	7,240 50
14	Lake Nipissing	35,797 88
16	Magnattawan	510 32
28	Ojibeways, Mississagua River	5,709 52
30	Parry Island Indians	48,908 44
32	Serpent River	3,504 23
34	Shawanaga	11,116 13
35	Spanish River	5,462 09
36	Thessalon River	15,672 36
38	Whitefish River	8,862 15
49	Temiscamingue	2 345 96
80	Point Grondin	6,805 00
82	Whitefish Lake	9,189 67
27	Ojibeways of Lake Superior	40,000 00
10	Fort William Band	14,746 44
37	Tootoomenai Band	900 00
15	Manitoulin Island—unceded	20,069 27
25	" ceded	116,350 01

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APPENDIX C.

EXTRACTS FROM REPORT OF DEPARTMENT OF INDIAN AFFAIRS FOR THE YEAR 1892, SUBMITTED TO PARLIAMENT.

CANADA SESSIONAL PAPERS, 1893, No. 14, PART I., PAGE 5.

EXTRACTS FROM SUPERINTENDENTS' REPORTS ON THE MATERIAL CONDITION OF THE INDIAN BANDS IN THE CEDED TERRITORIES.

THE OBJIBEWAYS OF LAKE HURON.

THESSALON RIVER.

(Being the Twelfth Reservation in the Schedule to the Huron Treaty.)

THESSALON RIVER INDIANS.—There is not much to remark in the condition of this band, which is very similar to last year. The census shows a decrease of five, caused by two families (who have been living in the United States) having been removed from the pay list These Indians are mostly fishermen, their agricultural operations being on a small scale. They earn money by loading vessels and working at saw-mills. Their school is fairly attended.

MAGNETTAWAN.

(Being the First Reservation in the Schedule to the Treaty.)

The Magnettawan Band has decreased two in number. They live for the most part at West Bay Manitoulin Island, are good farmers, and earn money by loading vessels with lumber, for which work they receive $1.75 per day. They have good farms and are prosperous. Their children attend school at West Bay.

SPANISH RIVER.

(Being the Fifth Reservation in the Schedule to the Treaty.)

The census of the Spanish River Band shows a decrease of two. The portion of this band who live on the unceded part of Manitoulin Island are farmers and fishermen and are prosperous; those living on the Spanish River Indian Reserve are also fairly well-to-do. But as much cannot be said for those living at Pogumasing and Biscotasing: fur having become very scarce and hard to get, the Indians maintain themselves entirely by hunting in winter and canoeing in summer.

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THE WHITEFISH LAKE.

(Being the Sixth Reservation in the Schedule to the Treaty.)

The White Fish Lake Band is another hunting band. They feel the scarcity of game very much. Their chief, who is an intelligent Indian, was anxious for information as to the provisions of the new Ontario game law, and fears that its operation will be injurious to the band. These Indians get work from the Canadian Pacific Railway Company, which helps them considerably, although the work is not exactly to their liking. They have two schools. The census shows an increase of two.

MISSISSAUGA RIVER.

(Being the Eighth Reservation in the Schedule to the Treaty.)

The Ojibways of Mississauga River is another hunting band, very little farming being done. They are numerically the same as last year, and have a school on their reserve.

POINT GRONDINE.

(Being the Third Reservation in the Schedule to the Treaty.)

The Point Grondine Band are only fifty in number—the same as last year. They have very comfortable and well-built dwelling houses on their reserve, are intelligent and well-to-do. Their farming is on a small scale. A lot of money is earned by them by picking berries and fishing. They are prosperous.

SERPENT RIVER.

(Being the Seventh Reservation in the Schedule to the Treaty).

The census of the Serpent River Band shows an increase of two. These Indians are mostly hunters, but some of them work in the saw-mills, of which there is one near their reserve. They have a school under the auspices of the Catholic Church.

FRENCH RIVER.

(Being the Thirteenth Reservation in the Schedule to the Treaty.)

The French River Band has decreased three during the year. They are farmers, have land on the Sheguiandah Indian Reserve, are prosperous and contented. Their school is under the auspices of the Church of England, and they have also a handsome church.

THE WHITEFISH RIVER.

(Being the Fourth Reservation in the Schedule to the Treaty.)

The White Fish River Band numbers seventy-nine—the same as last year. They are enterprising and progressive. They have good and productive gardens, also a church and school-house. Over one million feet of saw logs were taken out by them last season, and they will probably do as much the coming season.

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TAHGAIWININI.

(Being the Eleventh Reservation in the Schedule to the Treaty.)

The Tahgaiwinini Band are good farmers and fishermen. They live mostly on the unceded part of Manitoulin Island. The census shows a decrease of one. This band is very prosperous.

MANITOULIN ISLANDS.

[As many of the Treaty Indians, or their descendants, are, and for a long time have been, resident on the Manitoulin Islands, enjoying there the benefits of the unceded reserves or of the McDougall Treaty, but still confessedly drawing annuity and other moneys under the Huron and Superior treaties, the accounts given of them in the report of Mr. Superintendent Phipps, of Manitowaning, from which all the above paragraphs have been taken, are here added, in the order in which they there occur]:—

The Manitoulin Island Indians Unceded.

This band numbers one thousand and ninety-two, an increase of thirteen, there having been sixty-eight births, fifty-four deaths, two increases by immigration, and three decreases by emigration. They are prosperous. Many of their dwelling houses are creditable structures. There is a temperance society at Wikwemikong, with a membership of about one hundred, which does much good. These Indians farm, fish, get out timber, and are exceedingly prosperous. There are five schools on the reserve, which have a large attendance.

The Ojibways and Ottawas of Manitoulin Islands.

The Cockburn Island Band numbers thirty-seven, an increase of one, are farmers and fishermen, and are fairly prosperous.

The Sheseguaning Band numbers one hundred and sixty-nine, an increase of four. They have a school, are good farmers and fishermen, and are industrious workers. They have recently completed the erection of a fine church at their village.

The West Bay Band numbers two hundred and fifty, an increase of three. They are good farmers and have excellent land in their reserve, on which good crops are raised. They are a well ordered and progressive band.

The Sucker Creek Indians number one hundred and ten, the same as last year; their farming has been successful and they are prosperous. They have a school which is fairly well attended; the school and church are under the auspices of the Church of England.

The South Bay Band numbers seventy-four; they are fishermen and farmers. The church and school at their village are under the auspices of the Roman Catholics.

The Sheguiandah Band numbers one hundred and fifty-three, an increase of one; they farm successfully and are prosperous and contented. Their church and school are under the auspices of the Church of England.

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The Sucker Lake Band numbers twenty-one, the same as last year. They occupy a small reserve near Manitowaning, and are farmers.

The Obidgewong Band numbers twenty-two, a decrease of two. They are all pagans. They farm successfully, and are yearly increasing their clearings.

[The following fifteen lines refer to the Indians of Mr. Phipps' superintendency as a whole, comprising all the bands hereinbefore in this appendix mentioned]:—

Sixteen schools have been in operation during the year. The progress of the pupils on the whole may be considered satisfactory; if a more regular attendance could be obtained better results would be secured. It is to be hoped that this will be reached in the near future.

The health of the Indians generally has been fair. There was an outbreak of diphtheria at ths Wikwemikong Girl's School in February last. Prompt measures were taken to isolate the building; the spread of the disease was stopped. Those attacked received medical treatment, and all speedily recovered.

The crops last year have been fair, except hay which was almost a failure. The season commenced with a protracted period of drought during which the seed sown did not germinate; in July abundant rains fell, too late, however, to save the hay crop. The yield of potatoes was much in excess of the average, and that of the grain fair. At the time of writing this report the prospects of an abundant harvest are good.

The distribution of annuity and interest money to the Indians of this superintendency during the year amounted to eleven thousand two hundred and sixty-two dollars and twenty-one cents.

The past year has been one of considerable material prosperity.

PARRY ISLAND.

(Being the Sixteenth Reservation in the Schedule to the Treaty, the Indians by their own desire having received Parry Island in exchange for the lands described in the Treaty.)

This band may be represented as being in such a fairly satisfactory condition that it is rather difficult to find anything sufficiently noteworthy to report. If the deaths of several infants and one adult are excepted, nothing of a nature much to be regretted has occurred. In two cases only was there any need to render relief from the funds of the band to any sick.

The crops were satisfactory last year and promise to be even more abundant this season. These circumstances, combined with a large demand for labor at neighboring lumber mills, place this band in a very comfortable position. The road improvements on the island are yearly receiving more attention and fair roads now exist where formerly only trails were trodden.

The two schools in operation are doing average work. The great drawback to educational success is the irregularity in the attendance of the pupils. Regulations, however, have been passed and approved inflicting fines for irregularity or non-attendance of children of school age. The time for collecting these fines has not yet arrived. It is hoped and expected that after the first imposition of these penalties the school attendance will improve.

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SHAWANAGA.

(Being the Seventeenth Reservation in the Schedule to the Treaty.)

As usual, this band shows probably less progress than any other tribe in this superintendency. Nevertheless, they seem happy and contented. During the year they report having caught at least one hundred and twenty-four barrels of fish, and fur to the value of $450, and to have raised upwards of one thousand two hundred bushels of produce from the soil.

Several of the younger men seem inclined to devote their attention to deep lake fishing. Though such occupation is not to be compared with agriculture as a means of promoting comfort and well-being, still it is much to be preferred to that of hunting. It is hoped that many who refuse to be farmers will become fishermen.

The school shows marked progress. A new white teacher took charge last October, and the reading, the spelling by dictation and the arithmetic have improved. While, however, the pupils read well and also write well to dictation, there is a great suspicion in my mind that they know little of the meaning of what they read or write. How to remedy such defect in this and other Indian schools is a matter that is continually kept before the teachers, and I hope to be able next year to report material improvement in this respect.

HENVEY INLET.

(Being the Second Reservation in the Schedule to the Treaty).

* * * * * * * * *

I gathered ..... that the past year had been uneventful, that neither decided prosperity nor heavy adversity had fallen to their lot, and that, except in the matter of the accident that had just befallen them, all had been well with them.

The school which I had visited in early spring showed gratifying signs of improvement, though there is still abundant room for further progress. The attendance had increased and what seemed to me of almost more importance, the pupils were more alive to and familiar with school work and ways than formerly.

LAKE NIPISSING.

(Being the Tenth Reservation in the Schedule to the Treaty.

This band, whose reserve is situated on the northern shores of Lake Nipissing, are in the enjoyment of a satisfactory amonnt of prosperity. Their reserve is rapidly increasing in value, and they have been approached with the view of surrendering a considerable part of it at a price of about $2.50 per acre. At the present however, they refuse to entertain any such proposal even for a moment, and they were much gratified when I assured them that till they freely surrendered it for sale not one square foot could be taken from them for any purpose whatever, save that of some such public work as a railway.

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Several of the band are devoting themselves largely to agriculture, and one man last year cut ten tons of timothy hay, and raised upwards of two hundred bushels of other farm produce. A large proportion, however, hunt and trap, and act as guides; and as fourteen of them reported to me that they had caught upwards of $2,000 worth of fur, their success must, I suppose, have been satisfactory.

The only annoyance that has for years troubled this band, namely, the unfenced state of the Canadian Pacific Railway track while it runs through their reserve, is being rapidly removed, and I was glad to find the eastern ten miles well fenced, and to be informed that the same work on the western side was being pushed forward with satisfactory speed.

The school in operation on this reserve is not accomplishing the work it ought to do, in consequence of the migratory habits of many members of the band. The number of pupils on the roll is much too small. Those few families who reside permanently near the school-house do send their children with fair regularity, so that last year with a roll of twelve there was an average daily attendance of eight and a-half, but, unfortunately, too many do not send their children at all.

DOKIS BAND.

(Being the Ninth Reservation in the Schedule to the Treaty.)

For some reason with which I am at present unacquainted, this band failed to meet me at the time and place appointed. I am, consequently, unable to make any extended report concerning them. From enquiries made from their near neighbors, the Nipissings, I gathered that they were in their usual satisfactory condition.

[The report of the previous year is added as giving more particulars]:—

Extract from the report of Thos. F. Walton, Indian Superintendent, dated 12th September, 1891, Canada Sessional Papers, 1892. No. 14; Part I, page 8.

Dokis Band.

Little if anything can be reported concerning this band. Reticence and independence characterize its leading members, and as these seem to exercise a dominant influence over the rest, it is almost impossible to approach them for any other purpose than that of paying them their annuities.

On the question being again brought before them, they again decidedly refused to surrender their timber with the object of its being sold for their benefit. Owing to extensive lumbering operations going on all around their reserve, their timber is in great danger from fire, and it seems most expedient that it should be sold; but the obstinacy of one or two in refusing to surrender, blocks the way of this being accomplished, with the result that $50,000 worth of pine timber is liable to be destroyed any dry summer.

LAKE TEMOGAMINGUE.

(No Reservation by Treaty; application made to Ontario for a grant.)

In this as in every other band in this superintendency there is a slight decrease in the census list this year. Why this should be, so generally, it is impossible to say, as all my Indians seem comfortable

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and in average circumstances. In this particular band the decrease is caused by some disease having carried off three members of one family in January last, while otherwise births and deaths balanced each other.

In this, as in most of the bands, I introduced the subject of vaccination and as soon as I had succeeded in inducing one or two to submit their children to the operation, I found that it suddenly became fashionable. I need not say that I took advantage of the fashion and vaccinated twenty-one children, some of whom, however, were those of non-treaty Indians. While parents willingly forced their children to submit themselves to the operation, they refused to submit themselves, and as this is usually the case, it will be extremely difficult to carry out your instruction to vaccinate every Indian once in seven years.

The ability of this band to sustain themselves in comfort was put to a severe test during last winter when provisions ran short and some hardship resulted. Nothwithstanding this they welcomed spring in fair condition, and at the time of my visit seemed as happy and contented as usual.

The principal men of the band again made enquiry as to the laying out of a reserve for them, and expressed the hope that your department would not cease from your efforts till their whole band became settled all near each other, on land that their descendants could for ever call their own.

GARDEN RIVER.

(Being the Fourteenth Reservation in the Schedule to the Treaty.)

The chief of this band, Pequetchenene, was elected last year, and resides with his people on the reserve, which is situated twelve miles from here (Sault Ste. Marie), on the St. Mary River. There has been a great deal of sickness, chiefly among the children, and the doctor has had to make a number of extra visits. There were ten deaths. The sanitary condition of the Indians has been satisfactory ; the houses have a better appearance, and the land is well fenced. The crops this year are good ; corn is sown in small quantities and is loooking well. The potatoe crop is excellent, and the hay is better than it has been for years past. The members of the band still continue to earn their living by cutting pulp wood, which has become quite an industry, and working in the shanties getting out saw-logs for the owner of the timber limits. The burning, last fall, of Messrs. Hollister & Co's. mill kept many of the Indians out of employment this spring ; some got work in other parts, loading lumber, etc.

This band is composed of both Church of England and Roman Catholics, and both denominations have good churches on the reserve. They have two schools, both of which are being better attended than formerly.

BATCHEWANA.

(Being the Fifteenth Reservation in the Schedule to the Treaty.)

Chief Nubenagooching of this band is a life chief, and resides with the greater number of this band at the bay, Garden River Reserve. The remainder of the Indians are scattered along the shore of Lake Superior to Agawa River about ninety miles from here (Sault Ste. Marie). These earn their

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living by fishing, hunting, canoe making and picking berries, large quantities of which are gathered along the shore, and are mostly sold in the United States at good prices. The fishing has been better during the past year, but the fur catch was not good, the prices of which have greatly fallen. During my last visit up the lake I fed about forty Indians and gave them tobacco, pipes and blankets, as is my usual custom. The Indians living at the Bay work in the shanties and drives, but do not participate in the wood and timber cut on Garden River Reserve. The school has been fairly well attended. The band are mostly Roman Catholics, with a very few Methodists.

THE OJIBEWAS OF LAKE SUPERIOR.

MICHIPICOTEN AND BIG HEAD.

(*Being the Second Reservation in the Schedule to the Superior Treaty.*)

The chiefs of this band are Sanson Lagard and Gros Jambette. The former resides at Michipicoten River with fourteen families, and the latter at Chapleau with about twelve families; the remaining members of the band are scattered inland, and are paid by me through the officer of the Hudson Bay Co. at Michipicoten River.

The Indians live chiefly by hunting and fishing. They also fish for those holding licenses to do so, and cut and sell wood to the fishing tugs during the open season. There has been a great deal of sickness during the year, and several deaths. The majority of the band are Roman Catholic, only about fifty being Methodists. Their reserve at Michipicoten River is about three hundred acres, on which they grow potatoes and other vegetables. Their houses are good and comfortable. They have a Roman Catholic church, and a school-house which is not used at present.

FORT WILLIAM.

(*Being the First Reservation in the Schedule to the Treaty.*)

I am pleased to be able to report again this year a gradual increase in the prosperity of this band. Their crops are unusually good; they put in last spring about five hundred bushels of seed, principally potatoes, some oats, peas and garden seeds. Their hay crop will be greater than ever this year, on account of their having drained Whiskey Jack Lake, situated immediately back of their farm settlement; it is about one mile long, and surrounded with tamarack swamp. This has been for many years a hindrance to their extending their farms further back, and it limits their cattle range for feeding. During July they cut a ditch from this lake, twenty-five hundred feet long, leading into a ravine which carries the water into the Kaministiquia River. This involved an excavation of three thousand five

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hundred and sixty-five cubic yards, mostly through soft, mirey muskeg and some clay, and the ditch looks like a small canal. It lowered the water of the lake about six feet, and dried up the surrounding swamp referred to, which now grows tall, waving hay where before it was covered with water. They have already commenced extending their fences, and some are clearing land and enlarging their farms. This extensive work they could not have done without the assistance of the Department. The levels were taken by an engineer, and fifteen cents per cubic yard was paid for excavating.

The Indians are giving special attention to stock raising, and have now five horses, twenty-six milch cows, thirty head of young cattle and fifteen working oxen. To show their advancement in this line, it is only a few years ago since the Department furnished them with two yoke of oxen to do the work connected with their garden patches, while now they have their own oxen to work their farms.

The most of them have abandoned the hunt; fur-bearing animals are becoming more scarce, and this occupation does not pay as well as farming. Only a few indolent Indians hunt and fish, and they only manage to get a very poor livelihood as compared with the more industrious farmer. In the winter season they get cordwood, cedar, telegraph poles and posts and square cedar off their reserve and from other lands. Each Indian gives two days' statute labor yearly, thereby keeping their roads, ditches and bridges in good order. The Indian boys' and girls' school is well attended, and the orphanage is kept by the Sisters of St. Joseph in a most neat and orderly manner. The girls are taught needle and fancy work in addition to their ordinary studies. The pupils have good medical attendance. There has been a good deal of sickness in the band, of whom a certain number have been vaccinated each year. Very few of these Indians now indulge in intoxicants; a few whites have been fined and imprisoned for selling liquor to them. Their general prosperity and advancement is a proof of their temperate habits.

This band numbers three hundred and fifty-seven persons.

RED ROCK.

(*Being the Third Reservation in the Schedule to the Treaty.*)

This band has been improving their reserve for the past year in the way of clearing and building. They have good gardens, and will have a fair crop of potatoes. Their reserve is situated on the Nepigon River, where tourists from different parts of America resort every summer. They employ the Indians and their canoes at high wages; this diverts their attention from their farms. Hunting is followed in the winter season, but each year the fur-bearing animals are decreasing in number, and in a few years the Indians will be forced to turn their attention to agriculture. They get plenty of fish from Lake Helen, one mile from their reserve, in the summer season, and lake trout and white fish in the fall for their winter use

It came to my knowledge that sportsmen engaging Indians as guides sometimes gave them liquor; this I put a stop to by giving them notice, through different agencies, that any one giving liquor to an Indian would be fined $300 and receive six months' imprisonment. This has put a stop to the practice

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Their school is taught by a female teacher, and their church is well attended when the missionary priest visits them, about four times a year. I vaccinated a good many of them this year, and some who evaded the operation before came to me this year to be vaccinated, having heard of two cases of small-pox in Port Arthur.

This band numbers two hundred and one persons, a decrease of two persons from last year.

PAYS PLAT.

This band only numbers fifty-two persons. They have comfortable log houses, situated on the banks of the Pays Plat River. The Canadian Pacific Railway runs through their reserve ; they are an industrious and well-to-do people. They have a good bull to plough their land, and a few cows and young cattle ; each year they improve a little. They complain of not being able to get fish as formerly on account of the depletion in Lake Superior by pound-net fishing.

They are very desirous of having a school and teacher ; their chief is a man with a common English education, enterprising and industrious, and keeps a small trading store for the Hudson Bay Company.

PIC RIVER.

This band numbers two hundred and sixty, an increase of seven persons over last year. They have good crops of potatoes and some turnips ; they have taken good care of their oxen, which have done all the ploughing for the band. The Indians worked last winter and this summer getting out pulp spruce wood for the American market. This has enabled them to clothe their families and live more comfortably. They have had very little sickness ; a number who were left widows, with young children, last year received assistance in the way of food during the winter from the department, and, if the rabbits are not plentiful this coming winter, they will require further assistance. In the summer season they can always manage to get fish in the inland lakes, and game.

LONG LAKE.

This band lives entirely by the chase. The department furnished them with seed potatoes and turnip seed last year, to give them a start, and I furnished them with twenty bushels more this year, but the effort to induce them to cultivate has proved a failure. Their land is a cold clay and not suitable for agricultural purposes, but will grow hay. In the summer months the Indians are employed getting in supplies from Lake Superior up the Pic River, thence across the height of land into the Little Albany River, thence into and across Long Lake to the Long Lake House, making twenty-eight portages. The fur-bearing animals in this country are not decreasing as they are in more thickly settled localities. No white trappers or parties who resort to these hunting grounds are interested in their preservation ; the Indians are ever careful of them and when travelling they always extinguish their camp fires with water, which accounts for their never having a bush fire. Their hunt last winter exceeded that of the previous year by several thousand dollars ; they dress better and are more comfortable in many ways than some of the frontier Indians. The

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Hudson Bay Company take great care of their Indian hunters ; they live in wigwams all the year round, and are not so subject to consumption as those living in houses in the winter and changing to wigwams in the summer, which is the custom of many. This band numbers three hundred and thirty-one persons, a decrease of eight from last year.

NEPIGON.

This band numbers five hundred and twenty, an increase of seven over last year. These Indians live principally by the chase, many of them have built good log houses at different points where the soil is good, and they raise potatoes and other root crops ; their object in settling in different places is to get fish, because if they all settled on their reserve that portion of the lake would soon be fished out, as it is not a good fishing ground at all times of the year. The hunt was more productive this year than last. In the summer season many of the Indians make money with the tourists, fly-fishing, being employed with their canoes at high wages. The lake and river, in addition to the attraction of fishing, presents the most picturesque and lovely scenery in America ; it is over one hundred miles long by fifty in width. At Jackfish Island they have a well-attended school with a good teacher, it is also used as a Roman Catholic Chapel. About one-third of this band are Pagans, the others are Roman Catholic. They are altogether a cleanly, well-behaved and happy people. In my agency I have successfully vaccinated two hundred and thirty Indians this year.

ENGLISH CHURCH MISSION RESERVE.

This year I did not visit this reserve, as the Indians were all away, being employed by tourists on the Nepigon River, which takes its rise or source close to their reserve. The families were away picking berries, it being holiday time for the children. The chief informed me that their potato crop was very good, and the bull that does all their ploughing and other work is in good condition ; they had plenty of hay for the winter ; they also have a fine church and school house, the latter being well attended. Their minister was removed and now resides in Toronto, but it is hoped the bishop will replace him, as the mission will not prosper without a resident minister. They live in good houses and are a well-behaved industrious people.

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APPENDIX D.

The Manitoulin Island Treaty,

of 6th October, 1862.

Articles of agreement and convention, made and concluded at Manitowaning, on the Great Manitoulin Island, in the Province of Canada, the sixth day of October, Anno Domini 1862, between the Hon. William McDougall, Superintendent-General of Indian Affairs, and William Spragge, Esquire, Deputy Superintendent of Indian Affairs, on the part of the Crown and Government of said Province, of the first part, and Mai-she-guong-gai, Oke-mah-be-ness, J. B. Assiginack, Benjamin Assiginack, Wai-be-nesse-me, She-we-tah-gun, George Ah-be-tos-o-wai, Paim-o-quo-naish-gung, Abence, Tai-bose-gai, Ato-wish-cosh, Nai-wau-dai-ge-zhik, Wau-kau-o-say, Keesh-kewan-bik, Chiefs and principal men of the Ottawa, Chippewa, and other Indians occupying the said Island, on behalf of the said Indians, of the second part:

Whereas, the Indian title to said Island was surrendered to the Crown on the ninth August, Anno Domini 1836, under and by virtue of a treaty made between Sir Francis Bond Head, then Governor of Upper Canada, and the chiefs and principal men of the Ottawas and Chippewas then occupying and claiming title thereto, in order that the same might "be made the property (under their Great Father's control) of all Indians whom he should allow to reside thereon;"

And whereas, but few Indians from the mainland whom it was intended to transfer to the Island, have ever come to reside thereon;

And whereas, it has been deemed expedient (with a view to the improvement of the condition of the Indians, as well as the settlement and improvement of the country,) to assign to the Indians now upon the island certain specified portions thereof, to be held by patent from the Crown, and to sell the other portions thereof fit for cultivation to settlers, and to invest the proceeds thereof, after deducting the expenses of survey and management, for the benefit of the Indians;

And whereas, a majority of the chiefs of certain bands residing on that portion of the island easterly of Heywood Sound and Manitoulin Gulf have expressed their unwillingness to accede to this proposal as respects that portion of the island, but have assented to the same as respects all other portions thereof; and whereas the chiefs and principal men of the bands residing on the island westerly of the said sound and gulf have agreed to accede to the said proposal;

Now this agreement witnesseth that in consideration of the sum of seven hundred dollars now in hand paid (which sum is to be hereafter deducted from the proceeds of lands sold to settlers), the receipt whereof is hereby acknowledged, and in further consideration of such sums as may be realized from time to time as interest upon the purchase money of the lands to be sold for their benefit as aforesaid, the parties hereto of the second part have and hereby do release, surrender and give up to Her Majesty the Queen, all the right, title, interest and claim of the parties of the second part, and of the Ottawa, Chippewa and other Indians in whose behalf they act, of, in and to the Great Manitoulin

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Island, and also of, in, and to the islands adjacent, which have been deemed or claimed to be appurtenant or belonging thereto, to have and to hold the same and every part thereof to Her Majesty, her heirs and successors forever.

And it is hereby agreed by and between the parties hereto as follows:

Firstly.—A survey of the said Manitoulin Island shall be made as soon as conveniently may be, under the authority of the Department of Crown Lands.

Secondly.—The Crown will, as soon as conveniently may be, grant by deed for the benefit of each Indian being the head of a family and residing on the said island, one hundred acres of land; to each single person over twenty-one years of age, residing as aforesaid, fifty acres of land; to each family of orphan children under twenty-one years of age, containing two or more persons, one hundred acres of land; and to each single orphan child under twenty-one years of age, fifty acres of land; to be selected and located under the following rules and conditions: Each Indian entitled to land under this agreement may make his own selection of any land on the Great Manitoulin Island:

Provided:

1st. That the lots selected shall be contiguous or adjacent to each other, so that Indian settlements on the Island may be as compact as possible.

2nd. That if two or more Indians claim the same lot of land, the matter shall be referred to the Resident Superintendent, who shall examine the case and decide between them.

3rd. That selections for orphan children may be made by their friends, subject to the approval of the Resident Superintendent.

4th. Should any lot or lots, selected as aforesaid, be contiguous to any bay or harbor, or any stream of water, upon which a mill site shall be found, and should the Government be of opinion that such lot or lots ought to be reserved for the use of the public, or for village or park lots, or such mill site be sold with a view to the erection of a mill thereon, and shall signify such its opinion through its proper agent, then the Indian who has selected, or who wishes to select such lot, shall make another selection; but if he has made any improvements thereon, he shall be allowed a fair compensation therefor.

5th. The selections shall all be made within one year after the completion of the survey, and for that purpose plans of the survey shall be deposited with the Resident Superintendent as soon as they are approved by the Department of Crown Lands, and shall be open to the inspection of all Indians entitled to make selections as aforesaid.

Thirdly.—The interests which may accrue from the investment of the proceeds of sales of lands as aforesaid, shall be payable annually, and shall be apportioned among the Indians now residing westerly of the said sound and gulf and their descendants, *per capita*, but every chief lawfully appointed shall be entitled to two portions.

Fourthly.—So soon as one hundred thousand acres of the said land is sold, such portion of the salary of the Resident Superintendent, and of the expenses of his office as the Government may deem equitable, shall become a charge upon the said fund.

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Fifthly.—The deeds or patents for the lands to be selected as aforesaid, shall contain such conditions for the protection of the grantees as the Governor in Council may, under the law, deem requisite.

Sixthly.—All the rights and privileges in respect to the taking of fish in the lakes, bays, creeks and waters within and adjacent to the said island, which may be lawfully exercised and enjoyed by the white settlers thereon, may be exercised and enjoyed by the Indians.

Seventhly.—That portion of the island easterly of Heywood Sound and Manitoulin Gulf, and the Indians now residing there, are exempted from the operation of this agreement as respects survey, sale of lots, granting deeds to Indians, and payment in respect of moneys derived from sales in other parts of the island. But the said Indians will remain under the protection of the Government as formerly, and the said easterly part or division of the island will remain open for the occupation of any Indians entitled to reside upon the island as formerly, subject, in case of dispute, to the approval of the Government.

Eighthly.—Whenever a majority of the chiefs and principal men at a council of the Indians residing easterly of the said sound and gulf, to be called and held for the purpose, shall declare their willingness to accede to the present agreement in all respects and portions thereof, and the Indians there shall be entitled to the same privileges in every respect from and after the date of such approval by the Government, as those residing in other parts of the island.

Ninthly.—This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be approved by the Governor in Council.

In witness whereof the said Superintendent-General of Indian affairs, and Deputy Superintendent, and the undersigned chiefs and principal men of the Ottawa, Chippewa and other Indians have hereto set their hands and seals at Manitowaning, the sixth day of October, in the year first above written.

(Signed),

WM. McDOUGALL,	(L.S.)
WM. SPRAGGE,	(L.S.)
J. B. ASSIGINACK,	(L.S.)
MAISHEGUONGGAI,	(L.S.)
OKEMAHBENESS,	(L.S.)
BENJAMIN ASSIGINACK,	(L.S.)
WAIBENESSIEME,	(L.S.)
SHEWETAGUN,	(L.S.)
GEORGE WEBETOOSOWN,	(L.S.)
PAIMOQUONAISHGUNG,	(L.S.)
ABENCE,	(L.S.)
TAIBOSEGAI,	(L.S.)
ATOWISHCOSH,	(L.S.)
NAIWAUDAIGEZHIK,	(L.S.)
WETCOWSAI,	(L.S.)
KUSHKEWABIE,	(L.S.)
BAIBOMSAI,	(L.S.)
KEGHIKGODONESS,	(L.S.)
PAHTAHDOGINSHING,	(L.S.)

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Executed in the presence of (having been first read, translated and explained):

(Signed),

GEORGE IRONSIDE,
S. I. Affairs,
S. PHILLIPS DAY,
WM. GIBBARD,
DAVID S. LAYTON,
JOSEPH WILSON,
JOHN H. McDOUGALL,
F. ASSICKINACK,
PETER JACOBS,
Church of England Mission,
McGREGOR IRONSIDE.

The undersigned is one of the chiefs of the Wequainorekong band, and appends his signature in testimony of his general approval and his assent as an individual to all the terms of the above agreement.

(Signed),

TEHKUMMEH, (L.S.)
PAIMSAHDUNG. (L.S.)

MANITOWANING, October 6th, 1862.

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186273

IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion of Canada, the Province of Canada, and the Provinces of Ontario and Quebec.

ANSWER OF THE PROVINCE OF ONTARIO

TO THE CASE OF THE DOMINION RELATING TO THE CLAIMS AGAINST

ONTARIO AND QUEBEC CONJOINTLY

FOR ARREARS OF INCREASED ANNUITIES

UNDER THE

HURON-SUPERIOR TREATIES OF 1850.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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IN THE MATTER OF THE ARBITRATION FOR THE SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT, BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 AND 55 VICTORIA, CHAPTER 6, CANADA; 54 VICTORIA, CHAPTER 2, ONTARIO; AND 54 VICTORIA, CHAPTER 4, QUEBEC.

Filed the 24 day of March, 1897.

Statement on the part of the Province of Ontario, in reply to the "Case of the Dominion, relating to the Claims of the Ojibeway Indians of Lake Huron and Lake Superior, for Arrears of Increased Annuities against Ontario and Quebec conjointly, under the Treaties made by the Hon W. B Robinson, in the year 1850."

Interpretation.

1. In this Statement the expressions "Canada," "Ontario," and "Quebec," mean the Dominion of Canada, and the Provinces of Ontario and Quebec, as defined by the British North America Act, 1867, including the respective Governments thereof: the expressions "Huron Treaty" and "Superior Treaty," mean the two treaties set forth in the third and fourth paragraphs of the Statement of Case of the Dominion, filed on the 25th day of January, 1897; the expression "Dominion Case," means the said Statement of Case of the Dominion; and the expression, "the Union," means the Union of the Provinces effected by the B. N. A. Act, 1867.

Canada to prove Case.

2. Ontario puts Canada to proof of all allegations contained in the Dominion Case, except as admitted herein.

Denial of whole claim of Canada.

3. Ontario denies the whole claim of Canada set out in the Dominion Case, and every part and parcel thereof, and disclaims all liability in respect thereof, whether separately or conjointly with Quebec on the ground that no portion of

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the said claim was included or can be included in the debt of the Province of Canada, for the excess of which Ontario and Quebec became under section 112 of British North America Act conjointly liable to Canada.

Original treaties to be produced.

4. Ontario admits that the treaties set forth in paragraphs 3 and 4 of the Dominion Case, were entered into as alleged, but, for greater certainty as to the contents thereof, craves leave to refer at the hearing of this matter to the original instruments.

Indians who were paid, 1850-1892, to be identified :

5. As an aid to the tracing of the descent of the Treaty Indians, and to the determining from time to time the identity of the individual Indians legally entitled to payments under the treaties, Ontario requires Canada to show who were the individual Indians to whom was paid, from 1850 to 1873 inclusively, their proportion of the specific annuities of $2,400, and $2,000, and from 1874 to 1892 inclusively, the full augmented annuities, as in paragraphs 5, 7, 8, 9 and 10 of the Dominion Case stated, distinguishing also who of such Indians were in the respective years residents of the Manitoulin Islands.

Residents of Manitoulin to be distinguished.

Denial of claim for arrears, 1867-1875.

6. Ontario denies that any arrears in respect of the augmentation of the annuities from the year 1867 to the year 1875, in paragraph 9 of the Dominion Case mentioned, or any part thereof, are due or payable to the Indians, and disclaims all liability in respect thereof, and of the interest claimed thereon, and in respect of the sum of $95,200 in the said paragraph mentioned, and every part thereof.

Founded, moreover, on false bases of population and individual allowance.

(*a*) The amount of $95,200 is arrived at on the wrongful basis of an estimated Indian population of 2,700 in each of the years (instead of the population of 2,662 in the treaties mentioned) and the allowance of the maximum yearly sum of $4 to each individul of that number.

Denial that revenues after 1874 sufficient throughout to meet augmentation.

7. Ontario does not admit that the revenue derived from the Lake Huron territory were sufficient, in 1876, or for a series of years subsequently, if at all, to entitle the Indians to the augmented annuities, as stated in paragraph 8 of the Dominion Case, or that the revenues from the Lake Superior territory were sufficient in 1875, or in any year subsequently, to entitle the Indians, if to any, to more than a fractional part of the augmentation in said paragraph 8 mentioned.

Denial of liability, 1875-1892, for augmentations paid by Dominion, or interest thereon :

8. Ontario denies all liability in respect of the payment claimed to have been made by Canada from the year 1875, up to and inclusive of the year 1892, of "the full increased annuity of $4 to each individual Indian within the said treaties," as in paragraph 10 of the Dominion Case, and in respect of the sum of $389,106.80 in the said paragraph mentioned ;

Proof required that payments were to Treaty Indians only ;

(*a*) And Ontario claims proof that such payments were only to persons duly and legally entitled thereto, according to the true intent and meaning of the said treaties ;

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(*b*) And also claims and charges as follows:

The $88,000 covers this claim;

1. That the sum of $88,000, hereinafter mentioned, covered all claims which might have been made against the Province of Canada, or against Ontario, in respect of this demand;

Payments wrongfully made—

To persons and classes not entitled;

2. That if evidence is given by Canada of the persons to whom payments were made, it will appear that Canada has made payments to persons and classes of persons not entitled to share in the annuities according to the true intent and meaning of the said treaties, and that to that extent such payments, with the interest thereon, should be disallowed: (As to which *see* sections 12, 13 and 14, *post*);

To residents of Manitoulin

3 That Canada has wrongfully made payments to Indians, residents as hereinafter, of the Manitoulin Islands, and to that extent, the same, with the interest thereon, should be disallowed;

To individuals, of sums larger than revenues justified

4. That Canada has in the several years made payments to individual Indians of sums larger than the net revenues of the said territories would in the respective years, without loss, permit according to the true intent and meaning of the said treaties, and that the same, with the interest thereon, should be disallowed;

Of sums larger in the aggregate than the treaties contemplate.

5. That Canada has in each and every of the said years paid a larger aggregate sum than the maximum aggregate yearly sum contemplated and authorized on a true construction of the treaties, and that the excess of such payment, with the interest thereon, should be disallowed;

Ontario not liable for interest.

6. That Ontario is not liable for any portion of the interest included in the said sum of $389,106.80, and such interest should be disallowed.

Ontario has not admitted revenues sufficient to pay augmentations for many years past as in Par. 14 of Case.

9. Ontario has not admitted, and does not now admit, "that the revenue received by Ontario has been sufficient or more than sufficient for many years past to have satisfied the claims of the said Indians to be paid in full increased annuities mentioned in the said treaties, of $4 for each individual Indian," as stated in paragraph 14 of the Dominion Case.

The admission if any, upon insufficient information and without regard to set-off; and subject to assent of Quebec.

Canada not mislead thereby.

(*a*) The so-called admission, if any, was subject to the assent thereto of Quebec, and was made, it now appears, upon insufficient information, and without taking into account the charges or expenditures which would form proper items of set-off or deduction, and was not, in terms, or in anywise, such as could mislead Canada, or justify the making of improper or excessive payments, or the preferring any claim for arrears.

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Augmentations—years in which any payable can only be determined by an account;

10. Those years in which, if at all, the net revenues or balances may have been sufficient to meet any augmentation of the specific annuities of $2,000 and $2,400 without loss, as provided by the treaties, according to the true intent and meaning of the said treaties, can only be determined upon the making up of an account of the receipts, expenditures and charges in respect of the said territories.

Illustration of expenditures to be taken into account;

(*a*) And in illustration of the nature and description of the said expenditures and charges which should be set-off against the receipts of all revenues from the said territories, before it can be determined whether such annuities can be increased without incurring loss, may be mentioned, amongst other things, all expenditures and charges tending to promote the development or settlement of the territories, or whereby the value and saleableness of the lands, timber, minerals, etc., were enhanced, or expected or likely to be enhanced, under the following heads:

Surveys, whether Land or Coast.
Colonization Roads.
Fire Ranging.
Bush Ranging.
Fisheries Protection.
Expenses of Agencies.
Collection of Timber Revenue.
Contingencies, Advertising, etc.
Departmental Expense of Collection and Management.
Geological Survey.
Explorations and Inspections.
Locks, Dams, Timber Slides.
Navigation Improvements, and dredging.
Harbours and Light Houses.
Roads and Bridges.
Expenditure on Dog Lake and Savanne route, and on Dawson route and Fort William Road, to Height of Land.
Buildings for Land Registry Offices.
Court Houses, Gaols, Lock-Ups, etc.
Other Public Works and Public Buildings.
Administration of Justice in or in respect of this territory.
Registrars of Land Titles' salaries, etc
Postal Expenditure—Postal Contracts by Land or Water.
Expenses of and incident to the payment of the annuities and other moneys.
Expenses of setting apart, marking out or survey of the Reserves.
Salaries and expenses of Indian Agents and Superintendents, and cost of agencies,

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Cost of Maintenance of, and legislative grants to the Indian Department (proportion).

Free port of Sault Ste. Marie, 1861-6, (established for encouragement of the Fisheries and of the settlement of the country): Loss of Revenue consequent on.

Railways—Railway Aid: Grants, subsidies, and expenditures in respect of this territory.

And such other items as, on further information, may be deemed advisable.

Number of Indians sharing in distributions, 1850-1874:

11. As hereinbefore, and by paragraphs 5 and 7 of the Dominion Case, and by the particulars of claim herein furnished by Canada, appears, (see Appendix E, 1, 2 and 3), the Province of Canada for 17 years after the making of the treaties, and the Dominion for the 7 years after the Union—that is from the year 1850 to the year 1874—restricted the payment of the amount distributed to a number of Indians not exceeding 2,700 (or only 38 in excess of the treaty number);

Sudden increase of number, 1870.

But in the year 1875 the number sharing in the distribution was suddenly increased by over 1,000 persons, that is to a total of 3,791, and has been increased still further year by year since.

The Treaties provide for the payment of round sums annually in perpetuity; for ascertainment of augmentations by reference to Treaty number of Indians; and for decrease of round sums in case of diminution in numbers.

12. The said treaties, on a true interpretation thereof, while providing for a diminution of the annuities in the event of a decreased population, do not contemplate that in the event of the annuities being augmented, the number of Indians to be taken into account in the ascertainment of the gross amount of such augmentation shall exceed the number—2,662—mentioned in the treaties.

(*a*) The payment provided for by the treaties, until the revenues should justify an increase, was of a round yearly sum, without regard to the number of individual Indians; and Ontario claims that, in like manner, according to the proper legal construction of the treaties, the increased payment contemplated by the treaties, is not in so far as the Crown is concerned, of an annuity certain to each individual Indian, but of a round yearly lump sum, the amount whereof to be determined, year by year, by multiplying a sum not exceeding four dollars (according as the net revenues may permit) by a number not exceeding 2,662, so that in no one year should such lump sum exceed the sum of $10,648, inclusive, or $6,248 exclusive, of the sums of $2,000 and $2,400 mentioned in the treaties; and so that thus, whether the number of individual Indians entitled to share in the distribution increases or diminishes, the

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aggregate round amount to be distributed among them is to be ascertained always by the same rule, unless the treaty number should be diminished to less than two-thirds, when the annuity would be subject to a proportionate reduction.

If Canada, as guardian of the Indians, chooses to make excessive payments, Canada must bear the liability.

(*b*) If as guardian of the Indians, Canada has chosen, or shall hereafter choose, to pay a sum larger than as above provided, the excess should come out of the funds of Canada, and not be charged against the Province of Canada.

If Treaty number of Indians disregarded in ascertaining amount of augmentation, then certain classes of persons should be excluded.

13. In the event of the treaty number of Indians being disregarded in the ascertainment of the sum to be distributed, and that on the contrary, each individual Indian is declared to be entitled to the maximum augmentation, or as much thereof as the revenues may permit without loss, Ontario claims that the specific annuities, with the augmentations, if any, should be paid and delivered to the Indians only who were parties to the treaties, or their lawful descendants, according to the laws or regulations relating to Indians in force at the time of the making of the said treaties, or subsequently, before and at the Union; and that the following classes, among others, should be excluded from such payment, and from every remuneration or computation for the purposes of the treaties:

(*a*) White men and women, and negroes;

(*b*) Half-breeds, and other persons of mixed blood, other than such, if any, as may be entitled under the said laws and regulations;

(*c*) American Indians, and other aliens, and their descendants;

(*d*) Non-treaty Indians, and their descendants;

(*e*) Indians of other tribes and nations than the treaty tribes and nations;

(*f*) Indians, or others, adopted into the tribes, and their descendants;

(*g*) Treaty Indians, or their descendants, who are out of the limits of the treaties, and settled upon other reserves than those set apart under the said treaties, or are or have been in receipt of other considerations than those provided by the treaties, or have received grants of land—as the Manitoulin Island—thus by their acts electing to take other provision at the hands of the Crown than that provided by these treaties, (in which connection reference is made to the Manitoulin Island Treaty of 6th October, 1862, set out in Appendix D hereto);

(*h*) Indians, and their descendants, making pretense of claim of right under the treaties, who failed to prefer such claim within a reasonable time thereafter, as until after the lapse of more than a

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generation, when material witnesses and other evidence in rebuttal of such claim might be difficult, or impossible, to procure;

(*i*) Indians or others who would be excluded under the laws or regulations of the Province of Canada.

And Ontario puts Canada to proof in respect of these matters,

Duty of Canada to preserve record of descent, etc.

14. In order to facilitate the ascertaining the identity from time to time of the Treaty Indians or their descendants, Ontario asks that Canada be required to keep a record of the descent, census and migrations of the Treaty Indians, for the purposes of the Treaties, as affecting the rights and obligations thereunder of the Province of Canada, and in reference to the possible decrease of the Indian population provided for in the Treaties; and that Ontario have right of access to such record.

Indians settled in or migrating to Manitoulin, thereby elect to surrender Huron and Superior treaty benefits.

15. Ontario asks that it be declared that such of the Treaty Indians or their descendants as have migrated to or are settled or resident upon the Manitoulin Island or Islands, whether upon the surrendered or the unsurrendered part thereof, and are so entitled to the benefits, present and prospective, of the said Manitoulin Island Treaty, have as a consequence, elected to forego, and have in fact forfeited, all benefit to which they may have been entitled under the said Huron and Superior Treaties.

Reasons why no arrears payable:

16. As to the said arrears, Ontario claims:

Nor up to 1875; and the question then postponed indefinitely;

(*b*) That the report of the Minister of Justice of Canada, dated the 7th of July, 1875, hereinafter, in section 18, referred to, is as well conclusive that no such demand had up to that date been made, as suggestive that the question of the arrears should be indefinitely postponed;

Revenues not sufficient to justify claim;

(*c*) That the territories did not, in any of the said years, produce or show a net revenue or balance sufficient to justify any claim for such arrears;

Not claimable for years where net revenues insufficient;

(*d*) That no such arrears are properly claimable or allowable in respect of any year whose net revenue or balance was insufficient to permit of payment without loss;

Revenues of subsequent years not referable back to cover arrearages;

(*e*) That the revenues of subsequent years are not referable back, or in any way to be regarded or made available, either for the purpose of covering actual arrearages, or as a colour for the creation of pretended arrearages, of past years;

Arrearages claimable only by individual Indian to whom same primarily payable;

(*f*) That arrears in respect of any augmentation of the annuity beyond the sums of $2,000 and $2,400 mentioned in the treaties, can only be claimed, if at all, by, or on behalf, and for the use of the individual Indian to whom the same was primarily properly payable, and to whom his due proportion of the $2,000 or $2,400 had been properly paid;

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Residents of Manitoulin excluded:

(*g*) That such portion of the said arrears as is claimed by or on behalf of the Treaty Indians or their descendants resident upon the Manitoulin Islands as aforesaid should be disallowed.

Arrears not now claimable for past years, it not having been apparent or ascertainable at the time that the revenues would have permitted.

(*h*) That it not having been apparent or ascertainable at the time, in any of the years—as in fact, in the absence of certain particulars of expenditures and charges, it is not now apparent—that the revenues would permit of any augmentation without loss, so no such arrears are now properly claimable or recoverable.

No interest payable on arrears of annuities:

17. Ontario claims that no interest is chargeable upon the said arrears:

No special circumstances can be shewn;

(*a*) No special circumstances have been shewn, nor can be shewn, whereby interest is payable in respect of default in the payment of the said annuities or augmented annuities;

No demand for arrears;

(*b*) No interest on such alleged arrears can be held to run or be recoverable before demand, if interest be recoverable;

Ontario proposed, in 1874, to refer question of trust or lien to legal tribunal;

(*c*)—1. Ontario proposed, in 1874, that if Canada was advised that the lands in question were subject to a trust, and Ontario so liable for any augmentation of the annuities, the point should be forthwith submitted to the Court of Chancery on a statement of facts concurred in by the Governments concerned;

Canada accepted the proposal to refer.

2. The Minister of Justice of Canada, dealing with the proposal, by his report of the 7th of July, 1875, (which report was concurred in by the Minister of the Interior and Superintendent-General of Indian Affairs, in a report dated the 12th of July, 1875, and adopted by Order in Council of Canada of the 22nd of July, 1875) recommended, as to the same, and as to the question of arrears as follows:

> "The question of the arrears might be postponed for a while, and, meantime, the question as to the liability of the Ontario Government on the specific lands might be decided, either by the Court of Chancery, as proposed, or by the Supreme Court, after the organization of that tribunal;"

But until now, has failed to move.

3. Canada has, nevertheless, wholly failed to take any steps, or institute any proceedings towards obtaining a decision of the question from a Court of Justice, until the institution of the proceedings in the present Arbitration, wherefore Ontario claims that interest, if any recoverable, should not run upon the said arrears before the filing of the Dominion Case herein.

Benefits conferred by Huron and Superior Treaties on the Indians:

18.—(*a*) Ontario shews that under the Huron and Superior treaties valuable considerations were, by the bounty of the Crown, given to the Indians, that is to say:

1. The right to hunt and to fish in the surrendered territories, and the waters thereof, as they had been accustomed, except in such portions as might be sold or leased, and occupied;

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2. A sum in hand of $16,640;

3. An annuity certain of $4,400, subject to be increased as provided in the treaties.

4. Valuable reservations, as in paragraphs 3 and 4 of the Dominion Statement of Claim, with the right to sell the mineral and other productions thereof, and the right also to the purchase moneys or proceeds of any portions of the lands of the reserves that might be sold or leased.

Present material condition of the Huron and Superior Indians.

(*b*) The said Indians are now, as a consequence, possessed of valuable and increasingly valuable estates, and have, moreover, at their credit, bearing interest, an accumulated Fund already amounting to a large sum, as shewn in Appendix A hereto; and they are, in the ordinary course, probably destined to become comparatively wealthy:

(*c*) In the Appendices hereunto are given particulars of:

A. The Reservations;

B. The amount at credit of the respective bands of the Indian Fund;

C. The present condition of the bands, as shewn by recent official reports of the Department of Indian Affairs of Canada;

D. The Manitoulin Island Treaty, of 6th October, 1862.

E. 1, 2, 3. Particulars of Dominion Claims, Dominion Statement, paragraphs 5, 9, 10 and 11.

19. Ontario submits that the question of the legal liability of Ontario and Quebec should now be determined, and in the event of the Board of Arbitrators being of opinion that such liability exists, all necessary directions should now be given as to the method of taking the account so rendered necessary, and particularly

(*a*) As to what classes of expenditures and charges should be deducted from the revenues of said territories before it can be determined whether such annuities can be increased without incurring loss.

(*b*) Who are Indians entitled to share in said augmentations and what classes of persons as set out in paragraph 13 hereof should be excluded from such payment.

(*c*) Whether Indians who have migrated to or are settled or resident upon the Manitoulin Island or Islands and enjoying the benefits of the Treaties relating thereto, continue to be entitled to the benefits of said Treaties.

ÆMILIUS IRVING.

J. M. CLARK.

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APPENDIX A.

APPROXIMATE areas of the Lake Huron Indian Reserves under the Robinson Treaty.

o.	Name.	Area
1	Garden River	130,000 acres, rough.
2	Batchewaung	160,000 acres.
3	Dokis	35,000 "
4	Lake Nipissing	81,000 "
5	Henvey's Inlet	26,000 "
6	Parry Island	19,000 "
7	Shawanaga, including block at Naiscontaing	19,648 "
8	Whitefish Lake	50,666 "
9	Spanish River	28,000 " rough.
10	Thessalon River	23,983 "
11	Serpent River	29,000 "
12	Mississaga River	10,000 "
13	Whitefish River	20,000 "
14	Grondine Point	10,000 "
15	Maganetawan	16,700 "
16	French River, No. 13	5,200 "
17	Chief Tahgaiwenina at Lake Wahnapitae	2,560 "
18	Temagaming Lake, exclusive of Water	27,000 "
	(MEMO.—This last has not yet been set apart as Indian Reserve. The Indians claim 100 square miles or 64,000 acres.)	693,757 acres.

DEPARTMENT OF CROWN LANDS,
TORONTO, December 14th, 1893.

GEO. B. KIRKPATRICK,
Director of Surveys.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 2)

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APPROXIMATE areas of the Lake Superior Indian Reserves under the Robinson Treaty.

No.	Name.	Area.		
1	Fort William		18,778	acres.
2	Gros Cap, Lake Superior		10,240	"
3	Michipicoten River	Applied for	178	"
4	Pic River	"	800	"
5	Pays Plat	"	605	"
6	Long Lake	"	862	"
7	Nepigon River, Township Booth	" 468 acres.		
	Caribou Island Point, Lake Nepigon	" 135½ "		
	Jackfish Island, Lake Nepigon	" 260 "		
	Gull River, Lake Nepigon	" 9,825 "		
			10,688½	"
			42,151½	"

GEO. B. KIRKPATRICK,
Director of Surveys.

DEPARTMENT OF CROWN LANDS,
TORONTO, December 14th, 1893.

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AREA ETC., ON THE MANITOULIN ISLAND.

[The whole island formed an Indian Reserve. Under the McDougall treaty of 1862, set out in appendix D hereto, the larger portion was surrendered by the Indians to the Crown in trust to grant certain portions thereof by patent to the resident Indians, and to sell the remainder for their benefit. By the terms of the Treaty, the Indians of the unceded portion of the island were to be entitled to precisely the like benefits whenever they might come to the determination of acceding to the Treaty. Meantime they were to hold the unceded portion as a reserve in common. Certain of the Huron-Superior Indians are resident, some on the ceded and some on the unceded part of the island, actually participating in the benefits of the McDougall treaty, whilst still in the enjoyment of all the benefits of the Huron and Superior Treaties. *See* also as to the Manitoulin, pages 28-9, *post.*]

Total area of ceded portion (but including Cockburn and Barrie Islands)..... 657,772 acres.

	Acres.
Of which granted to Indians	21,828
Remaining for sale.....	330,282
Already sold	305,612
	657,722

Amount at credit of Indians of ceded portion, per Appendix B hereto.....	$116,350 01
Amount of unpaid purchase moneys, 30th June, 1893....	83,812 00
	$200,162 01

Area of unceded portion ..... 105,300 acres.

(Communication from Department of Indian Affairs of 6th February, 1894.)

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APPENDIX B.

STATEMENT showing the condition of the various accounts of the Indian Bands of the ceded territories, Huron and Superior, on the 30th June, 1892, according to Report of Department of Indian Affairs submitted to Parliament—Canada Sessional Papers, 1893, No. 14, Part 2, page 17.

No. of account.	Name.	Capital.
		$ c.
26	Ojibeways of Lake Huron	48,000 00
1	Batchewana	4 085 87
11	French River Indians	5,079 23
12	Garden River Indians	62,883 25
13	Henvey Inlet Indians	7,240 40
14	Lake Nipissing	35,797 88
16	Magnattawan	510 32
28	Ojibeways, Mississagua River	5,709 52
30	Parry Island Indians	48,908 44
32	Serpent River	3,504 23
34	Shawanaga	11,116 13
35	Spanish River	5,462 09
36	Thessalon River	15,672 36
38	Whitefish River	8,862 15
49	Temiscamingue	2,345 96
80	Point Grondin	6,805 00
82	Whitefish Lake	9,189 67
27	Ojibeways of Lake Superior	40,000 00
10	Fort William Band	14,746 44
37	Tootoomenai Band	900 00
15	Manitoulin Island—unceded	2,069 27
25	" ceded	116,350 01

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APPENDIX C.

EXTRACTS FROM REPORT OF DEPARTMENT OF INDIAN AFFAIRS FOR THE YEAR 1892, SUBMITTED TO PARLIAMENT.

CANADA SESSIONAL PAPERS, 1893, No. 14, PART I., PAGE 5.

EXTRACTS FROM SUPERINTENDENTS' REPORTS ON THE MATERIAL CONDITION OF THE INDIAN BANDS IN THE CEDED TERRITORIES.

THE OBJIBEWAYS OF LAKE HURON.

THESSALON RIVER.

(Being the Twelfth Reservation in the Schedule to the Huron Treaty.)

THESSALON RIVER INDIANS.—There is not much to remark in the condition of this band, which is very similar to last year. The census shows a decrease of five, caused by two families (who have been living in the United States) having been removed from the pay list. These Indians are mostly fishermen, their agricultural operations being on a small scale. They earn money by loading vessels and working at saw-mills. Their school is fairly attended.

MAGNETTAWAN.

(Being the First Reservation in the Schedule to the Treaty.)

The Magnettawan Band has decreased two in number. They live for the most part at West Bay, Manitoulin Island, are good farmers, and earn money loading vessels with lumber, for which work they receive $1.75 per day. They have good farms and are prosperous. Their children attend school at West Bay.

SPANISH RIVER.

(Being the Fifth Reservation in the Schedule to the Treaty.)

The census of the Spanish River Band shows a decrease of two. The portion of this band who live on the unceded part of Manitoulin Island, are farmers and fishermen and are prosperous; those living on the Spanish River Indian Reserve are also fairly well-to-do. But as much cannot be said for those living at Pogumasing and Biscotasing: fur having become very scarce and hard to get, the Indians maintain themselves entirely by hunting in winter and canoeing in summer.

THE WHITEFISH LAKE.

(Being the Sixth Reservation in the Schedule to the Treaty.)

The White Fish Lake Band is another hunting band. They feel the scarcity of game very much. Their chief, who is an intelligent Indian, was anxious for information as to the provisions of the new Ontario game law, and fears that its operation will be injurious to the band. These Indians get work from the Canadian Pacific Railway Company, which helps them considerably.

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although the work is not exactly to their liking. They have two schools. The census shows an increase of two.

MISSISSAUGA RIVER.

(Being the Eighth Reservation in the Schedule to the Treaty.)

The Ojibways of Mississauga River is another hunting band, very little farming being done. They are numerically the same as last year, and have a school on their reserve.

POINT GRONDINE.

(Being the Third Reservation in the Schedule to the Treaty.)

The Point Grondine Band are only fifty in number—the same as last year. They have very comfortable and well-built dwelling houses on their reserve, are intelligent and well-to-do. Their farming is on a small scale. A lot of money is earned by them by picking berries and fishing. They are prosperous.

SERPENT RIVER.

(Being the Seventh Reservation in the Schedule to the Treaty.)

The census of the Serpent River Band shows an increase of two. These Indians are mostly hunters, but some of them work in the saw-mills, of which there is one near their reserve. They have a school under the auspices of the Catholic Church.

FRENCH RIVER.

(Being the Thirteenth Reservation in the Schedule to the Treaty.)

The French River Band has decreased three during the year. They are farmers, have land on the Sheguiandah Indian Reserve, are prosperous and contented. Their school is under the auspices of the Church of England, and they have also a handsome church.

THE WHITEFISH RIVER.

(Being the Fourth Reservation in the Schedule to the Treaty.)

The White Fish River Band numbers seventy-nine—the same as last year. They are enterprising and progressive. They have good and productive gardens, also a church and school-house. Over one million feet of saw logs were taken out by them last season, and they will probably do as much the coming season.

TAHGAIWININI.

(Being the Eleventh Reservation in the Schedule to the Treaty.)

The Tahgaiwininini Band are good farmers and fishermen. They live mostly on the unceded part of Manitoulin Island. The census show a decrease of one. This band is very prosperous.

MANITOULIN ISLANDS.

[As many of the Treaty Indians, or their decendants, are and for a long time have been, resident on the Manitoulin Islands, enjoying there the benefits of the unceded reserves or of the

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McDougall Treaty, but still confessedly drawing annuity and other moneys under the Huron and Superior treaties, the accounts given of them in the report of Mr. Superintendent Phipps, of Manitowaning, from which all the above paragraphs have been taken, are here added, in the order in which they there occur]:—

The Manitoulin Island Indians Unceded.

This band numbers one thousand and ninety-two, and increase of thirteen, there having been sixty-eight births, fifty-four deaths, two increases by immigration, and three decreases by emigration. They are prosperous. Many of their dwelling houses are creditable structures. There is a temperance society at Wikwemikong, with a membership of about one hundred, which does much good. These Indians farm, fish, get out timber, and are exceedingly prosperous. There are five schools on the reserve, which have a large attendance.

The Ojibways and Ottawas of Manitoulin Islands.

The Cockburn Island Band numbers thirty-seven, an increase of one, are farmers and fishermen, and are fairly prosperous.

The Sheseguaning Band numbers one hundred and sixty-nine, an increase of four. They have a school, are good farmers and fishermen, and are industrious workers. They have recently completed the erection of a fine church at their village.

The West Bay Band numbers two hundred and fifty, an increase of three. They are good farmers and have excellent land in their reserve, on which good crops are raised. They are a well ordered and progressive band.

The Sucker Creek Indians number one hundred and ten, the same as last year; their farming has been successful and they are prosperous. They have a school which is fairly well attended; the school and church are under the auspices of the Church of England.

The South Bay Band numbers seventy-four; they are fishermen and farmers. The church and school at their village are under the auspices of the Roman Catholics.

The Sheguiandah Band numbers one hundred and fifty-three, and increase of one; they farm successfully and are prosperous and contented. Their church and school are under the auspices of the Church of England.

The Sucker Lake Band numbers twenty-one, the same as last year. They occupy a small reserve near Manitowaning, and are farmers.

The Obidgewong Band numbers twenty-one, the same as last year. They are all pagans. They farm successfully, and are yearly increasing their clearings.

[The following fifteen lines refer to the Indians of Mr. Phipps' superintendency as a whole, comprising all the bands hereinbefere in this appendix mentioned]:—

Sixteen schools have been in operation during the year. The progress of the pupils on the whole may be considered satisfactory; if a more regular attendance could be obtained better results would be secured. It is to be hoped that this will be reached in the near future.

The health of the Indians generally have been fair. There was an outbreak of diphtheria at the Wikwennikong Girl's School in February last. Prompt measures were taken to isolate the

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building; the spread of the disease was stopped. Those attacked received medical treatment, and all speedily recovered.

The crops last year have been fair, except hay which was almost a failure. The season commenced with a protracted period of drought during which the seed sown did not germinate; in July abundant rains fell, too late, however, to save the hay crop. The yield of potatoes was much in excess of the average, and that of the grain fair. At the time of writing this report the prospects of an abundant harvest are good.

The distribution of annuity and interest money to the Indians of this superintendency during the year amounted to eleven thousand two hundred and sixty-two dollars and twenty two cents.

The past year has been one of considerable material prosperity.

PARRY ISLAND.

(*Being the Sixteenth Reservation in the Schedule to the Treaty, the Indians by their own desire having received Parry Island in exchange for the lands described in the Treaty.*)

This band may be represented as being in such a fairly satisfactory condition that it is rather difficult to find anything sufficiently noteworthy to report. If the deaths of several infants and one adult are accepted, nothing of a nature much to be regretted has occurred. In two cases only was there any need to render relief from the funds of the band to any sick.

The crops were satisfactory last year and promise to be even more abundant this season. These circumstances, combined with a large demand for labor at neighboring lumber mills, place this band in a very comfortable position. The road improvements on the island are yearly receiving more attention and fair roads now exist where formerly only trails were trodden.

The two schools in operation are doing average work. The great drawback to educational success is the irregularity in the attendance of the pupils. Regulations, however, have been passed and approved inflicting fines for irregularity or non-attendance of children of school age The time for collecting these fines have not yet arrived It is hoped and expected that after the first imposition of these penalties the school attendance will improve.

SHAWANAGA.

(*Being the Seventeeth Reservation in the Schedule to the Treaty.*)

As usual, this band shows probably less progress than any other tribe in this superintendency. Nevertheless, they seem happy and contented. During the year they report having caught at least one hundred and twenty-four barrels of fish, and fur to the value of $450, and to have raised upwards of one thousand two hundred bushels of produce from the soil.

Several of the younger men seem inclined to devote their attention to deep lake fishing. Though such occupation is not to be compared with agriculture as a means of promoting comfort and well-being, still it is much to be preferred to that of hunting. It is hoped that many who refuse to be farmers will become fishermen.

The school shows marked progress. A new white teacher took charge last October, and the reading, the spelling by dictation and the arithmetic have improved. While, however, the pupils read well and also write well to dictation, there is a great suspicion in my mind that they knew

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little of the meaning of what they read or write. How to remedy this defect in this and other Indians shools is a matter that is continually kept before the teachers, and I hope to be able next year to report material improvement in this respect.

HENVEY INLET.

(Being the Second Reservation in the Schedule to the Treaty.)

* * * * * * * * *

I gathered.....that the past year had been uneventful, that neither decided prosperity nor heavy adversity had fallen to their lot, and that, except in the matter of the accident that had just befallen them, all had been well with them.

The school which I had visited in early spring showed gratifying signs of improvement, though there is still abundant room for further progress. The attendance had increased and what seemed to me of almost more importance, the pupils were more alive to and familiar with school work and ways than formerly.

LAKE NIPISSING.

(Being the Tenth Reservation in the Schedule to the Treaty.)

This band, whose reserve is situated on the northern shores of Lake Nipissing, are in the enjoyment of a satisfactory amount of prosperity. Their reserve is rapidly increasing in value, and they have been approached with the view of surrendering a considerable part of it at a price of about $2.50 per acre. At the present however, they refuse to entertain any such proposal even for a moment, and they were much gratified when I assured them that till they freely surrendered it for sale not one square foot could be taken from them for any purpose whatever, save that of some such public work as a railway.

Several of the bands are devoting themselves largely to agriculture, and one man last year cut ten tons of timothy hay, and raised upwards of two hundred bushels of other farm produ A large proportion, however hunt and trap, and act as guides; and as fourteen of them reported to me that they had caught upwards of $2,000 worth of furs, their success must, I suppose, have been satisfactory.

The only annoyance that has for years troubled this band, namely, the unfenced state of the Canadian Pacific Railway Track while it runs through their reserve, is being rapidly removed, and I was glad to find the eastern ten miles well fenced, and to be informed that the same work on the western side was being pushed forward with satisfactory speed.

The school in operation on this reserve is not accomplishing the work it ought to do, in consequence of the migratory habits of many members of the band. The number of pupils on the roll is much too small. Those few families who reside permanently near the school-house do send their children with fair regularity, so that last year with a roll of twelve there was an average daily attendance of eight and a-half, but, unfortunately, too many do not send their children at all.

DOKIS BAND.

(Being the Ninth Reservation in the Schedule to the Treaty.)

For some reason with which I am at present unacquainted, this band failed to meet me at the time and place appointed. I am, consequently, unable to make any extended report concerning

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them. From enquiries made from their near neighbors, the Nipissings, I gathered that they were in their usual satisfactory condition.

[The report of the previous year is added as giving more particulars]:—

Extract from the report of Thos. F. Walton, Indian Superintendent, dated 12th September, 1891 Canada Sessional Papers, 1892. No. 14; Part I, page 8.

Dokis Band.

Little if anything can be reported concerning this band. Reticense and independence characterize its leading members, and as these seem to exercise a dominant influence over the rest, it is almost impossible to approach them for any other purpose than that of paying them their annuities.

On the question being again brought before them, they again decidedly refused to surrender their timber with the object of its being sold for their benefit. Owing to extensvie lumbering operations going on all around their reserve, their timber is in great danger from fire, and it seems most expedient that it should be sold; but the obstinacy of one or two in refusing to surrender, blocks the way of this being accomplished, with the result that $50,000 worth of pine timber is liable to be destroyed any dry summer.

LAKE TEMOGAMINGUE.

(No Reservation by Treaty; applications made to Ontario for a grant.)

In this as in every other band in this superintendency there is a slight decrease in the census list this year. Why this should be, so generally, it is impossible to say, as all my Indians seem comfortable and in average circumstances. In this particular band the decrease is caused by some disease having carried off three members of one family in January last, while otherwise births and deaths balanced each other.

In this, as in most of the bands, I introduced the subject of vaccination and as soon as I had succeeded in inducing one or two to submit their children to the operation, I found that it suddenly became fashionable. I need not say that I took advantage of the fashion and vaccinated twenty-one children, some of whom, however, were those of non-treaty Indians. While parents willingly forced their children to submit themselves to the operation, they refused to submit themselves, and as this is usually the case, it will be extremely difficult to carry out your instruction to vaccinate every Indian once in seven years.

The ability of this band to sustain themselves in comfort was put to a severe test during last winter when provisions ran short and some hardship resulted. Notwithstanding this they welcomed spring in fair condition, and at the time of my visit seemed as happy and contented as usual.

The principal men of the band again made enquiry as to the laying out of a reserve for them, and expressed the hope that your department would not cease from your efforts till their whole band became settled all near each other, on land that their descendants could for ever call their own.

GARDEN RIVER.

(Being the Fourth Reservation in the Schedule to the Treaty.)

The chief of this band, Pequetchenene, was elected last year, and resides with his people on the reserve, which is situated twelve miles from here (Sault Ste. Marie), on the St. Mary River.

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KODAK SAFETY FILM

There has been a great deal of sickness, chiefly among the children, and the doctor has had to make a number of extra visits. There were ten deaths. The sanitary condition of the Indians has been satisfactory; the houses have a better appearance, and the land is well fenced. The crops this year are good; corn is sown in small quantities and is looking well. The potato crop is excellent, and the hay is better than it has been for years past. The members of the band still continue to earn their living by cutting pulp wood, which has become quite an industry, and working in the shanties getting out saw-logs for the owner of the timber limits. The burning, last fall, of Messrs. Hollister & Co's mill kept many of the Indians out of employment this spring; some got work in other parts, loading lumber, etc.

This band is composed of both Church of England and Roman Catholics, and both denominations have good churches on the reserve. They have two schools, both of which are being better attended than formerly.

BATCHEWANA.

(Being the Fifteenth Reservation in the Schedule to the Treaty.)

Chief Nubenagooching of this band if a life chief, and resides with the greater number of this band at the bay, Garden River Reserve. The remainder of the Indians are scattered along the shore of Lake Superior to Agawa River about ninety miles from here (Sault Ste. Marie). These earn their living by fishing, hunting, canoe making and picking berries, large quantities of which are gathered along the shore, and are mostly sold in the United States at good prices. The fishing has been better during the past year, but the fur catch was not good, the prices of which have greatly fallen. During my last visit up the lake I fed about forty Indians and gave them tobacco, pipes and blankets, as is my usual custom. The Indians living at the Bay work in the shanties and drives, but do not participate in the wood and timber cut on Garden River Reserve. The school has been fairly well attended. The band are mostly Roman Catholics, with a very few Methodists.

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THE OJIBEWAS OF LAKE SUPERIOR.

MICHIPICOTEN AND BIG HEAD.

(Being the Second Reservation in the Schedule to the Superior Treaty.)

The chiefs of this band are Sanson Legard and Gros Jambette. The former resides at Michipicoten River with fourteen families, and the latter at Chapleau with about twelve families; the remaining members of the band are scattered inland, and are paid by me through the officer of the Hudson Bay Co. at Michipicoton River.

The Indians live chiefly by hunting and fishing. They also fish for those holding licenses to do so, and cut and sell wood to the fishing tugs during the open season. There has been a great deal of sickness during the year, and several deaths. The majority of the band are Roman Catholic, only about fifty being Methodists. The reserve at Michipicoten River is about three hundred acres, on which they grow potatoes and other vegetables. Their houses are good and comfortable. They have a Roman Catholic Church, and a school-house which is not used at present.

FORT WILLIAM.

(Being the First Reservation in the Schedule to the Treaty.)

I am pleased to be able to report again this year a gradual increase in the prosperity of this band. Their crops are unusually good: they put in last spring about five hundred bushels of seed, principally potatoes, some oats, peas and garden seeds. Their hay crop will be greater than ever this year, on account of their having drained Whiskey Jack Lake, situated immediately back of their farm settlement; it is about one mile long, and surrounded with tamarack swamp. This has been for many years a hindrance to their extending their farms further back, and it limits their cattle range for feeding. During July they cut a ditch from this lake twenty-five hundred feet long, leading into a ravine which carries the water into the Kaministiquia River. This involved an excavation of three thousand five hundred and sixty-five cubic yards, mostly through soft, miry muskeg and some clay, and the ditch looks like a small canal. It lowered the water of the lake about six feet, and dried up the surrounding swamp referred to, which now grows tall, waving hay where before it was covered with water. They have already commenced extending their fences, and some are clearing land and enlarging their farms. This extensive work they could not have done without the assistance of the Department. The levels were taken by an engineer, and fifteen cents per cubic yard was paid for excavating.

The Indians are giving special attention to stock raising, and have now five horses, twenty-six milch cows, thirty head of young cattle and fifteen working oxen. To show their advancement in this line, it is only a few years ago since the Department furnished them with two yoke of oxen to do the work connected with their garden patches, while now they have their own oxen to work their farms.

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The most of them have abandoned the hunt; fur-bearing animals are becoming more scarce, and this occupation does not pay as well as farming. Only a few indolent Indians hunt and fish, and they only manage to get a very poor livelihood as compared with the more industrious farmer. In the winter season they get cordwood, cedar, telegraph poles and posts and square cedar off their reserve and from other lands. Each Indian gives two days' statute labor yearly, thereby keeping their roads, ditches and bridges in good order. The Indian boys' and girls' school is well attended, and the orphanage is kept by the Sisters of St. Joseph in a most neat and orderly manner. The girls are taught needle and fancy work in addition to their ordinary studies. The pupils have good medical attendance. There has been a good deal of sickness in the band, of whom a certain number have been vaccinated each year. Very few of these Indians now indulge in intoxicants; a few whites have been fined and imprisoned for selling liquor to them. Their general prosperity and advancement is a proof of their temperate habits.

This band numbers three hundred and fifty-seven persons.

RED ROCK.

(Being the Third Reservation in the Schedule to the Treaty.)

This band has been improving their reserve for the past year in the way of clearing and building. They have good gardens, and will have a fair crop of potatoes. Their reserve is situated on the Nepigon River, where tourists from different parts of America resort every summer. They employ the Indians and their canoes at high wages; this diverts their attention from their farms. Hunting is followed in the winter season, but each year the fur-bearing animals are decreasing in number, and in a few years the Indians will be forced to turn their attention to agriculture. They get plenty of fish from Lake Helen, one mile from their reserve, in the summer season, and lake trout and white fish in the fall for their winter use.

It came to my knowledge that sportsmen engaging Indians as guides sometimes gave them liquor; this I put a stop to by giving them notice, through different agencies, that any one giving liquor to an Indian would be fined $300 and receive six months' imprisonment. This has put a stop to the practice.

Their school is taught by a female teacher, and their church is well attended when the missionary priest visits them, about four times a year. I vaccinated a good many of them this year, and some who evaded the operation before came to me this year to be vaccinated, having heard of two cases of small-pox in Port Arthur.

The band numbers two hundred and one persons, a decrease of two persons from last year.

PAYS PLAT.

This band only numbers fifty-two persons. They have comfortable log houses, situated on the banks of the Pays Plat River. The Canadian Pacific Railway runs through their reserve; they are an industrious and well-to-do people. They have a good bull to plough their land, and a few cows and young cattle; each year they improve a little. They complain of not being able to get fish as formerly on account of the depletion in Lake Superior by pound-net fishing.

They are very desirous of having a school and teacher; their chief is a man with a common English education, enterprising and industrious, and keeps a small trading store for the Hudson Bay Company.

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PIC RIVER.

This band numbers two hundred and sixty, an increase of seven persons over last year They have good crops of potatoes and some turnips; they have taken good care of their oxen, which have done all the ploughing for the band. The Indians worked last winter and this summer getting out pulp spruce wood for the American markets. This has enabled them to clothe their families and live more comfortably. They have had very little sickness; a number who were left widows, with young children, last year received assistance in the way of food during the winter from the department, and, if the rabbits are not plentiful this coming winter, they will require further assistance. In the summer season they can always manage to get fish in the inland lakes, and game.

LONG LAKE.

This band lives entirely by the chase. The department furnished them with seed potatoes and turnip seed last year, to give them a start, and I furnished them with twenty bushels more this year, but the effort to induce them to cultivate has proved a failure. Their land is a cold clay and not suitable for agricultural purposes, but will grow hay. In the summer months the Indians are employed getting in supplies from Lake Superior up the Pic River, thence across the height of land into the Little Albany River, thence into and across Long Lake to the Long Lake House, making twenty-eight portages. The fur-bearing animals in this country are not decreasing as they are in more thickly settled localities. No white trappers or parties who resort to these hunting grounds are interested in their preservation; the Indians are ever careful of them and when travelling they always extinguish their camp fires with water, which accounts for their never having a bush fire. Their hunt last winter exceeded that of the previous year by several thousand dollars; they dress better and are more comfortable in many ways than some of the frontier Indians. The Hudson Bay Company take great care of their Indian hunters; they live in wigwams all the year round, and are not so subject to consumption as those living in houses in the winter and changing to wigwams in the summer, which is the custom of many. This band numbers three hundred and thirty-one persons, a decrease of eight from last year.

NEPIGON.

This band numbers five hundred and twenty, an increase of seven over last year. These Indians live principally by the chase, many of them have built good log houses at different points where the soil is good, and they raise potatoes and other root crops; their object in settling in different places is to get fish, because if they all settled on their reserve that portion of the lake would soon be fished out, as it is not a good fishing ground at all times of the year. The hunt was more productive this year than last. In the summer season many of the Indians make money with the tourists, fly-fishing, being employed with their canoes at high wages. The lake and river, in addition to the attraction of fishing, presents the most picturesque and lovely scenery in America; it is over one hundred miles long by fifty in width. At Jackfish Island they have a well-attended school with a good teacher, it is also used as a Roman Catholic chapel. About one-third of this band are Pagans, the others are Roman Catholic. They are altogether a cleanly, well-behaved and happy people. In my agency I have successfully vaccinated two hundred and thirty Indians this year.

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ENGLISH CHURCH MISSION RESERVE.

This year I did not visit this reserve, as the Indians were all away, being employed by tourists on the Nepigon River, which takes its rise or source close to their reserve. The families were away picking berries, it being holiday time for the children. The chief informed me that their potato crop was very good, and the bull that does all their ploughing and other work is in good condition; they had plenty of hay for the winter; they also have a fine church and school house, the latter being well attended. Their minister was removed and now resides in Toronto, but it is hoped the bishop will replace him, as the mission will not prosper without a resident minister. They live in good houses and are a well-behaved industrious people.

APPENDIX D.

The Manitoulin Island Treaty.

of 6th October, 1862.

Articles of agreement and convention, made and concluded at Manitowaning, on the Great Manitoulin Island, in the Province of Canada, the sixth day of October, Anno Domini 1862, beteen the Hon. William McDougall, Superintendent-General of Indian Affairs, and William Spragge, Esquire, Deputy Superintendent of Indian Affa rs, on the part of the Crown and Government of said Province, of the first part, and Mai-she-guong gai, Oke-mah-be-ness J. B. Assiginack, Benjamin Assiginack, Wai-be-nesse-me, She-we-tah-gun, George Ah-be-tos-o-wai, Paim-o-quo-naish-gung, Abence, Tai-bose-gai, Ato-wish-cosh, Nai-wau-dai-ge-zhik, Wau-kau-o-say, Keesh-kewan-bik, Chiefs and principal men of the Ottawa, Chippewa, and other Indians occupying the said Island, on behalf of the said Indians, of the second part:

Whereas, the Indian title to said Island was surrendered to the Crown on the ninth August, Anno Domini 1836, under and by virtue of a treaty made between Sir Francis Bond Head, then Governor of Upper Canada, and the chiefs and principal men of the Ottawas and Chippewas then occupying and claiming title thereto, in order that the same might "be made the property (under their Great Father's control) of all Indians whom he should allow to reside thereon;"

And whereas, but few Indians from the mainland whom it was intended to transfer to the Island, have ever come to reside thereon;

And whereas, it has been deemed expedient (with a view to the improvement of the condition of the Indians, as well as the settlement and improvement of the country,) to assign to the Indians now upon the island certain specified portions thereof, to be held by patent from the Crown, and to sell the other portions thereof fit for cultivation to settlers, and to invest the proceeds thereof, after deducting the expenses of survey and management, for the benefit of the Indians:

And whereas, a majority of the chiefs of certain bands residing on that portion of the island easterly of Heywood Sound and Manitoulin Gulf have expressed their unwillingness to accede to this proposal as respects that portion of the island, but have assented to the same as respects all other portions thereof; and whereas the chiefs and principal men of the bands residing on the island westerly of the said sound and gulf have agreed to accede to the said proposal;

Now this agreement witnesseth that in consideration of the sum of seven hundred dollars now in hand paid (which sum is to be hereafter deducted from the proceeds of lands sold to set-

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tlers),the receipt whereof is hereby acknowledged, and in further consideration of such sums as may be realized from time to time as interest upon the purchase money of the lands, to be sold for their benefit as aforesaid, the parties hereto of the second part have and hereby do release, surrender and give up to Her Majesty the Queen, all the right, title, interest and claim of the parties of the second part, and of the Ottawa, Chippewa and other Indians in whose behalf they act, of, in and to the Great Manitoulin Island, and also of, in, and to the islands adjacent, which have been deemed or claimed to be appurtenant or belonging thereto, to have and to hold the same and every part thereof, to Her Majesty, her heirs and successors forever.

And it is hereby agreed by and between the parties hereto as follows :

Firstly.—A survey of the said Manitoulin Island shall be made as soon as conveniently may be, under the authority of the Department of Crown Lands.

Secondly.—The Crown will, as soon as conveniently may be, grant by deed for the benefit of each Indian being the head of a family and residing on the said island, one hundred acres of land ; to each single person over twenty-one years of age, residing as aforesaid, fifty acres of land ; to each family of orphan children under twenty-one years of age, containing two or more persons, one hundred acres of land ; and to each single orphan child under twenty-one years of age, fifty acres of land ; and to each single orphan child under twenty-one years of age fifty acres of land ; to be selected and located under the following rules and conditions : Each Indian entitled to land under this agreement may make his own selection of any land on the Great Manitoulin Island.

Provided :

1st. That the lots selected shall be contiguous or adjacent to each other, so that Indian settlements on the Island may be as compact as possible.

2nd. That if two or more Indians claim the same lot of land, the matter shall be referred to the Resident Superintendent, who shall examine the case and decide between them.

3rd. That selections for orphan children may be made by their friends, subject to the approval of the Resident Superintendent.

4th. Should any lot or lots, selected as aforesaid, be contiguous to any bay or harbor, or any stream of water, upon which a mill site shall be found, and should the Government be of opinion that such lot or lots ought to be reserved for the use of the public, or for village or park lots, or such mill site be sold with a view to the erection of a mill thereon, and shall signify such its opinion through its proper agent, then the Indian who has selected, or who wishes to select such lot, shall make another selection ; but if he has made any improvements thereon, he shall be allowed a fair compensation therefor.

5th. The selections shall all be made within one year after the completion of the survey, and for that purpose plans of the survey shall be deposited with the Resident Superintendent as soon as they are approved by the Department of Crown Lands, and shall be open to the inspection of all Indians entitled to make selections as aforesaid.

Thirdly.—The interests which may accrue from the investment of the proceeds of sales of lands as aforesaid, shall be payable annually, and shall be apportioned among the Indians now residing westerly of the said sound and gulf and their descendants, *per capita*, but every chief lawfully appointed shall be entitled to two portions.

Fourthly.—So soon as one hundred thousand acres of the said land is sold, such portion of the salary of the Resident Superintendent, and of the expenses of his office as the Government may deem equitable, shall become a charge upon the said fund.

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Fifthly.—The deeds or patents for the lands to be selected as aforesaid, shall contain such conditions for the protection of the grantees as the Governor in Council may, under the law, deem requisite.

Sixthly.—All the rights and privileges in respect to the taking of fish in the lakes, bays, creeks and waters within and adjacent to the said island, which may be lawfully exercised and enjoyed by the white settlers thereon, may be exercised and enjoyed by the Indians.

Seventhly.—That portion of the island easterly of Heywood Sound and Manitoulin Gulf, and the Indians now residing there, are exempted from the operation of this agreement as respects survey, sale of lots, granting deeds to Indians, and payment in respect of moneys derived from sales in other parts of the island. But the said Indians will remain under the protection of the Government as formerly, and the said easterly part or division of the island will remain open for the occupation of any Indians entitled to reside upon the island as formerly, subject, in case of dispute, to the approval of the Government.

Eighthly.—Whenever a majority of the chiefs and principal men at a council of the Indians residing easterly of the said sound and gulf, to be called and held for the purpose, shall declare their willingness to accede to the present agreement in all respects and portions thereof, and the Indians there shall be entitled to the same privileges in every respect from and after the date of such approval by the Government, as those residing in other parts of the island.

Ninthly.—This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be approved by the Governor in Council.

In witness whereof the said Superintendent-General of Indian affairs, and Deputy-Superintendent, and the undersigned chiefs and principal men of the Ottawa, Chippewa and other Indians have hereto set their hands and seals at Manitowaning, the sixth day of October, in the year first above mentioned.

(Signed),

WM. McDOUGALL,	(L.S.)
WM. SPRAGGE,	(L.S.)
J. B. ASSIGINACK,	(L.S.)
MAISHEGUONGGAL,	(L.S.)
OKEMAHBENESS,	(L.S.)
BENJAMIN ASSIGINACK,	(L.S.)
WAIBENESSIEME,	(L.S.)
SHEWETAGUN,	(L.S.)
GEORGE WEBETOOSOWN,	(L.S.)
PAIMOQUONAISHGUNG,	(L.S.)
ABENCE,	(L.S.)
TAIBOSEGAI,	(L.S.)
ATOWISHCOSH,	(L.S.)
NAIWAUDAIGEZHIK,	(L.S.)
WETCOWSAI,	(L.S.)
KUSHKEWABIE,	(L.S.)
BAIBOMSAI,	(L.S.)
KEGHIKGODONESS,	(L.S.)
PAHTAHDOGINSHING,	(L.S.)

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Executed in the presence of (having been first read, translated and explained) :

(Signed),

GEORGE IRONSIDE,
S. I. Affairs,
S. PHILLIPS DAY,
WM. GIBBARD,
DAVID S. LAYTON,
JOSEPH WILSON,
JOHN H McDOUGALL,
F. ASSICKINACK,
PETER JACOBS,
Church of England Mission,
McGREGOR IRONSIDE.

The undersigned is one of the chiefs of the Wequainorekong band, and appends his signature in testimony of his general approval and his assent as an individual to all the terms of the above agreement.

(Signed)

TEHKUMMEH, (L.S.)
PAIMSAHDUNG, (L.S.)

MANITOWANING, October 6th, 1862.

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APPENDIX E 1.

THE CLAIM AGAINST THE PROVINCE OF CANADA FOR ARREARS OF ROBINSON TREATY ANNUITIES, AS FILED ON 25TH JUNE, 1894, AND IN RESPECT OF WHICH THE CLAIM WAS SETTLED, SUBJECT TO AN ACCOUNT, BY THE TERMS OF THE AWARD OF 13TH FEBRUARY, 1895, AS APPEARS BY DOMINION STATEMENT OF CLAIM, PARAGRAPH 5.

Year.	Approximate number of Indians paid.	Average value of annuity per head.	Amount paid.	Amount which should have been paid.	Arrears.	Interest.	From 1st July	To 30th June.	Terms.	Rate.	Amount of arrears and interest.	Total.
1851	2,700	1 60	4,400 00	10,800 00	6,400 00	5,120 00	1851	1867	16	5%	11,520 00	
1852	"	"	4,400 00	10,800 00	6,400 00	4,800 00	1852	1867	15	"	11,200 00	
1853	"	"	4,400 00	10,800 00	6,400 00	4,480 00	1853	1867	14	"	10,880 00	
1854	"	"	4,400 00	10,800 00	6,400 00	4,160 00	1854	1867	13	"	10,560 00	
1855	"	"	4,400 00	10,800 00	6,400 00	3,840 00	1855	1867	12	"	10,240 00	
1856	"	"	4,400 00	10,800 00	6,400 00	3,520 00	1856	1867	11	"	9,920 00	
1857	"	"	4,400 00	10,800 00	6,400 00	3,200 00	1857	1867	10	"	9,600 00	
1858	"	"	4,400 00	10,800 00	6,400 00	2,880 00	1858	1867	9	"	9,280 00	
1859	"	"	4,400 00	10,800 00	6,400 00	2,560 00	1859	1867	8	"	8,960 00	
1860	"	"	4,400 00	10,800 00	6,400 00	2,240 00	1860	1867	7	"	8,640 00	
1861	"	"	4,400 00	10,800 00	6,400 00	1,920 00	1861	1867	6	"	8,320 00	
1862	"	"	4,400 00	10,800 00	6,400 00	1,600 00	1862	1867	5	"	8,000 00	
1863	"	"	4,400 00	10,800 00	6,400 00	1,280 00	1863	1867	4	"	7,680 00	
1864	"	"	4,400 00	10,800 00	6,400 00	960 00	1864	1867	3	"	7,360 00	
1865	"	"	4,400 00	10,800 00	6,400 00	640 00	1865	1867	2	"	7,040 00	
1866	"	"	4,400 00	10,800 00	6,400 00	320 00	1866	1867	1	"	6,720 00	
Interest on arrears and interest ($145,920.00) from 1st July, 1867, to 30th December, 1892											179,520 00	
												$325,440 00

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APPENDIX E 2.

PARTICULARS OF CLAIM AGAINST THE PROVINCES OF ONTARIO AND QUEBEC CONJOINTLY FOR ARREARS OF ANNUITY DUE THE INDIANS FOR THE SURRENDERED TERRITORY, AS FILED 25TH JANUARY, 1897, PARAGRAPHS 9 AND 11 OF THE DOMINION STATEMENT OF CLAIM.

Year.	Approximate number of Indians paid.	Average value of annuity.	Amount paid.	Amount which should have been paid.	Arrears.	Interest.	From 1st July.	To 30th Dec.	Terms.	Rate.	Amount of arrears and interest.	Total.
1867	2,700	1 60	4,400 00	10,800 00	6,400 00	8,160 00	1867	1892	25½	5%	14,500 00	
1868	"	"	4,400 00	10,800 00	6,400 00	7,840 00	1868	"	24½	"	14,240 00	
1869	"	"	4,400 00	10,800 00	6,400 00	7,520 00	1869	"	23½	"	13,920 00	
1870	"	"	4,400 00	10,800 00	6,400 00	7,200 00	1870	"	22½	"	13,600 00	
1871	"	"	4,400 00	10,800 00	6,400 00	6,880 00	1861	"	21½	"	13,280 00	
1872	"	"	4,400 00	10,800 00	6,400 00	6,560 00	1872	"	20½	"	12,960 00	
1873	"	"	4 400 00	10,800 00	6,400 00	6,240 00	1873	"	19½	"	12,640 00	
												$95,200 00

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APPENDIX E 3.

PARTICULARS OF CLAIM AGAINST THE PROVINCES OF ONTARIO AND QUEBEC CONJOINTLY FOR AMOUNT OF ANNUITIES OVER AND ABOVE THE INTEREST ON $88,000 CAPITALIZED, PAID TO THE INDIANS UNDER THE ROBINSON TREATY, BY THE DOMINION OF CANADA, AND DUE TO THE GOVERNMENT OF THE DOMINION, AS FILED 25TH JANUARY, 1897, PARAGRAPHS 10 AND 11 OF THE DOMINION STATEMENT OF CLAIM.

Year.	No. of Indians.	Amount per head.	Interest on $88,000 at 5 %.	Amount Paid.	Amount due the Dominion.	Interest on amount due.	From 1st July.	To 31st Dec.	Terms.	Rate.	Amount due with interest.	Total.
1874	3,791	4 00	4,400 00	15,164 00	10,764 00	9,956 70	1874	1892	18½	5%	20,720 70	
1875	3,771	"	4,400 00	15,084 00	10,684 00	9,248 30	1875	"	17½	"	20,032 30	
1876	4,156	"	4,400 00	16,624 00	12,224 00	10 084 00	1876	"	16½	"	22,308 50	
1877	3,988	"	4,400 00	15,952 00	11,552 00	8 952 80	1877	"	15½	"	20,504 80	
1878	3,994	"	4,400 00	15,976 00	11,576 00	8,392 60	1878	"	14½	"	19,968 60	
1879	4,450	"	4.400 00	17 804 00	13,404 00	9.047 70	1879	"	13½	"	22,451 70	
1880	4,444	"	4,400 00	17,760 00	13.360 00	8,350 00	1880	"	12½	"	21,710 00	
1881	4,426	"	4,400 00	17,704 00	13,304 00	7.649 80	1881	"	11½	"	20,953 80	
1882	4,725	"	4,400 00	18,900 00	14,500 00	7.612 50	1882	"	10½	"	22,102 50	
1883	4,747	"	4,460 00	18,988 00	13,588 00	6,929 30	1883	"	9½	"	21,517 60	
1884	4,785	"	4,400 00	19,140 00	14,740 00	6,264 50	1884	"	8½	"	21,004 50	
1885	5,178	"	4,400 00	20,712 00	16.312 00	6,017 00	1885	"	7½	"	22,329 00	
1886	4,950	"	4,400 00	19,800 00	15,200 00	4.940 00	1886	"	6½	"	20,140 00	
1887	5,183	"	4,400 00	20,732 00	16.332 00	4,491 30	1887	"	5½	"	20,823 30	
1888	5,173	"	4,400 00	20 692 00	16,292 00	3,665 70	1888	"	4½	"	19,957 70	
1889	5,183	"	4,400 00	20,732 00	16,832 00	2,045 00	1889	"	3½	"	19,190 10	
1830	5,190	"	4,400 00	20,760 00	16,360 00	2,045 00	1890	"	2½	"	19,404 40	
1891	5,139	"	4,400 00	20,556 00	16 156 00	1,211 70	1891	"	1½	"	17,367 70	
1892	5,151	"	4,400 00	20,604 00	16,204 00	405 10	1892	"	½	"	16,609 10	
												$389,106 80

In the Priby Council.

No. 25 of 1896.

ON APPEAL FROM THE SUPREME COURT OF CANADA.

In the Matter of the Arbitration for settlement of all questions relating or incident to the accounts and for the settlement of matters of account between the Dominion of Canada and the Provinces of Ontario and Quebec and between the said two Provinces pursuant to 54 and 55 Vic. cap. 6 Canada, 54 Vic. cap. 2 Ontario, and 54 Vic. cap. 4 Quebec.

THE ATTORNEY-GENERAL FOR THE DOMINION OF CANADA - - - - *Appellant,*

AND

THE ATTORNEY-GENERAL FOR THE PROVINCE OF ONTARIO - - - - *Respondent.*

Case of the Appellant.

1. This is an Appeal from the Judgment of the Supreme Court of Canada rendered on the 9th day of December 1895 upon an Appeal by the Province of Ontario to that Court from the Award of the Arbitrators hereinafter mentioned.

2. The questions involved turn upon the construction of two Indian Treaties and upon certain sections of the British North America Act 1867.

3. In 1850 the Government of the Province of Canada acting through the Honorable William Benjamin Robinson entered into two treaties with the principal men of the Ojibeway Indians inhabiting and claiming lands on the eastern and northern shores of Lake Huron and on the northern shore of Lake Superior, whereby the Indians for certain annuities and other considerations therein expressed surrendered their title to the Crown of and in large tracts of land situated as aforesaid and all within the boundaries of the late Province of Canada. These treaties are set out in full in the Record and are Record p. 22. Record p. 25.

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designated "The Lake Huron Treaty" and "The Lake Superior Treaty," and are alike in their terms and stipulations with the exception that the fixed annuity in the Lake Huron Treaty is £600 currency, and in the Lake Superior Treaty £500 currency. With respect to these fixed annuities no question arises in this Appeal, they having been capitalized at the sum of $88,000 at the time of confederation, and added to the debt of the Province of Canada by which the Dominion has been enabled to pay and has paid such annuities from the income of such capitalization.

4. In addition to the said fixed annuities, each of the Indian Treaties contained the following provision under which additional or increased annuities might, under certain circumstances, become payable to the Indians :—

Record p. 23.

Record p. 26.

"The said William Benjamin Robinson, on behalf of Her Majesty "who desires to deal liberally and justly with all her subjects, further "promises and agrees that should the territory hereby ceded by the "parties of the second part at any future period produce such an "amount as will enable the Government of this Province, without "incurring loss, to increase the annuity hereby secured to them, then, "and in that case, the same shall be augmented from time to time, "provided the amount paid to each individual shall not exceed the "sum of one pound provincial currency in any one year, or such "further sum as Her Majesty may be graciously pleased to order; "and provided further that the number of Indians entitled to the "benefit of this treaty shall amount to two-thirds of their present "number, which is fourteen hundred and twenty-two, to entitle them "to claim the full benefit thereof; and should they not at any future "period amount to two-thirds of fourteen hundred and twenty-two, "then the said annuity shall be diminished in proportion to their "actual numbers."

5. The fixed annuities were paid from the date of the treaties, and divided amongst the Indians, gave to each individual the sum of about $1·60, but under the clause above set out they claimed to be entitled to all moneys produced from the lands surrendered not exceeding $4·00 per individual Indian, after deducting the proper expenditure in connection with the administration and development of such lands, and they alleged that from a date shortly after the execution of the treaties the lands had in fact produced from year to year such sums as would have enabled the Government to pay some amount in addition to the fixed annuities.

6. The claim of the Indians was shortly after confederation, about 1873, brought to the attention of the Dominion Government and it was then ascertained that the proceeds of the lands would justify a payment of $4.00 to each individual. Accordingly, some communications took place between the Dominion and Ontario with reference to such increased annuity, but nothing

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definite was then arrived at. Ontario, however, admitted that the revenues from the land in question would seem to justify increased payments to the Indians, and suggested that the Dominion should, in the meantime, pay the increased annuity and that the question of liability should be referred to a Court for determination. The Dominion adopted this suggestion, and began in the year 1874 to pay the increased annuity of $4.00 per individual Indian coming within the scope of the treaties, and has continued to do so up to the present time.

7. By the British North America Act, 1867, a union of the Provinces of Canada, Nova Scotia and New Brunswick was effected, in which Union the Province of Canada was divided into two distinct Provinces of Ontario and Quebec. The surrendered lands were all situated in Ontario.

8. By the 91st section of the said Union Act, No. 24, the Parliament of the Dominion is given legislative authority over "Indians, and lands reserved for Indians," and the Dominion has accordingly since enacted laws for the government and management of the Indians of Canada and their lands, and has administered the affairs of the Indians generally.

9. The said Act contains also the following provisions:— Record p. 4.

"Section 109. All lands, mines, minerals and royalties "belonging to the several Provinces of Canada, Nova Scotia and "New Brunswick at the Union, and all sums then due or payable for "such lands, mines, minerals or royalties shall belong to the several "Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, in "which the same are situate, or arise subject to any trusts existing in "respect thereof, and to any interest other than that of the Province "in the same."

"111. Canada shall be liable for the debts and liabilities of each "Province existing at the Union."

"112. Ontario and Quebec conjointly shall be liable to Canada "for the amount (if any) by which the debt of the Province of Canada "exceeds at the Union sixty-two millions five hundred thousand "dollars, and shall be charged with interest at the rate of five "per centum per annum thereon."

10. The award of 1870, which was made under the authority of the 142nd section of the British North America Act, for the division and adjustment of the assets and liabilities of the Province of Canada at the Union is printed in full in the Record. The 13th clause of that award is as follows:— Record pp. 5 to 11.

"That all the lands in either of the said Provinces of Ontario and "Quebec respectively, surrendered by the Indians in consideration of "annuities to them granted, which said annuities are included in the Record p. 10

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" debt of the late Province of Canada, shall be the absolute property of
" the Province in which the said lands are respectively situate, free
" from any further claim upon or charge to the said Province in which
" they are so situate, by the other of the said Provinces."

Record p. 14.

11. In 1891 the Parliament of the Dominion passed a Statute, 54–55 Vic., cap. 6, and the Legislatures of Ontario and Quebec passed similar Statutes,

Record pp. 14, 15, 16.

54 Vic., cap. 2 and, 54 Vic., cap. 4 respectively, having for their object the final and conclusive settlement and determination of the accounts between the Dominion and the said two Provinces both jointly and severally, and between the two Provinces concerning which no Agreement had hitherto been arrived at, and for this purpose the Statutes enacted that the three Governments might unite in the appointment of three Arbitrators who should be Judges, to whom should be referred such questions as the Governments should agree to submit.

12. Under the provisions of these Statutes the said Governments duly passed Orders in Council whereby the Honorable John Alexander Boyd, Chancellor of the Province of Ontario, the Honorable George Wheelock Burbidge, Judge of the Exchequer Court of Canada, and the Honorable Sir Louis Napoleon Casault, Chief Justice of the Superior Court of the Province of Quebec, were appointed to act as Arbitrators in the matter of the disputed accounts.

Record p. 16.

13. The 6th section of the said Statutes of 1891 is as follows :—

" The Arbitrators shall not be bound to decide according to the
" strict rules of law or evidence, but may decide upon equitable
" principles, and when they do proceed on their view of a disputed
" question of law, the Award shall set forth the same at the instance
" of either or any party. Any award made under this Act shall be,
" in so far as it relates to disputed questions of law, subject to Appeal
" to the Supreme Court of Canada and thence to the Judicial
" Committee of Her Majesty's Privy Council in case their Lordships
" are pleased to allow such Appeal."

Record p. 17.

14. On the 10th day of April, 1893, an Agreement of submission of the questions in dispute was prepared and executed by Counsel for the respective Governments, which submission was subsequently adopted and confirmed by Orders in Council of the said Governments, and the Board of Arbitrators so constituted have proceeded with and have disposed of a number of questions involved in the general controversy.

15. The present Appeal arises upon a Claim presented to the Arbitrators by the Dominion on behalf of the said Ojibeway Indians under sub-clause (*d*) of clause 1 of the Agreement of submission, which is as follows :—

Record p. 18.

" The claims made by the Dominion Government on behalf of
" Indians and payments made by the Government to Indians to form
" part of the reference."

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This claim was based upon the clause in the Treaties hereinbefore set out dealing with augmented annuities, and was divided into three branches—

(*a*) Against the Province of Canada for $325,440·00, being arrears of augmented annuities from 1851 to 1867.

(*b*) Against the Province of Ontario for $95,200·00, being unpaid arrears of augmented annuities from 1867 to 1873.

(*c*) Against the Province of Ontario for $389,106·80, being the amount of increased annuities actually paid by the Dominion to the Indians from 1874 to 1892.

Each of the said sums included interest up to the 31st December, 1892, being the date to which all amounts referred to the Arbitrators were to be brought down.

16. With reference to the Claim against the Province of Canada for unpaid arrears of increased annuities from the date of the Treaties to the date of the Union, 1867, no question arises in this Appeal.

17. The claim of the Dominion on behalf of the Indians for the unpaid arrears of augmented annuities from 1867 to 1874 and for the amounts of such increased annuities actually paid by the Dominion to the Indians from 1874 to 1892 is against the Province of Ontario, the Dominion asserting that the Province of Ontario having succeeded to the lands surrendered, is liable for such increased annuities and payments under the stipulations of the Treaties and the 109th section of the British North America Act. The Province of Quebec in effect supports and affirms this contention of the Dominion.

18. The Province of Ontario has in substance denied this Claim, upon the following grounds:— Record p. 31.

(*a*) That the liability, if any, was of the Province of Canada, in respect of which Ontario, as a separate Province, has no liability in any case, except, if at all, conjointly with Quebec.

(*b*) By Section 13 of the Award of 3rd September 1870, Ontario was expressly freed from any liability separately from Quebec. (Copy of this Award is set out in the Record at pages 5 to 11). Record pp. 5 to 11.

(*c*) That no trust exists in respect of the said lands; that the Indian title was extinguished in order that the lands might be opened up for settlement, and that Patents from the Crown might issue therefor to purchasers, and that the annuities or augmentations are not liens on the lands.

(*d*) That the Dominion, at the Union, or at or before the passing of the Act 36 Vic., cap. 30, included, or is deemed to have included, the liability in the amount of the debt of the Province of Canada, assumed by the Dominion, and of which Ontario and Quebec were thereby relieved. Record p. 32.

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19. On the claim now in question coming before the Arbitrators, it was ordered that the question of liability only should in the first place be argued and determined, leaving the amount to be ascertained upon a reference, and after argument the Arbitrators, on the 13th February 1895, made their unanimous award, which, in so far as it relates to the matters at present in question, is as follows :—

Record p. 43.

"6. That the ceded territory mentioned became the property of "Ontario under the 109th Section of the British North America Act, "1867, subject to a trust to pay the increased annuities on the hap- "pening, after the union, of the event on which such payment "depended, and to the interest of the Indians therein to be so paid. "That the ultimate burden of making provision for the payment of "the increased annuities in question in such an event falls upon the "Province of Ontario, and that this burden has not been in any way "affected or discharged."

"7. That interest is not recoverable on the arrears of such "annuities accruing after the Union, and not paid by the Dominion "to the tribes of Indians entitled.

"8. That in respect of the matters hereinbefore dealt with, the "arbitrators have proceeded upon their view of a disputed question "of law.

"9. That as respects the increased annuities which have been "paid by the Dominion to the Indians since the Union, any payments "properly made are to be charged against the Province of Ontario in "the Province of Ontario Account, as of the date of payment to the "Indians, and so fall within and be affected by our previous ruling as "to interest on that account";

Record p. 44. And by a subsequent order of the arbitrators, they declared that in respect of their findings in the 9th clause of the Award they had proceeded upon their view of a disputed question of law. The arbitrators accompanied their Award

Record pp. 45-56. with written reasons, which are printed in the Record herein.

Record p. 56

20. The Province of Ontario then appealed from the above Award to the Supreme Court of Canada, limiting the appeal to the findings of the arbitrators set out in the 6th and 9th paragraphs of the Award. On the 15th and 16th days of May 1895, the appeal was argued before a quorum of that Court, composed of the Chief Justice Sir Henry Strong, and Justices Taschereau, Gwynne, Sedgewick and King. On the 9th day of December 1895, the said Court delivered Judgment. The Chief Justice and Justices Taschereau and Sedgewick held that the appeal of Ontario should be allowed, while Justices Gwynne and King held that the appeal should be dismissed. In the result Judgment was directed to be entered allowing the appeal and ordering the Award to be varied by substituting

Record p. 120 for the 6th paragraph thereof the following :—

"The ceded territory mentioned became the property of Ontario "under the 109th section of the British North America Act, 1867,

"6. That ceded territory mentioned became the property of Ontario under 109th Sec: of the B. N. Act 67 subject to a trust to pay the increased annuities on the happening after the Union, of the event upon which such payment depended & to the interest of the Indians therein to be so paid. That the ultimate burden of making provision for the payment of the increased annuities in question in such an event falls upon the P. of Ontario; & that this burden has not in any way been affected or discharged

"9. That as respects the increased annuities which have been paid by the Dominion to the Indians since the Union, any payments properly made are to be charged against the Province of Ontario in the P.O. account of the date of payments by the Dominion to the Indians, and so fall within & be affected by our previous to interest on that account.

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" absolutely, and free from any trust, charge or lien in respect of any
" of the annuities, as well as those presently payable as those deferred
" and agreed to be paid in augmentation of the original annuities,
" upon the condition in the treaties mentioned.

" And further by striking out the 7th and 9th paragraphs of the
" Award."

21. The formal Judgment of the Supreme Court and the reasons for the conclusions given by the learned Judges respectively, are set out in the record. Record pp. 83 to 120.

22. The Appellant submits that the Judgment appealed against is erroneous and ought to be reversed, and the award of the Arbitrators restored, for the following, amongst other,

REASONS.

1. Because the covenant to pay the increased annuities is not a covenant to pay out of general revenue, in the event of the lands producing a sufficient amount, but a covenant to pay should the territory ceded produce such an amount as would enable the Government to pay without incurring loss. It is thus in effect and by necessary implication a covenant to pay out of the proceeds of the lands; and at the time of confederation a trust existed in respect of the said lands, and an interest of the Indians therein or in the said proceeds thereof, within the meaning and proper construction of the said section 109.

2. Because the 109th section of the said Act does not contemplate only a direct charge or lien upon or an interest in lands, enforceable by legal process, but has reference to a trust or interest created by the Crown to be recognized and carried out by the Crown; and the land in this case having become vested in the Crown in right of Ontario, the trust and interest in favour of the Indians in the lands should be observed and carried out by that Province.

3. Because the lands having become the property of Ontario with all the advantages of increased value and profits therefrom, that Province should have borne and should bear the burden of paying any increase of annuities justifiable under the terms of the treaties since Confederation.

4. Because Ontario was not, by the 13th clause of the Award of 1870, freed from any liability to the Dominion for annuities to Indians in consideration of lands surrendered. That

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clause meant only that as between the respective Provinces, lands which had been surrendered by the Indians should be held by the Province in which they are situate free from all claims of any of the other Provinces; and if it meant more, and was intended to exclude a claim based upon an interest of the Indians, or the existence of a trust, within the meaning of section 109, it was *ultra vires* the Arbitrators.

5. Because on equitable principles the Award was right, and the declaration that the Arbitrators have proceeded upon their view of a disputed question of law, while it gives a right to appeal, does not preclude the appellate tribunal from considering and giving effect to such principles.

6. Because the Reasons given by the Arbitrators herein and by the minority of the Supreme Court were right and should be sustained.

C. Robinson.

W. D. Hogg.

H. W. Loehnis.

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KODAK SAFETY

In the Supreme Court of Canada.

IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion of Canada, the Province of Canada,
and the Provinces of Ontario and Quebec

THE PROVINCE OF ONTARIO,

APPELLANT.

AND

THE DOMINION OF CANADA AND THE PROVINCE OF QUEBEC

RESPONDENTS.

Appeal by Ontario from award of the arbitrators on the claim of the Dominion respecting Indian annuities and arrears under the Robinson treaties.

QUEBEC'S FACTUM.

D. GIROUARD, Q. C.,
JOHN S. HALL, Q. C.,
Of Counsel for Quebec.

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SUPREME COURT
OF CANADA.

In The Supreme Court of Canada.

THE PROVINCE OF ONTARIO,
Appellant,

AND

THE DOMINION OF CANADA AND THE PROVINCE OF QUEBEC,
Respondents.

This is an appeal by the Province of Ontario against the Dominion of Canada and the Province of Quebec arising out of an award rendered on the thirteenth of February last in this matter.

The Dominion of Canada claims arrears of certain increased annuities due the Ojibeway Indians under the "Robinson Treaties." The award involves only questions of law.

I. The lands ceded under the said "Robinson Treaties" being in the Province of Ontario, do the said Annuities or increased Annuities constitute "a trust existing in respect thereof, and an interest other than that of the Province in the same" within the meaning of section 109 of the British North America Act?

Quebec contends that the said Section 109 of the B. N. A. Act can have no other meaning. All claims of third parties, whether of individuals or of corporations, or of Indians, must be met and liquidated by the Province upon whose lands any trust or interest existed in favor of third parties at the time of Confederation. In the Indian Treaties referred to, it is stated that the Annuities granted to the Indians might be increased to £1 currency per head, provided the value of the lands thus ceded by the Indians would warrant the increase, or, at the pleasure of the Government. This might happen before or after Confederation, but at all times it was a burden upon the lands so ceded. This, also, shows that a trust was created on those lands, and that the amount payable from the proceeds of the same might be increased from time to time.

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At the time of Confederation, anything due under the said Treaties had apparently been already paid, and anything that could be claimed in the future under the said Treaties was a part of the said Trust which the Province of Ontario was bound to carry out.

Such has always been the contention of Quebec, and especially before the first Board of Arbitrators in 1869. The Quebec case, which is quoted in full in the Answer of Ontario, says :—

"By Section 109 of the above Act, all lands are made over to the Province "within which they are situated, subject, however, to any trust existing in respect "thereof, and to any interest other than that of the Province in the same. These "annuities being the price unpaid of the lands themselves, are a charge on them. "The contract between Government and the Indians ought to be governed by the "same rules as similar contracts between individuals. The lands, being within the "Province of Ontario, became, under said Section 109, the property of that Province, "subject, however, to the interest of the Indians in the same. This interest is the "payment of the annuities stipulated as a compensation for the lands ceded. It might "also be called a trust, the administration of which is left to the Dominion, the legal "guardian of the Indians. Ontario, receiving the lands and the arrears due for those "sold, is subject to all legal and equitable claims which may exist on them. It should "therefore be charged with the principal of the annuities."

True, Ontario answered, that in 1846 the Indian annuities were made a special charge, in Schedule B. ef 9 V., c. 114, upon the Consolidated Revenue, and that the Indian lands had been released from the same. It is also true that by their award the arbitrators disposed of the Indian annuities as follows :—"That all lands in either "of the said Provinces of Ontario and Quebec respectively surrendered by the Indians "in consideration of annuities to them granted, which said annuities are included in "the debt of the late Province of Canada, shall be the absolute property of the Pro-"vince in which the said lands are respectively situate, free from any further claim "upon or charge to the said Province in which they are so situate by the other of "the said Provinces."

Quebec submits that, in 1846, the Indian lands were not released, as alleged by Ontario, and that at all events the trust or interest existing upon them under the several treaties was never set aside and annulled; in fact, could not be set aside without the consent of the Indians, parties to the said treaties.

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As to the award of 1870, Quebec also submits that the arbitrators had no power to declare the Indian lands "free from any further claim upon or charge to the said "Province in which they are situate by the other of the said Provinces, if they intended "thereby to remove the Indian claims," as by Section 109 of the British North America Act, it is declared that all lands shall be subject to any trust existing in "respect thereof, and to any interest other than that of the Province in the same." The award therefore, is *ultra vires* in this respect, if intended to free the public lands from Indian claims or charges. The arbitrators had no authority to alter or modify the terms of the Confederation Act, or of any treaty or arrangement under which the Indians surrendered their lands.

But the award only intended to deal with any claim of either Province and not with Indian claims.

As held by the Arbitrators, the policy and the law of this country have always been to consider the Indian claims as a "trust" or "charge" upon the lands surrendered. So the Statute 12 Victoria, chapter 200, section 3 declared in express terms. After setting apart one million acres of the public lands for school purposes, it declares: "But before any appropriation of the moneys arising from the sale of such lands shall be made, all charges thereon for the management or sale thereof, and all Indian annuities charged upon such lands or moneys, shall be first paid."

II. The increased annuities claimed under the Robinson Treaties do not constitute a debt for which Ontario and Quebec will be jointly liable to Canada, but only one of these contingent liabilities existing at the time of the Union for which Canada alone is responsible under Section 111 of the British North America Act 1867.

III. In conclusion Quebec represents that equity is on her side.

The Legislature of the late Province of Canada took from the Crown Lands of the Province of Quebec a large quantity of lands, and made reserves for the various remnants of the Indian Tribes in this Province, for which no compensation was given to Lower Oanada. True, a grant of lands was set apart seemingly for the benefit of Lower Canada, but nothing was ever done with those lands, which still form part of the Crown Domain, and were administered and sold, as much for the benefit of Upper Canada as of Lower Canada up to the time of Confederation; whereas in Upper Canada, lands have been purchased from the Indians which the late Province of Canada was bound to pay for by Annuities in perpetuity, and did pay for out of common funds until 1867.

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When Confederation took place those lands became the property of Ontario, who derives all the benefits and advantages of the same.

Is it fair that to-day we should be called upon to pay any money for those lands which are administered to the exclusive advantage of Ontario ?

The pretension of Ontario : That, although the whole of the proceeds of the sale of the lands mentioned in said Indian Treaties, and the lumber dues thereon, go to the profit of Ontario, Quebec is still responsible for her share of the amount of debt to be added to the late Province of Canada in respect to these lands, is a pretension which ought not to be entertained. In other words it amounts to this : That while Quebec made a present to the Indians of large quantities of land in Lower Canada without any compensation of any kind, that Province must now pay for Indian lands bought from the Indians in Ontario, and all the profits arising from which go to Ontario alone.

Quebec submits that the judgment appealed from should be maintained with costs against Ontario.

D. GIROUARD,

JOHN S. HALL,

Of Counsel for Quebec.

MONTREAL, April 15th, 1895.

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In the Supreme Court

OF CANADA.

Appeal from Award of Arbitration,

1895.

THE PROVINCE OF ONTARIO,

Appellant.

AND

THE DOMINION OF CANADA AND
THE PROVINCE OF QUEBEC,

Respondents.

FACTUM OF QUEBEC.

Fyled *April, 1895.*

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Indian Affairs
Red Series

(RG 10, Volume 2545)

File			
- 111,834	1	CONFIDENTIAL REPORT BY MR. McKENNA AND MR. RIMMER RESPECTING A DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT ON INDIAN MATTERS.	1899-1901
- 111,834	2	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	3	JUDGMENT BY THE PRIVY COUNCIL REGARDING THE CONTROVERSY BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE FULFILMENT OF THE OBLIGATIONS CREATED BY THE NORTH WEST ANGLE TREATY NO. 3.	1910
111,834	4	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	5	TERMS OF AGREEMENT OF THE ROBINSON-HURON TREATY SIGNED ON THE 9th OF SEPTEMBER 1850.	1850-1893

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IN THE EXCHEQUER COURT OF CANADA.

BETWEEN:

THE DOMINION OF CANADA

Claimant:

and

THE PROVINCE OF ONTARIO

Respondent.

The principal controversy between the parties to this action is as to whether or not the Province of Ontario is liable to repay to the Dominion of Canada any portion of the moneys that have been expended by the Dominion in fulfilment of the obligations created by a Treaty which is known as the North West Angle Treaty, No. 3; and which was made and concluded on the third day of October in the year one thousand eight hundred and seventy-three between Her late Majesty the Queen and the Salteaux Tribe of the Ojibeway Indians respecting a tract of land, the boundaries of which are given in the Treaty, and which may in general terms be described as covering the area from the watershed of Lake Superior to the North West Angle of the Lake of the Woods and from the boundary of the United States of America to the height of land from which the streams flow towards the Hudson Bay and containing about fifty-five thousand square miles. There is also a counter-claim to which reference will be made later; but the main question at issue between the parties is that which has been stated.

By the 146th section of The British North America Act, 1867, provision was made for the admission into the Union of the Provinces thereby united of Newfoundland, Prince Edward Island and British Columbia, and also of Ruperts Land and the North West Territory; and it was thereby enacted that the provisions

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of any order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland. By the Act of that Parliament known as the "Rupert's Land Act 1868" (31-32 Vict. c. 105) provision was made for the surrender ~~to~~ the Crown, and for the extinguishment thereby, of the Hudson's Bay Company's rights in Rupert's Land, which for the purposes of this Act was defined to include the whole of the lands and territories held, or claimed to be held, by that company. That Act also gave her late Majesty authority to declare that Rupert's Land should be admitted into and become part of the Dominion of Canada. In 1869 the Parliament of Canada, in view of the probability that Her Majesty the Queen might, pursuant to The British North America Act, 1867, be pleased to admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada before the then next session of the Parliament of Canada, passed an Act to make temporary provision for the civil government of such territories until more permanent arrangements could be made by the Government and Parliament of Canada. That Act was amended and continued by an Act of the Parliament of Canada, 33 Victoria, Charter 3, which was assented to on the 12th day of May, 1870, and which among other things, provided that on, from and after the day upon which the Queen should by order in Council in that behalf admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada, there should be formed out of the same a Province, which should be one of the Provinces of the Dominion of Canada, and which should be called the Province of Manitoba, and should be bounded as therein described(33 Vict. c.3, s.1). The two Acts mentioned, that is, the Act 32-33

Victoria,

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Chapter 3, and the Act 33 Vict. c.3, were by an Act of the Parliament of the United Kingdom, passed in the year 1871, respecting the establishment of Provinces in the Dominion of Canada, declared to have been valid and effectual for all purposes whatever from the date at which they respectively received the assent in the Queen's name of the Governor General of the Dominion of Canada(The British North America Act, 1871, s. 5). The order in Council admitting Rupert's Land and the North West Territory into the Union was passed on the 23rd of June, 1870, and they thereby from the 15th day of July in that year became a part of the Dominion. That extended the boundaries of the Dominion westerly and northerly from the boundaries of the old Province of Canada. But at that time the boundaries of the old Province of Canada had not been definitely determined and a dispute arose between the Province of Ontario on the one hand and the Dominion on the other as to what the true boundaries were.

With respect to the Indian title to the territories which were united to the Dominion by the Queen's Order of the 23rd of July, 1870, it was provided in the 14th paragraph of the terms of Union that any claims of Indians to compensation for lands required for purposes of settlement should be disposed of by the Canadian Government in connection with the Imperial Government, and that the Hudson's Bay Company should be relieved of all responsibility in respect thereof. By the Lake Superior Treaty, 1850, made on the seventh day of September of that year, the Ojibeway Indians inhabiting the northern shore of Lake Superior in the Province of Canada from Batchewanung Bay to Pigeon River at the Western extremity of the said Lake and inland throughout that extent to the height of land which separates the territory covered by the charter of the Hudson's Bay Company from the said tract had surrendered to

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Her late Majesty their title and interest in the tract of land described in the Treaty. The Indian title in the territories to the west and north of this tract of land had never been surrendered. So far as such territories were within the true boundaries of the old Province of Canada, all the lands, mines, minerals, and royalties therein which belonged to such Province at the date of the Union of the Provinces of Canada, Nova Scotia, and New Brunswick, became the property of the Province of Ontario by virtue of the 109th section of The British North America Act, 1867, subject however to any interest other than that of the Province in the same. There was however no change of title in respect of these lands. Both before and after the Union the Crown had a "present proprietary estate in the "land upon which the Indian title was a mere burden." By the 109th section of the Act of Union the Province of Ontario acquired the right, subject to that burden, to administer these lands and to take the revenues arising therefrom. That was determined in The St. Catherine's Milling and Lumber Company v. The Queen (14 App. Cas. 46). In that case, Lord Watson, delivering the judgment of their Lordships of the Judicial Committee of the Privy Council, and dealing with the territory in respect of which the questions to be determined in this case arise, put the matter in this way:-

> "Had its Indian inhabitants been the owners in fee simple of the territory which they surrendered by the Treaty of 1873, Attorney-General of Ontario v.Mercer (8 App. Cas. 767) might have been an authority for holding that the Province of Ontario could derive no benefit from the cession, in respect that the land was not vested in the Crown at the time of Union. But that was not the character of the Indian interest. The Crown has all along had a present proprietary estate in the land upon which

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"the Indian title was a mere burden. The ceded territory was at the time of the Union land vested in the Crown subject to 'an interest other than 'that of the Province in the same' within the meaning of sect. 109, and must now belong to Ontario in terms of that clause, unless its rights have been taken away by some provision of the Act of 1867 other than those already noticed."

It is also to be observed that the admission in 1870 of Rupert's Land and the North Western Territory into the Union did not work any change in the title to the public lands therein. These remained in the Crown, but the Dominion of Canada thereby acquired the right to administer such lands and to take the revenues which accrued therefrom. It has been seen that it was one of the terms of that Union that the Canadian Government should in communication with the Imperial Government dispose of any claims of Indians to compensation for lands required for the purposes of settlement. But that equally would have been necessary as an act of administration on the part of the Canadian Government if there had been no express stipulation. It had been the well settled policy of the Crown in the administration of lands inhabited by Indians, not to open up such lands to settlement without first obtaining a surrender of the Indian title.

The question of obtaining the surrender of the Indian title in the lands described in the North West Angle Treaty No. 3, was in 1870, when Rupert's Land and the North Western Territory were admitted to the Union, a very urgent and pressing one, not because such lands were at that time required or deemed to be desirable or available for settlement, but because it was necessary for the good government of the country to open up and maintain through such lands a line or way of communication between

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between the eastern and settled portions of Canada and the great and fertile western territory that was added to the Dominion. At that time a line of cummunication, known as the Dawson Route, was being opened up through such lands. During the summer of that year it became necessary to send through this territory a military force to maintain the Queen's authority and establish order in the country about the Red River. Early in the year the Government of Canada had sent an agent to Fort Frances "to keep up a friendly intercourse" with the Chiefs and Indians who assembled there and to "disabuse their minds of any idle reports they might "hear as to the views and intentions of the Government of "Canada in reference to them". In May the Government sent Mr. Simpson to the same place to secure from the Salteaux Indians a right of way for the troops and to prevent any interruption of surveying parties during the summer. The demands that the Indians made were considered so excessive that Mr. Simpson did not come to any agreement with them. They however stated that it was not their intention to try and stop the troops from passing through their lands on their way to the Red River, but that if Mr. Dawson was to make roads through their country they expected to be paid for the right of way. In the next year another attempt was made to arrive at a settlement with these Indians. But on this occasion it was not a question of obtaining merely a right of way through their lands, but of acquiring a surrender of the Indian title therein so that such lands would be open for settlement. By a commission issued under the Great Seal of Canada, and bearing date of the 27th of April, 1871, and in which it was recited that the Indian title in the lands therein mentioned had not been extinguished and that such lands were required for settlement, Her late Majesty

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appointed Mr. Simpson, Mr. Dawson and Mr. Pither Commissioners to make a treaty with the several bands of the Ojibeway tribe of Indians occupying and claiming the lands in that portion of Her North Western Territory lying and being between Lake Shebandowan and the North West Angle of the lake of the Woods. The Commissioners, as appears from their report of the 11th day of July, 1871, entered into negotiations with the Indians and settled, as they thought, "all past claims" that the Indians had but "various causes prevented "them from entering into a formal and permanent arrangement" with the Indians at that time. On the 20th day of July, 1871, by an Order in Council passed on the 16th day of May in that year British Columbia was admitted into the Union. By the terms of the Union the Government of Canada, among other things, undertook to construct a railway "to connect "these abroad of British Columbia with the railway system "of Canada". That involved the construction of a railway through the lands for the surrender of the Indian title in which the Government of Canada was in that year negotiating. It afforded another reason, if another were needed, for the early extinguishment of such title. It is put forward on behalf of Ontario that the conclusion of a treaty with these Indians was a prime necessity in the carrying out of the railway policy necessary to implement the agreement of the Dominion with the Province of British Columbia. That the construction of the Canadian Pacific Railway would in the course of time have made it necessary to extinguish the Indian title in these lands, or at least in so much thereof as was needed for a right of way through the same, cannot admit of doubt. But it is not at all clear that this matter was in 1871 pressing or urgent if anything were thought to turn upon that point. But it is, it seems to me, clear that for a number of reasons either relating, or deemed by the Government of Canada to relate to, the administration of the affairs of the Dominion, it was at the time necessary that

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that the Indian title in these lands should be extinguished. Those whose duty it was at the time to advise Her Majesty and His Excellency the Governor General, in relation to the Government of the Dominion, held the view that the Dominion had the right to administer the lands mentioned and to take any revenue to ve derived therefrom. There was no question of extinguishing the Indian title in lands belonging to the Province of Ontario. The lands were thought by the Dominion authorities to belong to the Dominion. So it happened that those whose duty it was to advise the Lieutenant-Governor of the Province of Ontario in respect of the government and affairs of the Province were not consulted, and had no part in the negotiations that resulted in the Treaty that was concluded in 1873.

It is not necessary for the moment to consider in detail the terms of that Treaty. That may more conveniently be done on another branch of the case. By the Treaty the Salteaux Tribe of the Ojibeway Indians surrendered their title in a tract of land embracing, as therein stated, an area of fifty-five thousand square miles, more or less. Mr. Bray, the Chief Surveyor of the Department of Indian Affairs who was examined as a witness gives the total area covered by the treaty as forty-nine thousand three hundred square miles. And of this area, having regard to the boundaries of the Province of Ontario as they were ultimately determined to be, thirty thousand five hundred Square miles are in the Province of Ontario, thirteen thousand six hundred square miles in the District of Keewatin, and five thousand two hundred square miles in the Province of Manitoba. The charges arising from the obligations incurred by the Crown under this Treaty have been defrayed out of moneys appropriated by the Parliament of Canada and expended by or on behalf of the Dominion Government. Particulars of such expenditure up to the year 1902, amounting, without interest, to something over eight hundred thousand dollars, are given. On the other

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other hand the Province of Ontario for the years 1874 to 1894 both inclusive, received from the sale of lands, minerals and timber in that part of the Province which was in the disputed territory, a sum exceeding one million dollars. A part of the disputed Territory was however for a number of years administered by the Dominion Government in pursuance of an agreement for a conventional boundary for the Province of Ontario made on the 26th day of June, 1874, between the Minister of the Interior of the Dominion and the Commissioner of Crown Lands of the Province of Ontario, on behalf of the Governments of the Dominion and of Ontario respectively. In that connection the ~~Dominion~~ Dominion authorities collected an amount which may approximately be stated at one hundred and fifty thousand dollars. The sum, the exact amount of which has not been ascertained, the Province of Ontario claims from the Dominion by way of counter-claim in this action. The Dominion admits its liability to account for this amount, and by consent, a reference was made to Mr. Cameron, the Registrar of the Supreme Court of Canada, to make an enquiry and to report as to the amount of the Dominion's liability in that behalf. The amounts collected by the Dominion, and the sums received by the Province of Ontario, from the administration of the lands in which the Indian title was extinguished by the North West Angle Treaty No. 3 represent the revenues that have been derived therefrom. The Dominion, on the one hand, has discharged the burden of the Indian title in such lands. The Province of Ontario, on the other hand, has received or is entitled to an account for the revenues that have accrued from the administration of the larger portion of such lands. And the Dominion now asks that it be declared that the Province of Ontario is liable to repay to the Dominion a proper proportion of the annuities and other moneys paid by the Dominion to and for the Indians under the terms and stipulations of the Treaty. To that

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demand the Province of Ontario answers in the first place that it was no party to the Treaty; that the Dominion of Canada for its own purposes negotiated and entered into the same without any authority or mandate from the Province, and is not entitled to claim any indemnity from the Province in respect of the obligations thereby assumed.

The jurisdiction of this Court to hear and determine the question at issue is derived from statutes passed by the Parliament of Canada, and by the Legislature of the Province of Ontario (R.S.C.c.135, s. 72, now R.S.C. 1906, c. 140, s. 32; and R.S.O. 1897, c. 49), which give the Court jurisdiction of controversies between the Dominion of Canada and the Province. And as to that I agree with Mr. Shepley that the mere fact that there is a controversy does not give the Court authority to decide against the Province simply because it should think that as a matter of good conscience and honourable dealing the Province, having derived a benefit from the Treaty, should relieve the Dominion from a proportionate part of the burden arising therefrom; that it is not simply a question of what the Court might think to be fair in the premises without regard to the principles of law applicable to the case. At the same time, as Mr. Newcombe pointed out, the question arises between governments, each of which within its own sphere, exercises the authority of one and the same Crown. For that reason one cannot expect the analogies of the law as applied between subject and subject to be perfect or in every way adequate to the just determination of the case. Such distinctions must of course be kept in mind; and perhaps for that reason it may be convenient to refer to a few of the provisions of The British North America Act, 1867 which are so well known that otherwise it would be wholly unnecessary to make any reference to them. The executive government

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and authority of and over Canada is vested in the King of the United Kingdom of Great Britain and Ireland (The British North America Act, 1867, ss. 9 and 2). TheGovernor General is His Majesty's Chief Executive Officer for carrying on the Government of Canada in his name (Id.s.10). In general he acts in respect of the Government of Canada upon the advice of his Ministers, being members of the King's Privy Council for Canada (Id.s.12). The executive authority of the Crown in respect to the government of affairs of a Province is vested in the Lieutenant-Governor or Administrator of the Province acting with the advice or consent or in conjunction with the Executive Council of the Province (Id.ss.58-67). In each case it is the King's or the Crown's authority that is exercised. But in respect of the government of Canada the King's representative acts upon the advice of the Dominion Ministers; while in respect of Provincial matters the Lieutenant-Governor acts upon the advice of the Executive Council of the Province. With regard to the distribution of executive authority between the Governor-General of the Dominion and the Lieutenant-Governors of the several Provinces, it will, I think, in general be found that the ~~former~~former has executive authority in respect of matters over which the Parliament of Canada has legislative authority; while the latter have executive authority over matters which are within the legislative control of the Legislatures of the several Provinces. In construing the British North America Act, 1867, it is necessary, as has often been pointed out by the highest authority, to distinguish between proprietary rights and legislative authority. The former does not follow the latter. But under that Act executive authority does, I think, in general follow legislative authority. There may be some exceptions, but I am not aware of any that in any measure affect this case. But as it happens that

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a subject or matter which, in one aspect of a case, is within the legislative authority of the Parliament of Canada may in another aspect of the case be within the legislative authority of a Provincial Legislature; so it may happen that while in one aspect of a matter, executive authority in respect thereof may be vested in the Governor General, in some other aspect of the same matter it may fall within the executive authority and action of a Lieutenant-Governor of a Province. By the 91st Section of The British North America Act, 1867, class of subject No. 24, the Parliament of Canada has exclusive legislative authority to make laws for the peace, order and good government of Canada in relation to Indians and lands reserved for Indians; and it cannot, I think, be doubted that, unless the Parliament of Canada otherwise declares, the executive authority of the Governor General of Canada extends to all matters of administration relating to Indians and to their lands and affairs. By the 92nd Section of the same act, class of subject No. 5, the legislature of each Province may exclusively make laws in relation to the management and sale of the public lands belonging to the Province and of the timber and wood thereon; and the executive authority exercisible in the administration of such lands is, unless the Legislature otherwise enacts, vested in the Lieutenant Governor acting by and with the advice of the Executive Council of the Province.

The Treaty, out of which the question in issue here arises, was concluded by Commissioners appointed by the Queen acting on the advice of Her Ministers for the Dominion. There is no question as to its validity. InThe St. Catherine's Milling and Lumber Company v. The Queen(14 App. Cas. 14) Lord Watson stated that they had full authority to accept a surrender to the Crown; but that they had no authority or

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power to take away from Ontario the interest which had been assigned to that Province by the Imperial Statute of 1867. There can, I think, be no doubt of their authority to bind the Crown to make the payments stipulated for in the Treaty. The case cited shows that the lands thereby surrendered were, or might fall within the true construction of the words of section 91 (24) of the Act of 1867 "lands reserved for the Indians" (14 App. Cas. 59). And that being the case, there can I think be no doubt as to the authority of the Crown at the instance of the Dominion Ministers and upon their advice to enter into this Treaty. The difficulty is that in one aspect of the matter they were, although it was not known at the time, dealing with the public lands belonging to the Province of Ontario, and removing a burden therefrom. It is argued for the Dominion that Ontario must be taken to have acquiesced in what the Dominion authorities did in negotiating this treaty, and that the Province is bound by such acquiescence. I am not able to accede to that contention or to rest my judgment on that ground. The most that can be said on that branch of the case is, it seems to me, that while on the one hand the Government of Canada holding, in good faith, but erroneously as it turned out, the view that all the lands to be surrendered belonged to the Dominion, did not consult the Government of Ontario in respect of the negotiations with the Indians for the surrender of their title in such lands; on the other hand the Government of the Province did not raise any objection to the matter so proceeding and did not prefer any request to be represented in the negotiation of the Treaty.

Now with regard to the contention that inasmuch as a part of the benefit arising from the surrender of the lands mentioned in the treaty accrues to Ontario that Province should relieve the Dominion from a proportionate part of the obligations

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obligations thereby created, it appears to me that that consideration is not of itself sufficient to make the Province liable. If the Province had had any option in the matter, if it had been open to it to accept or decline such benefit, and it had accepted it, then the Province would have been liable for its fair proportion (Leigh v. Dickeson, L.R.15 Q.B. D. 60). But that is not the case. The burden of the Indian title was removed from these lands before it was determined whether any part of them was within the Province or not. When it was decided that a large portion of such lands was within the Province of Ontario there was nothing the Province could do but accept the lands and administer them free from such burden. In The Ruabon Steamship Company, Lt. v. The London Assurance (1900 App. Cas. 6), one of the cases on which Mr. Shepley relied, it was held that there is no principle of law which requires a person to contribute to an outlay merely because he has derived a material benefit therefrom. And that principle is, I think, as clearly applicable to the transactions of the Dominion and Provincial Governments as it is to those which occur between individuals. If the Parliament of Canada should appropriate, and the Government of Canada should expend public moneys of the Dominion for Dominion purposes, with the result that a Province was benefitted, and there was no agreement with the Province or request from it, then it would be clear that the Province was under no obligation to contribute to such expenditure, or to indemnify the Dominion against any part thereof. According to the contention of the Province of Ontario, as I understand it, the present case falls within that proposition. Equally it seems xkax clear that if the Parliament of Canada should appropriate and the Government of Canada should expend the public moneys of the Dominion for a

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provincial purpose to the benefit of a Province, there being no agreement with the Province or request from it, no obligation would arise on the part of te Province to contribute towards such expenditure or to re-imburse the Dominion for any part of such expenditure. The principle would apply as well to expenditures made by a Province with the result that the Dominion as a whole was benefitted. In all such cases the appropriation and expenditure would be voluntary and no obligation to contribute would arise. But the present case appears to me to differ from those stated in some material respects. At the time when the treaty was negotiated the boundaries of the Province were unsettled and uncertain.

The lands described in the Treaty formed part of the territory that the Hudson's Bay Company had claimed and had surrendered to the Crown. The surrender embraced all lands belonging to the company or claimed by it. That of course did not affect Ontario's title to such part of the lands claimed by the company as were actually within the Province. But on the admission of Rupert's Land and the North Western Territory into the Union the Government of Canada acquired the right to administer all the lands that the company had a right to administer. And with respect to that portion of the territory which the company had claimed but which was in fact within the Province of Ontario, the Dominion Government occupied a position analogous to that of a bona fide possessor or purchaser of lands of which the actual title was in another person. The question of the extinguishment of the Indian title in these lands could not with prudence be deferred until such boundaries were determined. It was necessary to the peace, order and good government of the country that the question should be settled at the earliest possible time. The Dominion authorities held the view that the lands belonged to the Dominion and

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that they had a right to administer the same. In this they were in a large measure mistaken, but no doubt the view was held in good faith. They proceeded with the negotiation for the Treaty without consulting the Province. The latter, although it claimed the lands to be surrendered, or the greater part thereof, raised no objection and did not ask to be represented in such negotiation. The case bears some analogy to one in which a person in consequence of unskilful survey, or in the belief that the land is his own, makes improvements on lands that are not his own. In such a case the Statutes of the old Province of Canada made, and those of the Province of Ontario make, provision to protect him from loss in respect of such improvements, or to give him a lien therefor. (59 Geo. 3,c.14,s.12; 12 Vict. c. 35, s. 49; C.S.U.C.c.93,s.53; R.S.O. (1877) c.51, ss.29 and 30; (1887) c 100, ss. 31, 32; 1897, c. 119, ss.31 and 32; 36 Vict. (Ontario) c. 22, s. 1; 40 Vict.(Ont.) c.7, Schedule No. 114; R.S.O. (1877) c. 95, s.4; (1887) c. 100, s. 30; (1897) c. 119, s. 30; Gummerson v. Banting, 18 Grant, 516; Carrick v. Smith, 34 U.C.Q.B.399; O'Connor v. Dunn, 37 U.C.Q.B.430; Fawcett v. Burwell, 27 Grant 445; Beaty v. Shaw 14 O.A.R.600). The case however, appears to me to bear a closer analogy to one in which a bona fide possessor or purchases of real estate pays money to discharge an existing incumbrance or charge upon the estate having no notice of any infirmity in his title. In such a case, as stated by Mr. Justice Story in Bright v. Boyd (1 Story's R. 497,498) the possessor or purchaser was according to the principles of the Roman Law entitled to be repaid the amount of such payment by the true owner seeking to recover the estate from him. And again, in the same case (2 Story's R. 607) Story,J. is reported as follows:-

"I wish in coming to this conclusion to be

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"distinctly understood as affirming and maintaining the broad doctrine, as a doctrine of equity, that, so far as an innocent purchaser for a valuable consideration without notice of any infirmity in his title has, by his improvements and meliorations, added to the permanent value of the estate he is entitled to a full remuneration, and that such increase of value is a lien and charge on the estate, which the absolute owner is bound to discharge before he is to be restored to his original rights in the land. This is the clear result of the Roman Law, and it has the most persuasive equity, and I may add common sense and common justice for its foundation. The Betterment Acts (as they are commonly called) of the States of Massachussets and Maine and of some other States are founded upon the like equity, and were manifestly intended to support it even in suits at law for the recovery of the estate."

In Gummerson v. Banting (18 Grant 522) Mr. Chancellor Spragge stated that he entirely agreed with Mr. Justice Story that the principle cited from the Roman Law had the most persuasive equity and common sense and justice for its foundation. In the latter case the learned Chancellor held that the rule that a party in good faith making improvements on property which he has purchased, will not be disturbed in his possession, even if the title prove bad, without payment for his improvements will be enforced as well where the purchaser is plaintiff as where he is defendant, and that although no action has been brought to dispossess him. This decision was the subject of some comment in Beaty v. Shaw (14 O.A.R. 600) in the Court of Appeal for Ontario where Burton, J.A. stated that he could find no case in Ontario before Gummerson v. Banting, and no case at all in England, where a stranger who

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has entered upon land, even under color of title, can as against the true owner, claim to be paid for his improvements. He states his view of the law in the following terms (Id. 9. 609):-

> "No doubt by the rules of the Civil Law, the possessor of the property of another who has made improvements in good faith, believing himself to be the owner was entitled to be paid for such improvements; and this law has been adopted by many countries whose laws are based upon the civil law; thus it has been acted upon in Scotland and in some instances but not universally, in America; but we do not derive our laws from that source; and I know of no instance in which by the law of England, the principle has been adopted except in the action for mesne profits, where the party has been sometimes allowed to recoup himself by setting off the value of the improvements, and in cases where the legal title has been in the person making the improvements and the equitable title in another, who is obliged to resort to a Court of Equity for relief; and where the Court then acts upon the principle that the party who comes to Court to seek equity, must himself be willing to do what is equitable".

It appears therefore that if the question in issue were to be determined by analogy to the law of the Province of Ontario applicable to individuals, the Province could not maintain its counter-claim for the moneys which the Dominion collected as revenue from the disputed territory without submitting to the enforcement of the equity existing in favour of the Dominion in respect of the charges incurred in extinguishing the burden of the Indian title; but that it is, to say the least, extremely doubtful if this equity could be enforced in an action by the Dominion against

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the Province.

The question, however, does not rest there. In The St. Catherine's Milling and Lumber Company v. The Queen (14 App. Cas. 60) Lord Watson, dealing with this very question of the liability of the Province to contribute to the Dominion in respect of the charges mentioned said:- "Seeing "that the benefit of the surrender accrues to her, Ontario "must of course relieve the Crown and the Dominion of all "obligations involving the payment of money which were under- "taken by Her Majesty, and which are said to have been in "part ~~fulfilled~~ fulfilled by the Dominion Government". The Dominion relies strongly upon this expression of their Lordships' views as conclusive of the question at issue. On the other hand, for the Province it is argued that the opinion expressed is obiter, that it formed no part of the judgment in that case and that the facts proved in this case differ materially from those that were before their Lordships in the case referred to. So far as the questions in this case relate to the extent to which the Province is liable to contribute to the expenses incurred by the Crown in fulfilment of the obligations created by the treaty, this case no doubt differs materially from the St. Catherine's Milling and Lumber Company's case. But with respect to the principal question at issue, namely, whether the Province is liable to contribute anything, this case presents, I think, no new fact or aspect. The Province's main defence here is that it was not a party to the treaty. In the case for the appellants in The St. Catherine's Milling and Lumber Company's case, paragraph 6, it was stated that neither the Lieutenant-Governor of Ontario, nor the Province of Ontario, were parties to the treaty. And in the 21st paragraph of the case of the Respondent the ground was taken that the Province not having been a party to the treaty

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was not bound to it. With regard to the formal judgment in the case last referred to, it is to be observed that it was entered up between the original parties to the action on consideration of the question as to whether the judgment of the Supreme Court of Canada ought to be affirmed or not. By the order which gave the appellants leave to bring the judgment of that Court under review Her Majesty was pleased to direct that the Government of the Dominion should be at liberty to intervene in the appeal, or to argue the same upon a special case raising the legal question in dispute. The Dominion Government elected to take the first of these courses (14 App.Cas. 53), with the result that between the Dominion and the Province there was no formal judgment on the questions at issue between them. It was however determined that the ceded territory within the Province of Ontario belonged to the Province subject to "an interest other than that of the Province in the same", that is, that it was subject to the burden of the Indian title that the Crown upon the advice of its Dominion Ministers extinguished; and that as the benefit of that surrender accrued to the Province it must relieve the Crown and the Dominion of the obligations involving the payment of money which were undertaken by Her Majesty and fulfilled by the Dominion Government. In The St. Catherine's Milling and Lumber Company 's case the Province of Ontario stood in the position of a plaintiff; and as between the Province and the Dominion the views of their Lordships as to the Province's liability to indemnify the Dominion may, I think with fairness, be taken as a part or condition of the judgment in favor of the Province, although such views found no place in the formal judgment pronounced. But however that may be, it is, I think proper that this Court should give effect to the view that their Lordships expressed. I therefore answer

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in the affirmative the question as to whether the Province of Ontario is liable to indemnify the Dominion against any portion of the expenditure incurred in discharge of the obligations created by the North West Angle Treaty No.3.

The obligations involving the payment of money which the Crown incurred by this Treaty, and which have been discharged by the Government of Canada, are as follows:-

First, with a view of showing her satisfaction with the behaviour and good conduct of Her Indians, and in extinguishment of all claims theretofore preferred, Her Majesty, through Her Commissioners, made them a present of twelve dollars for each man, woman and child belonging to the Bands represented.

Secondly: Her Majesty agreed to maintain schools for instruction in such reserves as to the Government of Canada may might seem advisable, whenever the Indians of the reserves should desire it.

Thirdly: Her Majesty agreed that no intoxicating liquor should be sold on any reserve, until otherwise determined by the Government of Canada; and that laws to protect the Indians from the evil influence of the use of intoxicating liquors should be strictly enforced.

Fourthly: That each Indian person inhabiting the tract surrendered should be paid by Her Majesty the sum of five dollars yearly.

Fifthly: That the sum of fifteen hundred dollars per annum should be expended yearly by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.

Sixthly: Her Majesty agreed to supply to the Indians certain articles and animals to assist them in their work and for the encouragement of the practice of agriculture among them; and

Seventhly: Her Majesty agreed that each duly recognized

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recognized Chief should be paid a salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, should be paid fifteen dollars per annum, and that each Chief and subordinate officer should also receive once in every three years a suitable suit of clothing; also that each Chief should receive in recognition of the closing of the treaty a suitable flag and medal.

Omitting interest, the following is a brief summary of the claim made by the Dominion against the Province for moneys expended under the treaty down to the year 1902:-

For annuities paid	$465,376.00
For cattle	17,344.08
For farming implements	6,724.53
For Tools	3,301.99
For ammunition and twine	43,500.00
For clothing	23,285.37
For schools	84,221.64
For seeds	8,616.06
For provisions and presents supplied at the treaty negotiations and at the first payment of annuities	21,296.96
For surveys	25,242.53
For salaries to Agents	78,886.10
For Agents' travelling expenses	35,409.62
For office rent	9,984.99
For suppression of the liquor traffic	6,206.96
	$829,396.83

Now it is to be observed that whatever moneys have been expended under this treaty by the Dominion Government have been expended in respect of the Indians inhabiting a tract of land part of which only is within the Province of Ontario, and it is suggested by Mr. Newcombe for the

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Dominion that the Province should contribute to such expenditure in the proportion that the area of the surrendered territory within the Province bears to the whole area surrendered by the Treaty. There is no other suggestion on that branch of the case, and I do not see that any fairer or better rule could be adopted.

Then in regard to the claim made by the Dominion the Province, as an alternative defence, alleges that if it should be held that the Province is under any liability to indemnify the Dominion it is not liable except where there has been a money payment, undertaken by the Dominion under the terms of the treaty, made to the Indians wholly as a consideration for the ceding of their claims to the territory covered by the treaty. In a general way, with some slight modification, that proposition, may, I think, be accepted. It seems equitable that the Dominion should recover from the Province a proportionate part only of such expenditure under the treaty as is fairly referable and attributable to the discharge of the burden of the Indian title in the lands described in the treaty; and that the Dominion should not recover from the Province any portion of the moneys expended in the extinction of prior claims of the Indians, or in respect of obligations resting upon the Crown and the Dominion in relation to the administration of Indian affairs. It is argued for the Province that the difficulty of determining what part of the expenditure made by the Dominion and now claimed from the Province is referable to the extinguishment of the Indian title, is so difficult and the matter so indefinite and uncertain that the Dominion cannot, or ought not to, recover anything. I agree that the question presents difficulties, and that it is one which would be more easily dealt with by reasonable negotiation and agree-

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agreement between those who represent the parties than by a judicial determination. But the fact that the enquiry is difficult affords no reason for the Court refusing to attempt its solution if the parties cannot themselves agree. The enquiry on this branch of the case was not concluded. If it open for further evidence, and of course for further argument. The enquiry will be continued before the Court itself or by a reference, as may be subsequently determined. In the meantime it may be taken for granted that the amount to which the Dominion will be entitled as against the Province will exceed greatly the sum necessary to allow an appeal from the decision upon the main question discussed.

On the claim of the Dominion of Canada against the Province of Ontario, there will be judgment for the Dominion, and a declaration that the Province is, in respect of the obligations incurred by the Crown and the Dominion under the North West Angle Treaty No. 3, which involve the payment of money, and which are referable to the extinguishment of the Indian title in the lands described in the Treaty, liable to contribute to the payments of money made by the Dominion thereunder in the proportion that the area of such lands within the Province bears to the whole area covered by the treaty.

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EXCHEQUER COURT OF CANADA.

D O M I N I O N

vs.

O N T A R I O.

REASONS FOR JUDGMENT

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 3)

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RE DOMINION v. ONTARIO.

MEMO. re changes to be made in text of reasons for judgment in above : -

P. 13, 8th line from bottom of the page, between "The" and "Catherines" insert "St."

P. 16, 3rd line from top of page, for "of such expenditure" read "thereof".

P. 24, 3rd line from bottom of page, for word "difficulty" substitute "question".

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EXCHEQUER[illegible]RT OF CANADA.

D O M I N I O N

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REASONS FOR JUDGMENT

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IN THE EXCHEQUER COURT OF CANADA.

BETWEEN:

THE DOMINION OF CANADA

Claimant:

and

THE PROVINCE OF ONTARIO

Respondent.

The principal controversy between the parties to this action is as to whether or not the Province of Ontario is liable to repay to the Dominion of Canada any portion of the moneys that have been expended by the Dominion in fulfilment of the obligations created by a Treaty which is known as the North West Angle Treaty, No. 3; and which was made and concluded on the third day of October in the year one thousand eight hundred and seventy-three between Her late Majesty the Queen and the Salteaux Tribe of the Ojibeway Indians respecting a tract of land, the boundaries of which are given in the Treaty, and which may in general terms be described as covering the area from the watershed of Lake Superior to the North West Angle of the Lake of the Woods and from the boundary of the United States of America to the height of land from which the streams flow towards the Hudson Bay and containing about fifty-five thousand square miles. There is also a counter-claim to which reference will be made later; but the main question at issue between the parties is that which has been stated.

By the 146th section of The British North America Act, 1867, provision was made for the admission into the Union of the Provinces thereby united of Newfoundland, Prince Edward Island and British Columbia, and also of Ruperts Land and the North West Territory; and it was thereby enacted that the provisions of

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of any order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland. By the Act of that Parliament known as the "Rupert's Land Act 1868" (31-32 Vict. c. 105) provision was made for the surrender of the Crown, and for the extinguishment thereby, of the Hudson's Bay Company's rights in Rupert's Land, which for the purposes of this Act was defined to include the whole of the lands and territories held, or claimed to be held, by that company. That Act also gave her late Majesty authority to declare that Rupert's Land should be admitted into and become part of the Dominion of Canada. In 1869 the Parliament of Canada, in view of the probability that Her Majesty the Queen might, pursuant to The British North America Act, 1867, be pleased to admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada before the then next session of the Parliament of Canada, passed an Act to make temporary provision for the civil government of such territories until more permanent arrangements could be made by the Government and Parliament of Canada. That Act was amended and continued by an Act of the Parliament of Canada, 33 Victoria, Chapter 3, which was assented to on the 12th day of May, 1870, and which among other things, provided that on, from and after the day upon which the Queen should by order in Council in that behalf admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada, there should be formed out of the same a Province, which should be one of the Provinces of the Dominion of Canada, and which should be called the Province of Manitoba, and should be bounded as therein described(33 Vict. c.3, s.1). The two Acts mentioned, that is, the Act 32-33 Victoria,

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Victoria,

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Chapter 3, and the Act 33 Vict. c.3, were by an Act of the Parliament of the United Kingdom, passed in the year 1871, respecting the establishment of Provinces in the Dominion of Canada, declared to have been valid and effectual for all purposes whatever from the date at which they respectively received the assent in the Queen's name of the Governor General of the Dominion of Canada(The British North America Act, 1871, s. 5). The order in Council admitting Rupert's Land and the North West Territory into the Union was passed on the 23rd of June, 1870, and they thereby from the 15th day of July in that year became a part of the Dominion. That extended the boundaries of the Dominion westerly and northerly from the boundaries of the old Province of Canada. But at that time the boundaries of the old Province of Canada had not been definitely determined and a dispute arose between the Province of Ontario on the one hand and the Dominion on the other as to what the true boundaries were.

With respect to the Indian title to the territories which were united to the Dominion by the Queen's Order of the 23rd of July, 1870, it was provided in the 14th paragraph of the terms of Union that any claims of Indians to compensation for lands required for purposes of settlement should be disposed of by the Canadian Government in connection with the Imperial Government, and that the Hudson's Bay Company should be relieved of all responsibility in respect thereof. By the Lake Superior Treaty, 1850, made on the seventh day of September of that year, the Ojibeway Indians inhabiting the northern shore of Lake Superior in the Province of Canada from Batchewanung Bay to Pigeon River at the Western extremity of the said Lake and inland throughout that extent to the height of land which separates the territory covered by the charter of the Hudson's Bay Company from the said tract had surrendered to

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Her late Majesty their title and interest in the tract of land described in the Treaty. The Indian title in the territories to the west and north of this tract of land had never been surrendered. So far as such territories were within the true boundaries of the old Province of Canada, all the lands, mines, minerals, and royalties therein which belonged to such Province at the date of the Union of the Provinces of Canada, Nove Scotia, and New Brunswick, became the property of the Province of Ontario by virtue of the 109th section of The British North America Act, 1867, subject however to any interest other than that of the Province in the same. There was however no change of title in respect of these lands. Both before and after the Union the Crown had a "present proprietary estate in the "land upon which the Indian title was a mere burden." By the 109th section of the Act of Union the Province of Ontario acquired the right, subject to that burden, to administer these lands and to take the revenues arising therefrom. That was determined in The St. Catherine's Milling and Lumber Company v. The Queen (14 App. Cas. 46). In that case, Lord Watson, delivering the judgment of their Lordships of the Judicial Committee of the Privy Council, and dealing with the territory in respect of which the questions to be determined in this case arise, put the matter in this way:-

> "Had its Indian inhabitants been the owners in fee simple of the territory which they surrendered by the Treaty of 1873, Attorney-General of Ontario v.Mercer (8 App. Cas. 767) might have been an authority for holding that the Province of Ontario could derive no benefit from the cession, in respect that the land was not vested in the Crown at the time of Union. But that was not the character of the Indian interest. The Crown has all along had a present proprietary estate in the land upon which

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"the Indian title was a mere burden. The ceded territory was at the time of the Union land vested in the Crown subject to 'an interest other than 'that of the Province in the same' within the meaning of sect. 109, and must now belong to Ontario in terms of that clause, unless its rights have been taken away by some provision of the Act of 1867 other than those already noticed."

It is also to be observed that the admission in 1870 of Rupert's Land and the North Western Territory into the Union did not work any change in the title to the public lands therein. These remained in the Crown, but the Dominion of Canada thereby acquired the right to administer such lands and to take the revenues which accrued therefrom. It has been seen that it was one of the terms of that Union that the Canadian Government should in communication with the Imperial Government dispose of any claims of Indians to compensation for lands required for the purposes of settlement. But that equally would have been necessary as an act of administration on the part of the Canadian Government if there had been no express stipulation. It had been the well settled policy of the Crown in the administration of lands inhabited by Indians, not to open up such lands to settlement without first obtaining a surrender of the Indian title.

The question of obtaining the surrender of the Indian title in the lands described in the North West Angle Treaty No. 3, was in 1870, when Rupert's Land and the North Western Territory were admitted to the Union, a very urgent and pressing one, not because such lands were at that time required or deemed to be desirable or available for settlement, but because it was necessary for the good government of the country to open up and maintain through such lands a line of way of communication between

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between the eastern and settled portions of Canada and the great and fertile western territory that was added to the Dominion. At that time a line of cumminication, known as the Dawson Route, was being opened up through such lands. During the summer of that year it became necessary to send through this territory a military force to maintain the Queen's authority and establish order in the country about the Red River. Early in the year the Government of Canada had sent an agent to Fort Frances "to keep up a friendly intercourse" with the Chiefs and Indians who assembled there and to "disabuse their minds of any idle reports they might "hear as to the views and intentions of the Government of "Canada in reference to them". In May the Government sent Mr. Simpson to the same place to secure from the Salteaux Indians a right of way for the troops and to prevent any interruption of surveying parties during the summer. The demands that the Indians made were considered so excessive that Mr. Simpson did not come to any agreement with them. They however stated that it was not their intention to try and stop the troops from passing through their lands on their way to the Red River, but that if Mr. Dawson was to make roads through their country they expected to be paid for the right of way. In the next year another attempt was made to arrive at a settlement with these Indians. But on this occasion it was not a question of obtaining merely a right of way through their lands, but of acquiring a surrender of the Indian title therein so that such lands would be open for settlement. By a commission issued under the Great Seal of Canada, and bearing date of the 27th of April, 1871, and in which it was recited that the Indian title in the lands therein mentioned had not been extinguished and that such lands were required for settlement, Her late Majesty

appointed

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appointed Mr. Simpson, Mr. Dawson and Mr. Pither Commissioners to make a treaty with the several bands of the Ojibeway tribe of Indians occupying and claiming the lands in that portion of Her North Western Territory lying and being between Lake Shebandowan and the North West Angle of the Lake of the Woods. The Commissioners, as appears from their report of the 11th day of July, 1871, entered into negotiations with the Indians and settled, as they thought, "all past claims" that the Indians had but "various causes prevented "them from entering into a formal and permanent arrangement" with the Indians at that time. On the 20th day of July, 1871, by an Order in Council passed on the 16th day of May in that year British Columbia was admitted into the Union. By the terms of the Union the Government of Canada, among other things, undertook to construct a railway "to connect "these abroad of British Columbia with the railway system "of Canada". That involved the construction of a railway through the lands for the surrender of the Indian title in which the Government of Canada was in that year negotiating. It afforded another reason, if another were needed, for the early extinguishment of such title. It is put forward on behalf of Ontario that the conclusion of a treaty with these Indians was a prime necessity in the carrying out of the railway policy necessary to implement the agreement of the Dominion with the Province of British Columbia. That the construction of the Canadian Pacific Railway would in the course of time have made it necessary to extinguish the Indian title in these lands, or at least in so much thereof as was needed for a right of way through the same, cannot admit of doubt. But it is not at all clear that this matter was in 1871 pressing or urgent if anything were thought to turn upon that point. But it is, it seems to me, clear that for a number of reasons either relating, or deemed by the Government of Canada to relate to, the administration of the affairs of the Dominion, it was at the time necessary that

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that the Indian title in these lands should be extinguished. Those whose duty it was at the time to advise Her Majesty and His Excellency the Governor General, in relation to the Government of the Dominion, held the view that the Dominion had the right to administer the lands mentioned and to take any revenue to be derived therefrom. There was no question of extinguishing the Indian title in lands belonging to the Province of Ontario. The lands were thought by the Dominion authorities to belong to the Dominion. So it happened that those whose duty it was to advise the Lieutenant-Governor of the Province of Ontario in respect of the government and affairs of the Province were not consulted, and had no part in the negotiations that resulted in the Treaty that was concluded in 1873.

It is not necessary for the moment to consider in detail the terms of that Treaty. That may more conveniently be done on another branch of the case. By the Treaty the Salteaux Tribe of the Ojibeway Indians surrendered their title in a tract of land embracing, as therein stated, an area of fifty-five thousand square miles, more or less. Mr. Bray, the Chief Surveyor of the Department of Indian Affairs who was examined as a witness gives the total area covered by the treaty as forty-nine thousand three hundred square miles. And of this area, having regard to the boundaries of the Province of Ontario as they were ultimately determined to be, thirty thousand five hundred square miles are in the Province of Ontario, thirteen thousand six hundred square miles in the District of Keewatin, and five thousand two hundred square miles in the Province of Manitoba. The charges arising from the obligations incurred by the Crown under this Treaty have been defrayed out of moneys appropriated by the Parliament of Canada and expended by or on behalf of the Dominion Government. Particulars of such expenditure up to the year 1902, amounting, without interest, to some thing over eight hundred thousand dollars, are given. On the other

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other hand the Province of Ontario for the years 1874 to 1894 both inclusive, received from the sale of lands, minerals and timber in that part of the Province which was in the disputed territory, a sum exceeding one million dollars. A part of the disputed Territory was however for a number of years administered by the Dominion Government in pursuance of an agreement for a conventional boundary for the Province of Ontario made on the 26th day of June, 1874, between the Minister of the Interior of the Dominion and the Commissioner of Crown Lands of the Province of Ontario, on behalf of the Governments of the Dominion and of Ontario respectively. In that connection the ~~Dominion~~ Dominion authorities collected an amount which may approximately be stated at one hundred and fifty thousand dollars. The sum, the exact amount of which has not been ascertained, the Province of Ontario claims from the Dominion by way of counter-claim in this action. The Dominion admits its liability to account for this amount, and by consent, a reference was made to Mr. Cameron, the Registrar of the Supreme Court of Canada, to make an enquiry and to report as to the amount of the Dominion's liability in that behalf. The amounts collected by the Dominion and the sums received by the Province of Ontario, from the administration of the lands in which the Indian title was extinguished by the North West Angle Treaty No. 3 represent the revenues that have been derived therefrom. The Dominion, on the one hand, has discharged the burden of the Indian title in such lands. The Province of Ontario, on the other hand, has received or is entitled to an account for the revenues that have accrued from the administration of the larger portion of such lands. And the Dominion now asks that it be declared that the Province of Ontario is liable to repay to the Dominion a proper proportion of the annuities and other moneys paid by the Dominion to and for the Indians under the terms and stipulations of the Treaty. To that

demand

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demand the Province of Ontario answers in the first place that it was no party to the Treaty; that the Dominion of Canada for its own purposes negotiated and entered into the same without any authority or mandate from the Province, and is not entitled to claim any indemnity from the Province in respect of the obligations thereby assumed.

The jurisdiction of this Court to hear and determine the question at issue is derived from statutes passed by the Parliament of Canada, and by the Legislature of the Province of Ontario (R.S.C.c.135, s. 72, now R.S.C. 1906, c. 140, s. 32; and R.S.O. 1897, c. 49), which give the Court jurisdiction of controversies between the Dominion of Canada and the Province. And as to that I agree with Mr. Shepley that the mere fact that there is a controversy does not give the Court authority to decide against the Province simply because it should think that as a matter of good conscience and honourable dealing the Province, having derived a benefit from the Treaty, should relieve the Dominion from a proportionate part of the burden arising therefrom; that it is not simply a question of what the Court might think to be fair in the premises without regard to the principles of law applicable to the case. At the same time, as Mr. Newcombe pointed out, the question arises between governments, each of which within its own sphere, exercises the authority of one and the same Crown. For that reason one cannot expect the analogies of the law as applied between subject and subject to be perfect or in every way adequate to the just determination of the case. Such distinctions must of course be kept in mind; and perhaps for that reason it may be convenient to refer to a few of the provisions of The British North America Act, 1867 which are so well known that otherwise it would be wholly unnecessary to make any reference to them. The executive government

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and authority of and over Canada is vested in the King of the United Kingdom of Great Britain and Ireland (The British North America Act, 1867, ss. 9 and 2). TheGovernor General is His Majesty's Chief Executive Officer for carrying on the Government of Canada in his name (Id.s.10). In general he acts in respect of the Government of Canada upon the advice of his Ministers, being members of the King's Privy Council for Canada (Id.s.12). The executive authority of the Crown in respect to the government of affairs of a Province is vested in the Lieutenant-Governor or Administrator of the Province acting with the advice or consent or in conjunction with the Executive Council of the Province (Id.ss.58-67). In each case it is the King's or the Crown's authority that is exercised. But in respect of the government of Canada the King's representative acts upon the advice of the Dominion Ministers; while in respect of Provincial matters the Lieutenant-Governor acts upon the advice of the Executive Council of the Province. With regard to the distribution of executive authority between the Governor-General of the Dominion and the Lieutenant-Governors of the several Provinces, it will, I think, in general be found that the ~~former~~former has executive authority in respect of matters over which the Parliament of Canada has legislative authority; while the latter have executive authority over matters which are within the legislative control of the Legislatures of the several Provinces. In construing the British North America Act, 1867, it is necessary, as has often been pointed out by the highest authority, to distinguish between proprietary rights and legislative authority. The former does not follow the latter. But under that Act executive authority does, I think, in general follow legislative authority. There may be some exceptions, but I am not aware of any that in any measure affect this case. But as it happens that

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a subject or matter which, in one aspect of a case, is within the legislative authority of the Parliament of Canada may in another aspect of the case be within the legislative authority of a Provincial Legislature; so it may happen that while in one aspect of a matter, executive authority in respect thereof may be vested in the Governor General, in some other aspect of the same matter it may fall within the executive authority and action of a Lieutenant-Governor of a Province. By the 91st Section of The British North America Act, 1867, class of subject No. 24, the Parliament of Canada has exclusive legislative authority to make laws for the peace, order and good government of Canada in relation to Indians and lands reserved for Indians; and it cannot, I think, be doubted that, unless the Parliament of Canada otherwise declares, the executive authority of the Governor General of Canada extends to all matters of administration relating to Indians and to their lands and affairs. By the 92nd Section of the same act, class of subject No. 5, the legislature of each Province may exclusively make laws in relation to the management and sale of the public lands belonging to the Province and of the timber and wood thereon; and the executive authority exercisible in the administration of such lands is, unless the Legislature otherwise enacts, vested in the Lieutenant Governor acting by and with the advice of the Executive Council of the Province.

The Treaty, out of which the question in issue here arises, was concluded by Commissioners appointed by the Queen acting on the advice of Her Ministers for the Dominion. There is no question as to its validity. InThe St. Catherine's Milling and Lumber Company v. The Queen(14 App. Cas. 14) Lord Watson stated that they had full authority to accept a surrender to the Crown; but that they had no authority or

power

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power to take away from Ontario the interest which had been assigned to that Province by the Imperial Statute of 1867. There can, I think, be no doubt of their authority to bind the Crown to make the payments stipulated for in the Treaty. The case cited shows that the lands thereby surrendered were, or might fall within the true construction of the words of section 91 (24) of the Act of 1867 "lands reserved for the Indians" (14 App. Cas. 59). And that being the case, there can I think be no doubt as to the authority of the Crown at the instance of the Dominion Ministers and upon their advice to enter into this Treaty. The difficulty is that in one aspect of the matter they were, although it was not known at the time, dealing with the public lands belonging to the Province of Ontario, and removing a burden therefrom. It is argued for the Dominion that Ontario must be taken to have acquiesced in what the Dominion authorities did in negotiating this treaty, and that the Province is bound by such acquiescence. I am not able to accede to that contention or to rest my judgment on that ground. The most that can be said on that branch of the case is, it seems to me, that while on the one hand the Government of Canada holding, in good faith, but erroneously as it turned out, the view that all the lands to be surrendered belonged to the Dominion, did not consult the Government of Ontario in respect of the negotiations with the Indians for the surrender of their title in such lands; on the other hand the Government of the Province did not raise any objection to the matter so proceeding and did not prefer any request to be represented in the negotiation of the Treaty.

Now with regard to the contention that inasmuch as a part of the benefit arising from the surrender of the lands mentioned in the treaty accrues to Ontario that Province should relieve the Dominion from a proportionate part of the oblig-

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obligations thereby created, it appears to me that that consideration is not of itself sufficient to make the Province liable. If the Province had had any option in the matter, if it had been open to it to accept or decline such benefit, and it had accepted it, then the Province would have been liable for its fair proportion (Leigh v. Dickeson, L.R.15 Q.B. D. 60). But that is not the case. The burden of the Indian title was removed from these lands before it was determined whether any part of them was within the Province or not. When it was decided that a large portion of such lands was within the Province of Ontario there was nothing the Province could do but accept the lands and administer them free from such burden. In The Ruabon Steamship Company, Lt. v. The London Assurance (1900 App. Cas. 6), one of the cases on which Mr. Shepley relied, it was held that there is no principle of law which requires a person to contribute to an outlay merely because he has derived a material benefit therefrom. And that principle is, I think, as clearly applicable to the transactions of the Dominion and Provincial Governments as it is to those which occur between individuals. If the Parliament of Canada should appropriate, and the Government of Canada should expend public moneys of the Dominion for Dominion purposes, with the result that a Province was benefitted, and there was no agreement with the Province or request from it, then it would be clear that the Province was under no obligation to contribute to such expenditure, or to indemnify the Dominion against any part thereof. According to the contention of the Province of Ontario, as I understand it, the present case falls within that proposition. Equally it seems xkax clear that if the Parliament of Canada should appropriate and the Government of Canada should expend the public moneys of the Dominion for a

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provincial purpose to the benefit of a Province, there being no agreement with the Province or request from it, no obligation would arise on the part of th Province to contribute towards such expenditure or to re-imburse the Dominion for any part of such expenditure. The principle would apply as well to expenditures made by a Province with the result that the Dominion as a whole was benefitted. In all such cases the appropriation and expenditure would be voluntary and no obligation to contribute would arise. But the present case appears to me to differ from those stated in some material respects. At the time when the treaty was negotiated the boundaries of the Province were unsettled and uncertain.

The lands described in the Treaty formed part of the territory that the Hudson's Bay Company had claimed and had surrendered to the Crown. The surrender embraced all lands belonging to the company or claimed by it. That of course did not affect Ontario's title to such part of the lands claimed by the company as were actually within the Province. But on the admission of Rupert's Land and the North Western Territory into the Union the Government of Canada acquired the right to administer all the lands that the company had a right to administer. And with respect to that portion of the territory which the company had claimed but which was in fact within the Province of Ontario, the Dominion Government occupied a position analogous to that of a bona fide possessor or purchaser of lands of which the actual title was in another person. The question of the extinguishment of the Indian title in these lands could not with prudence be deferred until such boundaries were determined. It was necessary to the peace, order and good government of the country that the question should be settled at the earliest possible time. The Dominion authorities held the view that the lands belonged to the Dominion and

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that they had a right to administer the same. In this they were in a large measure mistaken, but no doubt the view was held in good faith. They proceeded with the negotiation for the Treaty without consulting the Province. The latter, although it claimed the lands to be surrendered, or the greater part thereof, raised no objection and did not ask to be represented in such negotiation. The case bears some analogy to one in which a person in consequence of unskilful survey, or in the belief that the land is his own, makes improvements on lands that are not his own. In such a case the Statutes of the old Province of Canada made, and those of the Province of Ontario make, provision to protect him from loss in respect of such improvements, or to give him a lien therefor. (59 Geo. 3,c.14,s.12; 12 Vict. c. 35, s. 49; C.S.U.C.c.93,s.53; R.S.O. (1877) c.51, ss.29 and 30; (1887) c 100, ss. 31, 32; 1897, c. 119, ss.31 and 32; 36 Vict. (Ontario) c. 22, s. 1; 40 Vict.(Ont.) c.7, Schedule No. 114; R.S.O. (1877) c. 95, s.4; (1887) c. 100, s. 30; (1897) c. 119, s. 30; Gummerson v. Banting, 18 Grant, 516; Carrick v. Smith, 34 U.C.Q.B.399; O'Connor v. Dunn, 37 U.C.Q.B.430; Fawcett v. Burwell, 27 Grant 445; Beaty v. Shaw 14 O.A.R.600). The case however, appears to me to bear a closer analogy to one in which a bona fide possessor or purchases of real estate pays money to discharge an existing incumbrance or charge upon the estate having no notice of any infirmity in his title. In such a case, as stated by Mr. Justice Story in Bright v. Boyd (1 Story's R. 497,498) the possessor or purchaser was according to the principles of the Roman Law entitled to be repaid the amount of such payment by the true owner seeking to recover the estate from him. And again, in the same case (2 Story's R. 607) Story,J. is reported as follows:-

"I wish in coming to this conclusion to be

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"distinctly understood as affirming and maintaining the broad doctrine, as a doctrine of equity, that, so far as an innocent purchases for a valuable consideration without notice of any infirmity in his title has, by his improvements and meliorations, added to the permanent value of the estate he is entitled to a full remuneration, and that such increase of value is a lien and charge on the estate, which the absolute owner is bound to discharge before he is to be restored to his original rights in the land. This is the clear result of the Roman Law, and it has the most persuasive equity, and I may add common sense and common justice for its foundation. The Betterment Acts (as they are commonly called) of the States of Massachussets and Maine and of some other States are founded upon the like equityn and were manifestly intended to support it even in suits at law for the recovery of the estate."

In Gummerson v. Banting (18 Grant 522) Mr. Chancellor Spragge stated that he entirely agreed with Mr. Justice Story that the principle cited from the Roman Law had the most persuasive equity and common sense and justice for its foundation. In the latter case the learned Chancellor held that the rule that a party in good faith making improvements on property which he has purchased, will not be disturbed in his possession, even if the title prove bad, without payment for his improvements will be enforced as well where the purchaser is plaintiff as where he is defendant, and that although no action has been brought to dispossess him. This decision was the subject of some comment in Beaty v. Shaw (14 O.A.R. 600) in the Court of Appeal for Ontario where Burton, J.A. stated that he could find no case in Ontario before Gummerson v. Banting, and no case at all in England, where a stranger who

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has entered upon land, even under color of title, can as against the true owner, claim to be paid for his improvements. He states his view of the law in the following terms (Id. 9. 609):-

> "We doubt by the rules of the Civil Law, the possessor of the property of another who has made improvements in good faith, believing himself to be the owner was entitled to be paid for such improvements; and this law has been adopted by many countries whose laws are based upon the civil law; thus it has been acted upon in Scotland and in some instances but not universally, in America; but we do not derive our laws from that source; and I know of no instance in which by the law of England, the principle has been adopted except in the action for mesne profits, where the party has been sometimes allowed to recoup himself by setting off the value of the improvements, and in cases where the legal title has been in the person making the improvements and the equitable title in another, who is obliged to resort to a Court of Equity for relief; and where the Court then acts upon the principle that the party who comes to Court to seek equity, must himself be willing to do what is equitable".

It appears therefore that if the question in issue were to be determined by analogy to the law of the Province of Ontario applicable to individuals, the Province could not maintain its counter-claim for the moneys which the Dominion collected as revenue from the disputed territory without submitting to the enforcement of the equity existing in favour of the Dominion in respect of the charges incurred in extinguishing the burden of the Indian title; but that it is, to say the least, extremely doubtful if this equity could be enforced in an action by the Dominion against

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the Province.

The question, however, does not rest there. In The St. Catherine's Milling and Lumber Company v. The Queen (14 App. Cas. 60) Lord Watson, dealing with this very question of the liability of the Province to contribute to the Dominion in respect of the charges mentioned said:- "Seeing that the benefit of the surrender accrues to her, Ontario "must of course relieve the Crown and the Dominion of all "obligations involving the payment of money which were under-"taken by Her Majesty, and which are said to have been in "part fulfilled by the Dominion Government". The Dominion relies strongly upon this expression of their Lordships' views as conclusive of the question at issue. On the other hand, for the Province it is argued that the opinion expressed is obiter, that it formed no part of the judgment in that case and that the facts proved in this case differ materially from those that were before their Lordships in the case referred to. So far as the questions in this case relate to the extent to which the Province is liable to contribute to the expenses incurred by the Crown in fulfilment of the obligations created by the treaty, this case no doubt differs materially from the St. Catherine's Milling and Lumber Company's case. But with respect to the principal question at issue, namely, whether the Province is liable to contribute anything, this case presents, I think, no new fact or aspect. The Province's main defence here is that it was not a party to the treaty. In the case for the appellants in The St. Catherines Milling and Lumber Company's case, paragraph 6, it was stated that neither the Lieutenant-Governor of Ontario, nor the Province of Ontario, were parties to the treaty. And in the 21st paragraph of the case of the Respondent the ground was taken that the Province not having been a party to the treaty

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was not bound to it. With regard to the formal judgment in the case last referred to, it is to be observed that it was entered up between the original parties to the action on consideration of the question as to whether the judgment of the Supreme Court of Canada ought to be affirmed or not. By the order which gave the appellants leave to bring the judgment of that Court under review Her Majesty was pleased to direct that the Government of the Dominion should be at liberty to intervene in the appeal, or to argue the same upon a special case raising the legal question in dispute. The Dominion Government elected to take the first of these courses (14 App.Cas. 53), with the result that between the Dominion and the Province there was no formal judgment on the questions at issue between them. It was however determined that the ceded territory within the Province of Ontario belonged to the Province subject to "an interest other than that of the Province in the same", that is, that it was subject to the burden of the Indian title that the Crown upon the advice of its Dominion Ministers extinguished; and that as the benefit of that surrender accrued to the Province it must relieve the Crown and the Dominion of the obligations involving the payment of money which were undertaken by Her Majesty and fulfilled by the Dominion Government. In The St. Catherine's Milling and Lumber Company 's case the Province of Ontario stood in the position of a plaintiff; and as between the Province and the Dominion the views of their Lordships as to the Province's liability to indemnify the Dominion may, I think with fairness, be taken as a part or condition of the judgment in favor of the Province, although such views found no place in the formal judgment pronounced. But however that may be, it is, I think proper that this Court should give effect to the view that their Lordships expressed. I therefore answer

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in the affirmative the question as to whether the Province of Ontario is liable to indemnify the Dominion against any portion of the expenditure incurred in discharge of the obligations created by the North West Angle Treaty No.3.

The obligations involving the payment of money which the Crown incurred by this Treaty, and which have been discharged by the Government of Canada, are as follows:-

First, with a view of showing her satisfaction with the behaviour and good conduct of Her Indians, and in extinguishment of all claims theretofore preferred, Her Majesty, through Her Commissioners, made them a present of twelve dollars for each man, woman and child belonging to the Bands represented.

Secondly: Her Majesty agreed to maintain schools for instruction in such reserves as to the Government of Canada ~~with~~ might seem advisable, whenever the Indians of the reserves should desire it.

Thirdly: Her Majesty agreed that no intoxicating liquor should be sold on any reserve, until otherwise determined by the Government of Canada; and that laws to protect the Indians from the evil influence of the use of intoxicating liquors should be strictly enforced.

Fourthly: That each Indian person inhabiting the tract surrendered should be paid by Her Majesty the sum of five dollars yearly.

Fifthly: That the sum of fifteen hundred dollars per annum should be expended yearly by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.

Sixthly: Her Majesty agreed to supply to the Indians certain articles and animals to assist them in their work and for the encouragement of the practice of agriculture among them; and

Seventhly: Her Majesty agreed that each duly recog-
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recognized Chief should be paid a salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, should be paid fifteen dollars per annum, and that each Chief and subordinate officer should also receive once in every three years a suitable suit of clothing; also that each Chief should receive in recognition of the closing of the treaty a suitable flag and medal.

Omitting interest, the following is a brief summary of the claim made by the Dominion against the Province for moneys expended under the treaty down to the year 1902:-

For annuities paid	$465,376.00
For cattle	17,344.08
For farming implements	6,724.53
For Tools	3,301.99
For ammunition and twine	43,500.00
For clothing	23,285.37
For schools	84,221.64
For seeds	8,616.06
For provisions and presents supplied at the treaty negotiations and at the first payment of annuities	21,296.96
For surveys	25,242.53
For salaries to Agents	78,886.10
For Agents' travelling expenses	35,409.62
For office rent	9,984.99
For suppression of the liquor traffic	6,206.96
	$829,396.83

Now it is to be observed that whatever moneys have been expended under this treaty by the Dominion Government have been expended in respect of the Indians inhabiting a tract of land part of which only is within the Province of Ontario, and it is suggested by Mr. Newcombe for the

Dominion

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Dominion that the Province should contribute to such expenditure in the proportion that the area of the surrendered territory within the Province bears to the whole area surrendered by the Treaty. There is no other suggestion on that branch of the case, and I do not see that any fairer or better rule could be adopted.

Then in regard to the claim made by the Dominion the Province, as an alternative defence, alleges that if it should be held that the Province is under any liability to indemnify the Dominion it is not liable except where there has been a money payment, undertaken by the Dominion under the terms of the treaty, made to the Indians wholly as a consideration for the ceding of their claims to the territory covered by the treaty. In a general way, with some slight modification, that proposition may, I think, be accepted. It seems equitable that the Dominion should recover from the Province a proportionate part only of such expenditure under the treaty as is fairly referable and attributable to the discharge of the burden of the Indian title in the lands described in the treaty; and that the Dominion should not recover from the Province any portion of the moneys expended in the extinction of prior claims of the Indians, or in respect of obligations resting upon the Crown and the Dominion in relation to the administration of Indian affairs. It is argued for the Province that the difficulty of determining what part of the expenditure made by the Dominion and now claimed from the Province is referable to the extinguishment of the Indian title, is so difficult and the matter so indefinite and uncertain that the Dominion cannot, or ought not to, recover anything. I agree that the question presents difficulties, and that it is one which would be more easily dealt with by reasonable negotiation and agree-

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agreement between those who represent the parties than by a judicial determination. But the fact that the enquiry is difficult affords no reason for the Court refusing to attempt its solution if the parties cannot themselves agree. The enquiry on this branch of the case was not concluded. If it open for further evidence, and of course for further argument. The enquiry will be continued before the Court itself or by a reference, as may be subsequently determined. In the meantime it may be taken for granted that the amount to which the Dominion will be entitled as against the Province will exceed greatly the sum necessary to allow an appeal from the decision upon the main question discussed.

On the claim of the Dominion of Canada against the Province of Ontario, there will be judgment for the Dominion, and a declaration that the Province is, in respect of the obligations incurred by the Crown and the Dominion under the North West Angle Treaty No. 3, which involve the payment of money, and which are referable to the extinguishment of the Indian title in the lands described in the Treaty, liable to contribute to the payments of money made by the Dominion thereunder in the proportion that the area of such lands within the Province bears to the whole area covered by the treaty.

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RE DOMINION v. ONTARIO.

MEMO. re changes to be made in text of reasons for judgment in above : -

P. 13, 8th line from bottom of the page, between "The" and "Catherines" insert "St."

P. 16, 3rd line from top of page, for "of such expenditure" read "thereof".

P. 24, 3rd line from bottom of page, for word "difficulty" substitute "question".

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EXCHEQUER COURT OF CANADA.

D O M I N I O N

vs.

O N T A R I O.

REASONS FOR JUDGMENT

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IN THE EXCHEQUER COURT OF CANADA.

BETWEEN:

THE DOMINION OF CANADA

Claimant:

and

THE PROVINCE OF ONTARIO

Respondent.

The principal controversy between the parties to this action is as to whether or not the Province of Ontario is liable to repay to the Dominion of Canada any portion of the moneys that have been expended by the Dominion in fulfilment of the obligations created by a Treaty which is known as the North West Angle Treaty, No. 3; and which was made and concluded on the third day of October in the year one thousand eight hundred and seventy-three between Her late Majesty the Queen and the Salteaux Tribe of the Ojibeway Indians respecting a tract of land, the boundaries of which are given in the Treaty, and which may in general terms be described as covering the area from the watershed of Lake Superior to the North West Angle of the Lake of the Woods and from the boundary of the United States of America to the height of land from which the streams flow towards the Hudson Bay and containing about fifty-five thousand square miles. There is also a counter-claim to which reference will be made later; but the main question at issue between the parties is that which has been stated.

By the 146th section of The British North America Act, 1867, provision was made for the admission into the Union of the Provinces thereby united of Newfoundland, Prince Edward Island and British Columbia, and also of Ruperts Land and the North West Territory; and it was thereby enacted that the provisions

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of any order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland. By the Act of that Parliament known as the "Rupert's Land Act 1868" (31-32 Vict. c. 105) provision was made for the surrender to the Crown, and for the extinguishment thereby, of the Hudson's Bay Company's rights in Rupert's Land, which for the purposes of this Act was defined to include the whole of the lands and territories held, or claimed to be held, by that company. That Act also gave her late Majesty authority to declare that Rupert's Land should be admitted into and become part of the Dominion of Canada. In 1869 the Parliament of Canada, in view of the probability that Her Majesty the Queen might, pursuant to The British North America Act, 1867, be pleased to admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada before the then next session of the Parliament of Canada, passed an Act to make temporary provision for the civil government of such territories until more permanent arrangements could be made by the Government and Parliament of Canada. That Act was amended and continued by an Act of the Parliament of Canada, 33 Victoria, Chapter 3, which was assented to on the 12th day of May, 1870, and which among other things, provided that on, from and after the day upon which the Queen should by order in Council in that behalf admit Rupert's Land and the North Western Territory into the Union or Dominion of Canada, there should be formed out of the same a Province, which should be one of the Provinces of the Dominion of Canada, and which should be called the Province of Manitoba, and should be bounded as therein described(33 Vict. c.3, s.1). The two Acts mentioned, that is, the Act 32-33 Victoria,

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Chapter 3, and the Act 33 Vict. c.3, were by an Act of the Parliament of the United Kingdom, passed in the year 1871, respecting the establishment of Provinces in the Dominion of Canada, declared to have been valid and effectual for all purposes whatever from the date at which they respectively received the assent in the Queen's name of the Governor General of the Dominion of Canada(The British North America Act, 1871, s. 5). The order in Council admitting Rupert's Land and the North West Territory into the Union was passed on the 23rd of June, 1870, and they thereby from the 15th day of July in that year became a part of the Dominion. That extended the boundaries of the Dominion westerly and northerly from the boundaries of the old Province of Canada. But at that time the boundaries of the old Province of Canada had not been definitely determined and a dispute arose between the Province of Ontario on the one hand and the Dominion on the other as to what the true boundaries were.

With respect to the Indian title to the territories which were united to the Dominion by the Queen's Order of the 23rd of July, 1870, it was provided in the 14th paragraph of the terms of Union that any claims of Indians to compensation for lands required for purposes of settlement should be disposed of by the Canadian Government in connection with the Imperial Government, and that the Hudson's Bay Company should be relieved of all responsibility in respect thereof. By the Lake Superior Treaty, 1850, made on the seventh day of September of that year, the Ojibeway Indians inhabiting the northern shore of Lake Superior in the Province of Canada from Batchewanung Bay to Pigeon River at the Western extremity of the said Lake and inland throughout that extent to the height of land which separates the territory covered by the charter of the Hudson's Bay Company from the said tract had surrendered to

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Her late Majesty their title and interest in the tract of land described in the Treaty. The Indian title in the territories to the west and north of this tract of land had never been surrendered. So far as such territories were within the true boundaries of the old Province of Canada, all the lands, mines, minerals, and royalties therein which belonged to such Province at the date of the Union of the Provinces of Canada, Nove Scotia, and New Brunswick, became the property of the Province of Ontario by virtue of the 109th section of The British North America Act, 1867, subject however to any interest other than that of the Province in the same. There was however no change of title in respect of these lands. Both before and after the Union the Crown had a "present proprietary estate in the "land upon which the Indian title was a mere burden." By the 109th section of the Act of Union the Province of Ontario acquired the right, subject to that burden, to administer these lands and to take the revenues arising therefrom. That was determined in The St. Catherine's Milling and Lumber Company v. The Queen (14 App. Cas. 46). In that case, Lord Watson, delivering the judgment of their Lordships of the Judicial Committee of the Privy Council, and dealing with the territory in respect of which the questions to be determined in this case arise, put the matter in this way:-

> "Had its Indian inhabitants been the owners in fee simple of the territory which they surrendered by the Treaty of 1873, Attorney-General of Ontario v.Mercer (8 App. Cas. 767) might have been an authority for holding that the Province of Ontario could derive no benefit from the cession, in respect that the land was not vested in the Crown at the time of Union. But that was not the character of the Indian interest. The Crown has all along had a present proprietary estate in the land upon which

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> "the Indian title was a mere burden. The ceded territory was at the time of the Union land vested in the Crown subject to 'an interest other than 'that of the Province in the same' within the meaning of sect. 109, and must now belong to Ontario in terms of that clause, unless its rights have been taken away by some provision of the Act of 1867 other than those already noticed."

It is also to be observed that the admission in 1870 of Rupert's Land and the North Western Territory into the Union did not work any change in the title to the public lands therein. These remained in the Crown, but the Dominion of Canada thereby acquired the right to administer such lands and to take the revenues which accrued therefrom. It has been seen that it was one of the terms of that Union that the Canadian Government should in communication with the Imperial Government dispose of any claims of Indians to compensation for lands required for the purposes of settlement. But that equally would have been necessary as an act of administration on the part of the Canadian Government if there had been no express stipulation. It had been the well settled policy of the Crown in the administration of lands inhabited by Indians, not to open up such lands to settlement without first obtaining a surrender of the Indian title.

The question of obtaining the surrender of the Indian title in the lands described in the North West Angle Treaty No. 3, was in 1870, when Rupert's Land and the North Western Territory were admitted to the Union, a very urgent and pressing one, not because such lands were at that time required or deemed to be desirable or available for settlement, but because it was necessary for the good government of the country to open up and maintain through such lands a line or way of communication between

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between the eastern and settled portions of Canada and the great and fertile western territory that was added to the Dominion. At that time a line of cummunication, known as the Dawson Route, was being opened up through such lands. During the summer of that year it became necessary to send through this territory a military force to maintain the Queen's authority and establish order in the country about the Red River. Early in the year the Government of Canada had sent an agent to Fort Frances "to keep up a friendly intercourse" with the Chiefs and Indians who assembled there and to "disabuse their minds of any idle reports they might "hear as to the views and intentions of the Government of "Canada in reference to them". In May the Government sent Mr. Simpson to the same place to secure from the Salteaux Indians a right of way for the troops and to prevent any interruption of surveying parties during the summer. The demands that the Indians made were considered so excessive that Mr. Simpson did not come to any agreement with them. They however stated that it was not their intention to try and stop the troops from passing through their lands on their way to the Red River, but that if Mr. Dawson was to make roads through their country they expected to be paid for the right of way. In the next year another attempt was made to arrive at a settlement with these Indians. But on this occasion it was not a question of obtaining merely a right of way through their lands, but of acquiring a surrender of the Indian title therein so that such lands would be open for settlement. By a commission issued under the Great Seal of Canada, and bearing date of the 27th of April, 1871, and in which it was recited that the Indian title in the lands therein mentioned had not been extinguished and that such lands were required for settlement, Her late Majesty

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appointed Mr. Simpson, Mr. Dawson and Mr. Pither Commissioners to make a treaty with the several bands of the Ojibeway tribe of Indians occupying and claiming the lands in that portion of Her North Western Territory lying and being between Lake Shebandowan and the North West Angle of the lake of the Woods. The Commissioners, as appears from their report of the 11th day of July, 1871, entered into negotiations with the Indians and settled, as they thought, "all past claims" that the Indians had but "various causes prevented "them from entering into a formal and permanent arrangement" with the Indians at that time. On the 20th day of July, 1871, by an Order in Council passed on the 16th day of May in that year British Columbia was admitted into the Union. By the terms of the Union the Government of Canada, among other things, undertook to construct a railway "to connect "these abroad of British Columbia with the railway system "of Canada". That involved the construction of a railway through the lands for the surrender of the Indian title in which the Government of Canada was in that year negotiating. It afforded another reason, if another were needed, for the early extinguishment of such title. It is put forward on behalf of Ontario that the conclusion of a treaty with these Indians was a prime necessity in the carrying out of the railway policy necessary to implement the agreement of the Dominion with the Province of British Columbia. That the construction of the Canadian Pacific Railway would in the course of time have made it necessary to extinguish the Indian title in these lands, or at least in so much thereof as was needed for a right of way through the same, cannot admit of doubt. But it is not at all clear that this matter was in 1871 pressing or urgent if anything were thought to turn upon that point. But it is, it seems to me, clear that for a number of reasons either relating, or deemed by the Government of Canada to relate to, the administration of the affairs of the Dominion, it was at the time necessary that

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that the Indian title in these lands should be extinguished. Those whose duty it was at the time to advise Her Majesty and His Excellency the Governor General, in relation to the Government of the Dominion, held the view that the Dominion had the right to administer the lands mentioned and to take any revenue to be derived therefrom. There was no question of extinguishing the Indian title in lands belonging to the Province of Ontario. The lands were thought by the Dominion authorities to belong to the Dominion. So it happened that those whose duty it was to advise the Lieutenant-Governor of the Province of Ontario in respect of the government and affairs of the Province were not consulted, and had no part in the negotiations that resulted in the Treaty that was concluded in 1873.

It is not necessary for the moment to consider in detail the terms of that Treaty. That may more conveniently be done on another branch of the case. By the Treaty the Salteaux Tribe of the Ojibeway Indians surrendered their title in a tract of land embracing, as therein stated, an area of fifty-five thousand square miles, more or less. Mr. Bray, the Chief Surveyor of the Department of Indian Affairs who was examined as a witness gives the total area covered by the treaty as forty-nine thousand three hundred square miles. And of this area, having regard to the boundaries of the Province of Ontario as they were ultimately determined to be, thirty thousand five hundred square miles are in the Province of Ontario, thirteen thousand six hundred square miles in the District of Keewatin, and five thousand two hundred square miles in the Province of Manitoba. The charges arising from the obligations incurred by the Crown under this Treaty have been defrayed out of moneys appropriated by the Parliament of Canada and expended by or on behalf of the Dominion Government. Particulars of such expenditure up to the year 1902, amounting, without interest, to some thing over eight hundred thousand dollars, are given. On t e othgr

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other hand the Province of Ontario for the years 1874 to 1894 both inclusive, received from the sale of lands, minerals and timber in that part of the Province which was in the disputed territory, a sum exceeding one million dollars. A part of the disputed Territory was however for a number of years administered by the Dominion Government in pursuance of an agreement for a conventional boundary for the Province of Ontario made on the 26th day of June, 1874, between the Minister of the Interior of the Dominion and the Commissioner of Crown Lands of the Province of Ontario, on behalf of the Governments of the Dominion and of Ontario respectively. In that connection the ~~Dominion~~ Dominion authorities collected an amount which may approximately be stated at one hundred and fifty thousand dollars. The sum, the exact amount of which has not been ascertained, the Province of Ontario claims from the Dominion by way of counter-claim in this action. The Dominion admits its liability to account for this amount, and by consent, a reference was made to Mr. Cameron, the Registrar of the Supreme Court of Canada, to make an enquiry and to report as to the amount of the Dominion's liability in that behalf. The amounts collected by the Dominion, and the sums received by the Province of Ontario, from the administration of the lands in which the Indian title was extinguished by the North West Angle Treaty No. 3 represent the revenues that have been derived therefrom. The Dominion, on the one hand, has discharged the burden of the Indian title in such lands. The Province of Ontario, on the other hand, has received or is entitled to an account for the revenues that have accrued from the administration of the larger portion of such lands. And the Dominion now asks that it be declared that the Province of Ontario is liable to repay to the Dominion a proper proportion of the annuities and other moneys paid by the Dominion to and for the Indians under the terms and stipulations of the Treaty. To that

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demand the Province of Ontario answers in the first place that it was no party to the Treaty; that the Dominion of Canada for its own purposes negotiated and entered into the same without any authority or mandate from the Province, and is not entitled to claim any indemnity from the Province in respect of the obligations thereby assumed.

The jurisdiction of this Court to hear and determine the question at issue is derived from statutes passed by the Parliament of Canada, and by the Legislature of the Province of Ontario (R.S.C.c.135, s. 82, now R.S.C. 1906, c. 140, s. 32; and R.S.O. 1897, c. 49), which give the Court jurisdiction of controversies between the Dominion of Canada and the Province. And as to that I agree with Mr. Shepley that the mere fact that there is a controversy does not give the Court authority to decide against the Province simply because it should think that as a matter of good conscience and honourable dealing the Province, having derived a benefit from the Treaty, should relieve the Dominion from a proportionate part of the burden arising therefrom; that it is not simply a question of what the Court might think to be fair in the premises without regard to the principles of law applicable to the case. At the same time, as Mr. Newcombe pointed out, the question arises between governments, each of which within its own sphere, exercises the authority of one and the same Crown. For that reason one cannot expect the analogies of the law as applied between subject and subject to be perfect or in every way adequate to the just determination of the case. Such distinctions must of course be kept in mind; and perhaps for that reason it may be convenient to refer to a few of the provisions of The British North America Act, 1867 which are so well known that otherwise it would be wholly unnecessary to make any reference to them. The executive government

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and authority of and over Canada is vested in the King of the United Kingdom of Great Britain and Ireland (The British North America Act, 1867, ss. 9 and 2). TheGovernor General is His Majesty's Chief Executive Officer for carrying on the Government of Canada in his name (Id.s.10). In general he acts in respect of the Government of Canada upon the advice of his Ministers, being members of the King's Privy Council for Canada (Id.s.12). The executive authority of the Crown in respect to the government of affairs of a Province is vested in the Lieutenant-Governor or Administrator of the Province acting with the advice or consent or in conjunction with the Executive Council of the Province (Id.ss.58-67). In each case it is the King's or the Crown's authority that is exercised. But in respect of the government of Canada the King's representative acts upon the advice of the Dominion Ministers; while in respect of Provincial matters the Lieutenant-Governor acts upon the advice of the Executive Council of the Province. With regard to the distribution of executive authority between the Governor-General of the Dominion and the Lieutenant-Governors of the several Provinces, it will, I think, in general be found that the ~~former~~former has executive authority in respect of matters over which the Parliament of Canada has legislative authority; while the latter have executive authority over matters which are within the legislative control of the Legislatures of the several Provinces. In construing the British North America Act, 1867, it is necessary, as has often been pointed out by the highest authority, to distinguish between proprietary rights and legislative authority. The former does not follow the latter. But under that Act executive authority does, I think, in general follow legislative authority. There may be some exceptions, but I am not aware of any that in any measure affect this case. But as it happens that

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a subject or matter which, in one aspect of a case, is within the legislative authority of the Parliament of Canada may in another aspect of the case be within the legislative authority of a Provincial Legislature; so it may happen that while in one aspect of a matter, executive authority in respect thereof may be vested in the Governor General, in some other aspect of the same matter it may fall within the executive authority and action of a Lieutenant-Governor of a Province. By the 91st Section of The British North America Act, 1867, class of subject No. 24, the Parliament of Canada has exclusive legislative authority to make laws for the peace, order and good government of Canada in relation to Indians and lands reserved for Indians; and it cannot, I think, be doubted that, unless the Parliament of Canada otherwise declares, the executive authority of the Governor General of Canada extends to all matters of administration relating to Indians and to their lands and affairs. By the 92nd Section of the same act, class of subject No. 5, the legislature of each Province may exclusively make laws in relation to the management and sale of the public lands belonging to the Province and of the timber and wood thereon; and the executive authority exercisible in the administration of such lands is, unless the Legislature otherwise enacts, vested in the Lieutenant Governor acting by and with the advice of the Executive Council of the Province.

The Treaty, out of which the question in issue here arises, was concluded by Commissioners appointed by the Queen acting on the advice of Her Ministers for the Dominion. There is no question as to its validity. InThe St. Catherine's Milling and Lumber Company v. The Queen(14 App. Cas. 14) Lord Watson stated that they had full authority to accept a surrender to the Crown; but that they had no authority or

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power to take away from Ontario the interest which had been assigned to that Province by the Imperial Statute of 1867. There can, I think, be no doubt of their authority to bind the Crown to make the payments stipulated for in the Treaty. The case cited shows that the lands thereby surrendered were, or might fall within the true construction of the words of section 91 (24) of the Act of 1867 "lands reserved for the Indians" (14 App. Cas. 59). And that being the case, there can I think be no doubt as to the authority of the Crown at the instance of the Dominion Ministers and upon their advice to enter into this Treaty. The difficulty is that in one aspect of the matter they were, although it was not known at the time, dealing with the public lands belonging to the Province of Ontario, and removing a burden therefrom. It is argued for the Dominion that Ontario must be taken to have acquiesced in what the Dominion authorities did in negotiating this treaty, and that the Province is bound by such acquiescence. I am not able to accede to that contention or to rest my judgment on that ground. The most that can be said on that branch of the case is, it seems to me, that while on the one hand the Government of Canada holding, in good faith, but erroneously as it turned out, the view that all the lands to be surrendered belonged to the Dominion, did not consult the Government of Ontario in respect of the negotiations with the Indians for the surrender of their title in such lands; on the other hand the Government of the Province did not raise any objection to the matter so proceeding and did not prefer any request to be represented in the negotiation of the Treaty.

Now with regard to the contention that inasmuch as a part of the benefit arising from the surrender of the lands mentioned in the treaty accrues to Ontario that Province should relieve the Dominion from a proportionate part of the obligations

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obligations thereby created, it appears to me that that consideration is not of itself sufficient to make the Province liable. If the Province had had any option in the matter, if it had been open to it to accept or decline such benefit, and it had accepted it, then the Province would have been liable for its fair proportion (Leigh v. Dickeson, L.R.15 Q.B. D. 60). But that is not the case. The burden of the Indian title was removed from these lands before it was determined whether any part of them was within the Province or not. When it was decided that a large portion of such lands was within the Province of Ontario there was nothing the Province could do but accept the lands and administer them free from such burden. In The Ruabon Steamship Company, Lt. v. The London Assurance (1900 App. Cas. 6), one of the cases on which Mr. Shepley relied, it was held that there is no principle of law which requires a person to contribute to an outlay merely because he has derived a material benefit therefrom. And that principle is, I think, as clearly applicable to the transactions of the Dominion and Provincial Governments as it is to those which occur between individuals. If the Parliament of Canada should appropriate, and the Government of Canada should expend public moneys of the Dominion for Dominion purposes, with the result that a Province was benefitted, and there was no agreement with the Province or request from it, then it would be clear that the Province was under no obligation to contribute to such expenditure, or to indemnify the Dominion against any part thereof. According to the contention of the Province of Ontario, as I understand it, the present case falls within that proposition. Equally it seems xkax clear that if the Parliament of Canada should appropriate and the Government of Canada should expend the public moneys of the Dominion for a

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provincial purpose to the benefit of a Province, there being no agreement with the Province or request from it, no obligation would arise on the part of th Province to contribute towards such expenditure or to re-imburse the Dominion for any part of such expenditure. The principle would apply as well to expenditures made by a Province with the result that the Dominion as a whole was benefitted. In all such cases the appropriation and expenditure would be voluntary and no obligation to contribute would arise. But the present case appears to me to differ from those stated in some material respects. At the time when the treaty was negotiated the boundaries of the Province were unsettled and uncertain.

The lands described in the Treaty formed part of the territory that the Hudson's Bay Company had claimed and had surrendered to the Crown. The surrender embraced all lands belonging to the company or claimed by it. That of course did not affect Ontario's title to such part of the lands claimed by the company as were actually within the Province. But on the admission of Rupert's Land and the North Western Territory into the Union the Government of Canada acquired the right to administer all the lands that the company had a right to administer. And with respect to that portion of the territory which the company had claimed but which was in fact within the Province of Ontario, the Dominion Government occupied a position analogous to that of a bona fide possessor or purchaser of lands of which the actual title was in another person. The question of the extinguishment of the Indian title in these lands could not with prudence be deferred until such boundaries were determined. It was necessary to the peace, order and good government of the country that the question should be settled at the earliest possible time. The Dominion authorities held the view that the lands belonged to the Dominion and

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that they had a right to administer the same. In this they were in a large measure mistaken, but no doubt the view was held in good faith. They proceeded with the negotiation for the Treaty without consulting the Province. The latter, although it claimed the lands to be surrendered, or the greater part thereof, raised no objection and did not ask to be represented in such negotiation. The case bears some analogy to one in which a person in consequence of unskilful survey, or in the belief that the land is his own, makes improvements on lands that are not his own. In such a case the Statutes of the old Province of Canada made, and those of the Province of Ontario make, provision to protect him from loss in respect of such improvements, or to give him a lien therefor. (59 Geo. 3,c.14,s.12; 12 Vict. c. 35, s. 49; C.S.U.C.c.93,s.53; R.S.O. (1877) c.51, ss.29 and 30; (1887) c 100, ss. 31, 32; 1897, c. 119, ss.31 and 32; 36 Vict. (Ontario) c. 22, s. 1; 40 Vict.(Ont.) c.7, Schedule No. 114; R.S.O. (1877) c. 95, s.4; (1887) c. 100, s. 30; (1897) c. 119, s. 30; Gummerson v. Banting, 18 Grant, 516; Carrick v. Smith, 34 U.C.Q.B.399; O'Connor v. Dunn, 37 U.C.Q.B.430; Fawcett v. Burwell, 27 Grant 445; Beaty v. Shaw 14 O.A.R.600). The case however, appears to me to bear a closer analogy to one in which a bona fide possessor or purchases of real estate pays money to discharge an existing incumbrance or charge upon the estate having no notice of any infirmity in his title. In such a case, as stated by Mr. Justice Story in Bright v. Boyd (1 Story's R. 497,498) the possessor or purchaser was according to the principles of the Roman Law entitled to be reraid the amount of such payment by the true owner seeking to recover the estate from him. And again, in the same case (2 Story's R. 607) Story,J. is reported as follows:-

"I wish in coming to this conclusion to be

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"distinctly understood as affirming and maintaining the broad doctrine, as a doctrine of equity, that, so far as an innocent purchases for a valuable consideration without notice of any infirmity in his title has, by his improvements and meliorations, added to the permanent value of the estate he is entitled to a full remuneration, and that such increase of value is a lien and charge on the estate, which the absolute owner is bound to discharge before he is to be restored to his original rights in the land. This is the clear result of the Roman Law, and it has the most persuasive equity, and I may add common sense and common justice for its foundation. The Betterment Acts (as they are commonly called) of the States of Massachussets and Maine and of some other States are founded upon the like equity, and were manifestly intended to support it even in suits at law for the recovery of the estate."

In Gummerson v. Banting (18 Grant 522) Mr. Chancellor Spragge stated that he entirely agreed with Mr. Justice Story that the principle cited from the Roman Law had the most persuasive equity and common sense and justice for its foundation. In the latter case the learned Chancellor held that the rule that a party in good faith making improvements on property which he has purchased, will not be disturbed in his possession, even if the title prove bad, without payment for his improvements will be enforced as well where the purchaser is plaintiff as where he is defendant, and that although no action has been brought to dispossess him. This decision was the subject of some comment in Beaty v. Shaw (14 O.A.R. 600) in the Court of Appeal for Ontario where Burton, J.A. stated that he could find no case in Ontario before Gummerson v. Banting, and no case at all in England, where a stranger who

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has entered upon land, even under color of title, can as against the true owner, claim to be paid for his improvements. He states his view of the law in the following terms (Id. 9. 609):-

> "No doubt by the rules of the Civil Law, the possessor of the property of another who has made improvements in good faith, believing himself to be the owner was entitled to be paid for such improvements; and this law has been adopted by many countries whose laws are based upon the civil law; thus it has been acted upon in Scotland and in some instances but not universally, in America; but we do not derive our laws from that source; and I know of no instance in which by the law of England, the principle has been adopted except in the action for mesne profits, where the party has been sometimes allowed to recoup himself by setting off the value of the improvements, and in cases where the legal title has been in the person making the improvements and the equitable title in another, who is obliged to resort to a Court of Equity for relief; and where the Court then acts upon the principle that the party who comes to Court to seek equity, must himself be willing to do what is equitable".

It appears therefore that if the question in issue were to be determined by analogy to the law of the Province of Ontario applicable to individuals, the Province could not maintain its counter-claim for the moneys which the Dominion collected as revenue from the disputed territory without submitting to the enforcement of the equity existing in favour of the Dominion in respect of the charges incurred in extinguishing the burden of the Indian title; but that it is, to say the least, extremely doubtful if this equity could be enforced in an action by the Dominion against

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the Province.

The question, however, does not rest there. In The St. Catherine's Milling and Lumber Company v. The Queen (14 App. Cas. 60) Lord Watson, dealing with this very question of the liability of the Province to contribute to the Dominion in respect of the charges mentioned said:- "Seeing "that the benefit of the surrender accrues to her, Ontario "must of course relieve the Crown and the Dominion of all "obligations involving the payment of money which were under "taken by Her Majesty, and which are said to have been in "part fulfilled by the Dominion Government". The Dominion relies strongly upon this expression of their Lordships' views as conclusive of the question at issue. On the other hand, for the Province it is argued that the opinion expressed is obiter, that it formed no part of the judgment in that case and that the facts proved in this case differ materially from those that were before their Lordships in the case referred to. So far as the questions in this case relate to the extent to which the Province is liable to contribute to the expenses incurred by the Crown in fulfilment of the obligations created by the treaty, this case no doubt differs materially from the St. Catherine's Milling and Lumber Company's case. But with respect to the principal question at issue, namely, whether the Province is liable to contribute anything, this case presents, I think, no new fact or aspect. The Province's main defence here is that it was not a party to the treaty. In the case for the appellants in The St. Catherine's Milling and Lumber Company's case, paragraph 6, it was stated that neither the Lieutenant-Governor of Ontario, nor the Province of Ontario, were parties to the treaty. And in the 21st paragraph of the case of the Respondent the ground was taken that the Province not having been a party to the treaty

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was not bound to it. With regard to the formal judgment in the case last referred to, it is to be observed that it was entered up between the original parties to the action on consideration of the question as to whether the judg-ment of the Supreme Court of Canada ought to be affirmed or not. By the order which gave the appellants leave to bring the judgment of that Court under review Her Majesty was pleased to direct that the Government of the Dominion should be at liberty to intervene in the appeal, or to argue the same upon a special case raising the legal question in dispute. The Dominion Government elected to take the first of these courses (14 App.Cas. 53), with the result that between the Dominion and the Province there was no formal judgment on the questions at issue between them. It was however determined that the ceded territory within the Province of Ontario belonged to the Province subject to "an interest other than that of the Province in the same", that is, that it was subject to the burden of the Indian title that the Crown upon the advice of its Dominion Ministers extinguished; and that as the benefit of that surrender accrued to the Province it must relieve the Crown and the Dominion of the obligations involving the payment of money which were undertaken by Her Majesty and fulfilled by the Dominion Government. In The St. Catherine's Milling and Lumber Company 's case the Province of Ontario stood in the position of a plaintiff; and as between the Province and the Dominion the views of their Lordships as to the Province's liability to indemnify the Dominion may, I think with fairness, be taken as a part or condition of the judgment in favor of the Province, although such views found no place in the formal judgment pronounced. But however that may be, it is, I think proper that this Court should give effect to the view that their Lordships expressed. I therefore answer

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in the affirmative the question as to whether the Province of Ontario is liable to indemnify the Dominion against any portion of the expenditure incurred in discharge of the obligations created by the North West Angle Treaty No.3.

The obligations involving the payment of money which the Crown incurred by this Treaty, and which have been discharged by the Government of Canada, are as follows:-

First, with a view of showing her satisfaction with the behaviour and good conduct of Her Indians, and in extinguishment of all claims theretofore preferred, Her Majesty, through Her Commissioners, made them a present of twelve dollars for each man, woman and child belonging to the Bands represented.

Secondly: Her Majesty agreed to maintain schools for instruction in such reserves as to the Government of Canada might seem advisable, whenever the Indians of the reserves should desire it.

Thirdly: Her Majesty agreed that no intoxicating liquor should be sold on any reserve, until otherwise determined by the Government of Canada; and that laws to protect the Indians from the evil influence of the use of intoxicating liquors should be strictly enforced.

Fourthly: That each Indian person inhabiting the tract surrendered should be paid by Her Majesty the sum of five dollars yearly.

Fifthly: That the sum of fifteen hundred dollars per annum should be expended yearly by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.

Sixthly: Her Majesty agreed to supply to the Indians certain articles and animals to assist them in their work and for the encouragement of the practice of agriculture among them; and

Seventhly: Her Majesty agreed that each duly recog-
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recognized Chief should be paid a salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, should be paid fifteen dollars per annum, and that each Chief and subordinate officer should also receive once in every three years a suitable suit of clothing; also that each Chief should receive in recognition of the closing of the treaty a suitable flag and medal.

Omitting interest, the following is a brief summary of the claim made by the Dominion against the Province for moneys expended under the treaty down to the year 1902:-

For annuities paid----------	$465,376.00
For cattle.....	17,344.08
For farming implements.....	6,724.53
For Tools.....	3,301.99
For ammunition and twine.....	43,500.00
For clothing.....	23,285.37
For schools.....	84,281.64
For seeds.....	8,816.06
For provisions and presents supplied at the treaty negotiations and at the first payment of annuities.....	21,296.96
For surveys.....	25,242.53
For salaries to Agents.....	78,886.10
For Agents' travelling expenses.....	35,409.62
For office rent.....	9,984.99
For suppression of the liquor traffic...	6,206.96
	$829,396.83

Now it is to be observed that whatever moneys have been expended under this treaty by the Dominion Government have been expended in respect of the Indians inhabiting a tract of land part of which only is within the Province of Ontario, and it is suggested by Mr. Newcombe for the

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Dominion that the Province should contribute to such expenditure in the proportion that the area of the surrendered territory within the Province bears to the whole area surrendered by the Treaty. There is no other suggestion on that branch of the case, and I do not see that any fairer or better rule could be adopted.

Then in regard to the claim made by the Dominion the Province, as an alternative defence, alleges that if it should be held that the Province is under any liability to indemnify the Dominion it is not liable except where there has been a money payment, undertaken by the Dominion under the terms of the treaty, made to the Indians wholly as a consideration for the ceding of their claims to the territory covered by the treaty. In a general way, with some slight modification, that proposition, may, I think, be accepted. It seems equitable that the Dominion should recover from the Province a proportionate part only of such expenditure under the treaty as is fairly referable and attributable to the discharge of the burden of the Indian title in the lands described in the treaty; and that the Dominion should not recover from the Province any portion of the moneys expended in the extinction of prior claims of the Indians, or in respect of obligations resting upon the Crown and the Dominion in relation to the administration of Indian affairs. It is argued for the Province that the difficulty of determining what part of the expenditure made by the Dominion and now claimed from the Province is referable to the extinguishment of the Indian title, is so difficult and the matter so indefinite and uncertain that the Dominion cannot, or ought not to, recover anything. I agree that the question presents difficulties, and that it is one which would be more easily dealt with by reasonable negotiation and agree-

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agreement between those who represent the parties than by a judicial determination. But the fact that the enquiry is difficult affords no reason for the Court refusing to attempt its solution if the parties cannot themselves agree. The enquiry on this branch of the case was not concluded. If it open for further evidence, and of course for further argument. The enquiry will be continued before the Court itself or by a reference, as may be subsequently determined. In the meantime it may be taken for granted that the amount to which the Dominion will be entitled as against the Province will exceed greatly the sum necessary to allow an appeal from the decision upon the main question discussed.

On the claim of the Dominion of Canada against the Province of Ontario, there will be judgment for the Dominion, and a declaration that the Province is, in respect of the obligations incurred by the Crown and the Dominion under the North West Angle Treaty No. 3, which involve the payment of money, and which are referable to the extinguishment of the Indian title in the lands described in the Treaty, liable to contribute to the payments of money made by the Dominion thereunder in the proportion that the area of such lands within the Province bears to the whole area covered by the treaty.

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RE DOMINION v. ONTARIO.

MEMO. re changes to be made in text of reasons for judgment in above : -

P. 13, 8th line from bottom of the page, between "The" and "Catherines" insert "St."

P. 16, 3rd line from top of page, for "of such expenditure" read "thereof".

P. 24, 3rd line from bottom of page, for word "difficulty" substitute "question".

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Judgement of the Lords of the Judicial Committee of the Privy Council on the Appeal of The Dominion of Canada v. The Province of Ontario, from the Supreme Court of Canada; delivered the 29th July 1910.

Present at the Hearing:

THE LORD CHANCELLOR.

LORD MACNAGHTEN

LORD ATKINSON.

LORD SHAW.

LORD MERSEY.

(Delivered by THE LORD CHANCELLOR.)

In this Appeal the only question argued was whether or not the Dominion of Canada is entitled to recover from the Province of Ontario a proper proportion of annuities and other monies which the Dominion bound itself in the name of the Crown to pay to an Indian tribe and its chiefs under a treaty of the 3rd October 1873. There has been a marked difference of opinion in the Canadian Courts. Mr.Justice Burbidge decided in favour of the Dominion, but on appeal to the Supreme Court of Canada three out of five learned Judges reversed that judgment. The various opinions delivered in both Courts have dealt with the case so exhaustively and so clearly that nothing new really remains to be said,and the matter at issue has been reduced to a simple though extremely important point.

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The Treaty of 1873 was made between Her late Majesty Queen Victoria, acting on the advice of the Dominion Government, and the Salteaux tribe of the Ojibeway Indians. Its effect was to extinguish by consent the Indian interest over a large tract of land about 50,000 square miles in extent,and in return it secured to the Indians certain payments and other rights agreed to and promised by Her Majesty. At that time it had not been ascertained whether any part of this land was included within the Province of Ontario, but it is now common ground that the greater part of it lies within the Ontario boundaries. In making this Treaty the Dominion Government acted upon the rights conferred by the Constitution. They were not acting in concert with the Ontario Government,but on their own responsibility, and it is conceded that the motive was not any special benefit to Ontario but a motive of policy in the interests of the Dominion as a whole.

When,however,by subsequent decisions it was established that,under the British North America Act of 1867,lands which are released from overlying Indian interest enure to the benefit,not of the Dominion,but of the Province within which they are situated,it became apparent that Ontario had derived an advantage under the Treaty. And the principle sought to be enforced by the present Appeal is that Ontario should recoup the Dominion for so much of the burden undertaken by the Dominion toward the Salteaux tribe as may properly be attributed to the lands within

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Ontario which had been disencumbered of the Indian interest by virtue of the Treaty.

Their Lordships are of opinion that in order to succeed the Appellants must bring their claim within some recognised legal principle. The Court of Exchequer, to which, by statutes both of the Dominion and the Province, a jurisdiction has been committed over controversies between them, did not thereby acquire authority to determine those controversies only according to its own view of what in the circumstances might be thought fair. It may be that, in questions between a Dominion comprising various Provinces of which the laws are not in all respects identical on the one hand, and a particular Province with laws of its own on the other hand, difficulty will arise as to the legal principle which is to be applied. Such conflicts may always arise in the case of States or Provinces within a Union. But the conflict is between one set of legal principles and another. In the present case it does not appear to their Lordships that the claim of the Dominion can be sustained on any principle of law that can be invoked as applicable.

To begin with, this case ought to be regarded as if what was done by the Crown in 1873 had been done by the Dominion Government, as in substance it was in fact done. The Crown acts on the advice of ministers in making treaties, and in owning public lands holds them for the good of the community. When differences arise between two Governments in regard to what is due to the Crown as maker of treaties from the Crown as owner of public lands they must be adjusted as though

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the two Governments are separately invested by the Crown with ~~his~~ rights and responsibilities as treaty maker and as owner respectively.

So regarding it, there does not appear sufficient ground for saying that the Dominion Government in advising the treaty did so as agent for the Province. They acted with a view to great national interests, in pursuance of powers derived from the Act of 1867, without the consent of the Province and in the belief that the lands were not within that Province. They neither had nor thought they required nor purported to act upon any authority from the Provincial Government.

Again, it seems to their Lordships that the relation of trustee and cestui que trust, from which a right to indemnity might be derived, cannot, even in its widest sense, be here established. The Dominion Government were indeed, on behalf of the Crown, guardians of the Indian interests and empowered to take a surrender of it and to give equivalents in return, but in so doing they were not under any special duty to the Province. And in regard to the proprietary rights in the land (apart from the Indian interest) which through the Crown enured to the benefit of the Province, the Dominion Government had no share in it at all. The only thing in regard to which the Dominion could conceivably be thought trustees for the Province, namely, the dealing with the Indian interest, was a thing concerning the whole Canadian nation. In truth, the duty of the Dominion Government was not that of trustees, but that of Ministers exercising their powers and their discretion for the public welfare.

Another contention was advanced on behalf of

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the Appellants- that this is analogous to the case of a bona fide possessor or purchaser of real estate who pays money to discharge an existing encumbrance upon it without notice of an infirmity of his title. It is enough to say that the Dominion Government were never in possession or purchasers of these lands,that they had,in fact,notice of the claim thereto of the true owner, though they did not credit it,and that they did not pay off the Indian encumbrance for the benefit of these lands,but for distinct and important interests of their own.

This really is a case in which expenditure independently incurred by one party for good and sufficient reasons of his own has resulted in direct advantage to another. It may be that,as a matter of fair play between the two Governments.as to which their Lordships are not called upon to express and do express no opinion, the Province ought to be liable for some part of this outlay. But in point of law,which alone is here in question,the Judgment of the Supreme Court appears unexceptionable.

If the opinions of Mr.Justice Burbidge and of the two dissenting Judges in the Supreme Court are examined,it will be found that they rely almost entirely upon a passage in the Judgment delivered by Lord Watson at this Board in the case of St.Catherine's Milling and Lumber Company v. The Queen, 14 A. C. 60. It must be acknowledged that this passage does give strong support to the view of those who rely upon it,and their Lordships feel themselves bound to regard this expression of opinion with the same respect that has been accorded to it by all the learned Judges in Canada. They consider

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however, that Mr. Justice Idington and Mr. Justice Duff have stated conclusive reasons against adopting the dictum alluded to as decisive of the present case. The point here raised was not either raised or argued in that case, and it is quite possible that Lord Watson did not intend to pronounce upon a legal right. If he did so intend, the passage in question must be regarded as obiter dictum.

In the course of argument a question was mooted as to the liability of the Ontario Government to carry out the provisions of the Treaty so far as concerns future reservations of land for the benefit of the Indians. No such matter comes up for decision in the present case. It is not intended to forestall points of that kind which may depend upon different considerations, and, if ever they arise, will have to be discussed and decided afresh.

Their Lordships will humbly advise His Majesty that this Appeal should be dismissed. There will be no order as to costs.

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IN THE PRIVY COUNCIL

The Dominion of Canada

v.

The Province of Ontario

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Dominion vs Ontario

Treaty No-3

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- 111,834	2	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
- 111,834	3	JUDGMENT BY THE PRIVY COUNCIL REGARDING THE CONTROVERSY BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE FULFILMENT OF THE OBLIGATIONS CREATED BY THE NORTH WEST ANGLE TREATY NO. 3.	1910
111,834	4	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	5	TERMS OF AGREEMENT OF THE ROBINSON-HURON TREATY SIGNED ON THE 9th OF SEPTEMBER 1850.	1850-1893

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DUNDEE INDIAN LAND ENQUIRY.

REFERENCE TO

HON. MR. JUSTICE BURBIDGE,

HON. W. W. LYNCH, Q.C.,

A. DINGMAN, ESQ.

Minutes of their Proceedings and their Report.

OTTAWA, 7th OCTOBER, 1887.

The Hon. Mr. Justice BURBIDGE,
Judge of the Exchequer Court, Ottawa, Ont.

The Hon. W. W. LYNCH, M. P. P.,
Brome, P. Q.

A. DINGMAN, Esq.,
Inspector of Indian Agencies, Ottawa.

GENTLEMEN,—A complicated question in connection with the occupancy by certain white persons, under expired leases, of lands in the Township of Dundee, in the County of Huntingdon, P. Q., which were formerly, if they are not now, included in the Reserve of the Iroquois Band of St. Regis, has caused considerable thought to my predecessor, and has formed the subject of much investigation and correspondence, without his being able to arrive at a conclusion as to the measures which should be adopted

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in order to bring the same to a satisfactory termination, without, on the one hand, prejudicing the rights of the Indians interested, and, on the other, those of the locatees of the aforesaid lands.

With a view to accomplish, if possible, the object sought for, namely, a solution of the question at issue which will be just to all parties concerned, he concluded to invite your co-operation in the settlement of the same; and I would now suggest for consideration the following points among any others which the facts may appear to you to call for consideration of, namely:—

1st. As to the legal rights of the Indians in respect of said lands.

2nd. As to a fair mode of treating the settlers, especially in respect to their improvements on the said lands.

3rd. As to the best mode of finally settling the questions at issue.

I shall be obliged, therefore, if you will arrange between yourselves a convenient time for meeting, with a view to the examination of the papers, and, if necessary, of any parties from whom you may be desirous of obtaining evidence in respect to the matter, as well as for the consideration thereof.

The papers, when required, can be obtained on application to this Department.

I have thought it advisable that Mr. Dingman should form one of the Commission to enquire into and report on this important matter, as he, having made a preliminary enquiry into the facts, and having inspected the various holdings affected, will be able to furnish valuable information in respect to the locatees and the locations claimed by them, as well as in regard to the Indian claimants of the properties.

I have the honour to be,

Gentlemen,

Your obedient servant,

THOS. WHITE,

Superintendent General of Indian Affairs.

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CERTIFIED COPY OF A REPORT OF A COMMITTEE OF THE HONORABLE THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, ON THE 22 OCTOBER, 1887.

The Committee on the recommendation of the Superintendent General of Indian Affairs and in pursuance of the 2nd Section of cap. 33, 50 and 51 Victoria, intituled: "An Act to amend the Indian Act," advise that Mr. Justice Burbidge be empowered by subpœna issued by him to summon any person before him and to examine such person on oath in respect to a certain matter in dispute between the Iroquois Band of St. Régis and certain settlers in the township of Dundee, it being a matter affecting such Indians, and to compel the production of papers and writings before him relating to such matter.

JOHN J. McGEE,
Clerk, Privy Council.

MINUTES

Of proceedings of the Commission appointed by the Honorable the Superintendent General of Indian Affairs, to enquire into certain matters in question with reference to lands between the Iroquois Band of Indians of St. Régis and certain settlers of the township of Dundee, Huntingdon County, Province of Quebec; said Commission being composed of the Honorable G. W. Burbidge, Judge of the Exchequer Court, the Honorable W. W. Lynch, M.P.P., Q.C., and A. Dingman, Esquire, Inspector of Indian Agencies.

On Tuesday, the eight day of November, eighteen hundred and eighty-seven, the Commission met in the Town Hall, Dundee, in accordance with the following notice which had been printed in the Huntingdon *Gleaner*, and the Fort Covington *Sun*, and printed copies of which had been circulated throughout the township of Dundee and the Indian Reserve, to wit:

NOTICE.

The undersigned having been entrusted by the Honorable the Superintendent General of Indian Affairs with the duty of making an enquiry into certain matters in question between the Iroquois Band of Indians of St. Regis, and certain settlers of the Township of Dundee, Huntingdon County, Province of Quebec, hereby give Notice that they will meet at the Town Hall, Dundee, on Wednesday, the Eighth (8th) Day of November, 1887, at Ten o'clock in the Forenoon, there to hear whatever any person or persons interested in such matters desire to present for the consideration of the undersigned in relation to such enquiry.

G. W. BURBIDGE,
W. W. LYNCH,
A. DINGMAN.

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Present :—Hon. Mr. Lynch and A. Dingman, Esquire.

Mr. Lynch read a letter from the Hon. Thomas White, Minister of the Interior and Superintendent General of Indian Affairs, appointing the Commission, and instructing the Commissioners as to the points to be investigated ; also copy of the notice above mentioned. Mr. Lynch also stated that in view of the absence of the Hon. Judge Burbidge, the other members of the Commission had decided not to proceed to-day with the formal enquiry, but to visit and personally inspect the lands in question, and to-morrow they would visit St. Régis.

Mr. L. H. Davidson, Q. C., appeared on behalf of the locatees and lessees of the Township of Dundee.

Mr. W. J. White appeared on behalf of the Indian Department as guardian of the interests of the Indians.

Thomas Brossoit, Esquire, appeared to represent the Indians in virtue of a despatch he had received from them requesting him to be present on their behalf.

The Commission requested counsel to enquire into the first question, namely, the legal rights of the Indians in respect to the lands, and to be ready to discuss the point when the Commission should meet again on Thursday. The Commission would first proceed with those leases that had lapsed.

Mr. Brossoit made application, first : for documents in possession of the Government concerning the title of the Indians to the Reserve, especially the *Acte de Concession* of the King of France conveying said lands to the Indians under the Government of the Marquis de Vaudreuil ; and secondly : for an allocation by the Department to pay the expenses of the Chiefs and their interpreter while they were attending the Commission to give evidence.

Mr. Dingman said, with respect to the first application, he had brought with him all the documents which bore on the subject, and these would be placed before counsel. With respect to the second application he would ask the Department to make provision for the purpose mentioned.

Mr. Davidson asked whether the Commission intended to enquire only into the thirty year leases which had expired, or into all the leases which had been made.

Mr. Lynch, for the present, only into those leases which have expired.

Mr. White said the Chiefs had appointed Thomas Lefort as their interpreter.

Mr. Lefort translated to the Chiefs and Indians present the letter of the Superintendent General of Indian Affairs appointing the Commission.

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On Wednesday, the sixteenth day of November, the Commission examined witnesses: John Plamondon, Nicholas Farlinger, Thomas Peets, John B. Taillon, Mrs. Alexander Taillon, Mrs. Francis Parker, Solon Storm, Antoine Durocher, Angus Durocher, Alexander Empey, Peter Chatelain, Robert Grant, Thomas Dupuis, Joseph Leclaire, Robert Smart, John Taillon, Noel Reynolds, James Gage, and Peter Gardiner.

The Commission adjourned to meet again on Friday, the eighteenth of November, the seventeenth being Thanksgiving Day.

S. A. ABBOTT,
Secretary.

On this seventeenth day of November, the Commission examined witnesses in the hotel: Duncan McCormick and Alexander G. Cross, advocates, who had come from Montreal for that purpose, and Alexander Biron, of Hogansburg, in the State of New York.

S. A. ABBOTT,
Secretary.

On this eighteenth day of November of the year aforesaid, the Commission examined witnesses: John Davidson, called by the Commissioners, and called on behalf of the settlers: Nicholas Farlinger, John P. Badger, Wm. Brunson, Angus McGillis, Alexander McDonald, Murdoch McDonald, Hugh Fraser, Donald J. Fraser, James Welch, Angus Colquhoun, Wm. A. Fraser, Alexander Vass, Wm. Stevens, Hector Murchison, Duncan Murchison, Angus McBain, John Duncan McMillan, John Davidson, John Fraser, James Welch.

The Commission adjourned to meet again on Tuesday morning, the twenty-second of November.

S. A. ABBOTT,
Secretary.

On Tuesday, the twenty-second day of November, the Commissioners resumed their sittings, and examined the following witnesses: John Fraser, John Fleming, William Fleming, James Bannon, Charles M. Farlinger, Jas. R. Farlinger, John McNaughton, William Schryer, John Gordon, Frederick P. Dimond, William F. Waters, Peter Buchanan, John Taillon, Mrs. Joel Lyman, Moses Miller, Denis Mead, Philip Macrae, John J. Fraser, William Irwin, Donald McRae, John Grant, James Timlin, Samuel M. Miller, John W. Fraser.

The Commissioners adjourned to meet again on Wednesday, the twenty-third of November.

THOS. JNO. RICHARDSON,
Secretary.

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On Wednesday, the twenty-third of November, the Commissioners resumed their sittings, and examined the following witnesses: Peter Buchanan, James Arnold, Joseph Smallman, Wilbur Breakey, Farquhar McLennan, Allen M. Lincoln, Thomas Peets, Donald McRae, Edward McCaffery, Mrs. (widow) James T. Kingsley, Alex Vass, Duncan D. Fraser, William Irwin, Thomas Dupuis, Duncan G. Moody, William Smith, Noel Reynolds, Hugh Miller, James Davidson, William D. Fraser, George A. Burns, Mrs. (widow) Hugh Macmaster, John Platt, Samuel B. Miller, Alexander Macmaster, Samuel Long, Francis Napier, Alexander Cameron, and John McCauley.

The Commissioners adjourned to meet on Thursday, the twenty-fourth of November.

THOS. JNO. RICHARDSON,
Secretary.

On Thursday, the twenty-fourth of November, the Commissioners resumed their sittings, and examined the following witnesses: Peter Buchanan, Peter Gardiner, Joseph Gardiner, Joseph Norault, William Miller, William Vass, James Vass, Robert Smart, John McPherson, Alexander Smallman, Norman McPhee, Henry C. G. Smith, William Cameron, Mrs. (widow) Donald McRae, James Y. Cameron, Duncan Macrae, John A. Cameron, John Craig, John Taillon, Dr. William Gillis, and Hiram Burns.

The Commissioners adjourned to meet on Friday, the twenty-fifth of November.

THOS. JNO. RICHARDSON.
Secretary.

On Friday, the twenty-fifth of November, the Commissioners resumed their sittings. Several extracts from records of the Department of Indian Affairs were placed on file. The following witness was examined: Samuel T. Lincoln.

This closed the evidence called on behalf of the Settlers' Association.

William Long appeared in answer to a subpœna, and was examined by the Commissioners.

The following witnesses were examined on the side of the Indians:— William A. Austin; and (Thomas Lefort having been sworn as Interpreter) Mitchell Benedict, Thomas Lazare, Thomas White, Peter Longpoint, and Mitchell Jacobs.

The following witnesses were examined on behalf of the Association:— Nelson Boyer, John A. Cameron, Norman McPhee, Nelson McPhee, Dennis C. Dinneen, William Arnold, Donald Cameron, and Robert McGibbon.

This closed the evidence, and the Commissioners adjourned to meet on Tuesday, the sixth of December to hear the arguments of counsel.

THOS. JNO. RICHARDSON,
Secretary.

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On Tuesday, the sixth day of December, 1887, pursuant to adjournment, the commissioners resumed their sittings.

Present:—The Hon. Mr. Justice Burbidge, the Hon. W. W. Lynch, A. Dingman, Esq. Mr. W. J. White, representing the Indians, submitted the question at issue from their point of view and was followed by Mr. L. H. Davidson, Q. C., on behalf of the settlers of Dundee.

E. J. DUGGAN,
Secretary.

On Wednesday, the seventh day of December instant, the Commissioners resumed their sittings. Mr. Davidson concluded his argument and was followed by Mr. White, in reply.

The evidence and argument being closed, the Commission adjourned to meet at the call of their Chairman.

E. J. DUGGAN,
Secretary.

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To The Honourable Thomas White,

Superintendent General of Indian Affairs,

Ottawa.

Sir,—The undersigned beg leave to report that, in accordance with the foregoing instructions, and as will appear from the minutes of their proceedings, they began their inquiry on the eighth of November, 1887, and, with two adjournments, closed the evidence and hearing of the case on the seventh of December following, having in the meantime heard one hundred and sixty-eight witnesses on the part of the settlers, and seven on the part of the Indians.

They herewith transmit for your information the evidence at length which was taken before them, together with abstracts of all the titles and other documents which were produced in connection therewith, and a carefully prepared table showing:—

Firstly:—The names of the present occupants of each lot.
Secondly:—The names of the original leasees.
Thirdly:—The date and length of the leases.
Fourthly:—The stipulated rent, and if paid.
Fifthly:—The total number of acres.
Sixthly:—The number of acres improved, etc.
Seventhly:—The buildings.
Eighthly:—The value of the improvements.
Ninthly:—The total value.
Tenthly:—The assessed value.
Eleventhly:—General remarks.

In the order of reference contained in their instructions they beg to submit: First, "as to the legal rights of the Indian in respect to the said lands."—That no title to the Indian Reservation of Dundee was laid before them in the form of a concession or otherwise by the king of France prior to the cession of Canada in 1759. The 40th article of the Capitulation recites that "The savages or Indian allies of His Most Christian Majesty shall be maintained in the lands they inhabit if they choose to reside there." The proclamation of 1763 alludes in the following terms to the several territories then occupied by the different tribes of Indians inhabiting Canada (a copy of which is in possession of the Indians of St. Regis): "And "whereas it is just and reasonable, and essential to our interests and "the security of our colonies, that the several nations or tribes of Indians "with whom we are connected, and who live under our protection, should "not be molested or disturbed in the possession of such parts of our "dominions and territories as not having been ceded to or purchased by us, "are reserved to them or any of them as their hunting grounds."

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Some correspondence seems to have taken place with reference to the Indians' possession of, and claim to, the lands included in what is now known as the St. Regis and Dundee Indian Reservation; and on the fifth-teenth of March, 1784, Sir Frederick Haldimand, the then Governor, wrote Sir John Johnson. "I have had the registers carefully examined, and find "that no grant was ever made of the lands in question to the Indians, "Père Gordon, or any other person whosever on their behalf," and on the fifteenth of April of the same year, 1784, Sir John Johnson was further instructed that he was to allow the Indians to remain on their reserve as a matter of indulgence pending the signification of the king's pleasure.

The territory in question, the Township of Dundee, seems to have been surveyed about the year 1809, and almost immediately settlement began, and for the first time leases were granted by the Indians, assisted by their agents, to intending white settlers of lots———within the Reservation. In 1819, as will be seen from the table hereto annexed, thirty-six leases were granted for the period of ninety-nine years : in 1820 five leases of a similar character were granted : in 1821, eighteen were granted in a similar manner, but renewable only up to nine hundred and ninety-nine years : in 1822, one and in 1823 three of a character similar to to the last mentioned class ; and here it will perhaps be well to give in full one of these leases.

"This Indenture, made and concluded upon this 8th day of November, "in the year of our Lord one thousand eight hundred and nineteen, between "the principal Loyal British Chiefs of the St. Regis Tribe of Indians, of the "one part, and Jonas Schryer, of Dundee, Salmon river, and Province of "Lower Canada, of the other part, witnesseth :—

"That for and in consideration of the sum of fifteen shillings to them "in hand paid by the said Jonas Schryer, the receipt whereof is hereby "acknowledged. As also of the rents, covenants and agreements herein-"after contained on the part and behalf of the said Jonas Schryer, his heirs, "executors, administrators and assigns, to be paid and kept. And by these "presents do demise, grant and to farm let unto the said Jonas Schryer, "his heirs and assigns, all that parcel or tract of land being composed of "lots No. 4 and N.E. half of lot No. 5 in the broken front, and N.E. half of lot "30 in the first concession of the Indian Reservation below Salmon river, "in the Province of Lower Canada, containing by admeasurement two "hundred acres of land, be the same more or less, together with all appur-"nances, hereditaments, etc., thereunto belonging, except and always "excepting out of this lease all mill seats, mines of gold, silver, copper, tin, "lead, iron, coals and other minerals, known, or to be discovered on the "said premises, to have and to hold the same with the appurtenances unto "the said Jonas Schryer, his heirs and assigns from the day of the date of "these presents for and during the full end and term of ninety-nine years "from thence next ensuing, he paying therefor yearly and every year during

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"said term on the first day of February in each and every year the sum of "two pounds ten shillings currency in cash to be paid, delivered unto the "said principal chiefs, or their agent. And the said Jonas Schryer further "covenants to and agrees with the said principal chiefs, their heirs or suc- "cessors, that he the said Jonas Schryer, his heirs or assigns, shall pay or "cause to be paid unto the said principal chiefs, their heirs or successors, "the above mentioned yearly rent, at the time mentioned, viz.: on the "first day of February annually. And in default of said rent not being paid "as aforesaid within ten days after the same shall become due, the said "principal chiefs to be at liberty to take possession of said lot and premises "herein demised and lease the same to whomsoever they may think proper, "without the let, suit, hindrance, molestation, or denial of him the said "Jonas Scryer, his heirs or assigns, or any person or persons claiming or to "claim by, from or under him, them or any or either of them. And further, "that if the said Jonas Schryer, his heirs or assigns, shall fulfil this lease "by paying the annual rents as herein stated, the said principal chiefs, their "heirs or successors, shall renew the same to the said Jonas Schryer, his "heirs or assigns, for a further period or term of ninety-nine years, and so "on until one thousand years shall be completed, upon the same terms and "conditions of this present lease, without contradiction in any wise.

"In witness whereof, the parties to these presents have hereunto set "their hands and seals the day and year in this Indenture first above "written."

(Signed)	SASE-OGEN-NAMAROU,	(L.S.)
"	ALORIGA-THA-IARAGE,	(L.S.)
"	ARIG-SARENGRINE,	(L.S.)
"	GATIAS-TAKA-SEUNEUTIE,	(L.S.)
"	REGIS-THA-NONIA-NITHER,	(L.S.)
"	ATONGA-OTARAGETE,	(L.S.)
"	ISAAC LECLAIR,	(L.S.)
"	JONAS SCHRYER,	(L.S.)

Signed sealed and delivered in the presence of
(Signed) Z. PLAMONDON,
" WM. MCNARIN.

These long leases appear to have been granted on the sole responsibility of the person acting as agent for the Indians, and presumably the attention of the authorities was called to this, for we find that on the twelfth of February 1822, the following letter was addressed to the Hon. Sir John Johnson, Superintendent General of Indian affairs, by H. C. Darling, Military Secretary, under the administration of Lord Dalhousie, Governor.

"In reply to Mr. Chesley's inquiries, how far His Lordship's determina-

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" tion not to extend the term of leases beyond thirty years, is intended to
" affect those persons who have taken land for the term of ninety-nine
" years, of which he states not less than one hundred leases have been
" granted prior to his appointment as agent, and some as far back as the
" year one thousand eight hundred and ten. I am directed to acquaint
" you that however consistent with a due attention to the interest of the
" Indians, His Lordship might deem it, not to confirm any leases that may
" have been obtained under terms of disadvantage to them, he is of opinion
" that there would be some objection to too close an investigation of what
" has already taken place in this particular, as great difficulties might
" present themselves, in the adjustment of the differences that might pro-
" bably arise and which perhaps could not be ultimately effected without
" recourse to law and some degree of injustice to the lessees, who might
" plead the consent of the parties interested, and the implied, if not avowed
" approbation of those who were charged with the superintendence of
" their affairs at the time of these leases being obtained or promised.

" For these reasons, His Lordship will not interfere with the past, par-
" ticularly as Mr. Chesley reports that the persons holding leases under
" these circumstances are, with very few exceptions, regular in the pay-
" ment of their respective rents; but on the contrary, I am to convey to you
" his authority for confirming all such existing leases as shall appear to you
" upon minute investigation to have been obtained, with the consent of
" the Chiefs, from persons duly empowered on their part to grant the same."

The short leases or leases for thirty years appear to have been given for the first time in 1824. Some were approved in accordance with the above instructions, but many others were not so. Below will be found one of these short leaves duly approved, which is in most respects similar to the long leases.

"This indenture made and concluded at Dundee, in Lower Canada,
" this seventh day of August, in the year of Our Lord one thousand eight
" hundred and twenty-four, between Wishe Arominins, Trensur Tehotena-
" liga, Wishe Tegarahontu, Teir Nowinhienna, Rason Ananonie, Arelsis
" Tistaganasi and Teir Garoniaragua, being the majority of Local British
" Chiefs of the tribe of St. Regis, Indians of the one part, and Benjamin
" Smith, of the township of Dundee, in Lower Canada, yeoman of
" the other part, witnesseth, that the said chiefs of St. Regis, for and
" in consideration of the sum of five pounds of lawful money of Lower
" Canada, to them in hand paid and also for the rents and covenants
" hereinafter contained on the part of the said Benjamin Smith, his heirs
" and assigns, to be paid, kept and performed: Have demised, granted
" and to farm let and do demise grant, and to farm let unto the
" said Benjamin Smith, his heirs and assigns, all that parcel of land
" and tenement situate lying and being in the township of Dundee, in
" Lower Canada, and being composed of the easterly part of lots number

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" nineteen and twenty in the broken front of the Indian Reservation in
" the town and province aforesaid, being butted and bounded as follows,
" that is to say, commencing at a post forming the corner of lots numbers
" 18 and 19 in the broken front and first concession, and following the side
" line between lots numbers 18 19 on said broken front north 38° west, 12½
" arpents, more or less, to a post planted on said line denoting the easterly
" boundary of the premises of James Fraser; thence running west 38°, south
" twelve arpents, more or less, to a post planted on the side line between
" the 20 and 21st numbers of said broken front and being the southerly
" boundary of said James Fraser's premises ; thence following said side line
" south 38° east, 12¼ arpents more or less, to a post planted on the conces-
" sion line between the broken front and first concession, and denoting the
" western boundary of lot number 20 in said first concession ; thence follow-
" ing said concession line east 38° north, twelve arpents more or less to the
" place of beginning, containing by admeasurement one hundred and fifty
" arpents, be the same more or less, with their and every of their appurte-
" nances, together with all ways, passages, waters, water courses, lights
" easiments privileges and appurtenances as whatsoever be the same pre-
" mises belonging or in any wise appertaining ; to have and to hold the said
" land and tenement and all and singular other the premises hereinbefore
" mentioned or intended to be hereby demised with their and every of
" their appurtenances unto the said Benjamin Smith, his heirs and succes-
" sors, from the day and the date hereinbefore written, unto the full end
" and term of thirty years from thence next ensuing and fully to be com-
" pleted and ended, yielding and paying therefor yearly and each and every
" year during the said term of thirty years, unto the said chiefs of St. Regis
" their heirs and assigns or to their lawful agent or attorney, the yearly
" rent of one pound of lawful money of Lower Canada on the first day of
" January in each and every year during said term of thirty years. And
" the said Benjamin Smith, for himself and his heirs, doth covenant pro-
" mise and agree to and with the said chiefs of St Regis, their heirs and
" assigns, in manner and form following, viz.: That he, the said Benjamin
" Smith, his heirs and successors or some of them, shall and will from time
" to time at all times hereafter well and truly pay or cause to be paid unto
" the said chiefs of St. Regis, their heirs and assigns, or to their lawful
" agent or attorney, the said yearly rent of one pound at the day and time
" hereinbefore mentioned or appointed for the payment thereof. Provided
" always that if it shall happen that the said yearly rent of one pound shall
" be behind or unpaid in part or in all by the space of one month next
" over or after any of the said days of payment thereof before mentioned it
" shall and may be lawful to and for the said chiefs of St. Regis, their heirs
" and assigns, by their or either of their lawful agent or attorney, into the
" said demised premises and into every part thereof in the name of the
" whole wholly to re-enter, retain, repossess and enjoy as in their former

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" estate; and the said Benjamin Smith, his heirs and successors, and
" and all others, the occupiers and possessors of the said demised premises,
" or any part thereof, thereout and from thence, to expel, put out and re-
" move this indenture or anything herein contained to the contrary thereof,
" in any wise notwithstanding. And the said Chiefs of St. Regis for them-
" selves and for their heirs or assigns and for every of them, do covenant,
" promise and agree to and with the said Benjamin Smith, his heir and assigns
" in manner and form following, that is to say, that he, the said Benjamin
" Smith, his heirs and assigns, paying the said yearly rent of one pound in
" manner and form aforesaid, and also performing, fulfilling and keeping
" all the articles, clauses, conditions, provisions and agreements herein con-
" tained, which on his or their part are or ought to be observed, performed,
" fulfilled and kept according to the true intent and meaning of these
" presents, shall and may lawfully, peacefully and quietly have, hold and
" occupy, possess and enjoy the said land and tenement and all other, the
" said hereby demised premises with the appartenances, for and during the
" said term of thirty years hereby granted, without any lawful let, suit,
" trouble, denial, eviction, molestation or hindrance of or by any said chiefs
" of St. Regis, their heirs or assigns, or of or by any person or persons
" whatsoever claiming or to claim by or from or under them or any of them,
" or by or through their or any of their acts, means, consent, neglect, default
" or procurement. Reserving always the assent of Government to this
" lease, to be signified by the sign manual of the governor in chief without
" which this lease cannot be final. And reserving also for the proper use,
" benefit and behoof of our Sovereign the King and his heirs, all mill seats
" and all mines of gold, silver, copper, tin, lead, iron and coal that now is
" or may be hereafter discovered on said premises.

" In witness whereof, the parties to these presents have hereunto set
" their hands and seals at Dundee, the day and date first above written."

(Signed,)	WISHE ARONTINEN,	(L.S.)
"	TRENSI TEHOTENALIGA,	(L.S.)
"	WISHE TEGARIHONTE,	(L.S.)
"	TIER AOWENHIENNA,	(L.S.)
"	RASAR ANAWAMIN,	(L.S.)
"	AREKSIS TIOTAGARAN,	(L.S.)
"	TIER GARONAIRAGUA,	(L.S.)
"	BENJ. SMITH.	(L.S.)

Signed, sealed and delivered in the presence of
(Signed,) JOHN DAVIDSON,
ORLANDO BRUNSON.

"Recommended"
(Signed,) JOHN JOHNSON,
Superintendent General Indian Affairs.

(Signed,) P. MAITLAND,
M. G. Com'dg.

By Command.
(Signed,) H. C. DARLING,
Mil. Sec.

25th September, 1824.

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The instructions of 1822 do not seem to have been at all strictly followed in the subsequent years; for it will be seen on reference to the table already alluded to, that a number of leases were afterwards granted, which were not approved of in the manner and form required.

On the twenty-first of March, 1829, D. C. Napier, who would appear to have been Quebec Superintendent of Indian affairs, addressed a letter to Lieut.-Col. Cowper, the Military Secretary at Quebec—of which the following is an extract: "The Iroquois Indians of St. Regis " possess the undermentioned lands and islands in Lower and Upper Cana- " da, which were allotted to their use and benefit by the late Sir Frederick " Haldimand soon after the peace of 1783, in lieu of the lands previously " occupied by these Indians as their hunting grounds * * * * Eight " concessions in the reservation called Dundee, in Lower Canada and bet- " ween the Salmon River and the Township of Godmanchester; also the " reservation commonly denominated the Parish of St. Regis, forming a " tract of land between the Salmon River and the Village of St. Regis, etc."

In 1831, the Legislature of Lower Canada, by an Act, 1st William IV. chap. 39, declared:—"That the tract of land heretofore known by the name " of the Indian Reservation of St. Regis and Dundee or the Indian Lands, " that is to say, all that tract of country included between Lake St. Francis, " the Province Line and the Township of Godmanchester, shall be hereaf- " ter known and designated by the name of the Township of Dundee, etc."

The following is an extract from the report of a committee of the Executive Council of the late Province of Lower Canada, dated the thirteenth of June, 1837:—"The Indians of St. Regis belonging to the same Iroquois " Tribe, but numbering only three hundred and eighty-one souls, occupy " a tract in that vicinity of about twenty-one thousand acres of excellent " soil, and also possess a large reservation on the opposite shore of the St. " Lawrence in Upper Canada, and several islands in the river, the whole " amounting to about fifty thousand acres. To these tracts they have no " other title than their ancient occupancy of them as a part of their former " hunting grounds, confirmed by the Royal Proclamation of 1763. The " greater part of the tract in the Province appears to have been leased by " the Indians, with the sanction of the government, for periods varying " from thirty to ninety-nine years and at low rents."

From the report on the affairs of the Indians in Canada, laid before the Legislative Assembly on the twentieth of March, 1845, by Messrs. R. W. Rawson, John Davidson and William Hepburn, Commissioners appointed to that end, the following extract is made respecting the Iroquois of St. Regis: "Their title was originally a mere occupancy for the purpose of " hunting, but it was recognized and acknowledged by the government of " France before the conquest, and was subsequently secured to them by " that of England in common with all similar titles existing at the time of " the conquest."

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In 1864, the parliament of Canada, by an Act 27-28, Vict. chap. 68, undertook to settle the tenure of the settlers. In the preamble it is recited that: "The township of Dundee, in Lower Canada * * * * was "set apart for the use and benefit of the Indians of the tribe of Iroquois, "and St. Regis at an early period by the government of Canada, as an In- "dian Reservation." In 1871, the parliament of Canada again legislated on the question and adopted an Act 34 Vict. chap. 27: "To prolong for a "certain time the term allowed for the redemption of rents reserved on "certain Indian lands in the township of Dundee."

From the foregoing, the undersigned conclude that at a very early period in the history of Canada the occupancy of the Dundee lands was vested in the Indians, and that they were recognized as occupants by the Government of Canada; that at least since 1819 they have been considered the proprietors of these lands by the acquiescence of the Government, in becoming parties to, and approving of, the leases granted by the Indians, and by the acceptance for them of the rent therefor; that the Legislature of Lower Canada and the Parliament, as well of the former Province of Canada, as that of the Dominion of Canada, have, at various times, recognized the validity of their title thereto; that it would be exceedingly impolitic and unwise, not to say unjust, at this day, to put in question, or to raise a doubt as to, the validity of their ownership, except so far as by their own acts and consent they have parted with the same.

Before proceeding to consider the second question in the order of reference, the undersigned think it important to call your attention to the nature of the holdings of the settlers, inasmuch as this subject formed the matter for a good deal of discussion by the learned counsel who were charged with the management of the enquiry. It may safely be conceded, at the outset, that the greater extent, if not the whole, of the Township of Dundee was at one time, if not now, under lease from the St. Regis Indians; and the question for consideration is the nature of these leases, and the extent of the rights which they confer. It will be observed from the table to which reference has already been made, that by far the greater number of lots were leased for the period of ninety-nine years, renewable for a like period up to either nine hundred and ninety-nine or one thousand years. It was submitted for our consideration, whether they were by their nature and terms emphyteutic or not. The Civil Code of Lower Canada, Art. 567, declares that "emphyteusis or emphyteutic lease is a contract by "which the proprietor of an immovable conveys it for a time to another, "the lessee subjecting himself to make improvements, to pay the lessor an "annual rent, and to such other charges as may be agreed upon." The Commissioners charged with the preparing of the Civil Code of Lower Canada, in their report say:—"Such was its definition in the old law, "which admitted perpetual emphyteusis as well as that which was for a "term of years only; that the rent must be annual, otherwise it would be

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"another contract, and that the obligation of improving is indispensable." It will be observed that these leases, of which specimens are above given, contain the obligation to pay an annual rent, but no reference is made to improvements. Argou says: "That the emphyteutic lease, taken in its "true sense, is a contract by which the proprietor of a heritage cedes to an- "other its possession, subject to the charge of making improvements "* * * * * and of paying an annual rent * * * * * This contract is "susceptible of all the agreements which the parties may wish to insert "in it."

Denisart defines it as "a lease of a heritage made for a term of years, "on the charge of paying an annual rent."

Ferrier, in his "Dictionnaire de Droit," says:—"Emphyteusis is a "Lease for a number of years of a heritage on the charge of cultivating and "improving it, subject to the payment of a moderate annual rent, and "generally also, by the Lessee paying at the time of the contract, a certain "sum. The annual rent is absolutely of the essence of the contract, other- "wise it would not be an emphytentic lease." It will be remarked that all, or nearly all, the leases contain a declaration that a certain sum has been paid in consideration of their execution. In 1881, His Honor Mr. Justice Jetté, in the Superior Court at Montreal, in the case of Cossit *et al.*, vs. Lemieux, and Rattray, Petitioner, to be found in the 25th Vol. of the Lower Canada Jurist, p. 317, concerning a lease, couched in language very much similar to that used in these leases, namely: "Leased, demised, "granted, and to farm let," decided, after an exhaustive enquiry, and cita- tion of numerous authorities, "that before the Code came into force (which "was on the 1st August, 1866), the obligation of making improvements "mentioned in Art. 567, was not necessary, not being essential to give to "the lease the character of emphyteusis."

Another question which engaged our attention was as to the leases which extended beyond the period of ninety-nine years. The Civil Code of Lower Canada, Article 568, is in the following terms:—"The duration of emphyteusis cannot exceed ninety-nine years, and must be for more than nine years." The Commissioners, in their report on this Article, say that the old law "admitted perpetual emphyteusis, as well as that which was "for a term of years only. It is not so with us now; the statute "prohibits perpetual lease and declares that in no case it shall exceed "ninety-nine years. Thus it was necessary to declare in our Article that "the cession must be for a limited time" And in speaking of the modes by which emphyteusis ends, they say, "On the first paragraph it may be "observed that the restriction which limits to ninety-nine years, the "duration of the lease consented for a longer period or without any fixed "term is due to our recent legislation. Under the old jurisprudence this "kind of lease could be created for any number of years, and even for ever,

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" if such were the agreement of the parties, or if they had made none as to " its duration. Our statute, by introducing this change, has followed the " example of the Code Napoleon which (Art. 530) declares that all perpetual " rents imposed upon an immovable are always redeemable."—Argou.

" It can last to perpetuity. It can end after a certain time, such as " ninety-nine years, fifty years, thirty years, etc."—Ferrier. " It is gener- " ally made for twenty, thirty, forty, fifty, sixty, or ninety-nine years, which " is the term that an emphyteutic lease cannot exceed."—Troplong. " Formerly it was granted for perpetuity, but afterwards for ninety-nine " years. It could be given for a less time, but it was necessary that it " should embrace a long series of years."—Denisart. " Emphytesuis is a " lease of a heritage made for a term exceeding nine years and less than " one hundred."

Another question and, possibly the most important of all those which were submitted for our consideration, is as to the disposition of the improvements made on the property by the lessees. The Civil Code. Art. 582, declares "as to improvements which the lessee has made voluntarily, without " being bound to do so (as in this case), the lessor has the option of either " keeping them upon paying what they cost or their actual value, or per- " mitting the lessee, if the latter can do so with advantage to himself, " and without deteriorating the land, to remove them at his own expense, " otherwise in each case they belong without indemnification to the lessor " who may nevertheless compel the lessee to remove them in conformity " with the provisions of Art. 417."

The Commissioners in their report say : " Whatever may be the cause " which puts an end to the lease, the lessee must restore in good condition " the immovable itself as well as the works which he was obliged to make, " but not those he made without being bound to do so. As to all the im- " provements of whatever nature they may be, which he has thus volun- " tarily made, the lessor may retain them by paying their value or what " they have cost, or compel the lessee to take them away at his own expense " if it can be done with advantage for himself and, without deteriorating " the ground." Argou says : " If the lessee has constructed buildings or " made other improvements to which he was not obliged, it is judged at " the Parliament of Paris that he cannot ask to be remunerated when the " lease is finished and that he is even not permitted to carry away the " materials. When the lease is finished, the lessee or his heirs are bound " to deliver up in good condition, not only the place that has been leased " to them, but also the buildings and other improvements which they were " not bound to make by the contract, because it is in view of these impro- " vements that the heritage was given to them at a moderate rent." Denisart says : " When the lease has expired, the lessee must give " up the property in the state in which it is, without being able to

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"demand any renumeration for the improvements he has made." Troplong says, "Constituted usually to improve the property, it is "necessary that the lessee should find in his long enjoyment of it the indemnity for his advances and for his work." Argou, in that part of the quotation above cited, where he speaks of what has been decided at the Parliament of Paris, with reference to improvements made by the lessee, says, "This jurisprudence is founded on the principle that the lessee knew "that he was building upon the property of another. It must, however, "be admitted that this is very severe, and contrary to the sentiments of the "greater number of authors who have written on this subject."

It becomes necessary, in considering this question of improvements, made by the lessee, to refer to art. 417 of the Civil Code, which treats of ownership, and refers to improvements made by the possessor with his own materials, and whether the possession be in good or bad faith. If the improvements were necessary, the proprietor of the land must pay what they cost, saving in the case of bad faith, compensation of rents, issues and profits. If they were not necessary, and were made by a possessor in good faith, the proprietor must, if they still exist, pay their cost or the extent to which the value of the land has been augmented, but if the possessor be in bad faith, then the article is similar in its provisions to the terms of art. 582. It must be confessed that there is a good deal of difficulty in reconciling these two articles. The codifiers, in treating on art. 417, remark, "although this article may appear new, it is nevertheless proposed as actual "law, inasmuch as it adheres to the principles of equity, upon which all "the distinctions established in this matter are based. The right of invert-"ing the mode of settlement by demanding the value of the land, not of "his own accord, but with the sanction of the courts, is given to the propri-"etor. It cannot, therefore, be said that this is altogether a violation of "the maxim that what is built on the soil belongs to the soil: a maxim "moreover which is infringed by any system of compensation whatever. "As regards the possessor, he cannot complain of being obliged to pay for "the soil, instead of losing it, and to retain very considerable improve-"ments, which he made without ever expecting they would be taken from "him. The compromise suggested is also a protection against any specula-"tion which a possessor whose good faith was merely legal, owing to his "not having been put in default, might attempt in respect of an adverse "right which he knew to exist."

The case cited by Mr. Davidson, of Lawrence vs. Stuart, decided by the Court of Appeals, in 1856, and to be found in the 6th Vol. Lower Canada Reports, page 294, has some application to the present matter in several particulars.

There the Respondent was in possession of a lot of land under transfer of a lease which had been granted by the Crown for twenty-one years. Judge Caron who was afterwards chairman of the Board of Commissioners

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for the codification of the Civil Code, rendered the judgment and decided that the lease was an emphyteutic one, and that as it contained no obligation to make improvements, the principal question involved, was whether the lessee was entitled at the expiration of the lease to be indemnified; and he said: "The jurisprudence most generally followed in France, and the "most numerous and most respectable authors agree in declaring that the "reimbursement for improvements to the farmer, lessee, and even emphy-"teutic lessee, is to be allowed. From all the authors it is established "that the farmer, the lessee, emphyteutic or otherwise, the possessor in "good faith, and even the possessor in bad faith, have a right to recover "the value of their improvements, at least to the extent of the greater "value which they give to the immovable; the principle applicable in all "these cases being that no one should enrich himself at the expense of "another." In this case the improvements consisted of clearing land, building house, barns and other out-buildings, erecting fences, etc. Proceeding, the learned Judge remarked: "In this case all the improvements "are useful, many are necessary, all increase the value of the property to "the extent of what they are worth, or what it would cost to make them. "They are permanent improvements which enrich the proprietor and which "would have enriched the Crown, had the lot not been disposed of, the "Appellant, therefore has a right to his improvements to the extent of the "value which they have given to the immovable."

In the case of Stuart against Eaton, decided by Mr. Justice Short in 1857, and reported in the Lower Canada Reports, vol. 8, p. 113, the Defendant was a squatter who had made substantial improvements upon real property occupied by him without the consent of the proprietor.

The learned Judge, in rendering judgment, said:—"The improve-"ments, as established by the witnesses on both sides, are of a substantial "character, and have rendered the real property of much greater value. "The courts have been reluctant to grant to the possessor *de mauvaise foi* "compensation for improvements beyond the value of the rents and profits. "Pothier inclines to this opinion as a general rule. Although the present case "is unlike the exceptions cited by Pothier, when the possessor *de mauvaise foi* "may be compensated for improvements, when he is treated as 'excusable,' in "my judgment, the peculiar circumstances of this country as a new country, "and the manner in which large tracts of land have been granted, by which "great uncertainty and difficulty attend in many cases the ascertaining of "titles, and the encouragement always extended by our Government to "actual settlers, afford sufficient reason to render the possession excusable "to the extent necessary to enable the possessor to receive compensation "for the excess of his improvements beyond the rents. Besides it is founded "in justice and based upon the recognized maxim of the civil law '*nemi-*"*nem æquum est cum altarius detrimento locupletari.*' This subject is well "discussed in Guyot's Repertoire, verbo amelioration, in which, among other

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" thing is found the following: ' *Nous pouvons donc établir pour règle certaine*
" *que le propriétaire qui revendique un fonds ne doit jamais s'enrichir au dépens du*
" *possesseur de bonne ou mauvaise foi, n'importe de quelle manière cette maxime doit*
" *être mise en usage.*' The Plaintiff therefore must be declared proprietor
' and must have possession of the land upon paying the Defendant the
" excess of the value of the betterments beyond the rents."

In the case of Ellice against Courtemanche, decided in the Court of Queen's Bench in 1867, and reported in the 17th Vol. of the Lower Canada Reports, page 433, being an action to dispossess a party who was in possession of a lot of land without title, but with the owner's knowledge, Mr. Justice Caron, who had but a short time previously finished with his co-commissioners the codification of the Civil Code, said: " L'on re-
" marquerait que les améliorations en question sont d'une nature permanente
" et ne pouvant s'enlever, il faudrait absolument que le Demandeur en profite
" et que le Défendeur en souffre, s'il ne lui a pas accordé d'indemnité. Le
" Défendeur n'est pas dans cet état de mauvaise foi qui puisse le sou-
" mettre à la rigueur du dernier paragraphe, de l'article 417, de notre Code.
" Je suis donc d'avis, que le Défendeur n'est pas de mauvaise foi et peut
" se prévaloir des dispositions du troisième paragraphe de l'article 417; que
" le Défendeur ayant payé les taxes, possedé aux vu et sçu des agents du
" Demandeur, et fait à leur connaissance les améliorations dont il demande le
" remboursements,doit être payé de ce qu'il a depensé pour augmenter aussi
" la valeur de la propriété du demandeur."

In the case of Galarneau *et al.*, vs. Chrétien, decided by the Court of Review, Quebec, composed of Chief Justice Meredith and Judges Stuart and Casault, in 1884, reported in 10th Vol of the Quebec Law Reports, p. 83, which was the case of a squatter in possesion of a lot of land to which he knew he had no right, Sir William Meredith, in rendering judgment, alluded to the judgments which had been rendered in the cases above referred to, of Stuart vs. Eaton, Laurence vs. Stuart, and Ellice vs. Courtemanche, and in speaking of the applicability of art. 417 to the case then under consideration, said:—" The improvements spoken of in the first and
" subsequent paragraphs of this article are improvements made by a
" possessor with his own materials, and it may be contended that improve-
" ments made by clearing land ought not to be considered improvements
" made by a person with his own materials. On the other hand, the clearing
" of land, by the removal of the timber of the owner, is certainly not a
" more favorable improvement than the building of a house with one's own
" materials, and probably the rules expressly laid down with respect to one
" description of improvement, may be considered applicable to other
" improvements of a not more favorable character and of the same nature.

" The clearing of land is one of the most common improvements of
" real estate in this country. There is nothing in the Code nor in the
" Reports of the Commissioners to show they intended that the provision

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" of the Code should not apply to improvements by the clearing of land,
" and on the contrary, Mr. Justice Caron (who had been President of the
" Commission) in Ellice v. Courtemanche, 17 L.C.R., p. 433, refers to the
" bearing of article 417, now being considered upon a claim for improve-
" ments such as urged in this case. The Defendant's claim, in so far as
" regards the house and barn built, and the fences erected by him, must be
" determined by the rules laid down in article 417, and it would seem
" strange if the other improvements made by him on the same land and
" under the same circumstances, ought not to be governed by the same law.

" On the whole, although the question may not be free from difficulty,
" I think the provisions of article 417 are applicable to the present case,
" even as regards the Defendant's clearance, and if that be true, there can
" be no doubt that the judgment in favor of the Defendant should be
" reversed, and I am further of opinion that if article 417 ought not to be
" deemed applicable to the clearance made by the Defendant, that then we
" ought to be guided, as to that clearance, by the rules laid down by Po-
" thier, and that according to those rules, the bad faith of the Defendant
" cannot be deemed excusable. For these reasons I am of opinion that the
" judgment in his favor ought to be reversed."

The undersigned approach the solution of the various questions involved in the leases, and in the pretensions of the parties regarding the improvements, as submitted by their respective counsel, with no small degree of hesitancy; and were they called upon to pronounce a judicial decision thereon, in face of the authorities and judgments above quoted, they would be much embarrassed; but regarding their functions rather as advisers charged with taking an equitable view of the situation, they respectfully submit:

1st, that the leases, are emphyteutic;

2nd, that those the term of which extends beyonds ninety-nine years, must be limited to that period;

3rd, that under the leases, the tenants had a right to alienate, transfer, and hypothecate the rights which they possessed;

4th, and lastly, that as the lessees took their respective lots of land in a state of nature,and that as it is apparent from the terms of the leases that it was intended that the land was to be cleared, cultivated and built upon for farming purposes, they should be regarded as possessors in good faith; and under the provisions of art. 582 of the Civil Code, taken in connection with art. 417, that they are entitled, in any settlement which may be made, to have the additional value which their improvements have given to their respective lots, taken into account.

The foregoing may be considered as giving the views of the undersigned regarding the 2nd question submitted to them:—"as to a fair mode of treating the settlers, especially in respect to their improvements on the said land."

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The practical solution of all the difficulties attending this whole matter is sought for in the 3rd and final question upon which the undersigned are asked to express an opinion "as to the best mode of finally settling the questions at issue."

It is difficult to determine precisely from any information which the undersigned were able to gather, the exact number of acres in the township of Dundee, which are under lease or which are held as if leased. The late Mr. Wm. Spragge, Deputy Superintendent General of Indian Affairs, in his Report of date 18th March 1864, says that: "The lands in question .... comprised, according to Deputy Surveyer McCarthy's Map, dated 15th April, 1809, exclusive of the marsh meadows in front, about 18650 acres." The valuation roll of the municipality gives the acreage as if it were 20334; and apparently about 5476 acres of these are covered by short leases or leases of thirty years, the greater number of which have already expired. It would appear from the correspondence which is in the Department of Indian Affairs, that the present difficulty had its origin in the repeated and persistent demands made by the Indians that the settlers holding under these short leaves should abandon their respective lots, in order that they, the Indians, might be put in possession of them. The undersigned were, for some time, disposed to think that it would perhaps be practicable to arrange, by purchase or otherwise, with the settlers on the west side of the Salmon River, for the extinction of their claims, in order that the lands occupied by them might be divided into small holdings and given to such of the Indians living at St. Regis, as might desire to settle upon and cultivate them; but the investigation had not proceeded far in this direction before it became very evident that the sum of money which would be required to purchase the settlers claims, would be largely in excess of the amount which could reasonably be expected to be realized from the settlers on the east side of the Salmon River, in the redemption of their holdings.

It was pretty well established that the number of Indians who would be likely to avail themselves of an opportunity such as that above indicated, would be, for the present at least, limited. In fact, it would appear that out of the total number of the male population of the tribe, now numbering nearly six hundred, only some forty or fifty can be said to be really, practically, or at all successfully, engaged in agricultural pursuits; but it was urged that if the opportunity were offered, a considerable number of the younger male members of the tribe would be disposed to take up holdings and devote themselves to agricultural pursuits.

Within the Indian reservation proper, that is to say, the portion which is not under lease, and which is supposed to be occupied exclusively by the Indians, there are about four thousand four hundred and ninety acres, and of this only about one half can be said to be at all improved. The other half is unoccupied and unimproved; but from observation and from the

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evidence offered, it is apparent that the portion of the reserve under lease, apart from the Islands, is decidedly the most valuable for farming purposes; and that the remaining portion, occupied exclusively by the Indians, does not offer equally advantageous conditions for carrying on profitably agricultural operations, owing to the light sandy condition of the soil. Some very remarkable cases of successful farming were laid before the undersigned, on the part of several members of the tribe, living on Cornwall Island. Some of them are living in the enjoyment of all the advantages which civilisation affords, making use of the latest implements of agriculture, educating their children and generally showing as many signs of progress as are to be found among any of their white neighbours; but, unfortunately, this number is very small, as compared to the total membership of the band.

To settle the difficulty in such a way as, while quieting the settlers in their possession, to do justice to the Indians who are entitled to the sympathy and kindly consideration of the country at large, and particularly of the Government which is charged with their care and the administration of their affairs, is a most important question, beset with difficulties of a more or less serious character.

There would seem to be but one solution and that based upon the principle of commutation. Mr. Davidson directed attention to the case of the Glengarry settlers who held their lands under leases very similar to those of Dundee, and where the Government commuted upon the payment of one dollar and twenty-five cents per acre for the lots in the ranges fronting on the river, and for one dollar for the lots of the back ranges, and also to the case of the Durham Indian lands, for which provision was made by an Act of the late Parliament of Canada, 19th Vic. chap. 4 (1856). In this latter case, the settlers were allowed to commute by paying a capital sum which, at six per cent., would represent a rent of five dollars per hundred acres previously paid as rent, or less than one dollar per acre. He also called attention to the two Acts already alluded to, which had reference to these Dundee Lands—27-28 Vic. chap. 27 and 34 Vic. chap. 27. The former Act contemplated the commutation of the lands held under the long leases at one dollar per acre; but for some unaccountable reason, provision does not seem to have been made for the short or thirty-year leases, many of which had at that time (1864) expired; and it is evident from the Report of Mr. Spragg above cited, and which, as he says, alluded to and was intended to cover the provisions of "the proposed bill," that its provisions were intended to apply only to the longer or ninety-nine year leases. It is difficult to get any explanation concerning this Act and the causes which led to its adoption, as the newspapers of the day give very little information about the bill or the discussion which took place on it. It seems to have been introduced by a private member, in the Legislative Council; and the Government allowed it to pass

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without objection. The later Act distinctly provided for another and altogether different system of commutation, and declared in express terms, that the settlers might commute on paying such price "as should be deemed sufficient, but excepting from the valuation the increased value arising from the improvements." This system of settlement is in harmony with the conclusions arrived at by the undersigned as above stated. Strange to say, that not one of the settlers of Dundee availed himself of this opportunity to commute and to acquire a good title to his land, by the mode of settlement provided in either of the above cited Acts. Taking some instances in the valuation roll of the township, and comparing the values therein given with the values as given under oath by the settlers of their respective properties, and the value similarly given by them of their improvements, we shall get an idea of what they regard as the present value of their lots, apart from the improvements made.

Name of occupant.	Lot.	Range.	No. of acres.	Assessed value.	Value of Improvements as given by claimants	Total value as given by claimant.	Value of naked land per acre as shown by claimants' statement.
[illegible] Plamondon...	5	Chenaille	100	$ 985	$2500	$4800	$23.00
Harriet Campbell .	2	1	100	1050	1400	1750	3.50
James Davidson ...	8	6	100	1615	800	2500	17.00
Nicholas Farlinger.	6	Bittern Island	100	....	3000	3620	6.20
Duncan Murchison.	11	1	100	2530	3000	6000	30.00
Chas. M. Farlinger .	29	1	100	2565	7000	8000	10.00
							Average : $14.95 per acre.

These cases might perhaps serve as a basis upon which to strike an average acreage value, and taking that in connection with the value of these same lands, were they still in a state of nature and with their present surroundings, the undersigned would, from all the information procurable, be disposed to consider that five dollars per acre in some cases was not too high a figure, while in others, one fifth of that sum or one dollar per acre, would be quite enough. They are, therefore, inclined to adopt a medium figure, which they fix at two dollars and fifty cents per acre. In order to end effectively the present difficulties, and to quiet all the holders of lands in the Township of Dundee, the undersigned would recommend that on the payment of fifty thousand dollars and all arrears of rent, the government, having first secured the surrender by the Indians of their title, should grant letters patent to all the present holders of lots in the town-

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ship, free of further charge. In order to accomplish this it will be necessary for the Township of Dundee to secure legislative authority for the issue of debentures, from the sale of which, to realize the above sum. The assessed value of the township, according to the valuation roll at present in force is $359,485; and the valuation seems to have been fairly made, and certainly not too a high value has been placed upon most of the properties, if one is to judge according to the statements given by the settlers themselves in their evidence. The average farm of one hundred acres, assessed at, say $2,250 would pay about $25 per annum, and this covering a period of twenty years (during which time no rent would be paid) for the complete purchase of his farm and the acquisition of a perfect title. Again, regarding it from the Indians' point of view, it is advantageous and should meet with approval. These lands now give the tribe an annual rental of about $850: whereas if our recommendation is approved and acted on, they will have a capital representing and producing a much larger sum—a portion of which can, if thought advisable,—under your judicious management, be invested in the purchase of lands in the vicinity adjoining the present reserve or elsewhere, for such members of the tribe as may desire to devote themselves to agricultural pursuits. The Revd. Father Mainville, the zealous missionary, who has charge of the spiritual wants of the Roman Catholic members of the tribe, suggested that an arrangement might possibly be made with the Provincial Government to place a certain number of the more promising young men in the agricultural colleges and the young women in other schools, and thus fit them for usefulness when they returned to the tribe.

The undersigned cannot conclude their report without expressing their high appreciation of the valuable assistance which they received from the counsel engaged in the enquiry, Messrs. Davidson and White, without whom the investigation would have been considerably prolonged, and the information obtained presented in a much less acceptable form. They cannot speak too highly of the zeal and ability displayed by both of these gentlemen in the management and protection of the interests committed to their care. They are also deeply indebted to J. Scriver, Esq., M.P., for the active interest which he manifested in the enquiry by advising and encouraging the settlers to effect a settlement of this long pending difficulty.

Respectfully submitted,

GEO. W. BURBIDGE,
W. W. LYNCH,
A. DINGMAN.

Ottawa, 13th [illegible] 43

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LEASES PRODUCED.

1819—36 for 99 years, renewable for 1000 years.
1820— 5 " " " " " " "
1820— 1 " " " " " 999 "
1821—18 " " " " " " "
1822— 1 " " " " " " "
1823— 3 " " " " " " "
1823— 1 " 30 " (not approved.)
1824— 3 " 30 " (approved) and 2 for 30 years, not approved.
1825— 2 " " " "
1826— 2 " " " "
1826— 1 " " " "
1828— 1 " " "
1829— " " to date from 1818, under in. of 1822.
1830— " 30 " (approved.)
1831— 2 " 99 "
1833— 1 " 99 " to date from 1819, under in. of 1822.
1834— 1 " 99 " " " 1820, " "
1835— 1 " 99 " " " 1819, " "
1836— 1 " 99 " " " 1820, " " renewable up 999.
1836— 1 " 30 " (approved.)
1836— 1 " 30 " (not approved.)
1837— 1 " 99 " to date from 1819, under in. 1822.
1837— 1 " 99 " and renewable for 99 years.
1837— 1 " 99 " " " up to 999 years.
1838— 1 " 99 " to date from 1819, under in. 1822.
1846— 1 " 30 " (not approved.)
1847— 1 " 99 " to date from 1819, under in. of 1822.
1849— 1 " 30 " (approved.)
1850— 1 " 99 "
1854— 1 " 30 " (not approved.)
1854— 1 " 30 " and renewable for 30 years.
1856— 3 " 30 " (not approved.)
1857— 2 " 30 " " "

Total number of leases produced, 99.

Leases mentioned in Department Books and Papers, and not produced.

1819—10 Leases Granted.
1820— 1 " "
1821—14 " "
1823— 3 " "
1824— 4 " "
1826— 1 " "
1828— 1 " "
1830— 1 " "
1837— 1 " "
1843— 1 " "
1854— 1 " "
1855— 2 " "
1856— 2 " "
1860— 1 " "
Total..... 43

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Poor Copy.

LEASES PRODUCED.

1819—36	for	99	years,	renewable	for	1000	years.
1820— 5	"	"	"	"	"	"	"
1820— 1	"	"	"	"	"	999	"
1821—18	"	"	"	"	"	"	"
1822— 1	"	"	"	"	"	"	"
1823— 3	"	"	"	"	"	"	"
1823— 1	"	30	"	(not approved.)			
1824— 3	"	30	"	(approved) and 2 for 30 years, not approved.			
1825— 2	"	"	"	"			
1826— 2	"	"	"	"			
1826— 1	"	"	"	"			
1828— 1	"	"	"	"			
1829—	"	"	"	to date from 1818, under in. of 1822.			
1830—	"	30	"	(approved.)			
1831— 2	"	99	"				
1833— 1	"	99	"	to date from 1819, under in. of 1822.			
1834— 1	"	99	"	"	"	1820,	"	"
1835— 1	"	99	"	"	"	1819,	"	"
1836— 1	"	99	"	"	"	1820,	"	" renewable up 999.
1836— 1	"	30	"	(approved.)				
1836— 1	"	30	"	(not approved.)				
1837— 1	"	99	"	to date from 1819, under in. 1822.				
1837— 1	"	99	"	and renewable for 99 years.				
1837— 1	"	99	"	"	"	up to 999 years.		
1838— 1	"	99	"	to date from 1819, under in. 1822.				
1846— 1	"	30	"	(not approved.)				
1847— 1	"	99	"	to date from 1819, under in. of 1822.				
1849— 1	"	30	"	(approved.)				
1850— 1	"	99	"					
1854— 1	"	30	"	(not approved.)				
1854— 1	"	30	"	and renewable for 30 years.				
1856— 3	"	30	"	(not approved.)				
1857— 2	"	30	"	"	"			

Total number of leases produced, 99.

Leases mentioned in Department Books and Papers, and not produced.

1819—10	Leases	Granted.
1820— 1	"	"
1821—14	"	"
1823— 3	"	"
1824— 4	"	"
1826— 1	"	"
1828— 1	"	"
1830— 1	"	"
1837— 1	"	"
1843— 1	"	"
1854— 1	"	"
1855— 2	"	"
1856— 2	"	"
1860— 1	"	"
Total.....	43	

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5045-5

IN THE MATTER OF THE ARBITRATION.

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

STATEMENT OF CASE OF THE DOMINION.

ON INDIAN CLAIMS

ARISING OUT OF THE

"ROBINSON TREATIES."

VS.

The Provinces of Ontario and Quebec conjointly.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

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IN THE MATTER OF THE ARBITRATION.

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IN THE MATTER OF THE ARBITRATION.

FOR SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 & 55 VIC. CAP. 6, CANADA; 54 VIC. CAP. 2, ONTARIO; AND 54 VIC. CAP. 4, QUEBEC.

Filed the 25th day of January 1897

STATEMENT OF CASE of the Dominion relating to the claims of the Ojibeway Indians of Lake Huron and Lake Superior for arrears of increased annuities, under the treaties made by the Hon. W. B. Robinson in the year 1850.

1

The questions which the Arbitrators are called upon to decide in this case, arise out of certain claims which the Ojibeway Indians of the Lake Huron District, and the Lake Superior District have made for the payment to them of certain arrears of increased annuities, which it is submitted by the Dominion of Canada on behalf of these Indians, should be paid to them, and which arrears of increased annuities, should be charged to the Province of Canada account.

2

Prior to and in the year 1850, the Ojibeway Indians inhabited large tracts of land on the Eastern and Northern shores of Lake Huron, and on the Northern shore of Lake Superior, which tracts of land were within the bounderies of the then Province of Canada. At the date first above mentioned, 1850, the administration of Indian Affairs within the Province of Canada, was in the hands of Her Majesty the Queen, and the management of the business with the said Indians was conducted by officers and agents appointed by the Government of Great Britain.

3

In the said year 1850, the Honorable William Benjamin Robinson was duly authorized by Her Majesty, represented by the Government of the Province of

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Canada, to negotiate and enter into agreements with the above named Indians, for the extinguishment of their title to, and to obtain cessions of portions of the tracts of land occupied and inhabited by them, for the purpose of opening up the said lands for settlement, and developing the mineral resources of the same, and on the 9th day of September, 1850, an agreement was entered into between the said Hon. W. B. Robinson on behalf of the Queen, and the Ojibeway Indians of the Lake Huron District, which agreement is in the words and figures following :—

"This agreement made and entered into, this ninth day of September, in the year of Our Lord, one thousand eight hundred and fifty, at Sault Ste. Marie, in the Province of Canada, between the Honorable William Benjamin Robinson of the one part, on behalf of Her Majesty the Queen and Shinguacouse, Nebenaigoching, Keokouse, Mishequonga, Tagawīnini, Shabokishick, Dokis, Ponekeosh, Windatagowinini, Shawenakeshick, Namassin, Naoquagobo, Wabakekik, Kitchepoxssigun by Papasainse, Wagemaki, Pamequonaisheung, Chiefs, and John Bell, Paqwatchinins, Nashekyash, Idowekesis, Waquacomick, Ocheek, Metigomin, Watachewana, Minwawapenasse, Shenaoquom, Oningegun, Panaissy, Papasainse, Ashewasega, Kageshewawetung, Shawonebin; and also Chief Maisquaso (also Chiefs Muckata, Mishoquet and Mekis and Mishoquetto and Asa Waswanay and Pawiss,) principal men of the Ojibeway Indians, inhabiting and claiming the Eastern and Northern Shores of Lake Huron, from Penetanguishine to Sault Ste. Marie, and thence to Batchewanaung Bay, on the Northern Shore of Lake Superior, together with the Islands in the said Lakes opposite to the shores thereof, and inland to the height of land, which separates the territory covered by the charter of the Honorable Hudson Bay Company from Canada; as well as all unconceded lands within the limits of Canada west to which they have any just claim of the other part witnesseth:

That for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada, to them in hand paid, and for the further perpetual annuity of six hundred pounds of like money the same to be paid and delivered to the said Chiefs, and their Tribes, at a convenient season of each year, of which due notice will be given, at such places as may be appointed for that purpose, they, the said Chiefs and principal men, on behalf of their respective Tribes or Bands do hereby fully, freely, and voluntarily surrender, cede, grant and convey unto Her Majesty, her heirs and successors forever all their right, title, and interest to, and in the whole of, the territory above described, *save and except the reservations set forth in the schedules hereunto annexed; which reservations shall be held and occupied by the said Chiefs and their Tribes in common, for their own use and Benefit.*

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And should the said Chiefs and their respective Tribes at any time desire to dispose of any part of such reservations, or of any mineral *or other valuable productions thereon, the same will be sold or leased at their request by the Superintendent-General of Indian Affairs for the time being, or other officer* having authority so to do, for their sole interest, *and to the best advantage.*

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty and the Government of this Province, hereby promises and agrees to make, or cause to be made, the payments as above mentioned, and further to allow the said Chiefs and their tribes, the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof, as they have hitherto been in the habit of doing, saving and excepting such portions of the said territory, as may from time to time be sold or leased to individuals, or companies of individuals, and occupied by them with the consent of the Provincial Government.

That parties of the second part, further promise and agree that they will not sell, lease, or otherwise dispose of any portion of their reservations, without the consent of the Superintendent-General of Indian Affairs, or other officer of like authority, being first had and obtained. Nor will they at any time hinder, or prevent persons from exploring or searching for minerals, or other valuable productions in any part of the territory hereby ceded to Her Majesty as before mentioned. The parties of the second part also agree, that in case the Government of this Province should before the date of this agreement have sold, or bargained to sell, any mining locations or other property, on the portions of the territory hereby reserved for their use; then in that case, such sale, or promise of sale, shall be perfected by Government, if the parties claiming it, shall have fulfilled all the conditions upon which such locations were made, and the amount accruing therefrom, shall be paid to the tribe to whom the reservation belongs

The said William Benjamin Robinson on behalf of Her Majesty, who desires to deal liberally and justly with all Her subjects, further promises and agrees, that should the territory hereby ceded by the parties of the second part at any future period produce such an amount, as will enable the Government of this Province, without incurring loss, to increase the annuity hereby secured to them, then, and in that case, the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound Provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order, and provided further that the number of Indians entitled to the benefit of this treaty shall amount to two-thirds of their present number, which is fourteen hundred and twenty-two, to entitle them to claim the full benefit thereof. And should they not at any

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future period amount to two-thirds of fourteen hundred and twenty-two, then the said annuity shall be diminished in proportion to their actual numbers.

The said William Benjamin Robinson of the first part further agrees, on the part of Her Majesty, and the Government of this Province, that in consequence of the Indians inhabiting French River and Lake Nipissing having become parties to this treaty, the further sum of one hundred and sixty pounds Provincial currency shall be paid in addition to the two thousand pounds above mentioned.

SCHEDULE OF RESERVATIONS MADE BY THE ABOVE-NAMED SUBSCRIBING CHIEFS AND PRINCIPAL MEN.

First.— Pamequonaishcung and his Band, a tract of land to commence seven miles from the mouth of the River Maganetawang, and extending six miles east and west by three miles north.

Second—Wagemake and his Band, a track of land to commence at a place called Nekickshegeshing, six miles from east to west, by three miles in depth.

Third.—Kitcheposkissiga (by Papassinse) from Point Grondine westward, six miles inland, by two miles in front, so as to include the small Lake Nessinassung, a tract for themselves and the Bands.

Fourth.— Wabakekik, three miles front, near Shabawenaning by five miles inland, for himself and Band.

Fifth.—Namassin and Naoquagabo and their Bands, a tract of land commencing near Qacloche, at the Hudson Bay Company's boundary; thence westerly to the mouth of Spanish River, then four miles up the south bank of the said River, and across to the place of beginning.

Sixth.—Shawenakiskick and his Band, a tract of land now occupied by them, and contained between two rivers called Whitefish River and Wanabitasekey seven miles inland.

Seventh.—Windawtegawinini and his Band, the Peninsula east of Serpent River, and formed by it, now occupied by them.

Eighth.—Ponekeosh and his Band, the land contained between the River Mississiga and the River Penewabecong, up to the first rapids.

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Ninth.—Dokis and his Band, three miles square at Wanabeyakokaun, near Lake Nepissing, and the Island near the Fall of Okickandawt.

Tenth.—Shabokishick and his Band, from their present planting grounds on Lake Nipissing to the Hudson Bay Company's Post, six miles in depth.

Eleventh.—Tagawinini and his Band, two miles square at Wanabitibing, a place about forty miles inland, near Lake Nipissing.

Twelfth.—Keokouse and his Band, four miles front from Thessalon River eastward by four miles inland.

Thirteenth.—Mishequanga and his Band, two miles on the Lake Shore, east and west of Ogawaminang by one mile inland.

Fourteenth.—For Shinguacouse and his Band, a tract of land extending from Maskinongé Bay, inclusive. to Partridge Point, above Garden River on the front, and inland ten miles, throughout the whole distance, and also Squirrel Island.

Fifteenth.—For Nebenaigoching and his Band, a tract of land extended from Wanabekineyunnung, west of Gros Cap, to the Boundary of the lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay, and also the small Island at Sault Ste. Marie used by them as a fishing station.

Sixteenth.—For Chief Mekis and his Band, residing at Wasaquesing (Sandy Island) a tract of land at a place on the main shore opposite the island; being at the place now occupied by them for residence and cultivation, four miles square.

Seventeenth.—For Chief Muckatamishaquet and his Band, a tract of land on the east side of the River Naishconteong near Pointe aux Barils, three miles square; and also a small tract in Washanwenega Bay—now occupied by a part of the Band—three miles square.

Signed, sealed and delivered at Sault Ste. Marie, the day and year first above written in presence of—

[Signed]

ASTLEY P. COOPER, Capt. Rifle Brig.

GEORGE IRONSIDE, S. I. Affairs.

F. W. BALFOUR, Lieut. Rifle Brig.

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Twelfth.—Keokouse and his Band, four miles front from Thessalon River eastward by four miles inland.

Thirteenth.—Mishequanga and his Band, two miles on the Lake Shore, east and west of Ogawaminang by one mile inland.

Fourteenth.—For Shinguacouse and his Band, a tract of land extending from Maskinongé Bay, inclusive. to Partridge Point, above Garden River on the front, and inland ten miles, throughout the whole distance, and also Squirrel Island.

Fifteenth.—For Nebenaigoching and his Band, a tract of land extended from Wanabekineyunnung, west of Gros Cap, to the Boundary of the lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay, and also the small Island at Sault Ste. Marie used by them as a fishing station.

Sixteenth.—For Chief Mekis and his Band, residing at Wasaquesing (Sandy Island) a tract of land at a place on the main shore opposite the island; being at the place now occupied by them for residence and cultivation, four miles square.

Seventeenth.—For Chief Muckatamishaquet and his Band, a tract of land on the east side of the River Naishconteong near Pointe aux Barils, three miles square; and also a small tract in Washanwenega Bay—now occupied by a part of the Band—three miles square.

Signed, sealed and delivered at Sault Ste. Marie, the day and year first above written in presence of—

[Signed]

ASTLEY P. COOPER, Capt. Rifle Brig.

GEORGE IRONSIDE, S. I. Affairs.

F. W. BALFOUR, Lieut. Rifle Brig.

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ALLAN MACDONELL,

GEORGE JOHNSTON,

Interpreter.

LOUIS CADOTT,

J. B. ASSIKINACK.

T. W. KEATING.

JOS. WILSON.

W. B. ROBINSON.

SHINGUACOUSE, his X mark (L. S.)

and 37 other Chiefs.

The original of which Treaty is on file in the Department of Indian Affairs and which agreement will hereafter be designated in this statement as the "Robinson Huron Treaty."—4

On the seventh day of the said month of September, 1850, the said Hon. W. B. Robinson, on behalf of Her Majesty the Queen, entered into another agreement, with the Ojibeway Indians of the Lake Superior District, which agreement is in the words and figures following :—

This agreement made and entered into on the seventh day of September, in the year of our Lord one thousand e'ght hundred and fifty, at Sault Ste. Marie, in the Province of Canada, between the Honorable William Benjamin Robinson, of the one part, on behalf of Her Majesty the Queen and Joseph Peau-de-Chat, John Iuinway, Mishe-Muckqua, Totomencie, Chiefs; and Jacob Warpela, Ah-mutchiwagabou, Michel Shelageshick, Manitoshainse, and Chiginans, principal men of the Ojibeway Indians, inhabiting the Northern Shore of Lake Superior, in the said Province of Canada, from Batchewananing Bay to Pigeon River, at the western extremity of said Lake, and inland throughout that extent to the height of land, which separates the territory covered by the charter of the Honorable the Hudson's Bay Company from the said tract, and also the Islands in the said Lake within the boundaries of the British possessions therein, of the other part witnesseth :

That for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada, to them in hand paid, and for the further perpetual annuity of five hundred pounds, the same to be paid and delivered to the said chiefs and their tribes at a convenient season of each summer, not later than the first day of August, at the Honorable the Hudson Bay Company's

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Post, of Michipicoton and Fort William, they the said chiefs and principal men do freely, fully and voluntarily surrender, cede, grant and convey unto Her Majesty, her heirs and successors for ever, all their right, title and interest in the whole of the territory above described, save and except the reservation set forth in the schedule hereunto annexed which reservations shall be held and occupied by the said chiefs, and their tribes in common, for the purposes of residence, and cultivation, and should the said chiefs and their respective tribes at any time desire to dispose of any mineral or other valuable productions upon the said reservations, the same will be at their request sold by order of the Superintendant-General of the Indian Department for the time being, for their sole use and benefit, and to the best advantage.

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty, and the Government of this Province, hereby promises and agrees to make the payments as before mentioned; and further to allow the said chiefs and their tribes the full and free privilege to hunt over the territory, now ceded by them, and to fish in the waters thereof, as they have heretofore been in the habit of doing, saving and excepting only such portions of the said territory, as may from time to time be sold or leased to individuals, ar companies of individuals, and occupied by them with the consent of the Provincial Government. The parties of the second part further promise and agree, that they will not sell, lease or otherwise dispose of any portion of their reservations, without the consent of the Superintendant-General of Indian Affairs being first had and obtained, nor will they at any time hinder or prevent persons from exploring or searching for minerals, or other valuable productions in any part of the territory hereby ceded to Her Majesty as before mentioned. The parties of the second part also agree, that in case the Government of this Province should before the date of this agreement, have sold or bargained to sell any mining locations or other property on the portions of the territory hereby reserved for their use and benefit, then and in that case, such sale or promise of sale, shall be forfeited, if the parties interested, desire it by the Government, and the amount accruing therefrom shall be paid to the tribe, to whom the reservation belongs. The said William Benjamin Robinson, on behalf of Her Majesty, who desires to deal liberally and justly with all her subjects, further promises and agrees that in case the territory hereby ceded by the parties of the second part, shall at any future period produce an amount which will enable the Government of this Province without innecurring loss, to increase the annuity hereby secured to them, then, and in that case, the same shall be augmented from time to time, provided that the amount paid to each individual, shall not exceed the sum of one pound Provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order; and

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provided further that the number of Indians, entitled to the benefit of this treaty, shall amount to two thirds of their present numbers (which is twelve hundred and forty) to entitle them to claim the full benefit thereof, and should their numbers at any future period not amount to two thirds of twelve hundred and forty the annuity shall be diminished in proportion to their actual numbers.

SCHEDULE OF RESERVATIONS MADE BY THE ABOVE-NAMED AND SUBSCRIBING CHIEFS AND PRINCIPAL MEN.

First.—Joseph Peau-de-chat and his Tribe, the reserve to commence about two miles from Fort William (inland,) on the right bank of the River Kimintiquia, thence westerly six miles, paralled to the shores of the lake; thence northerly five miles, thence easterly to the right bank of the said river, so as not to interfere with any acquired rights of the Honorable Hudson Bay Company.

Second.—Four miles square at Gros Cap, being a valley near the Honorable Hudson's Bay Company's Post of Michipicoton for Totominai and Tribe.

Third.—Four miles square on Gull River, near Lake Nipigeon, on both sides of said river, for the Cheif Mishimuckqua and Tribe.

Signed, sealed and delivery at Sault Ste-Marie, the day and year first above written in presence of—

[Signed]

GEORGE IRONSIDE, S. I. Affairs

ARTHUR P. COOPER, Capt. Com. Rifle Brig.

H. M. BALFOUR, 2nd. Lieut. Rifle Brig.

JOHN SWANSTON, C. F. Hon. Hud. Bay Co.

GEORGE JOHNSTON, Interpreter.

F. W. KEATING,

W. B. ROBINSON.

JOSEPH PEAU-DE-CHAT his X mark. [L.S.]

and 8 other Chiefs.

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The original of which treaty is on file in the Department of Indian Affairs, and which agreement will hereafter be designated in this statement as the "Robinson Superior Treaty."

5.

From the date of the said treaties up to the year 1867, when the British North America Act was passed the Indians under the "Robinson Huron Treaty" were paid yearly and every year by the Province of Canada, $2,400.00, which sum when divided amongst the said Treaty Indians gave to each individual Indian within the treaty, the yearly sum of $1.60; and the Indians under the "Robinson Superior Treaty," were paid yearly and every year by the Province of Canada, the sum of $2,000.00, which was divided amongst the Indians within that treaty, and gave to each individual Indian the sum of $1.60; and as to this period no question of liability now arises with reference to the arrears of increased annuities under the said treaties, that question having been settled by award of the arbitrators herein, made on the 13th February 1895.

6.

At date of Confederation the said fixed annuities of $2,400.00 and $2,000.00, respectively, were capitalized at the rate of 5 per cent., and the sum of such capitalization, namely: $88,000.00 was placed to the credit of the Dominion in the debt account of the Province of Canada, whereby the Dominion was enabled to discharge all paynents of the said fixed annuities since the said date to the date of this arbitration.

7.

After the year 1867, and up to the end of the fiscal year of 1874, namely, the 30th June, 1874, the Dominion of Canada continued to pay every year to the Indians, the said annuities mentioned in the said treaties in the proportion of each individual Indian above mentioned in paragraph five, namely: $1.60 per head, the number of such Indians under the two treaties being placed at an average for each year at 2700.

8.

In the year 1873, representations were made and strongly urged upon the Department of Indians Affairs of Canada, that the said Indians were not receiving and had not received for many years previously the amount of the annuities which the increased revenues of the land ceded by them, would entitle them to under the provisions of the said Treaties, and petitions were then presented on behalf of the Indians to the Dominion, in which it was claimed that the an-

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nuities should be augmented so that they should at least receive and be paid the sum of $4.00 per capita as stipulated in the said treaties; and in the year 1875, the Dominion Government after making proper investigation into the question, and having ascertained that the revenues derived from the said ceded territory, were sufficient to entitle the said Indians to the augmented annuities, paid to each individual Indian the sum of $4.00, and payment of like annuities has been made in each year since the year 1875, up to and including the year 1892, by the Department of Indian Affairs of Canada.

9.

The Dominion claims that for the period between 1867 and 1875, the Indians should have received the full increased annuity of $4.00 per capita, and now submits that the arrears of increased annuities accrued during the said period was and is a debt or liability of the Province of Canada, and that the Provinces of Ontario and Quebec conjointly should be charged with the said arrears of the unpaid augmented annuities made up of the difference between $1.60 and $4.00 for each individual Indian, which arrears with interest thereon, at the rate of 5 per cent, from 30th June, 1867, to the 31st December, 1892, amounts to the sum of $95,200.

10.

Since the year 1875, the Dominion has paid in each year up to and including the year 1892, the full increased annuity of $4.00 to each individual Indian within the said treaties, making a total sum so paid of$389,106, for and in respect of the said increased annuities which sum includes interest at the rate of 5 per cent upon the said payments, from the year 1875 to the year 1892. And the Dominion claims that this sum was and is a debt or liability of the Province of Canada, and that the Provinces of Ontario and Quebec conjointly should be charged with the said sum.

11.

The Dominion therefore submits to the Board of Arbitrators, that an award should be made against the Provinces of Ontario and Quebec conjointly, for the following amounts, namely :—

1. For the sum of $95,200, being the arrears of augmented annuities with interest to the 31st December, 1892, under the said treaties from the year 1867 to 1873.

2. For the sum of $389,106.80, being the amount of increased annuities over the fixed annuities, with interest up to the 31st December, 1892, actually paid by the Dominion to the said Indians since the year 1874.

W. D. HOGG,
Of Counsel for the Dominion.

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion of Canada, and the Province of Ontario.

STATEMENT OF CASE OF THE DOMINION

ON INDIAN CLAIMS

ARISING OUT OF THE

"North-West Angle Treaty No. 3."

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IN THE MATTER OF THE ARBITRATION

FOR SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54055 VIC. CAP. 6 CANADA; 54 VIC. CAP. 2, ONTARIO; AND 54 VIC. CAP. 4, QUEBEC.

Filed the 18th day of October 1893.

STATEMENT OF CASE of the Dominion relating to claims against the Province of Ontario for repayment of annuities which the Dominion has paid to the Salteaux Tribe of the Ojibeway Indians under the North-West Angle Treaty No. 3.

I

Prior to and in the year 1873, the Salteaux Tribe of Ojibeway Indians inhabited a large tract of land, which may in general terms be described as covering the area from the water-shed of Lake Superior to the North-West Angle of the Lake of the Woods, and from the American border to the height of land from which the streams flow towards Hudson Bay, and containing about 55,000 square miles.

2

For some years prior to the year 1873, the Government of Canada was desirous of obtaining a surrender to the Crown of the Indian Title to the lands so inhabited and occupied by the said Tribe of Indians, and in the year 1873, the Government of the Dominion of Canada issued a commission appointing the Honorable Alexander Morris, then Lieutenant-Governor of Manitoba, and the North-West Territories, John Albert Norbert Provencher, and Simon James Dawson, Commissioners, by which Commission they were authorized in the name of Her Majesty the Queen, to treat with the said Salteaux Tribe of Ojibeway Indians for a surrender to the Crown

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of their title to the said lands, and to obtain an extinguishment of the Indian title to the lands, so that the same might be opened up for settlement and improvement.

3

In pursuance of the said Commission and the authority therein contained, the said Commissioners, and the said Salteaux Tribe of the Ojibeway Indians did on the 3rd day of October 1873, enter into and execute a Treaty which Treaty is as follows:—

NORTH-WEST ANGLE TREATY No. 3

ARTICLES OF A TREATY made and concluded this third day of October, in the year of our Lord, one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by her Commissioners, the Honorable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and the North-West Territories; Joseph Albert Norbert Provencher, Simon James Dawson of the one part; and the Salteaux Tribe of the Ojibeway Indians, inhabitants of the country within the limits hereinafter defined and described by their chiefs, chosen and named, as hereinafter mentioned, of the other part.

WHEREAS the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at a meeting at the North-West Angle of the Lake of the Woods, to deliberate upon certain matters of interest to Her 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 Her Majesty's said Commissioners, that it is the desire of Her Majesty to open up for settlement immigration and such other purposes as to Her Majesty, may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of her 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 Her Majesty, and that they may know and be assured of what allowance they are to count upon, and receive from Her Majesty's bounty and benevolence:—

AND WHEREAS the Indians of the said Tract, duly convened in Council as aforesaid, being requested by Her Majesty's said 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-

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ed thereon, and to become responsible to Her Majesty for their faithful performance of their respective Bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:— Kee-tak-pay-pi-nais (Rainy River) Kitihi-gay-kake (Rainy River), Note-na-qua-hung North-West Angle), Mawe-do-pe-nais (Rainy River). Pow-wa-sang (North-West Angle), Canda-com-igo-wi-ninie (North-West Angle), Pa-pa-ska-gin (Rainy River), May-no wah-tau-ways-kung (North-West Angle), Kitchi-ne-ka-be-han (Rainy River) Sah-Katch-eway (Lake Seule), Muka-day-wah-sin (Kettle Falls), Me-kie-sies (Rainy Lake, Fort Francis), Oos-con-na-geist (Rainy Lake), Wah-shis-kince (Eagle Lake), Rah-kie-y-ash (Flower Lake), Go-bay (Rainy Lake), Ka-me-ti-ash (White Fish Lake), Nee-sho-tal (Rainy River), Kee-jee-go-jay (Rainy River), Sha-sha-gance (Shoal Lake), Shah-win-na-bi-nais (Shoal Lake), Ay-ash-a-wash (Buffalo Point), Pay-ah-bee-wash (White Fish Bay), Rah-tay-tay-pay-o-cutch (Lake of the Woods.)

And thereupon in open Council, the different bands having presented their Chiefs to the said Commissioners, as the Chiefs and headmen for the purposes aforesaid of the respective Bands of Indians inhabiting the said district hereinafter described.

And whereas the said Commissioners then and there received and acknowledge the persons so presented as Chiefs and headmen for the purposes aforesaid of the respective Bands of Indians inhabiting the said district hereinafter described;

And whereas the said Commissioners have proceeded to negotiate a treaty with the said Indians, and the same has been finally agreed upon and concluded as follows that is to say:—

The Salteaux Tribe of the Ojibeway Indians, and all other Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for Her Majesty the Queen, and her successors for ever, all their rights, titles and privileges whatsoever to the lands included within the following limits that is to say:—

Commencing at a point on the Pigeon River Route, where the international boundary line between the territories of Great Britain and the United State intersects the height of land separating the waters running to Lake Superior, from those flowing to Lake Winnipeg, thence northerly, westerly and easterly along the height of land aforesaid, following its

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sinuosities, whatever their course may be, to the point at which the said height of land meets the summit of the water-shed from which the streams flow to Lake Nepigon, thence northerly and westerly, or whatever may be its course along the ridge separating the waters of the Nepigon and the Winnipeg to the height of land dividing the waters of the Albany and the Winnipeg, thence westerly and north-westerly along the height of land dividing the waters flowing to Hudson's Bay by the Albany or other Rivers, from those running to English River and the Winnipeg to a point on the said height of land bearing north forty five degrees east from Fort Alexander at the mouth of the Winnipeg, thence south forty-five degrees west to Fort Alexander at the mouth of the Winnipeg; thence southerly along the eastern bank of the Winnipeg to the mouth of the White Mouth River, thence southerly by the line described as in that part forming the eastern boundary of the tract surrendered by the Chippewa and Swampy Cree Tribes of Indians, to Her Majesty, on the third of August, one thousand eight hundred and seventy-one, namely: by White Mouth River to White Mouth Lake, and thence on a line, having the general bearing of White Mouth River to the forty-ninth parallel of north latitude, thence by the forty-ninth parallel of north latitude to the Lake of the Woods, and from thence by the International boundary line to the place of beginning.

The tract comprized within the line above described embracing an area of fifty-five thousand square miles to be the same more or les.

TO HAVE AND TO HOLD the same to Her Majesty the Queen and her successors forever.

And her Majesty the Queen hereby agrees and undertakes to lay aside Reserves for farming lands, due respect being had to lands at present cultivated by said Indians, and also to lay aside and reserve for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada, in such a manner as shall seem best, other Reserves of land in the said territory hereby ceded, which said Reserves shall be selected and set aside where it shall be deemed most convenient and advantageous for each Band or Bands of Indians, by the officers of the said Government appointed for that purpose, and such selection shall be so made after conference with the said Indians: Provided however, that such Reserve, whether for farming or other purposes, shall in nowise exceed in all, one square mile for each family of five, or in that proportion for larger or smaller families, and such selection shall be made if possible during the course of next summer or as

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soon thereafter as may be found practicable, it being understood, however, that if the time of any such selection of any Reserves as aforesaid, there are any settlers within the bounds of the lands reserved by any Band, Her Majesty reserves the right to deal with such settlers as she shall deem just, so as not to diminish the extent of land allotted to Indians, and provided also that the aforesaid Reserves of lands or any interest or right therein or appurtenant thereto, may be sold, leased or otherwise disposed of by the said Government for the use and benefit of the said Indians, with the consent of the Indians entitled thereto first had and obtained.

And with a view to show the satisfaction of Her Majesty with the behavior and good conduct of her Indians, she hereby, through her Commissioners, makes them a present of twelve dollars for each man, woman and child belonging to the Bands here represented, in extinguishment of all claims hereto preferred.

And further, Her Majesty agrees to maintain schools for instructions in such Reserves hereby made as to her Government of Her Dominion of Canada may seem advisable, whenever the Indians of the Reserves shall desire it.

Her Majesty further agrees with her said Indians that within the boundary of Indian Reserves, until otherwise determined by the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force, or hereafter to be enacted to preserve her Indian subjects inhabiting the Reserves, or living elsewhere within her North-West Territories, from the evil influence of the use of intoxicating liquors shall be strictly enforced.

Her Majesty further agrees with her said Indians, that they, the said Indians shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may from time to time be required or taken up for settlement, mining, lumbering or other purposes by her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and her said Indians, that such sections of the Reserves above indicated as may at any time be required for public works or buildings, of what nature soever, may be

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appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as soon as possible, after the execution of this Treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof at some period in each year, to be duly notified to the Indians, and at a place, or places to be appointed for that purpose within the territory ceded, pay to each Indian person, the sum of five dollars per head yearly.

It is further agreed between Her Majesty and the said Indians, that the sum of fifteen hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition, and twine for nets for the use of the said Indians.

It is further agreed between Her Majesty and the said Indians, that the following articles shall be supplied to any Band of the said Indians, who are now actually cultivating the soil, or who shall hereafter commence to cultivate the land, that is to say: Two hoes for every family actually cultivating, also one spade per family as aforesaid, one plough for every ten families as aforesaid, five harrows for every twenty families as aforesaid, one scythe for every family as aforesaid · and also one axe and one cross-cutsaw, one hand-saw, one pit-saw, the necessary files; one gridstone, one auger for each Band, and also for each Chief for the use of his Band, one chest of ordinary Carpenter's tools, also for each Band, enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such Band, also for each Band one yoke of Oxen, one bull and four cows; all the aforesaid articles to be given once for all, for the encouragement of the practise of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians that each Chief duly recognized as such, shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each Band, shall receive fifteen dollars per annum, and each such Chief and subordinate officers as aforesaid shall also receive, once in every three years, a suitable suit of clothing, and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs on their own behalf, and on the behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly

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promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will in all respects obey and abide by the law; that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or Whites, now inhabiting or hereafter to inhabit any part of the said ceded tract, and that they will not molest the person or property of any inhabitant of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract or any part thereof, and that they will aid and assist the officers of Her Majesty, in bringing to justice and punishment any Indians offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

IN WITNESS WHEREOF Her Majesty's said Commissioners, and the said Indian Chiefs, have hereunto subscribed and set their Hands at the North-West Angle of the Lake of the Woods, this day and year herein first above-named.

Signed by the Chiefs within named in presence of the following witnesses, the same having been first read and explained by the Honorable James McKay:—

(Signed,)

JAMES MCKAY.

MOLYVEUX ST-JEAN.

ROBERT PITHER.

CHRISTIE V. K. MORRIS.

CHARLES NOLIN.

A. MCDONALD,
Captain Commanding Escort
to Lieutenant-Governor.

JAMES F. GRAHAM.

JOSEPH NOLIN.

[L.S.]

ALEXANDER MORRIS, L. G.

J. A. PROVENCHER,
Indian Commissioner.

S. J. DAWSON,
Indian Commissioner

KEE-TA-KAY-PI-NAIS his X mark.

KITHI-GAY-KAKE his X mark.

NO-TE-NA-QUA-HUNG his X mark.

MAWE-DO-PE-NAIS his X mark

POW-WA-SANG his X mark.

CANDA-COM-IGO-WI-NINIE his X mark.

PA-PA-SKA-GIN his X mark.

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A. McLeod.

George McPherson, Sen.

Sediay Blanchard.

W. Fred Buckanan.

Frank G. Becher.

Alfred Good, M. D.

Gordon S. Corbault.

Pierre LeVielle.

Nicholas Chatelaine.

May-no-wah-tau-ways-kung	his X mark.	
Kitchi-ne-ka-be-han	his X mark.	
Sah-katch-eway	his X mark.	
Muka-day-wah-sin	his X mark.	
Me-kis-sies	his X mark.	
Oos-con-na-geist	his X mark.	10
Wah-shis-kince	his X mark.	
Rah-kie-y-ash	his X mark.	
Go-bay	his X mark.	
Ka-me-ti-ash	his X mark.	
Nee-sho-tal	his X mark.	20
Kee-jee go-gay	his X mark.	
Sha-sha-gance	his X mark.	
Shah-win-na-bi-nais	his X mark.	
Ay-ash-a-wash	his X mark.	
Pap-ah-bee-wash	his X mark.	
Rah-tay-tay-pay-o-cutch	his X mark.	

We hereby certify that the foregoing is a true copy of the original articles of treaty of which it purports to be a copy. 30

(Signed) Alexander Morris,
Lieutenant-Governor.

J. A. N. Provencher,
Indian Commissioner.

S. J. Dawson,
Indian Commissioner.

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We have had communication of the treaty, a certified copy whereof is hereto annexed; but not having been present at the Councils held at the North-West Angle of the Lake of the Woods, between Her Majesty's Commissioners, and the several Indian Chiefs and others therein named, at which the articles of the said treaty were agreed upon, hereby, for ourselves and the several Bands of Indians, which we represent, in consideration of the provisions of the said treaty being extended to us, and the said Bands which we represent, transfer, surrender and relinquish to Her Majesty the Queen, her heirs and successors, to and for the use of Her Government of Her Dominion of Canada, all our right title and privilege whatever which we, the said Chiefs, and the said Bands which we represent, have held, or enjoy, of, in and to the territory described and fully set out in the said articles of treaty and every part thereof, to have and to hold the same unto and to the use of her said Majesty the Queen, her heirs and successors forever.

AND WE HEREBY AGREE to accept the several provisions, payments and reserves of the said Treaty as therein stated, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained 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, and the Bands which we represent had been originally the contracting parties thereto, and had been present and attached our signatures to the said treaty.

IN WITNESS WHEREOF Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands, this thirteenth day of October, in the year of our Lord one thousand eight hundred and seventy-three.

Signed by S. J. Dawson, Esquire, one of Her Majesty's said Commissioners, for and on behalf, and with the authority and consent of the Honorable Alexander Morris, Lieutenant-Governor of Manitoba, and the North-West Territories, and J. A, N. Provencher, Esq., the remaining two Commissioners, and himself, and by the Chiefs within named on behalf of themselves, and the several Bands which they represent, the same,

For and on behalf of the Commissioners, the Honorable Alexander Morris, Lieutenant-Governor of Manitoba and the North-West Territories, Joseph Albert Norbert Provencher, Esq., and the undersigned :—

(Signed),

S. J, DAWSON,
Commissioner.

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and the annexed certified copy of Articles of Treaty having been first read and explained in presence of the following witnesses.

(Signed,)

THOMAS A P. TOWERS,
JOHN AITKEN,
A. J. MCDONALD,
UNZZAKI,
JAS. LOGANOSH, his X mark.
PINLLSISE.

PAY-BA-MA-CHAS, his X mark.
RE-BA-QUIN, his X mark.
Me-tas-so-que-ne-skank his X mark.

10

and which Treaty is now known and will hereinafter be designated as "Treaty No. 3."

4

In pursuance of the terms and stipulations of the said Treaty No. 3 the Dominion of Canada did, at the date of the signing thereof, on the 3rd October, 1873, pay to each individual Indian of the said tribe then present to the number of 2,226 the sum of $12.00, and in each year since the year 1873, and up to and inclusive of the year 1892, the Dominion has carried out the stipulations of the said treaty, and has paid to each Indian, entitled under the said Treaty No. 3, the sums following namely :—The sum of $25.00 to each duly recognized Chief; $15.00 to each subordinate officer not exceeding three for each Band, and to each Indian other than those above mentioned $5.00, the total of which payments with interest, amounts to the sum of $485,607.87 and the details of which amount are set out in Schedule "A" to this statement.

20

5

During the said period from the 3rd October, 1873, to the 30th June, 1892, the Dominion did also from time to time, supply and furnish the said Indians, in pursuance of the terms and stipulations of the said Treaty No. 3, with large quantities of cattle, farming implements, tools, ammunition, twine, clothing, seeds and provisions, and did also maintain schools on the reserves set apart by the said Treaty for the said Indians, the total cost and expense of which, amount with interest thereon to the sum of $192,013.64 and the details of which expenditure are set out in Schedule "B" to this statement.

30

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11

6

In carrying out the terms of the said Treaty No. 3 the Dominion were obliged to make, and did make from time to time during the period before mentioned, large expenditures of money, in conductiong surveys of reservations for the Indians, and in payment of the salaries and travelling expenses of Agents, and in maintaining offices for the conduct of the necessary business of administering the said Treaty, which expenditures in the total, amount with interest thereon to the sum of $156,064.21 and the details of which are set out in Schedule "C" to this statement.

7

Shortly after the admission of Manitoba into the Union, in the year 1870, a dispute arose between the Dominion and Ontario, as to the true and correct Northern and Western boundaries of the Province of Ontario, and Arbitrators were appointed to fix and determine the true and correct boundaries. On the 3rd August 1878 the Arbitrators so appointed, made and published their award, under which the Northern and Western boundaries of Ontario were defined and determined, and the award so made was subsequently confirmed by an imperial Order-in-Council of the 11th August 1884 in which Order-in-Council the true boundary between the northern and western part of the Province of Ontario and the south-western part of the Province of Manitoba was described to be as follows "so much of a line drawn to the Lake of the Woods through the waters eastward of that Lake, and west of Long Lake, which divide British North America from the territory of the United States, and thence through the Lake of the Woods, to the most northwestern point of that Lake, as runs northward from the United States boundary, and from the most north-western point of the Lake of the Woods, a line drawn due north, until it strikes the middle line of the course of the river, discharging the waters of the Lake, called Lake Seul or the Lonely Lake, whether above or below its confluence, with the stream flowing from the Lake of the Woods, towards Lake Winnipeg, and their Lordships find the true boundary between the same two Provinces to the North of Ontario, and to the south of Manitoba, proceeding eastward from the point at which the before-mentioned line of the Course of the River last aforesaid to be along the middle line of the course of the same River, whether called by the name of the English River, or as to the part below the confluence by the name of the River Winnipeg up to Lake Seul, or the Lonely Lake, and thence along the middle line of Lake Seul or the Lonely Lake to the head of that Lake

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and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph, and thence along the middle line until it reaches the foot or outlet of that Lake, and thence along the middle line of the River, by which the waters of Lake St. Joseph discharge themselves, until it reaches a line drawn due north from the confluence of te River Mississippi and Ohio, and which forms the boundary eastward of the Province of Manitoba."

8

The effect of the said award was, that of the 55,000 square miles within the limits of the said Treaty No. 3, about 32,000 square miles were found to be within the boundaries of the Province of Ontario, which 10
32,000 square miles consisted of the tract of land bounded on the east by the eastern boundary of the lands ceded by the said Treaty, and embracing all the lands westward within the boundaries of the said Province of Ontario, as fixed and determined by the said award. The Province of Ontario was thus confirmed in the possession of a large tract of the land which had been ceded as aforesaid by the Indians, and derived great benefit and advantage from the same inasmuch as it opened up for settlement and improvement large areas of the best land within the treaty, freed and discharged from the title of the Indians thereto. Subsequently in the year 1888, the said Judicial Committee of the Privy Council gave judg- 20
ment in an action brought by the Attorney General of Ontario against the St. Catherine's Milling & Lumber Company (Limited) to the effect, that the territory in dispute, formed part of the public domain of Ontario, and were public lands belonging to Ontario, by virtue of the Provisions of the British North America Act, and the claim put forward, that the said land was the property of the Dominion by reason of the title derived from the Indians, was set aside.

9

In the year 1874, during the period that the said dispute as to the boundary of the said Provinces was being litigated, the Dominion and the Province of Ontario, agreed upon a conventional boundary between Mani- 30
toba and Ontario, which conventional boundary was as follows:— "On the west the Meridian line passing through the most easterly point, of Hunter's Island, running south until it meets the boundary line between the United States and Canada, and north until it intersects the fifty-first parallel of latitude, and the said fifty-first parallel of latitude, shall be the conventional boundary of the Province of Ontario on the north," and the

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administration of the disputed territory was conducted by the Government of the Dominion and of Ontario, within the respective limits set out by the said conventional boundary, and which administration was continued up to the date when the decision upon the said boundary award was pronounced by the said Privy Council as aforesaid, and during the time of such joint administration, the Dominion paid out and expended in connection with the said administration large sums of money, amounting in all to the sum of ~~$120,111.80~~ and the Dominion during the said term, collected portions of the revenues derived from that part of the ceded territory, which was decided to be within the Province of Ontario, amounting in the whole to the sum of ~~$101,266.11~~, leaving the net revenue received by the Dominion the sum of ~~$25,145.09~~. /$124.557.99 127.051.20 2.493.21

10

The Province of Ontario also collected during the pendency of the dispute, and since the confirmation of the said award, large revenues from that portion of the said ceded land, lying within the boundaries of the said Province.

11

After the said Treaty No. 3 was entered into, the Dominion of Canada set apart a number of reservations within the limits of the said surrendered territory for the Indians, as provided by the said Treaty, and the said Salteaux Tribe of the Ojibeway Indians has resided and does now reside on the said reservations so set apart. The total area embraced in the said reservations was 363,754 acres, and of this area, 347,699 acres are within the Province of Ontario, and the number of Indians who have resided on, the reservations within the Province of Ontario during the several years between the making of the said Treaty, and the present time, has each year been about 2741 and the number of Indians within that part of the territory ceded by the said Treaty but lying outside of the Province of Ontario has been about 131.

12

The Dominion of Canada claims that the Province of Ontario has held and now holds the portion of the said ceded lands, which lie within the said Province, charged with and subject to the payment of a proportion of the annuities in the said Treaty mentioned, and that the Board of Arbitrators should award and determine that the Province of Ontario should

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repay to the Dominion such portion of the sums, set out in the schedules A. B & C. as will fully compensate the Dominion, after deducting therefrom the net amount received by the Dominion from the said portion of the ceded territory, lying within the Province of Ontario, during the period of the joint administration thereof by the Dominion and the Province.

W. D. HOGG,

Of Counsel for Crown.

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SCHEDULE "A."

Statement of Expenditures by the Dominion on account of Annuities.

Annuities :—

1873-74	$33,370.00
1874-75	13,600.00
1875-76	14,375.00
1876-77	14,670.00
1877-78	14,575.00
1878-79	14,715.00
1879-80	14,975.00
1880-81	14,955.00
1881-82	14,850.00
1882-83	14,890.00
1883-84	14,535.00
1884-85	14,195.00
1885-86	16,069.00
1886-87	15,195.00
1887-88	15,592.00
1888-89	15,815.00
1889-90	15,740.00
1890-91	15,960.00
1891-92	16,245.00
1892-93	16,100.00
	$320,421.00
Interest	165,186.87
Total	$485,607.87

Schedule A - $485.607.87
" B 192.013.64
" C 156.064.21
$833.685.72

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SCHEDULE "B."

Statement of Expenditures by the Dominion for farming supplies and utensils, &c.

Cattle :—			
112	Cows	$6,720.00	
72	Oxen	7,560.00	
29	Bulls	2,175.00	
			$16,455.00
Implements :—			
54	Ploughs	2,160.00	
56	Harrows	1,232.00	
512	Spades	460.80	
1350	Hoes	1,215.00	
529	Scythes & Snaiths	1,058.00	
			6,125.80
Tools :—			
30	Chests of Tools	1,800.00	
720	Axes	900.00	
30	Pit-saws	240.00	
30	Hand-saws	39.00	
30	Gridstones	60.00	
26	Augers	15.60	
30	Cross Cut-saws	75.00	
			3,129.60
Ammunition & Twine :—			
	Each year $1,500 for 19 years		28,500.00
Clothing (Triennial) :—			
	1876-77	2,803.94	
	1879-80	2,422.94	
	1882-83	2,465.13	
	1885-86	2,525.73	
	1888-89	2,605.98	
	1891-92	2,798.60	
			15,621.59
Schools :			
	1881-82	120.33	
	1882-83	325.00	
	1883-84	327.16	
	Forward	$772.49	$69,831.99

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

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	Forward.....	$772.49	$69,831.99
	1884-85.....	1,158.35	
	1885-86.....	3,292.63	
	1886-87.....	4,147.12	
	1887-88.....	3,043.29	
	1888-89.....	3,621.04	
	1889-90.....	3,466.56	
	1890-91.....	4,840.73	
	1891-92.....	4,000.65	
			28,342.86 10
Seeds :—			
	1881-82.....	$1,308.10	
	1882-83.....	1,403.11	
	1883-84.....	518.32	
	1884-85.....	900.30	
	1885-86.....	955.39	
	1886-87.....	1,237.74	
	1887-88.....	162.30	
	1888-89.....	784.95	
	1889-90.....	23.85	
	1890-91.....	371.45	20
	1891-92.....	47.60	
			$7,713.11
	Provisions and presents supplied at the Treaty Negotiations and at the first payment of annuities.....		21,296.96
			$127,184.92
	Interest.....		64,828.72
	Total.....		$192,013.64 30

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SCHEDULE "C"

Statement of Expenditures by the Dominion cost of administration, &c.

Surveys :—			
	1879-80	$6,911.30	
	1882-83	8.660.39	
	1884-85	7,369.33	
	1888-89	367.19	
	1889-90	545.60	
	1890-91	1,388.72	
			$25,242.53 10
Salaries to Agents :—			
	1873-74	1,975.00	
	1874-75	2,690.00	
	1875-76	1,230.00	
	1876-77	1,230.00	
	1877-78	2,162.50	
	1878-79	2,250.00	
	1879-80	2,250.00	
	1880-81	2,688.00	
	1881-82	2,980.00	
	1882-83	2,980.00	20
	1883-84	3,036.66	
	1884-85	3,150.00	
	1885-86	3,150.00	
	1886-87	3,150.00	
	1887-88	3,150.00	
	1888-89	3,097.21	
	1889-90	2,900.00	
	1890-91	2,733.30	
	1891-92	3,012.89	80
			49,815.56
Agents' Travelling Expenses :—			
	1874-75	$3,651.57	
	1875-76	357.38	
	1876-77	846.85	
	1877-78	264.00	
	1878-79	414.00	
	Forward	$5,533.80	$75,058.09

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

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SCHEDULE "C"

Statement of Expenditures by the Dominion cost of administration, &c.

Surveys :—			
1879-80	$6,911.30		
1882-83	8,660.39		
1884-85	7,369.33		
1888-89	367.19		
1889-90	545.60		
1890-91	1,388.72		
		$25,242.53	10
Salaries to Agents :—			
1873-74	1,975.00		
1874-75	2,690.00		
1875-76	1,230.00		
1876-77	1,230.00		
1877-78	2,162.50		
1878-79	2,250.00		
1879-80	2,250.00		
1880-81	2,688.00		
1881-82	2,980.00		
1882-83	2,980.00		20
1883-84	3,036.66		
1884-85	3,150.00		
1885-86	3,150.00		
1886-87	3,150.00		
1887-88	3,150.00		
1888-89	3,097.21		
1889-90	2,900.00		
1890-91	2,733.30		
1891-92	3,012.89		30
		49,815.56	
Agents' Travelling Expenses :—			
1874-75	$3,651.57		
1875-76	357.38		
1876-77	846.85		
1877-78	264.00		
1878-79	414.00		
Forward	$5,533.80	$75,058.09	

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Forward	$5,533.80	$75,058.09
1879-80	758.00	
1880-81	291.50	
1881-82	731.60	
1882-83	614.25	
1883-84	956.87	
1884-85	1,284.92	
1885-86	1,029.56	
1886-87	1,698 93	
1887-88	1,733.45	
1888-89	2,148.24	
1889-90	1,851.14	
1890-91	1,589.67	
1891-92	1,453.18	
Office Rent :—		21,675.11
1878-79	$200.00	
1879 80	700.00	
1880-81	534.00	
1881-82	550.00	
1882-83	638.33	
1883-84	480.00	
1884-85	600.00	
1885-86	450.00	
1886-87	750.00	
1887-88	600.00	
1888-89	600.00	
1889-90	600.00	
1890-91	600.00	
1891-92	600.00	
Suppression of Liquor Traffic :—		7,902.33
1890-91	410.00	
1891-92	429.82	
1892-93	636.87	
		1,476.69
		$106,112.22
Interest		49,951.99
Total		$156,064 21

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Forward.....	$5,533.80	$75,058.09
1879-80.....	758.00	
1880-81.....	291.50	
1881-82.....	731.60	
1882-83.....	614.25	
1883-84	956.87	
1884-85.....	1,284.92	
1885-86.....	1,029.56	
1886-87.....	1,698 93	
1887-88	1,733.45	
1888-89.....	2,148.24	
1889-90.....	1,851.14	
1890-91...	1,589.67	
1891-92.....	1,453.18	
		21,675.11
Office Rent :—		
1878-79	$200.00	
1879 80	700.00	
1880-81.....	534.00	
1881-82.....	550.00	
1882-83.....	638.33	
1883-84...	480.00	
1884-85.....	600.00	
1885-86	450.00	
1886-87.....	750.00	
1887-88.....	600.00	
1888-89	600.00	
1889-90.....	600.00	
1890-91	600.00	
1891-92	600.00	
		7,902.33
Suppression of Liquor Traffic :—		
1890-91.....	410.00	
1891-92.....	429.82	
1892-93.....	636.87	
		1,476.69
		$106,112.22
Interest.....		49,951.99
Total..		$156,064 21

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

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DOMINION OF CANADA.

In the Supreme Court of Canada.

BETWEEN

THE PROVINCE OF ONTARIO,
(CLAIMANT IN THE EXCHEQUER COURT)

Appellant;

AND

THE DOMINION OF CANADA,

Respondent.

STATUTES RELATING TO EXHIBITS FILED AS PART OF CASE.

RELATING TO G 'R SCHOOLS

PAGE.

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4 and 5 Victoria, Chapter 19 4
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Consolidated Statutes Upper Canada, 1859, Chapter 63 7

RELATING TO UPPER CANADA BUILDING FUND.

Consolidated Statutes Upper Canada, 1859, Chapter 70 8
Consolidated Statutes Lower Canada, 1860, Chapter 41 9

RELATING TO COMMON SCHOOL FUND AND IMPROVEMENT FUND.

Consolidated Statutes of Canada, 1859, Chapter 26 11

The British North America Act, 1867, sections 109 to 113 inclusive, with Fourth Schedule and section 142 14

Arbitration Act, 1891, for settlement of Dominion and Provincial Accounts. See case ..... -

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DOMINION OF CANADA.

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Appellant;

AND

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STATUTES RELATING TO EXHIBITS FILED AS PART OF CASE.

RELATING TO GRAMMAR SCHOOLS

	PAGE.
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RELATING TO UPPER CANADA BUILDING FUND.

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Consolidated Statutes of Canada, 1859, Chapter 26	11
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2 VICTORIA, CHAPTER X., PROVINCE OF UPPER CANADA.

An Act to provide for the advancement of Education in this Province. (Passed 11th May, 1839.)

Whereas it is very desirable to afford encouragement to the advancement of education throughout the Province; and whereas His late Most Gracious Majesty George the Third was pleased to direct that a quantity of the waste lands of the Crown should be set apart for the endowment of Grammar Schools and also of a University; and whereas a Royal Charter has been granted incorporating the University of King's College which has been endowed by a great of lands from the Crown; and whereas Upper Canada College has by an Act of the Legislature been incorporated with and now forms an appendage to such University; and whereas the advancement of education will be better promoted by devoting a portion of the annual revenues of King's College to the support of Upper Canada College and of Grammar Schools for several years to come, than by the erection of a University in the present state of education in the Province; and whereas Upper Canada College, with some changes easily effected, would afford sufficient accommodation to the public as a Provincial seat of learning until it should be deemed requisite to erect the University; and whereas it is expedient to appoint trustees for each Grammar School in the several districts to superintend the schools to be established under the provisions of this Act, and to see to the application of the monies appropriated to their support; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provisions for the Government of the said Province, and by the authority of the same, that the several district schools in this Province shall be and are hereby declared to be Grammar Schools, as contemplated by His late Most Gracious Majesty King George the Third, at the time the said reservation of land was directed to be made as aforesaid.

II. And be it further enacted by the authority aforesaid, that there shall be constituted and appointed by the Lieutenant-Governor a Board of Trustees to each and every Grammar School in the several Districts of this Province consisting of not less than five members, three of whom shall be a quorum, who shall have the super-

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

PUBLIC ARCHIVES
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An Act to provide for the advancement of Education in this Province. (Passed 11th May, 1839.)

Whereas it is very desirable to afford encouragement to the advancement of education throughout the Province; and whereas His late Most Gracious Majesty George the Third was pleased to direct that a quantity of the waste lands of the Crown should be set apart for the endowment of Grammar Schools and also of a University; and whereas a Royal Charter has been granted incorporating the University of King's College which has been endowed by a great of lands from the Crown; and whereas Upper Canada College has by an Act of the Legislature been incorporated with and now forms an appendage to such University; and whereas the advancement of education will be better promoted by devoting a portion of the annual revenues of King's College to the support of Upper Canada College and of Grammar Schools for several years to come, than by the erection of a University in the present state of education in the Province; and whereas Upper Canada College, with some changes easily effected, would afford sufficient accommodation to the public as a Provincial seat of learning until it should be deemed requisite to erect the University; and whereas it is expedient to appoint trustees for each Grammar School in the several districts to superintend the schools to be established under the provisions of this Act, and to see to the application of the monies appropriated to their support; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provisions for the Government of the said Province, and by the authority of the same, that the several district schools in this Province shall be and are hereby declared to be Grammar Schools, as contemplated by His late Most Gracious Majesty King George the Third, at the time the said reservation of land was directed to be made as aforesaid.

II. And be it further enacted by the authority aforesaid, that there shall be constituted and appointed by the Lieutenant-Governor a Board of Trustees to each and every Grammar School in the several Districts of this Province consisting of not less than five members, three of whom shall be a quorum, who shall have the super-

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intendence of the Grammar Schools established in the several Districts of this Province, and receive the money authorized to be paid under this Act.

III. And be it further enacted by the authority aforesaid, that the money now remaining in the Receiver-General's hands unexpended arising from the sales of school lands, or which may come into his hands applicable to the purposes of this Act, shall be invested in the debentures of this Province at six per cent. interest, and the proceeds placed under the control of the Council of King's College for the purposes of this Act, to be by the said Council distributed amongst such districts as in their opinion more immediately require assistance, owing to the state of the School House or other circumstances.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Lieutenant-Governor by and with the advice of the Executive Council, to set apart two hundred and fifty thousand acres of the waste lands of the Crown in this Province, to be sold in like manner as other Crown Lands, at a price not less than ten shillings per acre, and the proceeds thereof paid into the hands of the Receiver-General from time to time, to be appropriated in such manner and for the Grammar Schools as hereinbefore provided.

V. And be it further enacted by the authority aforesaid, that a sum not exceeding One Hundred Pounds per annum may be advanced to each of the said Boards of Trustees from time to time, out of any monies in the hands of the Receiver-General applicable to the purposes of this Act, and should such monies be insufficient, it shall and may be lawful for the Council of King's College in their discretion to appropriate a sufficient sum from the annual revenues thereof to make up the deficiency to be applied in providing an additional Master and other means of instruction for the Grammar Schools in each district respectively; provided always, that no portion of the principal money arising from the sale of lands granted to King's College shall be so appropriated but merely the interest or rents thereof.

(2 Vic., chapter 10, repealed by 4 and 5 Victoria, chapter 19, section 8.)

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4 AND 5 VICTORIA, CHAPTER XIX., PROVINCE OF CANADA.

An Act to make temporary provision for the appropriation of the funds derived from the sale of School Lands in that part of the Province formerly Upper Canada and for other purposes. (18th September, 1841).

Whereas it is very desirable to afford every encouragement to the advancement of education throughout the Province; and whereas His late Most Gracious Majesty King George the Third was pleased to direct that a quantity of the waste lands of the Crown should be set apart for the support of Grammar Schools within that part of the Province heretofore called Upper Canada; and whereas the advancement of education will be promoted by devoting a portion of the annual revenues of such waste lands, to the support of such Grammar Schools; and whereas it is expedient to repeal an Act of the Parliament of the late Province of Upper Canada hereinafter mentioned; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled an Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada; and it is hereby enacted by the authority of the same, that the several District Schools within that portion of the Province heretofore called Upper Canada, shall be and are hereby declared to be Grammar Schools, as contemplated by His late Most Gracious Majesty, King George the Third, at the time the said reservation of land was directed to be made as aforesaid.

II. And be it enacted that the money arising from the sales of the School Lands now remaining in the Receiver-General's hands, unexpended, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the Debentures of that part of this Province heretofore Upper Canada at six per cent. interest, and the annual interests or rents thereof placed under the control of the Governor, or Person administering the Government of the Province for the time being, to be distributed by and with the advice and consent of the Executive Council of the said Province, among such districts within that part of the Province formerly called Upper Canada, as may more immediately require assistance, owing to the state of the school house or other circumstances.

III. And be it enacted, that within three months after the passing of this Act, the Council of King's College, or their Bursar or Treasurer, shall transfer and pay

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over to the Receiver-General, as aforesaid, all debentures unredeemed, and sums of money arising from unexpended arrears of interest, which may have accrued thereon and be at present held under the authority of the Act hereby repealed, by the said Council or Treasurer, on account of the proceeds of the sale of School Lands as aforesaid to be by the said Receiver-General invested in debentures, and the interest and rents thereof, appropriated and distributed as hereinbefore mentioned.

IV. And be it enacted, that a sum not exceeding One Hundred Pounds per annum may be advanced to each of the several Boards of Trustees for the said Grammar Schools from time to time, out of any monies in the hands of the Receiver-General, arising from the sale of the said School Lands, and applicable to the purposes of this Act, to be expended in providing an additional Master and other additional means of instruction for the Grammar Schools in the Districts respectively, within that part of the Province formerly called Upper Canada.

V. And be it enacted, that it shall and may be lawful for the Board of Trustees in any District now constituted or hereafter to be constituted in that part of the Province formerly called Upper Canada, out of any monies in the hands of the Receiver-General, applicable to the purposes of this Act, as aforesaid, to receive a sum not exceeding Two Hundred Pounds, to aid in the construction and erection of a suitable building for a School House in each District, provided an equal sum shall be raised by subscription among the inhabitants for the like object, and provided they shall guarantee the permanent insurance of the building.

. . . . . .

VIII. And be it enacted, that the Act of the Legislature of the late Province of Upper Canada, passed in the second year of Her Majesty's reign, intituled an Act to Provide for the Advancement of Education in this Province, shall be, and the same is hereby repealed; provided always, that such repeal shall not annul or be construed to annul any order, engagement or act, for the distribution of the interest upon the debentures, by the Council of King's College, made and carried into effect previous to the passing of this Act; and provided also, that the management and sale of the said School Lands shall continue to be conducted by the said Council of King's College until further provision shall be made in that behalf at any future Session of the Legislature.

By Order-in-Council of 14th December, 1841, the management and sale of Grammar School Lands was vested in the Commissioner for Crown Lands to be managed, etc., in the same manner as Clergy Reserve Lands.

The 4 and 5 Victoria, chapter 19, repealed by 16 Victoria, 186.

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16 VICTORIA, CHAPTER CLXXXVI., PROVINCE OF CANADA.

An Act to amend the law relating to Grammar Schools in Upper Canada. (Assented to 14th June, 1853.)

Whereas it is expedient to make further provision for the better establishment and maintenance of Grammar Schools in the several Counties and Cities in Upper Canada; be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, that all moneys arising from the sale of lands set apart or which may hereafter be set apart for the encouragement of Grammar Schools in Upper Canada, and which shall not have been specially granted to or vested in or for the benefit of any particular College, Grammar School or other Seminary or place of Education, or otherwise departed with by the Corwn, and all annual grants which have been or may hereafter be made by Parliament, or which may be or become otherwise available from any other sources for that purpose, shall form a fund to be called The Upper Canada Grammar School Fund, and shall be invested in Government or other securities by the direction of the Governor-in-Council; and the annual income thereof, after the deduction therefrom of One Hundred Pounds yearly for a Senior Grammar School for each County or Union of Counties in Upper Canada, and certain other sums of money otherwise specially appropriated by this Act, shall be, with the said sum of One Hundred Pounds for each such Senior Grammar School as aforesaid annually apportioned to the several Counties and Union of Counties in Upper Canada, by the Chief Superintendent of Schools, according to the ratio of population in each County and Union of Counties as compared with the population of Upper Canada; or if he shall think it expedient in case of a defective census, he shall, with the approbation of the Governor in Council, apportion such moneys according to the best evidence which he can obtain of the relative proportions of such population, having respect to an equitable apportionment thereof according to the said ratio of population; provided always, that when the Senior County Grammar School of any County or Union of Counties is situate within the limits of any City, the said sum of One Hundred Pounds a year shall be paid to such School, although the same may continue within the limits of such City.

(Other clauses relating to management follow.)

The above Statute, 16 Victoria, chapter 186, consolidated by 22 Victoria, chapter 63.

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CONSOLIDATED STATUTE FOR UPPER CANADA.

CHAPTER LXIII.

An Act respecting Grammar Schools.

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

. . . . . .

4. All moneys arising from the sale of lands at any time set apart for the encouragement of Grammar Schools in Upper Canada, and not specially granted to or vested in or for the benefit of any particular College, Grammar School, or other Seminary or place of Education, or otherwise departed with by the Crown, and all annual grants which have been or may, after this Act takes effect, be made by Parliament, or which may be otherwise available from any other sources for that purpose, shall form a Fund to be called The Upper Canada Grammar School Fund, and shall be invested in Government or other securities by the direction of the Governor in Council. 16 Victoria, chapter 186, section 1.

5. Out of the annual income of such Fund the sum of Four Hundred Dollars shall be appropriated for the teacher of the Senior Grammar School in each County (unless the average number of scholars be under ten) and if the average number of scholars be under ten, then the sum of Two Hundred Dollars shall be appropriated. 59 George III., chapter 4, sections 2, 11. 16 Victoria, chapter 186, section 1.

6. After deducting such yearly sum of Four Hundred Dollars or Two Hundred Dollars appropriated for each senior Grammar School as aforesaid, the Chief Superintendent of Education shall annually apportion the residue of such annual income to the several Counties and Unions of Counties in Upper Canada, according to the ratio of population in each County and Union of Counties as compared with the population of Upper Canada. 16 Victoria, chapter 186, section 1.

. . . . . .

10. In addition to the sums applicable in aid of Grammar Schools as aforesaid, or under the one hundred and twentieth section of the Act respecting Common Schools in Upper Canada, the sum of Twenty Thousand Dollars shall be yearly appropriated out of the Consolidated Revenue Fund of this Province, for the encouragement of superior education in Upper Canada, and shall be distributed among the several collegiate educational institutions in Upper Canada, or such of them as may be designated by an annual vote of the Provincial Parliament. 19 Victoria, chapter 54, section 18.

(Other sections relating to management of school, follow.)

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CONSOLIDATED STATUTE FOR UPPER CANADA, 1859.

CHAPTER LXX.

An Act respecting the Building Fund, the Lunatic Asylum and other Public Buildings.

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. All moneys which by any Act or Law are directed to be applied or reserved for Upper Canada purposes not otherwise specially appropriated by law, shall be paid into and form part of "The Upper Canada Building Fund" under the authority of this Act. 13, 14 Victoria, chapter 68, section 3; 20 Victoria, chapter 8, section 1.

2. The moneys aforesaid shall be paid over to the Receiver-General and shall be applied by him; 13, 14 Victoria, chapter 68, section 3.

FIRSTLY—To the payment of the interest on debentures issued on account of the Lunatic Asylum and outstanding, and also of the interest on any debentures issued under any Act of Parliament for the purpose of raising money to complete the said asylum, or to defray the expense of procuring a site for or of erecting any other public building in Upper Canada, for any institution of general importance to the inhabitants of that portion of the Province. 13, 14 Victoria, chapter 68, section 3.

SECONDLY—To the formation of a sinking fund of not less than Six Thousand Dollars per annum towards paying off the principal of such debentures as aforesaid. 13, 14 Victoria, chapter 68, section 3.

THIRDLY—Towards the support of the Lunatic Asylum and of any other such institution as aforesaid, in the manner directed by Parliament. 13, 14 Victoria, chapter 68, section 3.

3. All moneys forming part of the said Upper Canada Building Fund, and not required for the public service, shall, until so required, be invested by the Receiver-General, under instructions from the Governor in Council, in public Provincial securities, and the interest on such securities shall form part of the said fund. 20 Victoria, chapter 8, section 2.

4. Such securities, or as many of them as necessary, may be disposed of by the Receiver-General in Council, and the proceeds thereof shall be applied to meet any lawful payments out of the said fund. 20 Victoria, chapter 8, section 2.

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CONSOLIDATED STATUTES FOR LOWER CANADA.

(Proclaimed 23 Victoria, chapter 86, 1860.)

CHAPTER XLI.

An Act respecting the general Abolition of Feudal Rights and Dues.

. . . . . .

Section 36. The emoluments and disbursements of the said Commissioners, with the expenses to be incurred under this Act and the Seignorial Acts of 1854, 1855, 1856 and 1859 shall be paid out of the Consolidated Revenue Fund of this Province by warrant of the Governor; and a sum not exceeding in the whole what will remain of the amount hereinafter limited after deducting therefrom the said emoluments, disbursements and expenses may likewise be paid out of the said fund for the purposes of this Act and the Acts aforesaid; and the Governor in Council may, under this section, cause any sum or sums not exceeding in the whole (with any sums already raised under the said Act of 1854) the sum hereinafter limited, to be raised by debentures to be issued on the credit of the said Consolidated Revenue Fund, in such form, bearing such rate of interest, and the principal and interest whereof shall be payable out of the said Fund at such times and places as the Governor in Council thinks most advantageous for the public interest; and the moneys so raised as aforesaid shall make part of the said Consolidated Revenue Fund of this Province.

2. Provided always, that the total amount of moneys to be paid, whether in money or debentures under this section and the Acts aforesaid, shall not exceed by more than Six Hundred Thousand Dollars, the sum of which the average yearly proceeds of the other sources of revenue hereinafter mentioned (upon an average of the five years next preceding the eighteenth of December, 1854) would be the yearly interest at six per cent. per annum, added to the value of the Crown's rights in the Seigniories affected by this Act. 18 Victoria, chapter 3, section 17.

. . . . . .

Section 37. The moneys arising from the following sources of revenue shall be specially appropriated to make good to the said Consolidated Revenue Fund, the amount taken out of the same for the purpose of paying the sums charged upon it under the next preceding section, that is to say:

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All moneys arising from the value of the rights of the Crown, from *droits de quint* and other dues, in or upon the Seigniories of which the Crown is Seignior Dominant, and which are to be commuted by this Act, as such value shall be fixed by the schedules of the said Seigniories respectively, and all arrears of such dues;

All moneys arising from the revenues of the Seigniory of Lauzon, or from the sale of any part of the said Seigniory sold after the eighteenth day of December, one thousand and eight hundred and fifty-four, and all arrears of such revenues;

All moneys arising from auction duties and auctioneers' licenses in Lower Canada;

All moneys arising in Lower Canada from licenses to sell spirituous, vinous or fermented liquors by retail in places other than places of public entertainment, commonly called shop or store licenses;

All moneys arising from tavern licenses in Lower Canada after the present charges on that fund have been paid off, except however such portion of that fund as are levied in the Townships;

And separate accounts shall be kept of all moneys arising from the sources of revenue aforesaid, and of the moneys disbursed under this Act, allowing interest on both sides at the then current rate on Provincial debentures, to the end that if the sums payable out of the Consolidated Revenue Fund under the next preceding section, exceed in the whole the total amount of the sums arising from the sources of revenue so specially appropriated and any interest allowed thereon as aforesaid, a sum equal to such excess shall be set apart, to be appropriated by Parliament for some local purpose or purposes in Upper Canada. 18 Victoria, chapter 3, section 18.

. . . . . .

Section 92. This Act shall be known as the Consolidated Seignioral Act.

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THE CONSOLIDATED STATUTES OF CANADA.

CHAPTER 26.

An Act respecting the Public School Lands and Funds for Education.

Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Commissioner of Crown Lands, having under the provisions of an Act 12 Victoria 200, and under the direction of the Governor in Council, set apart and appropriated one million of acres of Public Lands for Common School purposes, and portions thereof, having been disposed of under the said authority, the remainder shall be disposed of by the Commissioner, on such terms and conditions as may by the Governor in Council be approved, and the money arising from the sale or disposal of any portion of the said lands shall remain or be invested and applied towards creating a capital sum, sufficient at the rate of six per cent. per annum interest to produce a clear sum of Four Hundred Thousand Dollars per annum, and such capital and the income therefrom shall form the Common School Fund. But before any appropriation of the money arising from the sale of such lands shall be made, all charges thereon for the management or sale thereof, and all Indian annuities charged upon such lands or moneys shall be first paid. 12 Victoria, chapter 200, sections 3.

2. All moneys arising after the twenty-seventh day of May, 1850, from the sale of any Public Lands of the Province, shall remain or be set apart as part of the capital of the said Common School Fund, until the same is sufficient at the rate aforesaid to produce the said sum of Four Hundred Thousand Dollars per annum. 12 Victoria, chapter 200, section 1.

3. For the purpose of creating such Annual Income, the capital of the said Fund shall from time to time remain or be invested in the Public School Debentures of this Province, or in the Debentures of any Public Company or Companies in the Province, incorporated by Act of the Legislature for the Construction of Works of a public nature, and which having subscribed their whole capital stock, have paid up one-half of such stock and completed one-half of such work or works;

(2) And the said Fund and the Income thereof, shall not be alienated for any purpose whatever, but shall remain a perpetual Fund for the support of Common Schools,

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and the establishment of Township and Parish Libraries. 12 Victoria, chapter 200, section 2.

4. For the establishment, support and maintenance of Common Schools in this Province, until the said Common School Fund produces a net yearly income of Two Hundred Thousand Dollars or upwards, there shall be granted to Her Majesty, yearly, the sum of two hundred thousand dollars, and such sum shall be composed and made up of the annual income and revenue derived from the permanent fund hereinbefore mentioned, and of such further sum as may be required to complete the same, out of any unappropriated moneys raised and levied by the authority of the Legislature, for the public uses of this Province; and the said annual grant shall constitute the Common School Fund. 4, 5 Victoria, chapter 18, sections 3 and 12 Victoria, chapter 200.

5. The said sum of Two Hundred Thousand Dollars annually, shall from year to year be apportioned by order of the Governor of this Province, in Council, between Upper and Lower Canada, in proportion to the relative numbers of the population of the same respectively, as such numbers shall, from time to time, be ascertained by the census next before taken in each of the said divisions respectively. 7 Victoria, chapter 9, section 1.

6. So soon as a net annual Income of Two Hundred Thousand Dollars shall be realized from the said Permanent Fund, the said grant out of the Provincial Revenue shall cease, and in the meantime the interest arising from the said Permanent School Fund shall be annually paid over to the Receiver-General and applied towards the payment of the yearly grant of Two Hundred Thousand Dollars. But if in any year after the said annual sum of Two Hundred Thousand Dollars is taken off the Consolidated Revenue, the income arising from the said Permanent Fund from any cause whatever, falls short of the annual sum of Two Hundred Thousand Dollars, then the Receiver-General of the Province shall pay out of the said Consolidated Revenue such sums of money as are from time to time required to make up the deficiency, but such sums shall be repaid out of any excess of the Income of the said Permanent School Fund in any year over the said sum of Two Hundred Thousand Dollars per annum. 12 Victoria, chapter 200, section 4.

7. The Governor in Council may reserve out of the proceeds of the School lands in any County, a sum not exceeding one-fourth of such proceeds, and out of the proceeds of unappropriated Crown Lands in any County, a sum not exceeding one-fifth thereof, such sums to be funds for public improvements within the County and to be expended under the direction of the Governor in Council. 16 Victoria, chapter 159, section 14.

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(2) The particulars of all such sums, and of the expenditure thereof, shall be laid before Parliament within the first ten days of each Session; and not exceeding six per cent. on the amount collected including surveys, shall be charged for the sale and management of lands forming part of one million of acres of land set apart in the Huron Tract for the Common School Fund. 16 Victoria, chapter 159, section 14.

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THE BRITISH NORTH AMERICA ACT, 1867.

(Extracts sections 109 to 113 inclusive, and section 142.)

109. All lands, mines, minerals and royalties belonging to the several Provinces of Canada, Nova Scotia and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

110. All assets connected with such portions of the public debt of each Province as are assumed by that Province shall belong to that Province.

111. Canada shall be liable for the debts and liabilities of each Province existing at the union.

112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the union Sixty-Two Million Five Hundred Thousand Dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

"113. The assets enumerated in the fourth schedule to this Act, belonging to the union to the Province of Canada, shall be the property of Ontario and Quebec conjointly."

Schedule 4, referred to in the foregoing section, is as follows:

THE FOURTH SCHEDULE.

Assets to be the property of Ontario and Quebec conjointly.

Upper Canada Building Fund.
Lunatic Asylums.
Normal School.
Court Houses in Aylmer, Montreal and Kamouraska, Lower Canada.
Law Society, Upper Canada.
Montreal Turnpike Trust.

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University Permanent Fund.
Royal Institution.
Consolidated Municipal Loan Fund, Upper Canada.
Consolidated Municipal Loan Fund, Lower Canada.
Agricultural Society, Upper Canada.
Lower Canada Legislative Grant.
Quebec Fire Loan.
Tamiscouata Advance Account.
Quebec Turnpike Trust.
Education—East.
Building and Jury Fund, Lower Canada.
Municipalities' Fund.
Lower Canada Superior Education Income Fund.

. . . . . .

Section 142 of the B.N.A. Act is as follows:

"142. The division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada; and the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec."

In accordance with the last-named section, Arbitrators were chosen, and on the Third day of September, 1870, two of them, namely, Hon. John Hamilton Gray and Hon. D. L. MacPherson, gave their award as follows:

See case page 133, for the award in full.

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion of Canada, the Province of Canada, and the Provinces of Ontario and Quebec.

ANSWER OF THE PROVINCE OF ONTARIO

TO THE CASE OF THE DOMINION RELATING TO THE CLAIMS AGAINST

ONTARIO AND QUEBEC CONJOINTLY

FOR ARREARS OF INCREASED ANNUITIES

UNDER THE

HURON-SUPERIOR TREATIES OF 1850.

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IN THE MATTER OF THE ARBITRATION

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The Dominion of Canada, the Province of Canada, and the Provinces of Ontario and Quebec.

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IN THE MATTER OF THE ARBITRATION FOR THE SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT, BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 AND 55 VICTORIA, CHAPTER 6, CANADA; 54 VICTORIA, CHAPTER 2, ONTARIO; AND 54 VICTORIA, CHAPTER 4, QUEBEC.

Filed the 24 day of March, 1897.

Statement on the part of the Province of Ontario, in reply to the "Case of the Dominion, relating to the Claims of the Ojibeway Indians of Lake Huron and Lake Superior, for Arrears of Increased Annuities against Ontario and Quebec conjointly, under the Treaties made by the Hon W. B Robinson, in the year 1850."

Interpretation.

1. In this Statement the expressions "Canada," "Ontario," and "Quebec," mean the Dominion of Canada, and the Provinces of Ontario and Quebec, as defined by the British North America Act, 1867, including the respective Governments thereof: the expressions "Huron Treaty" and "Superior Treaty," mean the two treaties set forth in the third and fourth paragraphs of the Statement of Case of the Dominion, filed on the 25th day of January, 1897; the expression "Dominion Case," means the said Statement of Case of the Dominion; and the expression, "the Union," means the Union of the Provinces effected by the B. N. A. Act, 1867.

Canada to prove Case.

2. Ontario puts Canada to proof of all allegations contained in the Dominion Case, except as admitted herein.

Denial of whole claim of Canada.

3. Ontario denies the whole claim of Canada set out in the Dominion Case, and every part and parcel thereof, and disclaims all liability in respect thereof, whether separately or conjointly with Quebec on the ground that no portion of

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the said claim was included or can be included in the debt of the Province of Canada, for the excess of which Ontario and Quebec became under section 112 of British North America Act conjointly liable to Canada.

Original treaties to be produced.

4. Ontario admits that the treaties set forth in paragraphs 3 and 4 of the Dominion Case, were entered into as alleged, but, for greater certainty as to the contents thereof, craves leave to refer at the hearing of this matter to the original instruments.

Indians who were paid, 1850-1892, to be identified:

5. As an aid to the tracing of the descent of the Treaty Indians, and to the determining from time to time the identity of the individual Indians legally entitled to payments under the treaties, Ontario requires Canada to show who were the individual Indians to whom was paid, from 1850 to 1873 inclusively, their

Residents of Manitoulin to be distinguished.

proportion of the specific annuities of $2,400, and $2,000, and from 1874 to 1892 inclusively, the full augmented annuities, as in paragraphs 5, 7, 8, 9 and 10 of the Dominion Case stated, distinguishing also who of such Indians were in the respective years residents of the Manitoulin Islands.

Denial of claim for arrears, 1867-1875.

6. Ontario denies that any arrears in respect of the augmentation of the annuities from the year 1867 to the year 1875, in paragraph 9 of the Dominion Case mentioned, or any part thereof, are due or payable to the Indians, and disclaims all liability in respect thereof, and of the interest claimed thereon, and in respect of the sum of $95,200 in the said paragraph mentioned, and every part thereof.

Founded, moreover, on false bases of population and individual allowance.

(*a*) The amount of $95,200 is arrived at on the wrongful basis of an estimated Indian population of 2,700 in each of the years (instead of the population of 2,662 in the treaties mentioned) and the allowance of the maximum yearly sum of $4 to each individul of that number.

Denial that revenues after 1874 sufficient throughout to meet augmentation.

7. Ontario does not admit that the revenue derived from the Lake Huron territory were sufficient, in 1876, or for a series of years subsequently, if at all, to entitle the Indians to the augmented annuities, as stated in paragraph 8 of the Dominion Case, or that the revenues from the Lake Superior territory were sufficient in 1875, or in any year subsequently, to entitle the Indians, if to any, to more than a fractional part of the augmentation in said paragraph 8 mentioned.

Denial of liability, 1875-1892, for augmentations paid by Dominion, or interest thereon:

8. Ontario denies all liability in respect of the payment claimed to have been made by Canada from the year 1875, up to and inclusive of the year 1892, of "the full increased annuity of $4 to each individual Indian within the said treaties," as in paragraph 10 of the Dominion Case, and in respect of the sum of $389,106.80 in the said paragraph mentioned;

Proof required that payments were to Treaty Indians only;

(*a*) And Ontario claims proof that such payments were only to persons duly and legally entitled thereto, according to the true intent and meaning of the said treaties;

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(*b*) And also claims and charges as follows:

The $88,000 covers this claim;

1. That the sum of $88,000, hereinafter mentioned, covered all claims which might have been made against the Province of Canada, or against Ontario, in respect of this demand;

Payments wrongfully made—

To persons and classes not entitled;

2. That if evidence is given by Canada of the persons to whom payments were made, it will appear that Canada has made payments to persons and classes of persons not entitled to share in the annuities according to the true intent and meaning of the said treaties, and that to that extent such payments, with the interest thereon, should be disallowed: (As to which *see* sections 12, 13 and 14, *post*);

To residents of Manitoulin

3 That Canada has wrongfully made payments to Indians, residents as hereinafter, of the Manitoulin Islands, and to that extent, the same, with the interest thereon, should be disallowed;

To individuals, of sums larger than revenues justified

4. That Canada has in the several years made payments to individual Indians of sums larger than the net revenues of the said territories would in the respective years, without loss, permit according to the true intent and meaning of the said treaties, and that the same, with the interest thereon, should be disallowed;

Of sums larger in the aggregate than the treaties contemplate.

5. That Canada has in each and every of the said years paid a larger aggregate sum than the maximum aggregate yearly sum contemplated and authorized on a true construction of the treaties, and that the excess of such payment, with the interest thereon, should be disallowed;

Ontario not liable for interest.

6. That Ontario is not liable for any portion of the interest included in the said sum of $389,106.80, and such interest should be disallowed.

Ontario has not admitted revenues sufficient to pay augmentations for many years past as in Par. 14 of Case.

9. Ontario has not admitted, and does not now admit, "that the revenue received by Ontario has been sufficient or more than sufficient for many years past to have satisfied the claims of the said Indians to be paid in full increased annuities mentioned in the said treaties, of $4 for each individual Indian," as stated in paragraph 14 of the Dominion Case.

The admission if any, upon insufficient information and without regard to set-off; and subject to assent of Quebec.

Canada not mislead thereby,

(*a*) The so-called admission, if any, was subject to the assent thereto of Quebec, and was made, it now appears, upon insufficient information, and without taking into account the charges or expenditures which would form proper items of set-off or deduction, and was not, in terms, or in anywise, such as could mislead Canada, or justify the making of improper or excessive payments, or the preferring any claim for arrears.

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Augmentations—years in which any payable can only be determined by an account;

10. Those years in which, if at all, the net revenues or balances may have been sufficient to meet any augmentation of the specific annuities of $2,000 and $2,400 without loss, as provided by the treaties, according to the true intent and meaning of the said treaties, can only be determined upon the making up of an account of the receipts, expenditures and charges in respect of the said territories.

Illustration of expenditures to be taken into account;

(*a*) And in illustration of the nature and description of the said expenditures and charges which should be set-off against the receipts of all revenues from the said territories, before it can be determined whether such annuities can be increased without incurring loss, may be mentioned, amongst other things, all expenditures and charges tending to promote the development or settlement of the territories, or whereby the value and saleableness of the lands, timber, minerals, etc., were enhanced, or expected or likely to be enhanced, under the following heads:

Surveys, whether Land or Coast.
Colonization Roads.
Fire Ranging.
Bush Ranging.
Fisheries Protection.
Expenses of Agencies.
Collection of Timber Revenue.
Contingencies, Advertising, etc.
Departmental Expense of Collection and Management.
Geological Survey.
Explorations and Inspections.
Locks, Dams, Timber Slides.
Navigation Improvements, and dredging.
Harbours and Light Houses.
Roads and Bridges.
Expenditure on Dog Lake and Savanne route, and on Dawson route and Fort William Road, to Height of Land.
Buildings for Land Registry Offices.
Court Houses, Gaols, Lock-Ups, etc.
Other Public Works and Public Buildings.
Administration of Justice in or in respect of this territory.
Registrars of Land Titles' salaries, etc
Postal Expenditure—Postal Contracts by Land or Water.
Expenses of and incident to the payment of the annuities and other moneys.
Expenses of setting apart, marking out or survey of the Reserves.
Salaries and expenses of Indian Agents and Superintendents, and cost of agencies,

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Cost of Maintenance of, and legislative grants to the Indian Department (proportion).

Free port of Sault Ste. Marie, 1861-6, (established for encouragement of the Fisheries and of the settlement of the country): Loss of Revenue consequent on.

Railways—Railway Aid: Grants, subsidies, and expenditures in respect of this territory.

And such other items as, on further information, may be deemed advisable.

Number of Indians sharing in distributions, 1850-1874:

11. As hereinbefore, and by paragraphs 5 and 7 of the Dominion Case, and by the particulars of claim herein furnished by Canada, appears, (see Appendix E, 1, 2 and 3), the Province of Canada for 17 years after the making of the treaties, and the Dominion for the 7 years after the Union—that is from the year 1850 to the year 1874—restricted the payment of the amount distributed to a number of Indians not exceeding 2,700 (or only 38 in excess of the treaty number):

Sudden increase of number, 1870.

But in the year 1875 the number sharing in the distribution was suddenly increased by over 1,000 persons, that is to a total of 3,791, and has been increased still further year by year since.

The Treaties provide for the payment of round sums annually in perpetuity; for ascertainment of augmentations by reference to Treaty number of Indians; and for decrease of round sums in case of diminution in numbers.

12. The said treaties, on a true interpretation thereof, while providing for a diminution of the annuities in the event of a decreased population, do not contemplate that in the event of the annuities being augmented, the number of Indians to be taken into account in the ascertainment of the gross amount of such augmentation shall exceed the number—2,662—mentioned in the treaties.

(*a*) The payment provided for by the treaties, until the revenues should justify an increase, was of a round yearly sum, without regard to the number of individual Indians; and Ontario claims that, in like manner, according to the proper legal construction of the treaties, the increased payment contemplated by the treaties, is not in so far as the Crown is concerned, of an annuity certain to each individual Indian, but of a round yearly lump sum, the amount whereof to be determined, year by year, by multiplying a sum not exceeding four dollars (according as the net revenues may permit) by a number not exceeding 2,662, so that in no one year should such lump sum exceed the sum of $10,648, inclusive, or $6,248 exclusive, of the sums of $2,000 and $2,400 mentioned in the treaties; and so that thus, whether the number of individual Indians entitled to share in the distribution increases or diminishes, the

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aggregate round amount to be distributed among them is to be ascertained always by the same rule, unless the treaty number should be diminished to less than two-thirds, when the annuity would be subject to a proportionate reduction.

If Canada, as guardian of the Indians, chooses to make excessive payments, Canada must bear the liability.

(*b*) If as guardian of the Indians, Canada has chosen, or shall hereafter choose, to pay a sum larger than as above provided, the excess should come out of the funds of Canada, and not be charged against the Province of Canada.

If Treaty number of Indians disregarded in ascertaining amount of augmentation, then certain classes of persons should be excluded.

13. In the event of the treaty number of Indians being disregarded in the ascertainment of the sum to be distributed, and that on the contrary, each individual Indian is declared to be entitled to the maximum augmentation, or as much thereof as the revenues may permit without loss, Ontario claims that the specific annuities, with the augmentations, if any, should be paid and delivered to the Indians only who were parties to the treaties, or their lawful descendants, according to the laws or regulations relating to Indians in force at the time of the making of the said treaties, or subsequently, before and at the Union; and that the following classes, among others, should be excluded from such payment, and from every remuneration or computation for the purposes of the treaties:

(*a*) White men and women, and negroes;

(*b*) Half-breeds, and other persons of mixed blood, other than such, if any, as may be entitled under the said laws and regulations;

(*c*) American Indians, and other aliens, and their descendants;

(*d*) Non-treaty Indians, and their descendants;

(*e*) Indians of other tribes and nations than the treaty tribes and nations;

(*f*) Indians, or others, adopted into the tribes, and their descendants;

(*g*) Treaty Indians, or their descendants, who are out of the limits of the treaties, and settled upon other reserves than those set apart under the said treaties, or are or have been in receipt of other considerations than those provided by the treaties, or have received grants of land—as the Manitoulin Island—thus by their acts electing to take other provision at the hands of the Crown than that provided by these treaties, (in which connection reference is made to the Manitoulin Island Treaty of 6th October, 1862, set out in Appendix D hereto);

(*h*) Indians, and their descendants, making pretense of claim of right under the treaties, who failed to prefer such claim within a reasonable time thereafter, as until after the lapse of more than a

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generation, when material witnesses and other evidence in rebuttal of such claim might be difficult, or impossible, to procure;

(*i*) Indians or others who would be excluded under the laws or regulations of the Province of Canada.

And Ontario puts Canada to proof in respect of these matters.

Duty of Canada to preserve record of descent, etc.

14. In order to facilitate the ascertaining the identity from time to time of the Treaty Indians or their descendants, Ontario asks that Canada be required to keep a record of the descent, census and migrations of the Treaty Indians, for the purposes of the Treaties, as affecting the rights and obligations thereunder of the Province of Canada, and in reference to the possible decrease of the Indian population provided for in the Treaties; and that Ontario have right of access to such record.

Indians settled in or migrating to Manitoulin, thereby elect to surrender Huron and Superior treaty benefits.

15. Ontario asks that it be declared that such of the Treaty Indians or their descendants as have migrated to or are settled or resident upon the Manitoulin Island or Islands, whether upon the surrendered or the unsurrendered part thereof, and are so entitled to the benefits, present and prospective, of the said Manitoulin Island Treaty, have as a consequence, elected to forego, and have in fact forfeited, all benefit to which they may have been entitled under the said Huron and Superior Treaties.

Reasons why no arrears payable:

16. As to the said arrears, Ontario claims:

Nor up to 1875; and the question then postponed indefinitely;

(*b*) That the report of the Minister of Justice of Canada, dated the 7th of July, 1875, hereinafter, in section 18, referred to, is as well conclusive that no such demand had up to that date been made, as suggestive that the question of the arrears should be indefinitely postponed:

Revenues not sufficient to justify claim;

(*c*) That the territories did not, in any of the said years, produce or show a net revenue or balance sufficient to justify any claim for such arrears:

Not claimable for years where net revenues insufficient;

(*d*) That no such arrears are properly claimable or allowable in respect of any year whose net revenue or balance was insufficient to permit of payment without loss;

Revenues of subsequent years not referable back to cover arrearages;

(*e*) That the revenues of subsequent years are not referable back, or in any way to be regarded or made available, either for the purpose of covering actual arrearages, or as a colour for the creation of pretended arrearages, of past years;

Arrearages claimable only by individual Indian to whom same primarily payable;

(*f*) That arrears in respect of any augmentation of the annuity beyond the sums of $2,000 and $2,400 mentioned in the treaties, can only be claimed, if at all, by, or on behalf, and for the use of the individual Indian to whom the same was primarily properly payable, and to whom his due proportion of the $2,000 or $2,400 had been properly paid;

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Residents of Manitoulin excluded;

(*g*) That such portion of the said arrears as is claimed by or on behalf of the Treaty Indians or their descendants resident upon the Manitoulin Islands as aforesaid should be disallowed.

Arrears not now claimab'e for past years, it not having been apparent or ascertainable at the time that the revenues would have permitted.

(*h*) That it not having been apparent or ascertainable at the time, in any of the years—as in fact, in the absence of certain particulars of expenditures and charges, it is not now apparent—that the revenues would permit of any augmentation without loss, so no such arrears are now properly claimable or recoverable.

No interest payable on arrears of annuities:

17. Ontario claims that no interest is chargeable upon the said arrears:

No special circumstances can be shewn;

(*a*) No special circumstances have been shewn, nor can be shewn, whereby interest is payable in respect of default in the payment of the said annuities or augmented annuities;

No demand for arrears;

(*b*) No interest on such alleged arrears can be held to run or be recoverable before demand, if interest be recoverable;

Ontario proposed, in 1874, to refer question of trust or lien to legal tribunal;

(*c*)—1. Ontario proposed, in 1874, that if Canada was advised that the lands in question were subject to a trust, and Ontario so liable for any augmentation of the annuities, the point should be forthwith submitted to the Court of Chancery on a statement of facts concurred in by the Governments concerned;

Canada accepted the proposal to refer.

2. The Minister of Justice of Canada, dealing with the proposal, by his report of the 7th of July, 1875, (which report was concurred in by the Minister of the Interior and Superintendent-General of Indian Affairs, in a report dated the 12th of July, 1875, and adopted by Order in Council of Canada of the 22nd of July, 1875) recommended, as to the same, and as to the question of arrears as follows:

> "The question of the arrears might be postponed for a while, and, meantime, the question as to the liability of the Ontario Government on the specific lands might be decided, either by the Court of Chancery, as proposed, or by the Supreme Court, after the organization of that tribunal;"

But until now, has failed to move.

3. Canada has, nevertheless, wholly failed to take any steps, or institute any proceedings towards obtaining a decision of the question from a Court of Justice, until the institution of the proceedings in the present Arbitration, wherefore Ontario claims that interest, if any recoverable, should not run upon the said arrears before the filing of the Dominion Case herein.

Benefits conferred by Huron and Superior Treaties on the Indians:

18.—(*a*) Ontario shews that under the Huron and Superior treaties valuable considerations were, by the bounty of the Crown, given to the Indians, that is to say:

1. The right to hunt and to fish in the surrendered territories, and the waters thereof, as they had been accustomed, except in such portions as might be sold or leased, and occupied;

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2. A sum in hand of $16,640;

3. An annuity certain of $4,400, subject to be increased as provided in the treaties.

4. Valuable reservations, as in paragraphs 3 and 4 of the Dominion Statement of Claim, with the right to sell the mineral and other productions thereof, and the right also to the purchase moneys or proceeds of any portions of the lands of the reserves that might be sold or leased.

Present material condition of the Huron and Superior Indians.

(*b*) The said Indians are now, as a consequence, possessed of valuable and increasingly valuable estates, and have, moreover, at their credit, bearing interest, an accumulated Fund already amounting to a large sum, as shewn in Appendix A hereto; and they are, in the ordinary course, probably destined to become comparatively wealthy:

(*c*) In the Appendices hereunto are given particulars of:

A. The Reservations;

B. The amount at credit of the respective bands of the Indian Fund;

C. The present condition of the bands, as shewn by recent official reports of the Department of Indian Affairs of Canada;

D. The Manitoulin Island Treaty, of 6th October, 1862.

E. 1, 2, 3. Particulars of Dominion Claims, Dominion Statement, paragraphs 5, 9, 10 and 11.

19. Ontario submits that the question of the legal liability of Ontario and Quebec should now be determined, and in the event of the Board of Arbitrators being of opinion that such liability exists, all necessary directions should now be given as to the method of taking the account so rendered necessary, and particularly

(*a*) As to what classes of expenditures and charges should be deducted from the revenues of said territories before it can be determined whether such annuities can be increased without incurring loss.

(*b*) Who are Indians entitled to share in said augmentations and what classes of persons as set out in paragraph 13 hereof should be excluded from such payment.

(*c*) Whether Indians who have migrated to or are settled or resident upon the Manitoulin Island or Islands and enjoying the benefits of the Treaties relating thereto, continue to be entitled to the benefits of said Treaties.

ÆMILIUS IRVING.

J. M. CLARK.

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APPENDIX A.

APPROXIMATE areas of the Lake Huron Indian Reserves under the Robinson Treaty.

o.	Name.	Area
1	Garden River	130,000 acres, rough.
2	Batchewaung	160,000 acres.
3	Dokis	35,000 "
4	Lake Nipissing	81,000 "
5	Henvey's Inlet	26,000 "
6	Parry Island	19,000 "
7	Shawanaga, including block at Naiscontaing	19,648 "
8	Whitefish Lake	50,666 "
9	Spanish River	28,000 " rough.
10	Thessalon River	23,983 "
11	Serpent River	29,000 "
12	Mississaga River	10,000 "
13	Whitefish River	20,000 "
14	Grondine Point	10,000 "
15	Maganetawan	16,700 "
16	French River, No. 13	5,200 "
17	Chief Tahgaiwenina at Lake Wahnapitae	2,560 "
18	Temagaming Lake, exclusive of Water	27,000 "
	(MEMO.—This last has not yet been set apart as Indian Reserve. The Indians claim 100 square miles or 64,000 acres.)	693,757 acres.

DEPARTMENT OF CROWN LANDS,
TORONTO, December 14th, 1893.

GEO. B. KIRKPATRICK,
Director of Surveys.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

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APPROXIMATE areas of the Lake Superior Indian Reserves under the Robinson Treaty.

No.	Name.	Area.		
1	Fort William		18,778	acres.
2	Gros Cap, Lake Superior		10,240	"
3	Michipicoten River	Applied for	178	"
4	Pic River	"	800	"
5	Pays Plat	"	605	"
6	Long Lake	"	862	"
7	Nepigon River, Township Booth	" 468 acres.		
	Caribou Island Point, Lake Nepigon	" 135½ "		
	Jackfish Island, Lake Nepigon	" 260 "		
	Gull River, Lake Nepigon	" 9,825 "		
			10,688½	"
			42,151½	"

GEO. B. KIRKPATRICK,
Director of Surveys.

DEPARTMENT OF CROWN LANDS,
TORONTO, December 14th, 1893.

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AREA ETC., ON THE MANITOULIN ISLAND.

[The whole island formed an Indian Reserve. Under the McDougall treaty of 1862, set out in appendix D hereto, the larger portion was surrendered by the Indians to the Crown in trust to grant certain portions thereof by patent to the resident Indians, and to sell the remainder for their benefit. By the terms of the Treaty, the Indians of the unceded portion of the island were to be entitled to precisely the like benefits whenever they might come to the determination of acceding to the Treaty. Meantime they were to hold the unceded portion as a reserve in common. Certain of the Huron-Superior Indians are resident, some on the ceded and some on the unceded part of the island, actually participating in the benefits of the McDougall treaty, whilst still in the enjoyment of all the benefits of the Huron and Superior Treaties. *See* also as to the Manitoulin, pages 28-9, *post.*]

Total area of ceded portion (but including Cockburn and Barrie Islands)..... 657,772 acres.

	Acres.
Of which granted to Indians	21,828
Remaining for sale.....	330,282
Already sold	305,612
	657,722

Amount at credit of Indians of ceded portion, per Appendix B hereto.....	$116,350 01
Amount of unpaid purchase moneys, 30th June, 1893....	83,812 00
	$200,162 01

Area of unceded portion ..... 105,300 acres.

(Communication from Department of Indian Affairs of 6th February, 1894.)

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APPENDIX B.

STATEMENT showing the condition of the various accounts of the Indian Bands of the ceded territories, Huron and Superior, on the 30th June, 1892, according to Report of Department of Indian Affairs submitted to Parliament—Canada Sessional Papers, 1893, No. 14, Part 2, page 17.

No. of account.	Name.	Capital.
		$ c.
26	Ojibeways of Lake Huron	48,000 00
1	Batchewana	4 085 87
11	French River Indians	5,079 23
12	Garden River Indians	62,883 25
13	Henvey Inlet Indians	7,240 40
14	Lake Nipissing	35,797 88
16	Magnattawan	510 32
28	Ojibeways, Mississagua River	5,709 52
30	Parry Island Indians	48,908 44
32	Serpent River	3,504 23
34	Shawanaga	11,116 13
35	Spanish River	5,462 09
36	Thessalon River	15,672 36
38	Whitefish River	8,862 15
49	Temiscamingue	2,345 96
80	Point Grondin	6,805 00
82	Whitefish Lake	9,189 67
27	Ojibeways of Lake Superior	40,000 00
10	Fort William Band	14,746 44
37	Tootoomenai Band	900 00
15	Manitoulin Island—unceded	2,069 27
25	" ceded	116,350 01

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APPENDIX C.

EXTRACTS FROM REPORT OF DEPARTMENT OF INDIAN AFFAIRS FOR THE YEAR 1892, SUBMITTED TO PARLIAMENT.

CANADA SESSIONAL PAPERS, 1893, No. 14, PART I., PAGE 5.

EXTRACTS FROM SUPERINTENDENTS' REPORTS ON THE MATERIAL CONDITION OF THE INDIAN BANDS IN THE CEDED TERRITORIES.

THE OBJIBEWAYS OF LAKE HURON.

THESSALON RIVER.

(Being the Twelfth Reservation in the Schedule to the Huron Treaty.)

THESSALON RIVER INDIANS.—There is not much to remark in the condition of this band, which is very similar to last year. The census shows a decrease of five, caused by two families (who have been living in the United States) having been removed from the pay list. These Indians are mostly fishermen, their agricultural operations being on a small scale. They earn money by loading vessels and working at saw-mills. Their school is fairly attended.

MAGNETTAWAN.

(Being the First Reservation in the Schedule to the Treaty.)

The Magnettawan Band has decreased two in number. They live for the most part at West Bay, Manitoulin Island, are good farmers, and earn money loading vessels with lumber, for which work they receive $1.75 per day. They have good farms and are prosperous. Their children attend school at West Bay.

SPANISH RIVER.

(Being the Fifth Reservation in the Schedule to the Treaty.)

The census of the Spanish River Band shows a decrease of two. The portion of this band who live on the unceded part of Manitoulin Island, are farmers and fishermen and are prosperous; those living on the Spanish River Indian Reserve are also fairly well-to-do. But as much cannot be said for those living at Pogumasing and Biscotasing: fur having become very scarce and hard to get, the Indians maintain themselves entirely by hunting in winter and canoeing in summer.

THE WHITEFISH LAKE.

(Being the Sixth Reservation in the Schedule to the Treaty.)

The White Fish Lake Band is another hunting band. They feel the scarcity of game very much. Their chief, who is an intelligent Indian, was anxious for information as to the provisions of the new Ontario game law, and fears that its operation will be injurious to the band. These Indians get work from the Canadian Pacific Railway Company, which helps them considerably,

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although the work is not exactly to their liking. They have two schools. The census shows an increase of two.

MISSISSAUGA RIVER.

(Being the Eighth Reservation in the Schedule to the Treaty.)

The Ojibways of Mississauga River is another hunting band, very little farming being done. They are numerically the same as last year, and have a school on their reserve.

POINT GRONDINE.

(Being the Third Reservation in the Schedule to the Treaty.)

The Point Grondine Band are only fifty in number—the same as last year. They have very comfortable and well-built dwelling houses on their reserve, are intelligent and well-to-do. Their farming is on a small scale. A lot of money is earned by them by picking berries and fishing. They are prosperous.

SERPENT RIVER.

(Being the Seventh Reservation in the Schedule to the Treaty.)

The census of the Serpent River Band shows an increase of two. These Indians are mostly hunters, but some of them work in the saw-mills, of which there is one near their reserve. They have a school under the auspices of the Catholic Church.

FRENCH RIVER.

(Being the Thirteenth Reservation in the Schedule to the Treaty.)

The French River Band has decreased three during the year. They are farmers, have land on the Sheguiandah Indian Reserve, are prosperous and contented. Their school is under the auspices of the Church of England, and they have also a handsome church.

THE WHITEFISH RIVER.

(Being the Fourth Reservation in the Schedule to the Treaty.)

The White Fish River Band numbers seventy-nine—the same as last year. They are enterprising and progressive. They have good and productive gardens, also a church and school-house. Over one million feet of saw logs were taken out by them last season, and they will probably do as much the coming season.

TAHGAIWININI.

(Being the Eleventh Reservation in the Schedule to the Treaty.)

The Tahgaiwininini Band are good farmers and fishermen. They live mostly on the unceded part of Manitoulin Island. The census show a decrease of one. This band is very prosperous.

MANITOULIN ISLANDS.

[As many of the Treaty Indians, or their decendants, are and for a long time have been resident on the Manitoulin Islands, enjoying there the benefits of the unceded reserves or of the

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McDougall Treaty, but still confessedly drawing annuity and other moneys under the Huron and Superior treaties, the accounts given of them in the report of Mr. Superintendent Phipps, of Manitowaning, from which all the above paragraphs have been taken, are here added, in the order in which they there occur]:—

The Manitoulin Island Indians Unceded.

This band numbers one thousand and ninety-two, and increase of thirteen, there having been sixty-eight births, fifty-four deaths, two increases by immigration, and three decreases by emigration. They are prosperous. Many of their dwelling houses are creditable structures. There is a temperance society at Wikwemikong, with a membership of about one hundred, which does much good. These Indians farm, fish, get out timber, and are exceedingly prosperous. There are five schools on the reserve, which have a large attendance.

The Ojibways and Ottawas of Manitoulin Islands.

The Cockburn Island Band numbers thirty-seven, an increase of one, are farmers and fishermen, and are fairly prosperous.

The Sheseguaning Band numbers one hundred and sixty-nine, an increase of four. They have a school, are good farmers and fishermen, and are industrious workers. They have recently completed the erection of a fine church at their village.

The West Bay Band numbers two hundred and fifty, an increase of three. They are good farmers and have excellent land in their reserve, on which good crops are raised. They are a well ordered and progressive band.

The Sucker Creek Indians number one hundred and ten, the same as last year; their farming has been successful and they are prosperous. They have a school which is fairly well attended; the school and church are under the auspices of the Church of England.

The South Bay Band numbers seventy-four; they are fishermen and farmers. The church and school at their village are under the auspices of the Roman Catholics.

The Sheguiandah Band numbers one hundred and fifty-three, and increase of one; they farm successfully and are prosperous and contented. Their church and school are under the auspices of the Church of England.

The Sucker Lake Band numbers twenty-one, the same as last year. They occupy a small reserve near Manitowaning, and are farmers.

The Obidgewong Band numbers twenty-one, the same as last year. They are all pagans. They farm successfully, and are yearly increasing their clearings.

[The following fifteen lines refer to the Indians of Mr. Phipps' superintendency as a whole, comprising all the bands hereinbefere in this appendix mentioned]:—

Sixteen schools have been in operation during the year. The progress of the pupils on the whole may be considered satisfactory; if a more regular attendance could be obtained better results would be secured. It is to be hoped that this will be reached in the near future.

The health of the Indians generally have been fair. There was an outbreak of diphtheria at the Wikwennikong Girl's School in February last. Prompt measures were taken to isolate the

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building; the spread of the disease was stopped. Those attacked received medical treatment, and all speedily recovered.

The crops last year have been fair, except hay which was almost a failure. The season commenced with a protracted period of drought during which the seed sown did not germinate; in July abundant rains fell, too late, however, to save the hay crop. The yield of potatoes was much in excess of the average, and that of the grain fair. At the time of writing this report the prospects of an abundant harvest are good.

The distribution of annuity and interest money to the Indians of this superintendency during the year amounted to eleven thousand two hundred and sixty-two dollars and twenty two cents.

The past year has been one of considerable material prosperity.

PARRY ISLAND.

(Being the Sixteenth Reservation in the Schedule to the Treaty, the Indians by their own desire having received Parry Island in exchange for the lands described in the Treaty.)

This band may be represented as being in such a fairly satisfactory condition that it is rather difficult to find anything sufficiently noteworthy to report. If the deaths of several infants and one adult are accepted, nothing of a nature much to be regretted has occurred. In two cases only was there any need to render relief from the funds of the band to any sick.

The crops were satisfactory last year and promise to be even more abundant this season. These circumstances, combined with a large demand for labor at neighboring lumber mills, place this band in a very comfortable position. The road improvements on the island are yearly receiving more attention and fair roads now exist where formerly only trails were trodden.

The two schools in operation are doing average work. The great drawback to educational success is the irregularity in the attendance of the pupils. Regulations, however, have been passed and approved inflicting fines for irregularity or non-attendance of children of school age The time for collecting these fines have not yet arrived It is hoped and expected that after the first imposition of these penalties the school attendance will improve.

SHAWANAGA.

(Being the Seventeeth Reservation in the Schedule to the Treaty.)

As usual, this band shows probably less progress than any other tribe in this superintendency. Nevertheless, they seem happy and contented. During the year they report having caught at least one hundred and twenty-four barrels of fish, and fur to the value of $450, and to have raised upwards of one thousand two hundred bushels of produce from the soil.

Several of the younger men seem inclined to devote their attention to deep lake fishing. Though such occupation is not to be compared with agriculture as a means of promoting comfort and well-being, still it is much to be preferred to that of hunting. It is hoped that many who refuse to be farmers will become fishermen.

The school shows marked progress. A new white teacher took charge last October, and the reading, the spelling by dictation and the arithmetic have improved. While, however, the pupils read well and also write well to dictation, there is a great suspicion in my mind that they knew

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little of the meaning of what they read or write. How to remedy this defect in this and other Indians shools is a matter that is continually kept before the teachers, and I hope to be able next year to report material improvement in this respect.

HENVEY INLET.

(Being the Second Reservation in the Schedule to the Treaty.)

* * * * * * * * *

I gathered.....that the past year had been uneventful, that neither decided prosperity nor heavy adversity had fallen to their lot, and that, except in the matter of the accident that had just befallen them, all had been well with them.

The school which I had visited in early spring showed gratifying signs of improve nent, though there is still abundant room for further progress. The attendance had increased and what seemed to me of almost more importance, the pupils were more alive to and familiar with school work and ways than formerly.

LAKE NIPISSING.

(Being the Tenth Reservation in the Schedule to the Treaty.)

This band, whose reserve is situated on the northern shores of Lake Nipissing, are in the enjoyment of a satisfactory amount of prosperity. Their reserve is rapidly increasing in value, and they have been approached with the view of surrendering a considerable part of it at a price of about $2.50 per acre. At the present however, they refuse to entertain any such proposal even for a moment, and they were much gratified when I assured them that till they freely surrendered it for sale not one square foot could be taken from them for any purpose whatever, save that of some such public work as a railway.

Several of the bands are devoting themselves largely to agriculture, and one man last year cut ten tons of timothy hay, and raised upwards of two hundred bushels of other farm produ A large proportion, however hunt and trap, and act as guides; and as fourteen of them reported to me that they had caught upwards of $2,000 worth of furs, their success must, I suppose, have been satisfactory.

The only annoyance that has for years troubled this band, namely, the unfenced state of the Canadian Pacific Railway Track while it runs through their reserve, is being rapidly removed, and I was glad to find the eastern ten miles well fenced, and to be informed that the same work on the western side was being pushed forward with satisfactory speed.

The school in operation on this reserve is not accomplishing the work it ought to do, in consequence of the migratory habits of many members of the band. The number of pupils on the roll is much too small. Those few families who reside permanently near the school-house do send their children with fair regularity, so that last year with a roll of twelve there was an average daily attendance of eight and a-half, but, unfortunately, too many do not send their children at all

DOKIS BAND.

(Being the Ninth Reservation in the Schedule to the Treaty.)

For some reason with which I am at present unacquainted, this band failed to meet me at the time and place appointed. I am, consequently, unable to make any extended report concerning

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them. From enquiries made from their near neighbors, the Nipissings, I gathered that they were in their usual satisfactory condition.

[The report of the previous year is added as giving more particulars]:—

Extract from the report of Thos. F. Walton, Indian Superintendent, dated 12th September, 1891
Canada Sessional Papers, 1892. No. 14; Part I, page 8

Dokis Band.

Little if anything can be reported concerning this band. Reticense and independence characterize its leading members, and as these seem to exercise a dominant influence over the rest, it is almost impossible to approach them for any other purpose than that of paying them their annuities.

On the question being again brought before them, they again decidedly refused to surrender their timber with the object of its being sold for their benefit. Owing to extensvie lumbering operations going on all around their reserve, their timber is in great danger from fire, and it seems most expedient that it should be sold; but the obstinacy of one or two in refusing to surrender, blocks the way of this being accomplished, with the result that $50,000 worth of pine timber is liable to be destroyed any dry summer.

LAKE TEMOGAMINGUE.

(No Reservation by Treaty; applications made to Ontario for a grant.)

In this as in every other band in this superintendency there is a slight decrease in the census list this year. Why this should be, so generally, it is impossible to say, as all my Indians seem comfortable and in average circumstances. In this particular band the decrease is caused by some disease having carried off three members of one family in January last, while otherwise births and deaths balanced each other.

In this, as in most of the bands, I introduced the subject of vaccination and as soon as I had succeeded in inducing one or two to submit their children to the operation, I found that it suddenly became fashionable. I need not say that I took advantage of the fashion and vaccinated twenty-one children, some of whom, however, were those of non-treaty Indians. While parents willingly forced their children to submit themselves to the operation, they refused to submit themselves, and as this is usually the case, it will be extremely difficult to carry out your instruction to vaccinate every Indian once in seven years.

The ability of this band to sustain themselves in comfort was put to a severe test during last winter when provisions ran short and some hardship resulted. Notwithstanding this they welcomed spring in fair condition, and at the time of my visit seemed as happy and contented as usual.

The principal men of the band again made enquiry as to the laying out of a reserve for them, and expressed the hope that your department would not cease from your efforts till their whole band became settled all near each other, on land that their descendants could for ever call their own.

GARDEN RIVER.

(Being the Fourth Reservation in the Schedule to the Treaty.)

The chief of this band, Pequetchenene, was elected last year, and resides with his people on the reserve, which is situated twelve miles from here (Sault Ste. Marie), on the St. Mary River.

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There has been a great deal of sickness, chiefly among the children, and the doctor has had to make a number of extra visits. There were ten deaths. The sanitary condition of the Indians has been satisfactory; the houses have a better appearance, and the land is well fenced. The crops this year are good; corn is sown in small quantities and is looking well. The potato crop is excellent, and the hay is better than it has been for years past. The members of the band still continue to earn their living by cutting pulp wood, which has become quite an industry, and working in the shanties getting out saw-logs for the owner of the timber limits. The burning, last fall, of Messrs. Hollister & Co's mill kept many of the Indians out of employment this spring; some got work in other parts, loading lumber, etc.

This band is composed of both Church of England and Roman Catholics, and both denominations have good churches on the reserve. They have two schools, both of which are being better attended than formerly.

BATCHEWANA.

(Being the Fifteenth Reservation in the Schedule to the Treaty.)

Chief Nubenagooching of this band if a life chief, and resides with the greater number of this band at the bay, Garden River Reserve. The remainder of the Indians are scattered along the shore of Lake Superior to Agawa River about ninety miles from here (Sault Ste. Marie). These earn their living by fishing, hunting, canoe making and picking berries, large quantities of which are gathered along the shore, and are mostly sold in the United States at good prices. The fishing has been better during the past year, but the fur catch was not good, the prices of which have greatly fallen. During my last visit up the lake I fed about forty Indians and gave them tobacco, pipes and blankets, as is my usual custom. The Indians living at the Bay work in the shanties and drives, but do not participate in the wood and timber cut on Garden River Reserve. The school has been fairly well attended. The band are mostly Roman Catholics, with a very few Methodists.

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THE OJIBEWAS OF LAKE SUPERIOR.

MICHIPICOTEN AND BIG HEAD.

(Being the Second Reservation in the Schedule to the Superior Treaty.)

The chiefs of this band are Sanson Legard and Gros Jambette. The former resides at Michipicoten River with fourteen families, and the latter at Chapleau with about twelve families; the remaining members of the band are scattered inland, and are paid by me through the officer of the Hudson Bay Co. at Michipicoton River.

The Indians live chiefly by hunting and fishing. They also fish for those holding licenses to do so, and cut and sell wood to the fishing tugs during the open season. There has been a great deal of sickness during the year, and several deaths. The majority of the band are Roman Catholic, only about fifty being Methodists. The reserve at Michipicoten River is about three hundred acres, on which they grow potatoes and other vegetables. Their houses are good and comfortable. They have a Roman Catholic Church, and a school-house which is not used at present.

FORT WILLIAM.

(Being the First Reservation in the Schedule to the Treaty.)

I am pleased to be able to report again this year a gradual increase in the prosperity of this band. Their crops are unusually good: they put in last spring about five hundred bushels of seed, principally potatoes, some oats, peas and garden seeds. Their hay crop will be greater than ever this year, on account of their having drained Whiskey Jack Lake, situated immediately back of their farm settlement; it is about one mile long, and surrounded with tamarack swamp. This has been for many years a hindrance to their extending their farms further back, and it limits their cattle range for feeding. During July they cut a ditch from this lake twenty-five hundred feet long, leading into a ravine which carries the water into the Kaministiquia River. This involved an excavation of three thousand five hundred and sixty-five cubic yards, mostly through soft, miry muskeg and some clay, and the ditch looks like a small canal. It lowered the water of the lake about six feet, and dried up the surrounding swamp referred to, which now grows tall, waving hay where before it was covered with water. They have already commenced extending their fences, and some are clearing land and enlarging their farms. This extensive work they could not have done without the assistance of the Department. The levels were taken by an engineer, and fifteen cents per cubic yard was paid for excavating.

The Indians are giving special attention to stock raising, and have now five horses, twenty-six milch cows, thirty head of young cattle and fifteen working oxen. To show their advancement in this line, it is only a few years ago since the Department furnished them with two yoke of oxen to do the work connected with their garden patches, while now they have their own oxen to work their farms.

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The most of them have abandoned the hunt; fur-bearing animals are becoming more scarce, and this occupation does not pay as well as farming. Only a few indolent Indians hunt and fish, and they only manage to get a very poor livelihood as compared with the more industrious farmer. In the winter season they get cordwood, cedar, telegraph poles and posts and square cedar off their reserve and from other lands. Each Indian gives two days' statute labor yearly, thereby keeping their roads, ditches and bridges in good order. The Indian boys' and girls' school is well attended, and the orphanage is kept by the Sisters of St. Joseph in a most neat and orderly manner. The girls are taught needle and fancy work in addition to their ordinary studies. The pupils have good medical attendance. There has been a good deal of sickness in the band, of whom a certain number have been vaccinated each year. Very few of these Indians now indulge in intoxicants; a few whites have been fined and imprisoned for selling liquor to them. Their general prosperity and advancement is a proof of their temperate habits.

This band numbers three hundred and fifty-seven persons.

RED ROCK.

(Being the Third Reservation in the Schedule to the Treaty.)

This band has been improving their reserve for the past year in the way of clearing and building. They have good gardens, and will have a fair crop of potatoes. Their reserve is situated on the Nepigon River, where tourists from different parts of America resort every summer. They employ the Indians and their canoes at high wages; this diverts their attention from their farms. Hunting is followed in the winter season, but each year the fur-bearing animals are decreasing in number, and in a few years the Indians will be forced to turn their attention to agriculture. They get plenty of fish from Lake Helen, one mile from their reserve, in the summer season, and lake trout and white fish in the fall for their winter use.

It came to my knowledge that sportsmen engaging Indians as guides sometimes gave them liquor; this I put a stop to by giving them notice, through different agencies, that any one giving liquor to an Indian would be fined $300 and receive six months' imprisonment. This has put a stop to the practice.

Their school is taught by a female teacher, and their church is well attended when the missionary priest visits them, about four times a year. I vaccinated a good many of them this year, and some who evaded the operation before came to me this year to be vaccinated, having heard of two cases of small-pox in Port Arthur.

The band numbers two hundred and one persons, a decrease of two persons from last year.

PAYS PLAT.

This band only numbers fifty-two persons. They have comfortable log houses, situated on the banks of the Pays Plat River. The Canadian Pacific Railway runs through their reserve; they are an industrious and well-to-do people. They have a good bull to plough their land, and a few cows and young cattle; each year they improve a little. They complain of not being able to get fish as formerly on account of the depletion in Lake Superior by pound-net fishing.

They are very desirous of having a school and teacher; their chief is a man with a common English education, enterprising and industrious, and keeps a small trading store for the Hudson Bay Company.

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PIC RIVER.

This band numbers two hundred and sixty, an increase of seven persons over last year They have good crops of potatoes and some turnips; they have taken good care of their oxen, which have done all the ploughing for the band. The Indians worked last winter and this summer getting out pulp spruce wood for the American markets. This has enabled them to clothe their families and live more comfortably. They have had very little sickness; a number who were left widows, with young children, last year received assistance in the way of food during the winter from the department, and, if the rabbits are not plentiful this coming winter, they will require further assistance. In the summer season they can always manage to get fish in the inland lakes, and game.

LONG LAKE.

This band lives entirely by the chase. The department furnished them with seed potatoes and turnip seed last year, to give them a start, and I furnished them with twenty bushels more this year, but the effort to induce them to cultivate has proved a failure. Their land is a cold clay and not suitable for agricultural purposes, but will grow hay. In the summer months the Indians are employed getting in supplies from Lake Superior up the Pic River, thence across the height of land into the Little Albany River, thence into and across Long Lake to the Long Lake House, making twenty-eight portages. The fur-bearing animals in this country are not decreasing as they are in more thickly settled localities. No white trappers or parties who resort to these hunting grounds are interested in their preservation; the Indians are ever careful of them and when travelling they always extinguish their camp fires with water, which accounts for their never having a bush fire. Their hunt last winter exceeded that of the previous year by several thousand dollars; they dress better and are more comfortable in many ways than some of the frontier Indians. The Hudson Bay Company take great care of their Indian hunters; they live in wigwams all the year round, and are not so subject to consumption as those living in houses in the winter and changing to wigwams in the summer, which is the custom of many. This band numbers three hundred and thirty-one persons, a decrease of eight from last year.

NEPIGON.

This band numbers five hundred and twenty, an increase of seven over last year. These Indians live principally by the chase, many of them have built good log houses at different points where the soil is good, and they raise potatoes and other root crops; their object in settling in different places is to get fish, because if they all settled on their reserve that portion of the lake would soon be fished out, as it is not a good fishing ground at all times of the year. The hunt was more productive this year than last. In the summer season many of the Indians make money with the tourists, fly-fishing, being employed with their canoes at high wages. The lake and river, in addition to the attraction of fishing, presents the most picturesque and lovely scenery in America; it is over one hundred miles long by fifty in width. At Jackfish Island they have a well-attended school with a good teacher, it is also used as a Roman Catholic chapel. About one-third of this band are Pagans, the others are Roman Catholic. They are altogether a cleanly, well-behaved and happy people. In my agency I have successfully vaccinated two hundred and thirty Indians this year.

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ENGLISH CHURCH MISSION RESERVE.

This year I did not visit this reserve, as the Indians were all away, being employed by tourists on the Nepigon River, which takes its rise or source close to their reserve. The families were away picking berries, it being holiday time for the children. The chief informed me that their potato crop was very good, and the bull that does all their ploughing and other work is in good condition; they had plenty of hay for the winter; they also have a fine church and school house, the latter being well attended. Their minister was removed and now resides in Toronto, but it is hoped the bishop will replace him, as the mission will not prosper without a resident minister. They live in good houses and are a well-behaved industrious people.

APPENDIX D.

The Manitoulin Island Treaty.

of 6th October, 1862.

Articles of agreement and convention, made and concluded at Manitowaning, on the Great Manitoulin Island, in the Province of Canada, the sixth day of October, Anno Domini 1862, between the Hon. William McDougall, Superintendent-General of Indian Affairs, and William Spragge, Esquire, Deputy Superintendent of Indian Affa'rs, on the part of the Crown and Government of said Province, of the first part, and Mai-she-guong gai, Oke-mah-be-ness J. B. Assiginack, Benjamin Assiginack, Wai-be-nesse-me, She-we-tah-gun, George Ah-be-tos-o-wai, Paim-o-quo-naish-gung, Abence, Tai-bose-gai, Ato-wish-cosh, Nai-wau-dai-ge-zhik, Wau-kau-o-say, Keesh-kewan-bik, Chiefs and principal men of the Ottawa, Chippewa, and other Indians occupying the said Island, on behalf of the said Indians, of the second part:

Whereas, the Indian title to said Island was surrendered to the Crown on the ninth August, Anno Domini 1836, under and by virtue of a treaty made between Sir Francis Bond Head, then Governor of Upper Canada, and the chiefs and principal men of the Ottawas and Chippewas then occupying and claiming title thereto, in order that the same might "be made the property (under their Great Father's control) of all Indians whom he should allow to reside thereon;"

And whereas, but few Indians from the mainland whom it was intended to transfer to the Island, have ever come to reside thereon;

And whereas, it has been deemed expedient (with a view to the improvement of the condition of the Indians, as well as the settlement and improvement of the country,) to assign to the Indians now upon the island certain specified portions thereof, to be held by patent from the Crown, and to sell the other portions thereof fit for cultivation to settlers, and to invest the proceeds thereof, after deducting the expenses of survey and management, for the benefit of the Indians:

And whereas, a majority of the chiefs of certain bands residing on that portion of the island easterly of Heywood Sound and Manitoulin Gulf have expressed their unwillingness to accede to this proposal as respects that portion of the island, but have assented to the same as respects all other portions thereof; and whereas the chiefs and principal men of the bands residing on the island westerly of the said sound and gulf have agreed to accede to the said proposal;

Now this agreement witnesseth that in consideration of the sum of seven hundred dollars now in hand paid (which sum is to be hereafter deducted from the proceeds of lands sold to set-

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tlers),the receipt whereof is hereby acknowledged, and in further consideration of such sums as may be realized from time to time as interest upon the purchase money of the lands, to be sold for their benefit as aforesaid, the parties hereto of the second part have and hereby do release, surrender and give up to Her Majesty the Queen, all the right, title, interest and claim of the parties of the second part, and of the Ottawa, Chippewa and other Indians in whose behalf they act, of, in and to the Great Manitoulin Island, and also of, in, and to the islands adjacent, which have been deemed or claimed to be appurtenant or belonging thereto, to have and to hold the same and every part thereof, to Her Majesty, her heirs and successors forever.

And it is hereby agreed by and between the parties hereto as follows :

Firstly.—A survey of the said Manitoulin Island shall be made as soon as conveniently may be, under the authority of the Department of Crown Lands.

Secondly.—The Crown will, as soon as conveniently may be, grant by deed for the benefit of each Indian being the head of a family and residing on the said island, one hundred acres of land ; to each single person over twenty-one years of age, residing as aforesaid, fifty acres of land ; to each family of orphan children under twenty-one years of age, containing two or more persons, one hundred acres of land ; and to each single orphan child under twenty-one years of age, fifty acres of land ; and to each single orphan child under twenty-one years of age fifty acres of land ; to be selected and located under the following rules and conditions : Each Indian entitled to land under this agreement may make his own selection of any land on the Great Manitoulin Island.

Provided :

1st. That the lots selected shall be contiguous or adjacent to each other, so that Indian settlements on the Island may be as compact as possible.

2nd. That if two or more Indians claim the same lot of land, the matter shall be referred to the Resident Superintendent, who shall examine the case and decide between them.

3rd. That selections for orphan children may be made by their friends, subject to the approval of the Resident Superintendent.

4th. Should any lot or lots, selected as aforesaid, be contiguous to any bay or harbor, or any stream of water, upon which a mill site shall be found, and should the Government be of opinion that such lot or lots ought to be reserved for the use of the public, or for village or park lots, or such mill site be sold with a view to the erection of a mill thereon, and shall signify such its opinion through its proper agent, then the Indian who has selected, or who wishes to select such lot, shall make another selection ; but if he has made any improvements thereon, he shall be allowed a fair compensation therefor.

5th. The selections shall all be made within one year after the completion of the survey, and for that purpose plans of the survey shall be deposited with the Resident Superintendent as soon as they are approved by the Department of Crown Lands, and shall be open to the inspection of all Indians entitled to make selections as aforesaid.

Thirdly.—The interests which may accrue from the investment of the proceeds of sales of lands as aforesaid, shall be payable annually, and shall be apportioned among the Indians now residing westerly of the said sound and gulf and their descendants, *per capita*, but every chief lawfully appointed shall be entitled to two portions.

Fourthly.—So soon as one hundred thousand acres of the said land is sold, such portion of the salary of the Resident Superintendent, and of the expenses of his office as the Government may deem equitable, shall become a charge upon the said fund.

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Fifthly.—The deeds or patents for the lands to be selected as aforesaid, shall contain such conditions for the protection of the grantees as the Governor in Council may, under the law, deem requisite.

Sixthly.—All the rights and privileges in respect to the taking of fish in the lakes, bays, creeks and waters within and adjacent to the said island, which may be lawfully exercised and enjoyed by the white settlers thereon, may be exercised and enjoyed by the Indians.

Seventhly.—That portion of the island easterly of Heywood Sound and Manitoulin Gulf, and the Indians now residing there, are exempted from the operation of this agreement as respects survey, sale of lots, granting deeds to Indians, and payment in respect of moneys derived from sales in other parts of the island. But the said Indians will remain under the protection of the Government as formerly, and the said easterly part or division of the island will remain open for the occupation of any Indians entitled to reside upon the island as formerly, subject, in case of dispute, to the approval of the Government.

Eighthly.—Whenever a majority of the chiefs and principal men at a council of the Indians residing easterly of the said sound and gulf, to be called and held for the purpose, shall declare their willingness to accede to the present agreement in all respects and portions thereof, and the Indians there shall be entitled to the same privileges in every respect from and after the date of such approval by the Government, as those residing in other parts of the island.

Ninthly.—This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be approved by the Governor in Council.

In witness whereof the said Superintendent-General of Indian affairs, and Deputy-Superintendent, and the undersigned chiefs and principal men of the Ottawa, Chippewa and other Indians have hereto set their hands and seals at Manitowaning, the sixth day of October, in the year first above mentioned.

(Signed),

WM. McDOUGALL,	(L.S.)
WM. SPRAGGE,	(L.S.)
J. B. ASSIGINACK,	(L.S.)
MAISHEGUONGGAL,	(L.S.)
OKEMAHBENESS,	(L.S.)
BENJAMIN ASSIGINACK,	(L.S.)
WAIBENESSIEME,	(L.S.)
SHEWETAGUN,	(L.S.)
GEORGE WEBETOOSOWN,	(L.S.)
PAIMOQUONAISHGUNG,	(L.S.)
ABENCE,	(L.S.)
TAIBOSEGAI,	(L.S.)
ATOWISHCOSH,	(L.S.)
NAIWAUDAIGEZHIK,	(L.S.)
WETCOWSAI,	(L.S.)
KUSHKEWABIE,	(L.S.)
BAIBOMSAI,	(L.S.)
KEGHIKGODONESS,	(L.S.)
PAHTAHDOGINSHING,	(L.S.)

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Executed in the presence of (having been first read, translated and explained) :

(Signed),

GEORGE IRONSIDE,
S. I. Affairs,
S. PHILLIPS DAY,
WM. GIBBARD,
DAVID S. LAYTON,
JOSEPH WILSON,
JOHN H McDOUGALL,
F. ASSICKINACK,
PETER JACOBS,
Church of England Mission,
McGREGOR IRONSIDE.

The undersigned is one of the chiefs of the Wequainorekong band, and appends his signature in testimony of his general approval and his assent as an individual to all the terms of the above agreement.

(Signed)

TEHKUMMEH, (L.S.)
PAIMSAHDUNG, (L.S.)

MANITOWANING, October 6th, 1862.

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APPENDIX E 1.

THE CLAIM AGAINST THE PROVINCE OF CANADA FOR ARREARS OF ROBINSON TREATY ANNUITIES, AS FILED ON 25TH JUNE, 1894, AND IN RESPECT OF WHICH THE CLAIM WAS SETTLED, SUBJECT TO AN ACCOUNT, BY THE TERMS OF THE AWARD OF 13TH FEBRUARY, 1895, AS APPEARS BY DOMINION STATEMENT OF CLAIM, PARAGRAPH 5.

Year.	Approximate number of Indians paid.	Average value of annuity per head.	Amount paid.	Amount which should have been paid.	Arrears.	Interest.	From 1st July	To 30th June.	Terms.	Rate.	Amount of arrears and interest.	Total.
1851	2,700	1 60	4,400 00	10,800 00	6,400 00	5,120 00	1851	1867	16	5%	11,520 00	
1852	"	"	4,400 00	10,800 00	6,400 00	4,800 00	1852	1867	15	"	11,200 00	
1853	"	"	4,400 00	10,800 00	6,400 00	4,480 00	1853	1867	14	"	10,880 00	
1854	"	"	4,400 00	10,800 00	6,400 00	4,160 00	1854	1867	13	"	10,560 00	
1855	"	"	4,400 00	10,800 00	6 400 00	3,840 00	1855	1867	12	"	10,240 00	
1856	"	"	4,400 00	10,800 00	6,400 00	3,520 00	1856	1867	11	"	9,920 00	
1857	"	"	4,400 00	10,800 00	6,400 00	3,200 00	1857	1867	10	"	9,600 00	
1858	"	"	4,400 00	10,800 00	6 400 00	2,880 00	1858	1867	9	"	9,280 00	
1859	"	"	4,400 00	10,800 00	6,400 00	2,560 00	1859	1867	8	"	8,960 00	
1860	"	"	4,400 00	10,800 00	6,400 00	2,240 00	1860	1867	7	"	8,640 00	
1861	"	"	4,400 00	10,800 00	6,400 00	1,920 00	1861	1867	6	"	8,320 00	
1862	"	"	4,400 00	10,800 00	6,400 00	1,600 00	1862	1867	5	"	8,000 00	
1863	"	"	4,400 00	10,800 00	6,400 00	1,280 00	1863	1867	4	"	7,680 00	
1864	"	"	4,400 00	10,800 00	6,400 00	960 00	1864	1867	3	"	7,360 00	
1865	"	"	4,400 00	10,800 00	6,400 00	640 00	1865	1867	2	"	7,040 00	
1866	"	"	4,400 00	10,800 00	6,400 00	320 00	1866	1867	1	"	6,720 00	
Interest on arrears and interest ($145,920.00) from 1st July, 1867, to 30th December, 1892											179,520 00	
												$325,440 00

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APPENDIX E 2.

PARTICULARS OF CLAIM AGAINST THE PROVINCES OF ONTARIO AND QUEBEC CONJOINTLY FOR ARREARS OF ANNUITY DUE THE INDIANS FOR THE SURRENDERED TERRITORY, AS FILED 25TH JANUARY, 1897, PARAGRAPHS 9 AND 11 OF THE DOMINION STATEMENT OF CLAIM.

Year.	Approximate number of Indians paid.	Average value of annuity.	Amount paid.	Amount which should have been paid.	Arrears.	Interest.	From 1st July.	To 30th Dec.	Terms.	Rate.	Amount of arrears and interest.	Total.
1867	2,700	1 60	4,400 00	10,800 00	6,400 00	8,160 00	1867	1892	25½	5%	14,500 00	
1868	"	"	4,400 00	10,800 00	6,400 00	7,840 00	1868	"	24½	"	14,240 00	
1869	"	"	4,400 00	10,800 00	6,400 00	7,520 00	1869	"	23½	"	13,920 00	
1870	"	"	4,400 00	10,800 00	6,400 00	7,200 00	1870	"	22½	"	13,600 00	
1871	"	"	4,400 00	10,800 00	6,400 00	6,880 00	1861	"	21½	"	13,280 00	
1872	"	"	4,400 00	10,800 00	6,400 00	6,560 00	1872	"	20½	"	12,960 00	
1873	"	"	4 400 00	10,800 00	6,400 00	6,240 00	1873	"	19½	"	12,640 00	
												$95,200 00

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APPENDIX E 3.

PARTICULARS OF CLAIM AGAINST THE PROVINCES OF ONTARIO AND QUEBEC CONJOINTLY FOR AMOUNT OF ANNUITIES OVER AND ABOVE THE INTEREST ON $88,000 CAPITALIZED, PAID TO THE INDIANS UNDER THE ROBINSON TREATY, BY THE DOMINION OF CANADA, AND DUE TO THE GOVERNMENT OF THE DOMINION, AS FILED 25TH JANUARY, 1897, PARAGRAPHS 10 AND 11 OF THE DOMINION STATEMENT OF CLAIM.

Year.	No. of Indians.	Amount per head.	Interest on $88,000 at 5 %.	Amount Paid.	Amount due the Dominion.	Interest on amount due.	From 1st July.	To 31st Dec.	Terms.	Rate.	Amount due with interest.	Total.
1874	3,791	4 00	4,400 00	15,164 00	10,764 00	9,956 70	1874	1892	18½	5%	20,720 70	
1875	3,771	"	4,400 00	15,084 00	10,684 00	9,248 50	1875	"	17½	"	20,032 50	
1876	4,156	"	4,400 00	16,624 00	12,224 00	10 084 00	1876	"	16½	"	22,308 50	
1877	3,988	"	4,400 00	15,952 00	11,552 00	8 952 80	1877	"	15½	"	20,504 80	
1878	3,994	"	4,400 00	15,976 00	11,576 00	8,392 60	1878	"	14½	"	19,968 60	
1879	4,450	"	4,400 00	17,804 00	13,404 00	9,047 70	1879	"	13½	"	22,451 70	
1880	4,444	"	4,400 00	17,760 00	13,360 00	8,350 00	1880	"	12½	"	21,710 00	
1881	4,426	"	4,400 00	17,704 00	13,304 00	7,649 80	1881	"	11½	"	20,953 80	
1882	4,725	"	4,400 00	18,900 00	14,500 00	7,612 50	1882	"	10½	"	22,102 50	
1883	4,747	"	4,460 00	18,988 00	13,588 00	6,929 30	1883	"	9½	"	21,517 60	
1884	4,785	"	4,400 00	19,140 00	14,740 00	6,264 50	1884	"	8½	"	21,004 50	
1885	5,178	"	4,400 00	20,712 00	16,312 00	6,017 00	1885	"	7½	"	22,329 00	
1886	4,950	"	4,400 00	19,800 00	15,200 00	4,940 00	1886	"	6½	"	20,140 00	
1887	5,1*3	"	4,400 00	20,732 00	16.332 00	4,491 30	1887	"	5½	"	20,823 30	
1888	5,173	"	4,400 00	20 692 00	16,292 00	3,665 70	1888	"	4½	"	19,957 70	
1889	5,183	"	4,400 00	20,732 00	16,332 00	2,045 00	1889	"	3½	"	19,190 10	
1890	5,190	"	4,400 00	20,760 00	16,360 00	2,045 00	1890	"	2½	"	19,404 40	
1891	5,139	"	4,400 00	20,556 00	16 156 00	1,211 70	1891	"	1½	"	17,367 70	
1892	5,151	"	4,400 00	20,604 00	16,204 00	405 10	1892	"	½	"	16,609 10	
												$389,106 80

IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

STATEMENT OF CASE OF THE DOMINION

ON INDIAN CLAIMS

ARISING OUT OF THE

"ROBINSON TREATIES."

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

STATEMENT OF CASE OF THE DOMINION

ON INDIAN CLAIMS

ARISING OUT OF THE

"ROBINSON TREATIES."

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 4)

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IN THE MATTER OF THE ARBITRATION

FOR SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 & 55 VIC. CAP. 6, CANADA ; 54 VIC. CAP. 2, ONTARIO ; AND 54 VIC. CAP. 4, QUEBEC.

Filed the 5th day of October, 1893.

STATEMENT OF CASE of the Dominion relating to the claims of the Ojibeway Indians of Lake Huron and Lake Superior for arrears of annuity, and for increased annuities, under the treaties made by the Hon. W. B. Robinson in the year 1850.

I

The questions which the Arbitrators are called upon to decide in this case, arise out of certain claims which the Ojibeway Indians of the Lake Huron District, and the Lake Superior District have made for the payment to them of certain arrears of annuity, and for the payment of increased annuities, which it is contended by the Dominion of Canada on behalf of these Indians, should be paid to them, and which arrears and increase of annuities, should be paid by the old Province of Canada, and the Province of Ontario respectively, for the respective periods hereinafter to be set out.

2

Prior to and in the year 1850, the Ojibeway Indians inhabited large tracts of land on the Eastern and Northern shores of Lake Huron, and on the Northern Shore of Lake Superior, which tracts of land were at that time within the boundaries of the then Province of Canada; but since the year

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1867, are within the Province of Ontario. At the date first above mentioned, 1850, the administration of Indian Affairs within the Province of Canada, was in the hands of Her Majesty the Queen, and the management of the business with the said Indians was conducted by officers and agents appointed by the Government of Great Britain.

In the said year 1850, the Honorable William Benjamin Robinson was duly authorized by Her Majesty represented by the Government of the Province of Canada, to negotiate and enter into agreements with the above named Indians, for the extinguishment of their title to, and to obtain cessions of portions of, the tracts of land occupied and inhabited by them, for the purpose of opening up the said lands for settlement, and developing the mineral resources of the same, and on the 9th day of September, 1850, an agreement was entered into between the said Hon. W. B. Robinson on behalf of the Queen, and the Ojibeway Indians of the Lake Huron District, which agreement is in the words and figures following :—

" This agreement made and entered into this ninth day of September, in the year of Our Lord one thousand eight hundred and fifty, at Sault Ste. Marie, in the Province of Canada, between the Honorable William Benjamin Robinson of the one part, on behalf of Her Majesty the Queen and Shingvacouse, Nebenaigoching, Keokouse, Mishequonga, Tagawinini, Shabokishick, Dokis, Ponekeosh, Windatagowinini, Shawenakeshick, Namassin, Naoquagabo, Wabakekik, Kitchepoxssigun by Papasainse, Wagemaki, Pamequonaisheung, Chiefs, and John Bell, Paqwatchinini, Nashekyash. Idowekesis. Waquacomick, Ocheek, Metigomin, Watachewana, Minwawapenasse, Shenaoquom, Oningegun, Panaissy, Papasainse, Ashewasega, Kageshewawetung, Shawonebin; and also Chief Maisquaso (also Chiefs Muckata, Mishoquet and Mekis and Mishoquetto and Asa Waswanay and Pawiss,) principal men of the Ojibeway Indians, inhabiting and claiming the Eastern and Northern Shores of Lake Huron, from Penetanguishine to Sault Ste. Marie, and thence to Batchewanaung Bay, on the Northern Shore of Lake Superior, together with the Islands in the said Lakes opposite to the shores thereof, and inland to the height of land, which separates the territory covered by the charter of the Honorable Hudson Bay Company from Canada: as well as all unconceded lands within the limits of Canada west to which they have any just claim on the other part witnesseth :

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That for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada, to them in hand paid, and for the further perpetual annuity of six hundred pounds of like money; the same to be paid and delivered to the said Chiefs, and their Tribes, at a convenient season of each year, of which due notice will be given, at such places as may be appointed for that purpose, they, the said Chiefs and principal men, on behalf of their respective Tribes or Bands do hereby fully, freely, and voluntarily surrender, cede, grant and convey unto Her Majesty, her heirs and successors for ever all their right, title, and interest to, and in the whole of, the territory above described, *save and except the reservations set forth in the schedule hereunto annexed; which reservations shall be held and occupied by the said Chiefs and their Tribes in common, for their own use and Benefit.*

And should the said Chiefs and their respective tribes at any time desire to dispose of any part of such reservations, or of any mineral, *or other valuable productions thereon, the same will be sold or leased at their request by the Superintendent-General of Indian Affairs for the time being, or other officer* having authority so to do, for their sole interest, *and to the best advantage.*

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty and the Government of this Province, hereby promises and agrees to make, or cause to be made, the payments as above mentioned, and further to allow the said Chiefs and their tribes, the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof, as they have hitherto been in the habit of doing, saving and excepting such portions of the said territory, as may from time to time be sold or leased to individuals, or companies of individuals, and occupied by them with the consent of the Provincial Government.

The parties of the second part, further promise and agree that they will not sell, lease, or otherwise dispose of any portion of their reservations, without the consent of the Superintendent-General of Indian Affairs, or other officer of like authority, being first had and obtained. Nor will they at any time hinder, or prevent persons from exploring or searching for minerals, or other valuable productions, in any part of the territory hereby ceded to Her Majesty as before mentioned. The parties of the second part also agree, that in case the Government of this Province should before the date of this agreement have sold, or bargained to sell, any mining locations or other property, on the portions of the territory hereby reserved for their use; then, and in that case, such sale, or promise

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of sale, shall be perfected by the Government, if the parties claiming it, shall have fulfilled all the conditions upon which such locations were made, and the amount accruing therefrom, shall be paid to the tribe to whom the reservation belongs.

The said William Benjamin Robinson on behalf of Her Majesty, who desires to deal liberally and justly with all Her subjects, further promises and agrees, that should the territory hereby ceded by the parties of the second part at any future period produce such an amount, as will enable the Government of this Province, without incurring loss, to increase the annuity hereby secured to them, then, and in that case, the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound Provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order, and provided further that the number of Indians entitled to the benefit of this treaty shall amount to two-thirds of their present number, which is fourteen hundred and twenty-two, to entitle them to claim the full benefit thereof. And should they not at any future period amount to two-thirds of fourteen hundred and twenty-two, then the said annuity shall be diminished in proportion to their actual numbers.

The said William Benjamin Robinson of the first part further agrees, on the part of Her Majesty, and the Government of this Province, that in consequence of the Indians inhabiting French River and Lake Nipissing having become parties to this treaty, the further sum of one hundred and sixty pounds Provincial currency shall be paid in addition to the two thousand pounds above mentioned.

SCHEDULE OF RESERVATIONS MADE BY THE ABOVE-NAMED SUBSCRIBING CHIEFS AND PRINCIPAL MEN.

FIRST.—Pamequonaishcung and his Band, a tract of land to commence seven miles from the mouth of the River Maganetawang, and extending six miles east and west by three miles north,

Second.—Wagemake and his Band, a tract of land to commence at a place called Nekickshegeshing, six miles from east to west, by three miles in depth.

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Third.—Kitcheposkissegan (by Papassinse) from Point Grondine westward, six miles inland, by two miles in front, so as to include the small Lake Nessinassung, a tract for themselves and the Bands.

Fourth.—Wabakekik, three miles front, near Shebawenaning by five miles inland, for himself and Band.

Fifth.—Namassin and Naoqnagabo and their Bands, a tract of land commencing near Qacloche, at the Hudson Bay Company's boundary; thence westerly to the mouth of Spanish River, then four miles up the south bank of the said River, and across to the place of beginning.

Sixth.—Shawenakiskick and his Band, a tract of land now occupied by them, and contained between two rivers called Whitefish River and Wanabitasekey seven miles inland.

Seventh.—Windawtegawinini and his Band, the Peninsula east of Serpent River, and formed by it, now occupied by them.

Eight.—Ponekeosh and his Band, the land contained between the River Mississiga and the River Penewabecong, up to the first rapids.

Ninth.—Dokis and his band, three miles square at Wanabeyakokaun, near Lake Nipissing, and the Island near the Fall of Okickandawt.

Tenth.—Shabokishick and his Band, from their present planting grounds on Lake Nipissing to the Hudson Bay Company's post, six miles in depth.

Eleventh.—Tagawinini and his Band, two miles square at Wanabitibing, a place about forty miles inland, near Lake Nipissing.

Twelfth.—Keokouse and his Band, four miles front from Thessalon River eastward by four miles inland.

Thirteenth.—Mishequanga and his Band, two miles on the Lake Shore east and west of Ogawaminang by one mile inland.

Fourteenth.—For Shinguacouse and his Band, a tract of land extending from Maskinongé Bay, inclusive, to Partridge Point, above Garden River on the front, and inland ten miles, throughout the whole distance; and also Squirrel Island.

Fifteenth.—For Nebenaigoching and his Band, a tract of land extending from Wanabekineyunnung, west of Gros Caap, to the Boundary of the

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lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay, and also the small Island at Sault Ste. Marie used by them as a fishing station.

Sixteenth.—For Chief Mekis and his Band, residing at Wasaquesing (Sandy Island a tract of land at a place on the main shore opposite the island; being at the place now occupied by them for residence and cultivation, four miles square.

Seventeenth.—For Chief Muckatamishaquet and his Band, a tract of land on the east side of the River Naishconteong near Pointe aux Barils, three miles square; and also a small tract in Washanwenega Bay—now occupied by a part of the Band—three miles square.

Signed, sealed and delivered at Sault Ste-Marie, the day and year first above written in presence of—

(Signed)

ASTLEY P. COOPER,	Capt. Rifle Brig.	
GEORGE IRONSIDE,	S. I. Affairs.	
F. W. BALFOUR,	Lieut. Rifle Brig.	
ALLAN MACDONELL,		
GEORGE JOHNSTON,	Interpreter.	
LOUIS CADOTT.		
J. B. ASSIKINACK.		
T. W. KEATING.		
JOS. WILSON.		
W. B. ROBINSON.		
SHINGUACOUSE,	his X mark	(L.S.)
NEBENAIGOCHING,	his X mark	(L.S.)
KEOKOUSE,	his X mark	(L.S.)
MISHEQUONGA,	his X mark	(L.S.)

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TAGAWININI,	his X mark	(L.S.)
SHABOKESHICK,	his X mark	(L.S.)
DOKIS,	his X mark	(L.S.)
PONEKEOSH,	his X mark	(L.S.)
WINDAWTEGOWININI,	his X mark	(L.S.)
SHAWENAKESHICK,	his X mark	(L.S.) 10
NAMASSIN,	his X mark	(L.S.)
MUCKATA MISHAQUET,	his X mark	(L.S.)
MEKIS,	his X mark	(L.S.)
MAISQUASO,	his X mark	(L.S.)
NAOQUAGABO,	his X mark	(L.S.)
WABOKEKICK,	his X mark	(L.S.) 20
KITCHEPOSSEGUN by PAPASAINSE	his X mark	(L.S.)
WAGEMAKE,	his X mark	(L.S.)
PAMEQUONAISHCUNG,	his X mark	(L.S.)
JOHN BELL,	his X mark	(L.S.)
PAQWATCHININI,	his X mark	(L.S.)
MASHEKYASH,	his X mark	(L.S.) 30

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IDOWEKESIS,	his X mark	(L.S.)
WAQUACOMICK,	his X mark	(L.S.)
MISHOQUETTO,	his X mark	(L.S.)
ASA WASWANAY,	his X mark	(L.S)
PAWISS,	his X mark	(L.S.)
OCHEEK,	his X mark	(L.S.)
METIGOMIN,	his X mark	(L.S.)
WATACHEWANA,	his X mark	(L.S.)
MIMEWAWAPENASSE,	his X mark	(L,S.)
SHENAOQUM,	his X mark	(L.S.)
ONINGEGUN,	his X mark	(L.S.)
PANAISSY,	his X mark	(L.S.)
PAPASAINSE,	his X mark	(L.S.)
ASHEWASEGA,	his X mark	(L.S.)
KAGISHEWAWETUNG by BABONCUNG	his X mark	(L.S.)
SHAWONEBIN,	his X mark	(L.S.)

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IDOWEKÉSIS,	his X mark	(L.S.)
WAQUACOMICK,	his X mark	(L.S.)
MISHOQUETTO,	his X mark	(L.S.)
ASA WASWANAY,	his X mark	(L.S.)
PAWISS,	his X mark	(L.S.)
OCHEEK,	his X mark	(L.S.)
METIGOMIN,	his X mark	(L.S.)
WATACHEWANA,	his X mark	(L.S.)
MIMEWAWAPENASSE,	his X mark	(L,S.)
SHENAOQUM,	his X mark	(L.S.)
ONINGEGUN,	his X mark	(L.S.)
PANAISSY,	his X mark	(L.S.)
PAPASAINSE,	his X mark	(L.S.)
ASHEWASEGA,	his X mark	(L.S.)
KAGISHEWAWETUNG by BABONCUNG	his X mark	(L.S.)
SHAWONEBIN,	his X mark	(L.S.)

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Witness to signatures of Muckata, Mishaquet, Mekis, Mishoquetto, Asa Waswanay, and Pawiss—

T. G. ANDERSON, S. I. A.
W. B. HAMILTON.
W. SIMPSON.
ALFRED A. THOMPSON.

And which agreement is now known and will hereafter be designated the "Robinson Huron Treaty." —4

On the seventh day of the said month of September 1850, the said Hon. W. B. Robinson on behalf of Her Majesty the Queen, entered into another agreement, with the Ojibeway Indians of the Lake Superior District, which agreement is in the words and figures following:

This agreement made and entered into on the seventh day of September, in the year of our Lord one thousand eight hundred and fifty, at Sault Ste-Marie, in the Province of Canada, between the Honorable William Benjamin Robinson, of the one part, on behalf of Her Majesty the Queen and Joseph Peandechat, John Iuinway. Mishe-Muckqua, Totomencie, Chiefs; and Jacob Warpela, Ahmutchiwagabou, Michel Shelageshick, Manitoshainse, and Chiginans, principal men of the Ojibeway Indians, inhabiting the Northern Shore of Lake Superior, in the said Province of Canada, from Batchewananing Bay to Pigeon River at the western extremity of said Lake, and inland throughout that extent to the height of land, which separates the territory covered by the charter of the Honorable the Hudson's Bay Company from the said tract, and also the Islands in the said Lake within the boundaries of the British possessions therein, of the other part witnesseth:

That for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada, to them in hand paid, and for the further perpetual annuity of five hundred pounds, the same to be paid and delivered to the said chiefs and their tribes at a convenient season of each summer, not later than the first day of August, at the Honorable the Hudson's Bay Company's Post of Michipicoton and Fort William, they the said chiefs and principal men do freely, fully and voluntarily surrender, cede, grant and convey unto Her Majesty, her heirs and successors for ever, all their right, title and interest in the whole of the territory above described, save and except the reservations set forth in the schedule hereunto annexed which reservations shall be held and occupied by the said chiefs, and their

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tribes in common, for the purposes of residence, and cultivation, and should the said chiefs and their respective tribes at any time desire to dispose of any mineral or other valuable productions upon the said reservations, the same will be at their request sold by order of the Superintendant-General of the Indian Department for the time being, for their sole use and benefit, and to the best advantage.

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty, and the Government of this Province, hereby promises and agrees to make the payments as before mentioned; and further to allow the said chiefs and their tribes the full and free privilege to hunt over the territory, now ceded by them, and to fish in the waters thereof, as they have heretofore been in the habit of doing, saving and excepting only such portions of the said territory, as may from time to time be sold or leased to individuals, or companies of individuals, and occupied by them with the consent of the Provincial Government. The parties of the second part further promise and agree, that they will not sell, lease, or otherwise dispose of any portion of their reservations, without the consent of the Superintendent-General of Indian Affairs being first had and obtained, nor will they at any time hinder or prevent persons from exploring or searching for minerals, or other valuable productions in any part of the territory hereby ceded to Her Majesty as before mentioned. The parties of the second part also agree, that in case the Government of this Province should before the date of this agreement, have sold or bargained to sell any mining locations or other property on the portions of the territory hereby reserved for their use and benefit, then and in that case, such sale, or promise of sale, shall be forfeited, if the parties interested, desire it, by the Government, and the amount accruing therefrom shall be paid to the tribe, to whom the reservation belongs. The said William Benjamin Robinson, on behalf of Her Majesty, who desires to deal liberally and justly with all her subjects, further promises and agrees that in case the territory hereby ceded by the parties of the second part, shall at any future period produce an amount which will enable the Government of this Province without incurring loss, to increase the annuity hereby secured to them, then, and in that case, the same shall be augmented from time to time, provided that the amount paid to each individual, shall not exceed the sum of one pound provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order; and provided further that the number of Indians, entitled to the benefit of this treaty, shall amount to two thirds of their present numbers (which is twelve hundred and forty) to entitle them

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to claim the full benefit thereof, and should their numbers at any future period not amount to two thirds of twelve hundred and forty the annuity shall be diminished in proportion to their actual numbers.

SCHEDULE OF RESERVATIONS MADE BY THE ABOVE-NAMED AND SUBSCRIBING CHIEFS AND PRINCIPAL MEN.

First.—Joseph Pean-de-chat and his Tribe, the reserve to commence about two miles from Fort William (inland,) on the right bank of the River Kiminitiquia thence westerly six miles, parallel to the shores of the lake; thence northerly five miles, thence easterly to the right bank of the said river, so as not to interfere with any acquired rights of the Honorable Hudson's Bay Company.

Second.—Four miles square at Gros Cap, being a valley near the Honorable Hudson's Bay Company's Post of Michipicoton for Totominai and Tribe.

Third.—Four miles square on Gull River, near Lake Nipigon, on both sides of said river, for the Chief Mishimuckqua and Tribe.

Signed, sealed and delivery at Sault Ste-Marie, the day and year first above written in presence of—

[Signed]	GEORGE IRONSIDE,	S. I. Affairs.
	ARTHUR P. COOPER,	Capt. Com. Rifle Brig
	H. M. BALFOUR,	2nd. Lieut. Rifle Brig.
	JOHN SWANSTON,	C. F. Hon. Hud. Bay Co.
	GEORGE JOHNSTON,	Interpreter.
	F. W. KEATING,	
	W. B. ROBINSON.	
	JOSEPH PEAN-DE-CHAT his X mark	[L.S.]
	JOHN MINWAY his X mark	[L.S.]

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MISHE-MUCKQUA	his X mark	[L.S.]
TOTOMANAI	his X mark	[L.S.]
JACOB WAPELA,	his X mark	[L.S.]
AH-MUTCHINAGALON,	his X mark	[L.S.]
MICHEL SHELAGESHICK,	his X mark	[L.S.]
MANITOU SHAINSE,	his X mark	[L.S.]
CHIGINANS,	his X mark	[L.S.]

Which agreement is now known and will hereafter be designated the "Robinson Superior Treaty."

From the date of said Treaties up to the year 1867, when the British North America Act was passed, the Indians under the "Robinson Huron Treaty" were paid yearly and every year by the Province of Canada, $2,400.00, which sum when divided amongst the said Treaty Indians gave to each individual Indian within the treaty, the yearly sum of $1.60, and the Indians under the "Robinson Superior Treaty," were paid yearly and every year by the Province of Canada, the sum of $2,000.00, which was divided amongst the Indians within that treaty, and gave to each individual Indian the sum of $1.60.

After the year 1867, the date of the Confederation of the Provinces, and up to the end of the fiscal year of 1874, namely the 30th June 1874, the Dominion of Canada continued to pay every year, to the Indians, the said annuities mentioned in the said treaties in the proportion to each individual Indian above mentioned in paragraph five, namely : $1.60 per head the number of such Indians under the two treaties, being placed at an average for each year at 2700.

In the year 1873, representations were made and strongly urged upon the Department of Indian Affairs of Canada, that the said Indians were not

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receiving and had not been receiving for many years previously, the amount of annuities, which the increased revenues of the land ceded by them, under the said treaties, would entitle them to under the provisions of the said treaties, and petitions were then presented on behalf of the Indians to the Dominion, in which it was claimed, that the annuities should be augmented so that they should at least receive and be paid the sum of $4.00 per capita as stipulated in the said treaties ; and in the year 1875 the Dominion Government after making proper investigation into the question, and having ascertained that the revenues derived from the said ceded territory, were sufficient to entitle the said Indians to the augmented annuities, paid to each individual Indian the sum of $4.00, and payment of like annuities has been made in each year since the year 1875, up to and including the year 1892 by the Department of Indians Affairs of Canada.

8

The Indians within the two treaties, have long claimed that during the period from the year 1850, up to the year 1867, they should have received from, and been paid by, the late Province of Canada, the full augmented annuity of $4.00 to each individual Indian, alleging that the revenue derived from the ceded territory during that period, would have amply justified the said Government in paying such increased annuities, without loss to the said Province of Canada, and the Dominion of Canada on behalf of the said Indians now states, that during the said period, the territory ceded by the said treaties, did produce a sufficient amount to enable the Government of the late Province of Canada, without incurring loss, to pay in each of the said years, the increased annuity of $4.00 per head to the said Indians; but the said Province of Canada, neglected to pay the same but paid the annuities only at the lower rate of $1.60 per head, and the Dominion on behalf of the said Indians now claims that the said Province of Canada should be charged with, and should be called upon to pay, an amount sufficient to indemnify, and make good to the said Indians, all arrears of annuities, based upon the sum of $4.00 for each individual Indian, during the said period, together with interest on the same.

9

The Dominion of Canada claims that under the "Robinson Huron Treaty" and the "Robinson Superior Treaty" for the 16 years from the dates of the said treaties until the date of Confederation of the Provinces in 1867, and based upon the increased annuity of $4.00 per head, and after giving credit for the sum of $1.60 which was yearly paid to each individ-

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14

ual Indian during the said period, there is due and payable by the late Province of Canada to the Indians aforesaid, the sum of $325,440.00 for principal money, and interest, and the Dominion asks the Board to award payment of the said sum by the said Province of Canada.

10

By the British North America Act, 1867, the tracts of land which had been ceded to Her Majesty, under the said Robinson Treaties, became and formed portions of the public lands of the Province of Ontario.

11

By the 111th section of that statute it is enacted that "Canada shall be liable for the debts and liabilities of each Province, existing at the time of the Union" and by the 109th section it is provided that "all lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick, at the time of Union, and all sums then due and payable for such lands, mines, minerals and royalties, shall belong to the several provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, in which the same are situate, or arise, subject to any trusts, existing in respect thereof, or to any interest other than that of the Province in the same."

12

The Dominion submits that at the time of Confederation, the lands which had been ceded by the said Indians, under the said treaties as aforesaid, came into the hands and possession of Ontario subject to the trusts contained in the said treaties and subject to "an interest other than that of the Province in the same" within the meaning of said section 109, namely: the right of the Indians to receive and be paid the annuities under the terms and stipulations of the said treaties, and that from and after the 30th June 1867, the Province of Ontario, as the beneficial owner of the said lands, and recipient of the revenues derived therefrom was legally liable to provide the Dominion with moneys necessary to pay the said annuities to the Indians under the said treaties.

13

By section 91 of the B. N. A. Act, the Parliament of Canada is given legislative authority over "Indians and lands reserved for Indians" and the Dominion acting under said authority has enacted laws for the govern-

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15

ment of the Indians of Canada, and has undertaken the administration of, and has since the passing of the said Act, administered the Affairs of the Indians throughout Canada.

14

The Dominion submits that it was, and is the duty of the Province of Ontario to pay into the Dominion Treasury out of moneys received as revenues, from the lands which were ceded as aforesaid, such sums as would enable the Dominion to carry out the provisions, and requirements of the said treaties; but the Province of Ontario has hitherto declined to admit any liability, and has paid no sum to the Dominion for the purposes aforesaid, although often requested to do so, and although it has been admitted by the said Province of Ontario, that the revenues received by the said Province out of the said ceded territory, have been more than sufficient for many years past, to have satisfied the claims of the said Indians to be paid the full increased annuities, mentioned in the said treaties of $4.00 for each individual Indian.

15

From the year 1867 until the year 1875, the Dominion annually paid to and distributed amongst the said Indians, the annuities of $2,400 and $2,000 mentioned in the said treaties respectively, and the Dominion now claims on behalf of the Indians for the reasons above set out, that the Province of Ontario ought to pay all arrears of annuities, since the 30th June, 1867, made up of the difference between the sum of $1.60, and the sum of $4.00 for each individual Indian, which arrears of annuity with interest thereon from the 30th June, 1867, to the 31st December, 1892, amount to the sum of $95,200, and the Dominion asks the Board to award payment of the said sum by the Province of Ontario.

16

Since the year 1875, the Dominion for the reasons before mentioned, has paid in each year up to, and including, the year 1892, the full increased amount of $4.00 to each individual Indian within the said treaties, and the Dominion now claims to recover from, and be paid by the Province of Ontario, the sum so paid, which sum with interest thereon amounts to the sum of $389,106.80.

17

The Dominion therefore submits to the Board of Arbitrators that an award should be made against the Province of Canada, and the Provi...

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of Ontario, respectively for the amounts, and in the proportions following :—

1. Against the Province of Canada for the sum of $325,440.00 being the arrears of annuities under the "Robinson Treaties" from the year 1851 to the year 1867, made up of the difference between the payments at $1.60 and $4.00 per head with interest to the 31st December 1892.

2. Against the Province of Ontario for the sum of $95.200, being the arrears of annuities with interest to the 31st December 1892, under the said treaties from the year 1867 to 1873.

3. Against the Province of Ontario for the sum of $389,106.80 being the amount for annuities with interest up to the 31st December 1892, actually paid by the Dominion to the said Indians since the year 1874.

W. D. HOGG,
Of Counsel for the Dominion.

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File			
- 111,834	1	CONFIDENTIAL REPORT BY MR. McKENNA AND MR. RIMMER RESPECTING A DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT ON INDIAN MATTERS.	1899-1901
- 111,834	2	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
- 111,834	3	JUDGMENT BY THE PRIVY COUNCIL REGARDING THE CONTROVERSY BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE FULFILMENT OF THE OBLIGATIONS CREATED BY THE NORTH WEST ANGLE TREATY NO. 3.	1910
- 111,834	4	ARBITRATION BETWEEN CANADA, QUEBEC AND ONTARIO RELATIVE TO ANNUITIES.	1896
111,834	5	TERMS OF AGREEMENT OF THE ROBINSON-HURON TREATY SIGNED ON THE 9th OF SEPTEMBER 1850.	1850-1893

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

STATEMENT OF CASE OF THE DOMINION

ON INDIAN CLAIMS

ARISING OUT OF THE

"ROBINSON TREATIES."

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IN THE MATTER OF THE ARBITRATION

FOR SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 & 55 VIC. CAP. 6, CANADA; 54 VIC. CAP. 2, ONTARIO; AND 54 VIC. CAP. 4, QUEBEC.

Filed the 5th day of October, 1893.

STATEMENT OF CASE of the Dominion relating to the claims of the Ojibeway Indians of Lake Huron and Lake Superior for arrears of annuity, and for increased annuities, under the treaties made by the Hon. W. B. Robinson in the year 1850.

I

The questions which the Arbitrators are called upon to decide in this case, arise out of certain claims which the Ojibeway Indians of the Lake Huron District, and the Lake Superior District have made for the payment to them of certain arrears of annuity, and for the payment of increased annuities, which it is contended by the Dominion of Canada on behalf of these Indians, should be paid to them, and which arrears and increase of annuities, should be paid by the old Province of Canada, and the Province of Ontario respectively, for the respective periods hereinafter to be set out.

2

Prior to and in the year 1850, the Ojibeway Indians inhabited large tracts of land on the Eastern and Northern shores of Lake Huron, and on the Northern Shore of Lake Superior, which tracts of land were at that time within the boundaries of the then Province of Canada; but since the year

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1867, are within the Province of Ontario. At the date first above mentioned, 1850, the administration of Indian Affairs within the Province of Canada, was in the hands of Her Majesty the Queen, and the management of the business with the said Indians was conducted by officers and agents appointed by the Government of Great Britain.

In the said year 1850, the Honorable William Benjamin Robinson was duly authorized by Her Majesty represented by the Government of the Province of Canada, to negotiate and enter into agreements with the above named Indians, for the extinguishment of their title to, and to obtain cessions of portions of, the tracts of land occupied and inhabited by them, for the purpose of opening up the said lands for settlement, and developing the mineral resources of the same, and on the 9th day of September, 1850, an agreement was entered into between the said Hon. W. B. Robinson on behalf of the Queen, and the Ojibeway Indians of the Lake Huron District, which agreement is in the words and figures following :-

Name : Robinson Huron Treaty (No. 9)
Date 9th Sept. 1850
Place
Parties
Territory ceded

"This agreement made and entered into this ninth day of September, in the year of Our Lord one thousand eight hundred and fifty, at Sault Ste. Marie, in the Province of Canada, between the Honorable William Benjamin Robinson of the one part, on behalf of Her Majesty the Queen and Shinguacouse, Nebenaigoching, Keokouse, Mishequonga, Tagawinini, Shabokishick, Dokis, Ponekeosh, Windatagowinini, Shawenakeshick, Namassin, Naoquagabo, Wabakekik, Kitchepoxssigun by Papasainse, Wagemaki, Pamequonaisheung, Chiefs, and John Bell, Paqwatchinini, Nashekyash. Idowekesis. Waquacomick, Ocheek, Metigomin, Watachewana, Minwawapenasse, Shenaoquom, Oningegun, Panaissy, Papasainse, Ashewasega, Kageshewawetung, Shawonebin; and also Chief Maisquaso (also Chiefs Muckata, Mishoquet and Mekis and Mishoquetto and Asa Waswanay and Pawiss,) principal men of the Ojibeway Indians, inhabiting and claiming the Eastern and Northern Shores of Lake Huron, from Penetanguishine to Sault Ste. Marie, and thence to Batchewanaung Bay, on the Northern Shore of Lake Superior, together with the Islands in the said Lakes opposite to the shores thereof, and inland to the height of land, which separates the territory covered by the charter of the Honorable Hudson Bay Company from Canada: as well as all unconceded lands within the limits of Canada west to which they have any just claim on the other part witnesseth :

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Consideration ✓
£2000 cash ✓
£600 annuity
~~Sup. to~~ £160
(See page 4)

That for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada, to them in hand paid, and for the further perpetual annuity of six hundred pounds of like money; the same to be paid and delivered to the said Chiefs, and their Tribes, at a convenient season of each year, of which due notice will be given, at such places as may be appointed for that purpose, they, the said Chiefs and principal men, on behalf of their respective Tribes or Bands do hereby fully, freely, and voluntarily surrender, cede, grant and convey unto Her Majesty, her heirs and successors for ever all their right, title, and interest to, and in the whole of, the territory above described, *save and except the reservations set forth in the schedule hereunto annexed; which reservations shall be held and occupied by the said Chiefs and their Tribes in common, for their own use and Benefit.*

Reservations ✓

(a) ✓
Sale of reservations or minerals, &c.

And should the said Chiefs and their respective tribes at any time desire to dispose of any part of such reservations, or of any mineral, *or other valuable productions thereon, the same will be sold or leased at their request by the Superintendent-General of Indian Affairs for the time being, or other officer* having authority so to do, for their sole interest, *and to the best advantage.*

Indians' privilege of hunting and fishing ✓

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty and the Government of this Province, hereby promises and agrees to make, or cause to be made, the payments as above mentioned, and further to allow the said Chiefs and their tribes, the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof, as they have hitherto been in the habit of doing, saving and excepting such portions of the said territory, as may from time to time be sold or leased to individuals, or companies of individuals, and occupied by them with the consent of the Provincial Government.

(b.) ✓
Sale of reservations ✓

Exploration for minerals, &c. ✓

Compensation for lands in reservations sold before treaty

The parties of the second part, further promise and agree that they will not sell, lease, or otherwise dispose of any portion of their reservations, without the consent of the Superintendent-General of Indian Affairs, or other officer of like authority, being first had and obtained. Nor will they at any time hinder, or prevent persons from exploring or searching for minerals, or other valuable productions, in any part of the territory hereby ceded to Her Majesty as before mentioned. The parties of the second part also agree, that in case the Government of this Province should before the date of this agreement have sold, or bargained to sell, any mining locations or other property, on the portions of the territory hereby reserved for their use; then, and in that case, such sale, or promise

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of sale, shall be perfected by the Government, if the parties claiming it, shall have fulfilled all the conditions upon which such locations were made, and the amount accruing therefrom, shall be paid to the tribe to whom the reservation belongs.

The said William Benjamin Robinson on behalf of Her Majesty, who desires to deal liberally and justly with all Her subjects, further promises and agrees, that should the territory hereby ceded by the parties of the second part at any future period produce such an amount, as will enable the Government of this Province, without incurring loss, to increase the annuity hereby secured to them, then, and in that case, the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound Provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order, and provided further that the number of Indians entitled to the benefit of this treaty shall amount to two-thirds of their present number, which is fourteen hundred and twenty-two, to entitle them to claim the full benefit thereof. And should they not at any future period amount to two-thirds of fourteen hundred and twenty-two, then the said annuity shall be diminished in proportion to their actual numbers.

Condition respecting Annuity

The said William Benjamin Robinson of the first part further agrees, on the part of Her Majesty, and the Government of this Province, that in consequence of the Indians inhabiting French River and Lake Nipissing having become parties to this treaty, the further sum of one hundred and sixty pounds Provincial currency shall be paid in addition to the two thousand pounds above mentioned.

Consideration £160

SCHEDULE OF RESERVATIONS MADE BY THE ABOVE-NAMED SUBSCRIBING CHIEFS AND PRINCIPAL MEN.

FIRST.—Pamequonaishcung and his Band, a tract of land to commence seven miles from the mouth of the River Maganetawang, and extending six miles east and west by three miles north,

Maganettawan

Second —Wagemake and his Band, a tract of land to commence at a place called Nekickshegeshing, six miles from east to west, by three miles in depth.

Henley Islet

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Third.—Kitcheposkissegan (by Papassinse) from Point Grondine westward, six miles inland, by two miles in front, so as to include the small Lake Nessinassung, a tract for themselves and the Bands.

Point Grondine

Fourth.—Wabakekik, three miles front, near Shebawenaning by five miles inland, for himself and Band.

Fifth.—Namassin and Naoquagabo and their Bands, a tract of land commencing near Qacloche, at the Hudson Bay Company's boundary; thence westerly to the mouth of Spanish River, then four miles up the south bank of the said River, and across to the place of beginning.

Spanish R.

Sixth.—Shawenakiskick and his Band, a tract of land now occupied by them, and contained between two rivers called Whitefish River and Wanabitasekey seven miles inland.

White fish R.

Seventh.—Windawtegawinini and his Band, the Peninsula east of Serpent River, and formed by it, now occupied by them.

Serpent River

Eight.—Ponekeosh and his Band, the land contained between the River Mississiga and the River Penewabecong, up to the first rapids.

Mississauga R.

Ninth.—Dokis and his band, three miles square at Wanabeyakokaun, near Lake Nipissing, and the Island near the Fall of Okickandawt.

Dokis

Tenth.—Shabokishick and his Band, from their present planting grounds on Lake Nipissing to the Hudson Bay Company's post, six miles in depth.

Nipissing

Eleventh.—Tagawinini and his Band, two miles square at Wanabitibing, a place about forty miles inland, near Lake Nipissing.

Tagawinini

Twelfth.—Keokouse and his Band, four miles front from Thessalon River eastward by four miles inland.

Thessalon R.

Thirteenth.—Mishequanga and his Band, two miles on the Lake Shore east and west of Ogawaminang by one mile inland.

French River

Fourteenth.—For Shinguacouse and his Band, a tract of land extending from Maskinongé Bay, inclusive, to Partridge Point, above Garden River on the front, and inland ten miles, throughout the whole distance; and also Squirrel Island.

Garden River

Fifteenth.—For Nebenaigoching and his Band, a tract of land extending from Wanabekineyunnung, west of Gros Caap, to the Boundary of the

Batchewana

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lands ceded by the Chiefs of Lake Superior, and inland ten miles throughout the whole distance, including Batchewanaung Bay, and also the small Island at Sault Ste. Marie used by them as a fishing station.

Sixteenth.—For Chief Mekis and his Band, residing at Wasaquesing (Sandy Island a tract of land at a place on the main shore opposite the island; being at the place now occupied by them for residence and cultivation, four miles square.

Parry Island

Seventeenth.—For Chief Muckatamishaquet and his Band, a tract of land on the east side of the River Naishconteong near Pointe aux Barils, three miles square; and also a small tract in Washanwenega Bay—now occupied by a part of the Band—three miles square.

Shawanaga

Signed, sealed and delivered at Sault Ste-Marie, the day and year first above written in presence of—

(Signed)

ASTLEY P. COOPER,		Capt. Rifle Brig.
GEORGE IRONSIDE,		S. I. Affairs.
F. W. BALFOUR,		Lieut. Rifle Brig.
ALLAN MACDONELL,		
GEORGE JOHNSTON,		Interpreter.
LOUIS CADOTT.		
J. B. ASSIKINACK.		
T. W. KEATING.		
JOS. WILSON.		
W. B. ROBINSON.		
SHINGUACOUSE,	his X mark	(L.S.)
NEBENAIGOCHING,	his X mark	(L.S.)
KEOKOUSE,	his X mark	(L.S.)
MISHEQUONGA,	his X mark	(L.S.)

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TAGAWININI,	his X mark	(L.S.)
SHABOKESHICK,	his X mark	(L.S.)
DOKIS,	his X mark	(L.S.)
PONEKEOSH,	his X mark	(L.S.)
WINDAWTEGOWININI,	his X mark	(L.S.)
SHAWENAKESHICK,	his X mark	(L.S.) 10
NAMASSIN,	his X mark	(L.S.)
MUCKATA MISHAQUET,	his X mark	(L.S.)
MEKIS,	his X mark	(L.S.)
MAISQUASO,	his X mark	(L.S.)
NAOQUAGABO,	his X mark	(L.S.)
WABOKEKICK,	his X mark	(L.S.) 20
KITCHEPOSSEGUN by PAPASAINSE	his X mark	(L.S.)
WAGEMAKE,	his X mark	(L.S.)
PAMEQUONAISHCUNG,	his X mark	(L.S.)
JOHN BELL,	his X mark	(L.S.)
PAQWATCHININI,	his X mark	(L.S.)
MASHEKYASH,	his X mark	(L.S.) 30

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IDOWEKESIS,	his X mark	(L.S.)
WAQUACOMICK,	his X mark	(L.S.)
MISHOQUETTO,	his X mark	(L.S.)
ASA WASWANAY,	his X mark	(L.S)
PAWISS,	his X mark	(L.S.)
OCHEEK,	his X mark	(L.S.) 10
METIGOMIN,	his X mark	(L.S.)
WATACHEWANA,	his X mark	(L.S.)
MIMEWAWAPENASSE,	his X mark	(L,S.)
SHENAOQUM,	his X mark	(L.S.)
ONINGEGUN,	his X mark	(L.S.)
PANAISSY,	his X mark	(L.S.) 20
PAPASAINSE,	his X mark	(L.S.)
ASHEWASEGA,	his X mark	(L.S.)
KAGISHEWAWETUNG by BABONCUNG	his X mark	(L.S.)
SHAWONEBIN,	his X mark	(L.S.)

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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Witness to signatures of Muckata, Mishaquet, Mekis, Mishoquetto, Asa Waswanay, and Pawiss—

T. G. ANDERSON, S. I. A.
W. B. HAMILTON.
W. SIMPSON.
ALFRED A. THOMPSON.

And which agreement is now known and will hereafter be designated the "Robinson Huron Treaty." —4

7th Sept. 1850

On the seventh day of the said month of September 1850, the said Hon. W. B. Robinson on behalf of Her Majesty the Queen, entered into another agreement, with the Ojibeway Indians of the Lake Superior District, which agreement is in the words and figures following:

Robinson Superior Treaty (see p. 12)

Date ✓
Place ✓
Parties ✓

This agreement made and entered into on the seventh day of September, in the year of our Lord one thousand eight hundred and fifty, at Sault Ste-Marie, in the Province of Canada, between the Honorable William Benjamin Robinson, of the one part, on behalf of Her Majesty the Queen and Joseph Peandechat, John Iuinway. Mishe-Muckqua, Totomencie, Chiefs; and Jacob Warpela, Ahmutchiwagabou, Michel Shelageshick, Manitoshainse, and Chiginans, principal men of the Ojibeway Indians, inhabiting the Northern Shore of Lake Superior, in the said Province of Canada, from Batchewananing Bay to Pigeon River at the western extremity of said Lake, and inland throughout that extent to the height of land, which separates the territory covered by the charter of the Honorable the Hudson's Bay Company from the said tract, and also the Islands in the said Lake within the boundaries of the British possessions therein, of the other part witnesseth:

Territory ceded ✓

That for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada, to them in hand paid, and for the further perpetual annuity of five hundred pounds, the same to be paid and delivered to the said chiefs and their tribes at a convenient season of each summer, not later than the first day of August, at the Honorable the Hudson's Bay Company's Post of Michipicoton and Fort William, they the said chiefs and principal men do freely, fully and voluntarily surrender, cede, grant and convey unto Her Majesty, her heirs and successors for ever, all their right, title and interest in the whole of the territory above described, save and except the reservations set forth in the schedule hereunto annexed which reservations shall be held and occupied by the said chiefs, and their

Consideration
Annuity ✓

Reservations ✓

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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tribes in common, for the purposes of residence, and cultivation, and should the said chiefs and their respective tribes at any time desire to dispose of any mineral or other valuable productions upon the said reservations, the same will be at their request sold by order of the Superintendant-General of the Indian Department for the time being, for their sole use and benefit, and to the best advantage.

{Sale of minerals &c on reservations ✓

And the said William Benjamin Robinson of the first part, on behalf of Her Majesty, and the Government of this Province, hereby promises and agrees to make the payments as before mentioned; and further to allow the said chiefs and their tribes the full and free privilege to hunt over the territory, now ceded by them, and to fish in the waters thereof, as they have heretofore been in the habit of doing, saving and excepting only such portions of the said territory, as may from time to time be sold or leased to individuals, or companies of individuals, and occupied by them with the consent of the Provincial Government. The parties of the second part further promise and agree, that they will not sell, lease, or otherwise dispose of any portion of their reservations, without the consent of the Superintendent-General of Indian Affairs being first had and obtained, nor will they at any time hinder or prevent persons from exploring or searching for minerals, or other valuable productions in any part of the territory hereby ceded to Her Majesty as before mentioned. The parties of the second part also agree, that in case the Government of this Province should before the date of this agreement, have sold or bargained to sell any mining locations or other property on the portions of the territory hereby reserved for their use and benefit, then and in that case, such sale, or promise of sale, shall be forfeited, if the parties interested, desire it by the Government, and the amount accruing therefrom shall be paid to the tribe, to whom the reservation belongs. The said William Benjamin Robinson, on behalf of Her Majesty, who desires to deal liberally and justly with all her subjects, further promises and agrees that in case the territory hereby ceded by the parties of the second part, shall at any future period produce an amount which will enable the Government of this Province without incurring loss, to increase the annuity hereby secured to them, then, and in that case, the same shall be augmented from time to time, provided that the amount paid to each individual, shall not exceed the sum of one pound provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order; and provided further that the number of Indians, entitled to the benefit of this treaty, shall amount to two thirds of their present numbers (which is twelve hundred and forty) to entitle them

{Indians' privilege of hunting and fishing over ceded territory - ✓

{Sale of land on reservations ✓

{Exploration for minerals on ceded territory ✓

{Compensation for land in reservations sold before treaty - ✓

perfected

{Condition respecting Annuity ✓

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to claim the full benefit thereof, and should their numbers at any future period not amount to two thirds of twelve hundred and forty the annuity shall be diminished in proportion to their actual numbers.

SCHEDULE OF RESERVATIONS MADE BY THE ABOVE-NAMED AND SUBSCRIBING CHIEFS AND PRINCIPAL MEN.

First.—Joseph Pean-de-chat and his Tribe, the reserve to commence about two miles from Fort William (inland,) on the right bank of the River Kiminitiquia thence westerly six miles, parallel to the shores of the lake; thence northerly five miles, thence easterly to the right bank of the said river, so as not to interfere with any acquired rights of the Honorable Hudson's Bay Company.

Fort William

Second.—Four miles square at Gros Cap, being a valley near the Honorable Hudson's Bay Company's Post of Michipicoton for Totominai and Tribe.

Michipicoton

Third.—Four miles square on Gull River, near Lake Nipigon, on both sides of said river, for the Chief Mishimuckqua and Tribe.

Nipigon

Signed, sealed and delivery at Sault Ste-Marie, the day and year first above written in presence of—

[Signed]

GEORGE IRONSIDE, S. I. Affairs.

ARTHUR P. COOPER, Capt. Com. Rifle Brig

H. M. BALFOUR, 2nd. Lieut. Rifle Brig.

JOHN SWANSTON, C. F. Hon. Hud. Bay Co.

GEORGE JOHNSTON, Interpreter.

F. W. KEATING,

W. B. ROBINSON.

JOSEPH PEAN-DE-CHAT his X mark [L.S.]

JOHN MINWAY his X mark [L.S.]

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MISHE-MUCKQUA	his X mark	[L.S.]
TOTOMANAI	his X mark	[L.S.]
JACOB WAPELA,	his X mark	[L.S.]
AH-MUTCHINAGALON,	his X mark	[L.S.]
MICHEL SHELAGESHICK,	his X mark	[L.S.]
MANITOU SHAINSE,	his X mark	[L.S.]
CHIGINANS,	his X mark	[L.S.]

Which agreement is now known and will hereafter be designated the "Robinson Superior Treaty."

5

From the date of said Treaties up to the year 1867, when the British North America Act was passed, the Indians under the "Robinson Huron Treaty" were paid yearly and every year by the Province of Canada, $2,400.00, which sum when divided amongst the said Treaty Indians gave to each individual Indian within the treaty, the yearly sum of $1.60, and the Indians under the "Robinson Superior Treaty," were paid yearly and every year by the Province of Canada, the sum of $2,000.00, which was divided amongst the Indians within that treaty, and gave to each individual Indian the sum of $1.60.

6

After the year 1867, the date of the Confederation of the Provinces, and up to the end of the fiscal year of 1874, namely the 30th June 1874, the Dominion of Canada continued to pay every year, to the Indians, the said annuities mentioned in the said treaties in the proportion to each individual Indian above mentioned in paragraph five, namely: $1.60 per head the number of such Indians under the two treaties, being placed at an average for each year at 2700.

7

In the year 1873, representations were made and strongly urged upon the Department of Indian Affairs of Canada, that the said Indians were not

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receiving and had not been receiving for many years previously, the amount of annuities, which the increased revenues of the land ceded by them, under the said treaties, would entitle them to under the provisions of the said treaties, and petitions were then presented on behalf of the Indians to the Dominion, in which it was claimed, that the annuities should be augmented so that they should at least receive and be paid the sum of $4.00 per capita as stipulated in the said treaties ; and in the year 1875 the Dominion Government after making proper investigation into the question, and having ascertained that the revenues derived from the said ceded territory, were sufficient to entitle the said Indians to the augmented annuities, paid to each individual Indian the sum of $4.00, and payment of like annuities has been made in each year since the year 1875, up to and including the year 1892 by the Department of Indians Affairs of Canada.

8

The Indians within the two treaties, have long claimed that during the period from the year 1850, up to the year 1867, they should have received from, and been paid by, the late Province of Canada, the full augmented annuity of $4.00 to each individual Indian, alleging that the revenue derived from the ceded territory during that period, would have amply justified the said Government in paying such increased annuities, without loss to the said Province of Canada, and the Dominion of Canada on behalf of the said Indians now states, that during the said period, the territory ceded by the said treaties, did produce a sufficient amount to enable the Government of the late Province of Canada, without incurring loss, to pay in each of the said years, the increased annuity of $4.00 per head to the said Indians ; but the said Province of Canada, neglected to pay the same but paid the annuities only at the lower rate of $1.60 per head, and the Dominion on behalf of the said Indians now claims that the said Province of Canada should be charged with, and should be called upon to pay, an amount sufficient to indemnify, and make good to the said Indians, all arrears of annuities, based upon the sum of $4.00 for each individual Indian, during the said period, together with interest on the same.

9

The Dominion of Canada claims that under the "Robinson Huron Treaty" and the "Robinson Superior Treaty" for the 16 years from the dates of the said treaties until the date of Confederation of the Provinces in 1867, and based upon the increased annuity of $4.00 per head, and after giving credit for the sum of $1.60 which was yearly paid to each individ-

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ual Indian during the said period, there is due and payable by the late Province of Canada to the Indians aforesaid, the sum of $325,440.00 for principal money, and interest, and the Dominion asks the Board to award payment of the said sum by the said Province of Canada.

10

By the British North America Act, 1867, the tracts of land which had been ceded to Her Majesty, under the said Robinson Treaties, became and formed portions of the public lands of the Province of Ontario.

11

By the 111th section of that statute it is enacted that "Canada shall be liable for the debts and liabilities of each Province, existing at the time of the Union" and by the 109th section it is provided that "all lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick, at the time of Union, and all sums then due and payable for such lands, mines, minerals and royalties, shall belong to the several provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, in which the same are situate, or arise, subject to any trusts, existing in respect thereof, or to any interest other than that of the Province in the same."

12

The Dominion submits that at the time of Confederation, the lands which had been ceded by the said Indians, under the said treaties as aforesaid, came into the hands and possession of Ontario subject to the trusts contained in the said treaties and subject to "an interest other than that of the Province in the same" within the meaning of said section 109, namely: the right of the Indians to receive and be paid the annuities under the terms and stipulations of the said treaties, and that from and after the 30th June 1867, the Province of Ontario, as the beneficial owner of the said lands, and recipient of the revenues derived therefrom was legally liable to provide the Dominion with moneys necessary to pay the said annuities to the Indians under the said treaties.

13

By section 91 of the B. N. A. Act, the Parliament of Canada is given legislative authority over "Indians and lands reserved for Indians" and the Dominion acting under said authority has enacted laws for the govern-

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15

ment of the Indians of Canada, and has undertaken the administration of, and has since the passing of the said Act, administered the Affairs of the Indians throughout Canada.

14

The Dominion submits that it was, and is the duty of the Province of Ontario to pay into the Dominion Treasury out of moneys received as revenues, from the lands which were ceded as aforesaid, such sums as would enable the Dominion to carry out the provisions, and requirements of the said treaties; but the Province of Ontario has hitherto declined to admit any liability, and has paid no sum to the Dominion for the purposes aforesaid, although often requested to do so, and although it has been admitted by the said Province of Ontario, that the revenues received by the said Province out of the said ceded territory, have been more than sufficient for many years past, to have satisfied the claims of the said Indians to be paid the full increased annuities, mentioned in the said treaties of $4.00 for each individual Indian.

15

From the year 1867 until the year 1875, the Dominion annually paid to and distributed amongst the said Indians, the annuities of $2,400 and $2,000 mentioned in the said treaties respectively, and the Dominion now claims on behalf of the Indians for the reasons above set out, that the Province of Ontario ought to pay all arrears of annuities, since the 30th June, 1867, made up of the difference between the sum of $1.60, and the sum of $4.00 for each individual Indian, which arrears of annuity with interest thereon from the 30th June, 1867, to the 31st December, 1892, amount to the sum of $95,200, and the Dominion asks the Board to award payment of the said sum by the Province of Ontario.

16

Since the year 1875, the Dominion for the reasons before mentioned, has paid in each year up to, and including, the year 1892, the full increased annuity of $4.00 to each individual Indian within the said treaties, and the Dominion now claims to recover from, and be paid by the Province of Ontario, the sum so paid, which sum with interest thereon amounts to the sum of $389,106.80.

17

The Dominion therefore submits to the Board of Arbitrators, that an award should be made against the Province of Canada, and the Province

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of Ontario, respectively for the amounts, and in the proportions following :—

1. Against the Province of Canada for the sum of $325,440.00 being the arrears of annuities under the "Robinson Treaties" from the year 1851 to the year 1867, made up of the difference between the payments at $1.60 and $4.00 per head with interest to the 31st December 1892.

2. Against the Province of Ontario for the sum of $95.200, being the arrears of annuities with interest to the 31st December 1892, under the said treaties from the year 1867 to 1873.

3. Against the Province of Ontario for the sum of $389,106.80 being the amount for annuities with interest up to the 31st December 1892, actually paid by the Dominion to the said Indians since the year 1874.

W. D. HOGG,
Of Counsel for the Dominion.

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No. 51.

AUDIT OFFICE, OTTAWA, April 1st, 1887.

SIR,—On the authority of an Order in Council of October 7th, 1884, amending an Order in Council of June 30th, 1884, the Department of Indian Affairs placed to the credit of the Indian Trust Fund, for the Mississaguas of the Credit, the amount of $68,672.01, being the proceeds of the sale of certain lands, with interest thereon to December 31st, 1883, which amount was to be included in the settlement between the Treasurers of Ontario and Quebec and the Dominion of Canada.

As to the settlement referred to, the item in question was repudiated by the Provincial Treasurers no transfer was made in the books either of this office or of the Finance Department, although the Indian Department has placed it to the credit of the Indian Fund, and has allowed interest on it from July 1st, 1884.

As no transfer can be made until a final settlement is arrived at between the Dominion and the Province, I would suggest that in order to obviate any differences between the books of the several Departments, the Order in Council referred to be rescinded, and that the transfer be only sanctioned after the final settlement.

The difference between the books of the Indian Department and those of this office and of the Finance Department amounted on June 30th, last, to		$74,275 63
Amount originally credited as per Order in Council.	$68,672 01	
Interest on same from July 1st, 1884, to June 30th, 1885, at 4 per cent	2,746 88	
	71,418 89	
Interest on $71,418.89 to June 30th, 1886, at 4 per cent	2,856 74	
Total difference		$74,275 63

Yours truly,

J. L. McDOUGALL.
Auditor-General.

The Secretary-Treasury Board,

Auditor General's Report vii.-viii. Sessional Papers, Canada, 1888, No, 2.

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Total difference		$74,275 63

Yours truly,

J. L. McDOUGALL.
Auditor-General.

The Secretary-Treasury Board,
Auditor General's Report vii.-viii. Sessional Papers, Canada, 1888, No, 2.

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Number of pages not Folio.

No. 52.

No. 122,043.

DEPARTMENT OF INDIAN AFFAIRS, OTTAWA, 18th December, 1891.

SIR,—In compliance with the request made in your letter of the 5th instant, I beg to inform you that lot 30, Con. 3, Trafalgar, was sold to John Riggs, 16th August, 1827. The north half was subsequently assigned to William Riggs to whom it was patented, 20th April, 1855, leaving the south half in the name of John Riggs, as follows: 100 acres, £40 0s. 0d. This half lot was paid for in full, 29th May, 1877, and patent issued therefor, on 23rd January, 1878, to John Riggs.

Your obedient servant,

R. SINCLAIR,

For the Deputy of the Supt.-Genl. of Indian Affairs.

J. P. MACDONELL, Esquire,
Committee Room 16,
Parliament Buildings,
Toronto, Ontario.

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Numbers of pages do not follow.

KODAK SAFETY FILM

H. C. Ross.

IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

STATEMENT OF CASE OF THE DOMINION

ON INDIAN CLAIMS

ARISING OUT OF THE

"ROBINSON TREATIES."

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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THE ROBINSON HURON TREATY

No.61

This Agreement,made and entered into this ninth day of September in the year of Our Lord one thousand eight hundred and fifty,at Sault St.Marie, in the Province of Canada,between the Honorable William Benjamin Robinson,of the one part,on behalf of Her Majesty the Queen, and Shinguacouse,Nebenaigoching,Keokouse,Mishequonga,Tagawinini,Shabokeshick,Dokis,Ponekeosh,Windawtegowinini,Shawenakeshick,Namassin, Naoquagabo,Wabakekek,Kitchipossegun by Papasainse,Wagemake,Pamequonaishumg,Chiefs,and John Bell,Paqwutchinini,Mashekyash,Idowekesis, Waquacomiek,Ocheek,Metigomin,Watachewana,Minwawapenasse,Shenaoquom, Ouingegun,Panaissy,Papasainse,Ashewasega,Kageshewawetung,Shawonebin, and also Chief Maisquaso (also Chiefs Muckata,Mishoquet and Mekis), and Mishoquetto,and Asa Waswanay and Pawiss,Principal men of the Ojibiway Indians inhabiting and claiming the eastern and northern shores of Lake Huron from Penetanguishene to Sault Ste.Marie,and thence to Batchewanaung Bay on the northern shore of Lake Superior, together with the islands in the said lakes opposite to the shores thereof,and inland to the height of land which separates the territory covered by the charter of the Honorable Hudson's Bay Company from Canada,as well as all unconceded lands within the limits of Canada West to which they have any just claim,of the other part, Witnesseth: that for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada to them in hand paid, and for the further perpetual annuity of six hundred pounds of like money,the same to be paid and delivered to the said Chiefs and their tribes at a convenient season of each year,of which due notice will be given,at such places as may be appointed for that purpose: they the said Chiefs and Principal Men,on behalf of their respective tribes or bands,do hereby fully,freely and voluntarily surrender, cede,grant and convey unto Her Majesty,Her Heirs and successors for ever,all their right,title and interest to and in the whole of the territory above described,save and except the reservations set forth

in

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in the schedule hereunto annexed,which reservations shall be held and occupied by the said Chiefs and their tribes in common for their own use and benefit: and should the said Chiefs and their respective tribes at any time desire to dispose of any part of such reservations or of any mineral or other valuable productions thereon,the same will be sold or leased at their request by the Superintendent General of Indian Affairs for the time being,or other officer having authority so to do,for their sole benefit and to the best advantage. And the said William Benjamin Robinson,of the first part,on behalf of Her Majesty and the Government of this Province,hereby promises and agrees to make or cause to be made the payments as before mentioned; and further,to allow the said Chiefs and their tribes the full and free privilege to hunt over the territory now ceded by them,and to fish in the waters thereof,as they have heretofore been in the habit of doing,saving and excepting such portions of the said territory as may from time to time be sold or leased to individuals or companies of individuals and occupied by them with the consent of the Provincial Government. The parties of the second part further promise and agree that they will not sell,lease or otherwise dispose of any portion of their reservations without the consent of the Superintendent General of Indian Affairs,or other officer of like authority,being first had and obtained: nor will they at any time hinder or prevent persons from exploring or searching for minerals or other valuable productions in any part of the territory hereby ceded to Her Majesty as before mentioned. The parties of the second part also agree that in case the Government of this Province should,before the date of this agreement,have sold,or bargained to sell,any mining locations or other property on the portions of the territory hereby reserved for their use,then and in that case such sale or promise of sale shall be perfected by the Government,if the parties claiming it shall have fulfilled all the conditions upon which such locations were made,and the amount accruing therefrom shall be paid to the tribe to whom the reservation belongs. The said William Benjamin Robinson,on behalf of Her Majesty,Who desires to deal liberally and justly

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justly with all Her subjects,further promises and agrees that should the territory hereby ceded by the parties of the second part at any future period produce such an amount as will enable the Government of this Province,without incurring loss,to increase the annuity hereby secured to them,then and in that case the same shall be augmented from time to time,provided that the amount paid to each individual shall not exceed the sum of one pound Provincial currency in any one year,or such further sum as Her Majesty may be graciously pleased to order: and provided further that the number of Indians entitled to the benefit of this treaty shall amount to two-thirds of their present number,which is fourteen hundred and twenty-two,to entitle them to claim the full benefit thereof: and should they not at any future period amount to two-thirds of fourteen hundred and twenty-two,then the said annuity shall be diminished in proportion to their actual numbers.

The said William Benjamin Robinson,of the first part,further agrees on the part of Her Majesty and the Government of this Province that in consequence of the Indians inhabiting French River and Lake Nipissing having become parties to this treaty the further sum of one hundred and sixty pounds Provincial currency shall be paid in addition to the two thousand pounds above mentioned.

SCHEDULE of reservations made by the above named subscribing Chiefs and Principal Men:-

1st. Pamequonaisheung and his band,a tract of land to commence seven miles from the mouth of the River Maganetawang and extending six miles east and west by three miles north.

2nd. Wagemake and his band,a tract of land to commence at a place called Nekickshegeshing,six miles from east to west by three miles in depth.

3rd. Kitcheposkissegun (by Papasainse),from Point Grondine, westward,six miles inland by two miles in front,so as to include the small Lake Nessinassung (a tract for themselves and their bands).

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4th. Wabakekik,three miles front near Shebawenaning,by five miles inland,for himself and band.

5th. Namassin and Naoquagabo and their bands,a tract of land commencing near La Cloche,at the Hudson Bay Company's boundary; thence westerly to the mouth of Spanish River; then four miles up the south bank of said river and across to the place of beginning.

6th. Shawinakeshick and his band,a tract of land now occupied by them and contained between two rivers called White Fish River and Wanabitasebe,seven miles inland.

7th. Windawtegowinini and his band,the peninsula east of Serpent River and formed by it,now occupied by them.

8th. Ponekeosh and his band,the land contained between the River Mississaga and the River Penebewabecong,up to the first rapids.

9th. Dokis,and his band,three miles square at Wanabeyakoknun, near Lake Nipissing,and the island near the fall of Okickendawt.

10th. Shabokishick and his band,from their present planting grounds on Lake Nipissing to the Hudson's Bay Company's Post,six miles in depth.

11th. Tagawinini and his band,two miles square at Wanabitibing- a place about forty miles inland,near Lake Nipissing.

12th. Keokonse and his band,four miles from Thessalon River eastward by four miles inland.

13th. Mishequanga and his band,two miles on the lake shore,east and west of Ogawaminang,by one mile inland.

14th. For Shinguacouse and his band,a tract of land extending from Maskinongé Bay,inclusive,to Partridge Point,above Garden River, on the front,and inland ten miles throughout the whole distance,and also Squirrel Island.

15th. For Nebenaigoching and his band,a tract of land (extending from Wanabekinegunning west of Gros Cap to the boundary of the lands ceded by the Chiefs of Lake Superior and inland ten miles throughout the whole distance,including Batchewanaung Bay),and also the small island at Sault Ste.Marie used by them as a fishing station.

Signed

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Signed sealed and delivered at Sault Ste.Marie, the day and year first above written, in presence of

Astley P.Cooper,
Capt.R.Bde.,

George Ironside,
S.I.Affairs,

T.M.Balfour,
2nd.Lt.Rifle Bde.,

Allan MacDonell,

Geo.Johnstnn,
Interpreter,

Louis Cadot,

J.B.Assikinack,

T.W.Keating,

Jos.Wilson,

Penetanguishene, 16th Sept.1850.

Witness to the signatures of

Muckata Mishaquet,

Mekis, Mishoquette,

Asa Waswanay and Pawis,

T.G.Anderson, S.I.A.,

W.B.Hamilton,

W.Simpson,

Alfred A.Thompson.

Shinguakouce, X (L.S.)
Nebenaigoching, x (L.S.)
Keokonse, x (L.S.)
Mishequonga, x (L.S.)
Tagawinini, x (L.S.)
Shabokeshuk x (L.S.)
Dokis, x (L.S.)
Ponekeosh, x (L.S.)
Windawtegowinini, x (L.S.)
Shawenakeshick, x (L.S.)
Namassin, x (L.S.)
Muckata Mishaquet, x (L.S.)
Mekis, x (L.S.)
Maisquaso, x (L.S.)
Naoquagabo, x (L.S.)
Wabokekik, x (L.S.)
Kitchipossegun, by Papasainse, (L.S.)
Wagemake, x (L.S.)
Pamequonaishoung, x (L.S.)
John Bell, x (L.S.)
Paqwatchinini, x (L.S.)
Mashekyash, x (L.S.)
Idowe-kesis, x (L.S.)
Waquacomiek, x (L.S.)
Mishoquetto, x (L.S.)
Asa Waswanay, x (L.S.)
Pawiss, x (L.S.)
W.B.Robinson (L.S.)
Ocheekq x (L.S.)
Metigomin, x (L.S.)
Watchewana, x (L.S.)
Mimewawapenasse, x (L.S.)
Shenaoqum, x (L.S.)
Oningegun, x (L.S.)
Panissy, x (L.S.)
Papasinse, X (L.S.)
Ashewasega, x- (L.S.)
Shawonebin, x (L.S.)
Kagishewawetung, by Baboneung, x (L.S.)

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Name (1) Robinson Superior Treaty.
Date (2) 7th September 1850.
Place (3) Sault Ste Marie.
Parties (4) Hon. William Benjamin Robinson on behalf of the crown, and Ojibewap Indians inhabiting territory ceded.

Territory ceded (5) Northern shore of Lake Superior from Batchewanaming Bay to Pigeon River, inland to height of land separating territory of Hudson's Bay Company from tract ceded, also islands in said lake within boundaries of British possessions;

Reservations (6) except a reservation near ~~at~~ Fort William (described in ~~schedule~~ / a reservation of four miles square at Gros Cap near Michipicoten, and a reservation of four miles square on Gull River — on both sides — near Lake Nipigon, including valuable minerals.

Consideration (7) £2,000 currency paid once, and

Annuity (8) perpetual annuity of £500 payable at Michipicoten and Fort William not later

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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CANADA

than 1st. August each year.

Condition respecting Annuity (9) If revenue from land ceded should warrant it at any future period, annuity to be increased not to exceed £1 for each Indian, provided number of Indians should not be less than two-thirds of number at date of treaty, viz. 1,240; and if number should diminish to less than two-thirds, then annuity to be diminished proportionately.

(10) Compensation for land in reservations sold before treaty In the event of the Government having before the date of the treaty sold or bargained to sell any mining locations or other property within the reservations described in schedule, then such sale or promise of sale to be perfected by the Government if so desired by the parties interested, and the amount accruing therefrom to be paid to the Indians owning the reservation

(11) Sale of land in reservations. The Indians agreed not to sell, lease or

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

PUBLIC ARCHIVES
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CANADA

otherwise dispose of any portion of their reservations without consent of Supt. General of Indian Affairs, who would at their request dispose of any land or minerals on their reservations for their sole benefit.

Exploration for minerals, &c. (12)

The Indians agreed that they would not hinder or prevent persons from exploring for minerals or other valuable productions in any part of territory ceded.

Indians' privilege of hunting and fishing (13)

Indians to be allowed to hunt and fish over all ceded territory until sold or leased.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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CANADA

Robinson
Superior Treaty
7th Sept. 1850.

Dec. 1873.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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CANADA

Robinson

Superior Treaty

7th Sept. 1850.

H.C. Ross 1893

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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CANADA

Robinson

Huron Treaty

9th Sept. 1850.

H.C. Ross 1893

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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CANADA

Name (1) Robinson Huron Treaty.
Date (2) 9th September 1850.
Place (3) Sault Ste Marie.
Parties (4) Hon. William Benjamin Robinson on behalf of the Crown, and Chiefs and principal men of Ojibeway Indians inhabiting tract ceded.
Tract ceded (5) Eastern and northern shores of Lake Huron from Penetanguishene to Sault Ste Marie, and thence to Batchewanaung Bay on northern shore of Lake Superior; together with islands in said lakes opposite the shores; and inland to height of land separating territory of Hudson's Bay Company from Canada; also all unceded land in Canada West to which parties of second part had any
Reservations (6) claim; except 17 reservations described in schedule.
Consideration (7) £2,160 currency paid once, and a
Annuity (8) perpetual annuity of £600 currency.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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Condition respecting Annuity (9)

In event of revenue from ceded land warranting it, annuity to be increased from time to time, provided amount paid each Indian should not exceed £1 currency in any year, also provided number of Indians should amount to two-thirds of number at date of treaty, viz. 1,422. And in case of diminution to less than two-thirds, then annuity to be diminished proportionately.

Compensation for land in reservations sold before treaty (10)

In case of any land within a reservation having been sold or bargained for sale before date of treaty, the Government to be bound to carry out sale if parties claiming it had fulfilled all conditions, and amount realized from sale to be paid to Indians owning reservation.

Sale of land ~~in~~ minerals &c. in reservations (11)

The Indians agreed not to sell, lease or otherwise dispose of any portion of reservations without consent of S. G. of S. A.,

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

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who would at their request dispose of any land or minerals or other valuables within their reservations for their sole benefit.

Exploration for minerals, &c. (12) The Indians agreed not to hinder any explorations for minerals or other valuables on any part of ceded territory.

Indians' privilege of hunting and fishing (13) The Indians to have the privilege of hunting and fishing over all the ceded territory except such portions as might be sold or leased by the Government from time to time.

Indian Affairs. (RG 10, Volume 2545, File 111,834 pt. 5)

PUBLIC ARCHIVES
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Indian Affairs
Red Series

(RG 10, Volume 2546)

File			
111,834-1		DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO INDIAN MATTERS. STATEMENT OF EXPENDITURES BY THE DOMINION ON ACCOUNT OF ANNUITIES FOR THE YEARS 1873-1897.	1890-1913
111,834-1A	2	DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT RELATIVE TO THE ISLANDS SOUTH OF MOOSE DEER POINT, GEORGIAN BAY.	1897-1913
111,834-1A	3	CORRESPONDENCE REGARDING THE DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE OWNERSHIP AND CONTROL OF THE ISLANDS IN THE GEORGIAN BAY, SOUTH OF MOOSE DEER POINT.	1939

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

No. 111834

Department of Indian Affairs,

189

Dept: of Justice
Ottawa

10/11 Dec

With extract from memorandum of several matters in dispute between the Ontario and the Dominion Governments, considered at Toronto on 28th November.

Let. 12 Dec. 90 - R. Sedgewick
2 Jany 91 let to "
6 Jany 91 " " "
9/9 July let from Finance Dept.
19 Nov let to do
10 Mar " to R Sedgewick

ACTION

1893

[illegible] Justice Dept
[illegible] Finance Dept
[illegible] Justice Dept

See also 62509 4+5

13-11

ACTION C

2-3-93

[illegible] 24.12.94
Mch 7.3.94
15.3.94
1-5-94
4.5.94
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10.5.94
7-6-94
[illegible] 10.94
[illegible] 11-94
[illegible] 3.3.95
[illegible] 31-10-95
27.6.96
[illegible] 15-9-97
[illegible] 22.8.01

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Indian Affairs. (RG 10, Volume 2546, File 111,834-1)
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CANADA

111834

Copy

Nov 28th 1890.

DEPARTMENT OF INDIAN AFFAIRS
DEC 10 1890

Extract from

Memo. as to matters which were considered in the interview to-day between Sir John Thompson and Mr. Courtney on behalf of the Dominion Government, Mr. Langelier and Mr. Machin, on behalf of the Government of Quebec, and Mr Mowat and other Ministers on behalf of the Govt. of Ontario.

(3) Future treaties with Indians for surrendering their rights to require the concurrence of the Province in which the lands lie by a joint Commission. Mr. Mowat proposes that an Order in Council to that effect be passed by the Dominion and confirmed by Act of Parliament. Sir John Thompson agrees as to such concurrence

1

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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being required. Will consider
as to the method. It is also proposed
that all Reserves under Morris
Treaty shall be deemed to have re-
quired and to require the concurrence
of the Province and that a Joint
Commission shall be appointed to
consider those made or to be made.
The assent of the Government of Ontario
being requested to the confirmation and
establishment on a proper legal basis
of the Indian Reserves under the
Morris Treaty (in the disputed Territory)
the following principles are suggested
subject to approval as hereinafter
stated:-

(1) The Ontario Government
shall be a party to the selection of
Reserves hereafter.

(2) The Reserves are to be ~~confined~~
comprised and established according
as

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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as the Treaty stipulates.

(3) A Joint Commission for the two Governments (Canada and Ontario) to be appointed to settle and determine any questions outstanding as to the Reserves, according to the rule stated in paragraph (2)

" It being conceded that it is desirable to avoid dissatisfaction or discontent amongst the Indians, the Ontario Government is to make full enquiry as to the reservations now laid out in the Territory with a view to acquiescing in the confirmation of the same without the intervention of the Commission unless some good reason presents itself for a different course.

(11) An Order in Council to be passed by the Dominion Government providing that the Regulations as to

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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fishing in the territory covered by the Morris Treaty as thereby provided, other than on the Reserves for Indians, shall be made by the Government of Ontario as respects the lands of the Province, without prejudice to the jurisdiction of the Dominion Parliament with respect to Fisheries under the B. N. A. Act.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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429

111834

Ottawa, 10th Dec 1890

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

Dear Mr Vankoughnet

I enclose an extract from the memorandum of matters considered at Toronto on the 28th ulto, respecting Indian Treaties

Yours faithfully

[signature]

Copy of this letter & Enclosure on file 62509 No 2

1. (?) arrears of Robinson Treaty 50451
2. (?) Iomogaumigue Reserve 19233
3. (?) Mississagua Monezaeck lands 43957
4. Missaquas of Alnwick, Rice & Mud Lakes compensation 67078
5. Ownership of Islands Georgian Bay & Lake Huron 42641

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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MEMORANDUM.

111834

Department of Indian Affairs,

To Deputy Minister

Ottawa, 11th December 1890

Herewith are files relating to questions in dispute between the Dominion Government and the Government of Ontario viz.—

File 5045 No 5 relating to Arrears of Treaty Money claimed by Indians.

" 4264 2 " " ownership of Islands Georgian Bay & Lake Huron

" 43957 " " claim of Mississagua Inds for compensation for land

" 19236 " " Temogamingue Res.

" 67071 2 " " claim of Mississagua Indian Bands of Alnwick, Rice, Mud and Sengog Lakes and of Chippewas of Lake Simcoe & compensation for land.

19.600 " Colonel Clerk defalcation

On each of the above files will be found letters referring the questions to the Department of Justice for action.

9264 " Rankin Location

100276 " claim for refund of $189 & interest Poor Ont

D Stewart

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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— 111834 —

R. Sedgewick Esq.
Deputy Min. of Justice

SECY'S BRANCH,
DEC 12 1890
WRITTEN.

Draft

File to be returned to the Deputy (D.I.A.)

Dear Mr. Sedgewick,

I have your note of yesterday and the extract enclosed therein from the memorandum of matters considered at Toronto on the 28th ult. respecting Indian Treaties by the representatives of the Dominion and Ontario and Quebec Governments respectively and I thank you very much for the same. There are, however, several matters in regard to which I would be glad to be advised of the position taken or decision arrived at in (a.) arrears of annuity claimed by the Indians under the Robinson Treaties of Lakes Superior and Huron (b.) Ownership of Islands in Georgian Bay and Lake Huron. (c.) Claim of Mississauga Indians to arrears for the land sold

5,045

4264

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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sold by the old Government of
Canada and amount not carried
to their credit. (d) Claim of Indians
to a Reserve at Lake Temogaminque, in rear of
back of Lake Huron. (e) Claim of
the Mississauga Indians of Alnwick,
Rice, Mud and Scugog Lakes and
Chippawas of Lake Simcoe to com-
pensation for a large tract of land
extending from the Georgian Bay
back to the Ottawa river, which
was sold without any surrender
having been made by them.

67071

The papers in all these
matters were forwarded to your Dept
some months ago in order to have
the claims put in shape for sub-
mission to the Board of Commissioners
or such tribunal as might be
appointed to settle them.

I have etc.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Ottawa, July 4th 1891.

Dear Mr Vankoughnet.

Will you please send me a statement of all the claims which your Department has against,

(a) The old Province of Canada.
(b) The Province of Ontario
(c) The Province of Quebec.

This information is wanted immediately.

Yours very truly,

L Vankoughnet Esq
DSG of IA

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

Dept of Indian Affairs
Ottawa July 1891

SECY'S BRANCH,
JUL 6- 1891
WRITTEN.

Draft

Dear Mr Sedgwick

In reply to your note of the 4th instant requesting me to send you a statement of the claims which this Department has against
(a) The old Province of Canada
(b) The Province of Ontario
(c) The Province of Quebec
I beg to say that the Claims in question are.—

Claims	against
1. Arrears of annuity claimed by the Indians under the Robinson treaties of Lakes Huron and Superior	against the old Province of Canada and the Province of Ontario.
2. The ownership of Island in Lake Huron	Province of Ontario
3. Claim of the Mississagua Indians for compensation for lands belonging to them which were sold by the old Government of Canada but the amount of which, with the accrued interest, has not been placed to the credit of those Indians	The old Province of Canada
4. Claim of Indians concerned to a Reserve at Lake Temogamingue north of Lake Huron	Province of Ontario
5. Claim of the Mississagua Indians of Alnwick, and of Rice, Mud and Scugog Lakes, and of the	

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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the Chippewas of Lake Simcoe to compensation for a large tract of land extending from the Georgian Bay back to the Ottawa River, which tract was sold without any surrender having been made by them

The old Province of Canada

6. Claim for the amount of the defalcations of Col: J. B. Clench a former Agent of this Department, which occurred long before Confederation and no portion of which has been recovered altho instructions for proceedings to be taken were given to the Crown Law Dept of the old Province of Canada soon after the approximate amount of those defalcations had been ascertained

The old Province of Canada

See after of 21st May 1887 to Justice Dept

All the papers in respect of those several claims were sent to your Department some months ago in order that they might be put in proper shape for submission to the Commissioners or such tribunal as might be appointed to settle them:- those in relation to the claim of the Mississaguas of the Credit, (file 43.957) and that of the Temogamingue Indians (file 19.233) were since withdrawn and are now returned herewith

Yours &c

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Circular.

DEPARTMENT OF FINANCE,

OTTAWA, 9th July, 1891.

Sir,

I have the honour to inform you that it is proposed to settle by arbitration all outstanding accounts and claims between the Dominion and the Old Province of Canada and the Dominion and the Provinces of Ontario and Quebec, and in view thereof I shall be obliged if you will kindly let me know at your very earliest convenience if your Department has any claim of any kind against the Old Province of Canada or the Provinces of Ontario or Quebec, and if so the amount and particulars of such claim.

I have the honour to be,

Sir,

Your obedient servant,

J. Fitzgibbon

Assistant Deputy Minister

of Finance.

The Deputy Supt. General of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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RETURN TO CORRESPONDENCE BRANCH.

111.834

J.M. Courtney Esq
D.M of Finance
Ottawa

Nov 19 1851.

Sir,

With reference to the letter from your dept. dated the 9th July last, respecting the proposed settlement by arbitration of all outstanding accounts and claims between the Dominion and the old Provinces of Canada and between the Dominion and the Provinces of Ontario and Quebec, I have the honour to inform you that a statement of the claims of this dept

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Dept. has been sent
to the Dept. of Justice.
Yours &c.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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A. Sedgewick Esq.
Dy Min. Justice
Ottawa.

Draft
Pulley

Exd.

SECT'S BRANCH,
MAR 10 1892
WRITTEN.

Dear Mr Sedgewick,

Referring to my letter to you of the 6th July last, enclosing a statement of the claims which this Dept has against (a) the Old Province of Canada, (b) the Province of Ontario, (c) the Province of Quebec, I shall be much obliged if you will inform me, at your early convenience, what progress has been made towards the appointment of a Commissioner or a tribunal to adjudicate upon

Ab

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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these matters

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Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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The Ottawa Daily Citizen

TUESDAY DECEMBER 20th 1892.

INTERPROVINCIAL ACCOUNTS.

The Dominion Government has received formal notification of the appointment of Judge Casault as arbitrator for the adjustment of the interprovincial accounts. The appointment was approved at yesterday's Cabinet Council and the settlement of these long, outstanding differences will doubtless be accomplished without delay.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Ans'd
22 Dec. 92

Confidential

and to be returned to Mr Scott

DEPARTMENT OF FINANCE,

OTTAWA, 21 Dec 1892

My dear Vankoughnet

You will have seen by the papers that Judge Caswell has been appointed to represent Quebec on the arbitration respecting the accounts - this unfolds the trio - Judge Burbidge represents the Dominion & Chancellor Boyd Ontario

Personally I think sometime will elapse before the Board will go to work - considering that Parliamentary work is before all parties - but I hope you have got your case in order - I understand the Ontario Government has had the Indian business under consideration for a considerable time past

Yours very truly
Lieutenant

L Vankoughnet Esq

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

PUBLIC ARCHIVES
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CANADA

135800

3

27th February

Docket 3524.

Gentlemen,

Referring to my letter of the 21st instant, in which I requested you to act as Solicitors for the Dominion Governmen in the proposed arbitration between the Governments of Canada and the Provinces of Ontario and Quebec, I now beg to send you a list of certain claims put forward by the Department of Indie Affairs on behalf of Indians, which it is intended to submit to the Court of Arbitration.

The claims as to which, up to the present time I hav received instructions are the following;-

(1) Arrears of annuity claimed by the Indians under t Robinson treaties of Lakes Huron & Superior.

The papers in connection with this claim a I think, in the Department of Indian Affairs, and be obtained by you from that Department.

(2) The claim on behalf of the Indians to the owner of La Cloche Island, and other Islands in Lake Hu title to which is in dispute between the Gover of Canada and Ontario.

The papers relating to this claim are en herewith.

(3) Claim of the Mississagua Indians of Alnwick, and Scugog Lakes, and the Chippewas of Lake Sinc co

Messrs O'Connor & Hogg,

O t t a w a .

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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compensation for certain lands which have been treated as Crown Lands, but which it is claimed have never been surrendered by the Indians.

The papers relating to this claim are enclosed.

(4) Claim of certain Indians to a reserve at Temegamingue, North of Lake Huron.

The fyle relating to this matter is also in the Department of Indian Affairs, and may be obtained there.

(5)✓ Claim of the Mississagua Indians for compensation for lands belonging to them which were sold by the old Government of Canada, but the purchase money of which has not been placed to the credit of those Indians.

(6) Claim for the amount of the defalcations of Col. J.B. Clench, a former Agent of the Department, which occurred long before Confederation, and no portion of which has been recovered, although instructions for proceedings to be taken were given to the Crown Lands Department of the old Province of Canada soon after the approximate amount of such defalcations had been ascertained.

The papers in connection with this case are at present in the Department of Indian Affairs.

(7)✓ Claim of the Delaware and Muncey Indians for compensation for lands drowned by the overflow of the Grand River, owing to the erection of a canal at Dunnville by the Welland Canal Company, in the year 1829, and the heightening of this dam in 1830-35.

The fyle of this Department relating to the claim in question - No 369 of 1887 - is enclosed herewith, and also a statement of the facts relating to the claim. The fyles of the Indian Affairs relating to it are in this Department in connec

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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with another phase of the same matter and may be inspected by you here.

(8) Claim for the purchase money, with accrued interest, of certain Indian lands in the Township of McDonald, in the District of Algoma, which were sold before Confederation by the Crown Lands department of the Province of Canada, but the proceeds of which were not paid over to the credit of the Indian Funds.

Fyle No I00276 of the Department of Indian Affairs containing the papers relating to this claim is enclosed herewith.

(9) Claim in respect of arrears of annuities under the treaties made in 1850 with the Lake Huron and Lake Superior Indians, and known as the Robinson Treaties.

The papers in connection with this claim are now, I think, in the Department of Indian Affairs, but you will find on the general fyle of this Department (Docket 3524), which I am now sending you, some correspondence relating to it.

(10) Claim of the Garden River Indians of the District of Algoma in respect of certain land, containing about 345 acres, which was cut off before Confederation from the reserve to which the Band was entitled under the Robinson-Huron Treaty.

I enclose Indian Department papers (No 93317), relating to this claim. Some correspondence relating to it will also be found upon the general fyle of this Department.

(11) Claim against the old Province of Canada, and the Province of Ontario for the prices realized for certain Islands belonging to the Indians, but which have

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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have been sold and patented by the Crown Lands Department.

The particulars of this claim will be found in a letter, dated July 15th 1892, addressed to Mr. Sedgewick by Mr. Sinclair, then Acting Deputy Superintendent General of Indian Affairs, and in the statement annexed to that letter.

I enclose, for your perusal, the general fyle of this Department relating to the arbitration. I shall be glad if you will return the fyle when you have read the correspondence and other papers upon it.

I am, Sir,

Your obedient servant,

Acting D. H. J.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS
FEB 28 1893

135800

Ottawa, 27th February 1893

Sir,

I have the honour to inform you that the arbitrators appointed in respect of the matters in difference between the Governments of Canada and Ontario and Quebec, have appointed the 17th proximo, in this city, as the time and place for their first meeting. It is probable that at this meeting only preliminary matters will be taken up, such as the mode of procedure to be adopted, and the order in which the various matters in dispute will be held by the arbitrators.

I enclose copy of a letter which I am sending to-day to Messrs O'Connor & Hogg, who have been instructed to act as Solicitors for the Dominion in connection with the arbitration.

I am, Sir,

Your obedient servant,

A Power

Acting D. M. J.

CORRESPONDENCE BRANCH
MAR 2 1893

L. Vankoughnet, Esq.,
Deputy Supt. General of Indian Affairs,
O t t a w a .

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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III,834

Draft

Ex 3.

OTTAWA, 3rd March, 1893

Sir,

I have the honour to acknowledge, with thanks, the receipt of your letter of the 27th Ulto, relative to the arbitration appointed in respect of the matters in difference between the Governments of Canada and Ontario and Quebec; and in reply I have to inform you that none of the papers in any of the matters described in your letter to Messrs O'Connor and Hogg are in this Department- all papers in connection with the claims referred to in that letter having been sent to your Department.

A.N. Gwg

for DM

Your obedient servant

Deputy of the Sup.Gen.
of Indian Affairs.

A.Power, Esq:
Acting Deputy Minister of Justice
OTTAWA,

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS
FEB 20 1893

DEPARTMENT OF JUSTICE ONTARIO

135635

Toronto, 18th Feby. 1893.

Dear Sir,

Could you procure for me a list of all the Indians resident on Manitoulin Island or elsewhere who in 1890 and 1891 participated in the interest derived from the sale of lands on that Island. I should also like to have a list of the Indians who receive any part or share of the sum of $700 paid by the Hon. Wm. McDougall on conclusion of the treaty known as the Manitoulin Indian Treaty dated October 6th 1862.

ACCOUNTANTS
FEB 20 1893
BRANCH

Yours truly,

I. Matthews.

L.VanKoughnet Esq,
Deputy Supt. Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111834

~~135,685~~

J.R.Cartwright Esq.,

Deputy Attorney General

Toronto,Ont.

Exd.

DRAFT

SECY'S BRANCH,
FEB 24 1893
WRITTEN.

Dear Sir:-

I beg to acknowledge the receipt of your letter of the 18th instant,in which you ask me to prepare you a list of all the Indians resident on Manitoulin Island,or elsewhere,who,in 1890-91,participated in the interest derived from the sale of the lands on that Island,and stating that you would also like to have a list of the Indians who received any part or share of the $700.00 paid by the Hon.Wm.McDougall on conclusion of the Treaty known as the Manitoulin Indian Treaty,dated October 6th 1862.

Inasmuch as there will be considerable labor involved in the preparation of the lists asked for,I would be obliged if you would kindly inform me of the purpose for which the same are required; and,upon receipt of that information, the question of furnishing the lists will be further considered.

Yrs.scly.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111834

The Dy M. of Justice

Exd.

SECY'S BRANCH,
MAR 17 1898
WRITTEN.

Sir -

I enclose herein copies of the following correspondence which has passed between the ~~[illegible]~~ Dy Atty Genl of Ont. & myself resp'g the request made by the former to be furnished with a list of all the Indians residing upon Manitoulin Island & elsewhere who in 1890-91 participated in the moneys derived from the sale of lands on that island, also for a similar list of Indians who rec'd any part or share of the $700 pd. on conclusion of the Treaty known as the Manitoulin Indian Treaty:-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Poor Copy.

Letter from Mr G. R. Cartwright
of the 18th ~~July~~ ult.
My reply of the 24th ult.
Letter from Mr Cartwright
of the 8th inst.

I have to request
that you will advise
me whether, in yr. opinion,
pending the proceedings of the
arbitrators who are to
decide upon questions
between the Older Provinces & the
Dom., it would be proper
to furnish the information
asked for by Mr Cartwright.

J Robert

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS
MAR 24 1893

136610

Ottawa, 22nd March 1893

312/93.

S i r,

Referring to your letter of the 17th instant, in which you enquire whether, pending the proceedings of the arbitrators, who are to decide upon questions between the older Provinces and the Dominion, it would be proper to furnish the information asked for in Mr. Carturight's letters, I beg to say that the only question which is to be submitted to the arbitrators in respect of the Indians is, as I understand it, in the nature of a claim by the Dominion against the Provinces, and as the case of the Dominion upon that question has not yet been formulated, I think it would be untimely to furnish the information called for at present.

I am,

S i r,

Your obedient servant,

E. Newcombe

Deputy Minister of Justice.

L. Vankoughnet, Esq.,
Deputy Superintendent General
of Indian Affairs,
O t t a w a.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Exd

137664

DEPARTMENT OF INDIAN AFFAIRS
APR 28 1893

Immediate
To Acctnt to prepare
Required Statement

Ottawa 27th April 1893

Sir: Apl 28

Among the papers sent to this Department concerning the claims of the Dominion against the Provinces on account of Indian Claims is a letter from the Hon. Mr Mowatt of the 7th August 1891 addressed to the Minister of Justice in which he asks for a statement of the expenses of and incident to the negotiation of the Treaties. Expenses of and incident to the payment of the Annuities and other monies. Expenses of setting apart and marking out of survey of the Reserves. Salaries and Expenses of Indian Agents and Superintendents and cost of agencies.

As you are aware the meeting of the Arbitrators will take place on the 13th June next, when it will be necessary to have this information ready, and I shall be obliged by your furnishing the same at your earliest convenience.

I have the honour to be,

Sir,
Your Obedient Servant
[signature]
Deputy Minister of Finance

The Deputy
Supdt General of Indian Affairs
Ottawa

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Memo. Check 19600 Clan 67071

It will be observed from the list of claims sent by the Dept of Justice to the solicitors for the Dominion (Messrs O'Connor & Hogg) that the very important claim for expenditure in connection with Treaty No 3. is not included therein and the solicitors are therefore in ignorance of the matter. It is evident from the activity of the Govt of Ontario in asking for papers in this matter that it is expected that the Dominion Govt will make this Treaty a subject of argument before the Arbitrators - but, although file 62509 was with the solicitors. They had not taken any steps to prepare a case and from this file only they could not do so. The Dept of Justice should have given them sufficient information to work upon. I spoke to Mr Fraser of the Justice Dept about this matter yesterday and he said that as the claim had not been prominently presented it had been overlooked. I therefore with new file 62509 wh had been transferred to the Finance Dept by Messrs O'Connor & Hogg in

Returned File 62509 ~~sent~~ to Dept of Justice with letter K.D.G. Minister Apl 29/193 KB

To the Deputy Minister

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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order that the claim may be
again look before the Dep.t of Justice.
I am now engaged in formulating
the financial part of this claim
wh will amount to over half
a million of dollars.

S. L. Scott

Abt 28. 93

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111,834

E.L.Newcombe Esq.,Q.C.

Deputy Minister of Justice,and

Solicitor of Indian Affairs.

DRAFT Exd.

SECY'S BRANCH,
MAY 25 1892
WRITTEN.

Sir:-

Adverting to the matters to be brought before the Board of Arbitrators on the claims of the Dominion against the Old Province of Canada, and the several Provinves that composed the same, I beg to state that an officer of ~~thei~~ this Department was recently advised by Messrs O'Connor & Hogg, the Solicitors employed by your Department in the above matters,that as regards ~~the~~ the claim of the Indians of Temogamingue to a Reserve under the Robinson Treaty,they had received no instructions from your Department,and no brief was to be found upon the file sent them regarding this matter.

In this connection,I beg to refer you to previous correspondence had with your predecessor respecting the Indian claims which would have to be adjudicated upon by the above Board,among which will be found allusion made to the ~~calim~~ claim of the Indians at Lake Temogamingue,and,in the papers which were forwarded to your predecessor in this matter,a tracing showing the position of the land ~~calimed~~ claimed as a Reserve,and a full ~~statement~~ report to Council of the facts as well as a copy of the O.C. who [illegible] regarding ~~the~~ such ~~calim~~ claim will be found; and,in a lette

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1890 Mr Sedgewick

addressed by me on the 12th December ~~he~~ was informed in regard to the above matter, as well as others that had been referred to him, that the papers in all these matters were forwarded to his Department some months previous ago, in order to have the claims put in shape for submission to the Board of Commissioners, or such tribunal as might be appointed to settle them; and again on the 16th July 1891 Your predecessor's attention was called to these matters.

May I reuqest that the case in regard to the claim of the Temogamingue Indians, as well as the cases in respect of any other claims that may not have been prepared, may be immediately proceeded with and completed, inasmuch as the Board of Commissioners, ~~xxxxx~~ as you are aware, will meet in the early part of next month, and it it most important that we should be prepared to submit ~~xxxxxxxxxxxxx~~ the several cases with full particulars in respect to each.

Yr.Obt.Svt.

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138623

Docket 3526 I/2.

Ottawa, 26th May 1893

DEPARTMENT OF INDIAN AFFAIRS
MAY 30 1893

S i r;-

Re arbitration; Claim of Indians of Temogamingue.

I have the honour to acknowledge the receipt of your letter of the 25th instant, and to inform you that the Agent of this Department was duly instructed in this case at the same time as the other Indian claims were placed in his hands. I understand that, as you state, no brief of the facts of the case was prepared in this Department, but I believe there is on the file a statement of all the circumstances giving rise to the claim prepared by yourself, or in your Department, which renders such a brief unnecessary. With reference to the last paragraph of your letter, I may state that the only business to come before the Arbitrators at their meeting next month is the argument and consideration of the question between the Dominion and the Provinces with regard to the interest which should be paid by the Dominion upon balances due to the Provinces. No date has yet been fixed for the submission or consideration of the Indian claims.

I am,

S i r,

Your obedient servant,

E. Dewcombe

The Deputy Superintendent General,
of Indian Affairs,
O t t a w a .

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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149163

DEPARTMENT OF INDIAN AFFAIRS
MAY 9 1894

DEPARTMENT OF THE SECRETARY OF STATE
CANADA

Ottawa, 8th May, 1894. 189

IN YOUR REPLY PLEASE REFER TO
LETTER NO. 1758.
FILE NO. 845.

111834
R

MEMORANDUM FOR THE INFORMATION OF THE DEPUTY SUPERINTENDENT GENERAL OF INDIAN AFFAIRS.

In re Order-in-Council, 2nd May 1894, touching settlement of certain questions arising between Governments of Canada and Ontario respecting Indian Lands, copy thereof with accompanying agreement has been forwarded this day from this Department to His Honour the Lieutenant Governor of Ontario in accordance with terms of said Order-in-Council.

L. Vallières

Under Secretary of State.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS
MAY 23 1894

111,834

Montreal Gazette,
21st May. '94

Hamilton

E. Furlong, barrister, of this city, will hold a brief for the Mississagua tribe of Indians in the forthcoming arbitration in Toronto in connection with the payment of a claim by the provinces of Ontario and Quebec of $78,000 for lands in Trafalgar and Toronto townships surrendered in 1820.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF THE SECRETARY OF STATE
CANADA

DEPARTMENT OF INDIAN AFFAIRS
JUN 7 1894

Ottawa, 6th June, 1894. 189

IN YOUR REPLY PLEASE REFER TO
LETTER No. 2170
FILE No. 845.

To Land Br No 353
Cut Please agreement
wanted Ingmar 8-6-94

BRANCH
JUN 8 1894

Sir,

I have the honour to transmit to you, herewith, for deposit in your department, an Agreement executed by the Honourable the Minister of the Interior and the Honourable the Provincial Secretary of Ontario in connection with the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands.

I have the honour to be,
Sir,
Your obedient servant,

L. H. Catellier
UNDER SECRETARY OF STATE.

The Deputy of the
Superintendent General
of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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155339

D.O'CONNOR, Q.C.

O'CONNOR & HOGG,
Barristers, Solicitors,
NOTARIES PUBLIC &c.

CHARLES O'CONNOR.

W.D. HOGG, Q.C.

83½ SPARKS STREET

111834

111834

Ottawa, Canada Oct., 30, 1894 189

DEPARTMENT OF INDIAN AFFAIRS
31
1894

Sir:-

Dominion & Provincial Arbitration.

Mr. Irving, who is acting as Counsel on behalf of Ontario, has written us drawing our attention to a letter which was written by Deputy Attorney-General Cartwright of Ontario to Mr. Vankoughnet, on the 18th February, 1893, in which he requested to be furnished with "a list of all the Indians resident on Manitoulin Island or elsewhere, who in 1890 and '91 participated in the interest derived from the sale of lands on that Island; and also a list of the Indians who received any part or share of the $700 paid by the Honorable William McDougall on conclusion of the Treaty, known as the Manitoulin Island Treaty, dated 6th October, 1862." Mr. Irving states that this information was not furnished to him, and that your Department on the 28th March, 1893, wrote to Mr. Cartwright that the "Department of Indian Affairs regrets that, acting under the advice of the Department of Justice, it cannot supply copies of the list applied for." As Mr. Irving states that these lists are required in connection with the Arbitration proceedings, we think they should be supplied to him if it is at all possible to get them. No doubt at the date the letter of the 28th March, 1893,

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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155339

was written the Arbitration proceedings had not commenced, and it was doubtful whether documents of this kind should be prepared and furnished when no proceedings were existing between the Governments. Now that the proceedings are going on, and we are exchanging from time to time information with reference to them, and for the purpose of getting at the exact position and rights of the respective Governments, the same reason does not exist why information of this kind should not be granted. We would be glad if you could see your way clear to supply Mr. Irving with the documents above referred to at your early convenience, and oblige,

Yours truly,

O'Connor & Co.

D.C.Scott, Esq.,
Chief Clerk,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Commissioner

Say we will have the payliest of with money paid to Indians of M. I. Copied at ~~soon~~ Duce - Say that a thorough search has failed to discover the payliest of the distribution of $700.00 by Hon Wm

CORRESPONDENCE
NOV 2 1894
BRANCH

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KODAK SAFETY FILM

McDougall on the Conclusion of
the Treaty of 1862.

2/11/94

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111.834

RETURN TO
CORRESPONDENCE BRANCH.

Ottawa 3rd November 1894

THE LETTER HAS BEEN SENT

Gentlemen,

I have the honor to acknowledge the receipt of your letter of the 30th Ultimo, in the matter of the Dominion and Provincial Arbitration; and in reply I beg to inform you that we will have the Paylist of Interest money distributed among Indians of Manitoulin Island copied at once for Mr Irving, the Counsel acting on behalf of the Ontario Government.

I regret to say that we have failed after a thorough search, to find the paylist of the distribution of $700 by the Honourable Wm McDougall on the conclusion of the Treaty of 1862.

Your obedient servant,

Deputy Siperintendent General
of Indian Affairs

Messrs O'Conner & Hogg,
Barristers,
Ottawa.

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111834

July 9th. 5.

My dear Mr.Hogg/-

I enclose herewith copies of certain documents which were required by Mr.J.P.Macdonald of Toronto,in connection with the Indians claims,brought before the Board of Arbitrators. As far as the Department is concerned there does not appear to be any objection to allowing the e documents to go out; I would however submit them to you in order that you may decide whether or not they may be sent. I beg to direct your attention to one or two letters with reference to the Robinson Treaty annuity,and particularly to a Speech delivered by two Huron Chiefs,in which they mention on the 2nd.page "that half breeds and other Indians coming to reside on a tract either with, or without leavecannot increase the right of a Chief to receive

a

W.D.Hogg Esq. Q.C.,

Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

a.larger sum than that which the size of the territory his people own entitle him or them to." It occurs to me that Ontario may endeavour to make something out of this point if the matter again comes before a higher Court.

Yours faithfully.

List of Documents.

O in C for £5030 to W.B.Robinson,to settle claims of L.Sup.Indns.
O in C Lands at the S.S.Marie.
No.5522-21/27 Oct./51-Hon.W.B.Robinson-Reply to Supt.Genl's letter States that treaty made with Indians was based on same conditions as preceding one.
Ex.from report of Committee of Ex.Council on matters of State 16th April 1850.
Copy of Minute of Meeting of Ex.Council 16th.Apl./50relative to enquiries made by Hon.W.B.Robinson.
No.6455-30th.Dec./52- O in C-concurring in Sup.Genl's recommendation of Annual Grant of $1000 for benefit of Indians(Lower Can)
Report from Indian Office. Recomdg.an apprption.by sale of Easterly 1/2 of Tp.of Laurence,for Algonquins,Nipissingues & Iroquois.
Petion of Indians (Lake of Two Mountains) & letter from W.Spragge. 5th.Apl.1864.
Schedule of Lands in possession of Indian tribes (Upper Canada) Montreal 21st.May /29.
Letter to Hon.W.Robinson 16th.Oct./51-enclosing extract from two Lake Huron Chiefs as to distribution of annuity.
A 121-No.15890- Letter to Hon.Alex.Campbell-7th.Nov./64-with ref. to petition from Algonquin & Ottawa Indns for grant of land in Tp. of Laurence.

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No.6963- 13th.Aug./53-Transmits certfd.copy of Schedule of Lands set apart for Indian tribes (Lower Canada) Letters from John Kolph- R.Bruce-Jos.Bouchette- Jean Langevin- & W.H.Lee.
No.5431- 6/17 Sep./51- Capt.Ironsides S.I.A.encloses Speech from Two Lake Huron Chiefs res:Treaty and their reservations.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111834

Encl's

31st July 5

Dear Mr. Hogg,-

THIS LETTER HAS BEEN SENT

Mr. J.P. McDonald, who spent some time in the Department examining, on behalf of the Ontario Government, documents bearing on the dispute between the Dominion and the Province as to Indians, desired to have the copies which I enclose herein of certain documents of record in the Department furnished his Government.

This Department sees no objection to his request being complied with, and I send the copies to you so that if you concur in the Department's view you may have them transmitted.

Yours sincerely,

W.D. Hogg Esq., Q.C.,
Messrs. O'Connor & Hogg,
Ottawa.

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D.O'CONNOR, Q.C.

O'CONNOR & HOGG,
Barristers, Solicitors,
NOTARIES PUBLIC &c.

CHARLES O'CONNOR.

W.D.HOGG, Q.C.

83½ SPARKS STREET.

Ottawa, Canada Oct., 30, 1895. 189

137195

Sir:-

Dominion & Provincial Arbitration.

We beg to notify you that the Board of Arbitrators will have a sitting at Quebec on the 12th November. At that sitting, the case relating to the Mississaguas of the Credit, and the one relating to the Delaware Indians, will come up for hearing and disposal. As these matters have received a very large share of your attention in the last year back, we desire that you should be present at Quebec when these matters are up for discussion.

With reference to the Delaware case, we think it would be advisable that you should have there, and produce if necessary, the record of the sales made by the Indian Department of the lands of the Six Nations, surrendered by them in 1834 to the Crown. The Province of Ontario have set up as part of their defence in this case, that by that surrender the whole of the lands which were submerged and are in question in this claim, were vested absolutely in the Crown, and which, if it was so, would be a serious objection to any claim of the

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Department on behalf of these Indians. We understand, however, that while the surrender was on its face absolute, the lands were in fact treated as being surrendered for the benefit of the Indians, and sold as a matter of fact for their benefit; hence the advisability of having the sales-book there and any other documents which may help to bear out that position.

In the case of the Mississaguas, we have your report, and as the case entirely comes within your report, that, it appears to us, will be all that will be necessary to have present. We would ask you, therefore, to arrange so that you will be present at Quebec on the 12th.

Yours truly,

O'Connor & Hogg

D.C.Scott, Esq.,

Chief Clerk, Ind'n Dep't,

Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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No.111834

File

MEMORANDUM

I beg to report as follows upon the progress of the Indian claims set down for hearing before the Board appointed to settle disputed accounts between the Dominion and the Provinces. In a letter from the Department of Justice dated 27th,February,1893, a list of claims which had been presented to the Dominion Solicitors was sent to the Department. I will take up the claims seriatim giving as shortly as possible the progress of each case, and the position in which it now stands:-

(1) Arrears of annuity claimed by the Robinson Treaty Indians, and a claim for the total amount of annuities paid to these Indians by the Dominion.

An award was given by the Arbitrators in favour of the Dominion. An appeal was made to the Supreme Court of Canada, which reversed the decision of the Arbitrators. The Dominion has appealed the case to the Privy Council, and it will be heard in London probably this month.

(2) The claim of the Indians to the ownership of La Cloche Island.

This claim has not yet been presented.

(3)

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(3) Claim of the Mississagua Indians of Alnwick, Rice and Mud, and Scugog Lakes, and the Chippewas of Snake Island for compensation for certain lands never surrendered by them.

This claim has not yet been presented, and in the opinion of the Solicitors does not come within the purview of the instructions given to the Board. I have requested the Solicitor to lay his views on this subject before this Department.

(4) Claim of certain Indians belonging to the Robinson Treaty to a reserve at Lake Temogamingue.

This claim has been referred back to the Department by the Solicitors with the opinion that it is a matter for adjustment between the Dominion and Ontario Governments, and suggesting that a settlement should be arrived at between the Indian Department and the Department of Crown Lands, Ontario. ~~It was~~ Owing to this suggestion ~~that~~ correspondence has been opened with the Crown Lands Department, Toronto, with a view to a settlement of the question.

(5) Claim of the Mississaguas of the Credit for the proceeds of lands sold by the Old Province of Canada which it was alleged were never credited to Indian funds.

This claim after a careful hearing by the Board was disallowed, as it was proved that beyond reasonable doubt

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doubt all the proceeds of these lands had been spent by the Indian Department for the benefit of the Indians.

(6) Claim for the amount of the defalcations of Colonel J.B. Clench.

This claim has been disallowed as during the years ~~that~~ in which the defalcations took place (between 1845, & 1854) Colonel Clench was an officer of the Imperial Government.

(7) Claim of the Six Nations and Munsey Indians for compensation for lands drowned on the Grand River by the erection of the Dunnville Dam.

This claim was disallowed as the responsibility of the Old Province of Canada could not be proved.

(8) Claim for the purchase money with interest of lands sold in the Township of Macdonald before confederation.

This claim which is a very small one has not yet been brought before the Arbitrators, and in the opinion of the Dominion Solicitor should if possible be settled without coming before them. He will I understand communicate with the Department upon this subject.

See Mr Hoger letter of the 16. 97.

(9) This is the same claim as No.1.

(10)

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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(10) Claim of the Garden River Indians for the compensation for 345 acres of land taken from their Reserve before confederation.

This claim has not yet been presented to the Arbitrators. In the opinion of the Dominion Solicitor it should if possible be settled without a reference to the Board. I understand Mr.Hogg will communicate with the Department on this subject.

See Mr Hogg
letter 1 27 Dec 97
DCS

(11) Claim against the Old Province of Canada and the Province of Ontario, for the proceeds of certain Islands belonging to the Mississaguas of Rice and Mud Lake and Scugog.

This claim was favourably viewed by the Arbitrators and a settlement arrived at. When the final adjustment of the accounts is made the Indian Fund will receive credit for $5689.00 from the Old Province of Canada, and $683.60 from the Province of Ontario both amounts bearing interest at ~~5%~~ 4% from the 1st, July 1867 to the date upon which the entry is made. This will mean an augmentation of the Indian capital of about $15000.00

(12) Claim to the proceeds arising from the sale of Garret & Gaskett Islands in West Lake.

This claim has been allowed by the Arbitrators and the sum

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sum of $815.00 will be transferred to the credit of the Indian Fund upon the general settlement of the accounts.

(13) Claim of the Dominion against the Province of Ontario, for all the expenses incurred in carrying out the Indian Treaty No.3.

This is the most important Indian claim which the Board have to consider. Both sides of the case have been printed, but the matter has not yet been set down for argument. It will probably be heard some time after the 1st, October.

Now before Exchequer Court. DCS

D. Scott.

June. 6. 96

Secretary.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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TO ALL TO WHOM THESE PRESENTS SHALL COME:

The Honorable John Alexander Boyd, of the City of Toronto, and Province of Ontario, Chancellor of the said Province; the Honorable Sir Louis Napoleon Casault, of the City of Quebec, in the Province of Quebec, Chief Justice of the Superior Court of the said Province of Quebec, and the Honorable George Wheelock Burbidge, of the City of Ottawa, in the said Province of Ontario, Judge of the Exchequer Court of Canada,

SEND GREETING:

WHEREAS, it was in and by the Act of the Parliament of Canada, 54-55 Victoria, Chapter 6; and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, Chapter 2; and in and by an Act of the Legislature of Quebec, 54 Victoria, Chapter 4, among other things provided that for the final and conclusive determination of certain questions and accounts which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, both jointly and severally, and between the two Provinces, concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the Governments of the Provinces of Ontario and Quebec in the appointment of three arbitrators, being Judges, to whom should be referred such questions as the Governor-General and the Lieutenant-Governors of the Provinces should agree to submit.

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AND WHEREAS we, the undersigned, John Alexander Boyd, Sir Louis Napoleon Casault, and George Wheelock Burbidge have been duly appointed under the said Acts and have taken upon ourselves the burdens thereof.

AND WHEREAS it was provided in and by the said Acts, that such arbitrators or any two of them should have power to make one or more awards, and to do so from time to time.

AND WHEREAS the matters hereinafter mentioned have been submitted to us the said arbitrators, and we have heard the parties thereto, and what has been alleged by Counsel on their behalf.

NOW THEREFORE, we, the said arbitrators, exercising our authority to make a separate award at this time respecting the said matters, do award, order and adjudge in and upon the premises as follows, that is to say:-

1. With respect to the following matters mentioned in items one to six inclusive in the report of the accountants or referees of 30th January, 1896, namely:

I T E M 1.

Ward & O'Leary, contractors, for additions and repairs to Rideau Hall property..... $7,927.98

I T E M 2.

D.Murphy,	20th July, 1867.....	75.00	
"	27th " "	91.20	166.20
Jacques & Hay,	20th November, 1867.....		3,500.00
H.Drum,	20th October, 1867.....,		2,000.00
W.McKay,	18th August, 1867.....		750.00
			56,416.20

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AND WHEREAS we, the undersigned, John Alexander Boyd, Sir Louis Napoleon Casault, and George Wheelock Burbidge have been duly appointed under the said Acts and have taken upon ourselves the burdens thereof.

AND WHEREAS it was provided in and by the said Acts, that such arbitrators or any two of them should have power to make one or more awards, and to do so from time to time.

AND WHEREAS the matters hereinafter mentioned have been submitted to us the said arbitrators, and we have heard the parties thereto, and what has been alleged by Counsel on their behalf.

NOW THEREFORE, we, the said arbitrators, exercising our authority to make a separate award at this time respecting the said matters, do award, order and adjudge in and upon the premises as follows, that is to say:-

1. With respect to the following matters mentioned in items one to six inclusive in the report of the accountants or referees of 30th January, 1896, namely:

I T E M 1.

Ward & O'Leary, contractors, for additions and repairs to Rideau Hall property..... $7,927.98

I T E M 2.

D.Murphy,	20th July, 1867.....	75.00	
"	27th " "	91.20	166.20
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W.McKay,	18th August, 1867.....		750.00
			$6,416.20

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I T E M 3.

Jacques & Hay, 11th January, 1868.....	9,016.00
H. Drum, 11th January, 1868.....	5,456.35
W. McKay, 14th January, 1868.....	2,765.74
Glover & Fry, 27th January, 1868.....	475.00
	$17,713.09

I T E M 4.

E.H.McGreevy, 21st November, 1867.....	4,204.59
Less for work ordered after Confederation.....	960.00
	$3,244.59

I T E M 5.

C.Garth, 21st December, 1867..... $2,433.29

I T E M 6.

Charles Garth, 20th May, 1869, Warrant 3040..... $8,000.00

We do award, order and adjudge that the said several sums mentioned shall remain and be charged in the Province of Canada Account against said Province.

Chief Justice Sir Louis Napoleon Casault dissents from so much of this finding as relates to the items designated by the numbers four and five.

2. With respect to the item Number 7, mentioned in the said report, namely:

I T E M 7.

Evan Roys, 1st April, 1868,
Warrant 3881..... $2,786.00

We do award, order and adjudge that thirteen hundred dollars ($1300.00 , part of the amount, be struck out of the

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ITEM 3.

Jacques & May, 11th January, 1868.....	9,016.00
E. Drum, 11th January, 1868.....	5,456.35
W. McKay, 14th January, 1868.....	2,765.74
Glover & Fry, 27th January, 1868.....	475.00
	$17,713.09

ITEM 4.

E.P.McGreevy, 21st November, 1867.....	4,204.59
Less for work ordered after Confedera-	
tion.....	960.00
	$3,244.59

ITEM 5.

C.Garth, 21st December, 1867.....	$2,433.29

ITEM 6.

Charles Garth, 20th May, 1869, Warrant	
3040.....	$8,000.00

we do award, order and adjudge that the said several sums mentioned shall remain and be charged in the Province of Canada account against said Province.

Chief Justice Sir Louis Napoleon Casault dissents from so much of this finding as relates to the items designated by the numbers four and five.

2. With respect to the item Number 7, mentioned in the said report, namely:

ITEM 7.

Evan Roys, 1st April, 1868,	
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we do award, order and adjudge that thirteen hundred dollars ($1300.00 , part of the amount, be struck out of the

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Province of Canada account, and the balance of $1486.00 remain in the account as a charge against the Province.

3. With respect to items eight, nine and ten, mentioned in the said report, namely:--

I T E M 8:

J.M.Browning, 13th July, 1872..... $964.38

I T E M 9:

Col. Gugy, 9th April, 1874..... $1,174.80

" December, 1870..... 1,789.00

I T E M 10:

F. Couillard, December, 1870..... $778.94

we do award, order and adjudge that the said amounts are not chargeable against the Province of Canada, and that the same be struck out of the Province of Canada account.

4. With respect to item number eleven, mentioned in the said report, namely:

I T E M 11:

E.Lemoine, 2nd October, 1878..... $10,908.34

we do award, order and adjudge that the amount be struck out of the Province of Canada account, and that the Province of Quebec be charged with its share of the amount in the Province of Quebec account.

5. With respect to items twelve and thirteen, mentioned in the said report, namely:

I T E M 12:

Payments to B.G.French, G.S.Cutler, Sewell Cutler, & Noah Dickinson, for land, land damages, and interest arising out of the construction of the Cornwall Canal..... $2,734.28

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I T E M 1 3.

Payment to Mrs. Farlinger for land expropriated for the Rapide Plat Canal:

Matilda lots.....	$1,103.67
Morristown lots.....	510.00
	$1,613.67

we do award, order and adjudge that the said amounts remain and be charged against the Province of Canada in the Province of Canada account.

6. With respect to item 14 mentioned in the said report, namely:

I T E M 1 4:

John Damp, contractor for Algoma Court House..... $4,662.40

we do award, order and adjudge that the amount remain and be charged against the Province of Canada in the Province of Canada account.

7. With respect to item fifteen mentioned in said report, and which has reference to an amount of $12,928,-87 paid to the Canada Land and Emigration Fund by the Province of Ontario, and of which amount the Dominion has repaid to such Province the sum of $9,409.92, we do award, order and adjudge that the said amount of $9,409.-92 remain and be charged against the Province of Canada in the Province of Canada account, and that the balance of the amount of $12,928.37, that is to say, the sum of $3,518.45 be charged against the Province of Canada in the Province of Canada account, as of the date of Decem-

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ber 31st, 1892, and be credited of the same date to the Province of Ontario in the Province of Ontario account.

8. With respect to item sixteen, mentioned in the said report, namely:

I T E M 1 6:

Parliament Buildings, Toronto, ... $25,939.62

we do award, order and adjudge that the amount remain and be charged against the Province of Ontario in the Province of Ontario account.

9. With respect to item seventeen mentioned in the said report, namely:-

I T E M 1 7:

Algoma Court House. (Details annexed to Accountant's report)..... $6,878.58

we do award, order and adjudge that of the sum mentioned, $6378.58, parcel thereof, be charged against the Province of Canada in the Province of Canada account, and the balance of $500.00 be charged against the Province of Ontario in the Province of Ontario account.

10. With respect to item eighteen mentioned in the said report, namely:

I T E M 1 8:

Premium at which the India Bond held for the Imperial ~~Government~~ Guaranteed Loan might have realized, 31 December, 1868, approximately.....l..... $68,000.00

we do award, order and adjudge that the Dominion of Canada is entitled to this amount and to retain the same for its own use, and we do dismiss the claim made that it

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should be credited to the Province of Canada in the Province of Canada account.

11. With respect to item nineteen mentioned in the said report, and which represents a claim made that the Province of Canada should be credited in the Province of Canada account with a sum of $189,177.60, being twenty-five per cent. upon $756,710.00 at which the capital of the Seignorial Indemnity to Townships was stated in the statement of debt of the old Province of Canada, we do award, order and adjudge that the said amount ought not to be so credited in the said account, and we do dismiss the said claim.

Mr. Chancellor Boyd dissents from this finding, and would allow the claim made in respect to this matter.

In the disposition that we make of this matter, Mr. Chancellor Boyd proceeds upon his view of a disputed question of law. Chief Justice Sir Louis Napoleon Casault and Mr. Justice Burbidge proceed upon equitable principles, that is, upon what, in their view, is a fair and equitable determination and disposition of the matter, having regard to all the circumstances and the manner in which the parties have themselves dealt with it.

12. With respect to item twenty mentioned in the said report, and which represents a claim made by the Province of Quebec that the amount of $8,051.45 for lands sold as clergy reserves of Upper Canada, but found to belong to the Mohawk Indians, and now charged against the Province of Canada in the Province of Canada account

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of the date of June 30th, 1877, should be struck out of the latter account, and be charged against the Province of Ontario in the Province of Ontario account, we do award, order and adjudge that the said amount of $8,051.45 be struck out of the Province of Canada account and be charged against the Province of Ontario in the Province of Ontario account of the date last mentioned.

Mr. Chancellor Boyd dissents from this finding.

13. With respect to item twenty-one of the said report, representing a claim made by the Dominion that the gratuities paid to old servants of the senate, amounting to $22,819.10, should be charged to the Province of Canada in the Province of Canada account, we do award, order and adjudge that the said sum ought not to be so charged, and we do dismiss the said claim.

14. With respect to item twenty-three mentioned in the said report, and which represents a claim made by the Province of Quebec that a sum of $14,418.10 expended on account of the St. Vincent de Paul Reformatory and now charged against the Province of Quebec in the Province of Quebec account, we do award, order and adjudge that said amount is properly charged against the Province of Quebec, and ought not to be charged against the Province of Canada, and we do dismiss the said claim.

Chief Justice Sir Louis Napoleon Casault dissents from this finding.

15. With respect to an amount of $2,000.00 paid to Louis Moffat on the 15th March, 1886, on account of his expenses in connection with "The Rescue" case, we do award, order and adjudge that said amount remain and

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be charged against the Province of Canada in the Province of Canada account.

16. With respect to a claim made by the Dominion of Canada against the Province of Ontario for certain Immigration Expenditure, wherein by a former award, dated the 18th day of February, 1896, we allowed so much of the claim as related to expenditure madein the year 1878, and otherwise dismissed the said claim and discharged the said Province therefrom, it now appearing by admission of counsel that there is nothing due to the Dominion from the Province for the said year of 1878, we do award, order and adjudge that the said claim be dismissed.

17. With respect to the claim made by the Dominion of Canada against the Province of Ontario with reference to the rents of Ordnance lands at Amherstburg and Penetanguishene, we do award, order and adjudge that the said claim be dismissed.

18. With respect to the claim made by the Province of Ontario against the Dominion of Canada for rents of land near Niagara Falls collected and retained by the Dominion, we do award, order and adjudge that the said claim be dismissed.

19. With respect to a claim made by the Dominion of Canada on behalf of the Mississagua Indians of Rice, Scugog and Mud Lakes, against the Provinces of Ontario and Quebec, we do award, order and adjudge that the sum of $8,089.00 be allowed and charged against the Province of Canada in the Province of Canada account, of the date of

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July 1st, 1867, and that the sum of $663.60 be allowed and charged against the Province of Ontario in the Province of Ontario account, as of the proper dates as shown by reference to the schedule of items attached to the said claim.

20. With respect to a claim made by the Dominion of Canada on behalf of the Mississaqua Indians of Alnwick, against the Provinces of Ontario and Quebec respecting Gasket Island and Garrett or Sugar Island, we do award, order and adjudge that the sum of $815.00 be allowed and be charged against the Province of Ontario in the Province of Ontario account of the proper date or dates.

21. With respect to the claim made by the Dominion of Canada on behalf of the Chippewa Indians of the Thames and of Sarnia and the Wyandotte Indians, against the Provinces of Ontario and Quebec, we do award, order and adjudge that the claim be dismissed.

IN WITNESS WHEREOF, we, the said John Alexander Boyd, Sir Louis Napoleon Casault, and George Wheelock Burbidge, have hereunto set our Hands and Seals the 30th day of June, A.D.1896.

"J. A. Boyd," (Seal.
"L. N. Casault," "
"Geo. W. Burbidge," "

Witness.

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D.O'Connor, D.C.
O'Connor & Hogg,
Barristers, Solicitors,
Notaries Public &c.

Charles O'Connor.

W.D.Hogg, B.C.
83½ Sparks Street

DEPARTMENT OF INDIAN AFFAIRS
JUN 27 1896

Ottawa, Canada June 26, 1896.

Sir/-

Dominion & Provincial Arbitration.

We beg herewith to hand you a copy of an award which the arbitrators have just signed in this matter. The award deals principally with a number of claims arising in the disputed accounts, but it also disposes of three claims arising in your department, namely: the claim of the Mississaguas of Rice, Scugog and Mud Lakes in respect of islands, and also the claim of the Mississaguas of Alnwick relating to Gasket and Garratt Islands. It also relates to the Clench defalcation, and we therefore consider that you should have a copy of the award to place upon the fyles relating to these cases.

Yours truly,

O'Connor & Hogg

D.C.Scott,Esq.,
Indian Dep't,
Ottawa.

Encl.-

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DEPARTMENT OF INDIAN AFFAIRS
JAN 18 1897

ACTS AND OTHER DOCUMENTS

CONSTITUTING THE

BOARD OF ARBITRATORS

AND ALL THEIR AWARDS UP TO DATE

4

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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QUEBEC, 54 VICTORIA, CAP. 4 (1890).

An Act respecting the Settlement, by arbitration, of Accounts between the Dominion of Canada and the provinces of Ontario and Quebec, and between the said two provinces.

[*Assented to 30th December, 1890.*]

Whereas certain questions have arisen or may hereafter arise in the settlement of the accounts between the Dominion of Canada and the provinces of Ontario and Quebec, and between the two provinces, concerning which no agreement has hitherto been arrived at; and *whereas* at a conference, held on the 28th November, 1890, by representatives of the Governments of the Dominion, of Ontario and of Quebec, it was proposed that these and all other questions arising out of or incident to the settlement of these accounts should be referred to arbitrators; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. For the final and conclusive determination of the questions above referred to the Lieutenant-Governor in Council may unite with the governments of the Dominion of Canada and the province of Ontario in the appointment of three arbitrators, to whom shall be referred such of these questions as the governments of the Dominion and of the two provinces shall mutually agree to submit.

2. The arbitrators shall consist of three judges, one to be nominated by the Dominion and one by each of the provinces, and all three shall be approved of by each of the governments.

3. The arbitrators shall not assume to decide any disputed constitutional questions; but if any are raised they will note and report them with their award, but without delaying their proceedings.

4. Any two of the arbitrators shall have power to make an award.

5. The arbitrators, or any two of them, shall have power to make one or more awards, and to do so from time to time.

6. The arbitrators shall not be bound to decide according to strict rules of law, but may decide upon equitable principles, and when they do proceed on their view of a disputed question of law the award shall set forth the same at the instance of either party, and the award shall be subject to appeal so far as relates to such decision, to the Supreme Court, and thence to the Privy Council of England, in case their lordships are pleased to entertain the appeal.

7. In case of an appeal on a question of law being successful, the matter shall go back to the arbitrators, for making such changes in the award as may be necessary, or an appellate court may make any other direction as to the necessary changes.

8. The appointment of the said arbitrators by Order in Council and their award in writing shall bind this province, save in case of appeal on questions of law, as hereinbefore mentioned.

9. In case of a vacancy by death or otherwise among the arbitrators, the same shall be filled in the same way as the appointment was first made, namely: by the nomination of the government whose arbitrator is deceased, or has become incapacitated, approved by the other two governments.

10. The share of the expenses of the arbitration authorized by this Act, to be borne by the province of Quebec, shall be paid out of the Consolidated Revenue Fund, by warrant of the Lieutenant-Governor, issued upon the certificate of the Provincial Treasurer.

11. The Act 51 52 Victoria, Chapter 12, is hereby repealed.

12. This Act shall come into force on the day of the sanction thereof.

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ONTARIO, 51 VICTORIA, CAP. 2 (1891.)

An Act respecting the Settlement, by arbitration, of Accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said two provinces.

[*Assented to 4th May, 1891.*]

Whereas certain questions have arisen or may hereafter arise in the settlement of the accounts between the Dominion of Canada and the provinces of Ontario and Quebec, and between the two provinces, concerning which no agreement has hitherto been arrived at; and *whereas* at a conference, held on the 28th of November, 1890, by representatives of the Governments of the Dominion, of Ontario and of Quebec, it was proposed that these and all other questions arising out of or incident to the settlement of these accounts should be referred to arbitrators; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:

1. For the final and conclusive determination of the question above referred to the Lieutenant-Governor in Council may unite with the governments of the Dominion of Canada and the province of Quebec in the appointment of three arbitrators, to whom shall be referred such of these questions as the Governments of the Dominion and of the two Provinces shall mutually agree to submit.

2. The arbitrators shall consist of three judges, one to be nominated by the Dominion and one by each of the Provinces, and all three shall be approved of by each of the governments.

3. The arbitrators shall not assume to decide any disputed constitutional questions; but if any are raised they will note and report them with their award, but without delaying their proceedings.

4. Any two of the arbitrators shall have power to make an award.

5. The arbitrators, or any two of them, shall have power to make one or more awards, and to do so from time to time.

6. The arbitrators shall not be bound to decide according to strict rules of law, but may decide upon equitable principles, but when they do proceed on their view of a disputed question of law the award shall set forth the same at the instance of either party, and the award shall be subject to appeal, so far as relates to such decision to the Supreme Court, and thence to the Judicial Committee of Her Majesty's Privy Council in England, in case their lordships are pleased to entertain the appeal.

7. In case of an appeal on a question of law being successful, the matter shall go back to the arbitrators, for the purpose of making such changes in the award as may be necessary; or the Supreme Court or Judicial Committee aforesaid may make any other direction as to the necessary changes.

8. The appointment of the said arbitrators by Order in Council and their award in writing shall bind this province save in case of appeal on questions of law as hereinbefore mentioned.

9. In case of a vacancy by death or otherwise among the arbitrators, the same shall be filled in the same way as the appointment was first made, namely: by the nomination of the government whose arbitrator is deceased, or has become incapacitated, approved by the other two governments.

CANADA, 54-55 VICTORIA, CAP, 6.

An Act respecting the Settlement of Accounts between the Dominion of Canada and the Provinces of Ontario and Quebec, and between the said provinces.

[*Assented to July 10th, 1891.*]

Whereas certain accounts have arisen or may hereafter arise in the settlement of the accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both jointly and severally, and between the two provinces, concerning which

no agreement has hitherto been arrived at; and whereas it is advisable that all such questions of account should be referred to arbitration; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. For the final and conclusive determination of such accounts, the Governor-General in Council may unite with the governments of the provinces of Ontario and Quebec in the appointment of three arbitrators, to whom shall be referred such questions as the Governor General and the Lieutenant-Governors of the said provinces shall agree to submit.

2. The arbitrators shall consist of three judges, one to be appointed by the Governor General in Council and one by each of the said provincial governments, and all three shall be approved of by each government.

3. The arbitrators shall not assume to decide any disputed constitutional question; but if any are raised they will note and report them with their award, but without delaying their proceedings.

4. Any two of the arbitrators shall have power to make an award.

5. The arbitrators or any two of them shall have power to make one or more awards and to do so from time to time.

6. The arbitrators shall not be bound to decide according to the strict rules of law or evidence, but may decide upon equitable principles, and when they do proceed on their view of a disputed question of law, the award shall set forth the same at the instance of either or any party. Any award made under this Act shall be, in so far as it relates to disputed questions of law, subject to appeal to the Supreme Court of Canada and thence to the Judicial Committee of Her Majesty's Privy Council, in case their Lordships are pleased to allow such appeal.

7. In case of an appeal on a question of law being successful, the matter shall go back to the arbitrators, for the purpose of making such changes in the award as may be necessary, or an appellate court shall make any other direction as to the necessary changes.

8. The appointment of the said arbitrators by Order in Council and their award in writing shall be binding on Canada, save in case of appeal on question of law, in which case the final decision thereon shall be binding on Canada.

9. In case of a vacancy by death or otherwise among the arbitrators, the same shall be filled in the same manner as the appointment was first made, any such appointment to be approved of by the other two governments.

FIRST AGREEMENT OF SUBMISSION.

Agreement made on behalf of the Government of Canada of the first part, the Government of Ontario of the second part, and the Government of Quebec of the third part.

Whereas certain questions have arisen in relation to the settlement of the accounts between the Government of the Dominion of Canada, the governments of the provinces of Ontario and Quebec, both jointly and severally, and also as between the two provinces;

And whereas by an Act of the Parliament of Canada, passed in the fifty fourth and fifty-fifth year of Her Majesty's Reign, chaptered six, and intituled *An Act respecting the Settlement of Accounts between the Dominion of Canada and the provinces of Ontario and Quebec, and between the said provinces*, and also the Acts of the Legislatures of the respective provinces of Ontario and Quebec, being 54 Victoria, chapter 3, of the said province of Ontario, and 54 Victoria, chapter 4, of the said Province of Quebec, it was in effect provided that for the final and conclusive determination of the matters in said statutes mentioned, the Governor General in Council might unite with the governments of the said provinces of Ontario and Quebec in the appointment of three arbitrators, to whom should be referred such questions as the Governor General and the Lieutenant Governors of the said provinces should agree to submit.

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And whereas arbitrators have been duly appointed in pursuance of the provisions of the said statutes, and it is intended by these presents to define and agree upon certain questions in difference, which shall be submitted to the said arbitrators for their determination and award.

Now therefore it is agreed by and between the said several governments, parties hereto, that the following questions, as mentioned in the order of the Governor General in Council, of the twelfth day of December, eighteen hundred and ninety, be, and they are hereby referred to the said arbitrators for their determination and award, in accordance with the said statutes, namely:—

1. All questions relating to or incident to the accounts between the Dominion and the provinces of Ontario and Quebec, and to accounts between the two provinces of Ontario and Quebec.

2. The accounts are understood to include the following particulars:

(*a*) The accounts as rendered by the Dominion to the provinces up to January, 1889.

(*b*) In the unsettled accounts between the Dominion and the two provinces the rate of interest and the mode of computation of interest to be determined.

(*c*) The accounts as rendered by the Dominion to the two provinces up to January, 1889, to be determined upon.

(*d*) The claims made by the Dominion Government on behalf of Indians, and payments made by the Government to Indians, to form part of the reference.

(*e*) The arbitrators to apportion the liability of Ontario and Quebec as to any claim allowed the Dominion Government, and to apportion between Ontario and Quebec any amount found to be payable by the said Government.

(*f*) All other matters of account (1) between the Dominion and the two provinces, (2) between the Dominion and either of the two provinces, and (3) between the two provinces.

3. It is further agreed that the following matters shall be referred to the said arbitrators for their determination and award, in accordance with the provisions of the said statutes, namely:

(*g*) The rate of interest, if any, to be allowed in the accounts between the two provinces, and also whether such interest shall be compounded, and in what manner.

(*h*) The ascertainment and determination of the amount of the principal of the Common School Fund, the rate of interest which would be allowed on such fund, and the method of computing such interest.

(*i*) In the ascertainment of the amount of the principal of the said Common School Fund, the arbitrators are to take into consideration, not only the sum now held by the Government of the Dominion of Canada, but also the amount for which Ontario is liable, and also the value of the school lands which have not yet been sold.

4. All the accounts referred to in this agreement shall be brought down and extended to the thirty-first day of December, eighteen hundred and ninety-two inclusive.

5. It is further agreed by and between the parties hereto that the questions respecting the Upper Canada Building Fund, and the Upper Canada Improvement Fund, are not at present to form any part of this reference; but this agreement is subject to the reservation by Ontario of any of its rights to maintain and recover its claims, if any, in respect of the said funds, as it may be advised.

6. It is further agreed between the parties hereto that this agreement shall only have force and effect when and so soon as the same is adopted by Order in Council of the Dominion Government, and of the governments of the respective provinces.

7. It is further agreed that nothing herein contained is to limit or preclude the parties to this reference, submitting such further and other questions or matters to the said arbitrators, as may be mutually agreed upon between the parties hereto.

MONTREAL, 10th April, 1893.

Counsel recommend for adoption.

D. GIROUARD,
Counsel for Quebec.
W. D. HOGG,
Counsel for Dominion of Canada.
ÆMILIUS IRVING,
Counsel for Ontario.

COPY *of a report of a Committee of the Honourable the Executive Council, dated 13th April, 1893, approved by the Administrator of the Province on the 13th April, 1893.*

In connection with the arbitration proposed between the Dominion and the provinces of Ontario and Quebec.

The Honourable the Treasurer of the province in a report dated the thirteenth of April, instant, 1893, sets forth: That in connection with the arbitration proposed between the Dominion and the provinces of Ontario and Quebec, jointly and separately, and between the two provinces, the following has been submitted by Counsel, acting on behalf of the Dominion and the provinces:

FIRST AGREEMENT OF SUBMISSION.

"Agreement made on behalf of the Government of Canada of the first part, the "Government of Ontario of the second part, and the Government of Quebec of the third "part."

(Identical with the agreement set forth in full at page xv.)

The Honourable the Treasurer recommends that the same be adopted and concurred in as the first deed of submission to said arbitrators, and that the said subject matters be referred to the said arbitrators for their decision and award, subject to the approval by the Dominion Government and that of Ontario.

And the Honourable the Treasurer further recommends that a copy of this be sent to the Secretary of State for Canada and the Lieutenant-Governor of the province of Ontario.

Certified,
GUSTAVE GRENIER,
Clerk, Executive Council.

COPY *of an Order in Council, approved by His Honour the Lieutenant-Governor of Ontario the 15th day of April, A.D. 1893.*

Upon the recommendation of the Honourable the Treasurer, the Committee of Council advise that the annexed document in connection with the arbitration proposed between the Dominion of Canada and the provinces of Ontario and Quebec, jointly and separately, and between the two provinces, submitted by Counsel acting on behalf of the Dominion and provinces, be adopted and concurred in as the first deed of submission to the arbitrators and that the subject matters therein mentioned be referred to the said arbitrators for their decision and award, subject to the approval of the Dominion Government and that of Quebec.

The Committee further advise that a copy of this order be sent to the Secretary of State for Canada, and the Lieutenant-Governor of the province of Quebec.

Certified,
J. LONSDALE CAPREOL,
Asst. Clerk Executive Council.

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CERTIFIED COPY *of a report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 15th April, 1893.*

On a report dated 13th April, 1893, from the Minister of Justice, submitting hereto appended a deed agreed to by Counsel on behalf of the Dominion and the provinces of Ontario and Quebec, respectively, in connection with the proposed arbitration between the Dominion and the said provinces, jointly and separately and between the two provinces.

The Minister recommends that the same be adopted and concurred in as the first deed of submission to said arbitrators, and that the said subject matters be referred to the said arbitrators for their decision and award, subject to the approval of the Governments of Ontario and Quebec.

The Committee, on the recommendation of the Acting Minister of Justice advises that a certified copy of this minute, if approved, be forwarded to the Lieutenant-Governors of the Provinces of Ontario and Quebec.

(Sgd.) JOHN J. MCGEE,
Clerk of the Privy Council.

(Promulgated 18th April, 1893.)

DRAFT OF GENERAL RULES REGULATING PROCEEDINGS BEFORE THE BOARD OF ARBITRATORS IN THE MATTER OF THE DISPUTED ACCOUNTS BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC.

1. Any party to the reference may, in respects to any claim which it thinks it has against one or more of the other parties thereto, and which is thought to fall within the scope of the reference, file with the Secretary of the Board of Arbitrators and serve upon such other party or parties a statement of such claim.

2. The party or parties so made defendants shall, within twenty days after the filing and service of such statement of claim, file with the Secretary of the Board and serve upon the claimant a statement in defence.

3. Any question of law or fact, or that the claim does not fall within the scope of the reference, may be raised in such statement in defence.

4. The claimant shall, within ten days after the service of the statement in defence file with the Secretary of the Board, and serve upon the defendant or defendants, a reply to such statement, in defence, beyond which there shall be no pleadings except by direction of the Board of Arbitrators.

5. If no reply is filed and served, the matter shall be at issue within ten days after the defence is filed and served.

6. Either party, upon giving ten days' notice to the opposite party or parties, and to the Secretary of the Board, may set down any matter for hearing for the first Thursday following the tenth day of any month, excepting the months of July and August.

7. All pleadings shall be printed, and four copies of each pleading shall be filed with the Secretary.

8. Immediately after any case is set down for hearing, the Secretary of the Board shall communicate the fact to each member of the Board, and transmit to him a copy of the pleadings.

9. In all matters not especially provided for, the practice and procedure of the High Court of Justice in England shall, so far as applicable, be followed.

10. Any member of the Board of Arbitrators may make orders and give directions in any matter of practice or procedure, and such order or direction shall be subject to review by the Board.

AWARD ON INTEREST QUESTION.

2nd November, 1893.

To all to whom these Presents shall come :

The Honourable John Alexander Boyd, of the city of Toronto and province of Ontario, Chancellor of said province; the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province, Judge of the Exchequer Court of Canada; and the Honourable Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Judge of the Superior Court of the said province of Quebec, SEND GREETING:

Whereas it was, in and by the Act of the Parliament of Canada, 54-55 Victoria, chapter 6, in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2, and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things provided that for the final and conclusive determination of certain accounts which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both jointly and severally, and between the two provinces, concerning which no agreement had heretofore been arrived at, the Governor General in Council might unite with the governments of the provinces of Ontario and Quebec in the appointment of three arbitrators being judges, to whom should be referred such questions as the Governor General and Lieutenant-Governors of the provinces should agree to submit;

And whereas we, the undersigned, John Alexander Boyd, George Wheelock Burbidge, Louis Napoléon Casault, have been duly appointed under the said Acts and have taken upon ourselves the burdens thereof;

And whereas it was provided in and by the said Act, that such Arbitrators or any two of them should have power to make one or more awards, and to do so from time to time,

And whereas certain questions respecting the allowance of interest, and other matters incident to the taking of such accounts, have been submitted to such arbitrators, and they have heard the parties thereto;

Now, therefore, the said arbitrators exercising their authority to make a partial award at this time respecting the same, do award, order and adjudge in and upon the premises as follows, that is to say:

1. That from the 1st of July, 1867, to the passing of the Act of the Parliament of Canada, 36 Victoria, chapter 30, the provinces of Ontario and Quebec shall be credited with subsidy half-yearly in advance, deducting therefrom at the end of each half year their respective shares of interest, as determined by the award of September 3rd, 1870, at the rate of five per centum per annum, on the excess of debt of the province of Canada, over $62,500,000, as actually ascertained in amount at each period, the first of such deductions to be made on the 1st day of January, 1868, and the others on the 1st day of July and January thereafter, down to and including the 1st day of January, 1873.

2. That in the province of Canada account, there shall be credited on the 23rd day of May, 1873, the sum of $10,506,088.84, remitted by the said Act, and thereafter the subsidy shall be credited in the separate accounts of Ontario and Quebec without any such deduction.

3. That on and from the 1st of July, 1884, the Provinces of Ontario and Quebec shall be credited with the additional subsidy granted by the Act, 47 Victoria, chapter 4, in the proportion determined for the excess of debt by the award herein before mentioned.

4. That each Province shall be credited as of the 1st of July, 1867, with its share of $200,000 representing the purchase money of the library and other personal property mentioned in the 14th paragraph of the said award.

5. That the "trust funds" shall be treated as intact and unimpaired, and interest thereon at the rate of five per centum per annum, carried half-yearly into the separate accounts of Ontario and Quebec.

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6. That the province of Canada account shall be made up at simple interest at the rate of five per centum per annum, as has been agreed upon between the parties.

7. That in the separate accounts of Ontario and Quebec the said provinces shall respectively be allowed simple interest on any balance from time to time existing in their favour, at the rate of five per centum per annum, except where some other rate has been expressly agreed to.

8. That the question as to whether or not the Dominion shall be allowed simple interest at the rate of five per centum per annum on any balance that may from time to time be found to exist in its favour, in the separate accounts of Ontario and Quebec, be reserved for further argument.

In respect of the matters mentioned in paragraphs 1, 2 and 3, we have proceeded upon our view of a disputed question of law.

In witness whereof, we, the said John Alexander Boyd, George Wheelock Burbidge, and Louis Napoléon Casault, have hereunto set our hands this 2nd day of November, A.D. 1893.

J. A. Boyd,
Geo. W. Burbidge,
L. N. Casault.

Award of Arbitrators as to Interest on Overpayments by the Dominion.

31st August, 1894.

To all to whom these Presents shall come:

The Honorable John Alexander Boyd, of the city of Toronto and Province of Ontario, Chancellor of the said province; the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province, Judge of the Exchequer Court of Canada; and the Honourable Sir Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Judge of the Superior Court, of the said province of Quebec, Send Greeting:

Whereas it was in and by the Act of the Parliament of Canada, 54-55 Victoria, chapter 6, and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2, and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things provided that for the final and conclusive determination of certain accounts which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both jointly and severally, and between the two provinces, concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the Governments of the Provinces of Ontario and Quebec in the appointment of three arbitrators, being judges, to whom should be referred such questions as the Governor General and Lieutenant-Governors of the provinces should agree to submit;

And whereas we, the undersigned, John Alexander Boyd, George Wheelock Burbidge, Sir Louis Napoléon Casault, have been duly appointed under the said Acts and have taken upon ourselves the burdens thereof;

And whereas is was provided in and by the said Acts, that such arbitrators or any two of them should have power to make one or more awards, and to do so from time to time;

And whereas certain questions res ecting the allowance of interest to the Dominion, and the accounts relating to the Montreal Turnpike Trust and Debentures have been submitted to such arbitrators, and they have heard the parties thereto;

Now, therefore, the said arbitrato s exercising their authority to make a separate award at this time respecting the said matters, do award, order and adjudge in and upon the premises as follows, that is to say:

1. That in re pect of the separate accounts of both provinces, the Dominion be allowed interest at five per centum per annum on all sums included in any balances in its favour that represent transfers from the province of Canada account, or payments made by the Dominion under any liability of the province of Canada to which it succeeded.

2. That in respect to the Quebec account, the Dominion be allowed interest at the rate of five per centum per annum on the two advances of $500,000 and $125,000, whenever it happens that there is a balance in favour of the Dominion of $625,000 or more, and whenever such balance is less than $625,000 then on such balance.

3. That in respect of the Ontario account, the D minion be allowed interest at the rate of five per centum per annum on the $936,729.33 transferred to the Common School Fund, and at the rate of four per centum on the $500,000 advanced at four per cent, Dominion stock, whenever it happens that there is a balance in favour of the Dominion of $1,436,729.33 or more, and whenever such balance is less than $1,436,729.33, then interest shall be allowed to the D minion at the rate of four per centum per annum on such balance to the amount of $500,000, and at the rate of five per centum per annum on any sum in excess of the amount of $500, .00.

4. That all charges made in the accounts of the Dominion against the province of Quebec for principal or interest on the Montreal Turnpike Trust Debentures be eliminated from the same.

In witness whereof, we, the said John Alexander Boyd, George Wheelock Burbidge, and Louis Napoléon Casault, have hereunto set our hands this thirty-first day of August, A.D. 1894.

J. A. Boyd,
Geo. W. Burbidge,
L. N. Casault.

In so far as concerns $792,750, part of the above mentioned sum of $936,729.33, I dissent from the above award, as I think no interest should be charged against Ontario in respect thereof.

J. A. Boyd.

Award on Indian—Robinson Treaties, Huron and Superior—on Immigration Expenditure—and on Municipalities' Fund Defalcation.

13th February, 1895.

To all to whom these Presents shall come:

The Honourable John Alexander Boyd, of the city of Toronto, and the province of Ontario, Chancellor of the said province; the Honourable Sir Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Chief Justice of the Superior Court of the said province of Quebec; and the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province, Judge of the Exchequer Court of Canada, Send Greeting.

Whereas it was in and by the Act of the Parliament of Canada, 54-55 Victoria, chapter 6, and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2, and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things provided that for the final and conclusive determination of certain questions and accounts which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the p ovince of Ontario and Quebec, both jointly and severally, and between the two provinces, concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the governments of the provinces of Ontario and Quebec in the appointment of three arbitrators, being judges, to whom should be referred such questions as the Governor General and Lieutenant-Governors of the Provinces should agree to submit;

And whereas we, the undersigned John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge, have been duly appointed under the said Acts and have taken upon ourselves the burdens thereof;

And whereas it was provided in and by the said Acts that such arbitrators, or any two of them, should have power to make one or more awards, and to do so from time to time;

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And whereas certain questions respecting a claim made by the Dominion of Canada against the provinces of Ontario and Quebec in respect of Indian claims arising out of the Robinson Treaties, and respecting a certain other claim made by the Dominion of Canada against the province of Ontario, for certain immigration expenditure, and a certain other claim made by the province of Ontario against the Dominion of Canada in the first instance, and by notice to the province of Quebec against that province for the recovery of a balance of the Upper Canada Municipalities' Fund, have been submitted to such arbitrators, and they have heard the parties thereto;

Now, therefore, the said arbitrators exercising their authority to make a separate award at this time respecting the said matters, do award, order and adjudge in and upon the premises as follows, that is to say:

I. In respect of the claim made by the Dominion of Canada against the provinces of Ontario and Quebec in reference to the Indian claims arising under the Robinson Treaties.

1. That if in any year since the treaties in question were entered into, the territory thereby ced d produced an amount which would have enabled the Government, without incurring loss, to pay the increased annuities thereby secured to the Indian tribes mentioned therein, then such tribes were entitled to such increase not exceeding $4 for each individual.

2. That the total amount of annuities to be paid under each treaty is, in such case to be ascertained by reference to the number of Indians from time to time belonging to the tribes entitled to the benefit of the treaties. That is, that in case of an increase in the number of Indians beyond the number named in such treaties, the annuities, if the revenues derived from the ceded territory permitted, without incurring loss, were to be equal to a sum that would provide $4 for each Indian of the tribes entitled.

3. That any excess of revenue in any given year may not be used to give the increased annuity in a former year in which an increased annuity could not have been paid without loss but, that any such excess or balance of revenue over expenditure in hand at the commencement of any given year should be carried forward into the account of that year.

4. That any liability to pay the increased annuity in any year before the union was a debt or liability which devolved upon Canada under the 111th section of the British North America Act, 1867, and that this is one of the matters to be taken into account in ascertaining the excess of debt for which Ontario and Quebec are conjointly liable to Canada under the 112th section of the Act; and that Ontario and Quebec have not in respect of any such liability, been discharged by reason of the capitalization of the fixed annuities, or because of anything in the Act of 1873, 36 Victoria, chapter 30.

5. That interest is not recoverable upon any arrears of such annuities.

6. That the ceded territory mentioned became the property of Ontario under the 109th section of the British North America Act, 1867, subject to a trust to pay the increased annuities on the happening, after the union of the event on which such payment depended, and to the interest of the Indians therein to be so paid. That the ultimate burden of making provision for the payment of the increased annuities in question in such an event falls upon the province of Ontario; and that this burden has not been in any way affected or discharged.

7. That interest is not recoverable on the arrears of such annuities accruing after the union, and not paid by the Dominion to the tribes of Indians entitled.

8. That in respect to the matters hereinbefore dealt with the arbitrators have proceeded upon their view of disputed questions of law.

9. That as respects the increased annuities which have been paid by the Dominion to the Indians since the union, any payments properly made are to be charged against the province of Ontario in the province of Ontario account as of the date of payment by the Dominion to the Indians, and so fall within and be affected by our previous ruling as to interest on that account.

That Mr. Chancellor Boyd dissents from so much of the proposition contained in this paragraph, as relates to the date at which such payment should be charged.

II. With respect to the claim made by the Dominion of Canada against the province of Ontario for certain immigration expenditure.

1. That the Government of Canada recover against the province of Ontario the amount claimed for the year 1878, but that in reference to the claim made in respect of the years 1879 and 1880, the province of Ontario be discharged and that this award is without prejudice to any question as to whether or not the province has paid more than was actually due in any year.

III. With respect to the claim made by the province of Ontario against the Dominion of Canada, and by notice against the province of Quebec for the recovery of a balance on the Upper Canada Municipalities' Fund.

1. That the province do recover against the Dominion $15,732.76, parcel of the sum of $21,488.74, claimed which said sum of $15,732.76 is to be credited to the province of Ontario in the province of Ontario account as of the date of the 1st of July, 1872; and, that as to the balance of the said claim, amounting to $5,755.98, the Dominion be discharged, and that the province of Quebec be discharged in respect of the whole claim.

In witness whereof we, the said John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge, have hereunto set our hands and seals this thirteenth day of February, A.D. 1895.

J. A. Boyd,
L. N. Casault,
Geo. W. Burbidge.

Witness: L. A. Audette.

(The Award was published and decision given on the 14th February, 1895.

Re Indian Claims arising out of the Huron and Superior "Robinson Treaties."

The Honourable Mr. Chancellor Boyd's Reasons for Award of February 13th, 1895, Delivered 14th February, 1895.

I. This broad question as to the obligation of Ontario with respect to the Indians of the "Robinson Treaties" may fairly and properly be dealt with as if the provisions of the treaty and the sections of The British North America Act relating to lands were placed in juxtaposition.

Then arises the inquiry, does any interest in respect of these Indians attach to the lands belonging to Ontario under the 109th section B. N. A. Act?

The course of construction applicable both to constitutional art and Indian Treaty is not that a literal and strict meaning be given to the words but that they shall be construed liberally and comprehensively so as to further the reasonable scope of the provisions. This benignant construction obtains with added force in the construction of a treaty wherein the rules of International rather than of Municipal Law are to be regarded.

Now in these transactions with the aborigines from the earliest colonial times in North America, the Government has assumed the status of the Indian tribes to be that of distinct political communities. When the dealing has been by the Crown for the cession of territory over which some legal possessory right by the tribes in actual occupation has always been recognized, then the form of the transactions has been that of a treaty. Superadded to this, it was to be taken into account that the Indians relatively to the whites are in a state of dependency or pupilage and that the nearest legal analogy as to the relationship between their tribes and the Government is that of guardian and ward.

Hence arise the doctrines well established in American jurisprudence and dating from the era of British colonization that treaty stipulations are to be carried out with the utmost plentitude of good faith and with even generous interpretation in favour of these public wards of the nation.

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I cite the language of Mr. Justice McLean, *Worcester* v. *State of Georgia*, (6 Pet., p. 582): "The language used in treaties with the Indians should never be construed to their prejudice. If words be made use of which are susceptible of a more extended meaning than their plain import, as connected with the tenor of the treaty they should be considered as used only in the latter sense * * * * * * * How the words of the treaty were understood by this unlettered people, rather than their critical meaning, should form the rule of construction."

This language is quoted and approved of by Mr. Justice Matthews, giving the opinion of the Court in *Choctaw Nation* v. *United States*, (119 U. S. at p. 27), and he continues thus: "The recognized relation between the parties to this controversy is that between a superior and an inferior whereby the latter is placed under the care and control of the former, and which, while it authorizes the adoption on the part of the United States of such policy as their own public interests may dictate, recognizes on the other hand such an interpretation of their acts and promises as justice and reason demand in all cases where power is exerted by the strong over those to whom they owe care and protection. The parties are not on an equal footing and that inequality is to be made good by the superior justice which looks only to the substance of the right, without regard to technical rules framed under a system of municipal jurisdiction formulating the rights and obligations of private persons equally subject to the same laws.

"The rules to be applied are those which govern public treaties, which even in the case of controversies between nations equally independent are not to be read as rigidly as documents between private persons governed by a system of technical law, but in the light of that larger sense which constitutes the spirit of the Law of Nations" (1886).

On the face of the treaty of 1850 are found indicia of generous intentions contemplated and liberal dealings promised. Fixed annuities are given as to which no question now arises. Then comes the provision for the augmentation of the annuities, "should the territory ceded at any future period produce such an amount as will enable the Government without incurring loss to increase the annuity." That is to say if the rents, issues and profits (whether from sales, leases, mining royalties, timber licenses or other sources of revenue derived from the surrendered land shall yield a surplus after payment of all outlay in connection with the development and improvement of the territory, then that surplus shall go to augment the annuities from time to time. True, the mere words used do not say that the increased annuity is to be paid out of the proceeds of the land, but that is the plain and reasonable implication. In a dealing between guardian and ward, if the guardian took all the ward's property and undertook to maintain him, besides the general remedy, equity would affix a trust to that effect upon the property so taken. Here the Indians would seem to have a right to an accounting even on the words of the treaty, so as to ascertain whether the event had arisen upon which the annuities were to be augmented. If upon such accounting a proper surplus appeared, natural equity would impose a charge upon that surplus for the benefit of the Indians. That surplus would be in truth in the eye of equity the primary fund for the payment of the augmentations. The legislation (that includes the Government) appears to treat even the fixed annuities as charges on the properties surrendered, and this though the payments are to be punctually made before any of the lands may have been realized. This no doubt is a proper fiscal arrangement, (12 Vict. chap. 200, s. 3). Even as to the fixed annuities, it would seem more obviously right where the annuities, as in the case of the augmentations were only to be paid when a surplus arises out of the administration of the lands.

In this latter case it would be not only a matter of finance and ordinary bookkeeping but also a conclusion of proper administration that the revenue for the payment of the augmented annuities should be derived from the surplus outcome of the lands and should be regarded as a charge upon that revenue and so ear-marked as applicable under the "Robinson Treaties."

This charge upon the proceeds of the lands which between individuals would have been looked for (especially where the weaker party was granting his property to the

stronger) is here not expressed because the undertaking of the Crown to make the payments afforded ample security, but nevertheless the real nature of the transaction involves the existence of an interest in the Indians in and upon the proceeds of the territory surrendered.

The term "interest" used in the statute is of large enough import to include this latent charge, as put by Mr. Justice Kay in *re* Thomas (34 Ch. D., 172), an interest in the proceeds of land sold is an interest in land in contradistinction to an estate in land."

The making of a treaty usually implies that the nation will by its municipal laws do all that is necessary to carry the provisions of the treaty into effect. (Per Alderson, B., in *Reg. Serva*, 2 C. & K., 86). If the parts of this treaty were thus extended, one proper term would be to charge the augmentations of the annuities upon the surplus revenues of the territory after the deduction of all proper outlays.

By analogy to the equitable doctrine laid down in *Waring* v. *Ward*, (7 Ves., 336-7), it appears to me that there is an implied obligation to pay the increased annuities out of the proceeds of the lands which passes with the lands as a burden to be borne by Ontario.

II. I think the treaty provides for an increase in the number of Indians, who shall share in the augmented annuities as individuals, and that the increase is not to go to the Indians as a tribe but to the several members per capita at the time of payment. This is applying the liberal construction to the language used, so as to give the greatest possible benefit to the party least able to protect their own interests. The provision as to diminution of the annuity has reference only to the fixed sums, and does not impair the meaning given to the language used as to the augmentations. It is likely that the treaty was shaped with reference to the then prevalent idea that the tribes were dying out, but the intent of the treaty was to assist the Indians to change their state in bringing them a step nearer to civilization. If, however, the tribes increased in number the only limit of future payment is when they become entirely civilized so as to cease to be Indians.

III. It is not desirable to define with minuteness who are Indians entitled to share, in advance of any particular case which arises for decision. It would appear from the despatch, a letter of Mr. Robinson, the Commissioner, which accompanies the treaty that half-breeds were then embraced and numbered with the tribe in the approximate totals given. The recognition of these half-breeds as members of Indian tribes by the Government appears to be manifested in contemporaneous and subsequent statutes.

When the statute of Canada (13-14 Vict., c. 74, passed 10th August, 1850), permitted none but Indians and those who may be intermarried with Indians to reside upon Indian lands, (unless under special license from the Government officer,) and the Act altogether seems to contemplate as Indians those of pure or mixed blood and those intermarried with and living among Indians, (no distinction being made as to sex.) Then coming down to 1857, the statute of that year, (20 Vic., c. 26) gives a definition of Indians as meaning persons of Indian blood or intermarried with Indians, who shall be acknowledged as members of Indian bands, residing upon unsurrendered lands, or upon lands specially reserved for tribal use in common, and who shall themselves reside upon such lands: that is, one of other blood married to one of Indian blood, acknowledged as a member of the tribe and living on the tribal land with the tribe (whether man or woman) is accounted a member of that tribe. And the descendants of such marriage would be Indians as long as the tribal relation and residence lasted.

This appears to be a more comprehensive category than would be the case if the matter rested on common law or on international law, for in such case, the maxim "*Partus sequitur patrem*," governs cases as to Indians. (See judgment of Parker, J., in Exp. Reynolds, 5 Dillon, R. 394, 1879.)

There is the observation also to be made that the Government of Canada, before 1867, had always power to regulate the inhabitancy of Indian lands by excluding all whites therefrom, and their marriage and residency on the part of white people must have been with the sanction of the Government.

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I would therefore favour generally the application of the rule so as to include among Indians those of other blood, who are not only married to Indians, but were adopted and acknowledged by the tribe as members, and as such lived in tribal relation with the other members at their common place of residence. If all these conditions did not exist (as to the males anyway) I should say the person of other blood and his descendants was and were not included in those entitled under the treaties.

IV. A similar difficulty arises as to the definition of what outlay should be taken into account before the right to increased annuities arises. All expenses connected with the survey and administration of the lands and the keeping of the accounts and all outlays going to develop and advantage the territory so as to induce settlement and sale would appear to be properly charged against the income from their lands, but it is better to deal with disputed items as they arise specifically than now to attempt to exhaust all details by way of anticipation.

V. In case it appears that surplus revenues existed sufficient to pay increased annuities and that there has been paid by the Dominion Government pursuant to the suggestion of Attorney General Mowat made in 1873, these payments should be recouped to the Dominion as of this date and without interest.

The nature of annuities is such as not to carry interest and the offer of the Attorney General then to submit the matter in dispute as to liability to judicial tribunal should preclude the Dominion from getting interest during the period of delay from then till now.

14th February, 1895.

The Honourable Sir Louis Napoléon Casault:—

I would like to say one word about the interest, and about the responsibility of the provinces for the annuities subsequent to confederation. I have had occasion to consider the question before now, a good many years ago, and was firmly of the opinion that for all annuities, and even the capitalization subsequent to confederation, that it should be borne by the province of Ontario. I have had no occasion to change my mind,—far from it, and I am glad to say that my two brother arbitrators are to-day of the same opinion. But there is a distinction to be drawn between the annuities payable after confederation, and those which became due before confederation. Of course, those which became due before confederation were due by the province of Canada to the Indians, and formed the debt of the province of Canada, and for those, if any there be, they should be paid both by Quebec and Ontario, in the proportion held by the first arbitration.

As to interest, we have come to the conclusion, which was not adopted by the learned Chancellor, that the interest should be paid upon a balance of about $900,000 and $500,000, say $1,500,000 by Ontario, and by Quebec upon $625,000, if the balance against each province amounted to these amounts, and if by the final settlement of the accounts the balance was made less, the interest should be for the less amount. I think this is nothing but a sequence of what we have decided. Of course, it should go with interest, if the final settlement of the accounts diminishes the amount for which we have said that the Dominion was entitled to interest as against the province of Ontario, and if not, of course there would be no interest.

The Honourable Mr. Justice Burbidge's Reasons for Award of February 5th, 1895, Delivered 14th February, 1895.

The case was presented to us by counsel with such completeness and lucidity of argument, and the learned Chancellor has, in the opinion that he has just delivered, and to which we have all listened with so great interest, dealt so fully with the principal issues involved, that I shall content myself with stating as briefly and with as little discussion as possible, the conclusions to which I have come.

I am of opinion, and as to that I do not know that there is any controversy between the parties, that if in any year since the two treaties in question were entered

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into the territory thereby ceded produced an amount which would have enabled the Government of the province of Canada, or its successor, without incurring loss, to pay the increased annuities thereby secured to the Indian tribes mentioned therein, then such tribes were entitled to such increase, not exceeding four dollars for each individual. So much they were entitled to as a matter of law and right. Any increase beyond that would have been a matter of grace.

I am further of opinion that the total amount of annuity to be paid under each treaty is in such a case to be ascertained by reference to the number of Indians from time to time belonging to the tribes entitled to the benefit of the treaty; that is that in case of an increase in the number of Indians beyond the number of 1,240 named in one treaty, and 1,422 in the other, the annuity, if the funds permitted, was to be equal to a sum that would provide four dollars for each Indian of the tribes entitled. The only difficulty I have had on this point arises from the provision for the dimunition of the annuity in case the number of those entitled fell below two-thirds of the numbers mentioned. In that case they were not to have "the full benefit" of the treaty, and the annuity should be diminished in proportion to the actual numbers. If this provision, however, be taken to have reference only to the fixed annuities, which at the moment were for all parties the more important matter, the difficulty disappears. That clause probably was intended to operate in reduction in the case provided for of the perpetual and fixed annuities that were payable quite apart from any consideration of the amount of the revenues to be derived from the ceded territory, leaving the other provision as to increase to depend upon the excess of such revenues over the charges referable to the opening up and administration of such territory. That, on the whole, it seems to me, must have been the intention of the parties.

Then as to "the individuals" who in case the increase can be made without loss, are to be reckoned in ascertaining the amount of the annuity, it is clear of course that they are to be Indians belonging to the tribes or bands entitled, and no one should be counted who was not by law or well-established custom a *bona fide* Indian of the tribe or band.

I agree with what was said by Mr. Robinson of the danger of attempting at present an abstract definition of the word "Indian." With reference to the period before the union, I do not see that there can be any difficulty. Whatever Government is now liable to pay or make good any amounts that were payable but not paid before the union, is so liable as the successor or successors of the old province of Canada, the Government of which appears to have kept a record or list of the names of the Indians entitled to share in the fixed annuities. Generally speaking the "Individuals" whose names appear on such lists would be those to be taken into account in computing any increased annuity that should have been paid. The onus of showing that the names of any individuals entitled to be reckoned were improperly omitted from such lists should now be on the Indians or those who act for them, and in like manner no names should, I think, be struck off except for good reason shown by those whose interest it is to keep the numbers down.

With reference to the period after Confederation, neither Ontario nor Quebec would be in any way affected or precluded by the action of the Parliament or Government of Canada or of any of its officers, either in prescribing a definition of who are Indians or in adding to the lists the name of any "individual" as an Indian, of a tribe or band entitled to the benefit of either treaty. The burden of showing that the names of any Indians so added since the union, to such lists, were rightly added, would be, it seems to me, on the Government of Canada.

I should be equally unwilling to attempt a definition of the expenses and charges for the opening up, settlement and administration of the ceded territory that should be taken into account in determining whether or not the annuities could be increased "without incurring loss." In a general way they must, I think, be fairly referable to the administration of the particular territory and not of the class of expenditures that are incurred by Governments for the general advantage of the whole country. During the argument, certain expenditures by the Government of Canada since the union were mentioned; but on the whole they did not appear to me to be such as should be taken

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account of. If, however, there should happen to be any expenditure directly made or incurred by the Government of the Dominion for the purpose of the opening up of, and enhancing the value of the particular territory in question, I am not at present prepared to say that it should not be taken into account.

Then as to the question raised by Mr. Robinson as to whether or not any excess of revenue in any year might not be used to give the increased annuity in a former year in which an increased annuity could not have been paid without loss, I see no reason to change the view I expressed at the hearing, that could not be done. If in any year the condition prescribed by the treaties did not happen the Indians have in respect of that year no claim. Of course any such excess or balance of revenue over expenditure in hand at the commencement of any given year should be taken into the accounts of that year. But if in any year the increased annuity cou'd not be paid without loss after taking any such existing excess or balance into account, then there was as to that year no liability to pay any increased annuity.

I think there can be no doubt that any liability to pay the increased annuity in any year before the union was a debt or liability which devolved upon Canada under the 111th section of the *British North America Act, 1867*.

I am also of opinion that this is one of the matters to be taken into account in ascertaining the excess of debt for whicn Ontario and Quebec are conjointly liable to Canada under the 112th section of the Act.

I do not think that Ontario and Quebec have, in respect of any such liability, been discharged by reason of the capitalization of the fixed annuities, or because of anything in the Act of 1873 (36 Vict., c. 30). The matter was never considered or taken any account of in such capitalization or in any of the proceedings leading up to the Award of Sept 3rd, 1870. or in the Award itself.

With respect to the Act of 1873, its effect, so far as it is necessary now to consider it, was to substitute the sum of $73,006,088.84 for the sum of $62,500,000.00 in the 112th section of the *British North America Act, 1867*, the result being that Ontario and Quebec became and remained conjointly liable to Canada for any excess of debt over the former instead of the latter sum. That is the clear construction of the Act itself, and it is one that has been acted upon without question by all parties since the Act of 1873 was passed. The contention for a different construction is now raised for the first time. It is now said that the Act of 1873 was conclusive of the amount of the debt with which the old province of Canada entered the union. If so the province of Canada account was closed in 1873, that the negotiations between the parties that have occurred since the agreement of 1888 (Exhibit Z, Report of Conference, 1888, p. 4), the settlement of particular items of that account coming in or ascertaining between the years 1873 and 1888 (*id.* pp. 19 to 22), and our awards in respect to that account and interest thereon all go for nothing. The question is not, it seems to me, open to fair debate.

With reference to the question of interest on any increased annuities that may be now ascertained to have been payable prior to the union, to the Indians under the treaties in question, it is obviously necessary to distinguish between the rights of the Indians to interest, and the question of interest as between the Dominion and the provinces of Ontario and Quebec, as the successors in liability to the old province of Canada. The latter question has been concluded by the agreement of 1888, and our award following that agreement. The question as to whether or not interest should be computed on any arrears of such annuities is another matter depending upon the right in law or equity of the Indians to interest as against the Crown, and it seems to me that they have no case either at law or in equity. I regret that I cannot see my way to a different conclusion. But I have no doubt that the debts and liabilities for which Canada became liable under the 111th section of the *British North America Act* are legal debts and liabilities, and that the excess of debt for which, under the 112th section, Ontario and Quebec became conjointly liable to the Dominion, cannot, without the conjoint consent of Ontario and Quebec be increased by any debt or liability not enforceable in law or equity.

If there is to be any consideration of any claim of the Indians to interest on any arrears of annuities payable before the union in recognition of any moral obligation or as a matter of good conscience, it is for Ontario and Quebec to consider the matter and admit or deny the claim as they see fit. The Dominion can collect from them only what they legally owe, and cannot by discharging moral obligations make Ontario and Quebec liable; and there is, if I may express an opinion on that point, obviously no obligation, legal or moral, on the Dominion to do more than collect for the Indians from Ontario and Quebec whatever amount of arrears the province of Canada owed to them, and to pay it over to the tribes entitled.

Unless Ontario and Quebec will consent that in computing the amount of arrears due to the Indians at the union, such arrears shall be computed with interest, they must, it seems to me, be made up without interest.

With reference to the period subsequent to the union, the case presented by the Dominion for the tribes of Indians interested in the treaties in question is, that the ceded territory became the property of Ontario under the 109th section of the *British North America Act, 1867*, subject to a trust to pay the increased annuities on the happening after the union of the event on which such payment depended, and to the interest of the Indians therein. The other question as to whether or not Ontario and Quebec are conjointly liable under the 112th section of the Act to the Dominion for such increased annuities with or without a right on the part of Quebec to be indemnified by Ontario against the same, is not now raised. That question is reserved to come up in some future proceeding or not, as the Dominion may think proper.

Now, looking to the particular matter, my mind lends a ready assent to Mr. Robinson's argument that it is equitable that this burden should fall upon Ontario. Ontario has the advantages resulting from the ownership of the lands, and it should bear the burden. I agree too that, considered as a matter by itself it is highly inequitable that any part of the burden should fall upon Quebec, and even in a greater degree inequitable that Nova Scotia or New Brunswick or any of the provinces that came into the union since 1867 should be called upon as a part of the Dominion to contribute anything towards making good, to the tribes entitled, the increased annuities payable to them under the treaties mentioned; and were it not for the consideration to which I am about to refer I should for myself have little or no hesitation in joining in making an award upon the "equitable principles" mentioned in the sixth section of the Acts under which we are sitting. But the union of the provinces was a large matter involving many issues and considerations of great moment, and the compact to which expression was given in the Act by which the union was consummated, is one which should, I think, be guarded and maintained with great watchfulness and care. What one might think to be fair and equitable with respect to a particular matter dealt with in the Act, abstracted from other provisions therein, might in conjunction with such provisions be in fact and reality unfair and inequitable. So it seems to me that the only safe way is to adhere strictly to the compact or treaty that was made by the province that entered into the union; and that the highest fairness and equity will be found in giving to each the advantages, and imposing upon each the burdens it has bargained for. The case is one in which we ought, I think, to proceed upon our view of "a disputed question of law," and I am the better satisfied to follow that course as it will save to the party against whom any award is made a right of appeal to the Supreme Court of Canada, and thence to the Judicial Committee of the Privy Council (54 and 55 Vict. (D.), c. 6, s. 6).

Now with referrence to the question of law in dispute, it seems to me clear that in a narrow and strict sense the Indians for whom this claim is made by the Dominion had at the union no interest in the lands constituting the ceded territory, other than the right or privilege of hunting thereon or fishing in the waters thereof so long as such lands were ungranted. These Indians were no doubt interested in such lands in the sense that it would be to them an advantage to have them managed with a prudence and forethought that would at the earliest possible time and for the longest time possible give them the increased annuities for which the treaties made provision. But the very object of the surrender was to give the Crown a free hand in the settlement and

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administration of the land and to divest the Indians of any title thereto or interest therein. And so too, looking to the parties to the treaties in question, the Crown on the one side and the several tribes of Indians on the other, it is possible that the Crown did not after the surrender hold the ceded territory on any trust that would be enforceable in law. But in a broader sense, and I agree fully with the learned Chancellor in thinking that the treaties in question and the *British North America Act* should be construed in a large and liberal way. It seems to me that the Indians, in entering into such treaties, reposed a confidence in the Crown that it would manage the ceded lands fairly for the advantage of all concerned, and so as to raise thereout, if that were fairly possible, the moneys to pay the increased annuities; and that there was a corresponding duty resting on the Crown to do so. In that sense the lands were at the union, it seems to me, subject to a trust or interest existing in respect of the same. It is objected that it was not the lands constituting the ceded territory, but the proceeds of the lands that were impressed, if at all, with any such trust, or in which the Indians had any such interest, and that it is "lands" and not "proceeds of lands," that are mentioned in the 109th section of the *British North America Act, 1867*. But that objection does not, it seems to me, present any great difficulty in view of the facts of the case. These lands were, before the surrender, and have since been vested in the Crown. There was no change of title at the union. The Crown continued to hold them. Before the union the beneficial interest in such lands and the right to take and appropriate the revenues arising therefrom was vested in the province of Canada, and by the 109th section of the *British North America Act, 1867*, that right passed to the province of Ontario. The lands themselves did not pass, in the sense that the title thereto was transferred. What passed was the right to administer and take the proceeds, the revenues arising from such lands. This is clear, I think, from two passages of the judgment of the Judicial Committee, delivered by Lord Watson in *The St. Catharines Milling and Lumber Compay* v. *The Queen* (14 Ap. Cas., 46), cited by Mr. Justice King in *Faswell* v. *The Queen* (22 S.C.R., 559), and from what the same learned lord said in delivering their Lordships' judgment in the "Precious Metals Case," *The Attorney General of British Columbia* v. *The Attorney General of Canada* (14 Ap. Cas., 295).

In the former case, referring to the effect of the Imperial Statute, 3 and 4 Victoria, c. 35, Lord Watson said;—

"There was no transfer to the province of any legal estate in the Crown lands which continued to be vested in the Sovereign; but all moneys realized by sales, or in any other manner, became the property of the province. In other words, all beneficial interest in such lands within the provincial boundaries belonging to the Queen and either producing or capable of producing revenue, passed to the province, the title still remaining in the Crown.

And then with reference to the distribution of property under the *British North America Act, 1867*.

"It must always be kept in view that, whatever public land with its incidents is described as 'the property of' or as 'belonging to' the Dominion or province, these expressions merely import that the right to its beneficial use, or to its proceeds, has been appropriated to the Dominion or the province, (as the case may be), and is subject to the control of its Legislature, the land itself being vested in the Crown."

The following are extracts from the judgment in "The Precious Metals Case.":

"The title to the public lands of British Columbia has all along been, and still is, vested in the Crown; but the right to administer and to dispose of these lands to settlers, together with all royal and territorial revenues arising therefrom, has been transferred to the province, before its admission into the Federal Union. Leaving the precious metals out of view for the present, it seems clear that the only 'conveyance' contemplated was a transfer to the Dominion of the provincial right to manage and settle the lands, and to appropriate their revenues. It was neither intended that the lands should be taken out of the province, nor that the Dominion Government should occupy the position of a freeholder within the province."

"In British Columbia the right to public lands, and the right to precious metals in all provincial lands, whether public or private, still rest upon titles as distinct as if the

Crown had never parted with its beneficial interests; and the Crown assigned these beneficial interests to the Government of the province, in order that they might be appropriated to the same state purposes to which they would have been applicable if they had remained in the possession of the Crown. Although the provincial government has now the disposal of all revenues derived from prerogative rights connected with land or minerals in Brithish Columbia, these revenues differ in legal quality from the ordinary territorial revenues of the Crown. It therefore appears to their Lordships that a conveyance by the province of 'public lands,' which is, in substance, an assignment of its rights to appropriate the territorial revenues arising from such lands, does not imply any transfer of its interest in revenues arising from the prerogative rights of the Crown."

That view of what lands means when vested in the Crown in the right of or for the use or benefit of the Dominion or of a province relieves us, I think, of any difficulty that might otherwise arise in respect to any distinction between a trust or interest in such lands and in the proceeds of or revenues arising out of such lands.

I think the ultimate burden of making provision for the payment of the increased annuities in question falls upon the province of Ontario, and that that burden has not, as against the Dominion or these Indians, been in any way affected or discharged. I express no opinion as to the effect of the award of 1870 on the respective rights of Ontario and Quebec. That question would arise in a case presented by the Dominion against the two provinces under the 112th section of the *British North America Act*, but does not arise here.

With reference to interest on arrears of annuities accruing due after the union and not paid to those entitled, it seems to me that they stood in he same position as those that accrued before the union and that interest should not be computed without consent of Ontario. But as to the increased annuities paid by the Dominion to the Indians in 1874 and since, the Dominion should, I think, have interest on any amounts so properly disbursed, if an award as to interest on the province accounts permit of. The payments were made after notice and after certain negotiations between the Dominion and Ontario, in which, without determining on whom the burden should ultimately fall, it was admitted the Indians were entitled. The question then is not one of interest on unpaid annuities, but of interest on moneys paid by the Dominion in respect of a legal liability, for which it is entitled to indemnify against Ontario.

I think any such moneys so properly paid charged against the province in the province of Ontario account as for the date of payment by the Dominion to the Indians and so fall within and be affected by our previous ruling as to interest on that account.

Award in the Claim of the Mississagua Indians of the Credit; Widows' Pensions; and Delaware Indians.

To all to whom these Presents shall come:

The Honourable John Alexander Boyd, of the city of Toronto, and province of Ontario, Chancellor of the said province, the Honourable Sir Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Chief Justice of the Superior Court of the said province of Quebec, and the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province of Ontario, Judge of the Exchequer Court of Canada, Send Greeting.

Whereas it was in and by the Act of the Parliament of Canada, 54-55 Victoria, chapter 6, and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2, and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things provided that for the final and conclusive determination of certain questions and accounts which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both conjointly and severally, and between the two provinces, concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the Governments of the provinces of Ontario and Quebec in the appointment of

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three arbitrators, being judges, to whom should be referred such questions as the Governor General and Lieutenant-Governors of the said provinces should agree to submit.

And whereas we, the undersigned, John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge, have been duly appointed under the said Acts and have taken upon ourselves the burdens thereof.

And whereas it was provided in and by the said Acts that such arbitrators or any two of them should have power to make one or more awards, and to do so from time to time.

And whereas certain questions relative to certain claims have been submitted to such arbitrators. That is to say: (First) The claim made by the Dominion of Canada against the provinces of Ontario and Quebec, in respect of the alleged liability of the province of Canada to the Mississagua Indians of the Credit. (Second) A counter claim by the province of Ontario against the Dominion of Canada for the sum of five thousand five hundred and eighty-two dollars and thirty-six cents ($5,582.36) charged by the Dominion of Canada against the Widows' Pensions and Uncommuted Stipends Fund, and credited to the Mississagua Indians of the Credit aforesaid. (Thirdly) A claim made by the Dominion of Canada against the provinces of Ontario and Quebec on behalf of the Delaware Indians.

And whereas the said claims have been proceeded with before the said arbitrators, and they have heard the parties thereto, and what has been alleged on their behalf by Counsel.

Now therefore, the said arbitrators exercising their authority to make a separate award at this time respecting the said matters, do award, order and adjudge in and upon the premises as follows, that is to say:—

(First) That the claim made by the Dominion of Canada against the provinces of Ontario and Quebec in respect of the alleged liability of the province of Canada to the Mississagua Indians of the Credit be and the same is hereby dismissed.

(Secondly) That in respect of the counter claim made by the province of Ontario against the Dominion of Canada for the sum of five thousand five hundred and eighty-two dollars and thirty-six cents ($5,582.36) charged by the Dominion of Canada against the Widows' Pensions and Uncommuted Stipends Fund, and credited to the Mississagua Indians of the Credit aforesaid, that the said province of Ontario is entitled to be credited as of the first of January one thousand eight hundred and sixty-nine, or such other date as may be agreed upon, with the amount of two thousand four hundred dollars and eighty-six cents ($2,400.86) charged to the Widows Pensions and Uncommuted Stipends Fund in respect of the Crown Reserves; the arbitrators being of opinion and finding that the charges against that fund in respect of the Clergy Reserves have been rightfully and properly made.

(Thirdly) That the claim of the Dominion against the provinces of Ontario and Quebec on behalf of the Delaware Indians be and the same is hereby dismissed.

In witness whereof, we, the said John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge have hereunto set our hands and seals this thirteenth day of November A. D. 1895.

Witness:
(Signed) L. A. Audette.

(Signed) J. A. Boyd, (LS.)
" L. N. Casault, (LS.)
" Geo. W. Burbidge, (LS.)

Award *in re* Common School Fund.

To all to whom these presents shall come:

The Honourable John Alexander Boyd, of the city of Toronto, in the province of Ontario, Chancellor of the said province; the Honourable Sir Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Chief Justice of the Superior Court of the said province of Quebec; and the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province, Judge of the Exchequer Court of Canada, Send Greeting.

Whereas it was in and by the Act of the Parliament of Canada, 54-55 Victoria, chapter 6; and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2; and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things provided, that for the final and conclusive determination of certain questions and accounts, which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both jointly and severally, and between the two provinces, concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the Governments of the provinces of Ontario and Quebec in the appointment of three arbitrators, being Judges, to whom should be referred such questions as the Governor General and Lieutenant-Governors of the provinces should agree to submit.

And whereas, we, the undersigned, John Alexander Boyd, Sir Louis Napoléon Casault and George Wheelock Burbidge, have been duly appointed under the said Acts and have taken upon ourselves the burden thereof.

And whereas it was provided in and by the said Acts, that such arbitrators or any two of them should have power to make one or more awards and to do so from time to time.

And whereas, by an agreement made on the tenth of April, 1893, on behalf of the Government of Canada, of the first part, the Government of Ontario of the second part, and the Government of Quebec of the third part, it was amongst other things agreed by and between the said several governments, parties thereto, that the following questions, as mentioned in the order of the Governor General in Council, of the twelfth day of December, eighteen hundred and ninety, be, and they were thereby referred to the said arbitrators for their determination and award, in accordance with the said statutes, namely:—

1. All questions relating to or incident to the accounts between the Dominion and the provinces of Ontario and Quebec, and to accounts between the two provinces of Ontario and Quebec.

2. The accounts are understood to include the following particulars:—

(*a.*) The accounts as rendered by the Dominion to the provinces up to January, 1889.

(*b.*) In the unsettled accounts between the Dominion and the two provinces, the rate of interest and the mode of computation to be determined.

(*c.*) The accounts as rendered by the Dominion to the two provinces up to January, 1889, to be determined upon.

(*d.*) The claims made by the Dominion Government on behalf of Indians, and payments made by the Government to Indians, to form part of the reference.

(*e.*) The arbitrators to apportion the liability of Ontario and Quebec as to any claim allowed the Dominion Government, and to apportion between Ontario and Quebec any amount found to be payable by the said Government.

(*f.*) All other matters of account (1) between the Dominion and the two provinces, (2) between the Dominion and either of the two provinces, and (3) between the two provinces.

And whereas it was further agreed that the following matters should be referred to the said arbitrators for their determination and award, in accordance with the provisions of the said statutes, namely:

(*g.*) The rate of interest, if any, to be allowed in the accounts between the two provinces, and also whether such interest shall be compounded, and in what manner.

(*h.*) The ascertainment and determination of the amount of the principal of the Common School Fund, the rate of interest which should be allowed on such fund, and the method of computing such interest.

(*i.*) In the ascertainment of the amount of the principal of the said Common School Fund, the arbitrators are to take into consideration not only the sum now held by the Government of the Dominion of Canada, but also the amount for which Ontario is liable, and also the value of the school lands which have not yet been sold.

And whereas, it was further agreed by and between the parties thereto that the questions respecting the Upper Canada Building Fund, and the Upper Canada Improve-

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ment Fund, where not then to form any part of the reference; but that the agreement was subject to the reservation by Ontario of any of its rights to maintain and recover its claims, if any, in respect of the said funds, as it might be advised.

And whereas, certain questions respecting the said Common School Fund have been submitted to us, the said arbitrators, and we have heard the parties thereto.

Now therefore we, the said arbitrators exercising our authority to make an award at this time respecting some of such questions and to reserve others for further consideration, do award, order and adjudge in and upon the premises as follows:—

(1.) That the sum held by the Government of the Dominion of Canada on the 10th day of April, 1893, as part of the principal of said Common School Fund amounted to two millions, four hundred and fifty-seven thousand, six hundred and eighty-eight dollars and sixty-two cents ($2,457,688.62), made up of the following sums, that is to say: 1st. The sum of one million, five hundred and twenty thousand. nine hundred and fifty-nine dollars and twenty-nine cents ($1,520,959.29) that at the union of the provinces came into the hands of the Government ef Canada, and upon which interest has, from time to time in the accounts referred to us, been credited to the said provinces; Secondly. The sum of nine hundred and twenty-five thousand, six hundred aud twenty-five dollars and sixty-three cents ($925,625.63) for which in 1889, the Government of Ontario accounted to the Government of the Dominion; and thirdly, the sum of eleven thousand, one hundred and three dollars and seventy cents ($11,103.70) for which the Government of Ontario accounted to the Government of the Dominion in the following year (1890).

From this finding Chief Justice Sir Louis Napoléon Casault dissents, he being of opinion that the sum then held by the Dominion Governmeut as part of the principal of the said Common School Fund was greater than has been stated by an amount of one hundred and twenty-four thousand, six hundred and eighty-five dollars and eighteen cents ($124,686.18), which sum in the said accounts has been deducted from the said fund and credited to the Upper Canada Improvement Fund.

(2.) That the province of Ontario is not liable, out of the proceeds arising from the sale of the Crown Lands of the province, other than the million acres of Common School Lands set apart in aid of the Common Schools of the late province of Canada, to contribute anything to the said Common School Fund.

Mr. Chancellor Boyd dissents from so much of this finding as may imply that Ontario is under any liability in respect to the Common School Fund or Lands.

(3.) That, subject to certain deductions, the province of Ontario is liable for the moneys received by the said province since the first day of July, 1867, or to be received from or on account of the Common School Lands set apart in aid of the Common Schools of the late province of Canada.

Mr. Chancellor Boyd dissents from this finding as to liability.

(4.) That from the moneys received by the province of Ontario since the first day of July, 1867, from or on account of the Common School Lands set apart in aid of the Common Schools of the late province of Canada, the province of Ontario is entitled to deduct and retain the following sums, as provided by the award of the 3rd of September, 1870, that is to say:

Firstly: In respect of all such moneys, six per centum on the amount thereof for the sale and management of such lands.

Secondly: In respect of moneys arising from sales of such lands made between the fourteenth day of June, 1853, and the sixth day of March, 1861, twenty-five per centum of the balance remaining after the deduction of six per centum for the sale and management of such lands.

Chief Justice Sir Louis Napoléon Casault dissents from so much of this finding as relates to the deduction in the cases mentioned of the twenty-five per centum on such balance.

(5) That in respect of the matters mentioned in the four preceding paragraphs, we the said arbitrators, have proceeded upon our view of disputed questions of law.

(6) With reference to the Quebec Turnpike Trust debentures, in which a part of the Common School Fund was invested, we do award, order and adjudge that there is in respect thereof no liability on the part of the Dominion to either of the provinces, or

on the part of the province of Quebec to the province of Ontario; but that whatever sums may be realized from the principal moneys due on such debentures, or from the arrears of interest due thereon, on the first day of July 1867, shall be added to and shall form part of the principal of the said Common School fund, and that whatever sums may be realized for interest on such debentures that has accrued due since the first day of July 1867, or which may hereafter accrue due, shall be dealt with as income arising from such fund.

(7) With respect to the claim made by the province of Quebec that the Dominion is liable for interest on moneys received by the province of Ontario from the sales of Common School lands and retained by that province, we do award, order and adjudge that the Dominion is not liable therefor.

(8.) And with respect to other questions and matters relating to the Common School lands and fund, we, the said arbitrators, do not make any award, but reserve the same for further consideration.

In witness whereof we, the said John Alexander Boyd, Sir Louis Napoléon Casault and George Wheelock Burbidge, have hereunto set our hands and seals this sixth day of February, A.D. 1896.

(Sgd.) J. A. Boyd, [Seal.]
" L. N. Casault, "
" Geo. W. Burbidge,, "

(Sgd.) L. A. Audette. (Seal.)

AWARD IN RE ITEMS CHARGED BY THE DOMINION AGAINST THE PROVINCES OF ONTARIO AND QUEBEC.

To all to whom these Presents shall come:

The Honourable John Alexander Boyd, of the city of Toronto, and province of Ontario, Chancellor of the said province, the Honourable Sir Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Chief Justice of the Superior Court of the said province of Quebec, and the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province of Ontario, Judge of the Exchequer Court of Canada, Send Greeting:

Whereas it was in and by the Act of the Parliament of Canada, 54-55 Victoria, chapter 6, and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2, and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things provided that for the final and conclusive determination of certain questions and accounts which had arisen or which might arise in the settlement of accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both jointly and severally, and between the two provinces, concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the Governments of the provinces of Ontario and Quebec in the appointment of three arbitrators, being judges, to whom should be referred such questions as the Governor General and Lieutenant-Governors of the provinces should agree to submit.

And whereas we, the undersigned John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge have been duly appointed under the said Acts, and have taken upon ourselves the burdens thereof;

And whereas it was provided in and by the said Acts that such Arbitrators or any two of them should have power to make one or more awards, and to do so from time to time;

And whereas the matters hereinafter mentioned have been submitted to us the said arbitrators, and we have heard the parties thereto, and what has been alleged by Counsel on their behalf;

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

Now therefore we, the said arbitrators exercising our authority to make a separate award at this time respecting the said matters, do award, order and adjudge in and upon the premises as follows, that is to say :—

1. With respect to the following matters mentioned in items one to six inclusive in the report of the accountants or referees of 30th of January, 1896, namely :—

Item 1.

Ward & O'Leary, contractors, for additions and repairs to the Rideau Hall property	$ 7,927.98

Item 2.

D. Murphy, 20th July, 1867	$75.00	
" 27th " "	91.20	
		$ 166.20
Jacques & Hay, 20th November, 1867		3,500.00
H. Drum, 20th October, 1867		2,000.00
W. McKay, 18th August, 1867		750.00
		$ 6,416.20

Item 3.

Jacques & Hay, 11th January, 1868	$ 9,016.00
H. Drum, 11th January, 1868	5,456.35
W. McKay, 14th January, 1868	2,765.74
Glover & Fry, 27th January, 1868	475.00
	$17,713.09

Item 4.

R. H. McGreevy, 21st November, 1867	$4,204 59
Less for work ordered after Confederation	960 00
	$3,244 59

Item 5.

C. Garth, 21st December, 1867	$2,433 29

Item 6.

Charles Garth, 20th May, 1869—Warrant 3040	$8,000 00

we do award, order and adjudge that the said several sums mentioned shall remain and be charged in the province of Canada Account against said province.

Chief Justice Sir Louis Napoléon Casault dissents from so much of this finding as relates to the item designated by the numbers four and five.

2. With respect to the item number seven mentioned in the said report, namely :—

Item 7.

Evan Roys, 1st April, 1868—Warrant 3881	$2,786 00

we do award, order and adjudge that thirteen hundred dollars ($1,300.00) part of the amount, be struck out of the province of Canada Account, and the balance of $1,486 remain in the account as a charge against the province.

3. With respect to items eight, nine and ten, mentioned in the said report, namely :—

Item 8.

J. M. Browning, 13th July, 1872	$964 28

Item 9.

Col. Gugy, 9th April, 1874	$1,174 80
do December, 1870	1,780 00

Item 10.

E. Couillard, December, 1870	$ 778 94

we do award, order and adjudge that the said amounts are not chargeable against the province of Canada, and that the same be struck out of the province of Canada Account.

4. With respect to item number eleven, mentioned in the said report, namely :—

Item 11.

E. Lemoine, 2nd October, 1878	$10,908 34

we do award, order and adjudge that the amount be struck out of the province of Canada Account, and that the province of Quebec be charged with its share of the amount in the province of Quebec Account.

5. With respect to item twelve and thirteen mentioned in the said report, namely :—

Item 12.

Payments to B. G. French, G. S. Cutler, Sewell Cutler, and Noah Dickinson, for land, land damages and interest arising out of the construction of the Cornwall Canal	$2,734 22

Item 13.

Payment to Mrs. Farlinger for land expropriated for the Rapide Plat Canal :	
Matilda Lots	$1,103 67
Mariatown Lots	510 00
	$1,613 67

we do award, order and adjudge that the said amounts remain and be charged against the province of Canada in the province of Canada Account.

6. With respect to item fourteen mentioned in the said report, namely :

Item 14.

John Damp, contractor, for Algoma Court house	$4,662.49

we do award, order and adjudge that the amount remain and be charged against the province of Canada in the province of Canada Account.

7. With respect to item fifteen mentioned in said report, and which has reference to an amount of $12,928.37 paid to the Canada Land and Emigration Fund by the province of Ontario, and of which amount the Dominion has repaid to such province the sum of $9,409.92, we do award, order and adjudge that the said amount of $9,409,92 remain and be charged against the province of Canada in the province of Canada

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PUBLIC ARCHIVES
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CANADA

Account, and that the balance of the amount of $12,927.38, that is to say, the sum of $3,518.45 be charged against the province of Canada in the province of Canada Account, as of the date of December 31st, 1892, and be credited of the same date to the province of Ontario in the province of Ontario Account.

8. With respect to item sixteen mentioned in the said report, namely :—

Item 16.

Parliament Buildings, Toronto..... $25,939.62

we do award, order and adjudge that the amount remain and be charged against the province of Ontario in the province of Ontario Account.

9. With respect to item seventeen mentioned in the said report, namely :—

Item 17.

Algoma Court house. (Details annexed to Accountant's Report)..... $6,878.58

we do award, order and adjudge that of the sum mentioned $6,378.58, parcel thereof, be charged against the province of Canada in the province of Canada Account, and the balance of $500.00 be charged against the province of Ontario in the province of Ontario Account.

10. With respect to item eighteen mentioned in the said report, namely :—

Item 18.

Premium at which the India Bond held for the Imperial Guaranteed Loan might have realized 31st December, 1868, approximately..... $68,000.00

we do award, order and adjudge that the Dominion of Canada is entitled to this amount and to retain the same for its own use, and we do dismiss the claim made that it should be credited to the province of Canada in the province of Canada Account.

11. With respect to item nineteen mentioned in the said report, and which represents a claim that the province of Canada should be credited in the province of Canada Account with a sum of $189,177.50, being twenty-five per cent upon $756,710.00 at which the capital of the Seigniorial Indemnity to Townships was stated in the Statement of Debt of the old province of Canada, we do award, order and adjudge that the said amount ought not to be so credited in the said account, and we do dismiss the said claim.

Mr. Chancellor Boyd dissents from this finding, and would allow the claim made in respect to this matter.

In the disposition that we make of this matter Mr. Chancellor Boyd proceeds upon his view of a disputed question of law. Chief Justice Sir Louis Napoléon Casault and Mr. Justice Burbidge proceed upon equitable principles, that is, upon what, in their view, is a fair and equitable determination and disposition of the matter having regard to all the circumstances and the manner in which the parties have themselves dealt with it.

12. With respect to item twenty mentioned in the said report, and which represents a claim made by the province of Quebec that the amount of $8,051.45 for lands solds as Clergy Reserves of Upper Canada, but found to belong to the Mohawk Indians, and now charged against the province of Canada in the province of Canada Account of the date of June 30th 1877, should be struck out of the latter account, and be charged against the province of Ontario in the province of Ontario Account, we do award, order and adjudge that the said amount of $8,051.45 be struck out of the province of Canada Account and be charged against the province of Ontario in the province of Ontario Account, of the date last mentioned.

Mr. Chancellor Boyd dissents from this finding.

13. With respect to item twenty-one of the said report, representing a claim made by the Dominion that the gratuities paid to old servants of the Senate, amounting to $22,819,10, should be charged to the province of Canada in the province of Canada Account, we do award, order and adjudge that the said sum ought not to be so charged, and we do dismiss the said claim.

14. With respect to item twenty-three mentioned in the said report, and which represents a claim made by the province of Quebec that a sum of $14,418.10 expended on account of the St. Vincent de Paul Reformatory and now charged against the province of Quebec in the province of Quebec Account, we do award, order and adjudge that said amount is properly charged against the province of Quebec, and ought not to be charged against the Province of Canada, and we do dismiss the said claim.

Chief Justice Sir Louis Napoléon Casault dissents from this finding.

15. With respect to an amount of $2,000.00 paid to Louis Moffat on the 15th of March, 1888, on account on his expenses in connection with "The Rescue" case, we do award, order and adjudge that said amount remain and be charged against the province of Canada in the province of Canada Account

16. With respect to a claim made by the Dominion of Canada against the province of Ontario for certain immigration expenditure, wherein by a former award, dated the 13th day of February, 1895, we allowed so much of the claim as related to expenditure made in the year 1878, and otherwise dismissed the said claim and discharged the said province therefrom, it now appearing by admission of Counsel that there is nothing due to the Dominion from the province for the said year of 1878, we do award, order and adjudge that the said claim be dismissed.

17. With respect to the claim made by the Dominion of Canada against the province of Ontario with reference to the rents of Ordnance Lands at Amherstburg and Penetanguishene, we do award, order and adjudge that the said claim be dismissed.

18. With respect to the claim made by the province of Ontario against the Dominion of Canada for rents of land near Niagara Falls collected and retained by the Dominion, we do award, order and adjudge that the said claim be dismissed.

19. With respect to a claim made by the Dominion of Canada on behalf of the Mississagua Indians of Rice, Scugog and Mud Lakes, against the provinces of Ontario and Quebec, we do award, order and adjudge that the sum of $5,689 be allowed and charged against the province of Canada in the province of Canada Account, of the date of July 1st, 1867, and that the sum of $663.60 be allowed and charged against the province of Ontario in the province of Ontario Account, as of the proper dates as shown by reference to the schedule of items attached to the said claim.

20. With respect to a claim made by the Dominion of Canada on behalf of the Mississagua Indians of Alnwick, against the provinces of Ontario and Quebec respecting Gasket Island and Garratt or Sugar Island, we do award, order and adjudge that the sum of $815 be allowed and be charged against the province of Ontario in the province of Ontario Account of the proper date or dates.

21. With respect to the claim made by the Dominion of Canada on behalf of the Chippewa Indians of the Thames and of Sarnia and the Wyandotte Indians, against the provinces of Ontario and Quebec, we do award, order and adjudge that the claim be dismissed.

In witness whereof we, the said John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge, have hereunto set our hands and seals the 20th day of June, A.D. 1896.

Witness,
(Sgd.) L. A. Audette.

(Sgd.) J. A. Boyd, (Seal).
" L. N. Casault, (Seal).
" George W. Burbidge, (Seal).

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

PUBLIC ARCHIVES
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Second award on Common School Fund.

To all whom these presents shall come :

The Honourable John Alexander Boyd, of the city of Toronto, and the province of Ontario, Chancellor of the said province ; the Honourable Sir Louis Napoléon Casault, of the city of Quebec, in the province of Quebec, Chief Justice of the Superior Court of the said province of Quebec ; and the Honourable George Wheelock Burbidge, of the city of Ottawa, in the said province, judge of the Exchequer Court of Canada,

Send Greeting :

Whereas it was, in and by the Act of the Parliament of Canada, 54-55 Victoria, chapter 6, and in and by an Act of the Legislative Assembly of Ontario, 54 Victoria, chapter 2, and in and by an Act of the Legislature of Quebec, 54 Victoria, chapter 4, among other things, provided that for the final and conclusive determination of certain questions and accounts which had arisen, or which might arise in the settlement of accounts between the Dominion of Canada and the provinces of Ontario and Quebec, both jointly and severally, and between the two provinces concerning which no agreement had theretofore been arrived at, the Governor General in Council might unite with the governments of the provinces of Ontario and Quebec in the appointment of three arbitrators, being judges, to whom should be referred such questions as the Governor General and Lieutenant-Governors of the provinces should agree to submit.

And whereas, we, the undersigned John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge, have been duly appointed under the said Acts, and have taken upon ourselves the burden thereof.

And whereas it was provided in and by the said Acts that such arbitrators, or any two of them, should have power to make one or more awards and to do so from time to time.

And whereas by an agreement made on the tenth of April, 1893, on behalf of the Government of Canada of the first part, the Government of Ontario of the second part, and the Government of Quebec of the third part, it was, among other things, agreed by and between the said several governments, parties thereto, that the following questions, as mentioned in the order of the Governor General in Council, of the twelfth day of December, eighteen hundred and ninety, be, and they were thereby referred to the said arbitrators for their determination and award, in accordance with the said statutes, namely :—

1. All questions relating to or incident to the accounts between the Dominion and the provinces of Ontario and Quebec, and to accounts between the two provinces of Ontario and Quebec.

2. The accounts are understood to include the following particulars :—

(*a.*) The accounts as rendered by the Dominion to the provinces up to January, 1889.

(*b.*) In the unsettled accounts between the Dominion and the two provinces, the rate of interest and the mode of computation of interest to be determined.

(*c.*) The accounts as rendered by the Dominion to the two provinces up to January, 1889, to be determined upon.

(*d.*) The claims made by the Dominion Government on behalf of Indians, to form part of the reference.

(*e.*) The arbitrators to apportion the liability of Ontario and Quebec as to any claim allowed the Dominion Government, and to apportion between Ontario and Quebec any amount found to be payable by the said government.

(*f.*) All other matters of account, (1) between the Dominion and the two provinces ; (2) between the Dominion and either of the two provinces ; and (3) between the two provinces.

And whereas it was further agreed that the following matters should be referred to the said arbitrators for their determination and award, in accordance with the provisions of the said statutes, namely :—

(*g.*) The rate of interest, if any, to be allowed in the accounts between the two provinces, and also whether such interest shall be compounded, and in what manner.

(*h.*) The ascertainment and determination of the amount of the principal of the Common School fund, the rate of interest which should be allowed on such fund, and the method of computing such interest.

(*i.*) In the ascertainment of the amount of the principal of the said common school fund, the arbitrators are to take into consideration, not only the sum now held by the government of the Dominion of Canada, but also the amount for which Ontario is liable, and also the value of the school lands which have not yet been sold.

And whereas it was further agreed that all the accounts referred to in this agreement should be brought down and extended to the thirty-first day of December eighteen hundred and ninety-two inclusive.

And whereas certain questions respecting the said common school fund have been submitted to us, the said arbitrators, and we have heard the parties thereto, and have made and published our award in respect of some of such questions, and have reserved others for further consideration.

Now therefore, we, the said arbitrators, exercising our authority to make a further award at this time respecting the same, do award and adjudge in and upon the premises as follows, that is to say :—

1. That the amount of principal and interest of the common school fund, for which the province of Ontario is liable, shall be brought down and extended to the thirty-first day of December, eighteen hundred and ninety-two, inclusive, and shall be carried into the proper accounts as of that date.

2. That in computing the amount of principal money of the Common School fund, for which the province of Ontario is liable, the following sums shall be deemed to be and shall be treated in all respects as moneys received by the province from or on account of the common school lands set apart in aid of the common schools of the late province of Canada, that is to say :—

(*a.*) Any sum of money due for principal or interest from any purchaser of said common school lands, remitted by the province of Ontario to the purchaser, unless it be shown by the province that such remission was made in a fair and prudent administration of the common school lands and fund ; and

(*b.*) Any sum of money due for principal or interest from any purchaser of said common school lands, at the time when letters patent for such lands were issued to him by the province of Ontario, and not collected by the province, unless it be shown by the province that there was good cause for not collecting the same.

3. That where in a fair and prudent administration of the common school lands any sale of such lands has been cancelled by the province of Ontario, and the same resold at a price less than that first obtained, the province shall not be liable for the loss resulting therefrom.

4. That in computing the amount of interest due from the province of Ontario to the common school fund on the thirty-first day of December, eighteen hundred and ninety-two, such interest shall be computed and made up at the rate of five per centum per annum and shall be compounded half-yearly.

5. Mr. Chancellor Boyd dissents from so much of this award as makes the province of Ontario liable for any sums of money remitted to or not collected from the purchaser of any common school lands and for interest on any sums so remitted or not collected.

6. And with respect to other questions and matters relating to the common school lands and fund, we, the said arbitrators, do not now make any award, but reserve the same for further consideration.

In witness whereof, we, the said John Alexander Boyd, Sir Louis Napoléon Casault, and George Wheelock Burbidge have hereunto set our hands and seals this sixth day of March, in the year of our Lord one thousand eight hundred and ninety-six.

(Sgd.) J. A. Boyd, [Seal.]
" L. N. Casault, [Seal.]
" Geo. W. Burbidge, [Seal.]

Witness :
(Sgd.) L. A. Audette.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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mhb.
11[illegible]834
Dctd.

Ottawa, 20th August, 1897.

Memorandum.

Mr. Scott will be good enough to report on the financial aspect of the question raised by the Hon. Mr. Hardy. In this connection it would be well to state the extent of the claim made by the Dominion against Ontario for moneys expended under Treaty number 3, also the extent of the Robinson annuity claim.

Secretary.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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ADDRESS REPLY TO THE
SECRETARY DEPT OF INDIAN AFFAIRS
OTTAWA.

DEPARTMENT OF INDIAN AFFAIRS
CANADA.

Travelling Expenses Ford.

1892. 93	21,675.11	
93. 94	1545.54	
94. 95	1222.76	
95. 96	1639.55	
96. 97	1427.33	
	1132.17	28.642.46

Office Rent:—

1878-79	$200.00	
1879 80	700.00	
1880-81	534.00	
1881-82	550.00	
1882-83	638.33	
1883-84	480.00	
1884-85	600.00	
1885-86	450.00	
1886-87	750.00	
1887-88	600.00	
1888-89	600.00	
1889-90	600.00	
1890-91	600.00	
1891-92	600.00	
1892-93 96-97 3 years @ 600.00	3000.00	10,902.33

Suppression of Liquor Traffic:—

1890-91	410.00	
1891-92	429.82	
1892-93	636.87	
93.94	681.43	~~1,476.00~~
95.96	68 00	
96-97	84.18	2,310.30

131.922.04

Add Interest to 30 June 97 53.671.46

$ 195.593.50

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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ADDRESS REPLY TO THE
SECRETARY DEPT OF INDIAN AFFAIRS
OTTAWA.

DEPARTMENT OF INDIAN AFFAIRS CANADA

SCHEDULE "C"

Statement of Expenditures by the Dominion cost of administration, &c.

Surveys :—

1879-80	$6,911.30	
1882-83	8.660.39	
1884-85	7,369.33	
1888-89	367.19	
1889-90	545.60	
1890-91	1,388.72	
		$25,242.53

Salaries to Agents :—

1873-74	1,975.00	
1874-75	2,690.00	
1875-76	1,230.00	
1876-77	1,230.00	
1877-78	2,162.50	
1878-79	2,250.00	
1879-80	2,250.00	
1880-81	2,688.00	
1881-82	2,980.00	
1882-83	2,980.00	
1883-84	3,036.66	
1884-85	3,150.00	
1885-86	3,150.00	
1886-87	3,150.00	
1887-88	3,150.00	
1888-89	3,097.21	
1889-90	2,900.00	
1890-91	2,733.30	
1891-92	3,012.89	
92-93	2 900 00	
93-94	2 992 96	
94-95	3 061 00	
95-96	3 104 96	
96-97	3 049 94	64.824.42

Agents' Travelling Expenses :—

1874-75	$3,651.57	
1875-76	357.38	
1876-77	846.85	
1877-78	264.00	
1878-79	414.00	
1879-80	758.00	
1880-81	291.50	
1881-82	731.60	
1882-83	614.25	
1883-84	956.87	
1884-85	1,284.92	
1885-86	1,029.56	
1886-87	1,698 93	
1887-88	1,733.45	
1888-89	2,148.24	
1889-90	1,851.14	
1890-91	1,589.67	
1891-92	1,453.18	
Forward		21,675.11

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS CANADA.

ADDRESS REPLY TO THE SECRETARY DEPT OF INDIAN AFFAIRS OTTAWA.

Seeds :—

1881-82	$1,308.10	
1882-83	1,403.11	
1883-84	518.32	
1884-85	900.30	
1885-86	955.39	
1886-87	1,237.74	
1887-88	162.30	
1888-89	784.95	
1889-90	23.85	
1890-91	371.45	
1891-92	47.60	$105.71
1892-93 & 96-7	~~392.60~~	~~$7,710.11~~
Provisions and presents supplied at the Treaty Negotiations and at the first payment of annuities		21,296.96
		157.838.40
Add Interest to 30 June 1897		69.474.35
		$ 227.312.75

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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ADDRESS REPLY TO THE
SECRETARY DEPT OF INDIAN AFFAIRS
OTTAWA

DEPARTMENT OF INDIAN AFFAIRS CANADA

SCHEDULE "B."

Statement of Expenditures by the Dominion for farming supplies and utensils, &c.

Cattle :—		
115 Cows	$6,[illegible].00	
74 Oxen	7,[illegible]0.00	
29 Bulls	2,175.00	
		$16,~~455~~ 688.00
Implements :—		
54 Ploughs	2,160.00	
56 Harrows	1,232.00	
512 Spades	460.80	
1350 Hoes	1,215.00	
529 Scythes & Snaiths	1,058.00	
		6,125.80
Tools :—		
30 Chests of Tools	1,800.00	
720 Axes	900.00	
30 Pit-saws	240.00	
30 Hand-saws	39.00	
30 Gridstones	60.00	
26 Augers	15.60	
30 Cross Cut-saws	75.00	
		3,129.60
Ammunition & Twine :—		
Each year $1,500 for ~~19~~ 73 years		34,500.00
Clothing (Triennial) :—		
1876-77	2,803.94	
1879-80	2,422.94	
1882-83	2,465.13	
1885-86	2,525.73	
1888-89	2,605.98	
1891-92	2,798.60	
1894-95	2,608.86	~~15,621.59~~ 15,230.45
Schools :—		
1881-82	120.33	
1882-83	325.00	
1883-84	327.16	
1884-85	1,158.35	
1885-86	3,292.63	
1886-87	4,147.12	
1887-88	3,043.29	
1888-89	3,621.04	
1889-90	3,466.56	
1890-91	4,840.73	
1891-92	4,000.65	
1892-93	4044 07	
93-94	4994 49	
94-95	5320 74	
95-96	3924 06	
96-97	3136 46	
		49,762.68

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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IN YOUR REPLY REFER TO

- 1 -

ALSO [redacted] DATE OF THIS LETTER

ADDRESS REPLY TO THE
SECRETARY DEPT OF INDIAN AFFAIRS
OTTAWA.

DEPARTMENT OF INDIAN AFFAIRS
CANADA.

SCHEDULE "A."

Statement of Expenditures by the Dominion on account of Annuities.

Annuities :—

1873-74	$33,370.00
1874-75	13,600.00
1875-76	14,375.00
1876-77	14,670.00
1877-78	14,575.00
1878-79	14,715.00
1879-80	14,975.00
1880-81	14,955.00
1881-82	14,850.00
1882-83	14,890.00
1883-84	14,535.00
1884-85	14,195.00
1885-86	16,069.00
1886-87	15,195.00
1887-88	15,592.00
1888-89	15,815.00
1889-90	15,740.00
1890-91	15,960.00
1891-92	16,245.00
1892-93	16,100.00
1893-94	16 210 00
1894 95	16 745 00
1895 96	16 305 00
1896 97	16 455 00
	386 23600
Add Interest to 30 June '97	17339 00
	$ 559 63400

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS CANADA.

Ottawa, 31st August, 1897.

LAND BRANCH 31 1897
OH/111834-2

Memorandum.

I beg to report upon the financial aspect of the suggestions contained in the Hon. Mr Hardy's letter of 28th July, 1897,

The Department has at present two money claims before the Board of Arbitrators which would have to be weighed against the claims of the Province if the above suggestions were carried out ,viz:- A claim for Robinson Treaty Annuities , and the claim for annuities supplies and administration Treaty No 3. The 1st , brought down to 30th June, 1897, amounts with interest to $511870.66 , on behalf of the Dominion for annuities actually paid out ; and , $95200.00 on behalf of the Indians for arrears of annuities due but not paid up to 1874, with interest to 31st December 1892. The 2nd. Brought down to 30th June 1897, amounts , with interst, to $982540.25 . The two aggregate $1,589,410.81 . The annual expenditure in annuities ~~to be~~ paid to the Robinson Treaty Indians is about $22000.00 , and the total expenditure to carry out the stipulations of Treaty No 3 is about $25000.00 . There is,in addition to these

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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these two claims, one which cannot be reduced at present to a money basis ; a claim for unsurrendered land in the Northern part of the Province. If the alleged claims of the Indian to this District were recognized , according to usage a certain payment of annuities would ensue ; but it is quite impossible to say what the amount would be .

The difficulty to be met in treating these claims as an offset against those of the Province , is , that with the exception of the item $95200.00 our claims are on behalf of the Dominion Government ,where-as the claims of the Province are against the Indian interests in the Reserves, the timber and precious metals, So that an adjustment of the claims in the manner suggested by the Hon. Mr Hardy ,the Indian interest would have to be carefully guarded. To offset the claims for Reserves , precious metals and timber by the money claims for Treaty No 3 and the Robinson Treaties would leave the Dominion Government the richer by the amount adjudged, and would leave the Indians the poorer by the valuable assets thus bartered . It will be the duty of the Department to see that the terms of the treaty which were entered into in good faith by these Indians, ~~should be~~ are carried out to the letter

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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letter .

Forming an opinion from the decisions in the Robinson Treaty Case , I would think that these claims are valid and will produce revenue in the end. It can hardly be expected that the whole amount of the Treaty 3 claim will be awarded. Only a portion of the land surrendered by the Treaty ,falls within the boundaries of Ontario , and it is doubtful whether the charges for management would be favourably considered . But taking for granted that the Department could win these claims it would be preferable to make some settlement outside the Board of Arbitration and the Courts, if it were possible to provide in some way protection for the Indian interests . This might be done by the funding of a fixed sum for each Band proportionate to the amount received as royalties for metals and timbers on the Reserves .

Statements attached

H. Scott.

Accountant.

31st

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111834

W.D. HOGG, Q.C.
O'CONNOR, HOGG & MAGEE.
Barristers, Solicitors,
NOTARIES PUBLIC &c.

CHARLES O'CONNOR.
[redacted]

F. A. MAGEE.
83½ SPARKS STREET.

DEPARTMENT OF INDIAN AFFAIRS DEC 18 1897

Ottawa, Canada Dec. 16th, 1897. 189

Sir/-

Domn. & Prvncl. Arbtrn.
Re Indn. Claims.

There were included in the instructions which I received in this matter on the 27th February, 1893, eleven Indian claims. Of these, seven have either been disposed of or are still before the arbitrators awaiting final decision. There were four claims with respect to which it occurred to me proceedings before the Board of Arbitrators would not avail anything to the government. These are as follows:-

1st. The claim of the Dominion on behalf of the Temagamingue Indians to have a reserve set apart. These Indians, as I understand it, are Ojibeways and were entitled to participate with the other Ojibeways at the making of the Robinson Treaty in 1850. For some reason they were either not represented or neglected to have a reserve set apart, and for many years they have inhabited the land adjacent to Lake Temagamingue, and have expressed their desire to have a reserve set apart for them there. Before I had fully considered this claim, I prepared a statement on their behalf to lay before the arbitrators, but having considered the matters which were referred to the arbi-

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193693

W.D.Hogg, Q.C. CHARLES O'CONNOR. F.A.MAGEE.

O'CONNOR, HOGG & MAGEE.
Barristers, Solicitors,
NOTARIES PUBLIC &c.

83½ SPARKS STREET.

Ottawa, Canada 189

trators under the reference, I came to the conclusion, and so wrote to your department, that it was not a claim which could properly be presented, as it did not involve any question of dispute of a money nature. It is a claim which must form the subject of negotiation between the Dominion and the Province of Ontario. In reporting upon this claim before, I suggested that either an agreement could be made with the Province of Ontario, to set aside a portion of the lands in the neighborhood of Lake Temagamingue for the Indians, or that some proceeding might be taken whereby a portion of the land there might be expropriated for the benefit of these Indians. It is a case, therefore, that cannot form the subject of a claim before the arbitrators.

2nd. Another claim which I wrote about some time ago was that of the Chippewas of Lake Huron and Lake Simcoe, and the Mississaguas of Mud Lake, Rice Lake, Alnwick and Scugog. This has reference to a claim to a large portion of land in the Province of Ontario, with respect to which it is alleged the title of the Indians has never been surrendered, and they claim that the Province of Canada, and since Confederation the Province of Ontario, have dealt with the land and sold portions of it in the same manner as if the title of the Indians had been extin-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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193803

W.D.Hogg, Q.C. Charles O'Connor. F.A.Magee.

O'Connor, Hogg & Magee.
Barristers, Solicitors,
Notaries Public &c.

83½ Sparks Street.

Ottawa, Canada 189

guished. This again is not a claim which can come within the reference to the arbitrators. It is a claim by the Indians which would form the subject of a treaty between the Dominion and the Indians for a surrender of their title, and as the lands are vested by the B.N.A.Act in the Province of Ontario, I suppose it would be proper that that Province should be notified and probably form a party to any agreement which may be come to, with respect to the consideration to be paid to the Indians for the surrender of their title. In this case I also prepared a statement of claim on behalf of the Indians, but I did not attempt to proceed with it after full consideration of the jurisdiction of the arbitrators under the reference.

There are two other small claims which are mentioned in the letter of instructions of the 27th February, 1893, namely: a claim for the balance of purchase money of certain Indian lands in the township of McDonald, in the District of Algoma. These lands were sold before Confederation by the Crown Lands Department, and it is alleged that the proceeds were not paid over to the credit of the Indian funds. As the amount involved for principal and interest in this case was so small, I have hesitated to bring the matter before the arbitrators, as the

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KODAK SAFETY FILM

W.D.Hogg,Q.C.
O'Connor,Hogg & Magee.
Barristers, Solicitors,
Notaries Public &c.

Charles O'Connor.
F.A.Magee.
83½ Sparks Street.

Ottawa, Canada 189

expense of doing so would be very much greater than the total amount involved. The total sum claimed by the department on behalf of the Indians is $187.00, and the file relating to this claim is No.100,276. My experience in this arbitration is that it involves a great deal of work and expense in preparing and presenting claims where the subject-matter is old. I have not presented this claim and I would suggest that it would not be of real value to the Indians to pursue it further. However, that is for the department to say.

There is another small claim of the Garden River Indians of the District of Algoma. It has relation to a piece of land which was cut off before Confederation from a reserve to which the band was entitled under the Robinson Treaty. The file relating to this claim is No.93,317, and the amount involved is $361.56. This claim has not been presented nor pressed upon the same grounds as the one above mentioned. If, however, the department should think it advisable to present claims with reference to this matter as well as the others, I shall have them proceeded with at once; but as I have already said, my advice would be that to present these claims would not result in any appreciable benefit to the Indians.

Yours truly,

W.D.Hogg.

J.D.McLean,Esq.,
Secy.Dept.of Indn.Affrs.,
Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111834

This was sent to the Finance Dept by mistake & recd. this morning
Ad Mawdsley
Secy
apr 25/98

DEPARTMENT OF INDIAN AFFAIRS
APR 25 1898

Ottawa, 22d April 1898

197572

Sir,

I have the honour to request that you will inform me at your early convenience what cases or claims, if any are now pending before the Board of Arbitrators, or what further cases, if any, there are to submit to the Board

I am Sir,
Yrobdt. servant,
[illegible]
Dmg

The Secretary
Dept. of
Indian affairs

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Department of Indian Affairs

Ottawa, 26th April 189

MEMO.

The claims referred to the Department of Justice to be dealt with by the Board of Arbitrators, and which have not been finally settled with are as follows:-

Title

5045 Robinson Treaty Annuities. This claim has been passed upon by the Arbitrators but has been appealed to the Supreme Court.

19233 Claim of Temogamingue Inds to have a reserve set apart for them.

4264 The question of title on the part of the Indian Department as against the Ontario Govt. to LaCloche and other Islands in Lake Sturm

100276 Claim for balance of purchase money for certain Indian lands in Township of Macdonald, District of Algoma.

93317 Claim on account of a piece of land cut off before Confederation from the Garden River Indian Reserve

67071 Claim of Mississaugas of Rice, Mud, and Sengog Lakes for unsurrendered lands

62509 Treaty 3 Case

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111,834-1a

EXCL.

Ottawa, 29th April, 1898.

Sir,-

In reply to enquiries made in your letter of the 22nd instant I beg to inform you that the claims referred to your Department to be dealt with by the Board of Arbitrators and which have not yet been finally settled are as follows:-

1st: Robinson Treaty annuities.

2nd: The claim of the Temogaming Band of Indians to have a Reserve set apart for them.

3rd: Question between the Department of Indian Affairs and the Ontario Government respecting the title to La Cloche and other Islands in Lake Huron.

4th: Claim for balance of purchase money for certain Indian lands in Township of Macdonald, District of Algoma.

5th: Claim respecting a piece of land cut off from the Garden River Indian Reserve before Confederation.

6th: Claim of Mississaugas of Rice, Mud and Scugog Lakes respecting the unsurrendered lands.

7th: Treaty No. 5 case.

So far as this Dept is aware there are no other cases to be submitted to the arbitrators.

Your obedient servant,

J. D. McLEAN

Secretary.

E. L. Newcombe, Esq.,
Deputy Minister of Justice,
Ottawa.

mhb.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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246929

Immediate

Ottawa, 26th April 1912.

S i r;

I require in connection with litigation which I have in hand information as to the indian reserves or portions thereof which have been surrendered for the purpose of sale for the benefit of the indians since confederation, and what sales have been made. I would like very much if possible to have a statement in tabular form showing the following particulars with regard to the above, viz:- the name of the reserve, place where situated, date of surrender and price obtained upon the sale. I would also like to know the number of indians in each province and in the Territories, as estimated by your department or as obtained at the recent census if you are in possession of those figures. I would like to have all this information as soon as convenient, and will be glad if you would let me know when I may expect to be furnished with it.

I have the honour to be,

S i r,

Your Obedient Servant,

E. L. Newcombe

Deputy Minister of Justice.

The Secretary,
Dept. of Indian Affairs,
O T T A W A.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111834

Ottawa, 28th April, 1902.

Sir,-

In reply to your letter of the 26th instant, I beg to say that it is impossible to state how long it would take to furnish the statement required. Our printed Book of Surrenders - of which you have a copy - shows the surrenders obtained from time to time; but the individual sales that have been made since Confederation are included in a great number of large sales books which would require to be gone through. If there is any particular reserve in regard to which you desire this information, the statement might be furnished without much difficulty.

As to the Indian population, I send you a copy of our last Report; and you will find the desired information on page 147 et seq.

Your obedient servant,

Secretary.

E.L.Newcombe, Esq., K.C.
Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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111834

DEPARTMENT OF INDIAN AFFAIRS
APR 30 1902

246230

Ottawa. 28th April 1902.

LAND BRANCH
APR 30 1902

Dear Mr McLean;

Referring to your letter of 28th instant with regard to indian surrenders, etc., I am much obliged for the copy of your last report, which gives me the information required with regard to population. I am very anxious, however, to get some definite information with regard to the surrenders and sales. I would also like to know whether there are any cases of indian reserves laid out upon a provincial boundary so that one portion of the reserve would be in one province and the other portion in another province. I think if you would drop in and see me at your early convenience I could explain the situation so as to enable you to have the necessary information looked up without too much trouble.

Yours very truly,

J. D. McLean, Esq.,
Secretary,
Dept. of Indian Affairs,
OTTAWA.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Department of Indian Affairs.

Ottawa, 5 May 1902

Memo. of Reserves situated in two Provinces.

St. Regis — Quebec and Ontario

37A. West shore of Shoal Lake - Ontario & Manitoba
39 " " " " " " "
39 North-west of Shoal Lake " "
40 " " " " " " "

L. B.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Department of Indian Affairs,

Ottawa, 30 Apl 1902

Saw

Dm Justice who wishes to have statement of surrenders except in N.W.T. - Since Confederation date - locality - area and estimated Price Obtained also no. of ~~[illegible]~~ Sales -

DAC

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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File 111834

Statement re Surrenders of Indian Reserves in the Dominion, except in N. W. T., Since Confederation, in trust to be Sold for benefit of Indians

~~Surrender~~ No.	Date	Land	Acres.	No. of Sales.	Prices realized ~~Appr. Amt. Pr. realized~~	Remarks
111	9. July 1867	~~Mill Site~~ Pt. Garden R. Res. Algoma Ont.	Mill Site	1.	$50.	Patented
113½	14. Aug. 1867	Tiger Reserve - in Tiger Twp. Que	3650.	58.	$8845.	All sold, & mostly Patented
~~114~~	~~4 July 1868~~	~~Pt. Abenakis Res. Pierreville Jamaica Que~~	~~38 lots~~			
119.	5. May 1871	Pt. Sarnia Res. Lambton Cy. Ont.	23.	1.	$5000.	Patented
120	26. June 1866	Pt. Christian Island. Georgian Bay. Ont.	25¾	1.	$398.	Transferred to Marine Dept for Light House.
121.	20. Jany. 1870	Islands in Lake Erie - Ont.	260.	9.	$7553.	Patented
122	3 Sept 1870	Pt. Buctouche Res. Kent Co. N. B.	3254.	68.	6575.	do
123	24. April 1871	do do				
126	18. Jany 1872	Pt. Caradoc Res. Middlesex Cy. Ont.	42.68	1.	$890.	~~Patented~~ Sold for Right of way Canada Southern
127	17. Jany 1872	Pt. Delaware Res do	35.30	1	$529.	do
128	1. May 1872.	Pt. Sarnia Res. Lambton Cy. Ont.	16.09	1	$10,645.	Patented
134.	10. Sept 1873.	Pt. Manuwaki Res. Wright Co. Que	89.	1	$326.	do.
140	25. Nov 1874	Pt. Garden Riv. Res. Algoma, Ont.	1200.	5.	$1800.	do.
141.	27. Nov 1874	Little Turkey Island, Detroit Riv. Ont.	155.	1.	$1220	do.
143	14. Jany 1875	Pt. Sarnia Res. Lambton, Ont.	154.	574.	$31,826.	Sold & mostly Patented
145	7. Aug 1875	Pt. St Peters Res. Man.	1000.	1.	$837.	11. lots surrendered only 1. sold & Patented
146	20 Aug. 1875	Pt. Anderdon Res. Essex Ont.	2700.	28.	$42,831.	Patented
147	26. Aug. 1875	Pt. Nama Res. Ontario - Ont.	21 11/100	1.	$484.	Right of Way Northern Ry. Patented -
155.	1. Sept 1876	Pt. Middle River Res. Victoria N. S.	57.	1.	$315.	Patented.
156.	18. Jany 1877.	Pt. Nama Res. Ontario. Ont.	17.	1.	$387.	Right of Way Northern Ry. Patented -
158	10. Feby 1876	do do	116.	1.	$80.	Patented
172	29. Aug 1879	Pt. Richmond Res. Kent. N. B.	649.88	8.	$1107.	do
185	27. July 1881.	Pt. Mississagua Res. Algoma. Ont.	2000.	8	$1330.	Patented
189.	14. Feby 1882.	Colvanie Res. Megantic. Que.	2451	6.	$6221.	do
192.	30. Jany 1882	Pt. Serpent Riv. Res. Algoma. Ont.	93.16	1	$301.	Right of Way Sold to C. P. R. Railway
196	6. Sept 1882	Pt. Garden Riv. Res. Algoma. Ont.	300.	1.	$444.	Patented
198.	10. Dec. 1882.	Pt. Sengog. Res. Durham. Ont.	1¾	1	$175.	do.
208.	8. May 1883	Pt. Tyendinaga Res. ~~Hastings~~ Deseronto. Ont.	35¾	95.	$32,256.	Mostly Patented
213.	14. Jany 1885	White Cloud Island. Grey. Ont.	1234.97 ~~[illegible]~~	47.	$3149.	Mostly Sold & Patented
219.	14. Sept. 1885	Pt. Nama Res. Ontario. Ont.	¼	1.	$[illegible]	Patented
[illegible]	4. Nov. 1885	Horse Island, Lake Conchiching. Ont.	39.	1.	[illegible]	[illegible]
[illegible]	[illegible] 1885.	Islands in Lake Huron Bruce, Ont.	255 Islands	9.	$726.	Only a few Islands of 7 ft sold -
[illegible]5	18. July 1886	Pt. Griffiths Island, Grey. Ont.	16.	1.	$80.	Transferred to Marine Dept for Lighthouse.
~~236~~	~~16 Dec 1886~~	~~Pt. Anderdon Res. Essex Ont.~~	~~50.~~			
243.	27. Apl. 1887	Pt. Garden River Res. Algoma Ont.	100.	1.	$500.	Patented
252.	16. Feby 1888.	Pt. St. Regis Res. Huntingdon. Que.	20,000	107.	$50,000.	~~Mostly all~~ Greater part sold & Patented
261.	8. Oct. 1886	Sultana Island - Lake of the Woods Ont.	600.	5.	$894.	Pt. Sold & Patented
264	27. Dec 1888	Heron Island, Lake Conchiching. Ont.	14½	1.	$700.	Patented
267.	17 May 1889	Pt. Tyendinaga Res. Deseronto. Ont.	3.	1.	$2500.	do
269.	6. Jun 1889.	Pt. Res. 38 B. Rainy River. Ont.	2983.			No Sales made
270.	26. Jun 1889.	Pt. Anderdon Res. Essex. Ont.	14 86/100	1	230.	Patented

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)
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Sur No	Date	Land	Acres	No of Sales	Price Realized	Remarks
271.	4. June 1889	Pt. Sarnia Res. Lauthoi. Ont:	18.57	1	$1218.	Right of way thro' & Huron Ry. Patented
272	do	do	44.31	1.	$8862.	Patented to St. Clair Tunnel Coy.
~~283~~	~~4. June 1890~~	~~Pt Capitaine Creek Res. B.C.~~	~~5.50~~			
285	30. Apl. 1890	Garnet Island, Lake Couchiching Ont.	3.	1.	$45.5.	Patented
~~287~~	~~29 July 1890~~	~~Pt Indian Head Res Res. Iroan.~~				
298	7. Sept 1891	Pt. Rama Res. Ontario - Ont.	35.	1.	$45.50.	Patented
303	11. Jany 1892	Bird Island Lake Couchiching Ont.	2.52	1.	$326.	do
304	23. Dec. 1891	Pt. Tyendinaga Res. Hastings Ont:	177.92	1.	$29,500.	Sold & Part Patented
~~315~~	~~9. Jany 1892~~	~~Pt Abbott Pt. Res. B.C.~~	~~1~~			
~~318~~	~~5. Jany 1892~~	~~Pt Bendye Penin Res. 12.6.~~	~~160~~			
317.	30. May 1892	Thistle Island Lake Couchiching Ont.				Not Sold.
335.	29. Sept. 1893	Pt. Wagosh Res. Victoria Dist.	122.	3	$284.	~~Sold~~ & Patented
~~336~~	~~3. Oct 1892~~	~~Pt South Hampton Res 16.6~~				~~Cancd~~
387	17 June 1893	Pt. Inamiwaki Res. Wright. Que.	20.50	1.	$1400.	Patented
346	3. Dec 1892	~~Pt~~ Anderson Res. Essex. Ont:	153.	13.	1822.	do
365	21. Apl. 1894	Pt. Alnwick Res. Northumberland Ont.	3.06	8	$1025.	do
366.	6. June 1895	Pts Red Bank, Bay Mile & Indian Point. Rama - Northumberland Dist.	5 Lands squatted on	5.	$331.	Only 6.45 Sold.
369.	13 Aug 1895	Pt. Inamiwaki Res, Wright. Que	75.	1.	$549.	Patented
373	2. June 1894	Pt. Inamiwaki Res Wright Que	190.	42.	$7395.	Pt Sold & Pt Patented
374	19. Dec 1895	Pt. Owatchoman Res. Lake St John Que.	2362.54	11.	$429.	Part Sold.
~~375~~	~~14 Sept 1895~~	~~Pt St Regis Res Que.~~	~~77½~~			
~~378~~	~~4 Sept 1896~~	~~Pt Village Res. Caughnawaga Que~~	~~4.~~			~~137.50~~
385	11. Feb 1897	Pt. Hope Island, Georgian Bay. Ont	100.	1.	$300	Transferred to Marine Dept for Lighthouse.
388.	26 June 1897	Pt: Inamiwaki Res. Wright. Que.	157.4	2	354.	Sold & Pt. Patented
389.	26 June 1897	do do	310.10	1.	$271.	Patented.
390	21. Aug. 1897	Pt. Temiscamingue Res. Pontiac. Que	120.	1	$120	do
392	18. Dec. 1897	Pt: Inamiwaki Res. Wright Que	30.	1.	$315.	Patented.
394	14. Jany 1898	Gamblers Res. Iroan.	8788.	5	$4000.	Part Sold not Patented
397	31. May 1898	Pt. Temiscamingue Res. Pontiac Que	30.7	1.	$396.	Patented
399	24 May 1898	do do	~~Ac~~			
400	do	do do	22,810	9.	$1369.	Pt. Sold, not Patented
~~402~~	~~4 Jany 1898~~	~~Pt Stoney Res Res. B.C.~~	~~40.~~			
403	4. June 1898	Pt. Inamiwaki Res. Wright Que	2.	1.	$20.	Patented
407	9. Dec 1898	Pt Fort William Res. Algoma. Ont	37.	1.	$370.	do
408	7. Jany 1899	Pt. Inamiwaki Res. Wright Que	64.34	1.	$805.	Not Pat Patented
409	11. Oct 1897	Pt. Temiscamingue Res Pontiac Que	114.80	1.	$1004.	Patented
416	15. May 1899	Hay & Griffiths Islands Georgian Bay Ont	4600.	2.	$6921.	do
~~419~~	~~24 Sept 1897~~	~~Pt Sarnia Res Lambton Ont~~	~~510 Sq ft.~~			
423	19 July 1899	Pt Inamiwaki Que Res, Thunder Bay, Ont	1000.	1.	$2640.	Sold not Patented
427	30. Oct 1899	Pt. Indian Point Res. Northumberland Dist.	15	1	$18.75	Patented
~~430~~	~~8 Jany 1900~~	~~Pt Inamiwaki Res. Wright. Que~~				~~1962.35~~
432	5 Feb 1900	Pt. Alnwick Res Northumberland Ont	87/100	1	250.	Patented
437	7. Sept 1900	Pt. Temiscaingue Res. Algoma. Ont	3000.	21.	$3460.	Sold not Patented
438.	10. Sept 1900	Pt. Inamiwaki Res. Thunder Bay Ont	481½	1	$963.	Sold not Patented

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)
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111 834-

DXH

Ottawa 13th May 1902-

Sir-

Referring to your letters of thr 26th and 29th Ultimo, I beg to enclose, as requested, a statement regarding Indian Surrenders in the Dominion, except in the Territories, since Confederation, to the Crown in trust to be sold for the benefit of the Indians, showing date of Surrender, location and area of land surrendered, number of sales made and price realized, in each case.

The following Indian Reserves are situate in two Provinces;-St. Regis Reserve, in Quebec and Ontario; Reserves 37A and 39 on the West shore of Shoal Lake, in Ontario and Manitoba; Reserves 39 and 40, on the North West shore of Shoal Lake, in Ontario and Manitoba.

Your obedient servant

J. D. McLEAN

Secretary-

E.L. Newcombe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS MAY 16 1902

Ottawa, 15th May 1902.

Sir;

I beg to acknowledge receipt of your letter of 13th instant enclosing statement regarding indian surrenders in the Dominion, except in the Territories, since confederation to the Crown in trust to be sold for the benefit of the indians, etc., for which I am much obliged.

I have the honour to be,

Sir,

Your obedient servant,

E Newcombe

Deputy Minister of Justice.

J. D. McLean, Esq.,

Secretary,

Dept of Indian Affairs,

OTTAWA.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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MEMORANDUM: OTTAWA, August 25th——1903.

for Mr. McKay.

Please make the following entries in the Indian Fund Account 1902-03:

Government Account Dr.

To Sundries-

Chippewas of Lake Huron-	Capital.....	$111,818.18
" " Superior "	.....	93,181.82
" " "	Interest.....	17,232.00
" " Huron "	.....	9,852.00
		$ 232,084.00

The amounts credited to Capital represent the sum of $205,000 charged in the old Province of Canada account to meet the full obligations of the Province under the Robinson Treaties.
The amounts credited to interest represent arrears of annuity which the Province has been shown to be able to pay without incurring loss., These amounts should be distributed to the Indians at their next annual payment.

Accountant.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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(Copy)

Toronto July 24th, 1907.

The undersigned has the honour to report for the information of His Honour the Administrator of the Government in Council that during his recent visit to the district of Rainy River he found considerable feeling to exist there, owing to the delay and to settlement caused by the Indian Reserves which are held by the Dominion Government in trust for the Indians. These reserves block ~~xx~~ the way to the opening up of the country, and the undersigned is of opinion that some steps should be taken to induce the Dominion Government to open the Reserves for settlement.

By the Northwest Angle Treaty No. 3 of date 3rd October 1873, the Indians surrendered all their rights, title and privileges to the lands covered by that treaty on certain terms and conditions, one of which was that reserves were to be selected and set aside for the use and benefit of the Indians. Amongst the reserves so set apart were Reserve No. 1 at Pither's Point at the outlet of Rainy Lake, Reserve A 16 north of Pitcher's Point, Reserve B. 18 to the north of ~~xxx~~ Reserve A 16, Reserve No. 10 opposite Little Forks River on Rainy River, Reserve No. 11, near Manitou Rapids on Rainy River, Reserves No's 12 and 13 at Long Sault Rapids on Rainy River, Reserves No's 37,14 and 15 near the mouth of the Rainy River, and what is known as the Wild Land Reserve lying immediately in rear of the last three reserves.

Before the true boundaries of the Province of Ontario had been determined and declared the Government of Canada proceeded to select ans set aside certain reserves for the Indians, in pursuance of the said Treaty, but the Government of Ontario was no party to the selection and did not concur therein and, indeed, has not yet concurred therein.

After negotiations between the two Governments it was decided that the Dominion of Canada and the Province of

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Ontario should agree to a friendly and just understanding in respect of the matters in dispute and the Governor General of Canada in Council and the Lieutenant Governor of Ontario in Council gave authority for the execution on their behalf respectively, of an agreement to this effect. It was provided that full enquiry should be made by the Government of Ontario as to the Reserves with a view to acquiescing in the location and extent thereof, unless some good reason presented itself for a different course, and that in case the Government of Ontario was dissatisfied with the Reserves, or any of them already selected, or in case ~~xix~~ other Reserves in the said territory were to be selected, a joint Commission should be appointed by the Governments of Canada and Ontario to settle and determine any question or all questions relating to the said reserves.

The Department of Indian Affairs of the Dominion Government under date the 2nd June, 1906, wrote that the Indian tribes, who owned reserves 12 and 13 desired to surrender all their lands in the said reserves lying to the north of the right of way of the Canadian Northern Railway, and the Indian Department asked the Province of Ontario to consent to the surrender and sale of these lands. This question has not been passed upon up to the present time by the Government of Ontario, but, in the opinion of the undersigned, it is now expedient to acquiesce in the surrender and sale of these lands so that they may be opened for settlement.

The undersigned is also of opinion that the Dominion Government should be asked to take a surrender of all the Indian Reserves along the Rainy River, viz No. 1, A-16, B-18, No. 10, No. 11, No's 12 & 13, No's 37, 14 & 15, and the Wild Land Reserve immediately in rear of the last three, so that the lands may be surveyed and opened up for settlement. On Indian reserve No. 1 is situated what is known as "Pitcher's Point" a portion of which the Town of Fort Frances is desirous of obtaining for a Public Park.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

PUBLIC ARCHIVES
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The undersigned, therefore respectfully recommends to His Honour the Administrator of Government in Council that as an Order in-Council be passed, giving the consent of the Province to the surrender and sale of these particular reserves (hereinbefore mentioned for the purposes stated) to actual settlers, pending the settlement of the whole Reserve question and without prejudice to any rights the Province of Ontario may have in the matter.

(Sgd) F. Cochrane.
Minister of Lands, Forests and Mines.

To His Honour,
The Administrator of the Government in Council.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

189242.

Department of Attorney General, Ontario.

Copy of an Order-in-Council approved by His Honour the administrator of the Government of the Province of Ontario the 26th day of July, A.D.1907.

Upon consideration of the annexed report of the Honourable the Minister of Lands, Forests and Mines, the Committee of Council advise that the consent of the Province of Ontario be given to the surrender to the Dominion of Canada, and the sale to actual settlers of the following Indian ~~Reserves~~ Reserves in the District of Rainy river pending the settlement of the whole reserve question, and without prejudice to any rights the Province may have in the matter.

Reserve No. 1 at Pitcher's Point at outlet of Rainy Lake.

" A 16 North of Pitcher's Point

" B 18 to the North of Reserve A 16

" No. 10 Opposite Little Forks River on Rainy River.

" No. 11 Near Manitou Rapids on Rainy River

" Nos.12 and 13 at Long Sault Rapids on Rainy River.

" Nos. 37,14 and 15 near the mouth of the Rainy River, and what is known as the wild land Reserve lying immediately in the rear of the last three ~~xxxx~~ reserves.

Certified

S.Lousdale Capreol,

Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

KODAK SAFETY FILM

copy

original on 189242 BLR

Department of Lands, Forests and Mines,
Toronto, July 24th, 1907.

My dear Sir,-

I have just returned from a trip to Rainy River District where I have been hearing the views of the settlers as to what might be done to improve their position and surroundings. Among other things I found that the people complained a good deal of the large areasof agricultural land that are locked up by Indian Reserves, and that the continuity of settlement is broken by these reserves having no colonization roads through them.

I am sure you will agree with me that it is a pity to retard the growth and prosperity of the settlement in that region by keeping these large areas locked up as Indian reserves, especially as the Indians are few in number, and will never cultivate the land to any extent.

On my recommendation the Government of Ontario passed an Order in Council consenting on behalf of the Province to your taking surrenders of these reserves, and disposing of them for the purposes of settlement, of which a copy is enclosed. I would be glad to know that I have your active sympathy in this matter, and that you will recommend to the Government of Canada the taking of the surrenders of these reserves and opening them up for sale to actual settlers.

At what is known as Pither's Point there is an area which is considered suitable for park purposes, and the Town of Fort Frances is very anxious to obtain a portion of this reserve to be used for that purpose. Might I ask your attention to this matter with a view to your consenting to the Town getting what it may require for Park purposes.

Yours very truly,

F. Cochrane,

Minister.

Honourable Frank Oliver,
Minister of the Interior,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

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Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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CANADA

COPY. (Original on file 282,759.

Department of Lands, Forests & Mines.
Woods & Forests Branch
Toronto, October 8, 1913.

Sir:

I have the honour to acknowledge your letter of the 4th inst. No. 282,759, in connection with the flooding and erosion of the bank of the lake along the fronts of Indian Reserves Nos. 16 A. and the Agency Reserve No. 1.

We are asked to consent to your laying out lots on the Indian Reserve and disposing of them.

As you know, the Indian Reserves in that whole Rainy River District have not yet been approved by the Government of Ontario. The Minister was down at Ottawa about a year ago endeavoring to get the matter of Indian Reserves in the Rainy River District under Treaty No. 3 brough to a satisfactory position, but nothing has been done by your Department since that date.

The Minister will not consent to any disposition of the lands in Indian Reserves under Treaty No. 3 until the whole question is taken up and dealt with.

Your obedient servant,

Sgd. Aubrey White,
Deputy Minister.

J. D. McLean, Esq.,
Asst. Deputy & Secretary,
Department of Indian Affairs,
Ottawa, Can.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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DEPARTMENT OF INDIAN AFFAIRS CANADA

Ottawa, Oct. 15, 1913.

File 111,834.

Memorandum for the Deputy Superintendent General:-

I beg to draw your especial attention to a letter received from the Deputy Minister of Lands, Forests and Mines, Toronto, dated the 8th instant, in reply to a request from this Department to dispose of certain lands in an Indian Reserve at the Westerly end of Rainy Lake which are being considerably damaged by being eroded by the waters of the lake. (File 282,759.)

A copy of the said letter is placed on this file which deals with the general question of Indian Reserves in the tract formerly known as the disputed territory.

S. Bray

Chief Surveyor.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Note

See also file

62.509. 4 & 5

Indian Affairs. (RG 10, Volume 2546, File 111,834-1)

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Indian Affairs
Red Series

(RG 10, Volume 2546)

File			
111,834-1		DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO INDIAN MATTERS. STATEMENT OF EXPENDITURES BY THE DOMINION ON ACCOUNT OF ANNUITIES FOR THE YEARS 1873-1897.	1890-1913
111,834-1A	2	DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT RELATIVE TO THE ISLANDS SOUTH OF MOOSE DEER POINT, GEORGIAN BAY.	1897-1913
111,834-1A	3	CORRESPONDENCE REGARDING THE DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE OWNERSHIP AND CONTROL OF THE ISLANDS IN THE GEORGIAN BAY, SOUTH OF MOOSE DEER POINT.	1939

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

DEPARTMENT OF INDIAN AFFAIRS CANADA.

Ottawa, 7th Sept., 1897.

Memorandum: Lands Branch,-

Will you please let me know whether there is a copy of a patent issued before Confederation by the Nova Scotia or the New Brunswick Government for lands which form part of a reserve of record in the Department, so that it can be ascertained whether either of those Governments in their grants reserved the minerals. If not, it would be well to write to both of those Governments and ask for a copy of a grant made of some particular lot of Indians land before Confederation, without indicating for what purpose it is required.

Secretary.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Ottawa 10th September 1897-

Sir-

I beg to ask that you will kindly furnish me with a copy of the Crown Grant issued by the New Brunswick Government prior to Confederation for Lot No.18,fronting on the River St.John,Tobique Indian Reserve,County of Victoria.

As far as the Records of this Department shew, the name of the Patentee was Moses Craig,but as to this, I cannot state positively.

As this document is urgently required,I should be pleased to receive the same at your earliest possible convenience.

Your obedient servant

E.D.McLEAN

Secretary-

Andrew Inches,Esq-

Deputy Surveyor General,

Fredericton-

N.B.-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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161505

Copy of Grant description in Crown Land Office
of Grant to Moses Craig, dated
June 10th, 1868.

Beginning at a Post standing on the South Eastern Bank or Shore of the River Saint John at the Western angle of lot number nineteen in the Tobique Indian Reserve thence running by the Magnet of the year 1854 South seventy eight degrees east one hundred and six (chains thence South fifty one degrees West thirteen chains thence North seventy eight degrees West one hundred and thirteen chains to a Birch tree standing on the South Eastern Bank or Shore of the above mentioned River and thence following the various courses thereof up Stream in a North Easterly direction to the place of beginning.

Containing one hundred and ten acres more or less and distinguished as Lot number eighteen in the Tobique Indian Reserve.

(signed) Richard Sutton,
Surveyor General.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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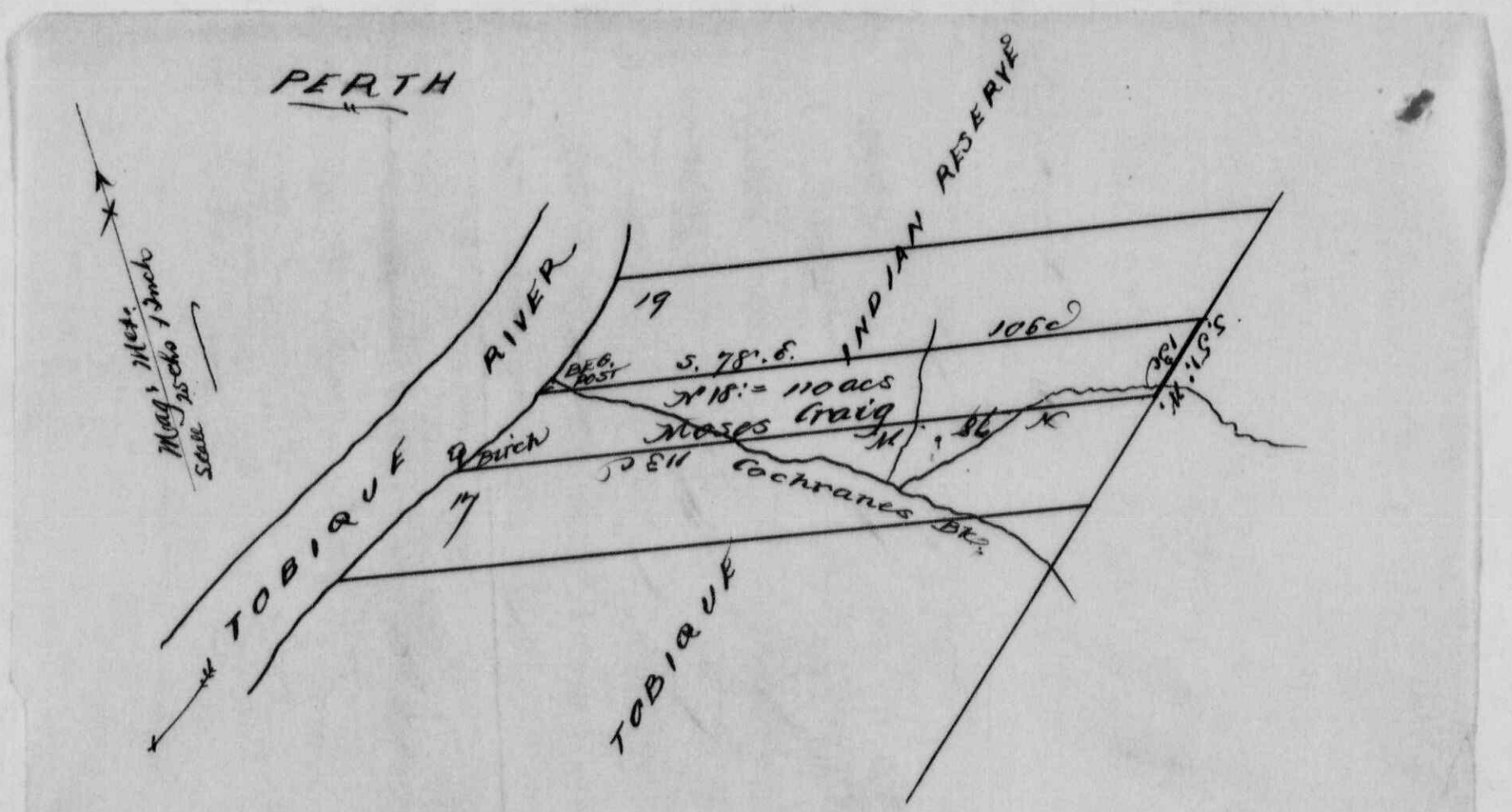

161505

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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W. P. FLEWELLING,
LUMBER AGENT.

PROVINCE OF NEW BRUNSWICK
CROWN LAND DEPT.

Sept, 15,

J. D. McLean Esq.,

Secretary Department of

Indian Affairs,

Ottawa.

LAND BRANCH
SEP 15 1897

Dear Sir-

In the absence of the Deputy Surveyor General your favof of the 10th inst., comes to me.

As requested thereby, I herewith enclose you copies of the plan and description of the Grant to Moses Graig, of lot No. 16, in the Tobique Indian Reserve.

If you require a certified copy of this Grant, it would have to be obtained from the Provincial Secretary's office, probably the enclosed will answer your purpose.

Yours respectfully,

W P Fle

2 enclosures.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

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Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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111 834/1 A-

Ottawa 15th September 1897-

Sir-

I beg to ask that you will kindly furnish me with a copy in full of the Grant issued to Moses Craig on the 10th June 1868 for Lot 18 Tobique Indian Reserve, County Victoria.

As this document is urgently required, I should be pleased to receive the same at your earliest possible convenience.

Your obedient servant

J. D. McLEAN

Secretary-

Jon Z
WAO

R.W.L.Tibbitts,Esq-

Deputy Provincial Secretary-

Fredericton-

N.B.-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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I,Richard W.L.Tibbits,Deputy Provincial Secretary and Deputy Registrar of the Province of New Brunswick,do hereby certify that I have carefully compared the aforegoing copy with the record of the Grant to Moses Craig,now in my office, and find the same to be a true copy thereof,and I further certify that the Plan hereto attached is a true copy of the Plan attached to the Record of said Grant.

R W L Tibbits

Provincial Secretary's Office
Fredericton, 18th Septr, 1897.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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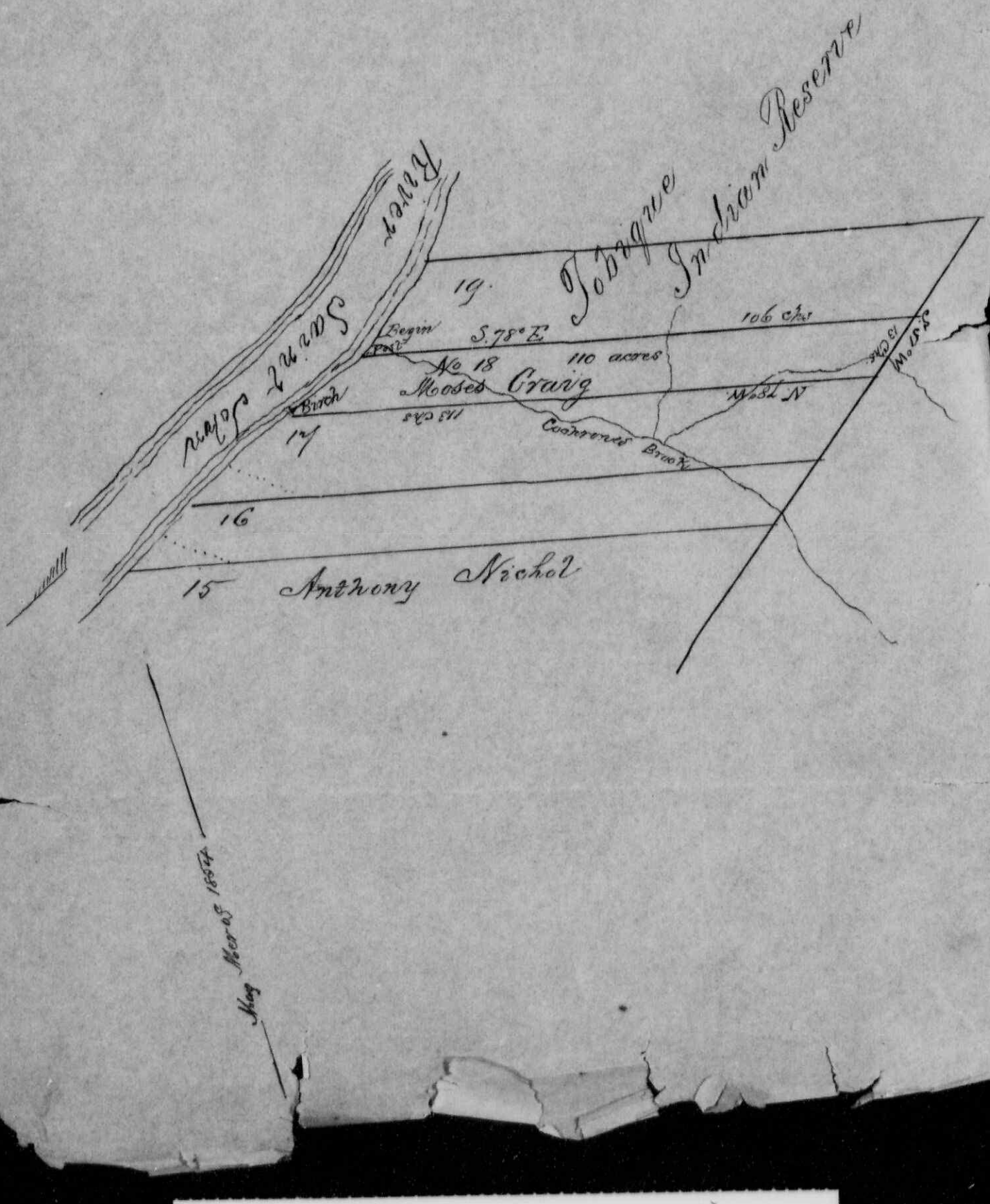
Parish of

Perth

COUNTY OF VICTORIA.

Scale 25 Chains to an Inch.

Richd Sutton SURVEYOR GENE



Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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NEW BRUNSWICK.

VICTORIA, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c.

L.A.Wilmot.

To all to whom these Presents shall Come, Greeting:

KNOW YE, That We, of our special Grace, certain knowledge, and mere motion, have given and granted, and We do, by these Presents, for Us, Our Heirs, and Successors, give and grant unto MOSES CRAIG, his heirs and assigns, a tract of land situate in the Parish of Perth in the County of Victoria in Our Province of New Brunswick, and bounded as follows to-wit: Beginning at a post standing on the South Eastern bank or shore of the River Saint John at the Western angle of lot number nineteen in the Tobique Indian Reserve; thence ~~following~~ running by the magnet of the year one thousand eight hundred and fifty-four South Seventy-eight degrees East one hundred and six chains; thence South fifty-one degrees West thirteen chains; thence North seventy-eight degrees West one hundred and thirteen chains to beech tree standing on the South Eastern bank or shore of the above mentioned River and thence following the various courses thereof up stream in a Northeasterly direction to the place of beginning, Containing One hundred and ten acres, more or less, and distinguished as Lot number Eighteen in the Tobique Indian Reserve; and also particularly described and marked on the Plot or Plan of Survey hereunto annexed; together with all profits, commodities, hereditaments, and appurtenances whatsoever thereunto belonging or in anywise appertaining; except and reserved, nevertheles[s] out of this present Grant, to Us, Our Heirs, and Successors [c]oals, and [a]lso all Gold and Silver, and o[t]her Mines and [M]inerals: TO [H]AVE AND TO HOLD the

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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ted) unto the said Moses Craig,his heirs and assigns FOREVER. PROVIDED always,and this present Grant is upon condition,that the same Grant be registered in the Secretary's Office of Our said Province of New Brunswick,to which Registry shall be attached a duplicate of the Plan hereunto annexed.

GIVEN under the Great Seal of Our Province of New Brunswick. WITNESS ,Our trusty and well beloved Honorable Lemuel Allan Wilmot,D.C.L. Our Lieutenant Governor of Our said Province,the twenty-fourth day of July in the year of Our Lord one thousand eight hundred and sixty-eight and in the Thirty-Second Year of Our Reign.

BY HIS EXCELLENCY'S COMMAND.

John A.Beckwith

No.12,300.
Registered the 25th day of
July 1868.
John A.Beckwith
Regr.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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16167

PROVINCE OF NEW BRUNSWICK.

PROVINCIAL SECRETARY'S OFFICE.

R.W.L. TIBBITS
DEP. PROV. SEC'Y
AND QUEEN'S PRINTER.

Fredericton, N. B., 18th Septr 1897

J. D. McLean Esq
Secy Dept of Indian Affairs
Ottawa

ACCOUNTANTS
SEP 23 1897
BRANCH

Dear Sir,

I beg to acknowledge receipt of your Letter No. 111 834/1A, of 15th Inst, asking for a copy of Grant Lot 18 to Moses Craig Tobique Indian Reserve.

I herewith enclose same with Plan attached duly certified to, fees for which are five dollars which please remit.

Your obedient Servant
R.W.L. Tibbits
Deputy Provl Secy

at 68

68
903
5.00

Ck sent
28 Sept '97

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Statement "K"

Indian Reserves in the Province of Ontario, other than within the Limits of Treaty No. 3, not confirmed by the Ontario Government.

No	Name	Where Situated	Tribe or Band	Area	Remarks. —
15	Temogaming	At Lake Temogaming	A Band of Ojibewas of Lake Huron who had not been provided with a Reserve under the provisions of the Robinson Huron Treaty	64000	The Indians residing at Lake Temogaming were not represented at the Robinson Treaty of 1850 and derived no benefit therefrom + their hunting grounds being within the limits of the Robinson Treaty, it was considered by the Department that they were entitled to have a Reserve located for them. A projected survey was made in 1855 of a Reserve comprising 100 square miles at Lake Temogaming which Reserve has not been confirmed by the Prov. Govt.
45	Nichipicoten	On the Nichipicoten River about one mile from its mouth	Ojibewas of Lake Superior	175	Not set aside under the Robinson Treaty. Surveyed in 1856 for the Indians residing on the land. Reserve not confirmed as such by the Ontario Government.
50	Pic River	On the Pic River near its mouth	Ojibewas of Lake Superior	800	The Indians in this locality were not represented at the Robinson Treaty in 1850 but had always been living on these lands and claimed them as their own. A Reserve was surveyed for them in 1855, not confirmed by the Ontario Government.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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KODAK SAFETY FILM

No	Name	Where Situated	Tribe or Band	Area	Remarks
51	Pays Plat	At Pays Plat. North-shore of L. Superior	Ojibewas of Lake Superior	605	The Indians in this locality were not represented at the Robinson Treaty in 1850 but had always occupied their lands and claimed them as their own. A Reserve was surveyed for them in 1855: not confirmed by Ontario Government. —
53	Red Rock	On Nipigon River	Ojibewas of Lake Superior	465	These Indians, who were in occupation of land had no Reserve set aside for them under the Robinson Treaty. This Reserve was surveyed for them in 1855 but has not been confirmed as such by the Ontario Government.
54	Mc Intyre Bay	On the South Shore of Lake Nipigon	Ojibewas of Lake Superior	585	No Reserve set aside for these Indians under Robinson Treaty. Reserve surveyed in 1855 - not confirmed by the Provincial Government.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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No	Name	Where situated	Tribe or Band	Area	Remarks
55	Gull River	At the mouth of Gull River on the West Shore of Lake Nipigon	Ojibewas of Lake Superior	9525	Set apart under the provisions of the Robinson-Superior Treaty. Reserve Surveyed in 1884 but not confirmed as such by the Ontario Government.
56	Island Point	On the West Shore of Lake Nipigon	"	135½	Not set aside under the Robinson Treaty. Surveyed in 1885 for the Indians of Lake Nipigon. Not confirmed as Reserves by the Ontario Government.
57	Jackfish Island	A small Island near the West Shore of Lake Nipigon -	"	Unsurveyed	

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No	Name	Where Situated	Tribe or Band	Area	Remarks —
55	Long Lake	At the North end of Long Lake	Ojibewas of Lake Superior	612	These Indians were unrepresented at Robinson Treaty, but had always occupied this land as their own and a Reserve was surveyed for them in 1856 - not confirmed by the Provincial government.

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Statement "J"

Indian Reserves in the Province of Ontario

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Statement

Indian Reserves in Ontario.

No.	Name	Where situated	Tribe or Band	Area	
1	Maganetawan	On the River Maganetawan	Ojibewas of Lake Huron	5670	Reserved under the provisions of the Robinson Huron Treaty, 9th Sept. 1850.- Subsequently surveyed and confirmed by O.C. 31st Jan. 1863.
2.	Henvey Inlet	At Henvey Inlet on Georgian Bay	" " "	24930	Robinson Huron Treaty. (See note to No 1)
3	Point Grondine	At Point Grondine, North shore of Lake Huron.-	" " "	10100	Robinson Huron Treaty. (see note to No 1)
4	White Fish River	At the mouth of White Fish River, North Shore of Lake Huron.	" " "	10600	Robinson Huron Treaty. (see note to No 1)
5	Spanish River	At the mouth of Spanish River, North shore of Lake Huron	" " "	28800	Robinson Huron Treaty (see note to No. 1)
6	White Fish Lake	At White Fish Lake, about 16 miles North of Collins Inlet North shore of Lake Huron.	" " "	43755	Set apart under the provisions of the Robinson-Huron Treaty. The Reserve was not surveyed until 1854. The boundaries as then surveyed were amended and established by judgment of the Court of 21st January, 1889. (Attorney General of Ontario versus Francis et al).-

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Indian Reserves in Ontario

No	Name	Where situated	Tribe or Band	Area	
7	Serpent River	The peninsula East of the mouth of Serpent River, North shore of Lake Huron	Ojibewers of Lake Huron	27450	Robinson Huron Treaty (See note to No 1)
8	Mississaga River	At the mouth of Mississaga River, North shore of Lake Huron.	" "	9120	Robinson Huron Treaty (See note to No 1)
9	Dokis	On French River	" "	30800	Robinson Huron Treaty (See note to No 1)
10	Nipissing	On the North shore of Lake Nipissing	" "	50640	Robinson Huron Treaty (See note to No 1)
11	Wahnapitae	At Lake Wahnapitae	" "	2560	Robinson Huron Treaty (See note to No 1)
12	Thessalon	At the South East corner of the Township of Thessalon North Shore of Lake Huron.	" "	2304	Robinson Huron Treaty. The Reserve originally consisted of the entire Township, all of which, except the present reserve, has been surrendered for sale for the benefit of the Indians.- (See note to No 1)
13	French River	At Ogawaning on French River.-	" "	4560	Robinson Huron Treaty (See note to No. 1-)

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Indian Reserves in Ontario

No	Name	Where Situated	Tribe or Band	Area	
14	Garden River	At Garden River, near Sault Ste Marie	Ojibewas of Lake Huron	24126	Robinson Huron Treaty. The Reserve originally consisted of a tract containing about 130 000 acres, all of which except the present Reserve has been surrendered for sale for the benefit of the Indians. (See note to No 1)
15	Goulais Bay	At Batchewana Bay Eastend of Lake Superior Includes a small Island situated at Sault Ste Marie	" "	1595	The whole of the orginal Reserve, excepting the Island at Sault Ste Marie which contained about 15440 acres, was set apart under the Robinson Huron Treaty subsequently surveyed and finally confirmed by O.C. 31st January 1853. It was surrendered for sale for the benefit of the Indians in 1859. The present Reserve at Goulais Bay is a portion of the orginal ~~is a portion of the orginal~~ Reserve set apart by Orders in Council in 1879 and 1885. The Island at Sault Ste Marie has never been surrendered.
16	Parry Island	In Georgian Bay near its Eastern shore	" "	1900	Under the provisions of the Robinson Huron Treaty, the Reserve was located on the Mainland. The Island was surveyed in lieu of that Location and the survey approved by the Commissioner of Crown Lands 22nd November 1853.
17	Shawanaga	In the Township of Shawanaga, Parry Sound District	" "	5475	Robinson Huron Treaty - (See note to No 1)

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Indian Reserves in Ontario

No	Name	Where Situated	Tribe or Band	Area	
17A.	Naiscoutaing	In the Townships of Wallbridge and Harrison Parry Sound District.	Ojibewas of Lake Huron	2650	Robinson Huron Treaty (See Note to No 1).
18	Temagaming	N. Lake Temagaming	A Band of Ojibewas of Lake Huron who had not been provided with a Reserve under the provisions of the Robinson Huron Treaty		Surveyed in 1858 but this Reserve has not been confirmed by the Provincial Government of Ontario.
19	Cockburn Island.	On Cockburn Island, Lake Huron	Ottawas & Chippewas of Lake Huron	864	The Manitoulin Islands and Islands on the North Shore of Lake Huron were set apart, 9th Aug. 1836 by Sir Edmund Head as a Reserve for the Ottawas and Chippewas and any other Indians who should be allowed to settle thereon.
20	Sheshegwaning	Manitoulin Isld.	"	5000	
21	Obidgewong	"	"	400	
22	West Bay	"	"	5399	
23	Sucker Creek	"	"	1665	
24	Shequiandah	"	"	5106	
25	Sucker Lake	"	"	599	
26	Manitoulin Isld. Exceeded portion	The Eastern Peninsula of Manitoulin Island.		105 300	The Manitoulin and adjacent Islands were surrendered for sale for the benefit of the Indians 6th October 1862 and under the provisions of this Surrender the present Reserves, numbered 19 to 26 inclusive, were set apart.

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Indian Reserves in Ontario

No	Name	Where situated	Tribe or Band	Area	
27	Cape Crotker	Saugeen Peninsula	Ottawas & Chippewas of Lake Huron.	15556	The Saugeen Peninsula was set apart as an Indian Reserve 9th Aug. 1836 by Sir Edmund Head and surrendered for sale for the benefit of the Indians 13th October 1854. Reserves 27. 28 & 29 were set apart under the provisions of the said surrender of 13th Oct. 1854.
28	Chief's Point	"	"	1250	
29	Saugeen Reserve	At the South West corner of the Saugeen Peninsula	"	9020	
30	Christian Islands (viz. Christian, Hope & Beckwith)	In Lake Huron	Chippewas of Lakes Couchiching Simcoe & Huron	13300	These Islands were reserved in the Surrender made by these Indians 5th June 1856 of the Islands situated in Lake Huron which they claimed. The Islands in Lake Huron claimed by these Indians were ceded in error in 1850 by the Ottawas and Chippewas of Lake Huron.
31	Gibson	The Eastern portion of the Tp. of Gibson County of Muskoka		25552	Purchased from the Provincial Government in 1881 for such Members of the Oka Band of Indians as might desire to settle there.
32	Rama	In the Tp. of Rama, County of Ontario	Chippewas of Lakes Couchiching, Simcoe and Huron.	2000	Purchased from private parties at different dates between 1843 and 1848.
33	Georgina Island	Georgina & Snake Islands in Lake Simcoe and other Islands in L. Couchiching	"	3497	These Islands have remained in the possession of the Indians and have never been ceded by them by Treaty or purchase.

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Indian Reserves in Ontario

No	Name	Tribe or Band	Where Situated	Area	
34	Sengog	On the Island in Lake Sengog	Mississaguas of Sengog	800	Purchased by these Indians with the proceeds of their own annuities 3rd Nov. 1843. —
35	Mud Lake	On Mud Lake in the Tp. of Smith, County of Peterborough	Mississaguas of Mud Lake	2043	Granted in 1837 to the New England Company.
36	Rice Lake	On the North shore of Rice Lake in the County of Peterborough	Mississaguas of Rice Lake	1860	1120 acres of this Reserve was granted in 1834 to trustees for the benefit of Indian Tribes in the Province. The remainder of this Reserve was purchased by the Indians with their own funds. —
36a	Islands in the Trent Waters	In the Counties of Peterborough & Victoria	Mississaguas of Rice, Mud & Sengog Lakes		Claimed by these Indians not to have been included in treaty of 1818 and claim subsequently admitted by the Crown Lands Department. —
37	Alnwick	In the Tp. of Alnwick — County of Northumberland.	Mississaguas of Alnwick	3400	Purchased from private owners at different dates between 1836 & 1870 —
38	Tyendinaga	On the Bay of Quinte. The Southern part of the Tp. of Tyendinaga	Mohawks of the Bay of Quinte	1600	The Reserve consisted originally of 9270 acres granted under Letters Patent from the Crown in 1793 all of which except the present Reserve has been surrendered and sold and the proceeds applied for the benefit of the Indians

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Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Indian Reserves in Ontario

No	Name	Where Situated	Tribe or Band	Area	
39	Golden Lake	At the Southerly end of Golden Lake in the County of Peterborough.	Algonquins of Golden Lake	1560	Purchased by the Dominion Government from the Provincial Government of Ontario in 1870 as a Reserve for these Indians.
40	Tuscarora	The Tp. of Tuscarora and parts of the Tps. of Onieda and Onondaga	The Six Nations Consisting of the Mohawks, Oneidas Onondagas, Tuscaroras, Cayugas Senecas & Delawares	49696	A tract six miles wide on each side of the Grand River was granted to the Six Nations in 1784 by Sir F. Haldimand containing about 694910 acres. This grant was confirmed to them by Letters Patent in 1793 by Gov. Simcoe. All of the tract except the present reserve has been surrendered in portions from time to time and sold for the benefit of the Indians. In 1847 the Six Nations invited the Mississaguas of the Credit to settle on their Reserve and offered them a free grant of 6000 acres for the purpose. A number accepted who now reside in the South-West corner of the Reserve.
41	Oneida	In the Tp. of Delaware, County of Middlesex	Oneidas of the Thames	4620	Purchased for these Indians by the Government in 1840 with their own money which they brought with them from the United States.

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Indian Reserves in Ontario

No	Name	where situated	Tribe or Band	Area	
42	Caradoc	In the Tp. of Caradoc County of Middlesex	Chippewas of the Thames and Munceys	1080	Reserved by the Chippewas in the cession made by them of the "Longwood Tract" in 1819. A small portion of the reservation was surrendered in 1834 and sold for the benefit of the Indians.
43	Stony Point	In the Tp. of Bosanquet County of Lambton in the Tp. of Sarnia County of Lambton	Chippewas of Chenail Ecarte and St. Clair	255-5	Reserved by these Indians in the cession of a large tract in the London and Western District made by them in 1824.
44	Kettle Point			2224	
45	Sarnia			4943	
46	Walpole Island	At the head of Lake St. Clair	Chippewas & Pottowotomies of Walpole Island		The Chippewas settled on the Island in 1831 by order of the Government. The Island appears to have been then set apart by the Government as a Crown Reserve to be used for the purpose of settling Indians thereon. The Pottowotomies came from the United States in 1841 and on petition were permitted by the Government to settle on the Island.
47	Orford	In the Tp. of Orford County of Kent	Moraviens of the Thames	3010	The Reserve originally consisted of 51160 acres situated in the Townships of Zone and Orford and was set apart by Order in Council in 1798. All the reservation except the present reserve has been surrendered and sold for the benefit of the Indians.

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Indian Reserves in Ontario

No	Name	Where Situated	Tribe or Band	Area	
48	Michipicoten	On the Michipicoten River about one mile from its mouth.	Ojibewas of Lake Superior	175	Surveyed in 1855 for the Indians who resided on the land. This Reserve has not been confirmed by the Provincial Government.
49	Gros Cap	On the North shore of Lake Superior about a mile West of Michipicoten River.	Ojibewas of Lake Superior	10150	Set apart in accordance with the provisions of the Robinson-Superior Treaty. See note to No 1-
50	Pic River	On the Pic River near its mouth	Ojibewas of Lake Superior	500	Surveyed in 1855 for the Indians who resided on the land. These Reserves have not been confirmed by the Provincial Government.
51	Pays Plat	At Pays Plat North Shore of Lake Superior	"	605	
52	Fort William	Near the West end of Lake Superior.	Ojibewas of Lake Superior	21260	Set apart under the provisions of the Robinson Superior Treaty - See Note to No 1.
53	Red Rock	On Nipigon River	Ojibewas of Lake Superior	468	Surveyed in 1856 for the Indians who resided on the land. Not confirmed by the Provincial Government.
54	Mc Intyre Bay	On the South Shore of Lake Nipigon	Ojibewas of Lake Superior	555	Surveyed in 1855 for the Indians of Lake Nipigon. Not confirmed by the Provincial Government.

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Indian Reserves in Ontario

No	Name	Where situated	Tribe or Band	Area	
55	Gull River	At the mouth of Gull River on the West Shore of Lake Nipigon.	Ojibewas of Lake Superior	9525	Set apart under the provisions of the Robinson Superior Treaty. Surveyed in 1854. Not confirmed by the Provincial Government.
56	Island Point	On the West Shore of Lake Nipigon	"	135½	Surveyed in 1855 for the Indians of Lake Nipigon. These Reserves have not been confirmed by the Provincial Government.
57	Jackfish Island	A small Island near the West Shore of Lake Nipigon	"	[illegible]	
58	Long Lake	At the North end of Long Lake.	"	61[illegible]	Surveyed in 1856 for the Indians residing on the Land. Not confirmed by the Provincial Government.
59	Cornwall Island	In the River St. Lawrence, near the boundary between Ontario & Quebec.	Iroquois of St. Regis.	2050	This and adjacent Islands form part of the Reserve of these Indians held by them from the time French rule began in this Country.

Sd. S. Bray
Surveyor. Dept. of Ind. Affairs

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Statement A.

Schedule of Indian
Reserves in
Treaty No 3.

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SCHEDULE OF INDIAN RESERVES IN TREATY NO.3 SHEWING THE AREAS OF THOSE RESERVES AND PARTS OF RESERVES THAT LIE WITHIN THE BOUNDARIES OF THE PROVINCE OF ONTARIO,AS SURVEYED.

Number and name	Locality	Area within Ontario-
10	On Rainy River,in Tp 6 S,Ranges 29 & 30 E.	1,920.13
11 Manitou Rapids	On Rainy River,in Tps 4 & 5 S, Range 27 E	5,736.50
12	At the Long Sault Rapids,Rainy River, in Tps 4 & 5 S,Ranges 25 & 26 E .	5,046.75
13	" " " " " " "	6,366.73
14	At Hungry Hall,at Mouth of Rainy River	3,982.66
15	" " " " " " "	2,300.94
	Wild Lands Reserve	20,671.27
16A	West end of Rainy Lake	160.00
16D	" " " " " "	11,200.00
Agency Reserve	West end of Rainy Lake,adjacent to No 18	170.00
17A	North West Arm of Rainy Lake	3,711.50
17B	" " " " " "	2,439.75
18B	West end of Rainy Lake	4,586.88
18C	" " " " " "	3,861.76
21 English River	South Bank of English River,30 Miles West of Islington	10,244.00
21 Wabaskang	At Lake Wabaskang	8,042.00
	FORWARD.	90,440.87
"	" " " " " " "

Treaty No 9 Continued

		Acres
	Forward	90,440.87
22	At Sand Point, North Shore of Lac de Mille Lacs	3,750.70
22 A1 22 A2	At the confluence of the Seine and Firesteel Rivers	8,476.70
23 or 23 B 2	On the North Bank of River Seine, at Sturgeon Falls	6,285.20
23 A	On the North Bank of River Seine adjacent to 23 E	2,003.20
23 B	At the Mouth of the River Seine, on its North Bank, survey not completed	
24 C	At the Mouth of the Kawiagamot River on Kaninipiminanikok Lake	5,948.30
25 D	On the North Shore of Nequaquon Lake	15,355.30
26 A	On the North Eastern Arm of Rainy Lake into which the Island River enters	4,850.00
26 B) 26 C)	" " " " " ") " " " " " "	2,640.00 2,737.00
27 Wabigoon Lake	In two portions, at Wabigoon Lake . .	12,872.00
27 Eagle Lake	At Eagle Lake	8,882.00
28 Lac Seul	South shore of Lac Seul, or Lonely Lake	49,000.00
29 Islington, Winnipeg River	On both sides of the White Dog River, at its confluence with Winnipeg Riv	20,954.00
29 Swan Lake	On the Swan Lake, South East from Islington	3,277.00
29 One Man's Lake & English River	North Bank of English River, North from Islington. In Keewatin . . .	
Agency Reserve	At Sabaskasing, Lake of the Woods Camping Grounds	640.00
31 A	2 Sq. Miles, being half of a block of 4 Square Miles, at Naongashing, Lake of the Woods	1,280.00
	Forward	239,392.27

" " " " " " "

Treaty No 3. Continued

		Acres
	Forward	90,440.87
22	At Sand Point, North Shore of Lac de Mille Lacs	3,750.70
22 A1 22 A2	At the confluence of the Seine and Firesteel Rivers	8,476.70
23 or 23 B 2	On the North Bank of River Seine, at Sturgeon Falls	6,285.20
23 A	On the North Bank of River Seine adjacent to 23 E	2,003.20
23 B	At the Mouth of the River Seine, on its North Bank, survey not completed	
24 C	At the Mouth of the Kawiagamot River on Kaninipiminanikok Lake	5,948.30
25 D	On the North Shore of Nequaquon Lake	15,355.30
26 A	On the North Eastern Arm of Rainy Lake into which the Island River enters	4,850.00
26 B)	" " " " " "	2,640.00
26 C)	) " " " " " "	2,737.00
27	In two portions, at Wabigoon Lake . .	12,872.00
Wabigoon Lake 27 Eagle Lake	At Eagle Lake	8,882.00
28 Lac Seul	South shore of Lac Seul, or Lonely Lake	49,000.00
29 Islington, Winnipeg River	On both sides of the White Dog River, at its confluence with Winnipeg Riv	20,954.00
29 Swan Lake	On the Swan Lake, South East from Islington	3,277.00
29 One Man's Lake & English River	North Bank of English River, North from Islington. In Keewatin . . .	
Agency Reserve	At Sabaskasing, Lake of the Woods Camping Grounds	640.00
31 A	2 Sq. Miles, being half of a block of 4 Square Miles, at Naongashing, Lake of the Woods	1,280.00
	Forward	239,392.27
"	"	"

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		Acres-
	Forward	239,392.27
31 B	In Lake of the Woods,N.E.from N.W.Angle	726.00
31 C	An Island in Lake of the Woods, S.E. from the N.W.Angle	800.00
31 D	On Big Island,Lake of the Woods, Survey not completed	
31 E	On the Southerly shore of Big Island,adjoining 31 D	1,920.00
31 F	On Big Island,Survey not completed	
31 G	An Island near 33 B,and shewn on the same Plan,a second part of 31 G is in the same block with 31 H . .	275.00
31 H and part of 31 G	On Big Island,Lake of the Woods . .	1,541.00
31 J	On the Southerly shore of Shoal Lake,adjoins 34B	1,280.00
32 A	Is in two portions,both at White Fish Bay,Lake of the Woods	4,259.50 605.70
32 B	At Yellow Girl Bay,Lake of the Woods	4,454.30
32 C	North shore of Sabascong Bay,Lake of the Woods,adjoins 35 H	1,280.00
33 A	At White Fish Bay,adjoins 34 A . . .	3,091.00
33 B	On North shore of Bay at North West angle,includes four small Islands adjacent to it	3,299.00
34	On the South shore of the Peninsula forming Sabaskasing Bay,Lake of the Woods	641.00
34 A	At White Fish Bay,Lake of the Woods adjoins 33 A	1,529.20
	Forward	265,093.97

" " " "

	Forward.	265,093.97
34 B 1st part	On South Shore of Shoal Lake, adjoins 31 J	640.00
34 B Second part	At Shoal Lake,adjoins No 40	426.00
34 C	One portion is on the South Shore of North West Angle River,and is in Manitoba,the other portion is included in one block with 37 B,on the North side of the same River The portion in Ontario	1,261.80
35 A	Two Sq.Miles,being the half of a block of 4 Sq.Miles at Naongashing	1,280.00
35 B	At Obabikong,East shore of Lake of the Woods	1,760.00
35 C	North Shore of Sabaskong Bay,Lake of the Woods	1,920.00
35 D	Shown on the Map to lie to the East of 35 C	1,280.00
35 E 1 1st part	Extends from 35 G to the mouth of Little Grassy River,Lake of the Woods,-- a portion only surveyed	640.00
35 E 2 2nd part	At a point South West from 35 E. Not surveyed.	
35 F	On the South Shore of Sabaskong Bay, near its head	1,280.00
35 G	At the mouth of Big Grassy River, Lake of the Woods	8,960.00
35 H (& 32 C)	North shore of Sabaskong Bay,adjoins 32 C	640.00
35 J	Two Islands in Lake of the Woods, near 35 B. (Shewn on the Maps,no separate Plan).Survey not completed	
36	At Buffalo Point,Lake of the Woods in Manitoba	
	Forward	285,181.77

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		Acres-
	Forward	285,181.77
37 Big Island	The N.W.Point of Big Island,lake of the Woods	1,946.00
37 Rainy River	Right Bank of Rainy River,consists of a portion cut out of the Wild Lands Reserve,near Hungry Hall . .	3,687.00
37 A	On West shore of Shoal Lake,1694 acres in Manitoba,remainder in Ontario	226.00
37 B	A small island to the South east of Oak Island,in the Lake of the Woods	262.00
	A portion of a block of land included with 34 C,situated on the North shore of North West Angle River .	697.20
37 C	South Shore ofNorth West Angle River adjoins the international boundary. In Manitoba	
38 A)	In the vicinity of Rat Portage . . .	8,000.00
38 B)	. . .	5,289.90
38 C)	. . .	8,000.00
38 D	Three small Islands in Clear Water Bay,Lake of the Woods. Survey not completed.	
39	North West shore of Shoal Lake,540 acres in Manitoba,remainder in Ontario	7,845.00
39	West shore of Shoal Lake,~~50~~ acres in Manitoba,remainder in Ontario	851.00
40	North West shore of Shoal Lake,5740 acres in Manitoba,remainder in Ontario	1,019.00
39 & 40	Islands in Shoal Lake,in which the Indians have gardens. Not surveyed	
	Total	323,004.87

" " " "

SCHEDULE OF INDIAN RESERVES IN TREATY NO. 3 OF WHICH THE SURVEYS ARE NOT COMPLETED.

ALL THE UNSURVEYED INDIAN LANDS IN TREATY NO. 3 LIE WITHIN THE BOUNDARIES OF ONTARIO.

THE AREAS ARE ONLY APPROXIMATE.

Locality	Area Acres-
Rainy River Bands, Nos 10, 11, 12, 13, 14 & 15. In lieu of the portion cut out of their wild lands reserve for Chief Powawassan . . .	3,687.00
Band No 18. Chief Mamaceus. To make up deficiency in Reserve	1,400.00
Band No 21. Chief Sakatchway. The Reserve proposed to be laid out at Sandy Lake . . .	7,314.00
Band No 23. Chief Paipawashas, formerly Pabamachas. Reserves 23 A and 23 B are deficient 2 square miles	1,280.00
Band No 27 Chief Powawassan, ~~formerly~~ In lieu of Oak Island situated in United States. . .	1,425.00
Band No 31 Chief Maminwabenashking, 31 D	2,371.00
31 F Not surveyed	1,174.00
Band No 35. Chief Netamaquam. Portion near Big Grassy River for one of this Chief's Councillors	2,240.00
35 J Survey not completed	3,513.60
Band No 38 . Chief Pagonakieshick. Islands in Clear Water Bay	90.00
Bands Nos 39 & 40. Chief Sheshegonce and Shawinabinais. Islands in Shoal Lake. Area not known, assume 100 acres to each Band.	200.00
Total	24,694.60

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SCHEDULE OF INDIAN RESERVES AS SURVEYED IN TREATY NO.3 LYING WITHOUT OR ONLY PARTLY WITHIN THE BOUNDARIES OF ONTARIO,AND SHEWING THE AREAS OF THE SAID RESERVES AND OF THOSE PORTIONS OF THE SAID RESERVES THAT LIE OUTSIDE THE SAID BOUNDARIES OF ONTARIO.

Number and name	Locality	Area Acres-
29, One Man's Lake	On English River, North from Islington, in Keewatin	668.00
34 C	South Shore of North West Angle River. In Manitoba	750.00
36	At Buffalo Point, Lake of the Woods. In Manitoba	5,763.00
37 A	On the West Shore of Shoal Lake A small portion (226 ac) in Ontario; the rest in Manitoba . .	1,694.00
37 C.	South Shore of North West Angle River, adjoins the International boundary. in Manitoba	690.00
39	West shore of Shoal Lake. A portion (851 ac) in Ontario, the remainder in Manitoba	180.00
39 & 40	North West shore of Shoal Lake Portions (7845 and 1019 acres respectively) in Ontario, remainder in Manitoba	) 570.00) 5,740.00
	Total	16,055.00

Department of Indian Affairs,
Technical Branch-
19th June 1891-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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"I"

No. B.

STATEMENT SHEWING LANDS IN ONTARIO SURRENDERED BY THE INDIANS BEFORE CONFEDERATION WITHOUT THE CONDITION THAT THE SAME WERE TO BE SOLD FOR THEIR BENEFIT.

No	Date	Tribe or Nation	Description
2	May 19th 1790	Ottawas, Chippewas, Pottowotomies & Hurons of Detroit	A tract of land at the mouth of Catfish Creek or River au Chaudiere on the North side of Lake Erie reserving two tracts of land.
3	Dec 7th 1792	Mississaguas	A tract of land lying between Lake Ontario and Lake Erie. Area not given
5	May 22nd 1798	Chippewas	Land, water and Islands at Penetanguishene, Nottawasaga and Sturgeon Bays &c -
6	Sept 7th 1796	Chippewas	A tract of land on the North side of the River Thames about nineteen Miles above the Delaware Village, containing 32,000 acres.
7	Sept 7th 1796	Chippewas	Tract of land on and near to the River Chenail Ecarte and River St. Clair containing 800 acres.
8	Aug. 21st 1797	Mississaguas	A tract of land at the head of Lake Ontario, beginning at the head of Burlington Bay, containing 3,450 acres.

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No	Date	Tribe or Nation	Description
11	June 30th 1798	Chippewas	Island of St.Joseph twelve Miles in circumference.
12	Sept 11th 1800	Ottawas,Chippewas,Pottowotomies & Wyandots	The Huron Church Reserve on the Detroit River,containing 1078 acres
13	Aug. 1st 1805	Mississaguas of the Credit.	The Toronto purchase extending on Lake Ontario from the East Bank of the River Etobicoke Eastward.Containing 250,880 acres..
14	Sept 6th 1806	Mississaguas of the Credit	Tract of land on Lake Ontario extending West of Toronto purchase,with certain reservations,85,000 acres.
16	Nov.17 & 18 1815	Chippewas	A tract of land lying between Kempenfelt Bay on Lake Simcoe and Lake Huron,containing 250,000 acres.
17	Aug. 5th 1816	Mississaguas of Alnwick	A tract of land in the Township of Thurlow on the Bay of Quinte,containing 428 acres.
18	Oct 17th 1818	Chippewas	A tract bounded by the District of London on the West Lake Huron on the North 1815 purchase on the East and Kempenfelt Bay,Lake Simcoe on the South,containing by computation 1,592,000 acres.

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No	Date	Tribe or Nation	Description
19	Oct. 28th 1818	Mississaguas of the Credit	The Mississagua Tract in the Home District, bounded on the South by the purchase made in 1806, on the East by the Townships of Etobicoke, Vaughan and King, on the South West by the Indian Purchase, containing by computation 648,000 acres.
20	Nov. 5th 1818	Chippewas	A tract of land in the Home District, containing about 1,951,000 acres.
21	Mar. 9th 1819	Chippewas	
23	Feb. 28th 1820	Mississaguas of the Credit	Block Letter "E" situate on the River Credit, containing 2000 acres.
24	July 20th 1820	Mohawks or Six Nations Indians	A tract of land situate on the Bay of Quinte containing 33,280 acres.
25	July 8th 1822	Chippewas	the Longwood Tract situate on the North side of the River Thames in the London and Western Districts, containing 580,000 acres.
27	Nov. 28th 1822	Mississaguas of Kingston and Bay of Quinte	A tract of land bordering on the Ottawa River and extending Westward to the Township of Rawdon in the Midland and Johnston Districts, containing 2,748,000 acres.

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No	Date	Tribe or Nation	Description
29	July 10 1827	Chippewas of Cheaail Ecarte and St.Clair	A tract of land situate on Lake Huron in the London and Western Districts, containing 2,200,000 acres with certain reservations.
30	April 19th 1830	Six Nations	A tract of land in the County of Wentworth, containing by estimation 807 acres.
31	April 19 1831	Six Nations	A tract of land in the County of Haldimand containing by estimation 20,670.8 acres.
47	Oct.25th 1836	Moravians of the Thames	A tract of land situate on the North side of the River Thames.
60	Sept.7th 1850	Ojibewas of Lake Superior	The territory situate on the North side of Lake Superior certain reservations.
61	Sept 9th 1850	Ojibewas of Lake Huron	The territory situate on the North side of Lake Huron, with certain reservations.
116	May 15th 1786	Chippewas and Ottawas of Detroit	A tract of land on the Sputh side of Detroit River, also Bois Blanc Island.

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No.

STATEMENT SHEWING LANDS IN ONTARIO SURRENDERED BY THE INDIANS SINCE CONFEDERATION WITHOUT THE CONDITION THAT THE SAME WERE TO BE SOLD FOR THEIR BENEFIT.

No	Date	Tribe or Nation	Description
151	Oct. 3rd 1873	Slteaux Tribe of the Ojibeway Indians (Treaty No 3)	A tract of land commencing at a point on Pigeon River extdnding to the Lake of the Woods ~~comprising~~ bounding what was formerly known as the "disputed territory" containing an area of 55,000 Square Miles.

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

Statement of Case of the Dominion

On behalf of the Chippewa Indians of Lake Huron and Simcoe, and the Mississagua Indians of Mud Lake, Rice Lake, Alnwick and Sengog

VS.

THE PROVINCE OF ONTARIO.

AND THE PROVINCE OF CANADA.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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IN THE MATTER OF THE ARBITRATION

BETWEEN

The Dominion, the Province of Canada, and the Provinces of Ontario and Quebec.

Statement of Case of the Dominion

On behalf of the Chippewa Indians of Lake Huron and Simcoe, and the Mississagua Indians of Mud Lake, Rice Lake, Alnwick and Sengog

vs.

THE PROVINCE OF ONTARIO.

AND THE PROVINCE OF CANADA.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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IN THE MATTER OF THE ARBITRATION

FOR THE SETTLEMENT OF ALL QUESTIONS RELATING OR INCIDENT TO THE ACCOUNTS, AND FOR THE SETTLEMENT OF MATTERS OF ACCOUNT BETWEEN THE DOMINION OF CANADA AND THE PROVINCES OF ONTARIO AND QUEBEC, AND BETWEEN THE SAID TWO PROVINCES, PURSUANT TO 54 AND 55 VICTORIA, CHAPTER 6, CANADA ; 54 VICTORIA, CHAPTER 2, ONTARIO : AND 54 VICTORIA, CHAPTER 4, QUEBEC.

Filed the 6th day of May, 1895.

CLAIM of the Dominion on behalf of the Chippewa Indians of Lake Huron and Lake Simcoe, and the Mississagua Bands of Mud Lake, Rice Lake, Alnwick and Scugog, against Province of Canada and the Province of Ontario, for compensation for certain unsurrendered tracts of land in the said Province.

1.

The above-named Indians have for many years claimed and do now claim that a certain large tract of land, which is hereinafter set out and referred to, formed the huuting-grounds and abode of their ancestors; and that the title of the said Indians to these lands has never been surrendered to the Crown.

2.

The lands, with respect to which the Indians allege that their title has not been extinguished by treaty or surrender to the Crown, comprise all that tract of land in the Province of Ontario containing approximately ten

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thousand seven hundred and nineteen square miles, bounded on the north by the Ottawa River, on the east by the surrender of the 8th November, 1822, on the south by the said surrender, by the surrender of 5th November, 1818, and 18th November, 1815, and by Lakes Simcoe and Conchiching, and on the west by the Georgian Bay and the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, and which lands may be more particularly described as follows:—COMMENCING on the Georgian Bay at the northeastern angle of the surrender of the 18th November, 1815; thence southerly and easterly following the boundaries of the said surrender to the westerly shore of Lake Simcoe; thence northerly following the said westerly shore of Lake Simcoe and the westerly shore of Lake Conchiching to the foot of the said Lake Conchiching; thence northerly and easterly along the boundaries of the surrender of the 5th November, 1818 to the northeastern angle of the said surrender; thence easterly and northerly along the boundaries of the surrender of the 8th November, 1822, to the Ottawa River; thence up the said Ottawa River to the point where it crosses the 47th parallel of latitude; thence southerly and easterly along the boundaries of the lands of the Ojibewas of Lake Huron, ceded by them on the 9th September, 1850, to Moose Deer Point on the Georgian Bay; thence southerly following the easterly shore of the Georgian Bay to the point of COMMENCEMENT, excepting thereout and therefrom certain Island at the foot of Lake Conchiching and in the head waters of the Severn River, that are claimed by the Indians as their property.

3.

Prior to Confederation the said lands were dealt with by the Province of Canada and portions thereof were sold and disposed of as crown lands, but no portion of the proceeds of the said sales was paid to the Indians or any compensation made to them by the said Province of Canada.

4.

The Indians above named assert that although the said land now forms part of the Province of Ontario and has been surveyed and used by that Province, and has been laid out into townships, and portions of it have from time to time been sold and conveyed, and the full benefit and advantage of the said land has been enjoyed by the said Province of Ontario, in the same manner as if the title of the said Indians had been surrended and extenguished; yet the said tribes, and bands of Indians have never been in any way compensated for or in respect to their title and interest in the said lands.

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5.

The claim of the Indians for compensation has, on many occasions, been brought by the Dominion to the notice of Ontario, and although that Province has acknowledged that no surrender or extinguishment of the Indian title to the said lands has ever taken place, yet Ontario has refused and declined to acknowledge the claim of the said Indians to be compensated, the allegation of that Province being that the Dominion and not Ontario must compensate the Indians, for their right title and interest in the said lands.

6.

The Dominion, on behalf of the said Indians, claims that the said lands came into the hands and possession of Ontario under the 109 section of the British North America Act, 1867, subject to the Indian title thereto, which was and is an interest in the lands "other than that of the Province in the same," and that the said title and interest of the Indians are still outstanding and unsurrendered.

7.

The Indians have, on many occasions since the date of the Union, signified their willingness to the Dominion to cede and surrender their claims in and upon the said lands upon receiving proper compensation therefor, and the Dominion has brought the question of this desire on the part of the Indians to the notice of Ontario, and has requested that some fair and equitable settlement of the claims of these Indians, should be made; but up to the present time, no step has been taken by Ontario towards making such settlement.

8.

In the year 1884, the number of Indians forming the several bands interested in the said lands, and who would be entitled to share in any compensation which may be granted was 1227, made up as follows:—

Chippewas of Beausoleil		318
"	Snake Island	137
"	Rama	248
Mississaguas of Mud Lake		158
"	Rice Lake	94
"	Alnwick	231
"	Scugog	41
		1227

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and at the present time the numbers are about the same. The Dominion therefore submits that in view of the valuable character of the said land, being to a large extent situated in, or close to the centres of population, the Indians should receive from and be paid by the Province of Canada and the Province of Ontario a liberal allowance and indemnity, for their interest and title in the said lands, for the respective periods during which the said lands were comprised in either of the said Provinces; and that Ontario should hereafter provide an annuity for the said Indians, or that a lump sum should be provided by Ontario and paid to the Dominion from which the Indians might receive and be paid annuities in the future.

9.

The Dominion, on behalf of the said Indians, submits the said claim to the consideration of the arbitrators, and prays for an award which will answer, and provide for, the just claims and demands of the Indians entitled in the premises.

W. D. HOGG,
Of Counsel for the Dominion.

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.....

By the Hon. Sir William Johnson, Bart., His Majesty's Superintendent of Indian Affairs for the Northern District of North America ; Colonel of the Six United Nations, their allies, and dependants, and of His Majesty's Council for the Province of New York, &c., &c., &c.

A Proclamation.

WHEREAS, I have received His Majesty's Royal Proclamation, given by the Court of St. James, the eleventh day of October last ; together with a letter from the Right Honourable Lords Commissioners for the Trade and Plantations, of the tenth of October last, signifying His Majesty's commands ; that I should cause the same to be forthwith made public in the several parts of my jurisdiction ; and that I should strictly enjoin all persons whatever, whom it might concern, to pay a due obedience thereto on their parts, which Proclamation is in the words following :--

BY THE KING.

A Proclamation.

GEORGE R:--

WHEREAS, we have taken into our Royal consideration the extensive and valuable acquisitions in America, secured to our Crown by the late definitive Treaty of Peace concluded at Paris the tenth day of February last; and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America ; may avail themselves, with all speed, of the great benefits and advantages which must accrue therefrom in their commerce, manufactures, and navigation :--

We

(1)

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We have thought fit, with the advice of our Privy Council, to issue this our Royal Proclamation, hereby to publish and declare to all our loving subjects ; that we have, with the advice of our said Privy Council, granted our Letters Patent under our Great Seal of Great Britain, to erect within the Countries and Islands, ceded and confirmed to us by the said Treaty, four distinct and separate Governments, styled and called by names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz. :--

First. ---The Government of Quebec ; bounded on the Labrador Coast by the River St. John ; and from thence by a line drawn from the head of that River, through the Lake St. John, to the South end of the Lake Nipissing ; from whence, the said line crossing the River St. Lawrence, and the Lake Shamplain in forty-five degrees of north latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the sea : and also along the North Coast of the Bay des Chaleurs, and the coast of the Gulf of St. Lawrence to Cape Rosieres ; and from thence, crossing the Mouth of the River St. Lawrence, by the West end of the Island of Anticosti, terminates at the aforesaid River St. John.

Secondly. --- The Government of East Florida ; bounded to the westward by the Gulf of Mexico, and the Apalichicola River : to the northward by a line drawn from that part of the said River, where the Chatabouchee and Flint Rivers meet, to the source of the St. Mary's River, and by the course of the said river to the

Atlantic

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Atlantic Ocean : and to the eastward and southward, by the Atlantic Ocean and the Gulf of Florida, including all islands within six leagues of the sea coast.

Thirdly. --- The Government of West Florida ; bounded to the southward by the Gulf of Mexico, including all islands within six leagues of the coast, from the River Apalachicola to Lake Ponchartrain ; th the westward by the said Lake, the Lake Mauripas, and the River Mississippi ; to the northward, by a line drawn due east, from that part of the River Mississippi which lies in thirty-one degrees north latitude, to the River Apalachicola, or Chatabouchee ; and to the eastward by the said River.

Fourthly. --- The Government of Grenada ; comprehending the island of that name, together with the Grenadas, and the Islands of Dominica, St. Vincents, and Tobaga. And, to the end that the open and free fishery of our subjects may be extended to and carried on, upon the coast of Labrador, and the adjacent Islands, --

We have thought fit, with the advice of our said Privy Council, to put all that Coast, from the River St. Johns to Hudson's Straits, together with all the Islands of Anticosti and Magdelaine, and other smaller Islands lying upon the said Coast, under the care and inspection of our Governor of Newfoundland.

We have also, with the advice of our Privy Council, thought fit to annex the Islands of St. John and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to the Government of Nova Scotia.

We have also, with the advice of our Privy Council aforesaid, annexed to our Province of Georgia, all the lands lying between the Rivers Altamaha and St. Mary's,

and

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and whereas it will greatly contribute to the speedy settling our said new Governments, that our loving subjects should be informed of our paternal care for the security of the liberties and properties of those who are, and shall become inhabitants thereof :

We have thought fit to publish and declare, by this our Proclamation, that we have, in the Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted, given express power and direction to our Governors of our said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the advice and consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such manner and form as is used and directed by those Colonies and Provinces in America, which are under our immediate Government : and we have also given power to the said Governors, with the consent of our Councils, and the Representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain Laws, Statutes, and Ordinances, for the public peace, welfare, and good government of our said Colonies, and of the people and inhabitants thereof ; as near as may be agreeable to the laws of England, and under such regulations and restrictions as are used in other Colonies : And in the meantime, and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to our said Colonies, may confide in our Royal protection for the enjoyment of the benefit of the laws of our realm of England ; for which purpose we have given power, under our Great Seal to the Governors of our said Colonies respectively, to

erect

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erect and constitute, with the advice of our said Councils respectively, Courts of Judicature and Public Justice, within our said Colonies, for the hearing and determining all causes, as well criminal as civil, according to law and equity, and as near as may be, agreeable to the laws of England, with liberty to all persons who may think themselves aggrieved by the sentences of such Courts, in all civil cases or trials under the usual limitations and restrictions, to us, in our Privy Council. We have also thought fit, with the advice of our Privy Council as aforesaid, to give unto the Governor and Councils of our said three new Colonies upon the Continent, full power and authority to settle and agree with the inhabitants of our said new Colonies, or with any other persons who shall resort thereto, for such lands, tenements, and hereditaments, as are now, or hereafter shall be in our power to dispose of, and them to grant to any such person or persons, upon such terms, and under such moderate quit rents, services, and acknowledgments as have been appointed and settled in our other Colonies, and under such other conditions as shall appear to us to be necessary and expedient for the advantage of the grantees, and the improvements and settlement of our said Colonies.

And whereas, we are desirous, upon all occasions, to testify our Royal sense and approbation of the conduct and bravery of the officers and soldiers of our armies, and to reward the same ; we do hereby command and empower our Governors of our three new Colonies, and all other our Governors of our several Provinces on the Continent of North America, to grant, without fee or reward, to such reduced officers as have served in North

America

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America during the late war, and to such private soldiers as have been, or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following quantities of lands, subject, at the expiration of ten years, to the same quit rents as other lands are subject to in the Province within which they are granted, as also subject to the same conditions of cultivation and improvement, viz. :

To every person having the rank of a Field Officer, five thousand acres. To every Captain, three thousand acres. To every Subaltern or Staff Officer, two thousand acres. To every Non-Commissioned officer, two hundred acres. To every private man, fifty acres.

We do, likewise, authorize and require the Governors and Commanders-in-Chief of all our said Colonies upon the Continent of North America, to grant the like quantities of land, and upon the same conditions, to such reduced officers of our Navy, of the rank, as served on board our ships of war in North America, at the times of the reduction of Louisburgh and Quebec in the late war, and who shall personally apply to our respective Governors for such grants.

And whereas, it is just and reasonable, and essential to our interest, and the security of our Colonies, that the several nations or tribes of Indians with whom we are connected, or who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds.

We do, therefore, with the advice of our Privy Council, declare it to be our Royal will and pleasure that no

Governor

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Governor or Commander-in-Chief in any or our Colonies of Quebec, East Florida, or West Florida, do presume, upon any pretence whatever, to grant warrants, or survey or pass any patents for lands beyond the bounds of their respective Governments, as described in their Commissions ; as also, that no Governor or Commander-in-Chief, in any of our other Colonies or plantations in America, do presume for the present, and until our further pleasure be known, to grant warrants of survey or pass patents for any lands, beyond the heads or sources of any of the Rivers which fall into the Atlantic Ocean from the west and north west, or upon any lands whatever ; which not having been ceded to, or purchased by us, as aforesaid, and reserved to the said Indians, and any of them.

And, we do further declare it to be our Royal will and pleasure, for the present as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories not included within the limits of our said three new Governments, or within the limits of the territory granted to the Hudson's Bay Company ; as also the lands and territories lying to the westward of the sources of the rivers which fall into the sea, from the west and north west, as aforesaid. And we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatever, or taking possession of the lands above reserved, without our special leave and license for that purpose, first obtained.

And we do further strictly enjoin and require all persons whatever, who have either wilfully or inadvertently seated themselves upon any land within the countries above

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above described, or upon any other lands which, not having been ceded to, or purchased by us, are still reserved to the said Indians, as aforesaid, forthwith to remove themselves from such settlements.

And whereas, great frauds and abuses have been committed in the purchasing of lands of the Indians, to the great prejudice of our interest, and to the great dissatisfaction of the said Indians :

In order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent : We do, with the advice of our Privy Council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians, of any lands reserved to the said Indians within those parts of our Colonies where we have thought proper to allow settlements ; but that if, at any time, any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians to be held for that purpose, by the Governor or Commander-in-Chief of our Colonies respectively, within which they shall lie ; and in case they shall be within the limits of any proprietary Government, they shall be purchased only for the use and in the name of such proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose : And we do, by the advice of our Privy Council, declare and enjoin that the trade with the said Indians shall be free and open to all ^ over subjects whatever ; provided that every person who

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who may incline to trade with the said Indians, do take out a license for carrying on such trade from the Governor or Commander-in-Chief of any or our Colonies respectively, where such person shall reside ; and also give security to observe such regulations as we shall at any time think fit, by ourselves, or by our Commissioners to be appointed for this purpose, to direct and appoint for the benefit of the said trade : And we do hereby authorize, enjoin, and require, the Governors, Commanders-in-Chief, of all our Colonies respectively, as well as those under our immediate government, as those under the Government and direction of ~~xxxx~~ proprietaries, to grant such license, without fee or reward ; taking especial care to insert therein a condition, that such license shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid. And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of Indian Affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treasons, misprisons of treason, murders and other felonies and misdemeanors, shall fly from justice, and take refuge in the said territory, and to send them under proper guard to the colony where the crime was committed, of which they stand accused, in order to take their trial for the same.

Given at our Court at St. James', the seventh day of October, one thousand seven hundr and sixty-three, in the third year of ou reign.

God Save the King.

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I do, in obedience to His Majesty's Command, give this public notice to all persons residing within my jurisdiction, (being that country justly claimed by the Six Nations, their allies and dependants,) that I will, to the utmost of my power, cause the same to be observed; and I do strictly enjoin all such persons to pay due obedience thereto.

Given under my hand and seal at arms, at Johnson Hall, the 24th day of December 1763, in the fourth year of the reign of our sovereign lord, George the Third, by the Grace of God, of Great Britain, France, and Ireland ; King, Defender of the Faith, and so forth.

(Signed) William Johnson.

By Order of Sir William Johnson.

(Signed) William Marsh.
Secretary for Indian Affairs.

God Save the King.

"Copy of a Copy".

(Signed) D. F. Napier,
S. I. A.

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Pinsonneault.

Text of Formal Judgment.

20th January, 1897.

The Court of Our Lade The Queen, now here having heard the Appellant and the Respondent by their counsel respectively, and having examined the record and proceedings had in the Court below, and mature deliberation on the whole being had:

Whereas the Attorney General for the Dominion of Canada, on behalf of Her Majesty the Queen, has instituted an action in the Superior Court against Noel Pinsonneault, for the recovery of arrears of the constituted rents representing the cens & rentes with which certain lands belonging to him situated in the Seigniory of Sault St. Louis, which is composed of land appropriated for the use and habitation of the Iroquois Indians were charged;

Whereas the Attorney General of the Province of Quebec has intervened in the suit, and alleges that the Seigniory of Sault St. Louis is not vested in the Crown represented by the Government of the Dominion, but in the Crown, represented by the Government of the Province of Quebec, that the Seigniory of Sault St. Louis is vested, subject, nevertheless, to the enjoyment or usufruct thereof by the Iroquois Indians, and prays that it be declared that the arrears in question belong to and are under the control of the Government of the Province of Quebed, subject to the trust in favour of the Iroquois Indians, and that the defendant be condemned to pay such arrears to the Provincial Government;

Whereas the defendant Noel Pinsonneault has declared that he would abide by the Judgment of the Court and has reserved

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reserved the right to plead after the decision of the question raised by the intervention;

Whereas the Superior Court, sitting at Montreal, in the District of Montreal, by its Judgment rendered on the 30th day of June, 1896, maintained the intervention, and declared that the constituted seigniorial rents in question, and any sum of money due by reason thereof belonged to the Province of Quebec, subject to any trust existing thereon, and the Attorney General for the Dominion of Canada, on behalf of the Government thereof, has appealed from such Judgment;

Considering that the land forming the Seigniory of Sault St. Louis was appropriated by the grants thereof, bearing date the 29th day of May, 1680, and the 31st day of October, 1680, for the use and habitation of the Iroquois Indians and that their right to the possession, use and enjoyment thereof was recognized by a decree of His Excellency General Thomas Gage, the Governor of Montreal, assisted by his military council, rendered on the 20th day of September, 1764, which decree ordered that they should be put and maintained in the peaceful possession of such Seigniory, and that they have ever since been in the possession and enjoyment thereof, subject to the guardianship and control and management of the Crown;

Considering that prior to the establishment of the Dominion of Canada, the legal title of all land and immovable property appropriated for the use and benefit of Indians and situated in Lower Canada, now constituting the Province of Quebec, was in the King or Queen, as the Suzerain of the country, but that such land and immovable property were, under the authority of section 7 of Chapter 14 of the Consolidated Statutes for Lower Canada, being an Act respecting Indians, having an interest therein, in a Commissioner of Indian Lands, who had the control and management of all such lands

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lands and property and was authorized to recover and receive the rents, issues and profits thereof;

Considering that the soil of the Seigniory of Sault St. Louis was vested by right of the Crown in the Queen, but that the usufruct of the Seigniory and the Iroquois Indians fell under the purview of the above mentioned statute;

Considering that the 24th paragraph of section 91 of the British North America Act, 1867, confers on the Parliament of Canada the right to legislate on the subject of Indians and of land reserved for the Indians and also confers on the Government of the Dominion the control and administration of their affairs and of the lands appropriated for them, but that the legal title of such lands remained and remains in the Crown;

Considering that the Parliament of Canada repealed the above mentioned Act respecting Indians and Indian Lands, and enacted that there should be a Department of Indian Affairs which should have the management, charge and direction of Indian Affairs and that the Minister of the Interior or the head of any other Department appointed for that purpose by the Governor in Council, should be the Superintendent of Indian Affairs and should, as such, have the control and management of the lands and property of the Indians in Canada, which provisions were afterwards consolidated in "The Indian Act", and are contained in Sections 4, 5 and 6 of Chapter 43 of the Consolidated Statutes of Canada;

Considering that Section 109 of the British North America Act, 1867, enacts that all lands belonging to the several Provinces included in the Dominion and all sums due for such lands should belong to the Province in which such lands were situated, subject, however, to any trusts existing in respect thereof, and to any interest other than that of the Province in the same and that this rule is not affected by the fact that the legal title to such lands and sums may reside in the Sovereign;

Considering

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Considering that under the above recited provisions the ownership of the constituted seigniorial rents in question in this cause is vested in the Province of Quebec, but subject nevertheless to the enjoyment or usufruct thereof by the Iroquois Indians, such use and enjoyment or usufruct being an interest therein other than that of the Province;

Considering that under the above mentioned provisions the management of such enjoyment or usufruct of the Iroquois Indians in the constituted seigniorial rents in question is conferred upon the Department of Indian Affairs, under the control and direction of the Superintendent of Indian Affairs, and that the suit for the recovery of the arrears claimed has consequently been properly brought by the Attorney General for the Dominion of Canada on behalf of Her Majesty for the Government of the Dominion;

Considering that the suit in this cause relates to the use and enjoyment or usufruct of the constituted seigniorial rents in question, or to the accrued arrears and not to the ownership of the capital thereof and that there is error in the Judgment appealed from, which maintains the intervention and declares that such arrears are not under the control of the Government of the Dominion, but belong to the Province of Quebec, subject to any trust which may attach to the Seigniory;

Doth maintain the appeal with costs; doth set aside and annul the Judgment appealed from, to it; the Judgment rendered in the cause by the Superior Court, sitting at Montreal, in the District of Montreal, on the 30th day of June, 1896; and proceeding to pronounce the Judgment which should have been rendered, doth dismiss the intervention of the Attorney General for the Province of Quebec, with costs.

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Judge's notes 20 January, 1897.

The defendant in this cause, Noel Pinsonneault is the owner of certain lands situated in the Seigniory of Sault St. Louis - which are subject, under the cadastre made by the Seigniorial Commissioner, to the payment of constituted rents representing the cens & rentes with which they were formerly charged. The Seigniory of Sault St. Louis is in possession of the Tribe of Iroquois Indians, and their village is built on a part of the unconceded portion.

A suit has been instituted by the Attorney General of the Dominion against Noel Pinsonneault for 30 years arrears of the constituted rents with which his lands are charged; he alleges that the Seigniory is held by the Crown in trust for the Iroquois Indians, and that the Government of the Dominion which has the administration and control of all matters relating to Indians and of all lands reserved for them - has the right to sue for and collect the arrears of the rents in question. The Attorney General for the Province of Quebec has intervened in the cause and alleges that under the provisions of the Union Act of 1867, the Seigniory of Sault St. Louis is vested in the Crown represented, not by the Government of the Dominion, but by that of the Province of Quebec, and that the latter alone has the right to sue for and recover the arrears of the rents in question, subject, however to the trust in favour of the Iroquois Indians and he therefore prays that it should be declared that the arrears in question neither belong to nor are under the control of the Federal Government, but that they belong to and are under the control of the Province of Quebec, subject to the trust in favour of the Indians, and that the defendant should

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should be condemned to pay such arrears to the Provincial Government, The defendant thereon declared that he was ready to abide by the Judgment of the Court and reserved the right to produce a plea of payment and compensation after the decision of the question raised by the intervention.

The Superior Court has maintained the pretensions of the Provincial Government and the Government of the Dominion now appeals from this decision.

The Iroquois Indians before 1680, were in the spiritual charge of the Jesuit Fathers and had been settled on land situated in the Seigniory of Laprairie. As these lands were swampy and undesirable, the Indians were dissatisfied with them and threatened to leave the locality.In order to retain them within the sphere of civilization, and to keep them under the spiritual charge of the Jesuit Fathers, Louis XIV, by Letters Patent of the 29th May, 1680, granted to the Jesuit Fathers a tract of land containing 2 leagues in front on the River St. Lawrence adjoining the Seigniory of Laprairie for the habitation and use of the Iroquois Indians, but with the condition that the land contained in such grant would revert to the Crown if the Indians should ever abandon it. Later on, another tract of land containing one league and a half in front, lying between the first grant and the Seigniory of Chateauguay, was granted to the Jesuit Fathers by Louis de Buade, then the Governor of Canada by Letters Patent of the 31st October, 1680, for the same purpose and on the same conditions as the first grant. The Indians established their village on the land contained in the second grant and afterwards the Jesuit Fathers conceded under the Seigniorial tenure, a part of the first grant to persons other than Indians.

The year after the capitulation of Montreal, the Iroquois Indians made a complaint against the Jesuit Fathers before the Governor of Montreal, alleging that the two grants of

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of land had been made for their habitation and use, and complaining that the Jesuit Fathers pretended that they were the owners of the land and that they were conceding portions of it to their detriment. The case was heard by the Governor, Thomas Gage, assisted by his military Council -, and on the 22nd March, 1762, a decree was rendered depriving the Jesuit Fathers of all right in the land contained in such grants, known as the Seigniory of Sault St. Louis, and ordering that the Indians should be put and maintained in the peaceful enjoyment of the same and of all the revenues produced thereby, but confirming, however, the concessions which had been made by the Jesuit Fathers up to the 8th day of September, 1760, the date of the capitulation of Montreal, and requiring the occupant to take new titles. It was further ordered that an Agent should be appointed by the Governor for the collection of the rents of the conceded portion, and that he should account for his receipts annually to the Indians. By two ordinances, passed the one on the 20th September, 1764 and the other on the 12th November, 1764, a certain delay was given for the purpose of appealing from decrees or Judgments which had been rendered prior to the 10th day of August, 1764, on which day Civil Government was established in the Province; but no appeal was ever brought against the decree rendered on the 22nd March, 1762, by the Governor of Montreal and his Council on the complaint made by the Iroquois Indians against the Jesuit Fathers.

Since the date of that decree the Iroquois Indians have always been in possession of the Seigniory and the Seigniorial cadastre which came into force on the 1st December, 1860 declares that it was then possessed by them.

For a considerable time after the cession of Canada to the Crown of England, all Indian matters were managed and all Indian lands were administeres by the Imperial Government, through Officers appointed by it. During this period, the

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the owners of the lands now in the possession of the defendant executed the renewal deeds, one on the 30th July, 1828 - and the other on the 3rd August, 1828, acknowledging that they were charged with Seigniorial rents payable to His Majesty, the King of England, as the Seignior of the Seigniory of Sault St. Louis. The Iroquois Indians only had the use and enjoyment of the Seigniory, and the land and Seigniorial dues were consequently vested in the King, subject to such use and enjoyment; and the King as the Guardian of the Indians had the administration of their property. Then the control and administration of these matters were transferred to the Provincial Government, but while the Provincial Government had the management of Indian Affairs, the title of lands appropriated for the Indians and of Seigniorial rents accruing therefrom remained vested in the Sovereign. Immediately prior to the Confederation, all lands and property in Lower Canada appropriated for the use of any Tribe or body of Indians were, under Section 7 of Ch. 14 of the Consolidated Statutes for Lower Canada being an Act respecting Indians and Indian lands, vested in trust for such Tribes and bodies of Indians in a Commissioner of Indian Lands for Lower Canada, who was appointed from time to time by the Governor, and this Commissioner was authorized to recover and receive the rents,issues and profits of all such lands and property.

By the Union Act, or the British North America Act, 1867, a division is made of the powers and functions of governance or administration between the government of the Dominion, on the one hand, and the governments of the Provinces, on the other hand, and also of the respective legislative powers of the Parliament of the Dominion, and of the Legislatures of the Provinces. The distribution of Legislative

Powers

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Powers is made by sections 91 & 92; but the powers of Provincial Legislatures are restricted to the subjects mentioned in section 92, while in addition to the subjects mentioned in Sec. 91, the Parliament of Canada has the power to legislate on all matters not contained in the classes of subjects attributed to the Provincial Legislatures. Among the matters attributed to the Parliament of the Dominion, paragraph 24 mentions "Indians and lands reserved for the Indians."

It has been contended that the enumeration contained in these clauses merely confers on Parliament and on the Legislatures the power to legislate on the subjects which are mentioned, but that it does not confer on the Dominion & on the Provinces respectively any governmental or administerial powers and functions, and that, in short, the power is one thing while the power to govern or administer is another, and that the power to legislate on a subject does not necessarily infer a right to legislate of administration respecting the matter of such subject.

Until quite recently, the Court of last resort had not given any pronouncement on this question. The case of the Ste. Catherine 's Mills and Lumber Co. and The Queen has been referred to, but nothing decisive on this point is to be found in the report of the case. In the case, however, of the Attorney General for the Dominion of Canada and the Attorney General for the Province of Ontario in which Lord Watson delivered the judgment of their Lordships on the 9th December last, we find an obiter dictum which decides that the enumeration of subjects contained in the two sections of the Union Act which I have mentioned, not only confers legislative power, but also defines the governmental powers and functions of the various governments. Here is what Lord Watson said: "Even, at the present time, and in view of the " change of circumstances introduced by the Act of 1867 - " their Lordships thought it must still be a matter of ab- " solute indifference to the Indians whether they had to " look for payment to the Dominion, to which the administra- " tion and control of their affairs was entrusted by Sec. "91

P.

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"_P. 24 of the Act of 1867_, or to the Province of Ontario."

So in the opinion of their Lordships the distribution of powers contained in sections 91 and 92 of the Union Act applies to the powers and functions of the different governments as well as to the legislative authority of the parliament of Canada and of the Provincial Legislatures, It would seem to us that wherever the subjects mentioned in these sections are susceptible not only of legislative powers but also are such as to be capable of being administered by a Government, that the rule thus laid down should apply, Let us take for instance some of the subjects attributed to the Provincial Legislatures. The power to legislate on direct taxation involves the executive or administerial power of collecting and recovering the taxes imposed by provincial legislation; the power of legislating on the borrowing of money involves the executive or administerial right of the provincial Government to receive and expend monies of which the borrowing is authorized by the Legislature; the right to legislate on the management and sale of public lands infers the executive or administerial right to manage and dispose of such lands; the right to legislate on the establishment, maintenance and management of prisons, hospitals and asylums involves the executive or administerial power to establish, maintain and manage such institutions; the right to legislate on the administration of justice throws on the provincial Governments the obligations of administering justice in their respective provinces. And so with respect to the Dominion:- the right to legislate on the postal service involves the maintenance and administration of such service; the power to legislate on the census, involves the obligation of making it; the right to legislate on the militia and the military and naval services confers on the Government of the Dominion the administration of the militia and of such services; the right to legislate on beacons, buoys and lighthouses

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houses and also on quarantine and on marine hospitals puts on the Dominion Government the obligation of establishing and maintaining them. And, in like manner, the power and right of legislating respecting Indians and land reserved for the Indians entrusts the Government of the Dominion with the administration and control of the affairs and of the lands and property of the Indians.

After Confederation the Parliament of the Dominion repealed Ch. 14 of the Consolidated Statutes for Lower Canada respecting Indians and Indian lands and enacted that there should be a Department of Indian Affairs which should have the management, charge and direction of Indian Affairs, and that the Minister of the Interior, or the head of any other Department appointed for that purpose by the Governor in Council, should be the Superintendent of Indian Affairs and should as such, have the control and management of the lands and property of the Indians in Canada. These provisions were afterwards consolidated in "The Indian Act" and are contained in sections 4, 5 and 6 of Ch. 43 of the Revised Statutes of Canada. As a matter of fact, I may say that from the formation of the Union on the 1st July, 1867, the control, direction and management of all matters relating to Indians and of their lands and property were assumed and have ever since been exercised by the Government of the Dominion.

But it contended that, in as much as at the time of Confederation, all lands or property appropriated for the use of Indians in Canada were vested in the Crown although in trust for their benefit and use, they fell and belonged under the provisions of section 109 of the Union Act, to the Province in which they were situated, subject, however, to the trust or interest of the Indians existing in respect of the same. The Attorney General for the Province of Quebec maintains therefore that the constituted rents of which the arrears are claimed by the suit in this cause, and which represent

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represent the lands upon which they are charged, belong to the Province of Quebec, subject however, to any trust or interest existing in respect thereof, and that it is the Crown represented by the Government of the Province of Quebec, and not the Crown represented by the Government of the Dominion, which has the right to sue for and recover the arrears claimed in this cause.

The special condition contained in the grants from the Crown of France of the two tracts of land forming the Seigniory of Sault St. Louis, which provides that such land would revert to the Crown should the Iroquois Indians ever abandon their settlement, does not affect the present enjoyment or usufruct of the Seigniory by them and it must be borne in mind that we are now dealing with such enjoyment or usufruct and not with the ownership of the Seigniory.

While Section 109 assigns all lands to the government of the several provinces in which they are situated, it, however, does so "subject to any trusts existing in respect " thereof and to any interest other than that of the provin- " ce in the same."

Under thi section it would seem that the contention of the Attorney General for the Province of Quebec is well founded in so far as the naked right of ownership is concerned, and that the naked property of the constituted rents in question is vested in the Crown represented by the Province of Quebec. The Province of Quebec, however, holds these constituted rents subject to the usufruct or enjoyment of the Iroquois Indians, such usufruct or enjoyment being in the words of the proviso contained in section 109 "an interest other " than that of the province in the same."

On the one hand, the Province of Quebec holds the naked ownership of the constituted rents and on the other hand, the Indians have a right to the enjoyment and usufruct thereof so long as they remain in their settlement on the Seigniory

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Seigniory of Sault St. Louis.

The question to be decided does not relate to the ownership of these constituted seigniorial rents but is as to whom it appertains to sue for, recover and collect the arrears. By the Union Act the Government of the Dominion entrusted with the administration of the affairs and property of the Indians in Canada, and under the Indian Act the control and management of their lands and property is confided to the Department of Indian Affairs, under the charge and direction of the Superintendent General of Indian Affairs who is authorized as was the Commissioner of the Indian Lands before Confederation to collect and receive the rents, issues and profits of the lands and property appropriated for Indians, and to apply the same to their use. The Government to which such control and management is entrusted must necessarily have as a corollary the right to sue whenever the affairs of the trust require such action.

We are therefore of opinion that while the naked ownership of the rents in question is vested in the Province of Quebec, the right to collect the arrears and to apply the same to the use of the Iroquois Indians belongs to the Government of the Dominion, unless special provision is made, with respect to the person who should sue in the name of Her Majesty, this is always done by the Attorney General. We are of opinion therefore that the suit for the recovery of the arrears was properly brought by the Attorney General of the Dominion and that the intervention of the Attorney General of the Province of Quebec is unfounded, and that there is error in the Judgment appealed ~~fxx~~ from, which maintains the intervention.

We therefore maintain the appeal with costs; we set aside and annul the judgment appealed from and rendered by the Superior Court on the 30th of June, 1896, and proceeding to pronounce the Judgment which should have been rendered we dismiss the intervention, with costs.

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E

File 30,896-3.

C O P Y.

Canada

Province of Quebec.

District of Montreal.

IN THE COURT OF QUEEN'S BENCH

(Appeal Side)

SIR CHARLES H. TUPPER, Es Qualite

(Plaintiff, par reprise)

d'instance.

and

SIR OLIVER MOWAT. Es Qualite

(Appellant, par reprise)

d'instance

and

THE HONORABLE T. CHASE CASGRAIN. Es Qualite

(Intervenant, par reprise)

d'instance

RESPONDENT

and

NOEL PINSONNEAULT

DEFENDANT-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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"A"

AGREEMENT made in Duplicate, the Sixteenth day of April in the Year of Our Lord, One Thousand Eight Hundred and Ninety Four on behalf of the Government of Canada on the one part and on behalf of the Government of Ontario on the other part 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 intituled "An Act for the settlement of certain Questions between the Governments of Canada and Ontario respecting Indian lands".

54-55 Vic Chap 5. Canada

54 Vic Chap 3 Ontario

WHEREAS by articles of a Treaty made on the Third of October, One Thousand Eight Hundred and Seventy Three, between Her Most Gracious Majesty, the Queen, by her Commissioners, the Honourable Alexander Morris, Lieutenant Governor of Manitoba and the North West Territories, Joseph Albert Norbert Provencher and Simon James Dawson on the one part, and the Saulteaux Tribe of the Ojibeway Indians, inhabitants of the Country within the limits thereinafter defined and described by their Chiefs chosen and named as thereinafter mentioned of the other part, which said Treaty is usually known as the North West Angle Treaty Number Three the Saulteaux Tribe of the Ojibeway Indians and all other the Indians inhabiting the Country therein defined and described, surrendered to Her Majesty all their rights, titles and privileges whatsoever to the lands therein defined and described on certain terms and considerations therein mentioned:

AND WHEREAS by the said Treaty, out of the land so surrendered, Reserves were to be selected and laid aside for the benefit of the said Indians; and the said Indians were amongst other things hereinafter provided to have the

right

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right to pursure their avocations of hunting and fishing throughout the tract surrendered,subject to such regulations as might,from time to time,be made by the Government of the Dominion of Canada,and saving and excepting such tracts as might,from time to time,be required or taken up for settlement,mining,lumbering or other purposes by the said Government of the Dominion of Canada,or by any of the subjects thereof duly authorized therefor by the said Government:

AND WHEREAS the true boundaries of Ontario have since been ascertained and declared to include part of the territory surrendered by the said Treaty and other territory North of the height of land with respect to which Indians are understood to make a claim as being occupants thereof,according to their mode of occupying,and as not having yet surrendered their claim thereto or interest therein.

AND WHEREAS before the true boundaries had been declared as aforesaid,the Government of Canada had selected and set aside certain Reserves for the Indians in intended pursuance of the said Treaty,and the said Government of Ontario was no party to the selection,and has not yet concurred therein:

AND WHEREAS it is deemed desirable for the Dominion of Canada and the Province of Ontario to come to a friendly and just understanding in respect of the said matters and the Governor General of Canada in Council and the Lieutenant Governor of Ontario in Council have given authority for the execution on their behalf respectively pursuant to the said Statutes of an Agreement in terms of these presents.

NOW THEREFORE it is hereby agreed between the two Governments as follows:-

1. With respect to the Tracts to be from time to time taken up for settlement,mining,lumbering or other purposes

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purposes and to the regulations required in that behalf, as in the said Treaty mentioned, it is hereby conceded and declared that, as the Crown Lands in the surrendered tract have been decided to belong to the Province of Ontario or to Her Majesty in right of the said Province, the Rights of hunting and fishing by the Indians throughout the tract surrendered, not including the Reserves to be made thereunder do not continue with reference to any tracts which have been, or from time to time may be required or taken up for settlement, mining, lumbering or other purposes by the Government of Ontario or persons duly authorized by the said Government of Ontario; and that the concurrence of the Province of Ontario is required in the selection of the said Reserves.

2. That to avoid dissatisfaction or discontent among the Indians, full enquiry will be made by the Government of Ontario as to the Reserves before the passing of the said Statutes laid out in the territory, with a view of acquiescing in the location and extent thereof unless some good reason presents itself for a different course.

3. That in case the Government of Ontario after such enquiry is dissatisfied with the Reserves or any of them already selected, or in case other Reserves in the said territory are to be selected, a joint commission or joint Commissions shall be appointed by the Governments of Canada and Ontario to settle and determine any question or all questions relating to such Reserves or proposed Reserves.

4. That in case of all Indian Reserves so to be confirmed or hereafter selected, the waters within the lands laid our or to be laid out as Indian Reserves in the said territory, including the land covered with water lying between the projecting headlands of any Lake or sheets of water, not wholly surrounded by an Indian Reserve or Re-

serves

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Reserves shall be deemed to form part of such Reserve including Islands wholly within such headlands, and shall not be subject to the public common right of fishery by others than Indians of the Band to which the Reserve belongs.

5. That this Agreement is made without prejudice to the jurisdiction of the Parliament of Canada, with respect to inland fisheries under the British North America Act, One Thousand Eight Hundred and Sixty Seven in case the same shall be decided to apply to the said fisheries herein mentioned.

6. That any future Treaties with the Indians in respect of territory in Ontario to which they have not before the passingof the said Statute surrendered their claim aforesaid, shall be deemed to require the concurrence of the Government of Ontario.

IN WITNESS WHEREOF these Presents have been signed and Sealed on behalf of the Government of Canada by the Honourable Thomas Mayne Daly, Superintendent General of Indian Affairs and on behalf of the Government of Ontario by the Honourable John Morison Gibson, Secretary and Registrar of the Province of Ontario.

Signed, Sealed, and delivered by the Honourable Thomas Mayne Daly in presence of A. Chisholm Clerk Civil Service.) T. Mayne Daly- (Seal)

and by the Honourable John Morison Gibson in presence of J.I. McIntosh Clerk Civil Service, Ontario.) J.M. Gibson (Seal)

Recorded this 26th day of May 1894 in Liber 7 G.S. Folio 133 (Sd.) John F.C. Fiskher - Deputy Registrar

Recorded 29th May 1894 - Lib. 149 Fol. 65
Sd. L.A. Catellier - Dep. Registrar Gen. of Canada

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"B"

54 - 55 VICTORIA.

Chap. 5

A Similar Statute was passed by the Ontario Government in 1891, being Cap. 3, 54 Vic.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands.

(Assented to 10th July, 1891).

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :--

1. It shall be lawful for the Governor in Council, if he shall see fit, to enter into an agreement with the Government of Ontario in accordance with the terms of the draft of a proposed agreement contained in the schedule to this Act, with any modification or additional stipulations which may be agreed to by the two Governments ; and such agreement, when entered into, and every matter and thing therein, shall be as binding on the Dominion of Canada as if the same were specified and set forth in an Act of this Parliament ; and the Governor in Council is hereby authorized to carry out the provisions of the agreement so to be entered into.

.....

SCHEDULE.

Agreement made on behalf of the Government of Canada on the one part, and on behalf of the Government of Ontario on the other part.

Whereas by Articles of a Treaty made on the third of October, one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen, by Her commissioners the Honourable Alexander Morris, Lieutenant Governor of Manitoba and the North West Territories, Joseph Albert Norbert Provencher and Simon James Dawson, on the one part, and the Salteaux tribe of the Ojibbeway Indians, inhabitants of the country within the limits thereinafter defined and described, by their chiefs, chosen and named as thereinafter mentioned, of the other part, which said treaty is usually known as the North West Angle Treaty, No. 3, the Salteaux tribe of the Ojibbeway Indians, and all other the Indians inhabiting the country therein defined and described surrendered to Her Majesty all their rights, titles and privileges whatsoever to the lands therein defined and described on certain terms and considerations therein mentioned :

And whereas by the said treaty, out of the lands so surrendered reserves were to be selected and laid aside for the benefit of the said Indians ; and the said Indians were amongst other things hereinafter provided to have the right to pursue their avocations of hunting and fishing throughout the tract surrendered, subject to such regulations as might, from time to time, be made by the Government of the Dominion of Canada, and

saving

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saving and excepting such tracts as might, from time to time, be required or taken up for settlement, mining, lumbering, or other purposes by the said Government of the Dominion of Canada or by any of the subjects thereof duly authorized therefor by the said Government :

And whereas the true boundaries of Ontario have since been ascertained and declared to include part of the territory surrendered by the said treaty, and other territory north of the height of land with respect to which Indians are understood to make a claim as being occupants thereof, according to their mode of occupying, and as not having yet surrendered their claim thereto or interest therein :

And whereas before the true boundaries had been declared as aforesaid, the Government of Canada had selected and set aside certain reserves for the Indians in intended pursuance of the said treaty, and the said Government of Ontario was no party to the selection, and has not yet concurred therein :

And whereas it is deemed desirable for the Dominion of Canada and the Province of Ontario to come to a friendly and just understanding in respect of the said matters,--xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx it is therefore agreed as follows :

1. With respect to the tracts to be, from time to time, taken up for settlement, mining, lumbering, or other purposes and to the regulations required in that behalf, as in the said treaty mentioned, it is hereby conceded and declared that, as the Crown lands in the surrendered tract have been decided to belong to the Province of Ontario, or to Her Majesty in right of the said Province, the rights of hunting and fishing by the Indians throughout the tract surrendered, not including the reserves to be made thereunder, do not continue with reference to any tracts which have been, or from time to time may be, required or taken up for settlement, mining, lumbering, or other purposes by the Government of Ontario, or persons duly authorized by the said Government of Ontario ; and that the concurrence of the Province of Ontario is required in the selection of the said reserves.

2. That to avoid dissatisfaction or discontent among the Indians, full enquiry will be made by the Government of Ontario as to the reserves heretofore laid out in the territory, with a view of acquiescing in the location and extent thereof unless some good reason presents itself for a different course.

3. That in case the Government of Ontario after such enquiry is dissatisfied with the reserves or any of them already selected, or in case other reserves in the said territory are to be selected, a joint commission or joint commissions shall be appointed by the Governments of Canada and Ontario to settle and determine any question or all questions relating to such reserves or proposed reserves.

4. That in case of all Indian reserves so to be confirmed or hereafter selected, the waters within the lands laid out or to be laid out as Indian reserves in the said territory, including the land covered with

water

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water lying between the projecting headlands of any lake or sheets of water, not wholly surrounded by an Indian reserve or reserves, shall be deemed to form part of such reserve, including islands wholly within such headlands, and shall not be subject to the public common right of fishery by others than Indians of the b band to which the reserve belongs.

5. That this agreement is made without prejudice to the jurisdiction of the Parliament of Canada, with respect to inland fisheries under the British North America Act, one thousand eight hundred and sixty seven, in case the same shall be decided to apply to the said fisheries herein mentioned.

6. That any future treaties with the Indians in respect of territory in Ontario to which they have not hitherto surrendered their claims as aforesaid, shall be deemed to require the concurrence of the Government of Ontario.

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"C"

(PRIVY COUNCIL)

* J.C. 1887

July 11, 13, 17, 19, 20, 24, 26: Dec. 12.

St. Catherine's Milling and Lumber Company.) Defendants ;
and
The Queen, on the Information of the Attorney General for Ontario.) Plaintiff.

On Appeal from the Supreme Court of Canada.

British North American Act, 1867, s 109. Lands reserved to the Indians. Rights of the Province.

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Section 109 of the B.N.A.Act of 1867 gives to each Province the entire beneficial interest of the Crown in all lands within its boundaries, which at the time of the union were vested in the Crown, subject to such rights as the Dominion can maintain under Sections 108 and 117.

Attorney General of Ontario v. Mercer (8 App. Cas. 767) followed.

By royal proclamation of 1763 possession was granted to certain Indian Tribes of such lands, "parts of our dominions and territories, as, not having been ceded to or purchased by the Crown, were reserved, "for the present," to them as their hunting grounds. The proclamation further enacted that all purchases from the Indians of lands reserved to them must be made on behalf of the Crown by the Governor of the Colony in which the lands lie, and not by any private person.

In 1873 the lands in suit, situate in Ontario, which had been in Indian occupation until that date under the said proclamation, were, to the extent of the whole right and title of the Indian inhabitants therein, surrendered to the Government of the Dominion for the Crown, subject to a certain qualified privilege of hunting and fishing :--

Held, that by force of the proclamation the tenure of the Indians was a personal and usufructuary right dependent upon the good will of the Crown ; that the lands were thereby, and at the time of the union, vested in the Crown, subject to the Indian title, which

was

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was an interest other than that of the Province in the same," within the meaning of section 109.

Held also, that by force of the said surrender the entire beneficial interest in the lands subject to the privilege was transmitted to the Province in terms of section 109. The Dominion power of legislation over lands reserved for the Indians is not inconsistent with the beneficial interest of the Province therein.

APPEAL from a Judgment of the Supreme Court, dated June 20, 1887 (Ritchie, C.J., Fournier, Henry, and Tachereau, J.J.,

(Present :-- The Earl of Selborn, Lord Watson, Lord Hobhouse, Sir Barnes Peacock, Sir Montague E. Smith, and Sir Richard Couch.)

Strong and Gwynne, J.J., dissenting), which affirmed a judgment of the Chancery Division of the High Court of Justice for Ontario, June 10, 1885).

The question in the appeal was whether certain lands admittedly situated within the boundaries of Ontario belonged to the Province or to the Dominion of Canada. The appellants cut timber on the lands, which are Crown lands, without authority from the Ontario Government, which accordingly sued for an injunction and damages. The appellants justified by setting up a license from the Dominion Government dated 1st of May, 1883. The Courts in Canada decided in favour of the Province. The Order of Her Majesty in Council granting special leave to appeal provided that the Dominion should be at liberty to intervene in the appeal.

The circumstances out of which the dispute as to title arose are set out in the judgment of their Lordships.

Sir R.E.Webster, A.G., and Gore, for the Attorney-General for the Dominion.

McCarthy, Q.C. (Canada), and Jeune, Q.C., for the appellants.

Mowat, Q.C. (Attorney-General for Ontario), and Blake, Q.C. (Sir Horace Davey, Q.C., and Haldane, with them), for the respondents.

Sir R. E. Webster, A.G., and McCarthy, Q.C., contended that the

judgment

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the judgment of the Supreme Court should be reversed. It lay on the respondent to make good the title of the Province to these lands. Previous to the Treaty of the 3rd October 1873 the lands in suit, and the whole area of which they formed part, were occupied by a tribe of the Ojibbeway Indians, who by that treaty ceded the whole area in manner as therein mentioned to the Government of the Dominion. The Provincial Government were no party to this treaty, and it was admitted that no surrender had been made of Indian title except to the Dominion. Reference was made to the British North American Act 1867, sect.91, sub-sect.24, which gives to the Dominion exclusive legislative authority over "Indians and lands reserved for the Indians" as compared with sect.92, sub-sect 5, which assigns "the management and sale of public lands belonging to the Province, and of the timber and wood thereon" to the legislative authority of the Province. Also to sects. 109 and 117, and to Attorney General of Ontario v. Mercer (1).

Documentary evidence was referred to, to shew the nature and character of the Indian title. It was contended that the effect of it was to shew that from the earliest times the Indians had, and were always recognised as having, a complete proprietary interest, limited by an imperfect power of alienation. British and Canadian legislation was referred to, to shew that such complete title had been uniformly recognised : see Royal Proclamation October 7, 1763, held by Lord Mansfield in Campbell v. Hall (2) to have the same force as a statute, under which the lands in suit were reserved to the Indians in absolute proprietary right : 43 Geo.3,c 138 ; 1 & 2 Geo) 4,c 66 ; 17 Geo. 3 c 7 (Quebec) ; 10 Geo. 4,c 3,(Upper Canada) ; 7 Will. 4,c 118 ; 2 Vict. c 15, and 12 Vict. c 9 (Upper Canada) ; 13 & 14 Vict. c 74 (U.C.) ; 14 & 15 Vict. c 51,(U.C.) ; 16 Vict. c 91, (U.C.) ; 20 Vict. c 26 (U.C.). The Proclamation in 1763 was uniformly acted on and recognised by the Government as well as the Legislature, and was regarded by the Indians as their charter. It was not superceded by the Quebec Act (14 Geo. 3,c 83, imperial statute) ; but it was held by the Supreme Court of the United

States

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States to be still in force in 1823 : see Johnson v. McIntosh (3). Reference was also made to the Cherokee Nation v. The State of Georgia (4) and Worcester v. The State of Georgia (5) ; United States v. Clarke (6) ; Mitchell v. United States (7); The State of Georgia v. Canatoo, reported in a note to Kent's Commentaries, vol. iii, p.378 ; Ogden v. Lee (8) ; Fellows v. Lee (9) ; Gaines v. Nicholson (10) ; Chitty's Prerog. of the Crown, p.29. Reference was also made to the case of The Queen v. Symonds (June 1847), in Parliamentary Papers 1860, vol. XLVII,p.47 (Colonies New Zealand), where also there was said to be a report of a Select Committee of the House of Commons on the Treatment of the Aborigines in British

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(1) 8 App. Cas. 767.
(2) ~~12~~ 1 Cowp.204.
(3) 8 Wheaton, 543.
(4) 5 Peters, 1.
(5) 6 Peters, 515.
(6) 9 Peters, 168.
(7) 9 Peters, 711.
(8) 6 Hills, 546.
(9) 5 Denio, 628.
(10) 9 Howard, 356.

Settlements. Also to a report in Appendix 1 to Journals, House of Assembly,
Canada, 1847, headed "Title to Lands and Tenure of Land."

The absolute title being in the Indians was ceded by them, subject to certain reservations, for valuable consideration to the Dominion, and the treaty to that effect did not enure to the benefit of the Province in any way. The Province could not claim property in the land except by virtue of the Act of 1867, and as regards that Act the lands did not belong to the Province prior thereto within sect. 109 ; they were not in 1867 public property which the province could retain under sect. 117 ; they were not public lands of the Province within sect. 92, sub-sect. 5.

Mowat, Q.C., and Blake, Q.C., for the respondent, contended that both before and after the Treaty of 1873 the title to the lands in suit was in the Crown and not in the Indians. The lands being within the limits of the Province, the beneficial interest therein passed to the Province under the Act of 1867, and the Dominion obtained thereunder no such interest as it claims in this suit. Even if they were lands reserved for the Indians within the meaning

of

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of the Act the Dominion gained thereunder only a power of legislating in respect to them, it did not gain ownership or a right to become owner by purchase from the Indians. Under sect. 109, whether reserved to the Indians or not the land goes to the Province subject to any interest on the part of the Indians. See also sect. 108 and sect 91, sub-sect. 9. With regard to the alleged absolute title of the Indians to which the Dominion is said to have succeeded by treaty, no such title existed on their part either as against the King of France before the Conquest or against the Crown of England since the Conquest. Their title was in the nature of a personal right of occupation during the pleasure of the Crown, and it was not a legal or an equitable title in the ordinary sense. For instance, t he Crown made grants of land in every part of British North America both before and after the proclamation of 1763 without any previous extinguishment of the Indian claim. The grantees in those cases had to deal with the Indian claims, but the legal validity of the grants themselves was undeniably recognised both in the Canadian and the American Courts. As regards that proclamation, it was argued that it was not intended to divest, and did not divest, the Crown of its absolute title to the lands, and the reservation, upon which so much argument has been rested, was expressed to last only "for the present and until our future pleasure be known."Further, as regards the land now in suit the proclamation was superseded by the Imperial Act of 1774, known as the Quebec Act, which added that land to the Province. It was not the intention of that Act to give to the Indians any new right over and above the interest which they possessed under the proclamation, and which was a mere license terminable at the will of the Crown. With regard to the effect of purchases from the Indians, reference was made to Meigs v. McClung's Lessee (1) and Clark v. Smith (2).

With regard to the application of the British North American Act, and the construction to be placed upon it, it was submitted that that Act should be on all occasions interpreted in a large, liberal, and comprehensive spirit, considering the magnitude of the subjects with

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which it purports to deal in very few words. The general scheme, purpose, and intent of the Act should be borne in mind. The scheme is to create a federal union consisting of several entities. The purpose was at the same time to preserve the Provinces, not as fractions of a unit, but as units of a multiple. The Provinces are to be on an equal footing. The ownership and development of Crown lands and the revenues therefrom are to be left to the Province in which they are situated. As to legislative powers, it is the residuum which is left to the Dominion ; as to proprietary rights, the residuum goes to the Provinces. Where property is intended to go to the Dominion it is specifically granted, even though legislative authority over it may already have been vested in the Dominion. It is contrary to the spirit of the Act to hold that the grant of legislative power over lands reserved for the Indians carries with it by implication a grant of proprietary right.

Sir R.E.Webster, A.G., replied :---

Upon the question whether the old province of Canada had any right to the lands in suit at the date of the Act of 1867 which

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(1) 9 Cranch, 11. (2) 13 Peters, 195.

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passed thereunder, certain legislative duties had been conferred on the Province with regard to Indians, and a certain power of bargaining with regard to Indian lands ; but no proprietary right had been given : see 2 Vict. c 15 (U.C.), which was held to apply to unsurrendered lands in The Queen v. Strong (1), and Little v. Keating (2). There is a series of statutes which shews that prior to 1867 the Province had nothing but some slight legislative rights over the land : see 3 & 4 Vict. c 35, s.54 ; 12 Vict c 9 ; 13 & 14 Vict. c 74 ; Cons. Stat. 22 Vict. (U.C.) c 81 ; 23 Vict. c 61, s. 54. The whole course of legislation before 1867 was that the proceeds of the Indian lands should be kept for the Indians, and not go to the Province. (Lord Selborne :--This is the first suggestion to that effect). Reference was then made to the later

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Dominion Acts, 31 Vict. c.42, ss. 6,7,8,10,11, especially 25 ; 39 Vict. c. 18 ; 43 Vict. c 28. The Crown lands were dealt with by 23 Vict. c 2 ; the Indian lands by 23 Vict. c 151. Reference was made to Vanvleck v. Stewart (3) ; Fegan v. McLean (4), as shewing that the Indians had the right to cut and sell timber in the special reserves, and appropriate the proceeds.

The judgment of their Lordships was delivered by Lord Watson:--

On the 3rd of October 1873 a formal treaty or contract was concluded between commissioners appointed by the Government of the Dominion of Canada, on behalf of Her Majesty the Queen, of the one part, and a number of chiefs and headmen duly chosen to represent the Salteaux tribe of Ojibbeway Indians, of the other part, by which the latter, for certain considerations, released and surrendered to the Government of the Dominion, for Her Majesty and Her successors, the whole right and title of the Indian inhabitants whom they represented, to a tract of country upwards of 50,000 square miles in extent. By an article of the treaty it is stipulated that, subject to such regulations as may be made by the Dominion Government, the Indians are to have right to pursue their avocations of hunting and fishing throughout the surrendered territory, with the

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(1) Upp. Can. Rep. 1 Ch. 392.
(2) 6 Upp. Can. Rep. Q.B. (O.S.) 265.
(3) 19 Upp.Can.Rep. Q.B. 489.
(4) 29 Upp.Can.Rep. Q.B. 202.

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exception of those portions of it which may, from time to time, be required or taken up for settlement, mining, lumbering, or other purposes.

Of the territory thus ceded to the Crown an area of not less than 32,000 sq miles is situated within the boundaries of the Province of Ontario ; and, with respect to that area, a controversy has arisen between the Dominion and Ontario, each of them maintaining that the legal effect of extinguishing the Indian title has been to transmit to itself the entire beneficial interest of the lands,

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lands, as now vested in the Crown, freed from incumbrance of any kind, save the qualified privilege of hunting and fishing mentioned in the treaty.

Acting on the assumption that the beneficial interest in these lands had passed to the Dominion Government, their Crown Timber Agent, on the 1st of May 1883, issued to the appellants, the St. Catherine's Milling and Lumber Company, a permit to cut and carry away one million feet of lumber from a specified portion of the disputed area. The appellants having availed themselves of that license, a writ was filed against them in the Chancery Division of the High Court of Ontario, at the instance of the Queen on the information of the Attorney-General of the Province, praying-- (1) a declaration that the appellants have no rights in respect of the timber cut by them upon the lands specified in their permit; (2) an injunction restraining them from trespassing on the premises and from cutting any timber thereon ; (3) an injunction against the removal of timber already cut ; and (4) decree for the damage occasioned by their wrongful acts. The Chancellor of Ontario, on the 10th June 1885, decerned with costs against the appellants, in terms of the first three of these conclusions, and referred the amount of damage to the Master in Ordinary. The judgment of the learned Chancellor was unanimously affirmed on the 20th of April 1886, by the Court of Appeal for Ontario, and an appeal taken from their decision to the Supreme Court of Canada was dismissed on the 20th of June 1887, by a majority of four of the six judges constituting the court.

Although the present case relates exclusively to the right of the Government of Canada to dispose of the timber in question to the appellant Company, yet its decision necessarily involves the determination of the larger question between that Government and the Province of Ontario with respect to the legal consequences of the treaty of 1873. In these circumstances, Her Majesty, by the same order which gave the appellants leave to bring the judgment of the Court below ~~under~~

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be[illegible] under the review of this Board, was pleased to direct that the Government of the Dominion of Canada should be at liberty to intervene in this appeal, or to argue the same upon a special case raising the legal question in dispute. The Dominion Government elected to take the first of these courses, and their Lordships have had the advantage of hearing from their counsel an able and exhaustive argument in support of their claim to that part of the ceded territory which lies within the provincial boundaries of Ontario.

The capture of Quebec in 1759, and the capitulation of Montreal in 1760, were followed in 1763 by the cession to Great Britain of Canada and all its dependencies, with the sovereignty, property, and possession, and all other rights which had at any previous time been held or acquired by the Crown of France. A royal proclamation was issued on the 7th of October, 1763, shortly after the date of the Treaty of Paris, by which His Majesty King George erected four distinct and separate Governments, styled respectively, Quebec, East Florida, West Florida, and Grenada, specific boundaries being asigned to each of them. Upon the narrative that it was just and reasonable that the several nations and tribes of Indians who lived unde British protection should not be molested or disturbed in the "possession of such parts of Our dominions and territories as, not having beenceded to or purchased by us, are reserved to them or any of them as their hunting grounds," it is declared that no governor or commander-in-chief in any of the new colonies of Quebec, East Florida, or West Florida, do presume on any pretence to grant warrants of survey or pass any patents for lands beyond the bounds of their respective Governments, or "until Our further pleasure be known," upon any lands whatever which, not having been ceded or purchased as aforesaid, are reserved to the said Indians or any of them. It was further declared "to be Our royal will, for the present, as aofresaid, to reserve unto Our sovereignty, protection, and dominion, for the use of the said Indians, all the land and territories not included within the limits of Our said

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three new Governments, or within the limits of the territory granted to the Hudson's Bay Company". The proclamation also enacts that no private person shall make any purchase from the Indians of lands reserved to them within these colonies where settlement was permitted, and that all purchases must be on behalf of the Crown, in a public assembly of the Indians, by the governor or commander-in-chief of the colony in which the lands lie.

The territory in dispute has been in Indian occupation from the date of the proclamation until 1873. During that interval of time Indian affairs have been administered successively by the Crown, by the Provincial Governments, and (since the passing of the British North America Act, in 1867) by the Government of the Dominion. The policy of these administrations has been all along the same in this respect, that the Indian inhabitants have been precluded from entering into any transaction with a subject for the sale or transfer of their interest in the land, and have only been permitted to surrender their rights to the Crown by a formal contract, duly ratified in a meeting of their chiefs or head men convened for the purpose. Whilst there have been changes in the administrative authority, there has been no change since the year 1763 in the character of the interest which its Indian inhabitants had in the lands surrendered by the treaty. Their possession, such as it was, can only be ascribed to the general provisions made by the royal proclamation in favour of all Indian tribes then living under the sovereignty and protection of the British Crown. It was suggested in the course of the argument for the Dominion, that inasmuch as the proclamation recites that the territories thereby reserved for Indians had never "been ceded or purchased by" the Crown, the entire property of the land remained with them. That inference is, however, at variance with the terms of the instrument, which shew that the tenure of the Indians was a personal and usufrustuary right, dependent upon the good will of the sovereign. The lands reserved are expressly stated to be "parts of Our dominions and territories"; and it is declared to be the will and pleasure of the Sovereign

that

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that, "for the present", they shall be reserved for the use of the Indians, as their hunting grounds, under his protection and dominion. There was a great deal of learned discussion at the Bar with respect to the precise quality of the Indian right, but their Lordships do not consider it necessary to express any opinion upon the point. It appears to them to be sufficient for the purposes of this case that there has been all along vested in the Crown a substantial and paramount estate, underlying the Indian title, which becomes a plenum dominium whenever that title was surrendered or otherwise extinguished.

By an Imperial statute passed in the year 1840 (3 & 4 Vict. c 35), the Provinces of Ontario and Quebec, then known as Upper and Lower Canada, were united under the name of the Province of Canada, and it was, inter alia, enacted that, in consideration of certain annual payments which Her Majesty had agreed to accept by way of civil list, the produce of all territorial and other revenues at the disposal of the Crown arising in either of the united Provinces should be paid into the consolidated fund of the new Province. There was no transfer to the Province of any legal estate in the Crown lands, which continued to be vested in the Sovereign ; but all moneys realized by sales or in any other manner became the property of the Province. In other words, all beneficial interest in such lands within the provincial boundaries belonging to the Queen, and either producing or capable of producing revenue, passed to the Province, the title still remaining in the Crown. That continued to be the right of the Province until the passing of the British North America Act, 1867. Had the Indian inhabitants of the area in question released their interest in it to the Crown at any time between 1840 and the date of that Act, it does not seem to admit of doubt, and it was not disputed by the learned counsel for the Dominion, that all revenues derived from its being taken up for settlement, mining, lumbering, and other purposes would have been the property of the Province of Canada. The case maintained

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for the appellants is that the Act of 1867 transferred to the Dominion all interest in Indian lands which previously belonged to the Province.

The Act of 1867, which created the Federal Government, repealed the Act of 1840, and restored the Upper and Lower Canadas to the condition of separate Provinces, under the titles of Ontario and Quebec, due provision being made (sect.142) for the division between them of the property and assets of the United Province, with the exception of certain items specified in the fourth schedule, which are still held by them jointly. The Act also contains careful provisions for the distribution of legislative powers and of revenues and assets between the respective Provinces included in the Union, on the one hand, and the Dominion on the other. The conflicting claims to the ceded territory maintained by the Dominion and the Province of Ontario are wholly dependent upon these statutory provisions. In sonstruing these enactments, it must always be kept in view that, wherever public land with its incidents is described as "the property of" or as "belonging to" the Dominion or a Province, these expressions merely import that the right to its beneficial use, or to its proceeds, has been appropriated to the Dominion or the Province, as the case may be, and is subject to the control of its legislature, the land itself being vested in the Crown.

Sect. 108 enacts that the public works and undertakings enumerated in schedule 3 shall be the property of Canada. As specified in the schedule, these consist of public undertakings which might be fairly considered to exist for the benefit of all the Provinces federally united, of lands and buildings necessary for carrying on the customs or postal service of the Dominion, or required for the purpose of national defence, and of "lands set apart for general public purposes". It is obvious that the enumeration cannot reasonably be held to include Crown lands which are reserved for Indian use. The only other clause in the Act by which a share of what previously constituted provincial revenues and

assets

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assets is directly assigned to the Dominion is sect. 102. It enacts that "all duties and revenues" over which the respective legislatures of the ~~united Provinces~~ United Provinces had and have power of appropriation, "except such portions thereof as are by this Act reserved to the respective legislatures of the Provinces, or are raised by them in accordance with the special powers conferred upon them by this Act, "shall form one consolidated fund, to be appropriated for the public service of Canada. The extent to which duties and revenues arising within the limits of Ontario, and over which the legislature of the old Province of Canada possessed the power of appropriation before the passing of the Act, have been transferred to the Dominion by this clause, can only be ascertained by reference to the two exceptions which it makes in favour of the new provincial legislatures.

The second of these exceptions has really no bearing on the present case, because it comprises nothing beyond the revenues which provincial legislatures are empowered to raise by means of direct taxation for Provincial purposes, in terms of sect. 92 (2). The first of them, which appears to comprehend the whole sources of revenue reserved to the provinces by sect. 109, is of material consequence. Sect. 109 provides that "all lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick, at the union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same". In connection with this clause it may be observed that, by sect . 117, it is declared that the provinces shall retain their respective public property not otherwise disposed of in the Act, subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country. A different form of expression is used to define the subject matter of the first exception, and

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the property which is directly appropriated to the Provinces ; but it hardly admits of doubt that the interests in land, mines, minerals, and royalties, which by sect. 109 are declared to belong to the Provinces, include, if they are not identical with, the "duties and revenues" first excepted in sect . 102.

The enactments of sect. 109 are, in the opinion of their Lordships, sufficient to give to each Province, subject to the administration and control of its own Legislature, the entire beneficial interest of the Crown in all lands within its boundaries, which at the time of the union were vested in the Crown, with the exception of such lands as the Dominion acquired right to under sect. 108, or might assume for the purposes specified in sect. 117. Its legal effect is to exclude from the "duties and revenues" appropriated to the Dominion all the ordinary territorial revenues of the Crown arising within the Provinces. That construction of the statute was accepted by this Board in deciding Attorney General of Ontario v. Mercer (1), where the controversy related to land granted in fee simple to a subject before 1867, which became escheat to the Crown in the year 1871. The Lord Chancellor (Earl Selborne) in delivering judgment in that case, said (2) : "It was not disputed, in the argument for the Dominion at the bar, that all territorial revenues arising within each Province from 'lands' (in which term must be comprehended all estates in land), which at the time of the union belonged to the Crown, were reserved to the respective Provinces by sect. 109 ; and it was admitted that no distinction could, in that respect, be made between lands then ungranted, and lands which had previously reverted to the Crown by escheat. But it was insisted that a line was drawn at the date of the union, and that the words were not sufficient to reserve any lands afterwards escheated which at the time of the union were in private hands, and did not then belong to the Crown. Their Lordships indicated an opinion to the effect that the escheat would not, in the special circumstances of

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of that case, have passed to the Province as "lands"; but they held that it fell within the class of rights reserved to the Provinces as "royalties" by sect. 109.

Had its Indian inhabitants been the owners in fee simple of the territory which they surrendered by the Treaty of 1873, Attorney General of Ontario v. Mercer)1) might have been an authority for holding that the Province of Ontario could derive no benefit from the cession, in respect that the land was not vested in the Crown at the time of the union. But that was not the character of the Indian interest. The Crown has all along had a present proprietary estate in the land, upon which the Indian title was a mere burden. The ceded territory was at the time of the union, land vested in the Crown, subject to "an interest other than that of the Province in the same", within the meaning of sect. 109 ; and must now belong to Ontario in terms of that clause,

(1) 8 App. Cas. 767. (2) 8 App. Cas.776.

unless its rights have been taken away by some provision of the Act of 1867 other than those already noticed.

In the course of the argument the claim of the Dominion to the ceded territory was rested upon the provisions of sect. 91 (24), which in express terms confer upon the Parliament of Canada power to make laws for"Indians, and lands reserved for the Indians". It was urged that the exclusive power of legislation and administration carried with it, by necessary implication, any patrimonial interest which the Crown might have had in the reserved lands. In reply to that reasoning, counsel for Ontario referred us to a series of provincial statutes prior in date to the Act of 1867, for the purpose of shewing that the expression "Indian reserves" was used in legislative language to designate certain lands in which the Indians had, after the royal proclamation of 1763, acquired a special interest, by treaty or otherwise, and did not apply to land occupied by them in virtue of the proclamation. The argument might have deserved consideration if the

expression

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expression had been adopted by the British Parliament in 1867, but it does not occur in sect. 91 (24) and the words actually used are, according to their natural meaning, sufficient to include all lands reserved, upon any terms or conditions, for Indian occupation. It appears to be the plain policy of the Act that, in order to ensure uniformity of administration, all such lands, and Indian affairs generally, shall be under the legislative control of one central authority.

Their Lordships are, however, unable to assent to the argument for the Dominion founded on sect. 91 (24). There can be no a priori probability that the British Legislature, in a branch of the statute which professes to deal only with the distribution of legislative power, intended to deprive the provinces of rights which are expressly given them in that branch of it which relates to the distribution of revenues and assets. The fact that the power of legislating for Indians, and for lands which are reserved to their use, has been entrusted to the Parliament of the Dominion is not in the least degree inconsistent with the right of the Provinces to a beneficial interest in these lands, available to them as a source of revenue whenever the estate of the Crown is disencumbered of the Indian title.

By the Treaty of 1873 the Indian inhabitants ceded and released the territory in dispute, in order that it might be opened up for settlement, immigration, and such other purpose as to Her Majesty might seem fit, "to the Government of the Dominion of Canada", for the Queen and Her successors forever. It was argued that a cession in these terms was in effect a conveyance to the Dominion Government of the whole rights of the Indians, with consent of the Crown. That is not the natural import of the language of the treaty, which purports to be from beginning to end a transaction between the Indians and the Crown ; and the surrender

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is in substance made to the Crown. Even if its language had been more favourable to the argument of the Dominion upon this point, it is abundantly clear that the Commissioners who represented Her Majesty, whilst they had full authority to accept a surrender to the Crown, had neither authority nor power to take away from Ontario the interest which had been assigned to that Province by the Imperial Statute of 1867.

These considerations appear to their Lordships to be sufficient for the disposal of this appeal. The treaty leaves the Indians no right whatever to the timber growing upon the lands which they gave up, which is now fully vested in the Crown, all revenues deriveable from the sale of such portions of it as are situate within the boundaries of Ontario being the property of that Province. The fact that it still possesses exclusive power to regulate the Indians' privilege of hunting and fishing cannot confer upon the Dominion power to dispose, by issuing permits or otherwise, of that beneficial interest in the timber which has now passed to Ontario. Seeing that the benefit of the surrender accrues to her, Ontario must, of course, relieve the Crown and the Dominion of all obligations involving the payment of money which were undertaken by Her Majesty, and which are said to have been in part fulfilled by the Dominion Government. There may be other questions behind, with respect to the right to determine to what extent, and at what periods, the disputed territory, over which the Indians still exercise their avocations of hunting and fishing, is to be taken up for settlement or other purposes, but none of these questions are raised for decision in the present suit.

Their Lordships will therefore humbly advise Her Majesty that the judgment of the Supreme Court of Canada ought to be affirmed, and the appear dismissed. It appears to them that there ought to be no costs of the appeal.

Solicitors for appellants : Johnston, Harrison, & Powell.

Solicitors for Attrny Genr'l of Ont.: Freshfields & Williams.

Solicitors for Attorney General for the Dominion : Bompas, Bischoff, Dodgson, & Coxe.

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"Q"

(PRIVY COUNCIL)

J. C. 1888

The Attorney General of British Columbia) Appellant ;

and

Nov. 22, 23 1889

The Attorney General of Canada,) Respondent.

On Appeal from the Supreme Court of Canada.

Apl. 3

Law of Canada---British North America Act, 1867, s 109--- Rights of the Province to the Precious Metals--- Conveyance of "Public Lands"---Construction.

Held, that a conveyance by the Province of British Columbia to the Dominion of "public lands", being in substance an assignment of its right to appropriate the territorial revenues arising therefrom, does not imply any transfer of its interest in revenues arising from the prerogative rights of the Crown. The precious metals in, upon, and under such lands are not incidents of the land but belong to the Crown, and, under sect. 109 of the British North America Act of 1867, beneficially to the Province, and an intention to transfer them must be expressed or necessarily implied.

Appeal from a judgment of the Supreme Court of Canada (Dec. 13 1887), confirming a judgment of a judge of the Exchequer Court of Canada upon a case stated under "The Supreme and Exchequer Court Act", and Columbian Act, 45 Vict. c 2.

The case stated was as follows :--"The Attorney General of Canada alleges, and the Attorney General of British Columbia denies, that the precious metals in, upon, and under the public lands mentioned in sect. 2 of the Columbian Act 47 Vict. c 14, are vested in the Crown as represented by the Government of Canada, and not as represented by the Government of British Columbia."

The way in which the controversy arose is stated in the judgments of their Lordships. The report of the case in the Supreme Court will be found in 14 Sup. Ct. (Canada) p 345.

The Supreme Court decided by three judges out of five in favour of the respondent.

Present:-- The Lord Chancellor, Lord Watson, Lord Fitz-Gerald, Lord Hobhouse, and Lord Macnaghten.

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Ritchie, C.J., held that the principle applicable to the case of grants of land from the Crown to a subject was not applicable to the present case, which was not the case of a grant or conveyance at all but of a statutory transfer to the Dominion by the Province of British Columbia of the right of that Province to the public lands in question, the title to the lands remaining throughout in the Crown. He held that the expression "public lands" was sufficient to pass the interest in question. He also relied upon the wording of a British Columbia minute of the 10th February, 1883, as shewing how the transactions in question were understood by the Provincial Government.

Gwynne, J. (Tachereau, J. consenting), agreed with the Chief Justice, and relied upon the fact that nearly the whole of the belt of territory in question consists of mountain lands which are of no value for agricultural or other surface purposes, and that the valu for surface purposes of such small portion thereof as consists of land in the valleys of the mountain streams is reduced to a minimum by reason of the large powers conferred upon the mining owner as against the surface owner by the mining acts of British Columbia, which acts enable the former to enter upon the lands of the latter, and to dispossess him upon payment of compensation, and to appropriate the water from the mountain streams, and consequently that unless the [illegible] precious metals pass to the Dominion the cession is illusory and of no value.

Fournier, J., held that the transfer under which the lands in question passed to the Dominion was in effect a contract between the Queen as chief of the Executive Government of the Province, and the Queen as chief of the Executive Government of the Dominion, whom for this purpose he held to be in effect different legal persons, and that to this contract the principles enumerated in the Earl of Northumberland's case (1) applied. He considered that the words "public lands" in the British Columbia Act, 47 Vict. c 14,

(1) 1 Plowd. 310.

did

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did not transfer the right to the precious metals on or under such lands, that in sect. 109 of the British North America Act, 1867, the words "mines and minerals" are specified in addition to lands, and he drew a distinction in this respect between those words in the 109th section of that Act, and the words "public lands" in the 91st section of the same Act, which latter words he held were used in a sense exclusive of mines and minerals. He was also of opinion that the legislative control over the lands in question would pass to the Dominion. Henry, J., based his judgment upon a previous decision of his own, in a case of The Queen v. Farwell (1) in 1886, in which he decided that the title to the lands in question was not vested in the Queen.

Sir Horace Davey, Q.C., Jeune, Q.C., and Clay, for the appellant contended that this decision was erroneous. As to the prerogative right of the Crown to the precious metals found in mines reference was made to In re Earl of Northumberland's Mines (2) and to Woolley v. Attorney General of Victoria (3). It is a rule of law, settled by those authorities, that this prerogative right will not pass under a grant of land by the Crown unless by apt and precise words the intention of the Crown that it should pass is expressed. By the British North America Act, 1867, sect/ 109 and sect. 10 of the Order in Council (May 16 1871) by which the Province of British Columbia was admitted into union with the Dominion of Canada, that prerogative right remained vested in the Crown on behalf of the Province. Reference was made to British Columbian Acts 43 Vict. No 11 and 47 Vict. c 14. No transfer of prerogative right was effected thereby, nor by the grant in question made by the Province to the Dominion Government. That grant was in reality a grant of land to the Canadian Pacific Railway Company to aid in the construction of the railway. The lands in reference to which this question has arisen have not ceased to be part of the Province and subject to provincial

(1) This judgment will be found, together with the judgments of the Supreme Court which reversed it, in 14 Sup.Ct.(Canada)392.
(2) 1 Plowd. 310.
(3) 2 App. Cas. 163.

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provincial legislation. Mining for gold and silver in these lands is regulated by the Provincial Gold Mining Ordinance, 1867, sects. 4 & 15, and by the Mineral Act, 1884. Under those Acts miners must be licensed by certificate of the provincial authorities. See also the Land Act, ~~1884~~ 1875, sects. ~~64, 65~~ 80 + 81 + Land Act 1884, Sects. 64 + 65, which reserve to such miners the right to enter on lands alienated by the Crown and search therein for precious metals. This is inconsistent with an intention to transfer to the Dominion the prerogative rights of the Crown to precious metals found in provincial territory. The claim of the Dominion is in violation of British North America Act, 1867, sect. 109 : see Attorney General of Ontario v. Mercer (1).

Rigby, Q.C., Sedgwick, Q.C. (Canada), and Gore, for the respondent, contended that the principle established by the cases in Plowden's Reports and 2 App.Cas. did not apply. This is not the case of a grant of land from the Crown to a subject. No question is involved of a grant from the Crown nor any question as between the Crown and a subject. The title to the belt of territory in question remained in the Crown after the cession by the Province to the Dominion, just the same as before the cession. The cession was made by the Queen as represented by the Province to the Queen as represented by the Dominion. Under these circumstances the expression "lands" prima facie includes the prerogative right of the Crown to the precious metals upon and under the soil of such property. Such a right is an ordinary incident to the title to the soil on the part of the Crown. "Public lands" in sect. 92 of British North America Act, 1867, do not include mines and minerals upon such lands. If mines and minerals were excluded therefrom the legislative control over the sale and management thereof in the Province would not belong to the Province under sect. 92, but would be vested in the Dominion under sect. 91. This would be contrary to the case on both sides, as shewn by the whole course of provincial and dominion legislation since 1867. "Public lands" in sect. 92 are equivalent to the several

(1) 8 App. Cas. 767.

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several descriptions of landed property specified in sect. 109, that is, including the precious metals. The same expression has the same meaning when used in art.11 of the Terms of Union and in sect. 2 of British Columbian Act, 47 Vict. c. 14. Consequently the right to the precious metals in question passed to the Dominion Government, and is no longer vested in the Province.

Sir Horace Davey, Q.C., replied.

The judgment of their Lordships was delivered by Lord Watson:-

The question involved in this appeal is one of considerable interest to the parties, but it will be found to lie within a very narrow compass, when the facts, as to which there is no dispute, are explained.

By an Order in Council dated the 16th of May 1871 Her Majesty, in pursuance of the enactments of sect.146 of the British North America Act, 1867, was pleased to ordain that the Province of British Columbia should, from the 29th day of June following, be admitted into and form part of the Dominion of Canada, subject to the provisions of that Act, and to certain Articles of Union which had been duly sanctioned by the parliaments of Canada and by the legislature of British Columbia. The eleventh of the Articles of Union is in these terms :-

"11. The Government of the Dominion undertake to secure the commencement simultaneously, within two years from the date of the union, of the construction of a railway from the Pacific towards the Rocky Mountains, and from such point as may be selected east of the Rocky Mountains towards the Pacific, to connect the seaboard of British Columbia with the railway system of Canada ; and further, to secure the completion of such railway within ten years from the date of the union.

"And the Government of British Columbia agree to convey to the Dominion Government, in trust, to be appropriated in such manner as the Dominion may deem advisable in furtherance of the construction of

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of the said railway, a similar extent of public lands along the line of railway throughout its entire length in British Columbia, not to exceed, however, twenty (20) miles on each side of said line, as may be appropriated for the same purpose by the Dominion Government from the public lands in the North West Territories and the Province of Manitoba. Provided, that the quantity of land which may be held under pre-emption right, or by Crown grant, within the limits of the tract of land in British Columbia to be so conveyed to the Dominion Government shall be made good to the Dominion from contiguous public lands ; and, provided further, that until the commencement within two years, as aforesaid, from the date of the union, of the construction of the said railway, the Government of British Columbia shall not sell or alienate any further portions of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him. In consideration of the land so to be conveyed in aid of the construction of the said railway, the Dominion Government agree to pay to British Columbia, from the date of the union, the sum of $100,000 per annum, in half-yearly payments in advance ."

After the union, owing to engineering and other difficulties, there was considerable delay in constructing the line of railway through British Columbia. Various differences arose between the two Governments, and these were ultimately settled, in the year 1883, by a provisional agreement, which was subsequently ratified by the respective ligislatures of Canada and the Province. Part of the agreement had reference to the 11th articles of Union, which it modified to the following extent. The Government of British Columbia agreed to convey to the Government of the Dominion, as therein provided, the public lands along the railway, wherever it might be finally located, to a width of twenty miles on either side of the line, and, in addition, to convey to the Dominion Government three and a half millions of acres of land in the Peace River District

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District, in one rectangular block, east of the Rocky Mountains, and joining the North West Territory of Canada. On the other hand, the Dominion Government undertook, with all convenient speed, to offer for sale the lands within the railway belt, on liberal terms, to actual settlers ; and also to give to persons who had squatted on these lands a prior right of purchasing the lands improved, at the rates charged to settlers generally. In accordance with this agreement, the lands forming the railway belt were granted to the Dominion Government, in terms of the 11th article of Union, by an Act of the legislature of British Columbia, 47 Vict. c. 14, s 2.

In 1884 a controversy arose between the Dominion and the Provincial Government in regard to the gold, which had then been found to exist in considerable quantities within the forty mile belt. With the view of judicially ascertaining which of them was entitled to it a special case was adjusted, commendable for its brevity, which simply states the issue to be, whether the precious metals in, upon, and under the lands within the forty-mile belt are vested in the Crown, as represented by the Government of Canada, or as represented by the Government of British Columbia. The case was first presented to Fournier, J., in the Exchequer Court of Canada, who, without hearing parties on the merits, gave a formal judgment in favour of the Dominion. On appeal his judgment was, after a full hearing, affirmed by a majority of the Supreme Court of Canada, consisting of Sir William Ritchie, C.J., with Taschereau and Gwynne, J.J., the dissentient members of the Court being Fournier and Henry, J.J.

It was not disputed, in the arguments addressed to this Board, that the question raised in the special case must be decided according to the principles of the law of England, which, "so far as not from local circumstances inapplicable", was extended to all parts of the Colony of British Columbia by the English Law Ordinance, 1867.

Whether the precious metals are or are not to be held as included in

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in the grant to the Dominion Government, must depend upon the meaning to be attributed to the words "public lands" in the 11th article of Union. The Act 47 Vict. c. 14, s 2, which was passed in fulfilment of the obligation imposed upon the Province by that article and the agreement of 1883, defines the area of the lands, but it throws no additional light upon the nature and extent of the interest which was intended to pass to the Dominion. The obligation is to "convey" the lands, and the Act purports to "grant" them, neither expression being strictly appropriate, though sufficiently intelligible for all practical purposes. The title to the public lands of British Columbia has all along been, and still is, vested in the Crown ; but the right to administer and to dispose of these lands to settlers, together with all royal and territorial revenues arising therefrom, had been transferred to the Province before its admission into the federal union. Leaving the precious metals out of view for the present, it seems clear that the only "conveyance" contemplated was a transfer to the Dominion of the provincial right to manage and settle the lands, and to appropriate their revenues. It was neither intended that the lands should be taken out of the Province, nor that the Dominion Government should occupy the position of a freeholder within the Province. The object of the Dominion Government was to recoup the cost of constructing the railway by selling the land to settlers. Whenever land is so disposed of the interest of the Dominion comes to an end. The land then ceases to be public land, and reverts to the same position as if it had been settled by the Provincial Government in the ordinary course of its administration. That was apparently the consideration which led to the insertion, in the agreement of 1883, of the condition that the Government of Canada should offer the land for sale, on liberal terms, with all convenient speed.

According to the law of England, gold and silver mines, until they have been aptly severed from the title of the Crown, and vested

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vested in a subject, are not regarded as partes soli, or as incidents of the land in which they are found. Not only so, but the right of the Crown to land, and the baser metals which it contains, stands upon a different title from that to which its right to the precious metals must be ascribed. In the Mines Case (1) all the justices and barons agreed that, in the case of the baser metals, no prerogative is given to the Crown ; whereas "all mines of gold and silver within the realm, whether they be in the lands of the Queen or of subjects, belong to the Queen by prerogative, with liberty to dig and carry away the ores thereof, and with other such incidents thereto as are necessary to be used for the getting of the ore." In British Columbia the right to public lands, and the right to precious metals in all provincial lands, whether public or private, still rest upon titles as distinct as if the Crown had never parted with its beneficial interests ; and the Crown assigned these beneficial interests to the Government of the Province, in order that they might be appropriated to the same state purposes to which they would have been applicable if they had remained in the possession of the Crown. Although the Provincial Government has now the disposal of all revenues derived from prerogative rights connected with land or minerals in British Columbia, these revenues differ in legal quality from the ordinary territorial revenues of the Crown. It therefore appears to their Lordships that a conveyance by the Province of "public lands", which is, in substance, an assignment of its right to appropriate the territorial revenues arising from such lands, does not imply any transfer of its interest in revenues arising from the prerogative rights of the Crown.

The grounds upon which the majority of the learned judges of the Supreme Court decided in favour of the Dominion are briefly and forcibly stated in the judgment delivered by Sir William Ritchie, C.J. They were of opinion that the rule of construction which excepts the precious metals from a conveyance of land by the Crown

(1) 1 Plowd. 336, 336 a.

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tion subject has no application to the provisions of the 11th Article of Union, which they regarded as a statutory conpact between two constitutional governments. The learned Chief Justice said :- "This was a statutory arrangement between the Government of the Dominion and the Government of British Columbia, in settlement of a constitutional question between the two Governments, or rather giving effect to and carrying out the constitutional compact under which British Columbia became part and parcel of the Dominion of Canada, and as a part of that arrangement the Government of British Columbia relinquished to the Dominion of Canada, as represented by the Governor General, all right to certain public lands belonging to the Crown, or to the Province of British Columbia, as represented by the Lieutenant Governor."

If the 11th Article of Union had been an independent treaty between the two Governments, which obviously contemplated the cession by the Province of all its interests in the land forming the railway belt, royal as well as territorial, to the Dominion Government, the conclusion of the Court below would have been inevitable. But their Lordships are unable to regard its provisions in that light. The 11th article does not appear to them to constitute a separate and independent compact. It is part of a general statutory arrangement, of which the leading enactment is, that, on its admission to the Federal Union, British Columbia shall retain all the rights and interests assigned to it by the provisions of the British North America Act, 1867, which govern the distribution of provincial property and revenues between the Province and the Dominion ; the 11th article being nothing more than an exception from these provisions. The article in question does not profess to deal with jura regia ; it merely embodies the terms of a commercial transaction, by which the one Government undertook to make a railway, and the other to give a subsidy, by assigning part of its territorial revenues.

Their Lordships do not think it admits of doubt, and it was not disputed

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disputed at the bar, that sect. 109 of the British North America Act must now be read as if British Columbia was one of the provinces therein enumerated. With that alteration, it enacts that "all lands mines, minerals, and royalties", which belonged to British Columbia at the time of the union, shall for the future belong to that Province and not to the Dominion. In order to construe the exception from that enactment, which is created by the 11th Article of Union, it is necessary to ascertain what is comprehended in each of the words of the enumeration, and particularly in the word "royalties". The scope and meaning of that term, as it occurs in sect. 109, underwent careful consideration in the case of Attorney General of Ontario v. Mercee (1), which was appealed to this Board by the Dominion Government, in name of the defendant Mercer. In that case their Lordships were of opinion that the mention of "mines and minerals" in the context was not enough to deprive the word "royalties" of what would otherwise have been its proper force (2). The Earl of Selborne, in delivering the judgemnt of the Board, said :-- (3) "It appears, however, to their Lordships to be a fallacy to assume that because the word "royalties" in this context would not be regarded as inofficious or insensible, if it were regarded as having reference to mines and minerals, it ought, therefore, to be limited to those subjects. They see no reason why it should not have its primary and appropriate sense, as to (at all events) all the subjects with which it is herefound associated, lands as well as mines and minerals---even as to mines and minerals it here necessarily signifies rights belonging to the Crown jure coronae."

It is not necessary for the purposes of this appeal to consider whether the expression "royalties" as used in sect. 109 includes jura regalia other than those connected with lands, mines and minerals.

(1) 8 App. Cas. 767.

(2) 8 App. Cas. 777.

(3) 8 App. Cas. 778.

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minerals. Attorney General of Ontario v. Mercer (1) is an authority to the effect that within the meaning of the clause the word "royalties" comprehends, at least, all revenues arising from the prerogative rights of the Crown in connection with "lands", "mines", and "minerals". The exception created by the 11th Article of Union, from the rights specially assigned to the province by section 109, is of "lands" merely. The expression "lands" in that article admittedly carries with it the baser metals, that is to say, "mines" and "minerals" in the sense of sect. 109. Mines and minerals in that sense are incidents of land, and, as such, have beeninvariably granted, in accordance with the uniform course of Provincial Legislation, to settlers who purchased land in British Columbia. But jura regalia are not accessories of land ; and their Lordships are of opinion that the rights to which the Dominion Government became entitled under the 11th article did not, to any extent, derogate from the Provincial right to "royalties" connected with mines and minerals under sect. 109 of the British North America Act.

Their Lordships do not doubt that the 11th Article of Union might have been so expressed as to shew, by necessary implication, that some or all of the royalties dealt with by sect. 109 were to pass to the Dominion along with the lands constituting the railway belt. But there is not a single expression in the context which is applicable to gold or gold-mining rights. On the other hand, the whole terms of the Articles of Union, as well as of the subsequent Agreement of 1883, appear to their Lordships to point to the conclusion that the high contracting parties were dealing with public lands, in so far as these were available for the ordinary purposes of settlement, and had either excluded gold mines from their arrangements, or had them not in contemplation. It is right, however, to notice that the learned Chief Justice refers to a minute of the Council of British Columbia containing the recommendation

(1) 8 App. Cas. 767.

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recommendation of a committee, which was communicated to the Government of Canada, as evincing an understanding, on the part of the Provincial Government, that mines of gold and other precious metals were to be conveyed along with the belt lands. The passage upon which the learned Chief Justice relies is in these terms :---"That it be one of the conditions that the Dominion Government, in dealing with lands in the Province, shall establish a land system equally as liberal, both as to mining and agricultural industries, as that in force in this Province at the present time, and that no delay shall take place in throwing open the land for settlement." The words "mining and agricultural industries", taken per se, might be of dubious import, because they would not disclose whether gold digging was referred to as one of the mining industries. But these industries are described as an integral part of the "land system"; and when it is considered that, at the date of the report, the system of land settlement in the Province, which included the baser metals, was regulated by special statute, and that gold mines, which were not given off to settlers, were not treated as part of that system, but were the subject of separate legislation, it becomes apparent that the committee did not make any reference to gold in their recommendation.

Their Lordships are for these reasons of opinion that the judgment appealed from must be reversed, and that it ought to be declared that the precious metals within the railway belt are vested in the Crown, subject to the control and disposal of the Government of British Columbia, and they will humbly advise Her Majesty to that effect. There will be no order as to costs.

Solicitors for appellant : Hepburn, Son, & Cutliffe.

Solicitors for respondent : Bompas, Bischoff, Dodgson & Coxe.

.....

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Dictated.

Department of Indian Affairs,
Ottawa, 24th September, 1897.

M E M O R A N D U M.

With reference to the Hon. Mr. Hardy's letter of the 27th July last, enclosing a memorandum in the nature of a claim by the Province of Ontario to timber, minerals, and lands in connection with Indian Reserves within the Province, the undersigned begs to submit the following for the Minister's consideration.

It should be stated that the Indian Department was managed by officers of the Imperial Government until 1860. In 1845 it was created a civil Department, under the control of the Governor General. Before that year the Department was military in its character, and its officers enjoyed military rank. The Parliamentary grant was voted in aid of the milirary expenditure, and the presents to Indians were furnished by the Commissariat upon requisitions made by the Chief Superintendent. From 1845 until 1860 the Governor General's Secretary was, ex-officio, Superintendent General of Indian Affairs. In 1860 the Department was, by virtue of the Act,, 23 Vic., C. 151, placed under the control of the Commissioner of Crown Lands, who was, ex-officio, Superintendent General of Indian

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Affairs, and it continued under his control until Confederation.

At the time of the conquest of Canada all the Indians were taken under the protection of the British Government, and the 40th Article of the Capitulation of Montreal provides that "the savage or Indian allies "of His Most Christian Majesty shall be maintained "in the lands they occupy if they wish to remain "there ; they shall not be disturbed on any pretext "whatever for having taken arms and served His "Christian Majesty". × × × × × × ×

The Proclamation of His Majesty George III, issued in 1763, furnished the Indians with a fresh guarantee of the possession of their hunting grounds and the protection of the Crown, and has always been looked upon by the Indians as the charter of their rights.

A copy of the Proclamation referred to is placed herewith ; but the following extract therefrom relates to Indians :--

"And whereas it is just and reasonable and essen- "tial to our interest and the security of our colo- "nies, that the several natives or tribes of Indians "with whom we are connected, and who live under our "protection, should not be molested or disturbed in "the possession of such part of our dominions and "territories as not having been ceded to us are re- "served to them, or any of them, as their hunting "grounds ; we do therefore, with the advice of our "Privy Council, declare it to be our Royal will and "pleasure that no Governor or Commander in Chief, "in any of our Colonies of Quebec, East Florida, or

West

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"West Florida, do assume, upon any pretence whatever, "to grant Warrants of Survey, or pass any Patents for "lands beyond the bounds of their respective Govern- "ments, as described in their Commissions ; as also "that no Governor or Commander in Chief of our other "Colonies, or Plantations in America, do presume, for "the present and until our further pleasure be known, "to grant Warrants of Survey or pass any Patent for "lands beyond the heads or sources of any of the "rivers which fall into the Atlantic Ocean, from the "west or north-west, or upon any lands whatever which, "not having been ceded to, or purchased by us as "aforesaid, are reserved to the said Indians or any "of them.

"And we do further declare it to be our Royal will "and pleasure, for the present as aforesaid, to re- "serve under our sovereignty, protection and dominion, "for the use of the said Indians, all the lands and "territories not included within the limits and ter- "ritory granted to the Hudson's Bay Company ; as also "all the land and territories lying to the westward "of the sources of the rivers which fall into the "sea, from the west and north-west as aforesaid ; and "we do hereby strictly forbid, on pain of our dis- "pleasure, all our loving subjects from making any "purchases or settlement whatsoever or taking pos- "session of any of the lands above reserved, with- "out our special leave or license for that purpose "first obtained.

"And we do further strictly enjoin and require "all persons whatsoever who have either wilfully or

inadvertently

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"inadvertently seated themselves upon any lands "within the countries above described, or upon any "other lands which, not having been ceded to or pur- "chased by us, are still reserved to the said In- "dians as aforesaid, forthwith to remove themselves "from such settlements.

"And whereas great frauds and abuses have been "committed in the purchasing lands of the Indians, to "the great prejudice of our interest, and to the great "dissatisfaction of the said Indians, in order, there- "fore, to prevent such irregularities for the future, "and to the end that the Indians may be convinced of "our justice, and determined resolution to remove "all reasonable cause of discontent, we do, with the "advice of our Privy Council, strictly enjoin and "require that no private person do presume to make "any purchase from the said Indians of any lands re- "served to the said Indians, within those parts of "our colonies where we have thought proper to allow "settlement ; but if, at any time, any of the said "Indians who should be inclined to dispose of the "said lands, the same shall be purchased only for us "in our name at some public meeting or assembly of the said "Indians, to be held for that purpose, by the Gover- "nor or Commander in Chief of our Colonies respective- "ly, within which they shall be ; and in case they "shall be within the limits of any proprietaries, con- "formable to such directions or instructions as we, or "they, shall think proper to give for that purpose.

"And we do, by the advice of our Privy Council, de- "clare and enjoin that the trade with the said Indians shall

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"shall be free and open to all our subjects whatso-
"ever ; provided that every person who may incline
"to trade with the said Indians do take out a license
"for carrying on such trade, from the Governor or
"Commander in Chief of any of our Colonies respective-
"ly, where such persons shall reside, and also give
"security to observe such regulations as we shall at
"any time think fit, by ourselves, or our Commission-
"ers to be appointed for this purpose, to direct and
"appoint for the benefit of the said trade ; and we
do hereby authorize, enjoin and require, the Governors
"and Commanders in Chief of all our Colonies respec-
"tively, as well those under our immediate government
"as those under the government and direction of pro-
"prietaries, to grant such licenses without fee or
"reward, and the security forfeited in case the person
"to whom the same is granted shall refuse or neglect
"to observe such regulations as we shall think
"proper to prescribe as aforesaid. And we do further
"expressly enjoin and require all officers whatever,
"as well military as those employed in the management
"and direction of the Indian Affairs, within the ter-
"ritories reserved as aforesaid, for the use of the
"said Indians, to seize and apprehend all persons
"whatever who, standing charged with treason, mis-
"prison of treason, murder, or other felonies or mis-
"demeanors, shall fly from justice, and take refuge
"in the said territory, and to send them under a proper
"guard to the Colony where the crime was committed of
"which they stand accused, in order to take their

trial

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"trial for the same.

"Given at Our Court at St. James, the seventh "day of October, 1763, in the third year of Our "Reign. God save the King."

This Proclamation was not in any way abrogated, so far as the rights of the Indians are concerned, by the Quebec Act of 1774, by the Constitutional Act of 1791, nor by the Union Act of 1840.

In the year 1850 an Act was passed by the Province of Canada for the protection of Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury ; and a similar law in the same year for the better protection of the lands and property of the Indians in Lower Canada.

Section 12 of the Act referred to, for the protection of the Indians in Upper Canada, reads as follows :

"And be it enacted, That if any person without "the license in writing of the Commissioners or of "any or either of them, shall hereafter trespass upon "any of the said lands or roads or allowances for "roads, by cutting any trees, saplings, shrubs, under- "wood or timber thereon, or by carrying away or re- "moving any of the trees, saplings, shrubs, under- "wood, or timber therefrom, or by removing any of "the stone or soil of the said lands, roads, or al- "lowances for roads, such person so trespassing shall for every tree he shall cut, carry away or remove, "forfeit and pay the sum of five pounds, and for "cutting, carrying, or removing any of the saplings,

shrubs

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"shrubs, underwood or timber, under the value of five "shillings, the sum of one pound, but if over the "value of five shillings, then the sum of five pounds, "and for removing any of the stone or soil aforesaid, "the sum of five pounds, such fine to be imposed and "recovered by the said Commissioners or any or either "of them, by distress and sale of the goods and chat- "tels of the party or parties fined ; or the said Com- "missioners may, without proceeding by distress and "sale as aforesaid, upon the non-payment of the said "fine, order the party or parties to be imprisoned in "the common jail as aforesaid, for a period not ex- "ceeding thirty days, when the fine shall not exceed "five pounds, or for a period not exceeding three "callendar months when the fine shall not exceed five "pounds ; and upon the return of any warrant for dis- "tress or sale, if the amount thereof have not been "made, or if any part of it may remain unpaid, the "said Commissioners or any or either of them may com- "mit the party or parties who may be in default upon "such warrant or warrants to the common jail as afore- "said, for a period not exceeding thirty days, if the "sum claimed by the said Commissioners upon the said "warrant do not exceed five pounds, or for a time not "exceeding three callendar months, if the sum claimed "do not exceed five pounds ; all which fines shall be "paid to Her Majesty, Her Heirs or Successors, or to "some officer acting under her authority, to be dis- "posed of for the use and benefit of the Indians, as "the Governor of this Province for the time being may

be

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"be pleased to direct/"

From this Section it will be seen that the Province undertook to prevent parties from cutting timber on Indian lands without a license, and the fines imposed for any such trespass were to be paid to Her Majesty, her heirs or successors, or to some officer acting under her authority, to be disposed of for the use and benefit of the Indians as the Governor of the Province for the time being might be pleased to direct.

The following Order-in-Council dated the 14th May 1859, based on the law then in force, shews conclusively that the proceeds from the sale of timber was to accrue to the benefit of the Indians and not to the benefit of the Province, although Indian Affairs were under the direction of the Imperial authorities but subject to the laws of the Province :

"A copy of a Report of a Committee of the Honour-
"able the Executive Council approved by His Excellency
"the Governor General in Council on the 14th May 1859.

"The Committee have had under consideration a Report
"from the Honourable the Commissioner of Crown Lands
"on a proposal made by the Superintendent General of
"Indian Affairs to place a certain portion of the
"Indian timber Reserve under the management of the
"Crown Lands Department.

"The Commissioner states that the Indian Reserves
"are divided by the Superintendent General into three
"classes, viz.,

"1st. Those in Lower Canada, whether forming part

of

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"of old Seigniories or as created Reserves under the "Act 14,15 Vic., Cap. 106.

"2nd. Those in Upper Canada which have not been "surrendered to the Crown, and which are protected "by the Acts, 2 Vic. Cap. 15, and 13 & 14 Vic., Cap. "74.

"3rd. Those surrendered to the Crown with a view "to their being sold for the benefit of the Indians "surrendering them, but which have not yet been dis- "posed of.

"That the Superintendent General proposes that the "Commissioner of Crown Lands shall grant licenses for "the reserves of the 1st and 3rd classes, but that as "regards those in the 2nd class, applications shall "require the approval of the Indian Department, and "when approved the licenses to be granted by the Indian "Commissioner.

"That the exception made of the last mentioned "class appears to have its origin in the 9th Section "of the Act 13, 14 Vic., Cap. 74, which renders the "permission of the Commissioners named in that Act necessary before any legal license to cut timber on that "class of lands can issue, but that in his (the Com- "missioner of Crown Lands') opinion, this objection, "if the only one, can easily be overcome, by issuing "such licenses only after the required permission shall "have been obtained by the Crown Lands Department "through the Superintendent General of Indian Affairs.

"That all amounts collected by the Crown Lands "Department, both for ground rents and timber dues, "under the proposed arrangement, be accounted for

quarterly

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"quarterly in the same manner as other special col-
"lections, and a separate statement furnished to the
"Indian Department.

"That should the foregoing arrangement be carried
"out, the Commissioner states that it will of course
"be necessary that his Department be furnished with des-
"criptions of all the Reserves, and lists of all the
"Indian lands subject to timber dues.

"Finally, he suggests that the Crown Lands Depart-
"ment retain six per cent out of all moneys collected
"for the Indian lands, a portion of which--to be fixed
"by the Commissioner of Crown Lands--be awarded to the
"officer in charge of the Woods and Forest Branch of
"his office, for the additional labour which will be
"thrown on him under the proposed change, whilst the
"Indian Department would contribute their portion of
"the travelling expenses of the Crown Timber Agents
"in looking after the timber cut on the Indian Reserves.

"The Committee submit the report and suggestions
"of the Crown Lands Department for approval."

On the 6th August, 1862, the following Order-in-Council was passed after Indian Affairs had been placed under the control of the Commissioner of Crown Lands, by which it will be seen that the management of timber on Indian Reserves was to be entrusted to the Indian Branch of the Crown Lands Department, the proceeds of which timber was to accrue to the benefit of the Indians, and not to the Province.

"Copy of a Report of a Committee of the Honourable
"the Executive Council, approved by His Excellency

the

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"the Governor General in Council on the 6th August,
"1862.

"On a Memorandum dated the 4th August 1862, from "the Chief Superintendent of Indian Affairs, having "reference to the report from the Indian Department "dated the 14th ultimo relative to timber on the In- "dian lands, referred for the consideration of Your "Excellency in Council on the 30th ultimo, and calling "attention to the Order-in-Council of the 14th May "1859, relating thereto."

"The Chief Superintendent states that this Order "was adopted previously to the Act 23 Vic., Chap. "151, to which the royal assent was given 30th June "1860, and which transferred the charge of Indian Af- "fairs from the Imperial authorities to the Govern- "ment of this Province.

"That the Indian Department having been since the "date of the Order-in-Council above named reorganized, "he submits that the said Order-in-Council be rescinded "and that the management of the Indian timber business "be entrusted to the Indian Department, with a view "to the same being conducted in general accordance "with the report referred to Council on the 30th "ultimo, and the withdrawal of that branch of duty "from the Crown Timber Branch of the Crown Lands De- "partment.

"The Committee advise that the Order-in-Council of "the 14th May 1859, above referred to, be cancelled, "and that the Indian timber management be entrusted "to the Indian Branch of the Crown Lands Department, "as above suggested."

In

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In a letter dated at Quebec, 7th January, 1863, and addressed by the Deputy Superintendent General of Indian Affairs, William Spragge, to W. R. Bartlett, Visiting Superintendent, Toronto, the following appears :

"You will take especial care to explain to the "Indians that the timber upon Indian lands is the "property of their band, as a people: that it will be "as much their Children's and their descendants' as "it has been their forefathers' and theirs ; and that "all moneys realized from the timber will be put out "at interest, and that interest be divided among them, "half-yearly, along with their other moneys."

The Indian Reserves having become vested in the Dominion under the British North America Act, the timber thereon has always been controlled and disposed of for the benefit of the Indians, the same being considered part of the Reserves in accordance with the definition given in Sub-Section (k) of Section 2 of the Indian Act, which is as follows :

"The expression 'Reserve' means any tract or "tracts of land set apart by treaty or otherwise for "the use or benefit of or granted to a particular band "of Indians of which the legal title is in the Crown, "and which remains a portion of the said Reserve, and "includes all the trees, wood, timber, soil, stone, "minerals, metals and other valuables thereon or "therein."

Even if Ontario only claims the right to the timber on such Indian Reserves as have not been set aside by the

concurrence

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concurrence of the Province, the undersigned respectfully submits that this claim is not a tenable one. Take, for instance, the reserves set apart in Treaty No. 3 : if the Crown, as represented by the Province, had extinguished the Indian title to the lands within the said Treaty before Confederation, and had set aside the Reserves, there could be no question as to the timber on the Reserves belonging to the Indians ; and the mere fact that the Dominion, instead of the Province, extinguished the Indian title to the lands in question, and set aside the Reserves, does not give the Province any claim to the timber, the Dominion being the only power which could treat with the Indians in extinguishment of their claims, and the Province, as a matter of fact, is bound to respect the Treaty-making powers of the Dominion, and can only refuse to concur in the setting aside of these Reserves if it can be shewn that more land was granted than stipulated for in the Treaty.

As regards the claim of the Province to the precious metals based on the decision given by the Judicial Committee of the Privy Council, in "Attorney General of British Columbia vs Attorney General of Canada", which will be found in Vol. 14, Appeal Cases, page 295, the undersigned would respectfully point out that the decision given in this case cannot fairly be held to give the precious metals in Indian Reserves to the Provinces, as the case in point was not one of Indian land, but of Provincial land conveyed to the Dominion.

On reference to Section 91 of the British North

America

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America Act, Sub-Section 24, it will be seen that "Indians and lands reserved for Indians" fall within the distribution of the exclusive legislative powers of the Dominion, and the Dominion, having the right to legislate for Indians, has also the right to administer for them.

Section 109 of the British North America Act cannot be held to apply to lands reserved for the Indians under Section 91, but only, as far as the Indians are concerned, to such lands as have been disencumbered of the Indian title, and have thereby become the property of the Province under this Section ; such, for instance, as the lands within Treaty No. 3, with the exception of the reserves set aside under that Treaty, or to the lands acquired by the Province of Canada under the Robinson-Huron and Superior Treaties of 1850, less the reserves set aside under those Treaties.

According to Blackstone, by the word "lands" "everything terrestrial will pass", and therefore under Sub-Section 24 of Section 91 of the British North America Act the minerals were conveyed by the Provinces to the Dominion for the benefit of the Indians ; and the rule of law, that the prerogative rights of the Crown do not pass under a grant of land by the Crown unless by apt and precise words the intention of the Crown that they should pass is expressed, could not be held to apply to the case of minerals included in lands reserved for the Indians and placed under the control of the Dominion under the terms of the British North America Act.

The object of placing the Indians and their estates

under

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under the control of the Dominion was, no doubt, not only to safeguard the rights of the Indians but to relieve the Provinces of caring for them. The Dominion, therefore, having the right to legislate and to administer the lands specially reserved for the Indians, would of necessity require that such reserves should be under its absolute control : for instance, the Dominion, it is admitted, has the right to <u>legislate</u> for the Indians, and therefore can make laws against trespassing on their reserves. It is therefore unreasonable to suppose that the Provinces should retain the precious metals in such reserves, and thus have the right to place miners thereon against the wishes of the Indians.

Moreover, it should be pointed out that the faith of the Crown was pledged as regards the right of the Indians to the minerals in reserves set aside in the disputed territory under Treaty No. 3, as will be seen on reference to Morris's Bookof Treaties with the Indians. Governor Morris was asked by one of the Chiefs the following question,-- "Should we discover any metal that "was of use, could we have the privilege of putting "our own price on it ?" Governor : "If any important "minerals are discovered on any of their reserves, the "minerals will be sold for their benefit, with their "consent, but not on any other lands that discoveries "may take place upon ; as regards other discoveries, "of course, the Indian is like any other man, he can "sell his information if he can find a purchaser." And on page 62 of the same book a Chief stated,--"My "terms I am going to lay down before you ; the de-"cision of our Chiefs, ever since we came to a

decision

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"decision you push it back. The sound of the rustling "of the gold is under my feet where I stand ; we have "a rich country ; it is the Great Spirit who gave us "this ; where we stand upon is the Indians' property, "and belongs to them. If you grant us our requests "you will not go back without making the Treaty."

The Treaty itself stipulates : "Provided, however, "that such reserves, whether for farming or other pur- "poses, shall in no wise exceed in all one square mile "for each family of five, or in that proportion for "larger or smaller families." "And provided also that "the aforesaid reserves of lands or any interest or "right therein or appurtenant thereto, may be sold, "leased, or otherwise disposed of by the said Govern- "ment for the use and benefit of the said Indians, "with the consent of the Indians entitled thereto "first had and obtained."

And on reference to the Robinson-Huron and Superior Treaties negotiated by the Province of Canada in 1850, it is stated :- "And should the said Chiefs and their "respective tribes at any time desire to dispose of "any such reservations or of any minerals or other "valuable productions thereon, the same will be sold "or leased, at their request, by the Superintendent "General of Indian Affairs for the time being, or "other officer having authority so to do, for their "sole benefit and to the best advantage."

Mr. Justice Boyd, in his reasons for award of 13th February 1895, in the matter of the Indian claims arising out of the Huron and Superior Treaties referred to,

cites

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cites the language of Mr. Justice McLean, "Worcester vs State of Georgia", (6 Pet. p. 582), "The language "used in Treaties with the Indians should never be "construed to their prejudice. If words be made use "of which are susceptible of a more extended meaning "than their plain import as connected with the tenor "of the Treaty they should be considered as used only "in the latter sense. x x x How the words of "the Treaty were understood by this unlettered people, "rather than their critical meaning, should form the "rule of construction." The language, however, in the Treaties referred to being so specific, it is scarcely necessary to quote this opinion.

In view of the crown being thus pledged by solemn Treaty, and of the laws enacted on behalf of the Indians, it does not seem reasonable to suppose that men like Sir John Macdonald and the Hon. George Brown, who understood the Government's dealings with the Indians, could have helped to frame the Confederation resolutions which were passed at the Quebec Conference of 1864, and which were afterwards embodied in the British North America Act, without intending that the minerals in Indian Reserves should pass from the Province to the Dominion, to be controlled for the benefit of the Indians.

Moreover, by the Act of 1840 uniting the Provinces of Upper and Lower Canada, Her Majesty accepted by way of Civil List, the sum of £75,000 instead of all territorial and other revenues at the disposal of the Crown arising in either of the said Provinces.

Thus

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Thus it will be seen that revenues derivable from the prerogative rights of the Crown passed to the Provinces, and by the British North America Act such revenues would pass to the Dominion as respects gold and silver in Indian Reserves.

As regards the reserves in what was formerly known as "The disputed Territory", the undersigned respectfully submits that by the powers vested in the Dominion under Section 91, Sub-Section 24, the Dominion Government, and no other, had the right to treat with the Indians for the surrender of the territory given by them under that Treaty, and Ontario is made a party thereto by virtue of the power to make the treaty, vested in the Dominion, and consequently Ontario is bound to confirm the reserves set aside under that Treaty, unless it can be shewn that more land was given the Indians than the Treaty called for. The quality of the land is not to be considered, whether agricultural or mineral land, as it will be seen that the Indians stipulated at the time the treaty was negotiated that the minerals in the reserves should belong to them. By Statute of Ontario, Chap. 3, 54 Vic., passed in the year 1891, it was enacted that the Lieutenant Governor of Ontario in Council was authorized to enter into an agreement with the Government of Canada in accordance with the terms of the draft of a proposed agreement contained in the schedule of that Act, with any modification or additional stipulation which might be agreed to by the Governments.

An agreement was accordingly entered into by the Hon. T. Mayne Daly, on behalf of the Dominion, and the

Hon.

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Hon. J. M. Gibson, on behalf of the Province, a copy of which agreement is placed herewith, and from Section 3 of which it will be seen that if the Government of Ontario is dissatisfied with the reserves selected, a Joint Commission or Joint Commissions shall be appointed by the Governments of Canada and Ontario, to settle any questions relating to such reserves.

The undersigned submits, however, that Ontario is bound to confirm these reserves, unless it can be shewn as before stated that more land was given to the Indians than stipulated by the Treaty.

The undersigned would state that on the 8th October 1886 a surrender was taken from the Indians owning Indian Reserves 38 B, in the Lake of the Woods, with a view to the same being disposed of as mineral lands for their benefit, and not for the benefit of the Province; and a similar surrender was obtained from them on the 6th June 1889, covering the portion of the Indian Reserve shown in red on the accompanying tracing. These surrenders were obtained in accordance with the provisions of the Indian Act and the terms of the Treaty made with the Indians.

As regards Sultana Island, the Department granted patents covering three or four mining locations thereon, and received applications under the mineral regulations for other locations on the island ; but no further action was taken in the direction of granting titles after the decision given in the St. Catherines Milling and Lumber Company case, and more especially after the agreement of the 26th May 1894, signed by the Hon. Mr. Daly, on behalf

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behalf of the Dominion, and the Hon. Mr. Gibson on behalf of the Province ; since which time the Department has resolutely refused to alienate any portion of the lands in question or any of the other reserves set aside under Treaty No. 3.

As regards the portion of Reserve 38 B surrendered in 1889, a number of applications under the mineral regulations therefor have been filed in the Department; but no action has been taken thereon with a view to granting titles pending the confirmation of the reserve by the Ontario Government.

It appears from the Hon. Mr. Hardy's letter and memorandum which accompanied the same that the Province claims the right to deal with the lands so surrendered on this reserve. The undersigned would, however, respectfully point out that the land having formed part of a reserve duly set aside under Treaty, the beneficial interest, under the 109th Section of the British North America Act, does not pass to the Province, but to the Dominion for the benefit of the Indians interested therein ; because this land cannot be claimed to have been disencumbered of the Indian title, it having been surrendered to the Dominion <u>in trust for the Indians interested therein</u>. Therefore, if the Ontario Government should undertake to pass title to the applicants for mining locations for any of this land, it would clearly be the duty of the Dominion Government to protest, and if necessary, take proceedings in the Exchequer Court to have the controversy determined.

The

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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The decision given by the Judicial Committee of the Privy Council in the St. Catherines Milling and Lumber Company case, that the beneficial interest is to pass to the Province as soon as the lands are disencumbered of the Indian title, can only be held to apply to lands other than reserves, specially set aside, and which is in accordance with the meaning of Section 109 of the British North America Act. In this case Lord Watson, in delivering judgment, said :--"It must always be kept "in view that whatever public land with its incidents "is described as 'the property of' or as 'belonging to' "the Dominion or Province these expressions merely im- "port that the right to its beneficial use, or its pro- "ceeds, has been appropriated to the Dominion or the "Province (as the case may be), and is subject to the "control of its Legislature, the land itself being "vested in the Crown." It is clear, therefore, that the land in Indian Reserves is vested in the Crown as represented by the Dominion for the benefit of the Indians, and not for the benefit of the Province.

The undersigned would here quote from the Report of 1845, which was made by Messrs. Rawson, Davidson, and Hepburn, Commissioners appointed to enquire into Indian Affairs :-- "The Government therefore adopted the "most humane and the most just course in inducing the "Indians by offers of compensation to remove quietly "to more distant hunting grounds or to confine them- "selves within more limited reserves, instead of "leaving them and the white settlers exposed to the "horrors of a protracted struggle for ownership. The

wisdom

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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"wisdom and justice of this course is most strongly "recommended by Vattel in his Laws of Nations, from "which the following passage is an extract :--

" ' There is another celebrated question to which
" 'the discovery of the new world has principally
" 'given rise. It is asked whether a nation may law-
" 'fully take possession of some part of a vast coun-
" 'try in which there are none but erratic nations,
" 'whose scanty population is incapable of occupying
" 'the whole. We have already observed, in establish-
" 'ing the obligation to cultivate the earth, that
" 'these nations cannot exclusively appropriate to
" 'themselves more land than they have occasion for,
" 'or more than they are able to settle and cultivate.
" 'Their unsettled habitation in those immense regions
" 'cannot be accounted a true and legal possession, and
" 'the people of Europe, too closely pent up at home,
" 'finding land of which the savages stood in no par-
" 'ticular need, and of which they made no actual and
" 'constant use, were lawfully entitled to take pos-
" 'session of it and to settle it with colonies. The
" 'earth, as we have already observed, belongs to man-
" 'kind in general, and was designed to furnish them wit
" 'subsistence. If each nation had from the beginning
" 'resolved to appropriate to itself a vast country,
" 'that the people might live only by hunting, fishing,
" 'and wild fruits, our globe would not be sufficient
" 'to maintain a tenth part of its present inhabitants.
" 'We do not, therefore, deviate from the views of na-
" 'ture, <u>in confining the Indians within narrower</u>
" 'limits. However, we cannot help praising the

moderation

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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" 'moderation of the English Puritans, who first
" 'settled in New England, who, notwithstanding their
" 'being furnished with a charter from their sovereign,
" 'purchased of the Indians the lands of which they in-
" 'tended to take possession. This laudable example
" 'was followed by William Penn, and the colony of
" 'Quakers that he conducted to Pennsylvania.' "

The Indians of Treaty No. 3 having surrendered the lands which passed to the Province by virtue of the 109th Section of the British North America Act, have, in consequence a larger right to the Reserves specially set aside for them, and which are held absolutely in their interest by the Dominion, than they had to their more extended hunting grounds, which they gave up for a money consideration and for smaller reserves. Moreover, the reserves in Treaty 3 were carefully selected, and the Indians themselves were consulted and their choice of locations were respected. If therefore the Government should now undertake to remove them without their consent they would have just grounds for complaint of breach of faith on the part of the Crown, which has given its pledge, under Treaty, to respect their rights in these reserves; and if Ontario undertook to pass title to the portions of reserve 38 B surrendered, the Indians would have the same ground for complaint.

In connection with the decision given in the St. Catherines Milling and Lumber Company case, the undersigned would respectfully point out that under Section 92, Sub-Section 5, of the British North America Act, the Province has "The management and sale of the public

lands

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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lands belonging to the Province and the timber and wood thereon". Indian Reserves set aside under Treaty cannot be held to be public lands, as they are held in trust for the Indians interested in such reserves. In the Quebec Conference resolutions of 1864 the powers assigned to the local Legislatures under Section 43, Sub-Section 7, are "The sale and management of public "lands, except lands belonging to the General Gov- "ernment, under the control of the Provinces."

It is evident, therefore, that reserve lands specially set aside for the Indians were never intended to be classed as public lands under the control of the Provinces.

Section 108 of the British North America Act reads : "The public works and property of each Province en- "umerated in the 3rd Schedule of this Act shall be "the property of Canada". But the fact that Indian lands are not mentioned along with Ordinance lands and other public property in this schedule is no reason why reserves specially set aside for the Indians shall revert to the Province as soon as they are disencumbered of the Indian title. As before pointed out, such reserves are not disencumbered of the Indian title or interest in the sense of lands surrendered by the Indians to the Crown absolutely, as they are surrendered to the Crown on the express condition that the proceeds thereof shall be funded for the benefit of the Indians, and this trust places the lands in question out of the category of public lands.

With regard to the suggestion of the Hon. Mr. Hardy, that the claim of the Federal Government against the

Province

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Province in respect to Indian annuities should be taken into account, with a view to offsetting the claims of the Province in regard to minerals, timber, and lands, the undersigned would respectfully state that the Department has at present two money claims before the Board of Arbitrators, which would have to be weighed against the claims of the Province if the Hon. Mr. Hardy's suggestions were carried out : namely, a claim for Robinson Treaty annuities, and a claim for annuities, supplies and administration, Treaty No. 3. The first, brought down to the 30th June 1897, amounts with interest to $511,670.66 on behalf of the Dominion for annuities actually paid out ; and $95,200.00 on behalf of the Indians for arrears of annuities due but not paid up to 1874, with interest to the 31st December 1892. The second, brought down to the 30th June 1897, amounts, with interest, to $$982,540.25 ; the two aggregating $1,589,410.91. The annual expenditure on account of annuities to Robinson Treaty Indians is about $22,000.00, and the total expenditure to carry out the stipulations of Treaty No. 3 is about $25,000.00.» There is in addition to these two claims, one which cannot at present be reduced to a money basis, namely, a claim for unsurrendered land in the northern part of the Province. If the alleged claim of the Indians to this district were recognised, according to usage a certain payment of annuities would ensue, but of course it is quite impossible to say what the amount would be. This latter claim is on behalf of the Mississaugas of Rice and Mud Lakes, Scugog and Alnwick, and the Chippewas of Lakes Huron and Simcoe, and is for compensation for an unsurrendered tract —— of land comprising approximately

10,719

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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10,719 square miles, situate between Georgian Bay and the Ottawa River, the said land never having been surrendered by the Indians. The claim was not presented to the Board of Arbitrators appointed to settle disputes between the Dominion and the Province, as it was at one time proposed, owing to the fact that the solicitors acting for the Department of Justice did not consider the same to come within the purview of instructions given to the Board, they considering it rather a case for settlement between the Governments concerned.

Attached is a statement of the Dominion's case, which was prepared for the Arbitrators.

The difficulty to be met in treating these claims as an offset against those of the Province is that, with the exception of the item of $95,200.00, the claims are on behalf of the Dominion Government ; whereas the claims of the province are against the Indians interests in the reserves, the timber, precious metals, and lands ; so that an adjustment of the claims in the manner suggested by the Hon. Mr. Hardy does not appear practicable. Moreover, the money paid out by the Dominion on account of Treaty No. 3 and the Robinson Treaties was voted by Parliament, and no agreement could be entered into with the Province in the direction desired by Mr. Hardy without the sanction of Parliament.

As regards the claim of Ontario to lands in Georgian Bay, as pointed out in a previous memorandum, it does not appear that such claim is in any sense a valid one. In fact the arrangement come to in 1876 was that these

islands

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islands were under the control of the Dominion Government for the benefit of the Indians who surrendered them in 1856, namely, the Chippewas of Lakes Huron and Simcoe.

The following papers are attached to this report, for reference if necessary.

(A) A copy of the Agreement, dated the 26th May 1894, and signed by the Hon. T. Mayne Daly, on behalf of the Dominion, and by the Hon. J. M. Gibson, on behalf of the Province.

(B) A copy of the Statute of 54-55 Vic., Chap 5, under which such agreement was authorized.

(C) A copy of the Judgment rendered by the Judicial Committee of the Privy Council in the St. Catherines Milling and Lumber Company case.

(D) A copy of the opinion given by the Judicial Committee of the Privy Council in the Precious Metals case, B. C.

(E) Copy of the decision given by Judge Wurtele, of Quebec, in the Pinsonneault case.

(F) Copy of the Proclamation of 1763.

(G) Statement of the case of the Dominion before the Board of Arbitrators on behalf of the Chippewa Indians of Lakes Huron and Simcoe, and the Mississauga Indians of Rice and Mud Lakes, Alnwick and Scugog.

(H) Schedule of Indian Reserves in Treaty No. 3, shewing

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shewing the areas of those reserves and parts of reserves that lie within the Province of Ontario as surveyed ; also Schedule of Indian Reserves in Treaty No. 3 of which surveys are not completed ; together with Schedule of reserves as surveyed in Treaty No. 3 lying without or partly within the boundaries of Ontario, and shewing the areas of the said Reserves and of the portions thereof that lie outside the boundaries of Ontario.

(I) Statement shewing lands in Ontario surrendered by the Indians before Confederation, without the condition that the same were to be sold for their benefit, and attached thereto a plan shewing the portions of Ontario in which the Indian title has been extinguished.

(J) Statement shewing reserves in Ontario, where situated, tribe or band for which the same were set aside, area and under what authority they were set aside.

(K) Indian Reserves in the Province of Ontario other than within the limits of Treaty No. 3, not confirmed by the Ontario Government, giving name of reserve, where situated, tribe or band, area, &c.

(L) Tracing shewing portion of Reserve 38 B surrendered by the Indians.

In conclusion the undersigned begs to add that his object in placing before the Minister, along with these papers, a copy of the Judgment rendered by the Court

of

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of Queen's Bench in the Pinsonneault case is to call attention to the fact that the effect of this Judgment virtually sustains the contention of the Province of Quebec that under the provision of the Union Act of 1867 the seigniory of Sault Ste Louis is vested in the Crown, represented, not by the Government of the Dominion, but by the Crown as represented by the Province of Quebec, and therefore places the fee of reserves in the Crown as represented by the Provinces, instead of in the Dominion, and if acted upon would prevent this Department from alienating any portion of an Indian Reserve for the benefit of the Indians interested therein.

It will be remembered that proceedings were instituted some time ago against Noel Pinsonneault at the instance of Mr. Inspector Dingman, late of this Department, who was sent to Caughnawaga for the purpose of looking into the question of arrears of rent due by the Consitaires of the Seigniory. The Attorney General for the Province of Quebec intervened in the suit, alleging that the Seigniory was not vested in the Crown represented by the Government of the Dominion, but in the Crown represented by the Province of Quebec. The Superior Court sitting at Montreal, by its Judgment rendered on the 30th June 1896, maintained the intervention, and declared that the constituted rents of the Seigniory and any sum of money due by reason thereof, belonged to the Province subject to any trust existing therein. The Attorney General for the Dominion appealed from this Judgment, which appeal was sustained by the Court of

Queen's

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Queen's Bench.

The Judgment rendered by the Court of Queen's Bench vests the naked ownership of the Seigniory and of the rents in the Province of Quebec, but vests in the Dominion the right to collect the arrears and to apply the same to the use of the Indians.

A formal motion was made on behalf of the Attorney General of Quebec for leave to appeal the case to the Privy Council.

On the 15th July last the Deputy Minister of Justice advised this Department that no appeal had yet been taken, but that the Minister of Justice was considering a proposal made by the Quebec Government offering to withdraw the appeal if Canada would pass an Order-in-Council recognising the right of Quebec to the rents in case the Indians should at any time hereafter abandon the reserves, the reversion to the Crown being under the grant to the Jesuit Fathers which was made to them by Louis XIV for the benefit of the Indians.

By direction of the Minister the Department of Justice was informed, on the 21st July, that he was ready to acquiese in the condition upon which Quebec offered to withdraw the appeal, provided it was clearly stipulated that while the Indians continue to occupy the Reserve the Government of Canada shall have the right to patent lands to individual Indians for the purposes of enfranchisement ; and that all previous dealings of the Department in connection with the lands

in

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in this Reserve shall stand unquestioned.

Nothing further has been heard as to this case, but the undersigned submits that the Dominion might well have appealed the case to the Privy Council, and contended for the absolute right to control the Reserve for the benefit of the Indians.

Only recently the Quebec Government has taken possession of an island opposite the Reserve which is claimed by the Indians as belonging thereto, and when this Department asked under what authority this was done the reply was, under the authority of Section 109 of the British North America Act.

The Province of Nova Scotia too has claimed the right to the minerals on Indian Reserves within the Province, and the question as to the Dominion's right in this regard has been before the Department of Justice for some time, but no opinion has been given.

In view, therefore, of the importance of the questions at issue between the Provinces and the Dominion as regards Indian Reserves, the undersigned would respectfully recommend that the opinion of some high legal authority be obtained as to the rights of the Dominion.

All of which is respectfully submitted.

F. D. McLean

Secretary.

(31)

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DEPARTMENT OF INDIAN AFFAIRS CANADA

Ottawa, 25th Sept., 1897.

Dear Mr. Sifton,-

I send herewith a memo. prepared by me in answer to the Hon. Mr. Hardy's claims on behalf of the Province. I have of necessity had to make the memo. lengthy, as I considered the question of such importance that the facts should be laid fully before you. This memo. could not have been got ready sooner, as the statements in connection therewith required a great deal of research.

Yours truly,

L. Vankoughnet

Secretary.

Hon. Clifford Sifton,
Superintenient General
of Indian Affairs.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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288253

Hot Portage, Aug 6 /05

Frank Pedley, Esq
Deputy Supt Genl Ind Affairs
Sir, For fear you may be
out of work while I am
away please prepare ~~the~~
~~st~~ (backed up by as
complete memoranda and
argument as necessary)
the shortest possible
statement regarding the
mutual positions of
the Dominion & the
provinces of Ontario &
British Columbia regarding

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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(2)

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Indian reserve lands
Manitoba.

1 What lands are under
question as to dual
ownership or control,
with particulars.
2 What the Province
claims.
3. What the Dominion
admits.
4. What has action been
hitherto.
5 ~~How~~ What can best be
done to separate the

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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(3)

288253

MINISTER OF THE INTERIOR
CANADA

control or ownership,
so that Dominion
action may be
unhampered.

Yours truly
Frank Oliver,

P.S. If prepared before
my return submit
questions of law to
justice department.

F.O.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A
pt. 2)

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111834-2

DEPARTMENT OF INDIAN AFFAIRS CANADA

Ottawa, 9th August, 1905.

DEPARTMENT OF INDIAN AFFAIRS AUG 10 1905

Mr. Orr :-

Will you kindly prepare a short statement of the land question as outlined by the Minister in his letter herewith.

Incl.

J. D. McLean

Acting Deputy Superintendent General
of Indian Affairs.

LAND BRANCH AUG 11 1905

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RESERVES IN BRITISH COLUMBIA.

- - - - - - - - - -

The Reserves in British Columbia may be grouped as those within the Railway Belt and those outside the Railway Belt.

As to the Reserves within the Railway Belt, a schedule of which is hereto attached, the Department has full control thereof, except as to right to the disposition of the precious metals contained therein. claimed by the Province

The Reserves outside the Railway Belt are subject to a reversionary interest claimed by the local Government. The Reserves, or at least the great majority of them, as shown in schedule of British Columbia Reserves hereto attached, were set aside under an arrangement come to between the Province and the Dominion in 1876, as follows;-

1. That with a view to the speedy and final adjustment of the Indian Reserve question in British Columbia on a satisfactory basis, the whole matter be referred to three Commissioners one to be appointed by the Government of the Dominion, one by the Government of British Columbia, and the third to be named by the Dominion and local Governments jointly.

2. That the said Commissioners shall, as soonas practicable, after their appointment, meet at Victoria and make arrangements to visit, with all convenient speed, in such order as may be found desirable, each Indian Nation (meaning by Nation all Indian Tribes speaking the same language) in British Columbia, and after full enquiry on the spot into all matters affecting the question, to fix and determine for each Nation separately the

number

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number, extent and locality of the Reserve or Reserves to be allowed to it.

3. That in determining the extent of the Reserves to be granted to the Indians of British Columbia no basis of acreage be fixed for the Indians of that Province, as a whole, but that each Nation of Indians of the same language be dealt with separately.

4. That the Commissioners shall be guided generally by the spirit of the terms of union between the Dominion and the local Government, which contemplates a "Liberal Policy" being pursued towards the Indians, and in the case of each particular Nation regard shall be had to the habits, wants and pursuits of such Nation, to the amount of territory available in theregion occupied by them, and to the claims of the White settlers.

5. That each Reserve shall be held in trust for the use and benefit of the Nation of Indians to which it has been allotted, and in the event of any material increase or decrease hereafter of the members of a Nation occupying a Reserve, such Reserve shall be enlarged or diminished, as the case may be, so that it shall bear a fair proportion to the members of the Nation occupying it. The extra land required for any Reserve shall be allotted from Crown Lands, and any land taken off a Reserve shall revert to the Province.

6. That so soon as the Reserve or Reserves for any Indian Nation shall have been fixed and determined by the Commissioners, as aforesaid, the existing Reserves belonging to such Nation, so far as they are not in whole or in part included in

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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in such new Reserve or Reserves so determined by the Commissioners, shall be surrendered by the Dominion to the local Government so soon as may be convenient, on the latter paying to the former, for the benefit of the Indians, such compensation for any clearings or improvements made on any Reserve so surrendered by the Dominion and accepted by the Province as may be thought reasonable by the Commissioners aforesaid.

Under the above stipulations, Commissioners were duly appointed and Reserves established, as shown in Schedule above referred to.

The Department of Justice held, in opinion given on the 29th November 1892, that in the case of British Columbia Reserves, the Dominion Government is bound by the terms of the special agreement, under which they were set apart and handed over by the Provincial Government, and so far as to the title to the lands contained in them is concerned, the express stipulations of that agreement must prevail, if in any point they are found to differ in effect from the provisions of the Indian Act. One of these (contained in the 5th clause above set out) provides that in the event of any material increase or decrease in the numbers of a Nation occupying a Reserve, such Reserve shall be enlarged or diminished, as thw case may be, so that it shall bear a fair proportion to the members of the Nation occupying it, and it is provided that any land taken off a Reserve shall revert to the Province.

The Minister considered that in view of this provision, the Government of Canada had no power to sell any land situate upon such Reserves, even if surrendered by the Indians and could not convey a good

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good title to such land.

Correspondence has been had with the British Columbia Government and I would beg to refer to a report made jointly by the Deputy Superintendent General and the Indian Superintendent for British Columbia on the 9th February 1903, on File 183 078 herewith.

A Resolution was adopted in June last by the Central Farmers' Institue, of the Province of British Columbia, as follows;

" That the Dominion Government be asked to
" purchase all Indian Reserves, or any portion
" thereof, not necessary for the support of
" Indians occupying same, and throw them open
" for settlement."

No action has, as yet, been taken on this resolution, which is on File 59 335, herewith.

W. A. Orr

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Statement showing Islands adjacent to Manitoulin Island, which have been sold by this Department under Surrender of 1862.

Sale No	Date of Sale	Description of Island	Name of Owner	Amount of Sale.
2862	1879 25th Oct.	Strawberry Island	Peter Gow & Robert Melvin, Dept.Marine & Fisheries	$1000.00
2988	7th July 1880	Goat Island(near Little Current.	Bryan MacKay	$ 100.00
3040½	7th July 1881	La Cloche I'd.	Wm.Buchner	$2500.00
3048	11th Aug. 1881	Picnic I'd, near Little Current	Peter McLean Campbell	$ 100.00
3059½	4th Oct. 1881	Outer Duck and Pt.Great Duck Islands.	C.W.Gauthier	$1686.50
3059¾	3rd Mch. 1884	Pt.Great Duck I'd.	Dept.Marine & Fisheries.	$ 148.00
3068½	7th Mch. 1882	Beauty Island	Alexr.B.Petrie	$ 210.00
3105	12th June 1882	FitzWilliam I'd.	Joseph Cozens	$2500.00
3240	1st July 1886 Pat. July 29/1887	Centre Island Pat. Reg. 4668	John P.McKinnon James Walsh	$ 50.00
3283	3rd Jany.1887	West 1½ acres of Light House I'd.	William Potter	$ 30.00
3379½	4th Oct. 1889	Narrow or Rabbit Island	Dept.Marine & Fisheries	$ 25.00
3540½	16th April 1895	Islands A.& B.	do	$ 20.00
591	30th Nov, 1893	Cedar or Honey Island	David I.Millar	$ 60.00
3389	22nd July 1890	Fanny's Island	Joseph Macready	$ 100.00
3815½	12th Sept.1891	E.Pt.Light House Island	Marine & Fisheries Dept.	39.40

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S T A T E M E N T

of

ISLANDS ADJACENT

to

MANITOULIN ISLAND

SOLD

Under Surrender of 1862.

x x x x x x x

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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EXTRACT FROM REPORT

of

JUSTICE MACAULAY

of 1839.

x x x x x x x

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Extract from a report made by Mr.Justice Macaulay in 1839 to His Excellency Sir George Arthur Lieutenant Governor of Upper Canada.

" Sir F.Head reminded Lord Glenelg that with " a view to civilize and Christianize the Indians " North of Lake Huron,Sir John Colborne had made " arrangements for erecting buildings on the Great " Manitoulin Island,and for delivering the presents " there to the visiting Indians,that he had personally visited it,owing to his instructions to counter- " act or defer to Sir John Colborne's measures:that " considerable expenses had been incurred but that " on his arrival he had stopped the works and dis- " charged the persons employed. He described the " features of the country through which he passed,and " stated the Islands on the North shore of Lake Huron " to exceed 23,000 of barren soil,and the surrounding " waters abounding in fish; that he met 1500 Indians on the occasion of his visit,and found that the Islands " belonged to the Chippewa and Ottawa tribes. He was " indisposed to attract to that region the Indians fre- " quenting the North shores of Lake Huron,but was " struck with the benefit likely to accrue to the " scattered residents in Upper Canada,and to the Prov- " ince at large,if they would remove to a situation " which he thought admirably adapted to them,as af- " fording fishing,hunting,bird shooting and fruit,and " still not calculated for a White population. That " he accordingly broached the subject,and after some negotiation proposed it at an Indian Council,when a " Head Chief (Blackbird) in the name of the Ottawa " tribe,consented to give up the Islands,and a Memo- " randum was accordingly executed by His Excellency " and the Chiefs in duplicate,one copy being retained " by each party. It recited that the spread of

civilization

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" civilization impoverished the former hunting grounds
" and that removal was expedient to avoid the en-
" croachments of the Whites,and (after illustrating
figuratively the different objects,pursuits and wants
" of the Indians,contrasted with those of civilized
" habits) it further recited that the Islands on which
" they then were - and those on the North shore of
" Lake Huron - were alike claimed by the English,the
" Ottawas and Chippewas,and that His Excellency re-
" garded them as a most desirable residence for any
" Indians who wished to be civilized and at the same
" time be separated from the Whites. It then declared
" that His Majesty would withdraw his claim,and dedic-
" ate them to that purpose,if the Ottawas and Chippewas
" would relinquish their claims also,and make them
" (under His Majesty's control) the property of all
" Indians whom he should allow to reside thereon; to
" which proposal the Chiefs affixed their marks,the
" 9th of August 1836."

x x x x x x x x x x x x x x x x x x x

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Poor Copy.

S T A T E M E N T

of

FACTS re. SALE

of

LA CLOCHE ISLAND.

x x x x x x

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COPY.

Statement of facts in connection with the sale of La Cloche Island, Lake Huron, and the claim of the Province of Ontario thereto: The case being one in which the Ontario Government claims the Island to be Crown Lands and consequently theirs, while the Dominion Government has always held it as belonging to the Indians and which they held in trust for them.

The first time the Island of La Cloche is referred to in the papers herewith is in a Telegram dated the 2nd day of January 1874 from Abrey Bros, Little Current to Garland and Mutchmor, Ottawa, in which they advise: "If wanted apply at once for timber on La Cloche Island at head office. The mail carried other applications" and on the 31st July 1874 a description of the timber is made by Mr. Phipps, the Indian Agent, which deals ~~with~~ at length in respect to quantities &c, &c.

On the 5th of January 1875, Messrs Garland, Mutchmor & Co., of Ottawa, make application to the Hon. David Laird of the Interior or more properly speaking they renew an application which they had the honour to make two years ago for the timber on La Cloche Island on the Island of the Great Manitoulin, which by some means or other was overlooked. It would appear that Mr. Mutchmor in an interview with Hon. R.W. SCOTT learned that a Mr. Pilkie had applied for it through the local agent, Mr. Phipps, and if he complied with the terms and conditions, the sale would be carried out but if not their application would stand next in order They proceed to say "In the event of the sale not being completed to Pilkie in a reasonable time, we trust you will kindly accede to our application made some time ago and sell us the timber on La Cloche Island at a reasonable and fair valuation" &c. On March 31st

1875

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1875 Mess.Garland,Mutchmor & Co.,are advised that the Supt.General having received a report from Mr.Superintendent Phipps in the matter has re-considered the respective claims and he decided that they have the priority of claim,and that the Department will cause License to issue upon payment of a bonus of $1100.00 Ground Rent $50.00 and License Fee of $4.00,in all $1154.00-

On the 5th of October 1878 Messrs Garland Mutchmor & Co.,address the Hon.David Mills,Minister of the Interior,enclosing an affidavit respecting the purchase of timber,their tender for which they claim was based upon Mr.Phipps' report,and which they claim was over-estimated. The quality of timber is very inferior and with the depreciation in the market value they state that it renders the carrying out of the purchase at the original price unreasonable and unjust and a request is made for an allowance. The affidavit is sworn to by Mr.N.A.McKinnon,and he reiterates the facts above stated.

On the 10th of October 1878 the Minister of the Interior,the Hon.David Mills,makes an allowance to Messrs Garland,Mutchmor & Co.,of One Hundred Dollars,and extends the time to pay arrears to May 1st 1879.

On the 24th of May 1879 a communication is received from Mr.Phipps,the Superintendent,who statest that he has the honour to enclose a communication from Mr.John Dawson,who alleges that he owns the timber limit on La Cloche Island,and desires a License to be issued to him to cut timber thereon. A communication from Wm.Buchner,dated August 5th 1879,announces the purchase by him of the Interest of Messrs Garland, Mutchmor & Co.,in the Island and acknowledging the right of John Dawson to cut timber on the Island.

There

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There is also a copy of the Indenture which indicates that the agreement was made the first day of June,1876

On the 22nd day of July 1879,an agreement was entered into between S.W.Buchner and Alex.McCall, of Simcoe,in regard to the Timber on the Island.

On May 28th 1880 Mr.S.W.Buchner,in a communication to Mr.Phipps,Indian Agent at Manitowaning, states that "as you are aware I now hold the License to cut timber on La Cloche Island. The timber is very small,and the land very rocky,but I think a freehold would suit me better than a License and I will offer $1200.00 in the ordinary way of payment for a Patent." In transmitting this offer to the Department,Mr.Phipps says "the soil is for the most part worthless,about one thousand acres only being fit for tillage,also that much of the timber has been burned and that a considerable quantity on being cut turns out to be unsound &c &c,but that it would be more advantageous to the Indian funds to collect dues on the timber cut than to sell for so low a price." On the 28th October 1880,Mr.Buchner again writes Mr.Phipps,and offers $2000.00 and Mr.Phipps,in transmitting this letter reiterates his previous statement that he considers even this price too low,and believes the value of the Island to be $2500.00. On November 17th 1880 Mr.Phipps is directed to accept $2500.00 from Mr. Buchner,on condition that certain interest,fees and dues be paid.

The above citation is given to support the contention of the Dominion Government that the Island of La Cloche is one of the Manitoulin Group,and also to give an opinion as to the quality of the land and timber thereon. The possibility of ownership does not seem to have been called into question until eight years after the first negotiations were entered into,

and

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and the first official notification that the Department received as to the title being questioned was on the 30th May,1882,when they were informed by the Secretary of State that a Despatch had been received from His Honour the Lieut.-Governor of Ontario stating that he understood that it had been mentioned in the public journals that the Government of the Dominion have assumed to sell for a nominal consideration the Island known as La Cloche upon the claim that this Island was vested in that Government in trust for the Indians. His Honour states that His Government would be glad to be informed whether or not the fact is as so mentioned,and if so that they request information as to the grounds upon which claim of the Dominion was founded. They proceed to state that as far as they are aware this Island has ever since the making of the Treaty with the Indians by Sir Francis Bond Head in 1836,been deemed to be free from any claim of the Indians and that if there ever was any doubt of the fact of the complete cession of La Cloche under that Treaty,the doubt would appear to have been removed by the Treaty of 1862. He states, however,that there never was any doubt that under the Manitowaning Treaty this Island,like the numerous other Islands along the North shore of Georgian Bay became the property of the Crown discharged of any trust in favour of the Indians,and that the most that was ever supposed to be reserved for the Indians under this Treaty was the three Islands which had been known by the name of "Manitoulin",namely the second Manitoulin or Cockburn Island,the Third or Great Manitoulin the Fourth or Fitzwilliam Island,and the right given as to these Islands was not a general right of property attaching to all Indians or to any tribe,or tribes, but was a right of habitation to be conferred upon such Indians as should take up their residence there.

It

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It is further stated that at the time this treaty was made it was contemplated that a large number of Indians would move to these Islands,but as this expectation was disappointed a new arrangement was made by the Treaty of 1862,before referred to and the right of the Indians to any beneficial interest in any of the Manitoulin Islands except the Great Manitoulin or in any Islands adjacent thereto,was surrendered,the Government undertaking to sell for their benefit such of the lands in the Great Manitoulin Island as should be assigned to the Indians upon that Island for their occupation.

On referring the matter to the Department of Justice the opinion is expressed by that Department that whatever Islands may be included in the Treaty it is clear that the Indians were not intended to have a mere right of habitation as is contended by the Ontario Government. The Islands were to be the property,under the control of the Sovereign,of the Indians who should be permitted to reside on them,the result in effect,being to place them on the same footing as an ordinary Reserve. If the position taken by the Dominion Government as to the effect of the Treaty of 1836 be maintained,the Treaty of 1850 cannot effect the question of title to the Islands on the North shore,as these at that date belonged not to the Ojibewa Indians,who contracted the latter treaty,but to the Indians residing on the Islands,who it is assumed became a distinct Band,and were not represented when the Treaty of 1850 was negotiated and signed. By the Treaty of 1862,the Indians occupying the Great Manitoulin Island surrendered all their right to the "Great Manitoulin Islands" (except a certain portion of it) " and to the Islands adjacent ~~thereto~~ which have been

deemed

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deemed or claimed to be appurtenant or belonging thereto" provision being made for the assignment of Reserves for the Indians and for the sale of the remainder for their benefit. The whole tenor of the Treaty, it is believed, shows that the intention was to surrender to The Crown all the Islands which were affected by the Treaty of 1836, except the portion mentioned of the Great Manitoulin, and, therefore, in the view taken of that treaty, the Dominion has acquired by the Treaty of 1862, power to sell all the Islands on the North shore. It might be mentioned that in the absence of the appearance of a clear intention in the last mentioned treaty the meaning of the words of description used in it would depend on matters of fact and of history and the same may be said of the words " "these Islands on which we are now assembled" in the treaty of 1836. It is submitted, however, that the title to the Islands on the Northern shore turns mainly upon the construction which is to be placed upon the treaty made by Sir Francis Bond Head in 1836. That treaty is found to take the form of a proposal on the part of the Governor to the Indians, who claimed all the Islands in question, in which, after setting out amongst other things, the necessity, on account of the increase of the White population, and the progress of cultivation having impoverished the hunting grounds of the Indians that some new arrangement should be made for protecting the Indians against the encroachments of the Whites, the Governor goes on to say: "It appears that these Islands on which we are now assembled in Council are, as well as all those on the North shore of Lake Huron, alike claimed by the English, the Ottawa and the Chippewas. I consider that from their facilities and from their being ~~assembled~~ surrounded by innumerable fishing Islands they might be made a

most

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most desirable place of residence for many Indians who wish to be civilized, as well as to be totally separated from the Whites, and I now tell you that your great father will withdraw his claim to these Islands, and allow them to be applied for that purpose. Are you, therefore, the Ottawas and Chippewas willing to relinquish your respective claims to these Islands and make them the property under your Great Father's control of all Indians whom he shall allow to reside on them, if so, affix your marks to this proposal." It is, therefore, clear that the meaning and effect of this treaty depend upon the interpretation of the words "these Islands". Do they refer to the Islands previously spoken of as those "on which we are now assembled in Council" or to these and "all those on the North shore of Lake Huron" as well? Gramatically the words seem open to either construction, but to confine them to the narrower meaning would defeat the object of the Treaty, which was not only to prevent encroachments of the Whites on the Indians, but also apparently to settle the disputed title to all the Islands on the North shore. Now as both parties relinquish their claims to "these Islands" only the Treaty in this view of it would leave unsettled the title to all these Islands which are not included in the description "these Islands on which we are now assembled". The other interpretation moreover appears to be the more natural one, and is, therefore, to be preferred unless there is comething (which does not appear to be the case) in the circumstances surrounding the transaction to plainly indicate a contrary intention on the part of the contracting parties.

It may be mentioned that the Robinson Treaty of 1850 specifies in particular that the Treaty was between

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between Her Majesty and the Principal Men of the Ojibbewa Indians inhabiting and claiming the Eastern and Northern shores of Lake Huron from Penetanguishene to Sault Ste Marie and thence to Batchewanaung Bay on the Northern shore of Lake Superior, together with the Islands in the said Lakes opposite to the shores thereof and inland to the height of land which separates the territory covered by the Charter of the Honourable the Hudson's Bay Company from Canada, as well as all unceded lands within the limits of Canada West to which they have any just claim, while the Treaty of 1836 and the Treaty of 1862 make no mention whatever of the Ojibbewa Indians, who according to the contention of the Dominion Government, had really no title interest or claim to these Islands, but that they belonged to the Ottawas and Chippewas only and as these tribes were not represented in the Treaty of 1850 they could not have surrendered their title. Attention is also called to the fact that in the Robinson Treaty these Islands were never doubted to have belonged to the Indians and as according to the Treaty of 1836 the Chippewas and Ottawas were the Tribes mentioned, no Treaty made with another Tribe could affect their title.

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Copy-

Department of Justice,

Ottawa, April 30th, I883-

Sir,

Referring to your letter of the I9th June last, asking for my opinion upon a question raised by the Government of Ontario as to the title to certain Islands on the Northern and Eastern Shores of Georgian Bay and Lake Huron, and to your letter of the I3th Instant, upon the same subject, I have the honour to state as follows;-

I think that the question as to the title to the Islands on the Northern shore turns mainly upon the construction which is to be placed upon the treaty made by the Ottawa and Chippewa Indians at Manitowaning, on the Great Manitoulin Island, with Sir Francis Bond Head, in I836.

It is claimed by the Ontario Government, that, under this Treaty, La Cloche Island and all the other Islands along the North Shore of Georgian Bay, became the property of the Crown discharged of any trust in favour of the Indians, and that t he most that was ever supposed to be reserved to the Indians was the three Islands which had be en known by the name of Manitoulin, and that the right given as to these Islands was not a rigat of property attaching to all Indians, or to any tribe or tribes, but was a right of habitation to be conferred upon such Indians as should take up their residence there.

Now

L. Vankoughnet, Esq.

Depy. Supt. Genl.

of Indian Affairs.

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Now when this Treaty is examined,it is found to take the form of a proposal on the part of the Governor to the Indians, who claimed all the Islands in question, in which after setting out,among other things,the necessity on account of the increase in the White population, and the progress of cultivation having impoverished the hunting grounds of the Indians,that some new arrangement should be made for protecting the Indians against the incroachments of the Whites,the Governor goes on to say;-

"It appears that these Islands on which we are "now assembled in Council,are,as well as all those on the "North Shore of Lake Huron,alike claimed by the English, "the Ottawas and the Chippewas".

"I consider that from their facilities,and from "their being surrounded by innumerable fishing Islands, "they might be made a most desirable place of residence "for many Indians who wish to be civilized as well as to "be totally separated from the Whites,and I now tell you "that your Great Father will withdraw his claim to these "Islands,and allow them to be applied for that purpose.

"Are you therefore,the Ottawas and Chippewas, "willing to relinquish your respective claims to these "Islands,and make them the property under your Great "Father's control,of all Indians whom he shall allow to "reside on them- if so,affix your marks to this my proposal

It is clear that the meaning and effect of this Treaty depend upon the interpretation of the words "these "Islands" in the last two paragraphs.

Do they refer to the Islands previously spoken of as those "on which we are now assembled in Council" or to these and "all those on the North Shore of Lake Huron" as well? Grammatically the words seem to be open to either construction,but to confine them to the narrower meaning would defeat the object of the Treaty,which was,

not

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not only to prevent encroachment of the Whites on the Indians, but also,apparently,to settle the disputed title to all the Islands on the North Shore. Now as both parties relinquish their claims to "these Islands" only the Treaty in this view of it would leave unsettled the title to all those Islands which are not included in the description "these Islands on which we are now assembled".

The other interpretation moreover,appears to me to be the more natural one,and is therefore,to be preferred,unless there be something (and as far as I am aware there is nothing) in the circumstances surrounding the transaction,to plainly indicate a contrary intention on the part of the contracting parties.

The case is not entirely free from doubt,but I am strongly inclined to think that any tribunal to which it might be referred,would coincide with this view,and that should the Ontario Government persist in its claim, this Government should contest it.

Whatever Islands may be included in the Treaty, I think it is clear that the Indians were not intended to have a mere right of habitation upon them,as is contended by the Ontario Government. The Islands were to be the "property" (under the control of the Sovereign) of the Indians who should be permitted to reside on them ; the result in effect,being to place them on the same footing as an ordinary reserve.

If the position taken by this Government as to the effect of the Treaty of I836 be maintained,the Treaty of I850 cannot affect the question of title to the Islands on the North Shore,as these,at that date,belonged,not to the Ojibewa Indians who contracted the latter Treaty,but to the Indians residing on the Islands who,as I assume, became a distinct Band,and were not represented when the Treaty of I850 was negotiated and signed.

By

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By the Treaty of I862,the Indians occupying the Great Manitoulin Island surrendered all their right &c. to the "Great Manitoulin Island (except a certain portion of it) "and to the Islands adjacent which have been deemed "or claimed to be appurtenant or belonging thereto" provision being made for the assignment of reserves for the Indians,and for the sale of the remainder for their benefit.

The whole tenor of this Treaty,I think,shews that the intention was to surrender to the Crown,all the Islands which were affected by the Treaty of I836 (except the portion mentioned of the Great Manitoulin) and therefore in the view I have taken of that Treaty,this Government has acquired by the Treaty of I862,power to sell all the Islands on the North Shore.

I may mention here that in the absence of the appearance of a clear intention in the last mentioned Treaty,the meaning of the words of of the description used in it would depend upon matters of fact and of history,with which I am not familiar,and the same may be said of the words "these Islands on which we are now "assembled" in the Treaty of I836. These would,I think, be taken by a Court of Law to mean much the same as the words of description in the later Treaty,and would be interpreted by similar means. And even if the narrower construction contended for by the Ontario Government, be the right one,this may not be conclusive in favour of the claim of that Government. It may be possible to shew that La Cloche Island and the other Islands on the North Shore were deemed or claimed to be appurtenant to the Great Manitoulin. La Cloche Island is certainly adjacent to it,and I think this Island at all events,and others in the same position,must,in the absence of very strong evidence to the contrary,be held to belong to this Government.

With

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With respect to the Islands on the Eastern Shore of Georgian Bay,(and shewn on the Plan B. which is with the papers) there is nothing,so far as I can see,in the papers, before me to shew title in this Government to these. I understand that it is not contended that they were covered by the Treaty of I836,or by that of I862,and in the absence of further evidence,they would seem to be part of the territory which was absolutely surrendered to the Crown by the Treaty of I850.

If this be the case,I take it they were Crown Lands at the time of Confederation,and are therefore,the property of Ontario,but without more exact information as to them,I do not venture to express a positive opinion on the matter.

Your obedient servant,

Geo.W.Burbidge,

D.M.J.

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Your obedient servant,

Geo.W.Burbidge,

D.M.J.

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CANADA

276075

O P I N I O N

by

HON.MR.BURBIDGE.

as

MINISTER OF JUSTICE.

x x x x x x

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CANADA

STATEMENT of CLAIM by the INDIAN DEPARTMENT on behalf of OJIBBEWAS AND OTTAWAS OF MANITOULIN ISLAND INDIANS to ISLANDS adjacent to MANITOULIN ISLAND.

276675

- - - - - - - - - - - -

This claim is based on the Bond-Head Treaty of 9th August 1836, Number 45 in the Printed Book of Surrenders, ~~and~~ which was entered into at Manitowaning on the Manitoulin Island, under which the Islands on which the Indians were assembled in Council were made the property of all Indians who should settle thereon, also upon surrender of the 6th October 1862, Number 94 in Book of Surrenders, whereby the Indians ceded to The Crown the portion of the Great Manitoulin West of Heywood Sound and the Manitoulin Gulf and also all right, title, interest and claim of, in and to THE ISLANDS ADJACENT WHICH HAVE BEEN DEEMED OR CLAIMED TO BE APPURTENANT OR BELONGING THERETO.

Attached is a copy of opinion by the Honourable Mr. Justice Burbidge of the 30th April 1883 as Deputy Minister of Justice.

Attached also is a statement of facts as to sale of La Cloche Island, one of the Islands adjacent to the Manitoulin Island.

Attached also is an extract from report made by Mr. Justice Macaulay in 1839 to His Excellency Sir George Arthur, Lieutenant Governor of Upper Canada.

Attached also is a statement showing Islands adjacent to Manitoulin Island, which have been sold by this Department under surrender of 1862.

W. A. Orr

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CANADA



No 3

DEPARTMENT OF THE INTERIOR
SEP 1 1904

276975

C L A I M.

to

ISLANDS ADJACENT

to

MANITOULIN ISLAND.

x x x x x x x x x x x x x

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CANADA

TOWNSHIP OF CONGER

TOWNSHIP OF FREEMAN

TWELVE MILE BAY

TWELVE MILE BAY

STEAMER CHANNEL — PENETANG TO PARRY SOUND

MAIN CHANNEL — PARRY SOUND TO PENETANG

I 7

TOWNSHIP

TOWNSHIP

TWELVE MILE BAY

TWELVE MILE BAY

KING BAY

MAIN CHANNEL - PARRY SOUND TO PENETANG

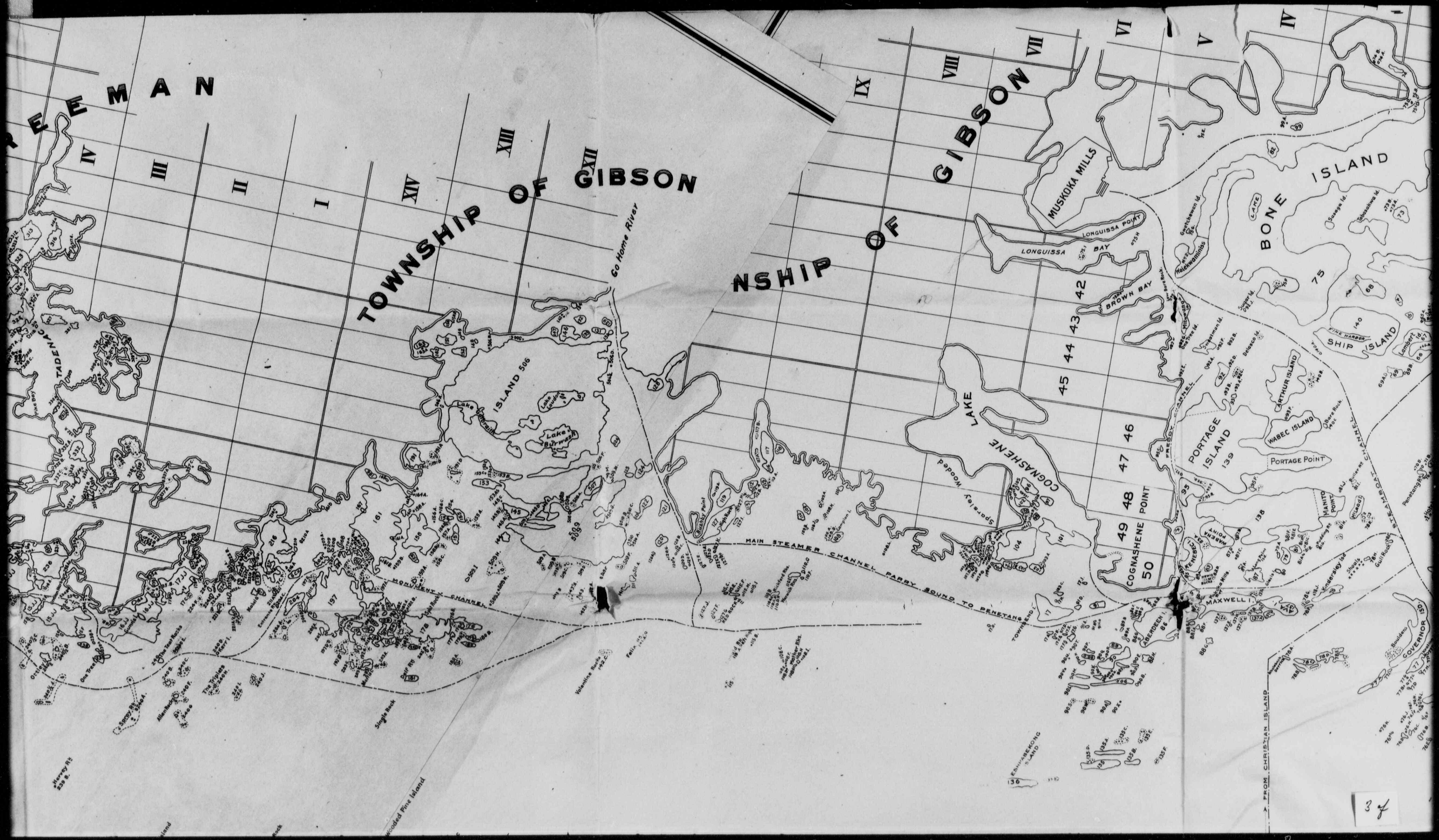
STEAMER CHANNEL - PENETANG TO PARRY SOUND

GEORGIAN BAY

POINT

51 52 53 54 55 56 57 58 59 60 61 62 63 64 65

27



REEMAN
TOWNSHIP OF GIBSON
NSHIP OF GIBSON
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I
XIV
XIII
XII
IX
VIII
VII
VI
V
IV
Go Home River
MUSKOKA MILLS
LONGUISSA POINT
LONGUISSA BAY
BROWN BAY
BONE ISLAND
LAKE
SHIP ISLAND
FINE HARBOR
PORTAGE ISLAND 139
PORTAGE POINT
WABEC ISLAND
ARTHUR ISLAND
COGNASHENE LAKE
COGNASHENE POINT
MAXWELL I.
ABERDEEN I.
TADENAC
ISLAND 506
Lake Galbraith
Lake Loudon
Lake Burwash
MAIN STEAMER CHANNEL PARRY SOUND TO PENETANG
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GEORGIAN BAY

LAKE COGNASHENE

ISLAND 506

MAIN STEAMER CHANNEL PARRY SOUND TO PENETANG

MOORING CHANNEL

Lake Louisa

Lake Bernadette

Lake Sylvester

Sporting Wood

Spoon Rk.

Single Rock

Valentine Rock

Felix Rock

Entrance Rock

Dbr RD

Harvey Rk

Badger Rk

Spoon Rk

Watcher I.

Black Rock

Orchard I.

One Tree Rock

Snowy Rk

Allenbank Rocks

The Triplets

Two Tree Rocks

Marl I.

Manuel Rk

Entrance Rock

Dbr RD

Single Rock

Valentine Rock

Felix Rock

Hen and Chicken Rks

Shoal

Shoals

Rock

Wreck

Ruin

Ruins

Pier

Dock

Boathouse

Boathouses

Cottage

Cottages

Church

Tower

Flagstaff

Windmill

Tank

Stack

Chimney

Quarry

Gravel Pit

Sand Pit

Cemetery

Graves

Fence

Wire Fence

Hedge

Trees

Orchard

Vineyard

Bush

Scrub

Swamp

Marsh

Rocky

Sandy

Stony

Muddy

Weedy

Grassy

Cultivated

Uncultivated

Open

Wooded

Hilly

Flat

Level

Sloping

Steep

Cliff

Bank

Shore

Beach

Point

Island

Islands

Group

Reef

Shoal


FREDDY CHANNEL
PORTAGE ISLAND
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MAXWELL I.
KENEBEC I.
HABENA POINT
MANITO POINT
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FROM CHRISTIAN ISLAND
STEAMBOAT CHANNEL
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Lambert Id.
Sasaga Id.
Tobasakwa Id.
Kishkeshwa
Ahatamanga
GOOD HARBOR
COVERNOR ISD.
SMOOTH ISD.
MINNACOGNASHENE ISLAND
Penetang Rk.
Hotchkiss Rk.
Burke Rk.
PAYETTE ID.
TOMAHAWK ISD.
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BEAUSOLEIL ISLAND
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LAKE
DEER ISLAND
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LITTLE BEAUSOLEIL ISLAND
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TONCH'S POINT
Gin Rock I.
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Moore Point
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MAGNETIC
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VIII
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TOWNSHIP OF
BONE ISLAND
SHIP ISLAND
PORTAGE ISLAND
PORTAGE POINT
WABEC ISLAND
ARTHUR ISLAND
MANITO POINT
MAXWELL I.
GOVERNOR ISD.
SMOOTH ISD.
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SOUTH HONEY HARBOUR
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QUARRY ISLAND
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Flat Rock
PRESENT ID.
Snake Id.
Indian Village
Gin Rock I.
Lighthouse
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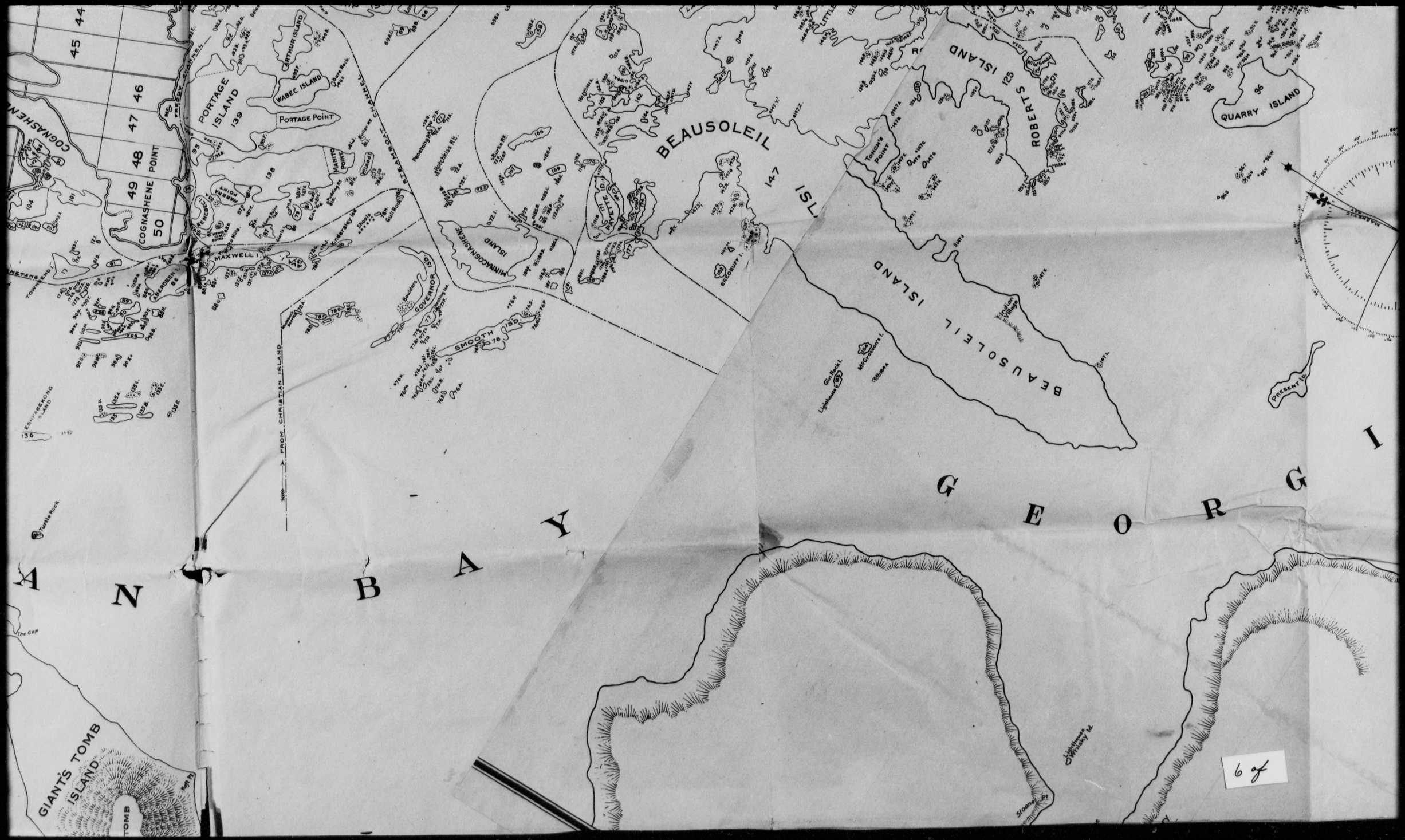

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Mairs Point.

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Snake Id.

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Meadow Island

Crescent Id.

Picnic Id.

Marshall Id.

Murray Id.

Long Point

Black Rock

Nubbin Id.

Canary Id.

Hen Id.

Hawk Id.

Sawdust Id.

Sawdust Point

Flat Rock

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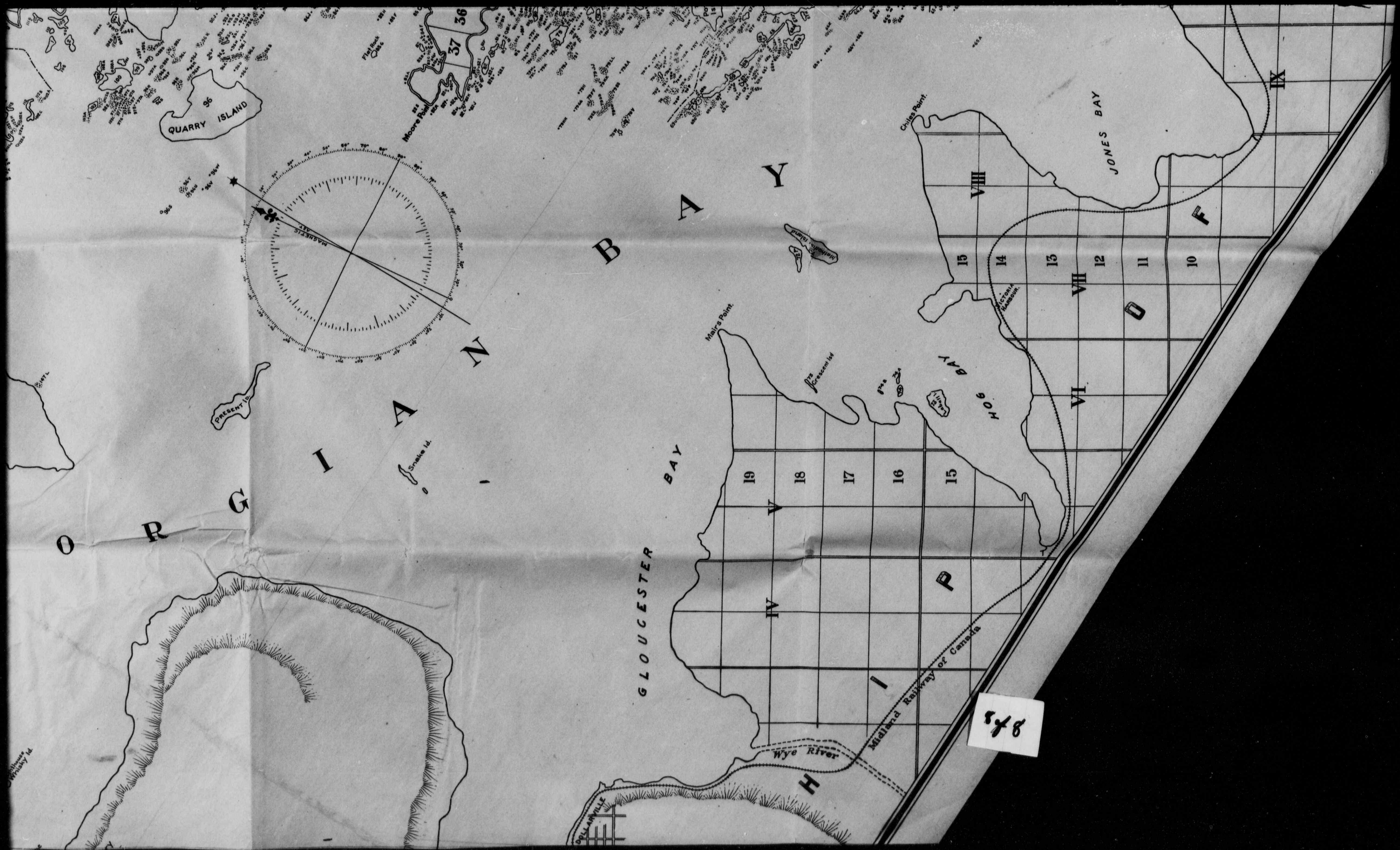

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Chiles Point.
JONES BAY
Mairs Point.
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DOLLARVILLE

S T A T E M E N T.

of

ISLANDS SOLD.

U N D E R

SURRENDER of 1856.

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Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

STATEMENT showing Islands on the East shore of the Georgian Bay, South of Moose Deer Point, sold by this Department under Surrender of 1856.

Sale No	Date of Sale	Description of Island.	Name of Owner.	Amount of Sale
25	24th March 1884	Present	James Watson	$140.00
26	21st July 1885	1,2 and 3, off Freeman Tp.	John Morrison Gibson	20.95
27	21st July 1885	4,5 and 6, off Freeman Tp.	Hugh Murray	10.70
28	21st July 1885	7,8,10 & 11, off) Freeman Tp.	Charles W. Mulligan	9.59
29	21st July 1885	9, off Freeman Tp.	William Murphy	62.61
30	21st July 1885	12,13 and 14, off Freeman Tp.	Ralph Leeming Gunn	49.40
31	21st July 1885	15, off Freeman Tp.	John James Mason	60.00
32	21st July 1885	16, off Freeman Tp	John Billings	78.00
33	21st July 1885	17 & 18 off Freeman Tp.	Henry A. Mackelcan	8.75
34	21st July 1885	1 & 2 off Gibson Tp.	T.C. Street Macklem	80.00
35	12th Aug. 1885	Minnecognashane off Baxter Tp.	W.J. Keating	75.00
36	5th Sept. 1885	Governors off Gibson Tp.	Hon. J.B. Robinson	12.00
37	11th Jany 1886	22, off Freeman Tp.	Francis E. Kilvert	10.00
38	11th Jany 1886	19,20 and 21, off Freeman Tp.	Ralph Leeming Gunn	30.00
39	27th April 1887	pt. Portage Point off Gibson Tp.	Fred. C. Dennison	24.00
41	2nd Dec. 1887	A.& B., off Gibson Tp.	Archibald H. Campbell	15.00
42	10th Jany, 1888	H., Warbeck, McLeod, 1,2,3 and 4, off Gibson Tp.	Rev. P. McF. McLeod etal	56.10
44	15 April 1889	Snake, off Tay Tp.	Richard Murphy	10.00
46	10th April 1889	1, off Gibson Tp.	A.H. Campbell Jr.	10.00
47	10th April 1889	2 & pt. Bone off Gibson Tp.	Miss Frances A. Campbell	27.40
48	10th April 1889	3 and 4 off Gibson Tp.	J.H.M. Campbell	23.35

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Sale No	Date of Sale	Description of Island	Name of Owner	Amt.of Sale
49	10th April 1889	5 and 6 off Gibson Township	Muskoka Mill & Lumber Co.-	$15.00
50	4th Dec. 1889	1 & 4 off Baxter Township	John P.Johnson	25.00
51	do	2,off Baxter Tp.	J.R.Corbman	15.00
52	do	3, do	Maxwell Mongraw	10.00
53	16th April 1890	pt.Maxwell,off Gibson Township	Muskoka Mill & Lumber Co.	10.00
54	19th May,1890	pt, do	Joseph H.Webb	15.80
55	do	" do	Helen Webb	18.10
56	do	Kennebeck,off Gibson Township	Frank Haight	20.20
57	do	Wabeno Pt.off.Gibson Township	Jos.H.Armitage	25.20
58	do	Manito Pt.,off Gibson Township	Wm.H.Riddell	14.80
64	11th Sept.1895	Wild Goose,off Baxter Township	Wm.C.Gulliver	75.00
65	30th Nov. 1895	12 and 13,off Baxter Township	Lonson C.Laishley	80.00
67	15th April 1896	34,off Baxter Tp.	James S.Thompson	75.00
68	5th May 1896	Green,off Tay Tp	Hanry Moreau	280.00
69	16th May 1896	1A and 1B,off Baxter Township	Frank M.Comstock	150.00
70	16th May 1896	2,off Baxter Tp.	do	25.00
71	16th May 1896	3,off Baxter Tp.	Albert W.Smith	50.00
72	16th May 1896	5,off Baxter Tp	Winfield S.Chaplin	25.00
73	16th May 1896	6,off Freeman Tp.,	Albert W.Smith	25.00
74	16th May 1896	9,off Freeman Tp.,	Frank M.Comstock	30.00
75	16th May 1896	10,Off Tp.of Freeman	Frank M.Comstock	25.00
76	16th May 1896	11,off Tp.of Freeman	Frank H.Neff	25.00
78	9th March 1897	pt.Giant's Tomb I'd.	Dept.Marine & Fisheries	127.75
79	17th April 1897	Double Top	do	10.00
80	8th June 1897	Whiskey & Brebeuf	do	20.00
80½	28th Oct. 1897	pt.Hope	do	300.00

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Sale No	Date of Sale	Description of Land	Name of Owner	Amount of Sale.
81	6th Oct.1898	Nottawasaga, near Collingwood	Dept.of Marine & Fisheries	$800.00
83	6th July 1900	Pt.Beausoleil	do	120.00
84	17th Dec. 1901	61 or Picnic, off Baxter Township	W.J.Sheppard	125.00
85	30th Oct.1902	166, off Baxter Tp. Sing's Survey	May Thibaudeau	95.00
86	29th Oct.1902	125, Sing's Survey	Nancy Amna Rae	35.00
88	26th March 1903	88, Sing's Survey	Cornelius J.Swartman	60.00
89	9th April 1903	7 or South Porcupine 8 " North " off Freeman Tp.	Burnham W.King	45.00
90	28th April 1903	62 Fitton's Survey	W.H.F.Russell	100.00

1834-1/1

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

6174

Copy.

1741

Indian Office,

Toronto, June 29th, 1876.

Sir :-

With reference to your letter of 24th April, No. 6174, requesting me to ascertain from the Chiefs of Lakes Huron and Simcoe what Islands and other points in Georgian Bay were covered by their Surrender of 1856,

I have the honor to state that I had several interviews with the Indians respecting these matters, and find it difficult to clearly ascertain the exact territory included in that surrender. The Tribe being broken up and residing at three or four different localities it was agreed they would hold a Council and that I should hear from them again on the subject. I have not however heard anything from them since, and beg therefore to submit the information I have gathered.

They all agree on this point, that their original hunting grounds did not extend further north (on the North East shore of Georgian Bay) than "Moose-Deer" point and inland Northeasterly to the East side of Muskoko Lake. And that the Islands, included in the Surrender in question, are all of those between Moose Deer point and Cold Water except the Reservations therein mentioned.

I called their attention to the Robinson Treaty, which also embraced the Islands here alluded to as well as the Mainland opposite to them. They are quite aware of these circumstances and stated they had often written and spoken to the Northern Chiefs on the subject. It seems to be a pretty well understood point that the Indians who signed the Robinson's Treaty did not and never have claimed any right to the Mainland or Islands South of Moose Deer point :

They

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CANADA

They particularly wish me to report that they never surrendered a piece of land North of a line drawn from the bottom of Penetanguishene Bay to the bottom of Thunder Bay. The latter Bay is nearly south of Beckwith Island.

They also state that they never surrendered a small Island on which the lighthouse is built near Collingwood harbour.

I have the honor to be,

Sir,

Your obedt. servant,

Wm. Plummer,

Supt. Com. I. A.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

L E T T E R .

from

MR.PLUMMER.

of

JUNE 29th. 1876

x x x x

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

M E M O R A N D U M

on

C L A I M

by

HON. MR. LAIRD.-

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Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

6174

Copy.

Memorandum in reply to case :-

Claim of the Government of Ontario to certain Islands in Lakes Superior and Huron and Georgian Bay.

The Islands, the proprietorship of which is in dispute between the Indian Branch of this Department and the Crown Lands Department of Ontario are thoseon the Eastern shores of Georgian Bay from Nottawasaga, and Penetanguishene to Collin's Inlet.

The Commissioner of Crown Lands for that Province in his memorandum of the 24th March last after partly reciting the text of the Lake Huron and Lake Superior Treaties of 1850, says : -

" On the Treaties of September, 1850, the Government of Ontario bases its claim of right since Confederation to proprietorship of the Islands in the waters of Lake Huron (of which the Georgian Bay is a part) and those of Lake Superior between Penetanguishene and Pigeon River except with respect to those expressly reserved for the Indians and Parry Island subsequently ceded to them in lieu of other reservation on the mainland. "

In his partial recitation of the Treaties the Commissioner states " The only Islands mentioned as included in the Reservation alluded to are in the Lake Huron Treaty, viz : -

" Reservation No. 9. French River," "The Islands near the Fall of Okickendowt near Lake Nippissing. "

" Reservation No. 14, Garden River. "

Squirrel Island

Reservation No. 15, Batchewaning Island, also a "small Island at Sault Ste. Marie occupied by the Indians "as a fishing station. "

Not one of these four Islands is on the eastern shore of Georgian Bay, and as Parry Island was exchanged, after

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

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after the Lake Huron Tresty, for a Reserve on the Mainland, the Ontario Government consequently contended that by that Treaty the Indian title was extinguished in all the Islands from Penetanguishene to Collins' Inlet. This claim is no doubt correct, so far as the title of the Ojibewas inhabiting the eastern and northern shores of Lake Huron is concerned.

On the 28th of August, 1875, while the undersigned was temporarily absent from the seat of Government, a letter was addressed to the Commissioner of Crown Lands from the Department, stating the grounds upon which it was claimed that the Chippewas of Lakes Huron, Simcoe and Couchiching had surrendered to the Government to be sold for their benefit certain Islands in these two latter lakes and Georgian Bay. Accompanying that letter was forwarded a copy of the surrender which was taken on the 5th June, 1856, by the late Captain T. S. Anderson, then Indian Superintendent, as also a copy of the Order in Council of the 14th July, 1856, accepting that surrender. On the 5th of August of the same year Mr. Superintendent General R. T. Pennefather addressed a letter to Mr. William Napier, P. L. S. in which after referring to the recent surrender he instructed him to proceed to the examination of the several Islands so surrendered, among which were " All the Islands "in Georgian Bay as laid down on Bayfield's chart excepting "the three near to Penetanguishene, known as the Christian "Islands. "

Mr. Napier made the examination as directed and furnished a report and a map of the Islands which are on record on this Department, and a copy of each is placed herewith.

The instructions to the surveyor by Mr. Superintendent Pennefather, upon whose report to Council the surrender in question was approved, show that the latter believed the Islands between Nottawasaga and Collins' Inlet were

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

were included therein. As Mr. Pennefather was one of the Commissioners appointed to report on Indian affairs in 1857 and has always been looked upon as a high authority in such matters, it is perhaps not to be wondered at that both the late and present Deputy Superintendents General of Indian Affairs have in this particular instance attached undue importance to his opinions.

Some statements in the Report of the above mentioned Commissioners of 1857 also appear to give foundation for the view that the Chippewas of Lakes Huron and Simcoe had claims on the Islands in Georgian Bay as far northward as Collins Inlet.

They say : - "This tribe having originally mi-
" grated from Lake Superior, occupied as their hunting
" grounds the vast tract stretching from Collins' Inlet on
" the North Eastern shore of the Georgian Bay, to the nor-
" thern limits of the land claimed by the Mississaguas. "
"Of this they have surrendered at different times nearly the
" whole; having ceded in 1795, 28000 acres for a payment
" of £100, in 1815 a further tract of 250,000 acres for
" £4000. These were absolute sales, and the Indians now
" derive nothing from these surrenders.

" They subsequently in 1818, gave up to the Crown
" 1542000 acres for a perpetual annuity of £1200. In
" 1836 they surrendered the tract of 9800 acres on the
" Portage Road from Simcoe to Coldwater, on which they were
" located by Sir John Colborne six years previously xxx

" Their present reserves consist only of 1600 ac-
" res purchased out of their own funds at Rama on the east
" side of Lake Couchiching, some Islands in that Lake and
" in Lake Simcoe, and the Christian Islands in the Georgian
" Bay.

" The tribe has split into three bands, called
" respectively from the location of the Villages, the Rama,
" Snake Island, and Beausoleil Bands. They have lately
"

surrendered

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" surrendered the Island occupied by the last named Band, " who intend to remove to the Christian Islands. "

On a careful examination of the evidence cited in the said report, and of the text of the originals of the treaties to which it alludes, the undersigned fails to discover that the Indians in question have ever either occupied as their hunting ground the North Eastern shore of Georgian Bay, or have surrendered by treaty a great portion of the "vast tract" mentioned. The boundaries of the respective treaties to be found among the records of this Office which cover the territory in the section of Ontario referred to by the Commissioners are delineated on a map accompanying this memorandum. From this map it will be seen that the Chippawas have not surrendered any land on the Northeastern shore of Georgian Bay.

The Ojibewas of Lake Huron who participated in the Treaty of 1850 were found in occupation of the Eastern shore of Georgian Bay, as far South as Parry Island. Chief Mekis and his band, residing at Parry Island, selected as their Reserve, the Treaty says- " A tract of land at a place on the Main shore, opposite the Island, being the place now occupied by them for residence and cultivation, four miles square." This Reserve, as stated by the Commissioner of Crown Lands for Ontario was afterwards exchanged for Parry Island; and there can be little question, as the Band resided there in 1850, and still reside on the Island that their title as against all other Indians to the Islands in and near to Parry Sound was undisputed, and consequently by the Treaty of that year they passed finally to the control of the Crown Lands Department, and have, (with the exception of Parry Island) since Confederation been the property of Ontario.

The undersigned, however, cannot admit the proprietorship of Ontario to all the Islands claimed by that Province.

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Province. The Ojibeways of Lake Huron could not cede Islands to which they had no title. The Treaty of 1850 indeed speaks of them "as inhabiting and claiming the Eastern and Northern shores of Lake Huron from Penetanguishene to Sault Ste. Marie, " &c., together with the Islands in the said Lake opposite to the shores thereof" but they certainly had no claim to the Islands on these shores inhabited and frequented by the Chippewas of Lakes Huron and Simcoe.

The quantity of land- 1150 acres- mentioned in the Order in Council confirming the surrender of 1856 was evidently given inadvertently as the area of all the Islands surrendered. Appended to the surrender is a list (of which a copy is placed herewith) in the handwriting of Captain Anderson, the Superintendent who took the surrender in question, containing the names of the five Islands in Lakes Simcoe and Couchiching included in the said surrender, and giving the estimated area of each of these Islands amounting in all to 1105 acres. A hasty glance at this list has no doubt led to the error in Mr. Superintendent General Pennefather's report to Council in which the quantity was said to be 1150 acres. That this was not even an approximate acreage of the Islands which undoubtedly were surrendered is apparent from the report of Mr. Napier who made an examination of the same.

Beausoleil Island, though occupied by a band of the Chippewas, at the time of the surrender, was included therein, as the only Islands retained were the three Christian Islands. This fact is corroborated by the report of the Indian Commissioners already referred to who were appointed in the same year in which the Chippewa surrender took place. Referring to these Indians they say - " Their present Reserves consist only of 1600 acres purchased out of their own funds at Rama on the east side of Lake Couchiching, some Islands in that Lake and Lake Simcoe,

and

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and the Christian Islands in the Georgian Bay. "

Besides Beausoleil Island and Snake Island, the latter having been sold by the Indian Department in 1857, Giants Tomb was doubtless included in the surrender, as lying between the former and the Christian Islands; but being rocky and totally unfit for agriculture, Mr. Napier says it was " little visited even by the Indians. "

Quarry Island according to that Surveyor's Report contained " about eight acres of marsh meadow producing wild hay cut annually by the Indians;" one of the Potato Islands had likewise marshes used for the same purpose and the smallest of the group had " for many years been cultivated by the Indians. "

Methodist Island, Hog Island, and Present Island, the latter "formerly having been the spot where the Indians of the neighborhood received their annual presents," must also be reckoned among those surrendered. The acreage of those Islands alone, without going further North, is given by Mr. Napier as follows :-

Snake Island	1 1/5 acres
Giant's Tomb	2400 "
Beausoleil	3840 "
Quarry Island	132 "
Potatoe "	900 "
Methodist"	29 "
Hog "	11 "
Resort "	35 "
	7398 1/5 "

This quantity is so far in excess of the 1150 acres mentioned in the Order in Council that some other process of reasoning than arguments based upon an evident error in the report of Mr. Superintendent General Pennefather will require to be found to cut off the Chippewas of Lakes Huron and Simcoe from their undoubted rights to the Islands here named.

With respect to Grande Isle, situated a little to the South of the Muskoka River and the other Islands on

that

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that shore Northward to the Parry Sound group, the claim of the Chippewas is not so clear. From an extract appended hereto from the report of Mr. Robinson who concluded the Lake Huron Treaty it appears they asserted that their rights should be considered with respect to even a portion of the mainland covered by the limits set forth in the Treaty with the Ojibewas. This claim of the Chippewas was not conceded at the time, but it was left an open question. From the fact that these Indians were continually crossing and recrossing that tract on their way to the small lakes and streams in the interior, it appears that their claim was not without foundation, though Mr. Anderson, the then Indian Superintendent, did not think it of sufficient importance to require distinct recognition.

In order to obtain, if possible, accurate information respecting the boundary between the ancient hunting grounds of the Ojibewas of Lake Huron and the Chippewas of Lakes Huron and Simcoe, the undersigned directed last spring that the local Visiting Superintendents should elicit by inquiries on the spot all that could be gleaned on the subject from the Chiefs or aged counsellors of both these tribes or treaty bands.

The Parry Island Indians, as being the band of Ojibewas nearest the boundary in dispute, were asked for their opinion, which was given by Mr. Supt. Skene to the effect that their hunting ground extended to Moon River, and no further.

Mr. Plummer, of Toronto, who is Visiting Superintendent to the Chippewas of Lakes Huron and Simcoe, replied on the 29th June that though the tribe is somewhat broken up, "they all agree on this point that their original hunting grounds did not extend further North (on the Northeast shore of Georgian Bay) than Moose Deer Point, and inland Northeasterly to the East side of Muskoka Lake. And that the

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the Islands included in the surrender in question (Anderson's) are all of those between Moose Deer Point and Coldwater, except the reservations therein mentioned. "

Letters from Mr. Plummer in the month of August last, after he had heard that the Chippewas had discussed the question of boundary at a general Council held on the 15th June, corroborated the view which he had previously communicated.

As Moose Deer Point bounds to the South on the coast the Estuary into which the Moon River discharges, the Obijibewas of the Ojibewas and Chippewas as to the boundary between their ancient hunting grounds are substantially the same, the Ojibewas by the treaty of 1850 only ceded "their right, title and interest, " to the lands or islands therein mentioned; they had no right nor title to the islands South of Moose Deer Point, consequently the said islands are not included in that treaty. The islands from Moose Deer Point South to Coldwater on the Southern extremity of the waters of Georgian Bay, were, however, from time immemorial, inhabited or frequented by the Chippewas of Lakes Huron and Simcoe, and were therefore included in the surrender of the Islands, in what Bay ~~that were~~ taken by the late Capt. Anderson in 1856, except the reservations therein mentioned.

The undersigned therefore while admitting that the Indian Department has no title to control of the Islands on the Eastern shore of Georgian Bay, North of Moose Deer Point, (except those held by the Indians as Reserves,) nevertheless contends that the Ontario Government has no claim to the Islands South of the said Moose Deer Point but that they are the property, so far as they have not been sold, of the Chippewas of Lakes Huron and Simcoe, and are under the control of the Indian Department of the Dominion of Canada.

Should the Commissioner of Crown Lands for Ontario

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Ontario concur in this opinion, the dispute as regards the ownership of the islands on the Eastern shore of Georgian Bay may be ~~ultimately~~ virtually considered as settled; if not the question can either be referred to the Supreme Court or to any other tribunal that may be hereafter agreed upon.

M., Interior.

Department of the Interior,

September 6, 1876.

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M E M O R A N D U M.

of

ONTARIO'S CLAIM.

by

HON.T.B.PARDEE.

x x x x x

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Copy.

Memorandum of case : -
claim of the Government of Ontario to certain Islands in Lakes Superior and Huron, and Georgian Bay.

On the 7th September, 1850, a treaty known as the " Lake Superior Treaty, " was entered into at Sault Ste. Marie between the Government of the Province of Canada and certain Chiefs and principal men of the Ojibeway tribe of Indians inhabiting the Northern shore of Lake Superior in the said Province from Batchewaning Bay to Pidgeon River at the Western extremity of said Lake, and inland throughout that extent to the height of land which separates the territory covered by the Charter of the Hon. the Hudson's Bay Company from the said tract, and also the Islands in the said Lake within the boundary of the British possessions thereon.

On the 9th September, 1850, a treaty known as the " Lake Huron Treaty, " was entered into at Penetanguishene between the Government of the Province of Canada and certain Chiefs and principal men of the Ojibeway tribe of Indians inhabiting and claiming the Eastern and Northern shores of Lake Huron from Penetanguishene to Sault Ste. Marie and thence to Batchewaning Bay on the Northern shore of Lake Superior, together with the Islands in the said Lakes opposite to the shores thereof, and inland to the height of land which separates the territory covered by the Charter of the Hon. Hudson's Bay Company from Canada, as well as all unconceded lands within the limits of Canada West to which they have any just claim.

In the treaties referred to the Indians (in consideration of a sum of money paid at the time and a perpetual annual money payment in the future in each case) absolutely

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absolutely surrendered to the Crown all the territory claimed by them as set forth therein, except certain specified reservations numbered one to three inclusive in the Lake Superior Treaty and one to seventeen inclusive in the Lake Huron Treaty.

The only Islands mentioned as included in the reservations alluded to are in the Lake Huron Treaty, viz:-

Reservation No. 9 French River
"The Island near the fall of Okickendowt, near Lake Nipissing. "

Reservation No. 14 Garden River
"Squirrel Island. "

Reservation No. 15 Batchewaning
"Batchewaning Island also a small Island at Sault Ste. Marie occupied by the Indians as a fishing station. "

Reservation No. 16. Parry Island, not reserved in treaty but subsequently given by Order in Council of 31st January, 1853, in exchange for the reservation on the main land.

On the treaties of September, 1850, (above partly recited) the Government of Ontario bases its claim of right since Confederation to proprietorship of the Islands in the waters of Lake Huron (of which the Georgian Bay is a part) and those of Lake Superior, between Penetanguishene and Pidgeon River, except with respect to those expressly reserved for the Indians and Parry Island subsequently ceded to them in lieu of their reservation on the main land.

The claim of Ontario was thus presented to the Dominion Government in a communication addressed by the Commissioner of Crown Lands to the Minister of the Interior on

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on the 18th August, 1875, (copy herewith) a reply to which was received 31st idem enclosing copy of a treaty between the Government of the Province of Canada and the Chiefs, and principal men of the Chippawa tribe of Indians residing on the shores of Lakes Couchiching, Simcoe and Huron, entered into 5th June, 1856, and approved by Order in Council of 14th July, 1856, by which the said Indians surrendered to the Crown upon trust four Islands in Lake Simcoe known as Plum Island, Pa-push-quam Island, Sain-gau-be-guon-daig Island, and Esh-put-e-mang Island, also one Island in Lake Couchiching known as Pumpkin Island; and all those Islands lying and being in the Georgian Bay Lake Huron heretofore claimed by the tribe, excepting three Islands in Georgian Bay Lake Huron, reserved by the tribe for their own use, said excepted Islands forming part of a group known as the Christian Islands; the Islands so surrendered to be sold and the proceeds invested for the benefit of the Indians.

On the treaty last referred to the Dominion Government seems to b ase its claim to proprietorship (in trust) of the Islands surrendered absolutely to the Crown by the treaties of September, 1850.

In connection with the above it is to be noted that in the Order in Council of 14th July, 1856, approving of the treaty of the 5th of the previous month the Islands surrendered are specified as in the treaty and the area stated to be about 1150 acres of land or upwards, and further, in the treaty itself where the Islands in the Georgian Bay are mentioned the phrase " heretofore " claimed by our tribe " is repeatedly used, plainly implying that at the time of the signing of the treaty the claim of the Indians (Chippawas) was limited to a few minor Islands of small

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small area in the South end of the Bay, information to that effect has been given to the Department of Crown Lands of Ontario, and in further corroboration it is a notable fact that at the time the treaty was entered into the abode of the Chippawa tribe was limited to Lakes Simcoe and Couchiching and no further North than the Christian Islands at the South end of Georgian Bay to which range of locality they still confine themselves : it may be here remarked that the Ontario Government, relying upon its title, has granted patents for Islands over which the Dominion Government now prefer a claim presumably under the treaty of 1856 with the Chippawa Tribe.

Assuming that the area mentioned in the Order in Council of 14th July, 1856, as surrendered to the Crown by the Chippawa Tribe is correctly stated, or approximately so, it cannot by any process of reasoning be construed to cover the Islands surrendered by the Ojibeways in 1850 which at a rough and moderate estimate would represent an area of many thousands of acres.

It would seem that the claim of Ontario to the Islands referred to is so strong that the Dominion Government should stay all further action with respect to them until a settlement of the question has been arrived at, which it is considered should not be very difficult of accomplishment the Government at Ottawa having access to all the documents and evidence bearing on the case, facilities for reference which are unfortunately beyond the immediate reach of the Ontario Departments.

Should it be found that a satisfactory adjustment of the respective claims of the Dominion and Ontario Governments based upon an examination of documents on record

and

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and a reasonable construction of the same cannot be arrived at, it may be suggested that a case should be made up and submitted to the Supreme Court for adjudication a course of procedure much more advisable than that the respective Governments should each grant rights to territory which must result in embarrassment to the several Departments, and involve the parties receiving such rights in litigation.

T. B. Pardee,

Commr. of Crown Lands,

Ontario.

Toronto, 24 March, 1876.

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27873

O P I N I O N.

of

HON.EDWARD BLAKE.

of

17th April 1876

x x x x

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6174

Copy.

Department of Justice,

Ottawa, 17th April, '76.

With reference to the conflicting claims of the Government of Canada and Ontario to certain islands in Georgian Bay lying between Nottawasaga Bay and Collins Inlet, the undersigned begs to report that the claim of the Government of Canada depends upon the question whether the islands referred to were effectually surrendered by the Robinson Treaty of 9th September, 1850, which purports to surrender all the islands at any rate from Penetanguishine Northward; and the solution of this question depends upon the further question whether the Indian Bands parties to the treaty referred to had the right to these islands or whether the band of Chippewas who made the surrender of /56 had such right. The Government of the late Province of Canada would appear by its action in exchanging Parry Island for a reserve on the shore to have been of the opinion that that Island had been effectually surrendered by the Treaty of 1850. The surrender of 1856 speaks of the islands in Georgian Bay heretofore claimed by the tribe surrendering them. It would appear that there were some islands in Georgian Bay not covered by the Treaty of 1850, for example Christian Island which would seem to be without the territorial limits described in that treaty. The surrender of 1856 may have referred to the Islands outside the territorial limits of the treaty of 1850, or to those islands and some other particular islands to which the band of Chippewas making that surrender had a claim; and that it referred to some islands only may perhaps be inferred from the report of the Superintendent which speaks of the total area as of about 1150 acres while the area of the specified islands in Simcoe and Couchiching would appear to

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to be 1105 acres, leaving only 45 acres for Georgian Bay. The language however is sufficiently comprehensive to embrace a larger area if the band making the surrender were entitled to such area. The subsequent action of the Indian Dept. would appear to indicate that the Superintendent General was under the impression that the surrender of 1856 carried all the islands from Nottawasaga Bay to Collins Inlet, and the course taken as between the Indian and the Crown Lands Departments with reference to Snow Island and Mr. Savigny's purchase rather favors the view that some Islands in Georgian Bay Northward of Penetanguishine were Indian lands, which they would not have been had they passed by the Treaty of 1850: but the undersigned is of opinion that these acts do not of themselves furnish sufficient ground for the conclusion that the islands from Penetanguishene Northward did not pass by the Treaty of 1850, or that they became Indian lands under the surrender of 1856. The undersigned is of opinion that sufficient facts have not been laid before the undersigned, and he recommends that further investigation should be had with a view of ascertaining what the true answer is to the second question suggested in this memorandum.

Edward Blake.

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202.

Re.Islands on the East Shore of Georgian
Bay,South of Moose Deer Point.-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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STATEMENT of CLAIM by the INDIAN DEPARTMENT on behalf of CHIPPEWAS OF LAKES HURON AND SIMCOE INDIANS to ISLANDS on the EAST SHORE of the GEORGIAN BAY, South of Moose Deer Point.

- - - - - - - - - - - -

This claim is made under Surrender by the Chippewa Indians of the 5th June 1856, being Number 76 in Printed Book of Surrenders, whereby there was ceded to The Crown, among other Islands, "Those Islands " lying and being in the Georgian Bay, Lake Huron, here- " tofore claimed by our Tribe, together with all the " hereditaments, privileges and appurtenances thereto " belonging, saving and excepting those three Islands " situate, lying and being in the said Georgian Bay, " Lake Huron, and forming a part of that group of " Islands called and known by the name of the Chris- " tian Islands."

The Islands so claimed are shown on Plans hereto attached.

In the year 1850, what is known as The Robinson Huron Treaty was made with the Indians inhabiting the North shore of Lake Huron, being Number 61 in Book of Surrenders, and which Treaty covered the territory from Sault Ste Marie and Batchewanaung Bay to Penetanguishene along with the Islands in Lake Huron, in front thereof. It having been claimed by the Chippewas of Lakes Huron and Simcoe that the Robinson-Huron Surrender of 1850 should only have gone as far South as Moose Deer Point, the Department had an investigation made by Mr. Plummer in 1876, then Indian Superintendent in Toronto, who, on the 29th June 1876, reported Moose Deer Point to be the Northern limit of the Hunting Ground of the Chippewa Indians, copy of Mr. Plummer's letter is attached.

In 1876 this Department issued a License to Mr.

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Mr.O F.Wright to cut timber on certain Islands on the North East coast of the Georgian Bay,but upon it being ascertained that the Department had no right to the Islands North of Moose Deer Point,the License was cancelled and the proportion of Bonus &c.,for the Islands included in the License,situate North of Moose Deer point,was refunded to the Ontario Government.

Attached is a copy of opinion of the 17th April 1876 bytthe Honourable Edward Blake,the Minister of Justice.

The Department lays no claim to the Islands between Moose Deer Point and Collins Inlet,with the exception of Parry Island,which is an Indian Reserve, and any Islands which may be considered as contiguous to the Great Manitoulin and under the jurisdiction of this Department as belonging to the Ojibbewas and Ottawas of Manitoulin Island,under Manitoulin Island claim.

Attached is a copy of a Memorandum of claim of the Ontario Government and copy of Memorandum in reply thereto by the Honourable Mr.Laird,prepared in 1876.

Correspondence with the Ontario Government on File 6174.

Attached is a statement showing the Islands sold by this Department under the Surrender of 1856.

W. A. Orr

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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A.

of the Garden River band of Ojibway Indians, conveying to the Crown, in trust, lots numbers fifteen, on the north side of Milton street, fifteen on the south side of Milton street, fifteen on the north side of Prince street, fifteen on the south side of Prince street, in the town plot of Chinguacouse, and containing two acres and one-quarter, and situated within this said reserve, for the use and benefit of the Church of England Mission established at the Garden River Reserve.

The Minister reports that Mr. Plummer, in a letter accompanying the said instrument, states that the dwelling house and premises of the Church of England Missionary are situated on the said lots, and that a large building for a general school or an academy for the training of Indians is about to be erected.

He accordingly recommends that the surrender so executed, which has been duly proved before the Judge for the District of Algoma, be accepted by Your Excellency in Council, in accordance with the provisions of the 8th section of the Act 31 Victoria, chapter 42.

The Committee advise that the surrender be accepted accordingly.

Certified,

W. A. HIMSWORTH, *C.P.C.*

To the Honorable
The Minister of the Interior,
&c., &c., &c.

Nos. 131 and 132.

ARTICLES OF A TREATY made and concluded this third day of October, in the year of Our Lord one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, the Honorable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and of the North-West Territories; Joseph Alfred Norbert Provencher and Simon James Dawson, of the one part, and the Saulteaux Tribe of the Ojibway Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs chosen and named as hereinafter mentioned, of the other part.

Whereas the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at a meeting at the north-west angle of the Lake of the Woods to deliberate upon certain matters of interest to Her 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 Her Majesty's said Commissioners that it is the desire of Her Majesty to open up for settlement, immigration and such other purpose as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her 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 Her Majesty and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence.

And whereas the Indians of the said tract, duly convened in council as aforesaid, and being requested by Her Majesty's said 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 Her Majesty for their faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:—

KEK-TA-PAY-PI-NAIS (Rainy River.)
KITCHI-GAY-KAKE (Rainy River.)
NOTE-NA-QUA-HUNG (North-West Angle.)
NAWE-DO-PE-NESS (Rainy River.)
POW-WA-SANG (North-West Angle.)
CANDA-COM-IGO-WE-NINIE (North-West Angle.)
PAPA-SKO-GIN (Rainy River.)

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MAY-NO-WAH-TAW-WAYS-KIONG (North-West Angle.)
KITCHI-NE-KA-LE-HAN (Rainy River.)
SAH-KATCH-EWAY (Lake Seul.)
MUPA-DAY-WAH-SIN (Kettle Falls.)
ME-PIE-SIES, (Rainy Lake, Fort Frances.)
OOS-CON-NA-GEITH (Rainy Lake.)
WAH-SHIS-KOUCE (Eagle Lake.)
KAH-KEE-Y-ASH (Flower Lake.)
GO-BAY (Rainy Lake.)
KA-MO-TI-ASH (White Fish Lake.)
NEE-SHO-TAL (Rainy River.)
KEE-JE-GO-KAY (Rainy River.)
SHA-SHA-GANCE (Shoal Lake.)
SHAH-WIN-NA-BI-NAIS (Shoal Lake.)
AY-ASH-A-WATH (Buffalo Point.)
PAY-AH-BEE-WASH (White Fish Bay.)
KAH-TAY-TAY-PA-E-CUTCH (Lake of the Woods.)

And thereupon, in open council, the different bands having presented their Chiefs to the said Commissioners as the Chiefs and Headmen for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purpose aforesaid of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas the said Commissioners have proceeded to negotiate a treaty with the said Indians, and the same has been finally agreed upon and concluded, as follows, that is to say :—

The Saulteaux Tribe of the Ojibbeway Indians and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and Her successors forever, all their rights, titles and privileges whatsoever, to the lands included within the following limits, that is to say :—

Commencing at a point on the Pigeon River route where the international boundary line between the territories of Great Britain and the United States intersects the height of land separating the waters running to Lake Superior from those flowing to Lake Winnipeg; thence northerly, westerly and easterly along the height of land aforesaid, following its sinuosities, whatever their course may be, to the point at which the said height of land meets the summit of the watershed from which the streams flow to Lake Nepigon; thence northerly and westerly, or whatever may be its course, along the ridge separating the waters of the Nepigon and the Winnipeg to the height of land dividing the waters of the Albany and the Winnipeg; thence westerly and northwesterly along the height of land dividing the waters flowing to Hudson's Bay by the Albany or other rivers from those running to English River and the Winnipeg to a point on the said height of land bearing north forty-five degrees east from Fort Alexander, at the mouth of the Winnipeg; thence south forty-five degrees west to Fort Alexander, at the mouth of the Winnipeg; thence southerly along the eastern bank of the Winnipeg to the mouth of White Mouth River; thence southerly by the line described as in that part forming the eastern boundary of the tract surrendered by the Chippewa and Swampy Cree tribes of Indians to Her Majesty on the third of August, one-thousand eight hundred and seventy-one, namely, by White Mouth River to White Mouth Lake, and thence on a line having the general bearing of White Mouth River to the forty-ninth parallel of north latitude; thence by the forty-ninth parallel of north latitude to the Lake of the Woods, and from thence by the international boundary line to the place of beginning.

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The tract comprised within the lines above described, embracing an area of fifty-five thousand square miles, be the same more or less. To have and to hold the same to Her Majesty the Queen, and Her successors forever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside, reserves for farming lands, due respect being had to lands at present cultivated by the said Indians,and also to lay aside and reserve for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada, in such a manner as shall seem best, other reserves of land in the said territory hereby ceded, which said reserves shall be selected and set aside where it shall be deemed most convenient and advantageous for each band or bands of Indians, by the officers of the said Government appointed for that purpose, and such selection shall be so made after conference with the Indians; provided, however, that such reserves, whether for farming or other purposes, shall in nowise exceed in all one square mile for each family of five, or in that proportion for larger or smaller families; and such selections shall be made if possible during the course of next summer, or as soon thereafter as may be found practicable, it being understood, however, that if at the time of any such selection of any reserve, as aforesaid, there are any settlers within the bounds of the lands reserved by any band, Her Majesty reserves the right to deal with such settlers as She shall deem just so as not to diminish the extent of land allotted to Indians, and provided also that the aforesaid reserves of lands, or any interest or right therein or appurtenant thereto, may be sold, leased or otherwise disposed of by the said Government for the use and benefit of the said Indians, with the consent of the Indians entitled thereto first had and obtained.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians She hereby, through Her Commissioners,makes them a present of twelve dollars for each man, woman and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred.

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of Her Dominion of Canada may seem advisable whenever the Indians of the reserves shall desire it.

Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-West Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

Her Majesty further agrees with Her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may, from time to time, be required or taken up for settlement, mining, lumbering or other purposes by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and Her said Indians that such sections of the reserves above indicated as may at any time be required for Public Works or buildings of what nature soever may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof, at some period in each year to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of five dollars per head yearly.

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It is further agreed between Her Majesty and the said Indians that the sum of fifteen hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now actually cultivating the soil or who shall hereafter commence to cultivate the land, that is to say: two hoes for every family actually cultivating, also one spade per family as aforesaid, one plough for every ten families as aforesaid, five harrows for every twenty families as aforesaid, one scythe for every family as aforesaid, and also one axe and one cross-cut saw, one hand-saw, one pit-saw, the necessary files, one grind-stone, one auger for each band, and also for each Chief for the use of his band one chest of ordinary carpenter's tools; also for each band enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such band; also for each band one yoke of oxen, one bull and four cows: all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians that each Chief duly recognised as such shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum; and each such Chief and subordinate officer as aforesaid shall also receive once in every three years a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will in all respects obey and abide by the law, that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tract, and that they will not molest the person or property of any inhabitants of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

In Witness Whereof, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands at the North-West Angle of the Lake of the Woods this day and year herein first above named.

Signed by the Chiefs within named, in presence of the following witnesses, the same having been first read and explained by the Honorable James McKay:

James McKay,
Molyneux St. John,
Robert Pither,
Christine V. K. Morris,
Charles Nolin,
A. McDonald, *Capt.*,
Comg. Escort to Lieut. Governor.
Jas. F. Graham,
Joseph Nolin,
A. McLeod,
George McPherson, Sr.,

Alex. Morris, *L. G.*, [L.S.]
J. A. N. Provencher, *Ind. Comr.*,
S. J. Dawson,

his
Kee-ta-kay-pi-nais, x
mark

his
Kitchi-gay-kake, x
mark

his
No-te-na-qua-hung, x
mark

his
Mawe-do-pe-nais, x
mark

his
Pow-wa-sang, x
mark

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SEDLEY BLANCHARD,
W. FRED. BUCHANAN,
FRANK G. BECHER,
ALFRED CODD, M.D,
G. S. CORBAULT,
PIERRE LEVIELLER,
NICHOLAS CHATELAINE.

his
CANDA-COM-IGO-WI-NINIE, x
mark
his
PA-PA-SKO-GIN, x
mark
his
MAY-NO-WAH-TAW-WAYS-KUNG, x
mark
his
KITCHI-NE-KA-BE-HAN, x
mark
his
SAH-KATCH-EWAY, x
mark
his
MUKA-DAY-WAH-SIN, x
mark
his
ME-KIE-SIES, x
mark
his
OOS-CON-NA-GEISH, x
mark
his
WAH-SHIS-KOUCE, x
mark
his
KAH-KEE-Y ASH, x
mark
his
GO-BAY, x
mark
his
KA-ME-TI-ASH, x
mark
his
NEE-SHO-TAL, x
mark
his
KEE-JEE-GO-KAY, x
mark
his
SHA-SHA-GAUCE, x
mark
his
SHAH-WIN-NA-BI-NAIS, x
mark
his
AY-ASH-A-WASH, x
mark
his
PAY-AH-BEE-WASH, x
mark
his
KAH-TAY-TAY-PA-O-CUTCH, x
mark

We, having had communication of the treaty, a certified copy whereof is hereto annexed, but not having been present at the councils held at the North West Angle of the Lake of the Woods, between Her Majesty's Commissioners, and the several Indian Chiefs and others therein named, at which the articles of the said treaty were agreed upon, hereby for ourselves and the several bands of Indians which we represent, in consideration of the provisions of the said treaty being extended to us and the said bands which we represent, transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of Her Government of Her Dominion of Canada, all our right, title and privilege whatsoever, which we, the said Chiefs and the said bands which we represent have, hold or enjoy, of, in and

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to the territory described and fully set out in the said articles of treaty, and every part thereof. To have and to hold the same unto and to the use of Her said Majesty the Queen, Her heirs and successors for ever.

And we hereby agree to accept the several provisions, payments and reserves of the said treaty, as therein stated, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained, 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 and the bands which we represent had been originally contracting parties thereto, and had been present and attached our signatures to the said treaty.

In Witness Whereof, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands, this thirteenth day of October, in the year of Our Lord one thousand eight hundred and seventy-three.

Signed by S. J. Dawson, Esquire, one of Her Majesty's said Commissioners, for and on behalf and with the authority and consent of the Honorable Alexander Morris, Lieutenant-Governor of Manitoba and the North-West Territories, and J. A. N. Provencher, Esq., the remaining two Commissioners, and himself and by the Chiefs within named, on behalf of themselves and the several bands which they represent, the same and the annexed certified copy of articles of treaty having been first read and explained in presence of the following witnesses:

Thos. A. P. Towers,
John Aitken,
A. F. MacDonell,
Nuzzahi,
his
James Saganosh, x
mark.
Piullsise.

For and on behalf of the Commissioners, the Honorable Alexander Morris, Lieut. Governor of Manitoba and the North-West Territories, Joseph Albert Norbert Provencher, Esquire, and the undersigned

S. J. Dawson,
Commissioner.
his
Pay-ba-ma-chas, x
mark.
his
Ke-ba-guin, x
mark.
his
Me-tas-so-que-ne-skank, x
mark.

To S. J. Dawson, Esquire, Indian Commissioner, &c., &c., &c.

Sir,—We hereby authorize you to treat with the various bands belonging to the Salteaux Tribe of the Ojibbeway Indians inhabiting the North-West Territories of the Dominion of Canada not included in the foregoing certified copy of articles of treaty, upon the same conditions and stipulations as are therein agreed upon, and to sign and execute for us and in our name and on our behalf the foregoing agreement annexed to the foregoing treaty.

ALEX. MORRIS,
Lieutenant-Governor.
J. A. N. PROVENCHER,
Indian Commissioner.

North-West Angle, Lake of the Woods,
October 4th, A.D. 1873.

Recorded 27th October, 1874.
Lib. 27, Folio 38.
R. W. Scott,
Secretary of State and Registrar-General of Canada.

(A).

This Memorandum of Agreement made and entered into this twelfth day of September one thousand eight hundred and seventy-five, between Nicholas Chate-

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B.

Reserves under Treaty 3.

No.	Name.	Area. Acres.	Locality.
10	Little Forks	1,920·13	Rainy river.
11	Manitou Rapids	5,736·50	"
12	Long Sault No. 2	5,046·75	"
13	" 1	6,366·73	"
14	'The Bishop', Hungry Hall No. 1	3,982·66	"
15	'Paskonkin', Hungry Hall No. 2	2,300·94	"
15M	Wild Lands Reserve	20,671·27	"
16A	Rainy Lake	100·00	Rainy lake
16D	"	11,200·00	"
41	Agency Reserve, Fort Frances	170·00	"
17A	Rainy Lake (Niacatchewenin)	3,761·50	"
17B		2,439·75	Clear Water lake.
18B		4,586·88	Rainy lake.
18C		3,861·33	"
21	English River or Grassy Narrows	10,244·00	English river.
21	Wabaskang	8,042·00	Wabaskang lake.
22A1	Lac des Mille Lacs	3,750·70	Lac des Mille Lacs.
22A2	Seine River	8,476·70	Seine river.
23	Sturgeon Falls	6,825·20	"
23A	Seine River	2,003·20	"
23B	"	2,234·80	"
24C	Kawaiagamot (Sturgeon Lake)	5,948·30	Sturgeon lake.
25D	Neguaquon Lake (Lac la Croix)	15,355·30	Lac la Croix.
26A	Rainy Lake (Nickickonesemenecanning)	4,850·00	Rainy lake.
26B	" "	2,640·00	"
26C	" "	2,737·00	"
27	Wabigoon Lake	12,872·00	Wabigoon lake.
27	Eagle Lake	8,882·00	Eagle lake.
28	Lac Seul or Lonely Lake	49,000·00	Lac Seul.
29	Islington	20,954·00	Winnipeg river.
29	Swan Lake	3,277·00	Swan lake.
29	One Man's Lake	668·00	English river.
30	Agency Reserve (Sabaskasing)	640·00	Lake of the Woods.
31A	Naongashing	1,280·00	"
31B	Lake of the Woods	726·00	"
31C	"	800·00	"
31D	Big Island	915·00	"
31E	"	1,920·00	"
31F	"	Not surveyed.	"
31G	Lake of the Woods	275·00	"
31 H and pt. of 31 G.	Big Island	1,541·00	"
31J	Shoal Lake	1,280·00	Shoal lake.
32A	Whitefish Bay	4,865·20	Lake of the Woods.
32B	Yellow Girl Bay	4,454·30	"
32C	Sabaskong Bay	1,280·00	"
33A	Whitefish Bay	3,091·00	"
33B	Northwest Angle	3,299·00	"
34	Lake of the Woods	641·00	"
34A	Whitefish Bay	1,529·20	"
34B	Shoal Lake, 1st Part	640·00	Shoal lake.
34B	" 2nd Part	426·00	"
34C	Northwest Angle	1,261·80	Northwest Angle river, in Manitoba.
34C	" "	750·00	Lake of the Woods.
35A	Naongashing	1,280·00	"
35B	Obabikong	1,760·00	"
35C	Sabaskong Bay	1,920·00	"
35D	"	1,280·00	"
35E1	Little Grassy River, 1st Part	640·00	"
35E5	Lake of the Woods, 2nd Part	Not surveyed	"
35F	Sabaskong Bay	1,280·00	"
35G	Big Grass River	8,960·00	"
35H	Sabaskong Bay	640·00	"
35J	Lake of the Woods	3,481·60	"
36	Buffalo Point	5,763·00	Lake of the Woods, in Manitoba.
37	Big Island	1,946·00	" "
37	Rainy River	3,687·00	Rainy river.
37A	Shoal Lake	1,920·00	Shoal lake, in Manitoba.
37B	Northwest Angle (approx.)	840·00	Lake of the Woods.
37B	Lake of the Woods	262·00	"
37C	Northwest Angle River	690·00	Northwest Angle river, in Manitoba.
38A	Near Rat Portage	8,000·00	Lake of the Woods.
38B	" "	5,289·90	"
38C	The Dalles, near Rat Portage	8,064·00	Winnipeg river.
38D	Lake of the Woods	Not surveyed.	Certain islands in Lake of the Woods.
39	West Shore Shoal Lake	1,031·00	Partly in Manitoba.
39	Northwest Shore Shoal Lake	8,415·00	"
40	" "	6,759·00	"
39 40	Islands in "	Not surveyed.	"

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C.

AGREEMENT made in Duplicate, the Sixteenth day of April in the Year of Our Lord, One Thousand Eight Hundred and Ninety Four on behalf of the Government of Canada on the one part and on behalf of the Government of Ontario on the other part 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 intituled "An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Lands."

WHEREAS by articles of a Treaty made on the Third of October, One Thousand Eight Hundred and Seventy Three, between Her Most Gracious Majesty, the Queen by Her Commissioners, the Honourable Alexander Morris, Lieutenant Governor of Manitoba and the North West Territories, Joseph Albert Norbert Provencher and Simon James Dawson on the one part, and the Saulteaux Tribe of the Ojibeway Indians, inhabitants of the Country within the limits thereinafter defined and described by their Chiefs chosen and named as thereinafter mentioned of the other part, which said Treaty is usually known as the North West Angle Treaty Number Three The Saulteaux Tribe of the Ojibeway Indians and all other the Indians inhabiting the Country therein defined and described, surrendered to Her Majesty all their rights, titles and privileges whatsoever to the lands therein defined and described on certain terms and considerations therein mentioned.

AND WHEREAS by the said Treaty, out of the land

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land so surrendered,Reserves were to be selected and laid aside for the benefit of the said Indians: and the said Indians were amongst other things hereinafter provided to have the right to pursue their avocations of Hunting and fishing throughout the tract surrendered,subject to such regulations as might,from time to time,be made by the Government of the Dominion of Canada,and saving and excepting such tracts as might from time to time,be required or taken up for settlement,mining,lumbering or other purposes by the said Government of the Dominion of Canada,or by any of the subjects thereof duly authorized therefor by the said Government:

AND WHEREAS,the true boundaries of Ontario have since been ascertained and declared to include part of the territory surrendered by the said Treaty and other territory North of the height of land with respect to which Indians are understood to make a claim as being occupants thereof,according to their mode of occupying,nad as not having yet surrendered their claim thereto or interest therein.

AND WHEREAS before the true boundaries had been declared as aforesaid,the Government of Canada had selected and set aside certain Reserves for the Indians in intendant pursuance of the said Treaty,and the said Government of Ontario was no party to the selection and has not yet concurred therein.

AND WHEREAS it is deemed desirable for the Dominion of Canada and the Province of Ontario to come to a friendly and a just understanding in respect of the said matters and the Governor General of Canada in Council and the Lieutanant Governor of Ontario in Council have given authority for the execution on their behalf respectively pursuant to the said Statutes of an Agreement in terms of these presents.

NOW

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NOW THEREFORE,it is hereby agreed between the two Governments,as follows:-

1. With respect to the tracts to be from time to time taken up for settlement,mining,lumbering or other purposes and to the Regulations required in that behalf,as in the said Treaty mentioned,it is hereby conceded and declared that,as the Crown Lands in the surrendered tract have been decided to belong to the Province of Ontario or to Her Majesty in right of the said Province,the right of hunting and fishing by the Indians throughout the tract surrendered,not including the Reserves to be made thereunder,do not continue with reference to any tracts which have been,or from time to time may be required or taken up for settlement,mining,lumbering or other purposes by the Government of Ontario or persons duly authorized by the said Government of Ontario and that the concurrence of the Province of Ontario is required in the selection of the said Reserves.

2. That to avoid dissatisfaction or discontent among the Indians,full enquiry will be made by the Government of Ontario as to the Reserves before the passing of the said Statutes,laid out in the territory,with a view of acquiescing in the location and extent thereof unless some good reason presents itself for a different course.

3. That in case the Government of Ontario,after such enquiry,is dissatisfied with the Reserves or any of them already selected,or in case other Reserves in the said territory are to be selected,a joint commission or joint commissions shall be appointed by the Governments of Canada and Ontario to settle and determine any question or all questions relating to such Reserves or proposed Reserves.

4. That in case of all Indian Reserves so to be confirmed

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confirmed,or hereinafter selected,the waters within the lands laid out or to be laid out as Indian Reserve in the said territory,including the land covered with water lying between the projecting headlands of any Lake or sheets of water,not wholly surrounded by an Indian Reserve or ~~Indian~~ Reserves shall be deemed to form a part of such Reserve including Islands wholly within such headlands,and shall not be subject to the public common right of fishery by others than Indians of the Band to which the Reserve belongs.

5. That this agreement is made without prejudice to the jurisdiction of the Parliament of Canada,with respect to inland fisheres under the British North America Act,1867,in case the same shall be decided to apply to the said fisheries herein mentioned.

6. 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.

In witness whereof these presents have been signed and sealed on behalf of the Government of Canada by the Honourable Thomas Mayne Daly,Superintendent General of Indian Affairs and on behalf of the Government of Ontario by the Honourable John Morison Gibson, Secretary and Registrar of the Province of Ontario.

Signed,Sealed and delivered by the Honourable Thomas Mayne Daly in presence of A.Chisholm Clerk Civil Service. — T.Mayne Daly (Seal)

and by the Honourable John Morison Gibson in presence of J.I. McIntosh,Clerk Civil Service,Ontario — J.M.Gibson (Seal)

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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D.

(Copy)

AGREEMENT between Counsel on behalf of the Dominion and Ontario intervening parties upon Appeal to the Judicial Committee of the Privy Council in Ontario Mining Compay 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 or 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 the 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

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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 heretofore agreed.

Nothing herein contained shall be construed as binding Ontario to confirm the titles heretofore made by the Dominion to portions of Reserve 38 B already granted by Ontario as appearing on the preceedings.

Dated the 7th July, 1902.

(Sgd.) E. L. Newcombe,
for the Dominion.

(Sgd.) Edward Blake
for Ontario.

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File 11 834/2-

M E M O R A N D U M

To the Deputy Minister-

OTTAWA, 25th August, 1905-

I beg to submit herewith statements, as desired by the Minister, in the cases of Dual ownership or control of land, which are as follows;-

1. Reserves set aside under Treaty No 3.
2. Islands in the Georgian Bay, South of Moose Deer Point.
3. Islands contiguous to the Great Manitoulin Island.
4. Reserves in British Columbia.

I attach a pamphlet by Messrs McKenna & Rimmer, giving fuller details in regard to numbers one, two and three, and also details as to other claims.

W. A. Ders
H.

In charge of Lands & Timber Branch

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No 1

RESERVES SET ASIDE UNDER TREATY No 3.-

- - - - - - - - - - - - - - - -

On the Third day of October 1873, the Dominion Government concluded a Treaty known as The North West Angle Treaty No 3, with the Saulteaux Tribe of the Ojibbeway Indians, by which they ceded to the Crown ~~containing~~ fifty-five thousand square miles, and which contained a proviso for setting aside Reserves thereunder

Copy of Treaty is hereto attached, marked "A"

Reserves were selected in accordance with provisions of the Treaty and to the extent of 348 178 acres have been surveyed and 17 047 acres yet to be surveyed, making a total of 365 225 acres in the entire territory.

Statement of Reserves is hereto attached marked "B".

Owing to decision of the Privy Council in the St.Catherine's Milling Company's case, confirmation of Reserves set aside was required to be made by the Government of the Province of Ontario, within which Province the land surrendered was adjudged to be situate in the Boundaries Case, and an agreement was entered into on the 16th day of April 1894, between the Government of the Dominion of Canada and that of the Province of Ontario, which made provision for the establishment of Reserves after enquiry in regard thereto by the Provincial Government.

Copy of agreement is hereto attached, marked "C".

In an appeal to the Judicial Committee of the Privy Council in the Ontario Mining Company vs. Seybold et al, affecting land set aside as an Indian Reserve, an agreement was come to between E.L.Newcombe for the Dominion and Hon.Edward Blake, for Ontario, dated 7th July 1902, which provides that the Dominion shall

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shall have full power and authority to sell or lease or convey title in fee simple,or for any less estate 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 1894) and after surrender by Indians.

Copy of agreement is hereto attached,marked "D".

As far as the Department is aware,no action has been taken by the Ontario Government under the Agreement of 1894,above referred to.

The North West Angle Treaty No 3 is now before the Exchequer Court of Canada in the suit of the Dominion of Canada ~~claim~~ claimant and the Province of Ontario,respondent,and the last action appears to be a communication with the Justice Department on the question of having the agreement above referred to of the 7th July 1902 confirmed by the two Governments so as to eliminate from the action all question as to the Reserves and thereby leave for the decision of the Court only the question of liability and repayment to the Dominion of the moneys expended by the Dominion in connection with the Treaty.

W Ridy

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111 834/2-

OTTAWA, 13th October, 1905-

Sir-

In view of the unsettled conditions prevailing in regard to a number of matters outstanding in dispute between the Governments of the Province and the Dominion, and the dissatisfaction that is being caused, owing to the lack of authority for proper administration thereof by either Government, it is considered most desirable to have an early adjustment of the questions ~~in dispute~~ and I am, therefore, addressing you with that end in view.

The Islands on the East shore of the Georgian Bay, South of Moose Deer Point, are, as well as those on the North shore of Lake Huron, now being eagerly sought after by residents of populous centres and others for Summer resort purposes and this Department is reluctantly compelled, owing to dispute as to title, to refuse to entertain applications which is causing, in no small degree, inconvenience and disappointment.

In the district covered by Treaty No 3, it is almost impossible to allay the feeling that is being aroused in connection with the Reserves which have been set aside, by failure of this Department to do something to meet the wishes of the residents of the localities

Aubrey White, Esq.,
Deputy Minister of Lands & Mines,
TORONTO,
Ont.-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

localities in obtaining rights of way &c.,on these tracts,which are virtually tied up as Indian Reserves, this Department being precluded from administering, as in case of ordinary Reserves,owing to non-confirmation by Ontario.

In consideration of the facts set forth in the foregoing,and owing to the desirability of an early adjustment of matters,both in the interests of the Indians and the settlers of Ontario and others,I beg to submit,for consideration what this Department is prepared to do in each of the following cases,in order to arrive at a final settlement.

Re Islands on East shore of Georgian Bay South of Moose Deer Point.

That the claim of this Department to all Islands on the East shore of the Georgian Bay,South of Moose Deer Point be admitted,and the Islands administered by this Department for the benefit of the Indians,These Islands,as shown on Plans which have been furnished your Department,were surrendered by the Chippewa Indians on the 5th June 1856,they being situate opposite their hunting grounds on the mainland and forming a portion thereof. Moose Deer Point was ascertained to be the North limit of the land claimed

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claimed by the Chippewas and the Treaty with the Indians inhabiting the North shore of Lake Huron could not have the effect of ceding Islands belonging to another Band.

This Department will admit the exclusive right of your Department to all the Islands on the East shore of the Georgian Bay from Moose Deer Point to Collins Inlet or the boundary line between Nipissing and Algoma produced, except Parry Island, which has been duly constituted an Indian Reserve. This proposed settlement is in line with understanding arrived at in 1876 between the two Governments, which although apparently not formally confirmed was consistently acted upon by this Department from 1876 to 1897.

Re. Islands adjacent to Manitoulin Island.

That the claim of this Department to all Islands lying adjacent, South, East and North of Manitoulin Island and bewteen it and the mainland, extending from Collins Inlet or the boundary line between Algoma and Nipissing produced to the East limit of the Thessalon Indian Reserve, produced, be admitted, and the Islands administered by this Department for the benefit of the Indians. The Islands in question, along with the Great Manitoulin, were set aside under the Bond Head Treaty of 9th August 1836 for Indians generally, the wording of the Treaty in describing the tract being as follows;-

" These Islands on which we are now assembl-
" ed in Council, as well as those on the
" North shore of Lake Huron"-

which Islands were estimated by Mr. Justice Macaulay in 1839 to exceed in number 23,000. By the Surrender

of

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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of the 6th October 1862, the Indians ceded to The Crown the portion of the Great Manitoulin Island West of Haywood Sound and Manitoulin Gulf and also all right, title, interest and claim to the Islands adjacent which have been deemed or claimed to be appurtenant or belonging thereto. The Robinson-Huron Treaty of 1850 could not affect the Islands in question, as they belonged to the Chippewas and Ottawas under Treaty of 1836 and cession thereof by another Band was consequently inoperative.

In case of admission of claim as above, it is proposed by the Department to have a proper survey made of the Islands so that they may be satisfactorily administered in the interests of all parties concerned.

Re. Reserves set aside under Treaty No 3.-

That the Indian Reserves set aside and surveyed by this Department under and in accordance with the provisions of Treaty of the 3rd October 1873, made with the Saulteaux Tribe of Ojibbewa Indians, be confirmed as such, as stipulated in agreement of the 16th April 1894, entered into by Honourable Thomas Mayne Daly, Superintendent General of Indian Affairs, on behalf of the Government of Canada, and the Honourable John Morison Gibson, Secretary and Registrar of the Province of Ontario, on behalf of the Government of Ontario. In view of the fact that at the time of the taking of the Treaty above referred to the Indians were expressly told that the precious metals on the Reserves to be set aside under the Treaty for them would be theirs, it is considered that the precious, as well as baser metals, should pass with the land to this Department for the benefit of the Indians.

Re.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Re.Temogamingue Indian Reserve.-

That the Indian Reserve set aside and surveyed at Lake Temogamingue,along with the portion of ~~Bear~~ Island in said Lake occupied by the Indians,be confirmed,in view of the fact that the Indians in this locality were not represented at the taking of the Robinson-Huron Treaty of 1850 and had no land set aside for them under said Treaty.

Re. certain Reserves on the North shore not provided for by Treaty.

- - - - - - - - - - - - - - - -

That the following Indian Reserves which have been set aside and surveyed for the Indians,who are in occupation thereof be confirmed,namely;

Michipicoten,on the Michipicoten River,about one mile from its mouth,178 acres.

Pic River,on the Pic River,near its mouth,800 acres

Pays Plat at Pays Plat,North shore of Lake Superior, 605 acres.

Red Rock,on Nipigon River,468 acres-

McIntyre Bay,on the South shore of Lake Nipigon,585 acres.

Gull River,at the mouth of Gull River,on the West shore of Lake Nipigon,9 825 acres,set apart under the provisions of the Robinson-Superior Treaty,surveyed in 1887.

Island Point,on the West shore of Lake Nipigon,135½ acres.

Jackfish Island,a small Island near the West shore of Lake Nipigon,not surveyed.

Long Lake,at the North end of Long Lake,612 acres.

Your obedient servant

Deputy Superintendent General of Indian Affairs.

Should the proposed areas of settlements be accepted by your Government, the Department is prepared to proceed forthwith to take the necessary steps to conclude the matter.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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H. O.

Ottawa, October 19th, 1905.

Sir,

Having reference to the previous correspondence which has taken place regarding the dispute between the Dominion and Ontario Governments as to the ownership of certain lands, or matters in relation thereto, and the advantage of arriving at an early settlement, it is desired that consideration be had and an adjustment if possible reached. I am therefore addressing you with this in view.

LAND BRANCH OCT 20 1905

The Islands on the east shore of the Georgian Bay, south of Moose Deer Point, are, as well as those on the north shore of Lake Huron, constantly brought to the attention of this Department by residents of the Province for settlement, summer resort, timber and other purposes, but owing to the unsettled nature of the title it is impractical for this Department to deal with them satisfactorily.

In the district covered by Treaty 3 questions of obtaining rights of way, etc., on the tracts of land set aside and administered as an Indian Reserve are continually before the Department, but we are precluded from administering as in the case of ordinary reserves owing to the non-confirmation by the Province of Ontario.

It will readily suggest itself to the Province of Ontario, we believe, as is already the case with this Government, that so long as the properties in question are in conflict between the two Governments, just so long will dissatisfaction and discontent remain.

It is

Aubrey White, Esq.,

Deputy Minister of Lands & Mines, Toronto.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Poor Copy.

It is considered by this Department to be of the highest importance that the questions in dispute should receive early consideration. This, we take it, is also the desire of the Ontario Government, so that upon reaching a settlement the administration may be properly conducted by the party found entitled.

With this in view I beg leave to put before you in concrete form what this Department is prepared to do in each of the following cases in order to arrive at a final settlement.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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111 834/2-

Ex'd.

Ottawa 21st October 1905-

Sir,

Having reference to the previous correspondence which has taken place regarding the dispute between the Dominion and Ontario Governments as to the ownership of certain lands, or matters in relation thereto, and the advantage of arriving at an early settlement, it is desired that consideration be had and an adjustment if possible reached. I am, therefore, addressing you with this in view.

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Aubrey White, Esq-
Deputy Minister of Lands & Mines,
Toronto-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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With this in view, I beg leave to put before you in concrete form what this Department is prepared to do in each of the following cases in order to arrive at a final settlement.

Re. Islands on East shore of Georgian Bay.
South of Moose Deer Point.

That the claim of this Department to all Islands on the East shore of the Georgian Bay, South of Moose Deer Point be admitted, and the Islands administered by this Department for the benefit of the Indians These Islands, as shown on Plans which have been furnished your Department, were surrendered by the Chippewa Indians on the 5th June 1856, they being situate opposite their hunting grounds on the mainland and forming a portion thereof. Moose Deer Point was ascertained to be the North limit of the land claimed by the Chippewas and the Treaty with the Indians inhabiting the North shore of Lake Huron could not have the effect of ceding Islands belonging to another Band.

This Department will admit the exclusive right of your Department to all the Islands on the East shore of the Georgian Bay from Moose Deer Point toCollins Inlet or the boundary line between Nipissing and Algoma

produced

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produced, except Parry Island, which has been duly constituted an Indian Reserve. This proposed settlement is in line with understanding arrived at in 1876 between the two Governments, which although apparently not formally confirmed was consistently acted upon by this Department from 1876 to 1897.

Re. Islands adjacent to Manitoulin Island.

That the claim of this Department to all Islands lying adjacent, South, East and North of Manitoulin Island and between it and the mainland, extending from Collins Inlet or the boundary line between Algoma and Nipissing produced to the East limit of the Thessalon Indian Reserve, produced, be admitted, and the Islands administered by this Department for the benefit of the Indians. The Islands in question, along with the Great Manitoulin, were set aside under the Bond Head Treaty of 9th August 1836 for Indians generally, the wording of the Treaty in describing the tract being as follows;-

"These Islands on which we are now assembled
"in Council, as well as those on the North
"shore of Lake Huron".

By the Surrender of the 6th October 1862, the Indians ceded to The Crown the portion of the Great Manitoulin Island West of Haywood Sound and Manitoulin Gulf and also all right, title, interest and claim to the Islands adjacent which have been deemed or claimed to be appurtenant or belonging thereto. The Robinson - Huron Treaty of 1850, if such be relied upon, could not affect the Islands in question, as they belonged to the Chippewas and Ottawas under Treaty of 1836 and cession thereof by another Band was consequently inoperative.

In case of admission of claim as above, it is proposed by the Department to have a proper survey made of the Islands so that they may be satisfactorily administered in the interests of all parties concerned.

Re.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Re. Reserves set aside under Treaty No. 3.

That the Indian Reserves set aside and surveyed by this Department under and in accordance with the provisions of Treaty of the 3rd October 1873, made with the Salteaux Tribe of Ojibbewa Indians, be confirmed as such, as stipulated in agreement of the 16th April 1894, entered into by Honourable Thomas Mayne Daly Superintendent General of Indian Affairs, on behalf of the Government of Canada, and the Honourable John Morison Gibson, Secretary and Registrar of the Province of Ontario, on behalf of the Government of Ontario. In view of the fact that at the time of the taking of the Treaty above referred to, the Indians were expressly told that the precious metals on the Reserves to be set aside under the Treaty for them would be theirs, it is considered that the precious, as well as baser metals, should pass with the land to this Department for the benefit of the Indians.

Re. Temogamingue Indian Reserve.

That the Indian Reserve set aside and surveyed at Lake Temogamingue, along with the portion of Bear Island in said Lake occupied by the Indians, be confirmed, in view of the fact that the Indians in this locality were not represented at the taking of the Robinson-Huron Treaty of 1850 and had no land set aside for them under said Treaty.

Re. certain Reserves on the North shore not provided for by Treaty.

That the following Indian Reserves which have been set aside and surveyed for the Indians, whoare in occupation thereof be confirmed, namely:

Michipicoten, on the Michipicoten River, about one mile from its mouth, 178 acres.

Pic River, on the Pic River, near its mouth, 800 acres.

Pays Plat at pays Plat, North shore of Lake Superior,

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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605 acres.

Red Rock, on Nipigon River, 468 acres.

McIntyre Bay, on the South shore of Lake Nipigon, 585 acres.

Gull River, at the mouth of Gull River, on the West shore of Lake Nipigon, 9825 acres, set apart under the provisions of the Robinson-Superior Treaty, surveyed in 1887.

Island Point, on the West shore of Lake Nipigon, 135½ acres.

Jackfish Island, a small Island near the West shore of Lake Nipigon, not surveyed.

Long Lake, at the North end of Long Lake, 612 acres.

Should the proposed basis of settlement be accepted by your Government, this Department is prepared to proceed forthwith to take the necessary steps to conclude the matter.

Your obedient servant,

Duncan Scott

Deputy Superintendent General

of Indian Affairs.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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DEPARTMENT OF INDIAN AFFAIRS CANADA

DEPARTMENT OF INDIAN AFFAIRS DEC 1905

Ottawa, 7th December 1905.

Memorandum :-

Mr. Orr.

Will you please write the Ontario Government asking them to furnish us a statement of the number of licenses or permits they have issued for cutting timber on islands in the Georgian Bay of the North shore between Manitoulin and the North shore, West of the French River.

D. S. G. I. A.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Statement Re Islands in the Georgian Bay
South of Moose Deer Point.

P.X.H

The Islands on the east shore of the Georgian Bay south of Moose Deer Point are claimed by this Department on behalf of the Indians, Chippewas of Lakes Huron & Simcoe, who, on the 5th of June 1856 surrendered them to the Crown to be sold for their benefit.

The first sale of Islands under this surrender was made on the 24th of March 1884, and a number of Islands were sold between that date and 1887, each application being dealt with on its merits.

In 1887 the Department decided as to disposition of Islands generally in the following manner:- one purchaser to be allowed an area of not more than 25 acres, when an Island of larger area could be conveniently be divided, as regards smaller Islands, 5 acres in extent only one to be sold to the same person, and in case of very small Islands when contiguous, one purchaser to be allowed two Islands. For Islands of 10 acres and over the price was one dollar per acre cash, for islands less tham 10 acres, when only one was sold the price was $10.00 cash, and where a purchaser was allowed two small contiguous islands the price of the two was $15.00 cash. The purchaser was required to furnish at his own expense plan, description and field notes by a qualified surveyor of the island or islands applied for.

See letter to Surveyor Genl 16 Sept 1915 File 165302

Under the above arrangement, sales of a number of islands took place up to September 1895, when it was decided to temporarily withdraw from sale the Islands in the Georgian Bay under the control of this Department, exception only being made in cases where the survey had already been made or had actually

begun

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Ottawa, 11th January, 1906.

Memorandum :-

Of tentative arrangement discussed with Mr. Aubrey White on the 9th inst. here, regarding some of the matters in dispute between the Provincial and Dominion Governments affecting this Department.

The islands South of Moose Deer Point, Georgian Bay, to be administered by the Dominion Government absolutely; the islands North of Moose Deer Point to the Eastern boundary of the Township of Rutherford produced, with the exception of Parry Island, to be administered by the Ontario Government absolutely; the islands in the North Channel between the Eastern boundary of the Township of Rutherford and the Eastern boundary of the Thessalon Indian Reserve to be referred for judicial commission; the islands in the North Channel West of the Eastern boundary of the Thessalon Indian Reserve belong to the Province.

In so far as the claim for a reserve for the Temagami Band is concerned, the setting aside of Bear Island as a reserve was discussed, with probably the addition of a few other islands in ~~our~~ that neighbourhood to make up what would be a reserve satisfactory in area, but the proposition did not assume a definite form and will stand until we have a communication from the Ontario Government in reply to the letter from this Department dated October, 1905, dealing with this and other matters in dispute.

The unconfirmed reserves in the Lake Superior District

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District to be taken up also by the Ontario Government and their views communicated in reply to our said letter of October , 1905.

With reference to the Indian Reserve in the Tp. of Gibson , District of Muskoka, this Department is to write to the Department of Crown Lands, Toronto, renewing its request for a Patent of this land free from settlement conditions.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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A Letter should only have reference to one subject . . .

No. [redacted]

In your reply to above letter number an answer is desired.

111834-2

292965

DEPARTMENT OF CROWN LANDS SURVEYS BRANCH ONTARIO

DEPARTMENT OF INDIAN AFFAIRS JAN 24 1906

Toronto January 22, 1906.

My dear Pedley,

Adverting to the interview had with you when I was in Ottawa in which we discussed the possibility of arriving at a modus vivendi as regards the Islands in Lake Huron, in which I suggested that your Department should deal with the Islands south of Moose Deer Point, as was the practice years ago, and that we deal with Islands north of Moose Deer Point to the eastern boundary of the township of Rutherford produced; that the Islands lying between the Eastern Boundary of Rutherford Township and the eastern boundary of Thessalon Township should be left in abeyance pending the determination of the dispute under the Bond Head Treaty, and that the Islands west of the Easterly boundary of Thessalon Township produced should be dealt with by this Department, I am now sending you under separate cover a map on which I have drawn the lines suggested.

I would be glad if you would take this matter up with your Minister and get his consent to it, or if necessary have it ratified by Order in Council.

Your obedient servant,

Deputy Minister.

Frank Pedley, Esq.,
Deputy Superintendent General
Indian Affairs, Ottawa, Ont.

SURVEYS BRANCH JAN25 1906

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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111 834/2-

OTTAWA,30th January,1906-

Sir-

I beg to acknowledge the receipt of your communication of the 22nd Instant,in regard to proposed settlement of questions in dispute as to Islands in the Georgian Bay,and Lake Huron,and in reply would say that it would appear advisable,in order to prevent possible arising of any question as to title to the Islands at the North end of the Saugeen Peninsula,as to which there is no dispute,that the line enclosing Islands to be dealt with by the Provincial Government should run from a point on the line drawn Westerly from Moose Deer Point about the centre of the Georgian Bay and running along the centre of the said Bay in a North Westerly direction until it strikes the line extending Southerly from the Easterly limit of the Township of Rutherford.

I return the Plan forwarded by you,in order that change may be made as proposed,if same considered satisfactory.

Your obedient servant

FRANK PEDLEY

Deputy Superintendent General
of Indian Affairs.

Aubrey White,Esq.,
Deputy Minister of Lands & Mines,
TORONTO, Ont.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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111 834/2-

DXH

OTTAWA, 6th March, 1906-

Sir-

Referring to your communication of the 22nd January last and 9th Ultimo, regarding Islands in the Georgian Bay, I beg to say that a Memorandum to Council is being prepared on the lines agreed upon, except that the line enclosing Islands to be dealt with by you will run as indicated in communication addressed you on the 30th January last, and I have to ask you to be good enough to return the Plan sent you under cover of this communication and to say whether the line as proposed is satisfactory.

Your obedient servant

W.A.D

FRANK PEDLEY

Deputy Superintendent General
of Indian Affairs

Aubrey White, Esq.,
Deputy Minister of
Lands & Mines,
TORONTO, Ont.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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111 834/2-

DXTH

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Your obedient servant

W.D.

FRANK PEDLEY

Deputy Superintendent General
of Indian Affairs

Aubrey White, Esq.,
Deputy Minister of
Lands & Mines,
TORONTO, Ont.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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111,834/2.

Rec'd.

OTTAWA, 24th March, 1906.

Sir:-

I have the honour to refer to your letter of the 22nd of December last, in which you intimated that a statement showing the number of Licenses, or Permits, issued by your Department for timber on Islands in the Georgian Bay and off the North Shore between it and Manitoulin Island and west of the French River would be prepared and sent to this Depart ment.

It has been represented that Permits have been issued by your Department to certain persons to cut wood on George and Badgley Islands. It would be more valuable if the names of persons and of Islands were included in the statement.

Your obedient servant,

FRANK PEDLEY

Deputy Superintendent General
of Indian Affairs.

Aubrey White, Esq.,
Deputy Minister of Lands & Mines,
TORONTO,
Ont.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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297229

Toronto, April 19th, 1906.

The undersigned has the hpnour to state for the information of His Honour the Lieutenant Governor in Council, that during a recent visit of the Deputy Minister of Lands and Mines to Ottawa a conference was held with the deputy Minister of Indian Affairs as to a modus vivend/ which should enable the two departments to deal with the Islands in the Georgian Bay of Lake Huron. Formerly there was an arrangement under which the Department of Indian Affairs dealt with all Islands south of Moose Deer Point, and the Department of Crown Lands dealt with all Islands north of Moose Deer Point. This arrangement came to an end through a difference of opinion as to the right to deal with certain Islands. Pending a settlement of the question this Department has consented when asked, to the Department of Indian Affairs disposing of Island s south of Moose Deer Point, and similarly that department has consented to our dealing with Islands north of Moose Deer Point. The object of the interview with the Deputy Minister of Indian Affairs was to arrive at an understanding which would obviate the necessity of the two departments corresponding every time it was desired to sell an island.

An arrangement was come to between the two Deputy Ministers subject to the approval of their Governments, under which the Department of Indian Affairs would be at liberty to sell islands south of Moose Deer Point without consulting this Department, and this Department would be at liberty to sell islands north of Moose Deer Point as far as a line drawn south from the south easterly angle of the Township of Rutherford, near the Village of Killarney; that the islands contiguous to the great Manitoulin group, and west of the production of the East limit of the Township of Rutherford, extending as far west as the southerly production of the east limit of the Township of Thessalon are to remain undisposed of by either Government until the question of title is determined; that the islands west of the southerly production of the easterly boundary of the Township of Thessalon be dealt with by this Department.

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The Deputy Minister of Indian Affairs has communicated with this Department to the effect that a memorandum ~~to~~ Council has been prepared by His Department, and asks that a similar memorandum be prepared here.

The undersigned would recommend that the above suggestions be approved and agreed to

(Sgd) F. Cochrane
Minister of Lands and Mines

To His Honour
The Lieutenant Governor in Council,-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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297229

Copy of an Order-in-Council approved by His Honour the Lieutenant Governor, the 24th day of April, A.D.1906

The Committee of Council have had under consideration the annexed report of the Honourable the Minister of Lands and Mines with reference to dealing with the islands in the Georgian Bay of Lake Huron South and North of Moose Deer Point, and advise that the suggestions therein contained be concurred in and acted on.

Certified,

Clerk, Executive Council.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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(Copy)

Toronto, April 19th, 1906.

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An arrangement was come to between the two Deputy Ministers subject to the approval of their Governments, under which the Department of Indian Affairs would be at liberty to sell islands south of Moose Deer Point without consulting this Department, and this Department would be at liberty to sell islands north of Moose Deer Point as far as a line drawn south from the southeasterly angle of the township of Rutherford, near the Village

of

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

of Killarney; that the islands contiguous to the great Manitoulin group, and west of the production of the east limit of the township of Rutherford, extending as far west as the southerly production of the east limit of the township of Thessalon are to remain undisposed of by either Government until the question of title is determined; that the islands west of the southerly production of the easterly boundary of the township of Thessalon be dealt with by this Department.

The Deputy Minister of Indian Affairs has communicated with this Department to the effect that a memorandum to Council has been prepared by His Department, and asks that a similar memorandum be prepared here.

The undersigned would recommend that the above suggestions be approved and agreed to.

(sgd) F. Cochrane

Minister of Lands and Mines.

To His Honour

The Lieutenant Governor in Council.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

PUBLIC ARCHIVES
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CANADA

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Copy-

Department of Attorney General Ontario

Copy of an Order in Council approved by His Honour the Lieutenant Governor, the 24th day of April, A.D. 1906.

The Committee of Council have had under consideration the ennexed report of the Honourable the Minister of Lands and Mines, with reference to dealing with the islands in the Georgian Bay of Lake Huron South and North of Moose Deer Point, and advise that the suggestions therein contained be concurred in and acted on.

Certified.

Lonsdale Capreol.

Clerk, Executice Council.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

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No 3

Copy-

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 26th May, 1906.

On a Memorandum dated 16th May, 1906, from the Superintendent General of Indian Affairs, submitting that the Honourable the Minister of Lands and Mines for Ontario has made a report with reference to dealing with the Islands in the Georgian Bay portion of Lake Huron, which has been approved by an Order of the Lieutenant Governor of Ontario in Council, dated 24th April, 1906, and which is as follows:-

"The undersigned has the honour to state for the information of His Honour the Lieutenant Governor in Council that during a recent visit of the Deputy Minister of Lands and Mines to Ottawa, a conference was held with the Deputy Minister of Indian Affairs as to a modus vivendi, which should enable the two Departments to deal with the Islands in the Georgian Bay of Lake Huron. Formerly there was an arrangement under which the Department of Indian Affairs dealt with all islands South of Moose Deer Point, and the Department of Crown Lands dealt with all Islands North of Moose Deer Point. This arrangement came to an end through a difference of opinion as to the right to deal with certain islands. Pending a settlement of the question, this Department has consented, when asked, to the Department of Indian Affairs disposing

The Honourable,

The Superintendent General of Indian Affairs.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

disposing of islands South of Moose Deer Point, and similarly that Department has consented to our dealing with islands North of Moose Deer Point. The object of the interview with the Deputy Minister of Indian Affairs was to arrive at an understanding which would obviate the necessity of the two Departments corresponding every time it was desired to sell an island.

"An arrangement was come to between the two Deputy Ministers, subject to the approval of their Governments, under which the Department of Indian Affairs would be at liberty to sell islands South of Moose Deer point without consulting this Department, and this Department would be at liberty to sell islands North of Moose Deer Point, as far as a line drawn South from the South-Easterly angle of the Township of Rutherford, near the Village of Killarney;; that the islands contiguous to the Great Manitoulin group, and West of the production of the East limit of the Township of Rutherford, extending as far West as the Southerly production of the East limit of the Township of Thessalon, are to remain undisposed of by either Government, until the question of title is determined; that the islands West of the Southerly production of the Easterly boundary of the Township of Thessalon be dealt with by this Department."

The Minister recommends - as the terms of the Report of the Minister of Lands and Mines for Ontario, above quoted, are satisfactory to him, that the same be approved by the Governor in Council.

The Committee submit the same for approval.

Rodolphe Boudreau.

Asst. Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

Provincial O.C.
24th April 1906

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

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wrong no. 111934-2

A Letter should only have reference to one subject . . .

No. 563-99 25724-03
In your re to above 111 832/2-
letter numbe answer is
desired.

ONTARIO
DEPARTMENT OF LANDS AND MINES
SURVEYS BRANCH

297229

DEPARTMENT OF INDIAN AFFAIRS
APR 30 1906

Toronto,
April 27th, 1906.

Sir:,

Reverting to previous correspondence respecting the disposition of islands in Lake Huron, I enclose you herewith a memo. by the Hon. the Minister of Lands and Mines to His Honor the Lieutenant Governor in Council respecting these islands; also a copy of an Order in Council approved by His Honor the Lieutenant Governor in Council agreeing to the disposition of the islands along the lines as suggested in my former correspondence.

In your letter of the 6th of March you stated that a memo. to Council was being prepared by you on the lines agreed upon. If such memo. has been approved of, I would be glad if you would send me a copy thereof, and of the Order in Council based thereon.

Your obedient servant,

E.B. Kirkpatrick

Deputy Minister of Lands and Mines.

Frank Pedley Esq.,
Deputy Superintendent General of Indian Affairs,
Ottawa, Ont.

Encl. sent by mistake in separate envelope

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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PUBLIC ARCHIVES
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CANADA

File 111 834/2-

MEMORANDUM

To the Deputy Minister-

OTTAWA, 1st May, 1906-

In regard to communication of the 27th Ultimo from the Deputy Minister of Lands & Mines, Ontario enclosing copy of Order in Council as to settlement of outstanding disputes, between the Dominion and the Province, as to Islands in the Georgian Bay and Lake Huron, I would beg to recommend the obtaining of an order in Council on similar lines.

W. A. Orr

In charge Lands & Timber Branch.

Copy
Memo to C.C.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

111,834/2

Draft Rec.

Ottawa, 16th May, 1906.

His Excellency

The Governor General in Council.

The undersigned has the honour to quote herein a report of the Honourable the Minister of Lands and Mines for Ontario with reference to dealing with the islands in the Georgian Bay portion of Lake Huron, which has been approved by an Order of the Lieutenant Governor of Ontario in Council dated the 24th of April, 1906:

" The undersigned has the honour to state for the information of His Honour the Lieutenant Governor in Council that during a recent visit of the Deputy Minister of Lands and Mines to Ottawa a conference was held with the Deputy Minister of Indian Affairs as to a modus vivendi which should enable the two departments to deal with the islands in the Georgian Bay of Lake Huron. Formerly there was an arrangement under which the Department of Indian Affairs dealt with all islands south of Moose Deer Point and the Department of Crown Lands dealt with all islands north of Moose Deer Point. This arrangement came to an end through a difference of opinion as to the right to deal with certain islands. Pending a settlement of the question this Department has consented, when asked, to the Department of Indian Affairs disposing of islands south of Moose Deer Point, and similarly that Department has consented to our dealing with islands north of Moose Deer Point. The object of the interview with the Deputy

Minister

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~~Dec. 18~~
S.J. 18
L.B. ~~
P.C. 22

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Minister of Indian Affairs was to arrive at an understanding which would obviate the necessity of the two departments corresponding every time it was desired to sell an island.

" An arrangement was come to between the two Deputy Ministers' subject to the approval of their Governments, under which the Department of Indian Affairs would be at liberty to sell islands south of Moose Deer Point without consulting this Department, and this Department would be at liberty to sell islands north of Moose Deer Point as far as a line drawn south from the south-easterly angle of the township of Rutherford, near the village of Killarney; that the islands contiguous to the Great Manitoulin group, and west of the production of the east limit of the township of Rutherford, extending as far west as the southerly production of the east limit of the township of Tyeossalon are to remain undisposed of by either Government until the question of title is determined; that the islands west of the southerly production of the easterly boundary of the township of Thessalon be dealt with by this Department."

As the terms above quoted are satisfactory to the undersigned, he would respectfully recommend that the same be approved of by Your Excellency in Council.

W. Grant Morris

Superintendent General
of Indian Affairs.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

Poor Copy.

111,834/2

In 1875 the Crown Lands Dept., Toronto, made a claim, under the Robinson-Huron and Robinson-Superior Treaties of 7th and 9th Sept., 1850, to all the islands in Georgian Bay and the north shore of Lakes Huron and Superior between Penetanguishene and Pigeon River. This Dept. claimed the islands on the east shore of Georgian Bay between Penetanguishene and Collins Inlet under Surrender of 5th June, 1856, by the Chippewas of Lakes Huron, Simcoe and Couchiching (the Indians who will benefit by the sale of these islands). In 1876 a conventional agreement was come to between the two Governments by which the islands between Penetanguishene and Moose Deer Point were to be administered by the Govt. of the Dominion, and those between Moose Deer Point and Collins Inlet were to be administered by the Province. Under this arrangement a large number of individual islands were sold, and in 1897 this Dept. decided to sell a large number of them by public tender, which was objected to by the Hon. Mr. Hardy, then Premier

of Ontario, on the ground that the conventional agreement did not contemplate the wholesale disposition of these islands and that they should be converted into a national park to be preserved for the public for all time. This view of the matter has never been recognized by this Department, and after considerable negotiations with the Crown Lands Dept. the agreement contained in the accompanying Memo. to Council has been arrived at.

This disposes of the dispute in so far as the islands between Penetanguishene and Collins Inlet are concerned.

The islands contiguous to the Manitoulin Island are reserved for future adjustment.

Map herewith

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor copy

PRIVY COUNCIL
CANADA

29541

Extract from a Report of the Committee of the Privy Council, approved by the Governor General on the 26th May, 1906.

On a Memorandum dated 16th May, 1906, from the Superintendent General of Indian Affairs, submitting that the Honourable the Minister of Lands and Mines for Ontario has made a report with reference to dealing with the islands in the Georgian Bay portion of Lake Huron, which has been approved by an Order of the Lieutenant Governor of Ontario in Council, dated 24th April 1906, and which is as follows:-

"The undersigned has the honour to state for the information of His Honour the Lieutenant Governor in Council that during a recent visit of the Deputy Minister of Lands and Mines to Ottawa a conference was held with the Deputy Minister of Indian Affairs as to a modus vivendi, which should enable the two Departments to deal with the islands in the Georgian Bay of Lake Huron. Formerly there was an arrangement under which the Department of Indian Affairs dealt with all islands south of Moose Deer Point and the Department of Crown Lands dealt with all islands north of Moose Deer Point. This arrangement came to an end through a difference of opinion as to the right to deal with certain islands. Pending a settlement of the question this Department has consented, when asked, to the Department of Indian Affairs disposing of islands south of Moose Deer Point, and similarly

The Honourable
The Superintendent General of Indian Affairs.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

similarly that Department has consented to our dealing with islands north of Moose Deer Point. The object of the interview with the Deputy Minister of Indian Affairs was to arrive at an understanding which would obviate the necessity of the two departments corresponding every time it was desired to sell an island.

"An arrangement was come to betweenthe two Deputy Ministers subject to the approval of their Governments, under which the Department of Indian Affairs would be at liberty to sell islands south of Moose Deer Point without consulting this Department, and this Department would be at liberty to sell islands north of Moose Deer Point as far as a line drawn south from the south-easterly angle of the township of Rutherford,near the village of Killarney; that the islands contiguous to the great Manitoulin group, and west of the production of the east limit of the township of Rutherford, extending as far west as the southerly production of the east limit of the township of Thessalon are to remain undisposed of by either Government until the question of title is determined; that the islands west of the southerly production of the easterly boundary of the township of Thessalon be dealt with by this Department."

The Minister recommends - as the terms of the Report of the Minister of Lands and Mines for Ontario, above quoted, are satisfactory to him, that the same be approved by the Governor in Council.

The Committee submit the same for approval.

Rodolphe Boudreau

Asst. Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

Poor Copy.

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CANADA

111 824/2-

Ottawa 4th June 1906-

Sir,

In reply to your communication of the 27th April last, regarding Islands in the Georgian Bay, I beg to enclose copy of Order of His Excellency in Council approving of terms of report of Minister of Mines and Lands for Ontario, of the 19th April last.

Your obedient servant,

J. D. McLEAN

Deputy Superintendent General
of Indian Affairs.

Aubrey White, Esq-
Deputy Minister Lands & Mines-
Toronto-
Ont.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

Poor Copy.

DEPARTMENT OF INDIAN AFFAIRS
JUN 8 1906

298751

...RTMENT OF LANDS AND MINES
...VEYS BRANCH

Dear Sir:

I have to acknowledge yours of the [illegible] instant [illegible] a report of [illegible] by the Governor General [illegible] the [illegible] of Indians [illegible]

Your obedient servant,

Deputy Minister of Land and Forests.

Frank Pedley Esq.,

Deputy to Superintendent General of Indian Affairs,

Ottawa, Ont.

BRANCH

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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No. 6.

This claim is for certain reserves set aside at Pic River, Pays Plat, Red Rock, ~~McIntyre's Bay~~, ~~Island Point~~, Jackfish Island, Long Lake, and Michipicoten, which reserves have been surveyed by the Department but have not been confirmed by Ontario. This would appear to be a claim for consideration in connection with Claim No. 1.

W.E.D.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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PUBLIC ARCHIVES
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CANADA

No. 9.

This is a claim on behalf of a band of Chippewa Indians who allege that they inhabit and use as a hunting ground a tract of land surrounding Lake Temogamingue, within the territory surrendered by the Robinson-Huron Treaty.

Withers

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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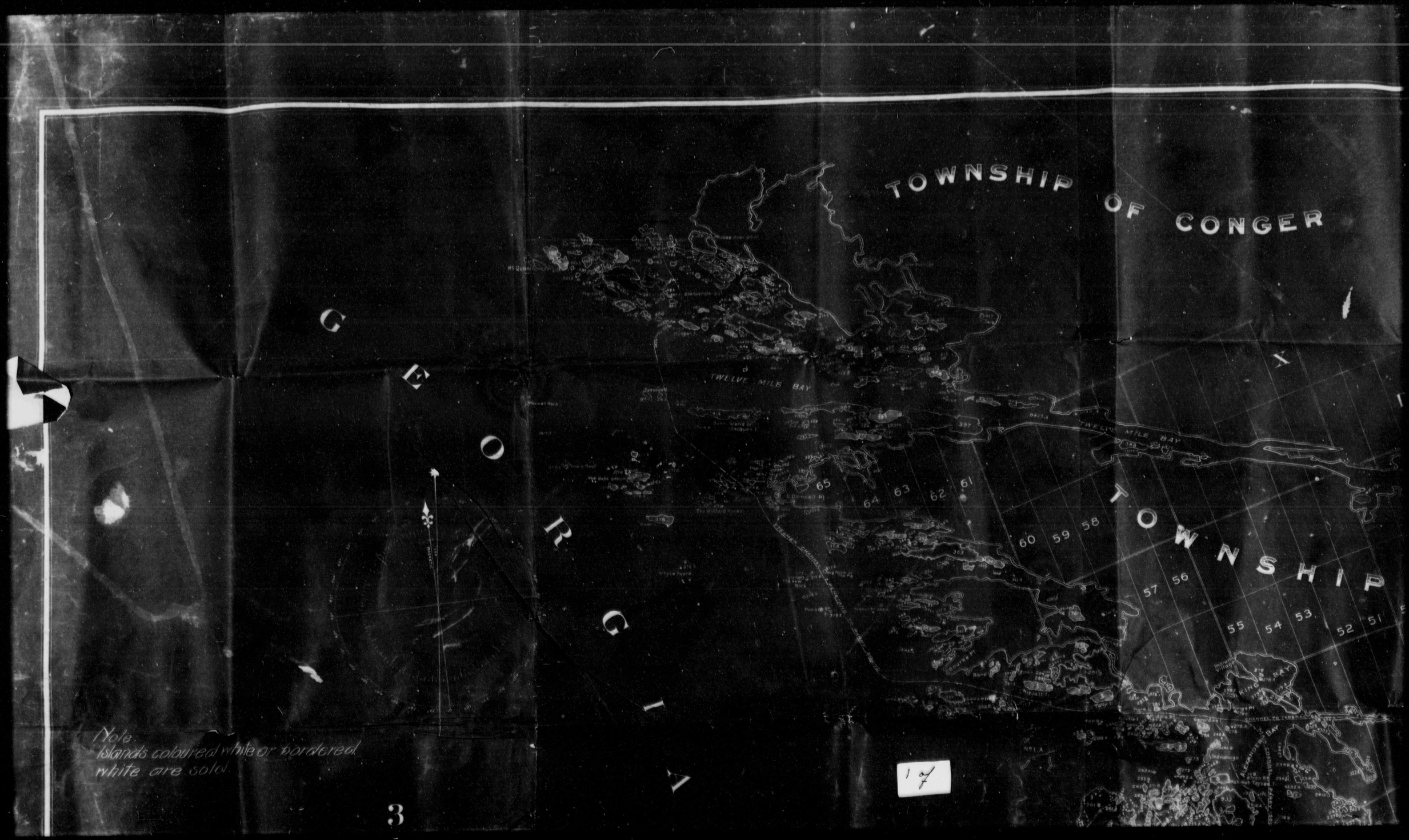
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KING BAY
Note
Islands coloured white or bordered
white are sold.
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KODAK SAFETY FILM

Note
Islands coloured white or bordered white are sold.

3

PLAN OF

ISLANDS SOUTH OF MOOSE DEER POINT

GEORGIAN BAY

ONTARIO.

Compiled from plans of surveys made by C.E. Fitton, O.L.S. and J.G. Sing, O.L.S. and others of record in the Department of Indian Affairs.

Scale of Miles

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Issued by direction of
HON. CLIFFORD SIFTON, SUPERINTENDENT GENERAL INDIAN AFFAIRS.
OTTAWA, 1902.

Sam'l Gray
Chief Surveyor
Dept. of Indian Affairs

Jno. Kelly
Dept. of the Superintendent General
of Indian Affairs.

2 of


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TOWNSHIP OF FREEMAN
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TWELVE MILE BAY
TWELVE MILE BAY
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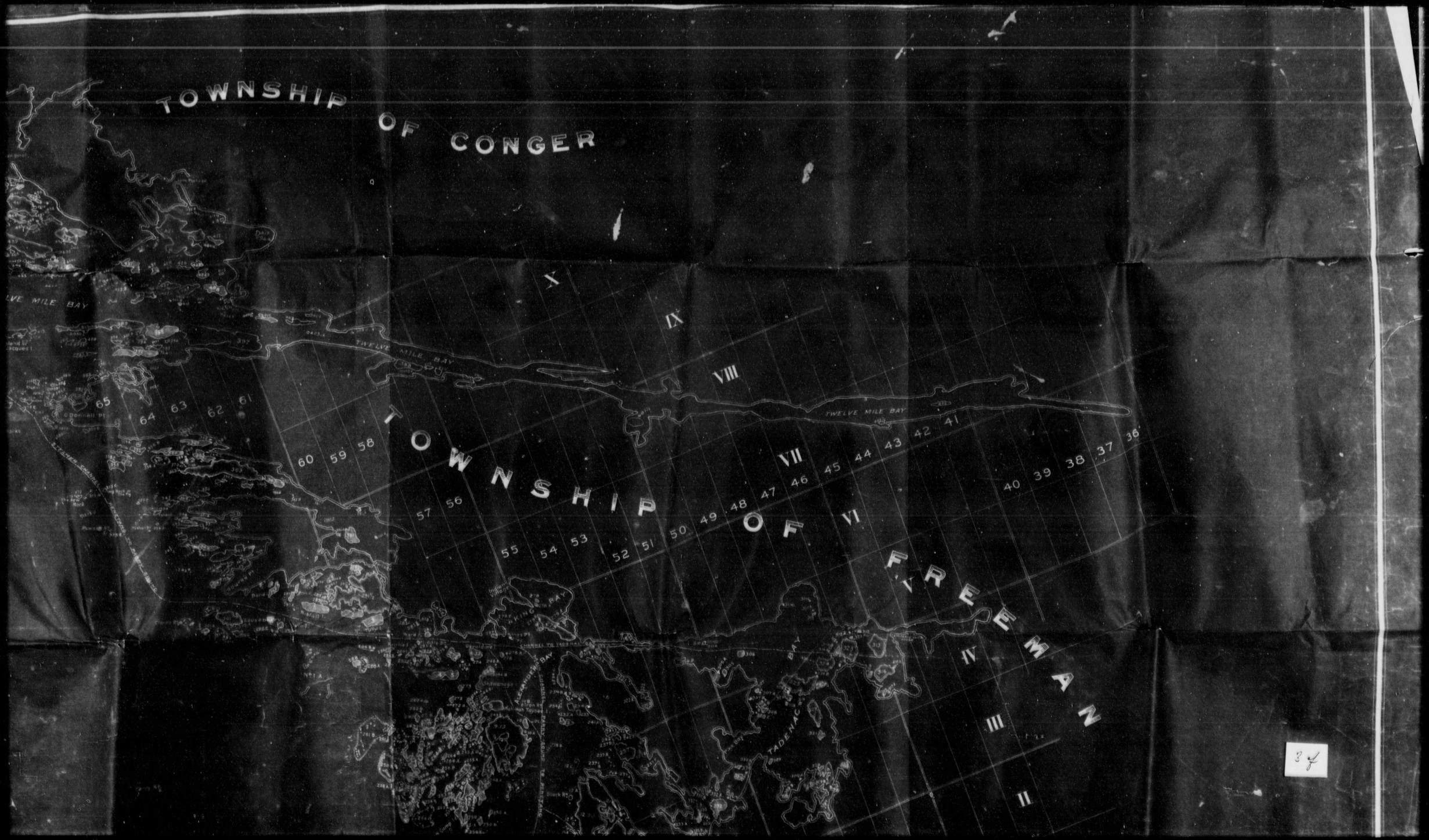
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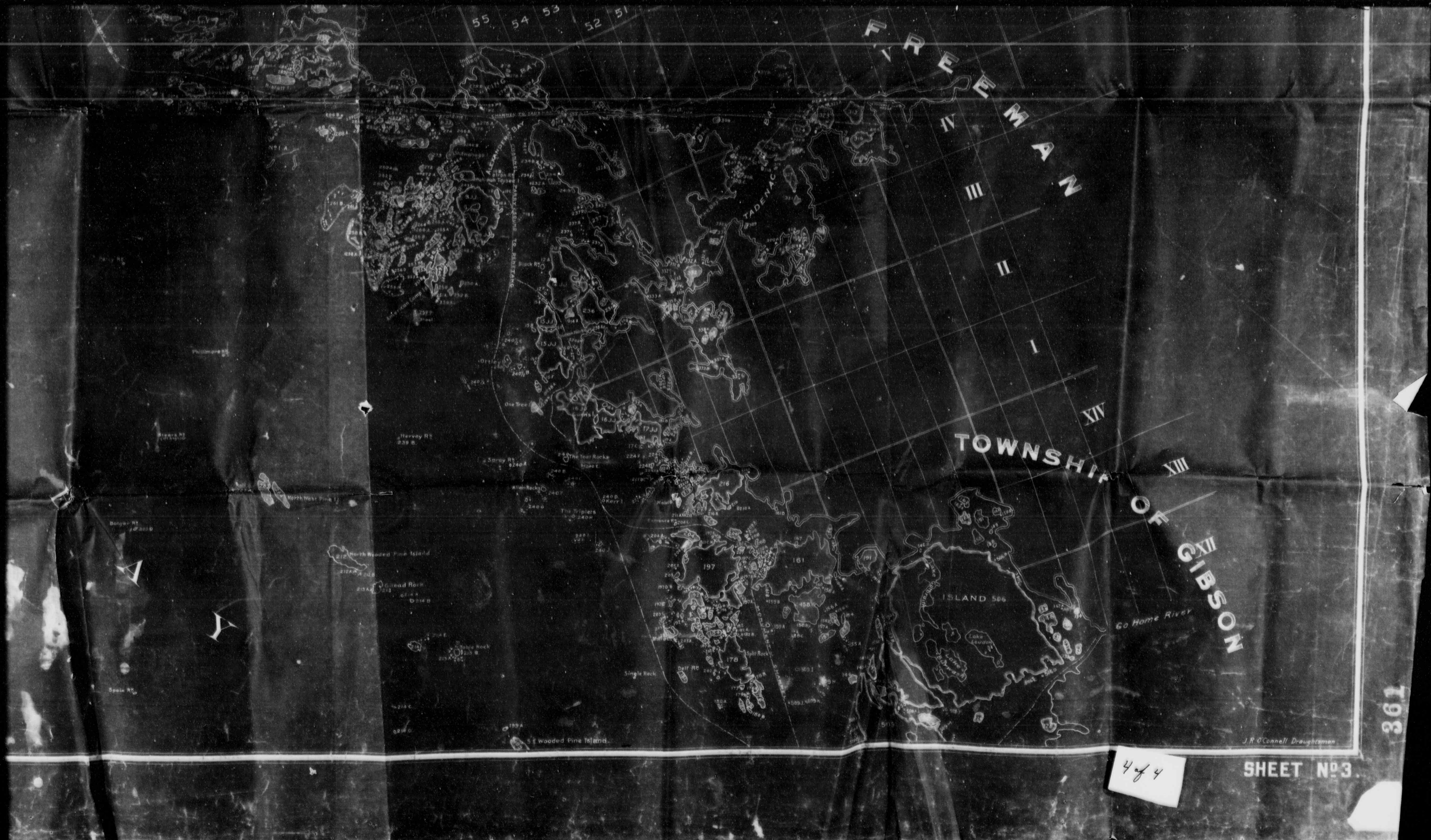
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TADENAC BAY
ISLAND 506
Go Home River
Lake Loudon
Lake Bayward
Phillimore Rd
Hervey Rd
Spray Rd
The Tear Rocks
The Triplets
North West Pine I.
North Wooded Pine Island
Gilead Rock
Table Rock
Single Rock
Delf Rd
Split Rock
Spain Rd
Bolger Rd
Stears Rd
S.E. Wooded Pine Island
J.R. O'Connell Draughtsman
SHEET No. 3.
4 of 4
361

TOWNSHIP OF CONGER

GEORGIAN BAY

TWELVE MILE BAY

TWELVE MILE BAY

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PLAN OF

ISLANDS SOUTH OF GOOSE DEER POINT

GEORGIAN BAY

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ISLANDS SOUTH OF [illegible]OOSE DEER POINT

GEORGIA[illegible] BAY

ONTA[illegible]O.

Compiled from plans of surveys made b[illegible]fton, O.L.S. and J.G.Sing, O.L.S. and others of record in the Depart[illegible] Indian Affairs.

Scale of [illegible]

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Issued by dire[illegible]
HON. CLIFFORD SIFTON, SUPERINTEND[illegible]RAL INDIAN AFFAIRS
OTTAWA, [illegible]

Sam'l Braun
Chief Surveyor
Dept. of Indian Affairs

Duncan Campbell Scott
Deputy of the Superintendent General
of Indian Affairs

2 of


TOWNSHIP OF CONGER
TOWNSHIP OF FREEMAN
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Indian Village
KING BAY
TADENAC
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TOWNSHIP OF FREEMAN
TOWNSHIP OF GIBSON
BAY
Go Home River
ISLAND 506
Indian Village
Black Rs
Percy Rs
Phillimore Rs
Hervey Rs
Spray Rs
North West Pine I.
Bolger Rs
Spain Rs
Gilead Rock
Table Rock
Single Rock
The Triplets
Split Rock
Delf Rs
S.E. Wooded Pine Island
North Wooded Pine Island
American Camp
Ottley
Shawanaga I.
Alexander Bay
Tadenac
Bourke Pt
Riblatt I.
Poor Copy.
4 of 4
J. R. O'Connell Draughtsman
SHEET No. 3.

BEAUSOLEIL ISLAND

ROBERTS ISLAND

TOWNSHIP OF

GEORGIAN BAY

Gin Rock I.
Lighthouse
McGrossan's I.
Indian Village
Tongh's Point
Quarry Island
Present Id.
Snake Id.
Flat Rock
Moore Point
Sloane Pt.
Lighthouse
Whisky Id.
North West Pt.
North West Basin.
Lighthouse
Reformatory
Magazine
KENE - HARBOUR

S 259 ac. N.H. 52 ac. P.P. 34 ac.
T 100 ac. 102 ac.
U 138 ac. R.R. 133 ac.
V 151 ac. 55 60 ac. 33 Forest 81.5 ac.
W 117 ac.
TT 92 ac.
X 79 ac.

IX VIII VII VI V IV III II I

32 31 35 34 33 37 36

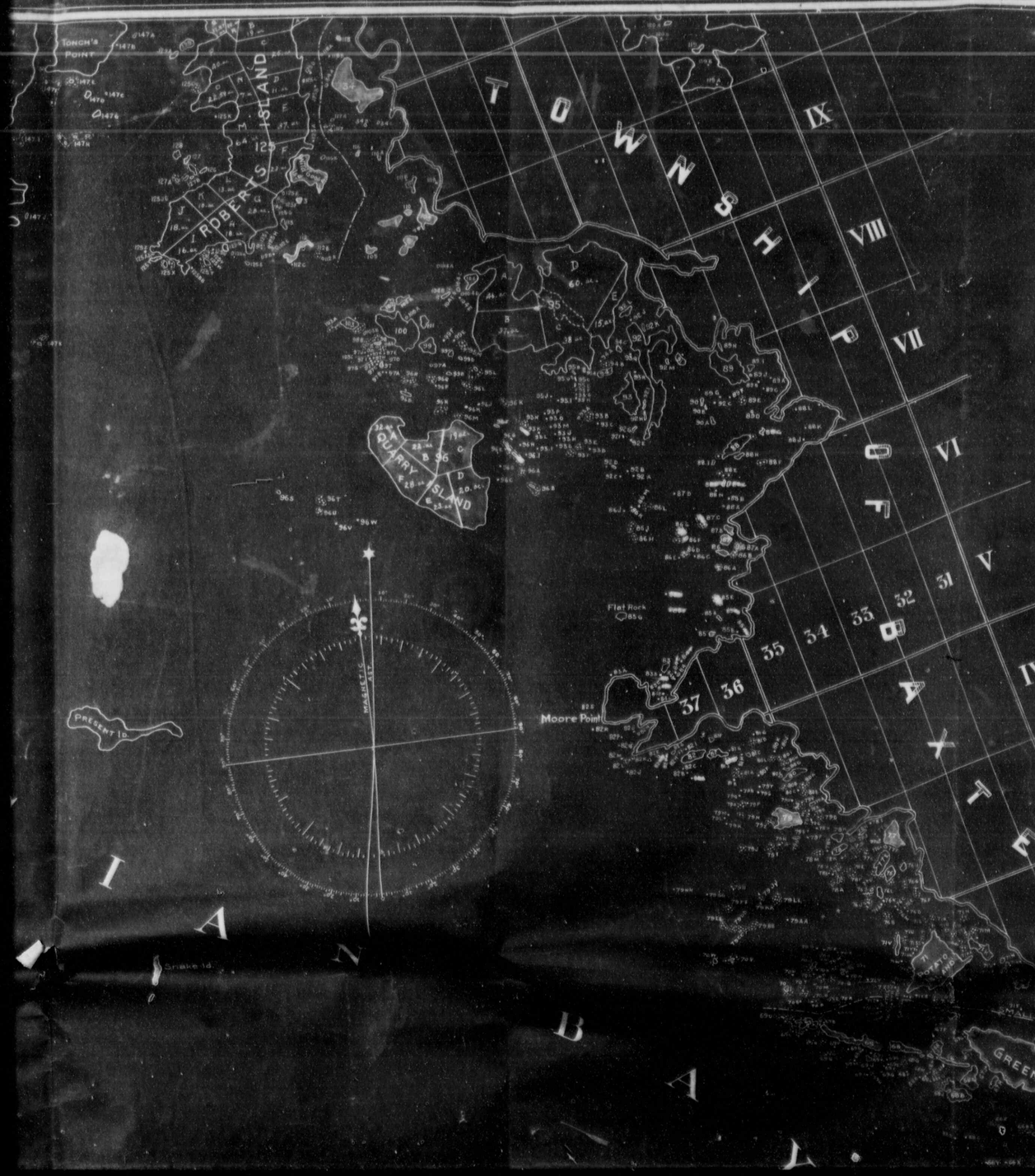
MAGNETIC NEEDLE

1



ORGIAN BAY
Moore Point
Present Id.
Sloane Pt.
Lighthouse
Whisky Id.
North West Pt.
North West Basin
Lighthouse
Reformatory
Magazine I.
Snake Id.
PENTANGUISHENE HARBOUR
PENETANGUISHENE
South Basin
Northern & North-Western Ry.
Mairs Point
Methodist Island
Chiles Point
GLOUCESTER BAY
Crescent Isl.
DOLLARVILLE
MIDLAND
Wye River
HOG BAY
VICTORIA HARBOUR
Midland Railway of Canada
SHIP
Sam Bray
Chief Surveyor
Dept. of Indian Affairs
2 of

KODAK SAFETY A FILM



1

PLAN OF

ISLANDS SOUTH OF MOOSE DEER POINT GEORGIAN BAY

ONTARIO.

Compiled from plans of surveys made by C.E. Fitton, O.L.S. and J.G. Sing, O.L.S. and others of record in the Department of Indian Affairs.

Scale of Miles.

0 ¼ ½ ¾ 1 2

Issued by direction of
HON. CLIFFORD SIFTON, SUPERINTENDENT GENERAL INDIAN AFFAIRS
OTTAWA 1902

Deputy of the Superintendent General of Indian Affairs

Note.
Islands coloured white or bordered white are sold.

Poor Copy.

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Deputy of the Superintendent General of Indian Affairs.

Islands coloured pink or boundaries white are sold.

Poor Copy.

4 of 4

SHEET No 1

admeasurement [illegible] hundred acres of land, be the same more or less, and which said parcel or [illegible]t of land may be better described and known as follows: Commencing where [illegible]st has been planted at the south-east angle of the east half of the said lot; thence north sixteen degrees forty minutes west thirty chains, more or less, to where a post has been planted at the north-east angle of the east half of said lot; thence south seventy-four degrees five minutes west thirty-three links and a half, more or less, to the centre of the said concession; thence south sixteen degrees forty minutes east thirty chains, more or less, to the southern limit of the east half of the said lot; thence north seventy-four degrees five minutes east thirty-three chains thirty-three links and a half, more or less, to the place of beginning. Commencing also where a [illegible]as been planted at the south-west angle of the west half of the said lot[illegible] orth sixteen degrees forty minutes west thirty chains, more or less, has been planted at the north-west angle of the west half of the said [illegible]orth seventy-four degrees five minutes east thirty-three chains thirty-and a half, more or less, to the centre of the said concession; thence [illegible]een degrees forty minutes east thirty-three chains, more or less, to the [illegible] limit of the west half of the said lot; thence south seventy-four degrees five [illegible]s west thirty-three chains thirty-three links and a-half, more or less, to the place [illegible]eginning, containing two hundred acres of land as aforesaid, together with all [illegible]e appurtenances thereto belonging unto Her said Majesty Queen Victoria, and Her successors forever, which said surrender, as to the execution thereof by the Honourable George Herchmer Markland, is witnessed by William Allan Geddes, of the City of Kingston, aforesaid, Esquire, and is hereby required to be registered by us, the said George Herchmer Markland.

As witness my hand and seal this thirty-first day of January, in the year of Our Lord one thousand eight hundred and fifty-six.

Signed, sealed and delivered in presence of us:
W. A. Geddes,
William Smith.

GEORGE H. MARKLAND [L.S.]

County of Frontenac, To Wit:

William Allen Geddes, of the said City of Kingston, Esquire, within named, maketh oath and saith that he was present and did see the said indenture of surrender duly signed, sealed and delivered by the within named George Herchmer Markland, and also did this memorial thereof, signed, sealed and executed by the within named George Herchmer Markland, and that this deponent is a subscribing witness to both said instruments.

Sworn before me at the City of Kingston, in the County of Frontenac, this 31st day January, A.D. 1856.
Geo. S. Mowat,
A. Com. in B. R. in and for said County.

W. A. GEDDES.

No. 76.

Know all Men by these Presents that we, Thomas Naine-kish-kung, James Bigwind, George Young, Joseph Snake, John Aisence and Peter Gadeque-quum, Chiefs and Principal Men of the Tribe of the Chippewa Indians residing on the shores

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

Poor c

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

of Lakes Couchiching, Simcoe and Huron, in the Province of C[illegible] as representing them, as well as on behalf of our people and children for all tim[illegible]ome, do hereby, for the purposes hereinafter expressed, cede, surrender, conv[illegible]d make over, wholly and unreservedly unto Our Most Gracious Sovereign Queen Victoria and Her successors, all right, title, interest, claim or demand, of, in, to or out of all and singular those four islands in Lake Simcoe known by the names of Plum Island, Pa-push-quan Island, Sain-gau-be-quon-daig Island, and Esh-put-e-nang Island, also that one island in Lake Couchiching known by the name of Pumpkin Island, and also all and singular all those islands lying and being in the Georgian Bay, Lake Huron, heretofore claimed by our tribe, together with all the her[illegible]itaments, privileges and appurtenances thereto belonging (saving and excep[illegible]lways those three islands situate, lying and being in the said Georgian Bay, forming a part of that group of islands called and known by th[illegible] "Christian Islands," which three islands hereby excepted and reserve[illegible] use and behoof forever, shall, within six months from the date hereof, be selected by the members of our tribe and duly reported to the Super[illegible] General of Indian Affairs for the information of His Excellency the Governeral of the Province of Canada), upon trust that Her Most Gracious Majesty Victoria, or the administrator of Her Government in this Province, shall sell dispose of, or cause to be sold and disposed of, the whole of the beforementione islands situate, lying and being in Lakes Simcoe and Couchiching, as well as all those islands which have heretofore been claimed by our tribe and which are situate, lying and being in the Georgian Bay, Lake Huron, aforesaid (with the exception and reservation as before stated), as speedily as possible, and the proceeds of such sale or sales to be invested and funded in perpetuity for the use, benefit and behoof of us the said Thomas Naine-kish-kung, James Bigwind, George Young, Joseph Snake, John Aisence and Peter Gade-que-quum, Chiefs aforesaid, and as representing the tribe of Chippewa Indians aforesaid, and the interest of such money so to be invested as aforesaid shall be paid over annually to us, our people and children, in all time coming.

In Witness Whereof, we have hereunto set our hands and affixed our seals this fifth day of June, in the year of Our Lord one thousand eight hundred and fifty-six.

(This instrument is not to be in force or valid unless it meet with the approval of His Excellency the Governor General.)

Signed, sealed and delivered in the presence of (having been read over, explained and interpreted, which they appeared perfectly to understand):
David Laing Sanson,
Adam Paterson,
John Beattie,
Thomas Shilling,
Joseph Nanegeshkung,
Interpreter.

Thomas Nanegeshkung, by his son
Joseph Nanegeshkung, [L.S.]
James Bigwind, (totem) [L.S.]
George Young, (totem) [L.S.]
Joseph Snake, (totem) [L.S.]
John Aisence, (totem) [L.S.]
Peter Gade-que-gun, (totem) [L.S.]

We, Thomas Naini-kish-kung, Joseph Nanegeshkung, James Bigwind, George Young, Joseph Snake, John Aisence and Peter Gade-que-quon, Chiefs and Principal Men of the Tribe of the Chippewa Indians residing on the shores of Lakes Couchiching, Simcoe and Huron, in the within instrument mentioned, and as acting for and on behalf of our people and children, do hereby choose, select and reserve for the use and behoof of our people and children, in all time coming, the following islands hereinafter named, situate, lying and being in the Georgian Bay, Lake Huron, namely, Esh-qua-quin-daig Island, Na-tow-wang-ga Island and Christian Island, with all the heredita-

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

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ments, privileges [illegible] appurtenances thereto belonging for ever. As witness our hands and seals this 5[illegible] of June, A.D. 1856.

Signed, sealed [illegible]elivered in the presence of:

DAVID LAING SANSON,
ADAM PATERSON,
JOHN BEATTIE,
THOMAS SHILLING,
JOSEPH NANEGESHKUNG,
Interpre

[illegible]ed to have been executed [illegible] presence.

T. G. ANDERSON,
S.I.A.

THOMAS NANEGESHKUNG, by his son
JOSEPH NANEGESHKUNG, [L.S.]
JAMES BIGWIND, (totem) [L.S.]
GEORGE YOUNG, (totem) [L.S.]
JOSEPH SNAKE, (totem) [L.S.]
JOHN AISENCE, (totem) [L.S.]
PETER GADE-QUE-GUNN, (totem) [L.S.]

COPY *of a Report of a Committee of the Honourable the Executive Council, dated the 12th July, 1856, approved by His Excellency the Governor General in Council on the 14th July, 1856.*

On a report dated 12th June, 1856, from the Superintendent General of Indian Affairs, transmitting for sanction a deed of surrender bearing date 5th June, 1856, from Thomas Naine-kish-kung and others, Chiefs and Principal Men of the Tribe of Chippewa Indians residing on the shores of Lakes Couchiching, Simcoe and Huron in this Province, in favour of the Crown, of about 1,150 acres of land or upwards, consisting of four islands in Lake Simcoe, one in Lake Couchiching, and all the Islands except three claimed by the Chippewas in the Georgian Bay; and stating that the only conditions attached to the surrender are that a sufficient sum out of the principal arising from the sales to build a church be given to the Indians on surrendering; the residue to be invested for their benefit, and the interest paid annually to them; and secondly, that a duplicate copy of the surrender be given to the Chiefs.

The Committee recommend that the deed of surrender be accepted and entered upon the records in the offices of the Commissioner of Crown Lands and Provincial Registrar.

Certified.

WM. H. LEE,
C. E. C.

To the Honourable
The Provincial Registrar,
&c., &c., &c.

PROVINCIAL REGISTRAR'S OFFICE,
TORONTO, 2nd August, 1856.

I hereby certify that the foregoing surrender, together with the minute in Council thereon, have been entered upon the records of this office, in Lib. C. S. Surrenders to the Crown, Folio 149.

THOS. AMIOT,
Depy. Regr.

Nos. 77 and 78.

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, John Sunday, John Simpson, Jacob Sunday, John Pigeon, Joseph Skunk, Thomas Frasure and James Indian, Chiefs and Principal Members of that portion of the Mississaga Tribe of Indians formerly living on "Grape Island," in Lake Ontario, but now settled and

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CANADA

residing in the Township of Alnwick, in the Newcastle District ... ince of Canada, in general council assembled, as well for ourselves as for each ... ery member of that portion of the Mississaga Tribe of Indians to which we be... or form a part, for the consideration hereinafter mentioned and stipulated, do hereby freely, fully and voluntarily surrender, convey and forever quit claim, to Our Most Gracious Sovereign Lady Queen Victoria and Her successors, in trust, to be sold or otherwise disposed of, to the best advantage for ourselves and our descendants for ever, all and singular those islands lying and situate in the "Bay of Quinté," on Lake Ontario, Weller's Bay and in the River St. Lawrence; and also, ... points and parcels of land claimed by us on the mainland which have not heretofore been ceded to the Crown, save and except the land claimed and now occupied by our tribe in the said ... ship of Alnwick; the principal arising from such sales to be safely funded ... interest accruing therefrom to be paid annually to us and our said descendants for all time to come.

This instrument must be immediately submitted for the consideration of our Great Father the Governor General, and unless His Excellency is pleased to approve of the foregoing arrangement, it must be and remain null and void to all intents and purposes.

In Witness Whereof, we have hereunto set our hands, seals and totems at our village in Alnwick, this nineteenth day of June, A.D. one thousand eight hundred fifty-six.

Signed and sealed in our presence, after having been read and fully explained to the Council.
John S. Grafton.

John Sunday, (totem) [L.S.]
John Simpson, (totem) [L.S.]
Jacob Sunday, (totem) [L.S.]
John Pigeon, (totem) [L.S.]
Joseph Skunk, (totem) [L.S.]
Thomas Frasure, (totem) [L.S.]
James Indian, (totem) [L.S.]

John Storm, (totem),
Thomas Marsden,
John Rice,
Interpreter.

Certified to have been executed in my presence:
T. G. Anderson,
S. I. A.

Provincial Registrar's Office,
Toronto, 4th August, 1856.

I hereby certify that the foregoing surrender hath been this day entered upon the records of this office in Lib. C. S. Surrenders to the Crown, Folio 153.

THOS. AMIOT.
Deputy Registrar.

Know all Men by these Presents that we, the undersigned George Paudaush, John Crow, Robert Soper, Peter Nogee, John Bigman, Jacob Crane, James McCue, Peter Patchey, Isaac Irons and Joseph Muskrat, Chiefs and Principal Men forming a part of the Mississaga Tribe of Indians settled and inhabiting the borders of Rice Lake, Mud Lake, and Scugog Lake, in the Newcastle and Colborne Districts, Province of Canada, in General Council assembled, as well for ourselves as for each and every member of that portion of the Mississaga Tribe of Indians to which we belong or form a part, for the consideration hereinafter mentioned and stipulated, do hereby freely, fully and voluntarily surrender, convey and forever quit claim to Our Most Gracious Sovereign Lady Queen Victoria and Her successors, in trust, to be sold or otherwise disposed of to the best advantage for ourselves and our descendants

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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PUBLIC ARCHIVES
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CANADA

residing in the Township of Alnwick, in the Newcastle District [illegible]ince of Canada, in general council assembled, as well for ourselves as for each [illegible]ery member of that portion of the Mississaga Tribe of Indians to which we be[illegible]r form a part, for the consideration hereinafter mentioned and stipulated, do hereby freely, fully and voluntarily surrender, convey and forever quit claim, to Our Most Gracious Sovereign Lady Queen Victoria and Her successors, in trust, to be sold or otherwise disposed of, to the best advantage for ourselves and our descendants for ever, all and singular those islands lying and situate in the "Bay of Quinté," on Lake Ontario, Weller's Bay and in the River St. Lawrence; and also, [illegible]l points and parcels of land claimed by us on the mainland which have not heretofore been ceded to the Cro[illegible] save and except the land claimed and now occupied by our tri[illegible]n the said [illegible] ship of Alnwick; the principal arising from such sales to be safely funded [illegible] interest accruing therefrom to be paid annually to us and our said descendants for all time to come.

This instrument must be immediately submitted for the consideration of our Great Father the Governor General, and unless His Excellency is pleased to approve of the foregoing arrangement, it must be and remain null and void to all intents and purposes.

In Witness Whereof, we have hereunto set our hands, seals and totems at our village in Alnwick, this nineteenth day of June, A.D. one thousand eight hundred fifty-six.

Signed and sealed in our presence, after having been read and fully explained to the Council.
John S. Grafton.

John Sunday, (totem) [L.S.]
John Simpson, (totem) [L.S.]
Jacob Sunday, (totem) [L.S.]
John Pigeon, (totem) [L.S.]
Joseph Skunk, (totem) [L.S.]
Thomas Frasure, (totem) [L.S.]
James Indian, (totem) [L.S.]

John Storm, (totem),
Thomas Marsden,
John Rice,
Interpreter.

Certified to have been executed in my presence:
T. G. Anderson,
S. I. A.

Provincial Registrar's Office,
Toronto, 4th August, 1856.

I hereby certify that the foregoing surrender hath been this day entered upon the records of this office in Lib. C. S. Surrenders to the Crown, Folio 153.

THOS. AMIOT.
Deputy Registrar.

Know all Men by these Presents that we, the undersigned George Paudaush, John Crow, Robert Soper, Peter Nogee, John Bigman, Jacob Crane, James McCue, Peter Patchey, Isaac Irons and Joseph Muskrat, Chiefs and Principal Men forming a part of the Mississaga Tribe of Indians settled and inhabiting the borders of Rice Lake, Mud Lake, and Scugog Lake, in the Newcastle and Colborne Districts, Province of Canada, in General Council assembled, as well for ourselves as for each and every member of that portion of the Mississaga Tribe of Indians to which we belong or form a part, for the consideration hereinafter mentioned and stipulated, do hereby freely, fully and voluntarily surrender, convey and forever quit claim to Our Most Gracious Sovereign Lady Queen Victoria and Her successors, in trust, to be sold or otherwise disposed of to the best advantage for ourselves and our descendants

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No. 3.

Claim of the Indians to islands on the eastern side of the Georgian Bay, between Penetanguishene and Moose Deer Point.

The Treaty of 1850 referred to in Claim No. 2, included these islands, but as the Indians ceding under that Treaty had no control over the mainland south of Moose Deer Point, this Treaty could not convey any rights in the islands in question. Moose Deer Point was ascertained to be the north limit of the hunting grounds of the Chippewas of Lakes Huron and Simcoe, and these Indians on the 5th of June, 1856, surrendered for sale the islands in Lake Couchiching and "all those islands situate and lying in the Georgian Bay, heretofore claimed by our tribe." In 1876 there was an understanding with Ontario that the islands on the eastern shore, north of Moose Deer Point, otherwise, between Collins Inlet and Moose Deer Point, should be ceded to Ontario, and those south of Moose Deer Point be under the control of the Indian Department in trust for the Chippewas of Lakes Huron and Simcoe.

The islands on the eastern shore of the Georgian Bay, between Moose Deer Point and Penetanguishene, have been duly surveyed by this Department, and a large number thereof sold and patented. In 1906 an arrangement was come to with the Province of Ontario by which the Dominion could continue disposition of the islands south of Moose Deer Point. When a number of islands were offered for sale in 1897, the Ontario Government protested against the same, on the ground that the Dominion, contrary to the understanding above referred to, SF/876 had not abandoned

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abandoned all claim to islands north of Moose Deer Point. This, however was a misunderstanding, as this Department made no claim, nor does it make any claim, to the islands north of Moose Deer Point, as far as Collins Inlet, as the islands west of Collins Inlet are under a different ~~claim~~ claim as appurtenant to Manitoulin Island.

The following documents are attached hereto.

1. Copy of surrender of the 5th of June, 1856.
2. Copies of plans of islands showing those sold in white or bordered in white.
3. Copy of Orders in Council by the Dominion and Ontario in 1906. ✓

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No. 45.

My Children :

Seventy s[illegible] seasons have now passed away since we met in Counc[illegible] crooked place (Niagara), at which time and place your Great Father, the K[illegible] the Indians of [illegible]th America tied their hands together by the wampum of frie[illegible]

Sinc[illegible]eriod various circumstances have occurred to separate from your Father m[illegible] his red children, and as an unavoidable increase of white popula[illegible] as well as the progress of cultivation, have had the natural effect of impoverishing you hunting grounds it has become necessary that new arrangements should be entered into for the purpose of protecting you from the encroachments of the whites.

In all parts of the world farmers seek for uncultivated land as eagerly as you, my red children, hunt in your forest for game. If you would cultivate your land it would then be considered your own property, in the same way as your dogs are considered among yourselves to belong to those who have reared them; but uncultivated land is like wild animals, and your Great Father, who has hitherto protected you, has now great difficulty in securing it for you from the whites, who are hunting to cultivate it.

Under these circumstances, I have been obliged to consider what is best to be done for the red children of the forest, and I now tell you my thoughts.

It appears that these islands on which we are now assembled in Council are, as well as all those on the north shore of Lake Huron, alike claimed by the English, the Ottawas and the Chippewas.

I consider that from their facilities and from their being surrounded by innumerable fishing islands, they might be made a most desirable place of residence for many Indians who wish to be civilized, as well as to be totally separated from the whites; and I now tell you that your Great Father will withdraw his claim to these islands and allow them to be applied for that purpose.

Are you, therefore, the Ottawas and Chippewas, willing to relinquish your respective claims to these islands and make them the property (under your Great Father's control) of all Indians whom he shall allow to reside on them; if so, affix your marks to this my proposal.

Manitowaning, 9th August, 1836.

F. B. Head,
J. B. Assekinack,
Mokommunish, (totem),
Tawackkuck,
Kimewen (totem),
Kitchemokomon (totem),
Pesciatawick (totem),
Paimausegai (totem),
Nainawmuttebe (totem),
Mosuneko (totem)
Kewuckance (totem),
Shawenauseway (totem),
Espaniole (totem),
Snake (totem)
Pautunseway (totem)
Paimauqumestcam (totem),
Wagemauquin (totem).

No. 45½

To the Saukings:

My Children,

You have heard the proposal I have just made to the Chippewas and Ottawas, by which it has been agreed between them and your Great Father that these islands (Manatoulin), on which we are now assembled, should be made, in Council, the property (under your Great Father's control) of all Indians whom he shall allow to reside on them.

I now propose to you that you should surrender to your Great Father the Sauking Territory you at present occupy, and that you should repair either to this island or to that part of your territory which lies on the north of Owen Sound, upon which proper houses shall be built for you, and proper assistance given to enable you to become civilized and to cultivate land, which your Great Father engages for ever to protect for you from the encroachments of the whites.

Are you, therefore, the Sauking Indians, willing to accede to this arrangement; if so, affix your marks to this my proposal.

Manitowaning, 9th August, 1836.

Witness:
T. G. Anderson, *S.I.A.*,
Joseph Stinson, *Genl. Supt. of Wesleyan Missions*,
Adam Elliot,
James Evans,
F. L. Ingall, *Lieut. 15th Regt. Commandg. Detacht.*,
Talfourd W. Field, *Dist. Agent.*

F. B. Head,
Metiewabe (totem),
Alexander (totem) Kaquta Bunevairear,
Kowgisawis (totem),
Mettawansh (totem).

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...James Buchanan Macauley, one of His Majesty's ...ourt of King's Bench, of the Province of Upper Canada, personally ... above named Angelica Givins, and being duly examined by me touching ...t to be barred of her dower of and in the lands above described, she gave her ...ereto, and it did appear to me that such consent was free and voluntary and ...fect of coercion, or fear of coercion, on the part of her husband or any other

...ven under my hand this twelfth day of July, in the year of Our Lord one ...and eight hundred and thirty-six.

J. B. MACAULEY, *J.K.B.*

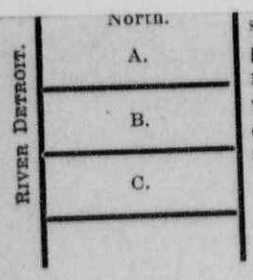
REGISTRY OFFICE,
COUNTY OF
NORTHUMBERLAND.

I do hereby certify that the memorial produced of the within Indenture for registry was by me duly registered on the tenth day of October, in the year of Our Lord one thousand eight hundred and thirty-six, at the hour of nine of the clock in the forenoon, in Liber K, folio one hundred and fifty-nine; memorial number, four thousand four hundred and sixty-nine.

R. H. THROOP,
Dy. Registrar.

No. 44.

KNOW ALL MEN BY THESE PRESENTS, that we, Sawgononghquitwabe, Shawondais, Omemee, Wabechenese and Budjeewowwabe, Sachems or Principal Chiefs of the Mississagua Tribe of Indians of Kingston and the Bay of Quinté, in the Province of Upper Canada, in consideration of the trust and confidence by us reposed in His Most Gracious Majesty, King William the Fourth, and in order that His Majesty, His heirs and successors, may grant and dispose of the lands and hereditaments hereinafter com-



serve, provided our Great Father will sell for us the north third part (A) of the said reserve, paying to us and to our tribe annually, as before stated, the interest of the proceeds thereof, without any deductions whatsoever, and provided the stone quarry which we at present occupy be retained for the use of the Wyandot Indians only.

Signed in presence of:
GEO. IRONSIDE, *S.I.A.*,
JAS. GORDON,
W. A. CUTHBERT, *Capt. 15th Regt., Commanding Detachment,*
N. RUDGURD, *Lt. 15th Regt.,*
W. WALLACE, *M.D., Asst. Surg., 15th Regt.*

his
THOMAS x CLARKE,
mark
ADAM BROWN,
his
JOSEPH x WARROW,
mark
his
PETER x GOLD,
mark
x HENRY HUNT,
x NICHOLAS SAFIRA,
THOMAS MCKEE,
WILLIAM CLARKE,
PETER CLARK,
x FRANCIS PARKE,
x JOHN BAPTISTE,
F. COTTER.

J. JOSEPH, *Secretary.*

Approved,

F. B. HEAD,
Lt. Governor.

We, the undersigned Warriors of the Wyandot Tribe of Indians residing on the Huron Reserve, and who were not present at the Council held at Amherstburg on the 21st by His Excellency the Lieutenant Governor, for the purpose of disposing of part of our lands—

Do hereby make known our approval of the arrangements then entered into by our Chiefs and Principal Men.

AMHERSTBURG, 26th September, 1836.
Signed in the presence of:
GEO. IRONSIDE, *S.I.A.*,
W. A. CUTHBERT, *Capt. 15th Regt., Commanding Detachment.*

ANTHONY COTTER,
ISAAC P. DRIVER,
FRANCIS COTTER,

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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CANADA

JOHN [illegible]TON,
[illegible] T. Hon. Hud. Bay Co.,
GEO[illegible] JOHNSTON,
Interpreter,
T. W. KEATING.

CHIGENAUS, X

Recorded in the office of the Provincial Registrar this 23rd day of November in Lib. "C.M. Miscellaneous," Fol. 7, &c.
R. A. TUCKER,
Registrar.

No. 61.

THIS AGREEMENT, made and entered into this ninth day of September, in the year of Our Lord one thousand eight hundred and fifty, at Sault St. Marie, in the Province of Canada, between the Honorable William Benjamin Robinson, of the one part, on behalf of Her Majesty the Queen, and Shinguacouse, Nebenaigoching, Keokouse, Mishequonga, Tagawinini, Shabokeshick, Dokis, Ponekeosh, Windawtegowinini, Shawenakeshick, Namassin, Naoquagabo, Wabakekek, Kitchipossegun by Papasainse, Wagemake, Pamequonaishumg, Chiefs, and John Bell, Paqwutchinini, Mashekyash, Idowekesis, Waquacomiek, Ocheek, Metigomin, Watachewana, Minwawapenasse, Shenaoquom, Ouingegun, Panaissy, Papasainse, Ashewasega, Kageshewawetung, Shawonebin, and also Chief Maisquaso (also Chiefs Muckata, Mishoquet and Mekis), and Mishoquetto, and Asa Waswanay and Pawiss, Principal Men of the Ojibiway Indians inhabiting and claiming the eastern and northern shores of Lake Huron from Penetanguishene to Sault Ste. Marie, and thence to Batchewanaung Bay on the northern shore of Lake Superior, together with the islands in the said lakes opposite to the shores thereof, and inland to the height of land which separates the territory covered by the charter of the Honorable Hudson's Bay Company from Canada, as well as all unconceded lands within the limits of Canada West to which they have any just claim, of the other part, Witnesseth: that for and in consideration of the sum of two thousand pounds of good and lawful money of Upper Canada to them in hand paid, and for the further perpetual annuity of six hundred pounds of like money, the same to be paid and delivered to the said Chiefs and their tribes at a convenient season of each year, of which due notice will be given, at such places as may be appointed for that purpose; they the said Chiefs and Principal Men, on behalf of their respective tribes or bands, do hereby fully, freely and voluntarily surrender, cede, grant and convey unto Her Majesty, Her heirs and successors for ever, all their right, title and interest to and in the whole of the territory above described, save and except the reservations set forth in the schedule hereunto annexed, which reservations shall be held and occupied by the said Chiefs and their tribes in common for their own use and benefit; and should the said Chiefs and their respective tribes at any time desire to dispose of any part of such reservations, or of any mineral or other valuable productions thereon, the same will be sold or leased at their request by the Superintendent General of Indian Affairs for the time being, or other officer having authority so to do, for their sole benefit and to the best advantage. And the said William Benjamin Robinson, of the first part, on behalf of Her Majesty and the Government of this Province, hereby promises and agrees to make or cause to be made the payments as before mentioned; and further, to allow the said Chiefs and their tribes the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof, as they have heretofore been in the habit of doing, saving and excepting such portions of the said territory as may from time to time be sold or leased to individuals or companies of individuals and occupied by them with the consent of the Provincial Government. The parties of the second part further promise and agree that they will not sell, lease or otherwise dispose of any portion of their reservations without the consent of the Superintendent General of Indian Affairs, or other officer of like authority, being first had and obtained; nor

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...ney at any time hinder or prevent persons from exploring ...ching for ...erals or other valuable productions in any part of the territory ... ceded to Her Majesty as before mentioned. The parties of the second part also agree that in case the Government of this Province should, before the date of this agreement, have sold, or bargained to sell, any mining locations or other property on the portions of the territory hereby reserved for their use, then and in that case such sale or promise of sale shall be perfected by the Government, if the parties claiming it shall have fulfilled all the conditions upon which such locations were made, and the amount accruing therefrom shall be paid to the tribe to whom the reservation belongs. The said William Benjamin Robinson, on behalf of Her Majesty, Who desires to deal liberally and justly with all Her subjects, further promises and agrees that should the territory hereby ceded by the parties of the second part at any future period produce such an amount as will enable the Government of this Province, without incurring loss, to increase the annuity hereby secured to them, then and in that case the same shall be augmented from time to time, provided that the amount paid to each individual shall not exceed the sum of one pound Provincial currency in any one year, or such further sum as Her Majesty may be graciously pleased to order; and provided further that the number of Indians entitled to the benefit of this treaty shall amount to two-thirds of their present number, which is fourteen hundred and twenty-two, to entitle them to claim the full benefit thereof; and should they not at any future period amount to two-thirds of fourteen hundred and twenty-two, then the said annuity shall be diminished in proportion to their actual numbers.

The said William Benjamin Robinson, of the first part, further agrees on the part of Her Majesty and the Government of this Province that in consequence of the Indians inhabiting French River and Lake Nipissing having become parties to this treaty the further sum of one hundred and sixty pounds Provincial currency shall be paid in addition to the two thousand pounds above mentioned.

SCHEDULE of reservations made by the above named subscribing Chiefs and Principal Men:—

1st. Pamequonaisheung and his band, a tract of land to commence seven miles from the mouth of the River Maganetawang and extending six miles east and west by three miles north.

2nd. Wagemake and his band, a tract of land to commence at a place called Nehickshegeshing, six miles from east to west by three miles in depth.

3rd. Kitcheposkissegun (by Papasainse), from Point Grondine, westward, six miles inland by two miles in front, so as to include the small Lake Nessinassung (a tract for themselves and their bands).

4th. Wabakekik, three miles front, near Shebawenaning, by five miles inland, for himself and band.

5th. Namassin and Naoquagabo and their bands, a tract of land commencing near La Cloche, at the Hudson Bay Company's boundary; thence westerly to the mouth of Spanish River; then four miles up the south bank of said river and across to the place of beginning.

6th. Shawinakeshick and his band, a tract of land now occupied by them and contained between two rivers called White Fish River and Wanabitasebe, seven miles inland.

7th. Windawtegowinini and his band, the peninsula east of Serpent River and formed by it, now occupied by them.

8th. Ponekeosh and his band, the land contained between the River Mississaga and the River Penebewabecong, up to the first rapids.

9th. Dokis and his band, three miles square at Wanabeyakoknun, near Lake Nipissing, and the island near the fall of Okickendawt.

10th. Shabokishick and his band, from their present planting grounds on Lake Nipissing to the Hudson's Bay Company's Post, six miles in depth.

11th. Tagawinini and his band, two miles square at Wanabitibing—a place about forty miles inland, near Lake Nipissing.

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12th. Keo[illegible]se and his band, four miles from Thessalon River eastwa[illegible] four mi'[illegible]land.

13th. [illegible]hequanga and his band, two miles on the lake shore, east and west of Ogawaminang, by one mile inland.

14th. For Shinguacouse and his band, a tract of land extending from Maskinongé Bay, inclusive, to Partridge Point, above Garden River, on the front, and inland ten miles throughout the whole distance, and also Squirrel Island.

15th. For Nebenaigoching and his band, a tract of land (extending from Wanabekinegunning west of Gros Cap to the boundary of the lands ceded by the Chiefs of Lake Superior and inland ten miles throughout the whole distance, including Batchewanaung Bay), and also the small island at Sault Ste. Marie used by them as a fishing station.

Signed, sealed and delivered at Sault Ste. Marie, the day and year first above written, in presence of

ASTLEY P. COOPER,
Capt. R. Bde.,
GEORGE IRONSIDE,
S. I. Affairs,
T. M. BALFOUR,
2nd Lt. Rifle Bde.,
ALLAN MACDONELL,
GEO. JOHNSTON,
Interpreter,
LOUIS CADOT,
J. B. ASSIKINOCK,
T. W. KEATING,
JOS. WILSON,

PENETANGUISHENE, 16th Sept. 1850.

Witness to the signatures of
MUCKATA MISHAQUET,
MEKIS, MISHOQUETTE,
ASA WASWANAY and PAWIS,
T. G. ANDERSON, *S. I. A.*,
W. B. HAMILTON,
W. SIMPSON,
ALI'RED A. THOMPSON.

SHINGUAKOUCE,	x	[L.S.]
NEBENAIGOCHING,	x	[L.S.]
KEOKONSE,	x	[L.S.]
MISHEQUONGA,	x	[L.S.]
TAGAWININI,	x	[L.S.]
SHABOKESHUK,	x	[L.S.]
DOKIS,	x	[L.S.]
PONEKEOSH,	x	[L.S.]
WINDAWTEGOWININI,	x	[L.S.]
SHAWENAKESHICK,	x	[L.S.]
NAMASSIN,	x	[L.S.]
MUCKATA MISHAQUET,	x	[L.S.]
MEKIS,	x	[L.S.]
MAISQUASO,	x	[L.S.]
NAOQUAGABO,	x	[L.S.]
WABOKEKIK,	x	[L.S.]
KITCHIPOSSEGUN, by PAPASAINSE,		[L.S.]
WAGEMAKE,	x	[L.S.]
PAMEQUONAISHCUNG,	x	[L.S.]
JOHN BELL,	x	[L.S.]
PAQWATCHININI,	x	[L.S.]
MASHEKYASH,	x	[L.S.]
IDOWE-KESIS,	x	[L.S.]
WAQUACOMIEK,	x	[L.S.]
MISHOQUETTO,	x	[L.S.]
ASA WASWANAY,	x	[L.S.]
PAWISS,	x	[L.S.]
W. B. ROBINSON,		[L.S.]
OCHEEK,	x	[L.S.]
METIGOMIN,	x	[L.S.]
WATACHEWANA,	x	[L.S.]
MIMEWAWAPENASSE,	x	[L.S.]
SHENAOQUM,	x	[L.S.]
ONINGEGUN,	x	[L.S.]
PANAISSY,	x	[L.S.]
PAPASINSE,	x	[L.S.]
ASHEWASEGA,	x	[L.S.]
SHAWONEBIN,	x	[L.S.]
KAGISHEWAWETUNG by BABONEUNG,	x	[L.S.]

Reservations continued:—

For Chief Mekis and his band, residing at Wasaquising (Sandy Island), a tract of land at a place on the main shore opposite the island, being the place now occupied by them for residence and cultivation, four miles square.

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...or Chief Muckata Mishaquet and his band, a tract of land o... east side of ... River Naishcouteong, near Pointe aux Barils, three miles square, and ... a small ...tract in Washanwenega Bay, now occupied by a part of the band, three ...les square.

Recorded in the office, of the Provincial Registrar, this 22nd day of November, in Lib. "C. M. Miscellaneous," Folio 1, &c.

R. A. TUCKER,
Registrar.

No. 65.

THIS INDENTURE, made at Niagara, in the District of Niagara, in the Province of Upper Canada, this eighteenth day of May, in the year of Our Lord one thousand eight hundred and thirty-one, between John Johnson Claus, of Niagara aforesaid, Esquire, Warren Claus, of the same place, Esquire, and Catherine Claus, of the same place, widow, executors and executrix of the last will and testament of the late Honorable William Claus, in his lifetime of Niagara aforesaid, a member of His Majesty's Legislative and Executive Council, and Deputy Superintendent General of Indian Affairs in the said Province, of the one part, and the Honorable James Baby, of the Town of York, in the Home District and Province aforesaid, Inspector General of Public Provincial Accounts, the Honorable John Henry Dunn, of the same place, Receiver General of His Majesty's revenues in the said Province, and the Honorable George Herchmer Markland, of the same place, a member of His Majesty's Legislative and Executive Councils, in the said Province, of the other part: Whereas, the late Right Honorable Thomas Douglass, Earl of Selkirk, of St. Mary's Isle, in North Britain, by his Indenture bearing date the fifteenth day of January, in the forty-eighth year of the reign of Our late Sovereign Lord King George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of Our Lord one thousand eight hundred and eight, after reciting as is therein recited, and in pursuance of an agreement therein recited and referred to, and for and in consideration of the sum of three thousand four hundred and seventy-five pounds of current money of the said Province of Upper Canada, acknowledged by the said Thomas Douglass, Earl of Selkirk, in the said Indenture, to be due and owing by him to the Six Nations Indians mentioned and referred to in the said Indenture, and for the better securing the payment of the said sum of money, and the interest thereon, and also in consideration of the sum of five shillings of like current money to him, the said Thomas Douglass, Earl of Selkirk, in hand well and truly paid by the said hereinbefore mentioned William Claus, the receipt whereof was by the said Indenture acknowledged, he, the said Thomas Douglass, Earl of Selkirk, did grant, bargain, sell and demise, and by the said Indenture did acknowledge to have granted, bargained and sold and demised, unto the said William Claus, his executors, administrators and assigns, all that parcel or tract of land situate on the Grand River, in the County of Haldimand, in the District of Niagara, in the said Province of Upper Canada, containing by admeasurement thirty thousand and eight hundred acres, be the same more or less, which said thirty thousand and eight hundred acres are by the said Indenture declared to be butted and bounded, or to be otherwise known as follows, that is to say: Commencing at a white oak tree marked, and standing at the south-west angle of the reserve made by the Indians on the east side of the Grand River, below Dick and Doe Creek; then along the southern boundary of the said reserve, north thirty degrees east eighty chains, more or less, to the south-easternmost angle of the said reserve; then north sixty-two degrees thirty minutes west along the easternmost boundary of the said reserve sixty-seven chains, more or less; then north thirty degrees east to the easternmost boundary of the Indian lands, four hundred and four chains, more or less; then along the said boundary south sixty-two degrees thirty minutes east three hundred and sixty chains, more or less; then south thirty degrees east to a basswood tree upon the shore of Lake Erie, near the mouth of a small creek, five hundred and fourteen chains, more or less; then along the shore of Lake Erie towards the mouth of the Grand River to a

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Tu 3

DEPARTMENT OF CROWN LANDS, September 13th, 1861.

T[illegible]rred to Indian Department.

No. 94.

ARTICLES OF AGREEMENT and convention made and concluded at Manitowaning, or the Great Manitoulin Island in the Province of Canada, the sixth day of October, Anno Domini, 1862, between the Hon. William McDougall, Superintendent General of Indian Affairs, and William Spragge, Esq., Deputy Superintendent of Indian Affairs, on the part of the Crown and Government of said Province, of the first part, and Mai-she-quong-gai, Okemah-be-ness, J. B. Assiginock, Benjamin Assiginock, Nai-be nesse-me, She-ne-tah-guw, George Ah-be-tos-o-mai, Paim-o-quo-naish-gung, Abence, Tai-bose-gai, A-to-nish-cosh, Nai-wau-dai-ge-zhik, Wau-kau-o-say, Keesh-kewanbik, Chiefs and Principal Men of the Ottawa, Chippewa and other Indians occupying the said island, on behalf of the said Indians, of the second part.

Whereas, the Indian title to said island was surrendered to the Crown on the ninth August, Anno Domini, 1836, under and by virtue of a treaty made between Sir Francis Bond Head, then Governor of Upper Canada, and the Chiefs and Principal Men of the Ottawas and Chippewas then occupying and claiming title thereto, in order that the same might "be made the property (under their Great Father's control) of all Indians whom he should allow to reside thereon."

And whereas, but few Indians from the mainland, whom it was intended to transfer to the island, have ever come to reside thereon.

And whereas, it has been deemed expedient (with a view to the improvement of the condition of the Indians as well as the settlement and improvement of the country) to assign to the Indians now upon the island certain specified portions thereof to be held by patent from the Crown, and to sell the other portions thereof fit for cultivation to settlers, and to invest the proceeds thereof, after deducting the expenses of survey and management, for the benefit of the Indians.

And whereas, a majority of the chiefs of certain bands residing on that portion of the island easterly of Heywood Sound and the Manitoulin Gulf, have expressed their unwillingness to accede to this proposal as respects that portion of the island, but have assented to the same as respects all other portions thereof, and whereas the Chiefs and Principal Men of the bands residing on the island westerly of the said sound and gulf, have agreed to accede to the said proposal.

Now this agreement witnesseth that in consideration of the sum of seven hundred dollars now in hand paid (which sum is to be hereafter deducted from the proceeds of lands sold to settlers) the receipt whereof is hereby acknowledged, and in further consideration of such sums as may be realized from time to time as interest upon the purchase money of the lands to be sold for their benefit as aforesaid, the parties hereto of the second part, have, and hereby do release, surrender and give up to Her Majesty the Queen all right, title, interest and claim of the parties of the second part, and of the Ottawa, Chippewa and other Indians in whose behalf they act, of, in and to the Great Manitoulin Island, and also of, in and to the islands adjacent which have been deemed or claimed to be appurtenant or belonging thereto, to have and to hold the same, and every part thereof, to Her Majesty, Her heirs and successors forever. And it is hereby agreed by and between the parties hereto as follows:—

Firstly. A survey of the said Manitoulin Island shall be made as soon as conveniently may be by or under the authority of the Department of Crown Lands.

Secondly. The Crown will, as soon as conveniently may be, grant by deed for the benefit of each Indian being the head of a family and residing on the said island, one hundred acres of land; to each single person over twenty-one years of age, residing as aforesaid, fifty acres of land; to each family of orphan children under twenty-one years of age containing two or more persons, one hundred acres of land, and to each single orphan child under twenty-one years of age, fifty acres of land, to be selected and located under the following rules and conditions:—

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Each Indian entitled to land under this agreement may make his own selection of any land on the Great Manitoulin Island, provided:—

1stly. That the lots selected shall be contiguous or adjacent to each other, so that Indian settlements on the island may be as compact as possible.

2ndly. That if two or more Indians claim the same lot of land, the matter shall be referred to the resident Superintendent, who shall examine the case and decide between them.

3rdly. That selections for orphan children may be made by their friends subject to the approval of the resident Superintendent.

4thly. Should any lot or lots, selected as aforesaid, be contiguous to any bay or harbour, or any stream of water upon which a mill site shall be found, and should the Government be of opinion that such lot or lots ought to be reserved for the use of the public, or for village or park lots, or such mill site be sold with a view to the erection of a mill thereon, and shall signify such its opinion through its proper agent, then the Indian who has selected, or who wishes to select such lot, shall make another selection, but if he has made any improvements thereon he shall be allowed a fair compensation therefor.

5thly. The selections shall all be made within one year after the completion of the survey, and for that purpose plans of the survey shall be deposited with the resident Superintendent as soon as they are approved by the Department of Crown Lands, and shall be open to the inspection of all Indians entitled to make selections as aforesaid.

Thirdly. The interest which may accrue from the investment of the proceeds of sales of land as aforesaid, shall be payable annually, and shall be apportioned among the Indians now residing westerly of the said sound and gulf and their descendants *per capita*, but every chief lawfully appointed shall be entitled to two portions.

Fourthly. So soon as one hundred thousand acres of the said land is sold, such portion of the salary of the resident Superintendent and of the expenses of his office as the Government may deem equitable, shall become a charge upon the said fund.

Fifthly. The deeds or patents for the lands to be selected as aforesaid shall contain such conditions for the protection of the grantees as the Governor in Council may under the law deem requisite.

Sixthly. All the rights and privileges in respect to the taking of fish in the lakes, bays, creeks and waters within and adjacent to the said island, which may be lawfully exercised and enjoyed by the white settlers threon, may be exercised and enjoyed by the Indians.

Seventhly. That portion of the island easterly of Heywood Sound and Manitoulin Gulf, and the Indians now residing there are excepted from the operation of this agreement as respects survey, sale of lots, granting deeds to Indians and payments in respect of moneys derived from sales in other parts of the island, but the said Indians will remain under the protection of the Government as formerly, and the said easterly part or division of the island will remain open for the occupation of the Indians entitled to reside upon the island as formerly, subject in case of dispute, to the approval of the Government.

Eighthly. Whenever a majority of the Chiefs and Principal Men, at a council of the Indians residing easterly of the said sound and gulf, to be called and held for the purpose, shall declare their willingness to accede to the present agreement in all respects, and the Government shall signify its approval, then that portion of the island shall be surveyed and dealt with in like manner as other portions thereof, and the Indians there shall be entitled to the same privileges in every respect, from and after the date of such approval by the Government, as those residing in other parts of the island.

Ninthly. This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be approved by the Governor in Council.

In Witness Whereof, the said Superintendent General of Indian Affairs, and the Deputy Superintendent, and the undersigned Chiefs and Principal Men of the

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Ottawa, Chippewa and other Indians, have hereto set their hands and seals at Manitowaning the sixth day of October, in the first year above written.

Executed in the presence of (having been first read, translated and explained).
GEO. IRONSIDE, *S. I. Affrs.*
S. PHILLIPS DAY,
WM. GILBARD,
DAVID S. LAYTON,
JOS. WILSON,
JOHN H. McDOUGALL,
F. ASSIKINACK,
PETER JACOBS, *Ch. of England Mission'y,*
McGREGOR IRONSIDE.

WM. McDOUGALL, [L.S.]
WM. SPRAGGE, [L.S.]
J. B. ASSIGINACK, [L.S.]
MAISHEGUONG-GAI, (totem) [L.S.]
OKEMEH-BENESS, (totem) [L.S.]
BENJAMIN ASSIGINACK, (totem) [L.S.]
ABENCE, (totem) [L.S.]
SHE-WE-TAGUN, (totem) [L.S.]
GEORGE WEBETOOSOWN, (totem) [L.S.]
PAIM-O-QUO-NAISH-KUNG, [L.S]
WAI-BE-NESSIEME, (totem) [L.S.]
TAI-BOS-EGAI, (totem) [L.S.]
A-TOWISH-COSH, (totem) [L.S.]
NAIWOTAIKEY-HIS, (totem) [L.S.]
WET-COW-SAI, (totem) [L.S.]
KUSH-KE-WAH-BIE, (totem) [L.S.]
BAI-BOM-SAI (totem) [L.S.]
KEG-HIK-GOD-ONESS, (totem) [L.S.]
PAH-TAH-DO-GINSHING, (totem [L.S.]

The undersigned is one of the Chiefs of the Weguaimekong Band and appends his signature in testimony of his general approval and his assent as an individual to all the terms of the above agreement.

TEH-KUM-MEH, (totem) [L.S.]
PAIM-SAH-DUNG, (totem) [L.S.]

COPY *of a Report of a Committee of the Honourable the Executive Council, approved by His Excellency the Governor General in Council on the 14th November, 1862.*

The Committee have had before them a report, dated 3rd November, 1862, from the Honourable the Chief Superintendent of Indian Affairs, of the results of his mission to the Great Manitoulin Island under authority of Order in Council of 12th September last, and submitting that the terms of the agreement with the Indians, as contemplated by that Order, having been modified in so far as to exclude from the proposed arrangement that part of the island eastwardly of the Manitoulin Gulf and Heywood Sound, and other terms being deemed necessary to prevent future difficulty, these modifications have been embodied in the "Articles of Agreement and Convention" made and concluded at Manitouawning on the 6th October, 1862, between the Government as represented by the Chief Superintendent and Deputy Superintendent of Indian Affairs, and nineteen of the Chiefs and Principal Men on behalf of the Indians, which instrument he submits for the ratification of Your Excellency in Council.

The Committee advise that the "Articles of Agreement and Convention" above referred to be approved and ratified by Your Excellency and be enrolled in the usual manner in Crown Land Department and in the office of the Provincial Registrar.

Certified.

WM. H. LEE,
C.E.C.

To the Honourable
The Provincial Registrar,
&c., &c., &c.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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DEPARTMENT OF CROWN LANDS,

Entered in Letters Received No. 19, P. 243.
Nov. 20th, 1862.

PROVINCIAL REGISTRAR'S OFFICE,
QUEBEC, 28th November, 1862.

I hereby certify that this surrender has been duly entered on the records of this office in Lib. C. S. Surrenders to the Crown, Folio 223.

WM. KENT,
Deputy Registrar of the Province.

No. 95.

At a General Council held on the Chippewa Reserve at Carrodoc on the 26th day of September, 1862, it was agreed between the Chiefs and Principal Men of the Chippewa and Munsee Bands and the Chief Superintendent of Indian Affairs, to surrender for the purpose of being sold for their benefit, all the oak, elm, rock and walnut timber, suitable for staves or square timber now standing within the limits of the said reserve, in the manner and on the terms hereunto attached.

One half of the bonus obtained at the sale of the timber to be distributed among the band as soon after it is received as possible.

The remainder of the bonus and sum realized to be invested for the benefit of the said band and the interest distributed half yearly.

The dues to be paid on the timber in addition to the bonus, to be the same as collected on Government timber at Quebec.

IN WITNESS WHEREOF, we, the Chiefs and Principal Men, have hereunto set our hands and totems the day and year above mentioned on behalf of our band.

This arrangement was entered into and concurred in by all the Indians present in Council, now being over seventy persons.
WM. SPRAGGE, *D.S.I.A.*,
FROOME TALFOURD, *V.S.I.D.*
MUNCEY TOWN, September 26th, 1862.

JOHN TOMEGO, his x mark.
CAPT. THOMAS, his x mark.
THOS. SNAKE, his x mark.
THOS. FISHER, his x mark.
NELSON BEAVER,
GEO. his x mark. MISKOKOMON,
JOHN WAMPUM,

Terms on which the oak, elm, and walnut timber on the Carradoc Reserve shall be sold.

The reserve to be divided into two blocks, as nearly equal as possible, to be offered at public auction at London on the 22nd October.

To be awarded to the party who will give the largest bonus for the privilege.

The dues payable to be the same as is exacted at Quebec, on timber cut on Crown Lands.

MUNCEY TOWN, September 26th, 1862.

No. 96.

KNOW ALL MEN BY THESE PRESENTS that we, John Natty and Frederick Fisher, Chiefs of the Band of Chippewa Indians, of the Township of Anderdon, in the

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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No. 2.

Claim of the Indians to islands contiguous to the Great Manitoulin Island.

By Treaty dated 9th of August, 1836, made by Sir Francis Bond Head with Ottawa and Chippewa Indians, Sir Francis Bond Head withdrew on behalf of the Crown claim to the islands known as the Manitoulin Group and contiguous islands, to be applied for the purpose of a place of residence for the Indians. By Treaty of the 9th of September, 1850, the Chippewas purported to surrender the islands opposite the shores of Lake Huron, from Penetanguishene to Sault Ste. Marie, but this treaty could only include unsurrendered islands, and consequently would be limited to those islands on the east shore of Lake Huron belonging to the Chippewas. By surrender of the 6th of October, 1862, the Ottawa and Chippewa Indians occupying Manitoulin Island surrendered the said island and all islands adjacent which had been deemed or claimed to be appurtenant or belonging thereto, except the eastern portion, which is considered as including all islands covered by the Treaty of 1836. The Indians would appear under the above treaties to be entitled to all islands which may be considered as appurtenant or adjacent to the Great Manitoulin Island. These islands have never been surveyed, and it might be well for the two Governments jointly to agree upon a surveyor to make a survey of the islands from Collins Inlet to the western end of Manitoulin Island, including all islands between the Great Manitoulin and the mainland, as well as the Duck Islands, south of the Great Manitoulin.

Attached

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Attached hereto are the following papers:-

1. Copy of Treaty of 1836.
2. Copy of Treaty of 1850.
3. Copy of surrender of 1862.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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No 3

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 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 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 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 intituled, '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

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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, for ever, 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 cost 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 horse-power 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 Honourable Frank Oliver, in presence of FRANK PEDLEY, and by the Honourable Francis Cochrane in the presence GEO. W. YATES.

FRANK OLIVER.
F. COCHRANE.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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No 4

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 heretobefore made by the Dominion to portions of Reserve 38B already granted by Ontario as appearing in the proceedings.

(Sgd.) E. L. NEWCOMBE, *for the Dominion.*
(Sgd.) EDWARD BLAKE, *for Ontario.*

Dated 7th July, 1902.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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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 MacMartin, 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.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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	Agency Reserve	Fort Frances, (Pithers Pt.), district of Rainy River.	The Rainy River and Rainy Lake Bands.	166·70	No reserves in Treaty No. 3, Ontario, have been confirmed by the Province. Formerly called No. 41. R. of Way of C.N. Ry., 3·30 acres. Original area of reserve 170 acres; 63·20 acres are used for school purposes, 60·00 acres have been leased for park to Fort Frances: 18·00 acres to be flooded by dam on Rainy river.
10	Little Forks	Rainy River in the dist. of Rainy River	Ojibbewa	1,920·13	
11	Manitou Rapids	" " "	"	5,674·10	A portion of this reserve was sold to the C.N. Ry. Co. for R. of Way purposes, comprising an area of 37·40 acres. Twenty-five acres of land were surrendered for a road one chain wide running disgonally across the reserve. Original area 5,766·50 acres.
12	Long Sault No. 2	" " "	"	5,021·24	Right of Way of C.N. Ry., 25·51 acres.
13	Long Sault No. 1	" " "	"	6,334·73	Right of Way of C.N. Ry., 32·00 acres.
14	"The Bishop" Hungry Hall No. 1.	" " "	"	3,982·66	
15	" Paskonkin " Hungry Hall No. 2	" " "	"	2,265·89	Roadway and Lighthouse reserve sold to the Dept. of Marine. Area 35·05 acres. Original area 2,300·94.
15M	Wild Lands Reserve	Rainy River, district of Rainy River	Ojibbewa	24348·27	The Wild Lands Reserve is the property in common of the six Rainy River bands, viz., Little Forks, No. 10, Manitou Rapids No. 11, Long Sault No. 12, Long Sault No. 13, The Bishop No. 14, and Paskonkin No. 15.
16A	Rainy Lake	Rainy Lake, near Fort Frances, district of Rainy River.	Ojibbewa	152·73	Right of Way C.N. Ry. 4·91 acres. Wagon road 2·36 acres, original reserve contained 160 acres.
16D	Rainy Lake	West of Stangecoming bay, Rainy lake, district of Rainy Lake.	"	11200.00	
17A	Rainy Lake (Niacatchewenin).	North of Northwest bay, Rainy lake, district of Rainy Lake.	"	3,711·50	
17B	" "	Clear Water lake, district of Rainy lake, south of Stangecoming bay.	"	2,439·75	
18B	" "	District of Rainy Lake, Rainy lake	"	4,553·70	R. of Way, C. N. Ry., 24·67 acres. Wagon road 8·30 acres.
18C	" "	North of Stangecoming bay, Rainy lake, district of Rainy Lake.	"	3,861·33	
21	English River or Grassy Narrows.	English River, district of Kenora	"	10,244·00	
21	Wabauskang	Wabauskang lake, district of Kenora	"	8,042·00	
22A1	Lac des Mille Lacs	Lac des Mille Lacs, district of Thunder Bay.	Lac des Milles Lacs, Ojibbewa.	3,750·70	
22A2	Seine River	Between Seine river and Fire Steel river, dist. of Thunder Bay	Lac des Mille Lacs,	8,476·70	
23	Sturgeon Falls	Seine river, district of Rainy River,	Ojibbewa	6,236·66	Right of Way of C.N. Ry., takes 48·54 acres.
23A	Seine River	Wild Potato lake, Seine river, dist. of Rainy River.	"	4,345·60	The original area of this reserve was 2,003·20 acres; an addition of 2,342·40 acres was made in 1890.
23B	Seine River	At the mouth of Seine river, dist. of Rainy River.	"	2,234·80	An addition of 238 acres was made to the original reserve in 1890, making it the present area.
24C	Kawawagamak (Sturgeon Lake).	Sturgeon and McKenzie lakes, dist. of Rainy Lake.	"	5,948·30	
25D	Neguaguon Lake (Lac la Croix).	Lac la Croix and Namakan river, dist. of Rainy Lake.	"	15,355·30	
26A	Rainy Lake (Nicickousemenecaning).	Red Gut Bay, Rainy lake, dist. of Rainy River.	"	4,815·50	Right of Way of C. N. Ry. takes 34·50 acres.
26B	Rainy Lake (Nickickousemenecaning).	Porter inlet, Rainy lake, dist. of Rainy River.	"	2,640·00	
26C	Rainy Lake (Nickickousemenecaning).	Sand Island river, dist. of Rainy River	"	2,777·00	
27	Wabigoon Lake	Wabigoon lake, dist. of Kenora	"	12,872.00	A colonization road through the eastern portion has been surrendered but not surveyed.
27	Eagle Lake	Eagle lake, dist. of Kenora	"	8,882·00	
28	Lac Seul or Lonely Lake	Lac Seul, dist. of Kenora	"	49,000.00	
29	Islington	At White Dog river on the north side of Winnipeg river, dist. of Kenora.	"	20,954.00	
29	Swan Lake	Swan lake, dist. of Kenora	"	3,277·00	
29	One Man Lake	English river, dist. of Patricia	"	668·00	
30	Agency Reserve (Sabaskasing).	Sabaskasing bay, Lake of the Woods, dist. of Kenora.	"	640·00	
31A	Naongashing	Southwest side Presqu'ile peninsula, Lake of the Woods, dist. of Kenora.	"	1,280 00	
31B	Lake of the Woods	Portage bay, Lake of the Woods, dist. of Kenora.	"	726·00	Resurveyed, 1912.
31C	" "	Birch island, Lake of the Woods, dist. of Kenora.	"	800·00	
31D	Big Island	Lake of the Woods, dist. of Kenora	Ojibbewa	925·44	Resurveyed, 1912.
31E	"	" " "	"	1,920·00	"
31F	"	" " "	"	875·00	Consists according to plan of section 25 and fractional section 36 on Big island. Area only approx.
31G	Lake of the Woods	At entrance to Northwest Angle bay, Lake of the Woods, dist. of Kenora.	"	275·00	Resurveyed, 1912.
31H and part of 31G		Big island, Lake of the Woods, district of Kenora.	"	2,381·00	Resurveyed in 1912.
31J	Shoal Lake	South of Shoal lake, district of Kenora	"	1,280·00	Resurveyed, 1912.
32A	Whitefish Bay	South of Lobstick bay, Lake of the Woods, district of Kenora.	"	4,865·20	Permission has been granted, Sept. 26, 1903, to the Keewatin Lumber & Manufacturing Co., to use a piece of land at the lower end of Whitefish Rapids.
32B	Yellow Girl Bay	Lake of the Woods, district of Kenora	"	4,454·30	Resurveyed, 1912.
32C	Sabaskong Bay	" " "	"	1,280·00	
33A	Whitefish Bay	Wapoose lake, Lake of the Woods, district of Kenora.	"	3,091·00	
33B	Northwest Angle	Northwest Angle bay, Lake of the Woods, district of Kenora.	"	3,299·00	Resurveyed, 1912.
34	Lake of the Woods	South of Presqu'ile peninsula, Lake of the Woods, district of Kenora.	"	641·00	
34A	Whitefish Bay	Lake of the Woods, district of Kenora	"	1,529·20	
34B	Shoal Lake, 1st Part	South of Shoal lake, district of Kenora	"	840·00	Resurveyed, 1912.
34B	Shoal Lake, 2nd Part	Point and island, Snow Shoe bay, Shoal lake, district of Kenora.	"	426·00	"
34C & 37B	Northwest Angle	North of Northwest Angle river, district of Kenora.	"	1,959·00	" "
34C	" "	South of Northwest Angle river, Manitoba	"		This reserve is in Manitoba.
35A	Naongashing	Southwest side Presqu'ile peninsula, Lake of the Woods, district of Kenora.	"	1,280·00	
35B	Obabikong	South of Presqu'ile peninsula, Lake of the Woods, district of Kenora.	"	1,760·00	
35C	Sabaskong Bay	North of Sabaskong bay, Lake of the Woods, district of Kenora.	"	1,920·00	
35D	"	South of Crow lake, district of Kenora	"	1,280·00	
35E	1. Little Grassy River, 1st part.	Township of McCrossen, Lake of the Woods district of Rainy River.	"	640·00	
35E	2. Lake of the Woods, 2nd part.	Township of Spohn, Lake of the Woods, district of Rainy River.	"		Not surveyed.
35F	Sabaskong Bay	South of Sabaskong bay, Lake of the Woods district of Kenora.	"	1,280·00	
35G	Big Grass River	Southeast of Lake of the Woods, district of Rainy River.	"	8,960·00	
35H	Sabaskong Bay	North of Sabaskong bay, Lake of the Woods, district of Kenora.	"	640·00	
35J	Lake of the Woods	Sanguishomiouming island, Lake of the Woods, district of Kenora.	"	3,481·60	
36	Buffalo Point	Southwest of Lake of the Woods in Manitoba.	"		This reserve is in Manitoba.
37	Big Island	Northwest Point, Big island, Lake of the Woods district of Kenora	"	1,946·00	Resurveyed, 1912.
37	Rainy River	Rainy river, west of Wild Lands I. R., district of Rainy River.	Ojibbewa, Northwest Angleband,	10·00	A reserve containing 3,687 acres was surveyed *in error* in 1883, by A.H. Vaughan, D.L.S., for some of Powawassan's followers by cutting it out of the Wild Lands reserve No. 15M, which was allotted to the Rainy River bands previously in 1877. The said reserve No. 37 forms a part of the said Wild Lands reserve. See letter from ex-Agent R. I. N. Pithers, 12th June, 1897. Powawassan was promised a small reserve adjoining the Bishop reserve, approximately 10 acres to be surveyed. Shown included in the Wild Lands reserve on the plan.
37A	Shoal Lake	West of Shoal lake, district of Kenora	Ojibbewa. Northwest Angleband,	215·60	This reserve is situated in both provinces of Manitoba and Ontario; the portion lying in Manitoba contains 1,704·40 acres. Total 1,920·00. Resurveyed, 1912.
37B	Northwest Angle River,	North of Northwest Angle river, district	Ojibbewa	1,959·00	
37C	District of Rainy River	of Kenora.			
37B	Lake of the Woods	South of Birch island, Lake of the Woods, district of Kenora.	"	262·00	
37C	Northwest Angle River.	South of Northwest Angle river, Man	"		This reserve is in Manitoba.
38A	Rat Portage	White Partridge bay, Lake of the Woods, district of Kenora.	"	8,064·00	
38B	Kenora	Matheson's bay, Lake of the Woods, district of Kenora.	"	5,289·90	
38C	The Dalles	Winnipeg river, north of Kenora, district of Kenora.	"	8,064·00	
38D	Lake of the Woods	Certain islands in Clear Water bay, Lake of the Woods, district of Kenora.	"		Not surveyed.
39	Shoal Lake	West shore Shoal lake, in Manitoba and Ontario.	"	874·75	A portion of this reserve containing 156·25 acres lies in Manitoba, total area being 1,031·00 acres.
39A	Shoal Lake	Northwest Shoal lake, in Manitoba and Ontario.	Shoal Lake band	7,850·00	A portion of this reserve containing 565 acres lies in Manitoba, total area being 8,415·00 acres. Resurveyed 1912.
40	Shoal Lake	Indian bay, Shoal lake, in Manitoba and Ontario.	"	1,033·40	A portion of this reserve containing 5,725·6 acres lies in the province of Manitoba, total area being 6,759·00 acres. Resurveyed 1912.
39B 40A	Shoal Lake	Islands in Shoal lake, district of Kenora	"		

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31D	Big Island	Lake of the Woods, dist. of Kenora	Ojibbewa	925·44	Resurveyed, 1912.
31E	"	" "	"	1,920·00	"
31F	"	" "	"	875·00	Consists according to plan of section 25 and fractional section 36 on Big island. Area only approx.
31G	Lake of the Woods	At entrance to Northwest Angle bay, Lake of the Woods, dist. of Kenora.	"	275·00	Resurveyed, 1912.
31H and part of 31G		Big island, Lake of the Woods, district of Kenora.	"	2,381·00	Resurveyed in 1912.
31J	Shoal Lake	South of Shoal lake, district of Kenora	"	1,280·00	Resurveyed, 1912.
32A	Whitefish Bay	South of Lobstick bay, Lake of the Woods, district of Kenora.	"	4,865·20	Permission has been granted, Sept. 26, 1903, to the Keewatin Lumber & Manufacturing Co., to use a piece of land at the lower end of Whitefish Rapids.
32B	Yellow Girl Bay	Lake of the Woods, district of Kenora	"	4,454·30	Resurveyed, 1912.
32C	Sabaskong Bay	" "	"	1,280·00	
33A	Whitefish Bay	Wapoose lake, Lake of the Woods, district of Kenora.	"	3,091·00	
33B	Northwest Angle	Northwest Angle bay, Lake of the Woods, district of Kenora.	"	3,299·00	Resurveyed, 1912.
34	Lake of the Woods	South of Presqu'ile peninsula, Lake of the Woods, district of Kenora.	"	641·00	
34A	Whitefish Bay	Lake of the Woods, district of Kenora	"	1,529·20	
34B	Shoal Lake, 1st Part	South of Shoal lake, district of Kenora	"	640·00	Resurveyed, 1912.
34B	Shoal Lake, 2nd Part	Point and island, Snow Shoe bay, Shoal lake, district of Kenora.	"	426·00	" "
34C & 37B	Northwest Angle	North of Northwest Angle river, district of Kenora.	"	1,959·00	" "
34C	" "	South of Northwest Angle river, Manitoba	"	.....	This reserve is in Manitoba.
35A	Naongashing	Southwest side Presqu'ile peninsula, Lake of the Woods, district of Kenora.	"	1,280·00	
35B	Obabikong	South of Presqu'ile peninsula, Lake of the Woods, district of Kenora.	"	1,760·00	
35C	Sabaskong Bay	North of Sabaskong bay, Lake of the	"	1,920·00	

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SCHEDULE of Indian Reserves in the Dominion—*Continued.*

ONTARIO—TREATY No. 3—*Continued.*

No.	Name.	Where Situated.	Tribe or band.	Area, Acres.	Remarks.
37	Rainy River	Rainy river, west of Wild Lands I. R., district of Rainy River.	Ojibbewa, Northwest Angle band,	10·00	A reserve containing 3,687 acres was surveyed *in error* in 1883, by A.H. Vaughan, D.L.S., for some of Powawassan's followers by cutting it out of the Wild Lands reserve No. 15M, which was allotted to the Rainy River bands previously in 1877. The said reserve No. 37 forms a part of the said Wild Lands reserve. See letter from ex-Agent R. I. N. Pithers, 12th June, 1897. Powawassan was promised a small reserve adjoining the Bishop reserve, approximately 10 acres to be surveyed. Shown included in the Wild Lands reserve on the plan.
37A	Shoal Lake	West of Shoal lake, district of Kenora	Ojibbewa. Northwest Angle band,	215·60	This reserve is situated in both provinces of Manitoba and Ontario; the portion lying in Manitoba contains 1,704·00 acres. Total 1,920·00. Resurveyed, 1912.
37B	Northwest Angle River, District of Rainy River	North of Northwest Angle river, district of Kenora.	Ojibbewa	1,959·00	
37C	Lake of the Woods	South of Birch island, Lake of the Woods, district of Kenora.	"	262·00	
37C	Northwest Angle River	South of Northwest Angle river, Man	"	.....	This reserve is in Manitoba.
38A	Rat Portage	White Partridge bay, Lake of the Woods, district of Kenora.	"	8,064·00	
38B	Kenora	Matheson's bay, Lake of the Woods, district of Kenora.	"	5,289·90	
38C	The Dalles	Winnipeg river, north of Kenora, district of Kenora.	"	8,064·00	
38D	Lake of the Woods	Certain islands in Clear Water bay, Lake of the Woods, district of Kenora.	"	.....	Not surveyed.
39	Shoal Lake	West shore Shoal lake, in Manitoba and Ontario.	"	874·75	A portion of this reserve containing 156·25 acres lies in Manitoba, total area being 1,031·00 acres.
39A	Shoal Lake	Northwest Shoal lake, in Manitoba and Ontario.	Shoal Lake band	7,850·00	A portion of this reserve containing 565 acres lies in Manitoba, total area being 8,415·00 acres. Resurveyed 1912.
40	Shoal Lake	Indian bay, Shoal lake, in Manitoba and Ontario.	"	1,033·40	A portion of this reserve containing 5,725·6 acres lies in the province of Manitoba, total area being 6,759·00 acres. Resurveyed 1912.
		Islands in Shoal lake, district of Kenora	"	.....	

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ONTARIO, Treaty No. 3—*Continued.*

No.	Name.	Where Situated.	Tribe or band.	Area, Acres.	Remarks.
1	Agency Reserve	Fort Frances, (Pithers Pt.), district of Rainy River.	The Rainy River and Rainy Lake Bands.	166·70	No reserves in Treaty No. 3, Ontario, have been confirmed by the Province. Formerly called No. 41. R. of Way of C.N. Ry., 3·30 acres. Original area of reserve 170 acres; 63·20 acres are used for school purposes, 60·00 acres have been leased for park to Fort Frances: 18·00 acres to be flooded by dam on Rainy river.
10	Little Forks	Rainy River in the dist. of Rainy River	Ojibbewa	1,920·13	
11	Manitou Rapids	" "	"	5,674·10	A portion of this reserve was sold to the C.N. Ry. Co. for R. of Way purposes, comprising an area of 37·40 acres. Twenty-five acres of land were surrendered for a road one chain wide running diagonally across the reserve. Original area 5,736·50 acres.
12	Long Sault No. 2	" "	"	5,021·24	Right of Way of C.N. Ry., 25·51 acres.
13	Long Sault No. 1	" "	"	6,334·73	Right of Way of C.N. Ry., 32·00 acres.
14	"The Bishop" Hungry Hall No. 1.	" "	"	3,982·66	
15	" Paskonkin " Hungry Hall No. 2	" "	"	2,265·89	Roadway and Lighthouse reserve sold to the Dept. of Marine. Area 35·05 acres. Original area 2,300·94.
15M	Wild Lands Reserve	Rainy River, district of Rainy River	Ojibbewa	24348·27	The Wild Lands Reserve is the property in common of the six Rainy River bands, viz., Little Forks,

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SCHEDULE of Indian Reserves in the Dominion—*Continued.*

ONTARIO, Treaty No. 3—*Continued.*

No.	Name.	Where Situated.	Tribe or band.	Area, Acres.	Remarks.
23	Sturgeon Falls	Seine river, district of Rainy River,	Ojibbewa	6,236·66	Right of Way of C.N. Ry., takes 48·54 acres.
23A	Seine River	Wild Potato lake, Seine river, dist. of Rainy River.	"	4,345·60	The original area of this reserve was 2,003·20 acres; an addition of 2,342·40 acres was made in 1890.
23B	Seine River	At the mouth of Seine river, dist. of Rainy River.	"	2,234·80	An addition of 238 acres was made to the original reserve in 1890, making it the present area.
24C	Kawawiagamak (Sturgeon Lake).	Sturgeon and McKenzie lakes, dist. of Rainy Lake.	"	5,948·30	
25D	Neguaguon Lake (Lac la Croix).	Lac la Croix and Namakan river, dist. of Rainy Lake.	"	15,355·30	
26A	Rainy Lake (Nicickousemenecaning).	Red Gut Bay, Rainy lake, dist. of Rainy River.	"	4,815·50	Right of Way of C. N. Ry. takes 34·50 acres.
26B	Rainy Lake (Nickickousemenecaning).	Porter inlet, Rainy lake, dist. of Rainy River.	"	2,640·00	
26C	Rainy Lake (Nickickousemenecaning).	Sand Island river, dist. of Rainy River	"	2,777·00	
27	Wabigoon Lake	Wabigoon lake, dist. of Kenora	"	12,872.00	A colonization road through the eastern portion has been surrendered but not surveyed.
27	Eagle Lake	Eagle lake, dist. of Kenora	"	8,882·00	
28	Lac Seul or Lonely Lake	Lac Seul, dist. of Kenora	"	49,000.00	
29	Islington	At White Dog river on the north side of Winnipeg river, dist. of Kenora.	"	20,954.00	
29	Swan Lake	Swan lake, dist. of Kenora	"	3,277·00	
29	One Man Lake	English river, dist. of Patricia	"	668·00	
30	Agency Reserve (Sabaskasing).	Sabaskasing bay, Lake of the Woods, dist. of Kenora.	"	640·00	
30	Naongashing	Southwest side Presqu'ile peninsula, Lake of the Woods, dist. of Kenora.	"	1,280·00	
31	Lake of the Woods	Portage bay, Lake of the Woods, dist. of Kenora.	"	726·00	Resurveyed, 1912.
31C	" "	Birch island, Lake of the Woods, dist. of Kenora.	"	800·00	

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rden River band of Ojibway Indians, conveying to the Crown, in trust, lots fifteen on the north side of Milton street, fifteen on the south side of Milton street, fifteen on the north side of Prince street, fifteen on the south side of Prince street, in the town plot of Chinguacouse, and containing two acres and one-quarter, and situated within this said reserve, for the use and benefit of the Church of England Mission established at the Garden River Reserve.

The Minister reports that Mr. Plummer, in a letter accompanying the said instrument, states that the dwelling house and premises of the Church of England Missionary are situated on the said lots, and that a large building for a general school or an academy for the training of Indians is about to be erected.

He accordingly recommends that the surrender so executed, which has been duly proved before the Judge for the District of Algoma, be accepted by Your Excellency in Council, in accordance with the provisions of the 8th section of the Act 31 Victoria, chapter 42.

The Committee advise that the surrender be accepted accordingly.

Certified,

W. A. HIMSWORTH, *C.P.C.*

To the Honourable
The Minister of the Interior,
&c., &c., &c.

Nos. 131 and 132.

ARTICLES OF A TREATY made and concluded this third day of October, in the year of Our Lord one thousand eight hundred and seventy-three, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioners, the Honorable Alexander Morris, Lieutenant-Governor of the Province of Manitoba and of the North-west Territories; Joseph Alfred Norbert Provencher and Simon James Dawson, of the one part, and the Saulteaux Tribe of the Ojibway Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs chosen and named as hereinafter mentioned, of the other part.

Whereas the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioners, been convened at a meeting at the north-west angle of the Lake of the Woods to deliberate upon certain matters of interest to Her 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 Her Majesty's said Commissioners that it is the desire of Her Majesty to open up for settlement, immigration and such other purpose as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned, and to obtain the consent thereto of Her 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 Her Majesty and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence.

And whereas the Indians of the said tract, duly convened in council as aforesaid, and being requested by Her Majesty's said 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 Her Majesty for their faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:—

KEK-TA-PAY-PI-NAIS (Rainy River.)
KITCHI-GAY-KAKE (Rainy River.)
NOTE-NA-QUA-HUNG (North-West Angle.)
NAWE-DO-PE-NESS (Rainy River.)
POW-WA-SANG (North-West Angle.)
CANDA-COM-IGO-WE-NINIE (North-West Angle.)
PAPA-SKO-GIN (Rainy River.)

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MAY-NO-WAH-TAW-WAYS-KIONG (North-West Ar
KITCHI-NE-KA-LE-HAN (Rainy River.)
SAH-KATCH-EWAY (Lake Seul.)
MUPA-DAY-WAH-SIN (Kettle Falls.)
ME-PIE-SIES (Rainy Lake, Fort Frances.)
OOS-CON-NA-GEITH (Rainy Lake.)
WAH-SHIS-KOUCE (Eagle Lake.)
KAH-KEE-Y-ASH (Flower Lake.)
GO-BAY (Rainy Lake.)
KA-MO-TI-ASH (White Fish Lake.)
NEE-SHO-TAL (Rainy River.)
KEE-JE-GO-KAY (Rainy River.)
SHA-SHA-GANCE (Shoal Lake.)
SHAH-WIN-NA-BI-NAIS (Shoal Lake.)
AY-ASH-A-WATH (Buffalo Point.)
PAY-AH-BEE-WASH (White Fish Bay.)
KAH-TAY-TAY-PA-E-CUTCH (Lake of the Woods.)

And thereupon, in open council, the different bands having presented their Chiefs to the said Commissioners as the Chiefs and Headmen for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described:

And whereas the said Commissioners then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purpose aforesaid of the respective bands of Indians inhabiting the said district hereinafter described;

And whereas the said Commissioners have proceeded to negotiate a treaty with the said Indians, and the same has been finally agreed upon and concluded, as follows, that is to say:—

The Saulteaux Tribe of the Ojibbeway Indians and all other the Indians inhabiting the district hereinafter described and defined, do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada for Her Majesty the Queen and Her successors forever, all their rights, titles and privileges whatsoever, to the lands included within the following limits, that is to say:—

Commencing at a point on the Pigeon River route where the international boundary line between the Territories of Great Britain and the United States intersects the height of land separating the waters running to Lake Superior from those flowing to Lake Winnipeg; thence northerly, westerly and easterly along the height of land aforesaid, following its sinuosities, whatever their course may be, to the point at which the said height of land meets the summit of the watershed from which the streams flow to Lake Nepigon; thence northerly and westerly, or whatever may be its course, along the ridge separating the waters of the Nepigon and the Winnipeg to the height of land dividing the waters of the Albany and the Winnipeg; thence westerly and north-westerly along the height of land dividing the waters flowing to Hudson's Bay by the Albany or other rivers from those running to English River and the Winnipeg to a point on the said height of land bearing north forty-five degrees east from Fort Alexander, at the mouth of the Winnipeg; thence south forty-five degrees west to Fort Alexander, at the mouth of the Winnipeg; thence southerly along the eastern bank of the Winnipeg to the mouth of White Mouth River; thence southerly by the line described as in that part forming the eastern boundary of the tract surrendered by the Chippewa and Swampy Cree tribes of Indians to Her Majesty on the third of August, one thousand eight hundred and seventy-one, namely, by White Mouth River to White Mouth Lake, and thence on a line having the general bearing of White Mouth River to the forty-ninth parallel of north latitude; thence by the forty-ninth parallel of north latitude to the Lake of the Woods, and from thence by the international boundary line to the place beginning.

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tract comprised within the lines above described, embracing an area of fifty-[illegible] thousand square miles, be the same more or less. To have and to hold the same to Her Majesty the Queen, and Her successors forever.

And Her Majesty the Queen hereby agrees and undertakes to lay aside reserves for farming lands, due respect being had to lands at present cultivated by the said Indians, and also to lay aside and reserve for the benefit of the said Indians, to be administered and dealt with for them by Her Majesty's Government of the Dominion of Canada, in such a manner as shall seem best, other reserves of land in the said territory hereby ceded, which said reserves shall be selected and set aside where it shall be deemed most convenient and advantageous for each band or bands of Indians, by the officers of the said Government appointed for that purpose, and such selection shall be so made after conference with the Indians; provided, however, that such reserves, whether for farming or other purposes, shall in no wise exceed in all one square mile for each family of five, or in that proportion for larger or smaller families; and such selections shall be made if possible during the course of next summer, or as soon thereafter as may be found practicable, it being understood, however, that if at the time of any such selection of any reserve, as aforesaid, there are any settlers within the bounds of the lands reserved by any band, Her Majesty reserves the right to deal with such settlers as She shall deem just so as not to diminish the extent of land allotted to Indians, and provided also that the aforesaid reserves of lands, or any interest or right therein or appurtenant thereto, may be sold, leased or otherwise disposed of by the said Government for the use and benefit of the said Indians, with the consent of the Indians entitled thereto first had and obtained.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians She hereby, through Her Commissioners, makes them a present of twelve dollars for each man, woman and child belonging to the bands here represented, in extinguishment of all claims heretofore preferred.

And further, Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of Her Dominion of Canada may seem advisable whenever the Indians of the reserve shall desire it.

Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise determined by Her Government of the Dominion of Canada, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-west Territories, from the evil influences of the use of intoxicating liquors, shall be strictly enforced.

Her Majesty further agrees with Her said Indians that they, the said Indians, shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described, subject to such regulations as may from time to time be made by Her Government of Her Dominion of Canada, and saving and excepting such tracts as may, from time to time, be required or taken up for settlement, mining, lumbering or other purposes by Her said Government of the Dominion of Canada, or by any of the subjects thereof duly authorized therefor by the said Government.

It is further agreed between Her Majesty and Her said Indians that such sections of the reserves above indicated as may at any time be required for Public Works or buildings of what nature soever may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada, due compensation being made for the value of any improvements thereon.

And further, that Her Majesty's Commissioners shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof, at some period in each year to be duly notified to the Indians, and at a place or places to be appointed for that purpose within the territory ceded, pay to each Indian person the sum of five dollars per head yearly.

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It is further agreed between Her Majesty and the said Indians that the sum of fifteen hundred dollars per annum shall be yearly and every year expended by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Indians.

It is further agreed between Her Majesty and the said Indians that the following articles shall be supplied to any band of the said Indians who are now actually cultivating the soil or who shall hereafter commence to cultivate the land, that is to say: two hoes for every family actually cultivating, also one spade per family as aforesaid, one plough for every ten families as aforesaid, five harrows for every twenty families as aforesaid, one scythe for every family as aforesaid, and also one axe and one cross-cut saw, one hand-saw, one pit-saw, the necessary files, one grind-stone, one auger for each band, and also for each Chief for the use of his band one chest of ordinary carpenter's tools; also for each band enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation by such band; also for each band one yoke of oxen, one bull and four cows ; all the aforesaid articles to be given once for all for the encouragement of the practice of agriculture among the Indians.

It is further agreed between Her Majesty and the said Indians that each Chief duly recognized as such shall receive an annual salary of twenty-five dollars per annum, and each subordinate officer, not exceeding three for each band, shall receive fifteen dollars per annum; and each such Chief and subordinate officer as aforesaid shall also receive once in every three years a suitable suit of clothing; and each Chief shall receive, in recognition of the closing of the treaty, a suitable flag and medal.

And the undersigned Chiefs, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will in all respects obey and abide by the law, that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of the said ceded tract, and that they will not molest the person or property of any inhabitants of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person passing or travelling through the said tract, or any part thereof; and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

In Witness Whereof, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands at the North-West Angle of the Lake of the Woods this day and year herein first above named.

Signed by the Chiefs within named, in presence of the following witnesses, the same having been first read and explained by the Honorable James McKay:

James McKay,
Molyneux St. John,
Robert Pither,
Christine V. K. Morris,
Charles Nolin,
A. McDonald, *Capt.,*
Comg. Escort to Lieut. Governor.
Jas. F. Graham,
Joseph Nolin,
A. McLeod,
George McPherson, Sr.,

Alex. Morris, *L.G.,* [L.S.]
J. A. N. Provencher, *Ind Comr.,*
S. J. Dawson,
his
Kee-ta-kay-pi-nais, x
mark.
his
Kitchi-gay-kake, x
mark.
his
No-te-na-qua-hung, x
mark.
his
Mawe-do-pe-nais, x
mark.
his
Pow-wa-sang, x
mark.

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...DLEY BLANCHARD,
W. FRED. BUCHANAN,
FRANK G. BECHER,
ALFRED CODD, M.D.,
G. S. CORBAULT,
PIERRE LEVIELLER,
NICHOLAS CHATELAINE.

his
CANDA-COM-IGO-WI-NINE, X
mark.
his
PA-PA-SKO-GIN, X
mark.
his
MAY-NO-WAH-TAW-WAYS-KUNG, X
mark.
his
KITCHI-NE-KA-BE-HAN, X
mark.
his
SAH-KATCH-EWAY, X
mark.
his
MUKA-DAY-WAH-SIN, X
mark.
his
ME-KIE-SIES, X
mark.
his
OOS-CON-NA-GEISH, X
mark.
his
WAH-SHIS-KOUCE, X
mark.
his
KAH-KEE-Y-ASH, X
mark.
his
GO-BAY, X
mark.
his
KA-ME-TI-ASH, X
mark.
his
NEE-SHO-TAL, X
mark.
his
KEE-JEE-GO-KAY, X
mark
his
SHA-SHA-GAUCE, X
mark.
his
SHAW-WIN-NA-BI-NAIS, X
mark.
his
AY-ASH-A-WASH, X
mark.
his
PAY-AH-BEE-WASH, X
mark.
his
KAH-TAY-TAY-PA-O-CUTCH, X
mark.

We, having had communication of the treaty, a certified copy whereof is hereto annexed, but not having been present at the councils held at the North West Angle of the Lake of the Woods, between Her Majesty's Commissioners, and the several Indian Chiefs and others therein named, at which the articles of the said treaty were agreed upon, hereby for ourselves and the several bands of Indians which we represent, in consideration of the provisions of the said treaty being extended to us and the said bands which we represent, transfer, surrender and relinquish to Her Majesty the Queen, Her heirs and successors, to and for the use of Her Government of Her Do-

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minion of Canada, all our right, title and privilege whatsoever, which we, the Chiefs and the said bands which we represent have, hold or enjoy, of, in and to the territory described and fully set out in the said articles of treaty, and every part thereof. To have and to hold the same unto and to the use of Her said Majesty the Queen, Her heirs and successors for ever.

And we hereby agree to accept the several provisions, payments and reserves of the said treaty, as therein stated, and solemnly promise and engage to abide by, carry out and fulfil all the stipulations, obligations and conditions therein contained, 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 and the bands which we represent had been originally contracting parties thereto, and had been present and attached our signatures to the said treaty.

In Witness Whereof, Her Majesty's said Commissioners and the said Indian Chiefs have hereunto subscribed and set their hands, this thirteenth day of October, in the year of Our Lord one thousand eight hundred and seventy-three.

Signed by S. J. Dawson, Esquire, one of Her Majesty's said Commissioners, for and on behalf and with the authority and consent of the Honorable Alexander Morris, Lieutenant Governor of Manitoba and the North-West Territories, and J. A. N. Provencher, Esq., the remaining two Commissioners, and himself and by the Chiefs within named, on behalf of themselves and the several bands which they represent, the same and the annexed certified copy of articles of treaty having been first read and explained in presence of the following witnesses:

Thos. A. P. Towers,
John Aitken,
A. F. MacDonell,
Nuzzahi.
his
James Saganosh, x
mark.
Piullsise.

For and on behalf of the Commissioners, the Honorable Alexander Morris, Lieut. Governor of Manitoba and the North-West Territories, Joseph Albert Norbert Provencher, Esquire, and the undersigned

S. J. Dawson.
Commissioner.
his
Pay-ba-ma-chas, x
mark.
his
Ke-ba-guin, x
mark.
his
Me-tas-so-que-ne-skank, x
mark.

To S. J. Dawson, Esquire, Indian Commissioner, &c., &c., &c.

Sir,—We hereby authorize you to treat with the various bands belonging to the Salteaux Tribe of the Ojibbeway Indians inhabiting the North-West Territories of the Dominion of Canada not included in the foregoing certified copy of articles of treaty, upon the same conditions and stipulations as are therein agreed upon, and to sign and execute for us and in our name and on our behalf the foregoing agreement annexed to the foregoing treaty.

ALEX. MORRIS,
Lieutenant-Governor.
J. A. N. PROVENCHER,
Indian Commissioner.

North-West Angle, Lake of the Woods,
October 4th, A.D. 1873.

Recorded 27th October, 1874.
Lib. 27, Folio 38.
R. W. Scott,
Secretary of State and Registrar-General of Canada.

(A).

This Memorandum of Agreement made and entered into this twelfth day of September one thousand eight hundred and seventy-five, between Nicholas Chate-

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Indian interpreter at Fort Francis and the Rainy River and acting herein solely in the latter capacity for and as representing the said Half-breeds, on the one part, and John Stoughton Dennis, Surveyor General of Dominion Lands, as representing Her Majesty the Queen through the Government of the Dominion, of the other part, Witnesseth as follows :—

Whereas the Half-breeds above described, by virtue of their Indian blood, claim a certain interest or title in the lands or territories in the vicinity of Rainy Lake and the Rainy River, for the commutation or surrender of which claims they ask compensation from the Government.

And whereas, having fully and deliberately discussed and considered the matter, the said Half-breeds have elected to join in the treaty made between the Indians and Her Majesty, at the North-West Angle of the Lake of the Woods, on the third day of October, 1873, and have expressed a desire thereto, and to become subject to the terms and conditions thereof in all respects saving as hereinafter set forth.

It is now hereby agreed upon by and between the said parties hereto (this agreement, however, to be subject in all respects to approval and confirmation by the Government, without which the same shall be considered as void and of no effect), as follows, that is to say: The Half-breeds, through Nicholas Chatelaine, their Chief above named, as representing them herein, agree as follows, that is to say:—

That they hereby fully and voluntarily surrender to Her Majesty the Queen to be held by Her Majesty and Her successors for ever, any and all claim, right, title or interest which they, by virtue of their Indian blood, have or possess in the lands or territories above described, and solemnly promise to observe all the terms and conditions of the said treaty (a copy whereof, duly certified by the Honourable the Secretary of State of the Dominion has been this day placed in the hands of the said Nicholas Chatelaine.)

In consideration of which Her Majesty agrees as follows, that is to say:—

That the said Half-breeds, keeping and observing on their part the terms and conditions of the said treaty shall receive compensation in the way of reserves of land, payments, annuities and presents, in manner similar to that set forth in the several respects for the Indians in the said treaty ; it being understood, however, that any sum expended annually by Her Majesty in the purchase of ammunition and twine for nets for the use of the said Half-breeds shall not be taken out of the fifteen hundred dollars set apart by the treaty for the purchase annually of those articles for the Indians, but shall be in addition thereto, and shall be a *pro rata* amount in the proportion of the number of Half-breeds parties hereto to the number of Indians embraced in the treaty ; and it being further understood that the said Half-breeds shall be entitled to all the benefits of the said treaty as from the date thereof, as regards payments and annuities, in the same manner as if they had been present and had become parties to the same at the time of the making thereof.

And whereas the said Half-breeds desire the land set forth as tracts marked (A) and (B) on the rough diagram attached hereto, and marked with the initials of the parties aforementioned to this agreement, as their reserves (in all eighteen square miles), to which they would be entitled under the provisions of the treaty, the same is hereby agreed to on the part of the Government.

Should this agreement be approved by the Government, the reserves as above to be surveyed in due course.

Signed at Fort Francis, the day and date above mentioned, in presence of us as witnesses:
A. R. TILLIE,
CHAS. S. CROWE,
W. B. RICHARDSON,
L. KITTSON.

J. S. DENNIS, [L.S.]
NICHOLAS his x mark. CHATELAINE. [L.S.]

Note.—See also Adhesion of 9th June, 1874, p. 319, vol. II.

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No. 133.

[*Translation follows.*]

LIVRE DE RENVOI OFFICIEL, du domaine de la seigneurie du Saut Saint-Louis, comté de Laprairie, premier arrondissement ou division d'enregistrement du ci-devant comté de Huntingdon.

No. du lot ou lopin de terre indiqué sur le plan officiel.	Nom du propriétaire.	Description générale.	Remarques.
		Domaine du Sault Saint-Louis.	
1	Sa Majesté la Reine	Le domaine du Saut Saint-Louis, court le long du fleuve Saint-Laurent sur une longueur de deux cent vingt arpents à partir de l'entrée du lac Saint-Louis en allant vers le sud-ouest ; est de figure irrégulière et contient treize mille trente-cinq arpents en superficie en y comprenant trente-neuf arpents et vingt-cinq perches en superficie appartenant à la compagnie du chemin de fer de Montréal et de Champlain ; borné à l'ouest par le fleuve Saint-Laurent, au nord-est par la ligne limitative de la paroisse de Laprairie de la Magdeleine, à l'est, par celle de la paroisse Saint-Constant et celle de Saint-Isidore ; au sud et au sud-ouest, par les lignes limitatives de la paroisse de Saint-Philomène et de Chateauguay, sur une longueur de cent quarante arpents.	Les Sauvages de Caughnawaga, ont l'usufruit de ce domaine jusqu'au décès du dernier survivant d'eux.
		Chemin de fer de Montréal et de Champlain.	
	La Compagnie du chemin de fer de Montréal et Champlain.	Contenant trois perches, six pieds de largeur sur cent dix-huit arpents de profondeur, formant trente-neuf arpents et vingt-cinq perches en superficie, borné à l'ouest par le fleuve Saint-Laurent, à l'est par la ligne limitative de la paroisse de Saint-Constant et traversant le domaine du Saut Saint-Louis de l'ouest à l'est.	

Fait en conformité des dispositions du chap. 37 des Status Refondus du Bas-Canada et de l'acte 27-28 Vict. ch. 40.

OTTAWA, ce 15e jour d'avril mil huit cent soixante et sept.

A. CAMPBELL,
Commissaire des Terres de la Couronne.

Vraie copie de l'original.
Dépt. des Terres de la Couronne,
QUÉBEC, 22 oct. 1872.
E. E. TACHÉ,
Assist. Comm. des Terres de la Couronne.

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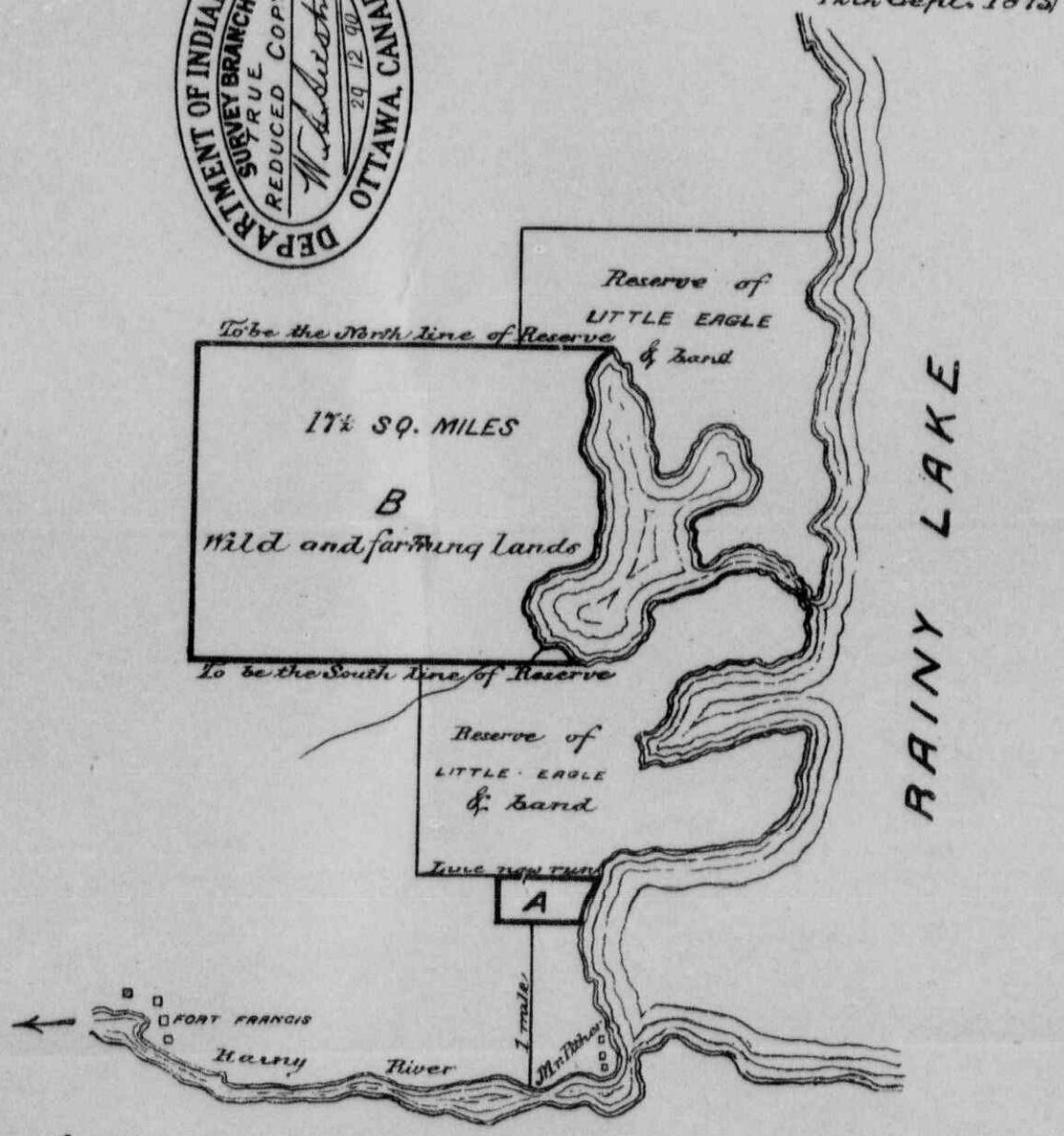
This is the rough diagram alluded to in the agreement towhich the same is attached shewing the Reserves for the Half-breeds on the westerly shore of the Rainy Lake

Fort Francis
12th Sept. 1875

DEPARTMENT OF INDIAN AFFAIRS
SURVEY BRANCH.
TRUE REDUCED COPY
29 12 90
OTTAWA, CANADA



A. To be 160 acres for Halfbreeds to build and live on as a village

B To extend from South to North limit of large Bay as shewn and to extend westerly to embrace 17½ square miles

(Sgd) T.S.D.
N. C.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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KODAK SAFETY FILM

Ottawa, October 30 1913.

No. 1.

Claim of Indians to reserves set apart by the Dominion under Treaty No. 3.

On the 3rd of October, 1873, a treaty was entered by the Dominion Government with the Indians, under which they ceded to the Crown the lands comprised in what was formerly known as the disputed territory, and under this treaty provision was made for the setting aside of reserves for the Indians. By Commissioners duly appointed by the Dominion, reserves were selected and have been set aside and surveyed. In 1884 it was finally determined by the Judicial Committee of the Privy Council that the territory in question was included within the boundaries of the Province of Ontario.

Under the decision of the Privy Council in the St. Catharines Milling Company's case, it was held that the reserves in question required confirmation by the Government of the province of Ontario. On the 3rd of July, 1905, an agreement was entered into by the Superintendent General of Indian Affairs, and the Minister of Lands & Mines for Ontario, providing for certain action in regard to the question of confirmation of the reserves in question by the Government of Ontario. On the 7th of July, 1902, an agreement was entered into between the counsel on behalf of the Dominion and Ontario as to administration of reserves in Ontario, including the reserves above referred to after confirmation by the Government of Ontario.

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The reserves in question were duly set aside by the Dominion in good faith, while the district was considered under its jurisdiction, and the Indians understood and in fact it was plainly stated to them by the Commissioners that they would have full control of the reserves so set aside, including the precious metals. In order to keep faith with the Indians, it would appear that they are justly entitled to have the reserves in question confirmed,and as regards the preciousmetals it is considered that it would be advisable to include same. in view of the fact that if not included, there would be a dual jurisdiction on reserves, the Dominion controlling the land and the Province the precious metals, which would place the matters in such a position that no disposition of the precious metals could be made by the Province without the consent of the Dominion, which would have control of surface rights.

It does not appear that any action has been taken by the Province of Ontario to carry out the provisions of agreement entered into with the Dominion above referred to. Attached hereto are the following documents:-

1. Copy of Treaty No. 3.
2. Schedule of reserves set aside under Treaty for the Indians.
3. Copy of agreement entered into between th Dominion and the Province.
4. Copy of agreement between counsel on behalf of the Dominion and the Province.

W. A. Orr

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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111834-1 VOL.2

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FROM

TO 30/10/13.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 2)

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Indian Affairs
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(RG 10, Volume 2546)

File			
111,834-1		DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO INDIAN MATTERS. STATEMENT OF EXPENDITURES BY THE DOMINION ON ACCOUNT OF ANNUITIES FOR THE YEARS 1873-1897.	1890-1913
111,834-1A	2	DISPUTE BETWEEN THE PROVINCE OF ONTARIO AND THE FEDERAL GOVERNMENT RELATIVE TO THE ISLANDS SOUTH OF MOOSE DEER POINT, GEORGIAN BAY.	1897-1913
111,834-1A	3	CORRESPONDENCE REGARDING THE DISPUTE BETWEEN THE FEDERAL GOVERNMENT AND THE PROVINCE OF ONTARIO RELATIVE TO THE OWNERSHIP AND CONTROL OF THE ISLANDS IN THE GEORGIAN BAY, SOUTH OF MOOSE DEER POINT.	1939

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INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES AND RESOURCES

22/3-1

ISLANDS IN GEORGIAN BAY SOUTH OF MOOSE DEER POINT.

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Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 3)

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GO[illegible]ON, MORTIMER, KENNEDY & DOHERTY
BARRISTERS AND SOLICITORS

CABLE ADDRESS "ABMORT" TORONTO
TELEPHONES ELGIN 8416 8417

JOHN de N. KENNEDY A. B. MORTIMER BRIAN DOHERTY
GOLDWIN A. MARTIN

320 BAY STREET
TORONTO, 2.
CANADA

Department of Mines & Resources
Indian Affairs Branch.
SEP 30 1939
REGISTERED

September 29th 1939.

The Department of Indian Affairs,
Ottawa, Ont.

Dear Sirs:- Attn. Mr. Harold W. McGill M.D.

A client of ours is buying an island in the Georgian Bay, at Pointe-au-Baril, in front of the Township of Harrison, in the District of Parry Sound.

A patent of the island was issued by the Crown in the right of Ontario in or before the year 1904. That patent conveyed a qualified title, in that it was subject to any defect in the title of the Government of Ontario to issue a patent.

Our client wants the title to be converted from a qualified one to an absolute one.

We have discussed the subject with Mr. C. H. Fullerton, Surveyor-General for Ontario, and he has suggested that we write to you.

We know that the qualification mentioned is quite common in titles to islands in the Georgian Bay for which Crown grants were issued by Ontario early in this century.

Mr. Fullerton tells us that, in or about the year 1906, an agreement was entered into between the Governments of the Dominion and Ontario whereby it was settled that Ontario owned the islands in the Georgian Bay lying to the north of Moose Deer Point and that the Dominion owned the islands lying to the south thereof, each party to that agreement undertaking to recognize Crown grants theretofore made by either of them.

We shall be obliged if you will let us know how we can procure such a certificate or consent as, upon

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registration in the Land Titles Office at Parry Sound, would result in converting such a qualified title into an absolute title.

Apologizing for troubling you, we are

Faithfully yours,

Gordon Mortimer Kennedy & Doherty

ABM:REH

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Ottawa, October 14, 1939.

EXD.

Dear Sirs:

I wish to acknowledge receipt of your letter of September 29th, written on behalf of a client of yours who apparently proposes purchasing an island in the Georgian Bay at Pointe-au-Baril, in front of the Township of Harrison in the District of Parry Sound.

You are correct in stating that there exists an agreement between the Dominion and the Province of Ontario with respect to the ownership and control of islands in the Georgian Bay. This agreement was approved by Order in Council dated May 26, 1906, and provides that the Province of Ontario controls all islands in the Georgian Bay north of Moose Deer Point and that this Department is at liberty to sell all islands south of Moose Deer Point.

The location to which you refer is, according to our records, north of Moose Deer Point and, therefore, in pursuance of the agreement to which I have referred, the Province in our opinion has the right to issue an unconditional title to the island which you describe.

Yours very truly,

Director.

Messrs. Gordon, Mortimer,
Kennedy and Doherty,
Barristers and Solicitors,
320 Bay Street,
Toronto 2, Ontario.

Indian Affairs. (RG 10, Volume 2546, File 111,834-1A pt. 3)

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111834-1 CLOSED

REF.506-2-1

ISLANDS IN GEORGIAN BAY
SOUTH OF MOOSE DEER PT.

CLOSED
FROM Sept/39 TO Oct/39

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Indian Affairs
Red Series

(RG 10, Volume 2547)

File			
111,834-2		CLAIM OF THE PROVINCE OF ONTARIO TO MINERALS ON THE INDIAN RESERVES.	1897-1922
111,834-3	1	AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND ONTARIO REGARDING INDIAN RESERVE LANDS. RESOLUTION OF THE UNION COUNCIL OF ONTARIO INDIAN RELATIVE TO HUNTING, FISHING AND TRAPPING IN THE PROVINCE OF ONTARIO.	1924-1932
111,834-3	2	AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND ONTARIO RELATIVE TO THE SALE OR LEASE OF MINING CLAIMS ON INDIAN RESERVES IN ONTARIO.	1934-1939

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No 2

No. 111.834

See 48.508 1 & 2
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206.489.

Department of Indian Affairs.

191

Ontario Govt

Re claim of Prov. Govt to Minerals, Timber and Lands on Indian Reserves.

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File 111 834-

M E M O R A N D U M

Ottawa 16th September 1897-

In reply to your Memorandum of the 20th Ultimo I beg to submit ~~xx~~ answers to the questions therein referred to this Branch as follows;-

I. In regard to the claim of the Dominion in respect of lands heretofore dealt with by the Province in the Northerly part thereof, I beg to refer to the Printed Statement of case of the Dominion herewith. I may state that this claim, on behalf of the Mississaguas of Alnwick, Rice, Mud and Scugog Lakes, and the Chippewas of Lakes Huron and Simcoe is for compensation for an unsurrendered tract of land comprising approximately 10719 Square Miles, situate between the Georgian Bay and the Ottawa River, the said land never having been surrendered by the Indians. The claim was not presented to the Board of Arbitrators appointed to settle disputed accounts between the Dominion and the Province, as was at one time proposed, owing to the fact that the Solicitors' acting for the Justice Department did not consider the same to come within the purview of instructions given to the Board, considering it a case for settlement between the Governments concerned.

II. Statement marked "A" attached hereto gives the information desired.

III. Statement marked "B" attached hereto shows Indian Reserves surrendered without the condition that the same are to be sold for the benefit of the Indians. The lands described therein, of course, passed under the control of the Provincial Government, excepting the reservations made.

IV The only Indian Reserve set apart by the Dominion without

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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without the sanction of the Province,which has been surrendered by the Indians,is part of Indian Reserve 38B, Treaty No.3½,comprising also Sultana Island.

V Statement marked "C" attached hereto gives the information desired as to Indian Reserves in Ontario.

Statement marked "D" attached hereto shows Indian Reserves in the Province of Ontario,other than within the limits of Treaty No 3,not confirmed by the Ontario Government.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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MEMO BY THE ATTORNEY GENERAL OF ONTARIO
RE PRECIOUS METALS AND OTHER MINERALS IN, AND TIMBER
ON INDIAN LANDS AND INDIAN RESERVES.

(1) The respective rights of the Dominion and of the Province in such minerals and precious metals depend on the provisions of the British North America Act --

Section 109 of the B. N. A. Act enacts that - "All lands, mines, minerals and royalties " belonging to the several Provinces of Canada, etc. at the Union shall belong to the several Provinces of Ontario, Quebec, etc. "in which the same are situate or arise subject to any trusts existing in respect " thereof or to any interest other than that of the Province " in the same."

As decided in the St. Catharines Milling & Lumber Company vs The Queen, 14 A.C. 46, this section gives to each Province the entire beneficial interest of the Crown in all lands within its boundaries which at the time of the Union were vested in the Crown (subject to such rights as the Dominion can maintain under sections 108 and 117) and further, it has been established by the authorities that the word "royalties" in this section gives to the Province the precious metals.

In Attorney General of British Columbia vs Attorney General of Canada, 14 A. C. 295, it was held that the precious metals in, upon and under public lands are not incidents of the land but belong to the Crown and under section 109 of the B. N. A. Act, 1867, beneficially to the Province, and an intention to transfer them must be expressed or necessarily implied.

See also Wooley vs Attorney General of Victoria
2 Ap. Cas. 163.
Attorney General vs Mercer 8 Ap. Cas. 767.
Esquimalt & Nanaimo R'y Co. vs Bainbridge
(1896) A. C. 561.

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From these cases it follows that the precious metals in all lands in Ontario, whether Indian Reserves, Indian Lands belong to the Province which involves liberty to mine them, and such other incidents thereto as are necessary to be used for the getting of the ore.

The Mines Case 1 Plowd. 336 quoted by Lord Watson in 14 Ap. Cas. 302.
Rowbotham vs Wilson, 8 H. L. C. 360.
Ramsay vs Blair, 1 Ap. Cas. 701.

Where the Indian Reserves were constituted by proper authority prior to Confederation, the interest of the Indians was preserved by the B. N. A. Act, and they would be entitled to the land and the baser metals as incident thereto, but not in any case to the precious metals. The precious metals in, upon and under such lands are not incidents of the lands, but belong to the Crown and under section 109 of the B. N. A. Act, 1867, beneficially to the Province.

(2) In the case of lands merely subject to the burden of the so-called Indian Title such lands upon surrender by the Indians become the property of the province and as held in the St. Catharines Milling Company, case 14 App. Cas. 46 the entire beneficial interest in the lands is transmitted to the province in terms of section 109 of the B. N. A. Act.

Lord Watson says in the St. Catharines Milling Co. case at P. 59- "The fact that the power of legislating for " Indians and for Lands which are reserved for their use has been " entrusted to the Parliament of the Dominion is not in the least " degree inconsistent with the right of the Provinces to a " beneficial interest in these lands available to them as a " source of revenue whenever the estate of the Crown is disen- " cumbered of the Indian Title".

Where Indian Reserves which have been legally set apart for the benefit of the Indians are surrendered to the Dominion Government to be sold for the benefit of the Indians, the Dominion Government can grant the land and the baser

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metals, such as copper, nickel, coal, etc., as incident thereto, but not the Royal mines of gold and silver which remain vested in the Province or the grantee of the Province.

(3) The proceeds of Indian Reserves so surrendered--that is, of Indian Reserves legally constituted so far as they relate to the lands and baser metals go to the Dominion for the Indians, but the proceeds of grants of precious metals with the right to mine them are revenues arising from the prerogative rights of the Crown, and belong to the province beneficially, neither the Dominion or the Indians having any interest therein or claim thereto.

(4) Where Reserves are set apart by the Dominion and not approved or sanctioned by Ontario, the Title to the lands and the baser metals as incident thereto remain vested in the Province, and the Dominion cannot vali dly grant such lands whether surrendered by the Indians to the Dominion Government or not.

In the case of Indian Reserves so set apart by the Dominion without authority and surrendered by the Indians to the Dominion the land with the minerals belongs to the province and can be dealt with by the Province as part of the public lands of the Province. The preciousmetals on all such Reserves, both before and after the approval or sanction of the Provincial Government is given, will remain in the Province.

Neither the Dominion or the Indians have - "Authority or " power to take away from Ontario the interest which had been " assigned to this province by the Imperial Statute of 1867".

The sanction or approval by the Province of any Indian Reserves set apart by the Dominion and not yet sanctioned or approved by the province will not to any extent derogate from the provincial right to the preciousmetals as Royalties under section 109 of the B. N. A. Act. Neither before or after such sanction or approval will a Dominion patent carry the precious

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metals which remain the property of the province until they are aptly served from the Title of the Crown by Ontario.

St. Catharines Milling & Lumber Co. vs Ry. 14 Ap. Cas.46

The Precious metals Case, 14 Ap. Cas. 295.

Esquimale & Nanimo Ry. Co. vs Bainbridge (1896) A. C. 561.

The provincial Government further claims that the Timber now on these Reserves, or at any time thereon, and which may have been sold or taken by the Government of the Dominion, or the Indian Department, was, and is the property of the province, and that the Dominion is liable to the Province for such of it as may have been disposed of in any way, (The Queen vs St. Catharines Milling & Lumber Company).

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Toronto, July 28th, 1897.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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DEPARTMENT OF INDIAN AFFAIRS
AUG 9 1897

Toronto, July 28th, 1897.

Sir,

I have the honor to enclose herewith a memorandum in the nature of a claim by the Province to Minerals, Timber and Lands in connection with Indian Reserves within the Province.

The claim may not be as broad as our rights, and I therefore reserve the right to add to it in case upon further investigation the facts appear to warrant it.

Possibly a friendly conference may be desirable at an early date with a view of ascertaining whether any satisfactory arrangement may be arrived at touching the matters involved.

Might it not be desirable to consider whether, in any arrangement which may be suggested, the claim of the Federal Government against the Province in respect to Indian Annuities should be taken into account with the view of placing the one against the other--that is, if it is found that the claim of the Federal Government is in any sense a valid one ? Perhaps, too, it may be considered whether any claim which the Dominion or the Indian Department may set up to the Islands in Georgian Bay (and it is apprehended that there is no good claim) may be waived to the end that these Islands may be set apart as a Provincial Park.

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There is, too, the claim by the Government of the Dominion in respect of all Indian Lands, heretofore dealt with by the Province, in the northerly part of the Province, and which, it is alleged, have not been surrendered by the Indians--although long in the possession of the Province--which may possibly be taken into account in any arrangement respecting Indian Reserves, Minerals and Timber.

There is, too, the further question of the Reserves taken by the Dominion, with their Timber, etc., etc., in the western part of the Province, without the assent of the Province. It is also claimed that these were improperly taken, and that they were and are excessive.

Where Indian Lands have, in any Province, been surrendered to Canada before Confederation, or to the Dominion of Canada since Confederation, without the condition that the same are to be sold for the benefit of the Indians, it is claimed that these Lands, Mines, Timbers, etc., etc. are the property of the Province.

All of these matters might be taken up and gone into with the view of a final adjustment of all differences between the two Governments in relation thereto.

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I am careful to make the foregoing suggestions as without prejudice in all senses, and it is not, in anything heretofore said, intended to admit the validity, if any, of the claims, or the alleged claims, of your Government in respect to any of the above matters.

I have the honor to be,

Sir,

Your obedient servant,

Frank S Hardy

The Honorable

Clifford Sifton,

Minister of the Interior,

Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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KODAK SAFETY ▲ FILM

I am careful to make the foregoing suggestions as without prejudice in all senses, and it is not, in anything heretofore said, intended to admit the validity, if any, of the claims, or the alleged claims, of your Government in respect to any of the above matters.

I have the honor to be,

Sir,

Your obedient servant,

The Honorable

Clifford Sifton,

Minister of the Interior,

Ottawa, Ont.

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C.

Ottawa, 7th August, 1897.

LAND SECTION
AUG 13 1897

Sir,

I have the honor to acknowledge the receipt of your letter of the 28th ultimo, together with the enclosed memorandum in regard to the claims of the Province respecting minerals, timber and lands in connection with Indian Reserves. The very great pressure of business prevents me from giving the subject the full and careful consideration which it requires for a few days, but I hope to be able to communicate with you in a couple of weeks.

I have the honor to be,

Sir,

Your obedient servant,

Clifford Sifton

Superintendent General
of Indian Affairs.

The Honorable
A. S. Hardy, Toronto, Ont.

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MEMO BY THE ATTORNEY GENERAL
OF ONTARIO
RE PRECIOUS METALS AND OTHER
MINERALS IN, AND TIMBER ON
INDIAN LANDS AND
INDIAN RESERVES.

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Ottawa, 20th August, 1897.

Memo. to the Lands Branch.

I find ~~with~~ reference to Land Branch of 13th instant on the Minister's letter of the 7th instant to the Hon. Mr. Hardy has not yet been acted upon.

In order that the Minister may be able to give the questions raised by the Hon. Mr. Hardy proper consideration it will be necessary that he should be furnished;

1st. With a report as to the nature and extent of the claim of the Dominion in respect of all lands heretofore dealt with by the Province in the Northerly part of the Province, and which it is alleged have not been surrendered by the Indians, and showing on behalf of what Indians the claim is made; also whether the claim is before the Board of Arbitrators, and whether it has been or when it is likely to be adjudicated upon by that Board:

2nd. With a list of the Reserves said to be taken by the Dominion ~~for~~ their timber, etc. in the Western part of the Province without the assent of the Province, showing where situated, for what Indians taken, when taken, area, and whether the Province in any way assented, or under what authority they were set aside:

3rd. Whether any Indian lands were surrendered to Canada before Confederation with ~~the~~ condition that the same are to

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to be sold for the benefit of the Indians, and if so, what lands are referred to. Possibly such surrenders may have been made, or it may be that the Hon. Mr. Hardy refers to lands other than Reserves surrendered by the Indians:

Sultana Id is the only case I know

4th. Whether any Indian Reserves set apart by the Dominion without the sanction of the Province have been surrendered by the Indians to the Dominion. The only case I know of is Sultana Island. There may be others.

5th. In connection with the foregoing it would be well also to furnish a complete list of the Reserves in Ontario, showing where situated, for what Band set aside and under what authority they were set aside. There are Reserves such as those belonging to the Six Nations, the Mohawks of the Bay of Quinte, the Oneidas and possibly others in which the Province I think, could assert no claim whatever.

This information should be furnished with the least possible delay so that the Minister may be able to deal with the question.

A. M. Lean

Secretary.

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Toronto, March 29th, 1898.

My dear Sir:-

I have the honor to refer to your letter to me of the 7th August Last, acknowledging mine of the 28th July preceding, which letter enclosed a memorandum in regard to the claims of the Province of Ontario respecting minerals, precious metals, timber and lands in connection with the Indian Reserves. Except the mere acknowledgment of this letter of the 7th August, no reply that I am aware of has been received to mine of the 28th July, 1898, but my colleague, the Commissioner of Crown Lands, on the 3rd February last, received from the Assistant Secretary, Mr. McNeill, a letter calling his attention to the letters of March 17th and June 12th last in relation to the question of the confirmation of the Indian Reserves set aside under Treaty No. 3 in what was formerly known as the Disputed Territory, and further asking that he would have the goodness to advise your Department what action had been taken in this matter. This would leave us to understand that you were of opinion that your favors of March 17th and

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June 12th of last year had not been considered by this Government. As I have said, except the acknowledgment of my letter of July 28th, I have had no answer from your Department respecting either its substance or the memorandum which accompanied it, although it was understood in my conference with you that I was to present something of my case, and that we might perhaps in return have the benefit of your views in relation to all the disputed Indian questions, and matters relating thereto, still standing between the Dominion and the Provincial Governments.

I have not had the honor of hearing from you in respect of any of these matters. I had hoped that all of these differences respecting Indian affairs might be considered together, and I still trust that is yet possible. Permit me to refer you to my letter of July 28th and to the memorandum which accompanied it.

Amongst other claims made by your Government, one has been preferred against this Province under Treaty No. 3 for annuities and various payments and expenditures to and on account of the Indians of the tract known as " The Disputed Territory ". This claim has been filed with the Board of Arbitrators, and it appears to me to be intimately and, I may say, inseparably connected with the selection and confirmation of the Reserves. What ever may be thought as to other claims made by the Dominion, or as to disputes as to other Indian matters, perhaps it may be

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possible to dispose of these two questions, namely, the confirmation of the Reserves and the precious metals therein and the annuities before specifically referred to by negotiation rather than by arbitration, as it is thought by Counsel, who have been engaged on the case, that there are perhaps some legal and constitutional difficulties in the way of the arbitrators dealing with the annuity question. Counsel suggest, too, other difficulties as standing in the way. Perhaps, when you have a little leisure, we might by negotiation arrive at conclusions in a few days, which probably would take some weeks or months to dispose of finally by the more formal process of law or arbitration. This remark, indeed, might apply to all disputes in relation to Indian matters. In any event perhaps you might be willing to consider the annuities' claim in connection with the confirmation of the Reserve and the mining rights, leaving the others in respect of which there is nothing very pressing for consideration later on. In my humble opinion all of these questions can be dealt with by negotiation more satisfactorily to all concerned, than either by arbitration or through the Courts of law.

I shall be glad to learn your views as early as possible.

And am,

My dear Sir,

Hon. Clifford Sifton,
Minister of the Interior,
Ottawa, Ont.

Respectfully yours,

William J. Hendry

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Extract from a Report of the Committee of the
Privy Council approved by the Governor
General on the 26th May, 1906.

On a Memorandum dated 16th May,1906, from the Superintendent General of Indian Affairs,submitting that the Honourable the Minister of Lands and Mines for Ontario has made a report with reference to dealing with the islands in the Georgian Bay portion of Lake Huron, which has been approved by an Order of the Lieutenant Governor of Ontario in Council,dated 24th April 1906, and which is as follows;-

"The undersigned has the honour to state for the information of His Honour the Lieutenant Governor in Council that during a recent visit of the Deputy Minister of Lands and Mines to Ottawa a conference was held with the Deputy Minister of Indian Affairs as to a modus vivendi,which should enable the two Departments to deal with the islands in the Georgian Bay of Lake Huron, Formerly there was an arrangement under which the Department of Indian Affairs dealt with all islands south of Moose Deer Point and the Department of Crown Lands dealt with all Islands north of Moose Deer Point. This arrangement came to an end through a difference of opinion as to the right to deal with certain islands.Pending a settlement of the question this Department has consented, when asked, to the Department of Indian Affairs disposing of islands south of Moose Deer Point, and

Similarly

The Honourable,
The Superintendent General of Indian Affairs.

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similarly that Department has consented to our dealing with islands north of Moose Deer Point. The object of the interview with the Deputy Minister of Indian Affairs was to arrive at an understanding which would obviate the necessity of the two department corresponding every time it was desired to sell an island.

"An arrangement was come to between the two Deputy Ministers subject to the approval of their Governments,under which the Department of Indian Affairs would be at liberty to sell islands south of Moose Deer Point without consulting this Department, and this Department would be at liberty to sell islands north of Moose Deer Point as far as a line drawn south from the south-easterly angle of the township of Rutherford,near the village of Killarney; that the islands contiguous to the great Manitoulin group,and west of the production of the east limit of the township of Rutherford,extending as far west as the southerly production of the east limit of the township of Thessalon are to remain undisposed of by either Government until the question of title is determined; that the islands west of the southerly production of the easterly boundary of the township of Thessalon be dealt with by this Department."

The Minister recommends- as the terms of the Report of the Minister of Lands and Mines for Ontario above quoted, are satisfactory to him,that the same be approved by the Governor in Council.

The Committee submit the same for approval.

(sgd) Rudolphe Boudreau,
Asst. Clerk of the Privy Council

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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 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 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.

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

Nothing is hereby conceded by either part 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 construed as binding Ontario to confirm the titles heretofore made by the Dominion to portions of Reserve 38B already granted by Ontario as appearing on the proceedings.

Dated the 7th July, 1902.

(Sged) E. L. Newcombe
for Dominion.

(Sged) Edward Blake
for Ontario.

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ONTARIO
DEPARTMENT OF LANDS FORESTS & MINES
BUREAU OF MINES

Toronto, November 26th.1915.

Dear Sir;-

Following up my conversation with you when at the Department a short time ago, I desire to take up with you the subject of minerals in Indian Reserves in this Province. I am frequently asked by prospectors and others, what steps they should take to acquire the right of working mineral deposits in case of discovery on Indian lands. As these lands are under the control and administration of the Department of Indian Affairs, I have not been able to answer such inquiries very satisfactorily. I think there is no doubt that the precious metals in Indian lands belong to the Province, and it is also, I believe, contended that the title of the Government of Canada, or of the Indians themselves, is not one in fee simple, but that the lands might in certain eventualities revert to the Province. I would be glad if some way could be found by which the minerals, both base and precious, found in Indian lands, could be made use of, and thus remove what is doubtless in some degree a bar to the development of the mineral wealth of the Province. Can you favor me with any suggestions ?

Yours very truly,

T. W. Gibson

Deputy Minister.

D.C.Scott, Esq.,
Superintendent of Indian Affairs,
Ottawa, Ontario.

TWG/HWB.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

111834-2

DEPARTMENT OF INDIAN AFFAIRS
DEC 15 1915

File returned

ONTARIO
DEPARTMENT OF LANDS FORESTS & MINES
BUREAU OF MINES

47668

Toronto,

December 11th.1915.

Dear Sir;-

Following up my recent communication on the subject of mineral deposits on Indian Reserves, I beg to say that the following appears to me as a workable method of dealing with this question;-

1- Let the ownership of all minerals, precious, base and other, be vested in the Crown as representing the Province of Ontario.

2- This would bring the deposits under the operation of the Ontario Mining Act, and claims for mining rights could be staked out by the holder of an Ontario Miner's License.

3- The holder of such a claim would be required to arrange with your Department for use of the surface rights necessary for working the deposit, and for the ingress and egress to the same.

4- A speedy method of adjudicating between a mining applicant and the owner of the surface, in the case of private owners, is provided by the Mining Act, which authorizes the Mining Commissioner to ascertain the amount to be paid as compensation; see section 104 of the Act, a copy of which I am sending to you by book post. You might consider whether the Mining Commissioner should not be given jurisdiction with regard to Indian lands.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

5- Purchase moneys or rentals received by this Government, and all income derived as profit tax under the Mining Tax Act (R.S.O.1914 Chapter 26, section 5,) shall be equally divided between the Government of Ontario and the Government of Canada.

6- Regulations should be made under which the holder of mining rights on Indian lands should be able to procure whatever timber is necessary, if found on the land or in the neighborhood.

Concurrent legislation by the Parliament of Canada and the Legislative Assembly of Ontario will be necessary to carry out any such arrangements, and in view of the approaching session of both Houses I shall be glad if you can give the matter your early consideration.

Yours very truly,

Deputy Minister.

D.C.Scott, Esq.
Supt. of Indian Affairs,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

PUBLIC ARCHIVES
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CANADA

Department of Indian Affairs

File No. 111,834/2.

Canada

Lands and Timber Branch

Ottawa, April 12, 1916.

Memo.

The Deputy Minister,-

In regard to letter from Mr. Gibson of the 11th December last, submitting propositions as to disposition of minerals, precious and base, on Indian reserves in Ontario, I should like to submit for your consideration the following suggestions:-

1. It must be understood that the baser metals on all reserves in the Province of Ontario duly constituted are part and parcel of the reserve, and no relinquishment thereof by this Department could be made without a surrender from the Band in accordance with the provisions of the Indian Act.

2. There would be a strong objection to prospectors being authorized to go on Indian reserves under the Ontario Mining Act, as this Department would not be in a position to properly safeguard the interests of the Indians as to undesirable persons entering upon reserves.

3 & 4. The granting of surface rights would appear to be a matter that should be entirely under the control of this Department, so as to properly safeguard the interests of the Indians. The proposition to have the question of compensation for surface rights determined by the Mining Commissioners under section 140 of the Ontario Mining Act would not appear to be a satisfactory one.

5.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

PUBLIC ARCHIVES
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5. The proposition as to division of moneys received for the precious metals would appear to be fair, but it is considered that the collection of the money derivable from the disposition of precious metals should be under the control of this Department. I might point out in this connection that if the precious metals were placed under the control of this Department, they would necessarily form a part of the reserve, and under the provisions of the Act a surrender thereof from the Indians would be necessary.

6. The disposition of timber in connection with the granting of mining rights should be under the control of this Department, so as to safeguard as far as possible the future wants of the Indians in regard to timber.

I might point out that under the Ontario Mining Act, mineral claims are disposed of at from $2.50 to $3.00 an acre, while under the Mining Regulations of the Department, a copy of which is herewith, mining lands in the Garden River, Batchewana and Goulais Bay tracts are sold at $4.00 per acre, and mining lands in the rest of the Province at $10 per acre.

W. M. Orr

Officer in Charge.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

PUBLIC ARCHIVES
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CANADA

April 18, 1916.

111,834-2

Dear Sir,-

I have had under consideration your letter of December 11th, making some suggestions for a method of dealing with the minerals on Indian reserves; I do not think it would be possible for us to vest the ownership of the minerals in the Crown in the right of Ontario, that might result in a uniform administrative method, but, as we are the legal trustees of Indian lands and property, I do not think we could divest ourselves of any portion of that trust. If it is advisable to have uniform administration of all mineral interests in the province of Ontario, would it not be possible to vest the minerals, so far as Indian reserves are concerned, in the Dominion and let us deal with all applications and the surface rights in connection with them? The following are some of the difficulties which arise: the base metals are the property of the Indians and could not be disposed of without a surrender, in accordance with the provisions of the Indian Act; as there are a good many divisions in Indian

T. W. Gibson, Esq.,
Deputy Minister, Lands, Forests & Mines,
Toronto, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

administration, I am afraid that friction would result if your Department were allowed to manage one branch of the administration and the Dominion to manage the others: this might result in the clashing of interests and difficulties with the Indians themselves. Our mining regulations, which have the force of law, exact a higher rate per acre than do yours; if our regulations could be made to agree in essential particulars with the Provincial regulations, it would seem that better results would follow by control being transferred to the Dominion. In the event of our not being able to arrange for a single administration, it seems to me that we could readily cooperate in such a way as to develop the mineral deposits in the interest of the public and of the Indians.

I would be glad if you could give this subject a little further consideration and communicate with me again.

Yours very truly,

Duncan C. Scott.

Deputy Superintendent General.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

111834-2

CANADIAN BANK OF COMMERCE CHAMBERS
CORNER DUNDAS AND RICHMOND STS.

A. C[illegible]CHISHOLM, K.C.
[illegible]er, Solicitor, &c.

London, Canada, January 16th. 1922.

DEPT. OF INDIAN AFFAIRS
JAN 17 1922
RECORDS

564792

Duncan C. Scott, Esq.,
Deputy Superintendent General Indian Affairs,
Ottawa, Ont.

Dear Sir:-

Some time ago I received from Mr. Henry Jackson, President of the Grand General Indian Council of Ontario, copies of certain resolutions passed by the Council, at its meeting at Parry Island on November 17th. 18th. last, with instructions on behalf of the Council to take these resolutions up with the authorities concerned and see what could be done to forward the views expressed by the Council. Pressure of other matters prevented me at the time doing anything in this connection, and I have been since asked what I have done and have written today, stating I am now dealing with the case. One resolution (No.4) is as follows,-

> Moved by Wesley Jacobs, Seconded by Fred Benson- That we accept the suggestion of the President in reference to the judgment of the Privy Council regarding Indian lands. That in view of the judgment of the Privy Council on Indian lands and Interests held in trust by the Government, we wish to draw the attention of the Department of Indian Affairs to the fact that the Grand Indian Council is desirous of working in closer conjunction with the Department of Indian Affairs on behalf of the Indians affected during the course of adjustment between the Federal and Provincial Governments. That in the opinion of the Grand Indian Council the only way to get at the facts is to have a thorough investigation made as to the origin of every Indian reserve in the Province; also the title of the occupants thereto. CARRIED.

The importance of the judgment referred to as it affects the Indian estate in the hands of the Dominion Government need not be discussed, or the apparently precarious effect this may have on property recognized for many years, as indubitably the exclusive possession of the Indian race in the two Provinces of Ontario and Quebec. I have not considered the effect of the judgment so far as the other Provinces are concerned, but there is no doubt unfortunately, of what it means in Ontario and Quebec.

Under these circumstances the request of the Indians of the Grand Council, which I construe as one that something should

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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by your Department to safeguard or protect their interests and without delay, would seem an eminently fair and proper one for them to make and for your Department to assent to. The preliminary step suggested by the resolution also seems to me to be very necessary. The situation created may well be intensified by any delay in seeking some solution. I note that the Indians express the desire of" working in closer conjunction with the Department of Indian Affairs on behalf of the Indians affected during the course of adjustment between the Federal and Provincial Governments".

As this adjustment would seem inevitable and there would seem nothing to be gained by delay, I would therefore on behalf of my clients invite your Department to frankly state to them the position of the Department under the circumstances and the proposals the Department has to make for dealing with the very serious problems arising under the judgment referred to. I need only refer to the position of matters, I am sure, to have your assent to the right of the Indians, under these circumstances, to make these requests.

Faithfully yours,

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

111834-2

26th January, 1923.

Dear Sir,-

The Department has received a letter from Mr. A. G. Chisholm of London, Ontario, with regard to resolutions of the Grand General Indian Council of Ontario, in connection with the decision of the Privy Council respecting Indian Lands.

This matter is now before the Department of Justice, and, therefore, is not being dealt with by the Department of Indian Affairs. The Department, however, is at all times disposed to regard with sympathetic interest and reasonable consideration any representations that may be made by the Indians. It is considered, moreover, that a better understanding might be reached by direct discussion, or correspondence between us, rather than through any intermediary. I think that upon reflection, it will be apparent to the Council that there is no need to incur the expense of employing a solicitor when the best legal advice obtainable is provided by the Crown for the protection of the Indians' interests.

J. Mac

Del

Yours very truly,

Deputy Superintendent General
of Indian Affairs.

Henry Jackson, Esq.,
President,
Grand General Indian Council of Ontario,
c/o Alex. Logan, Esq.,
Indian Agent,
PARRY SOUND, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

111834-2

26th January, 1922.

Dear Sir,-

I have your letter of the 16th instant with reference to resolutions of the Grand General Indian Council of Ontario, with regard to the decision of the Privy Council respecting Indian lands.

This matter is now in the hands of the Department of Justice, and is not being dealt with by this Department, nor is it apparent why the Indians should desire to draw attention to the question at this stage. In any event, it is the purpose of the Department to discuss the subject with the Indians direct.

It is as you are aware the policy of the Department to adopt a reasonable and sympathetic attitude towards representations made by the Indians. It is not considered necessary, however, that there should be any intermediary in discussion between the Government and its wards, or that the latter should incur the expense of legal advice, which is already provided for them by the Crown.

Yours very truly,

Deputy Superintendent General
of Indian Affairs.

A. G. Chisholm, Esq., K.C.,
Canadian Bank of Commerce Chambers,
LONDON, Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

111834-2

CANADIAN BANK OF COMMERCE CHAMBERS
CORNER DUNDAS AND RICHMOND STS.

J. CHISHOLM, K.C.
Barrister, Solicitor, &c.

London, Canada, January 28th. 1922.

565317

DEPT. OF INDIAN AFFAIRS
JAN 30 1922
RECORDS

Duncan C. Scott, Esq.,
Deputy Superintendent General Indian Affairs,
Ottawa, Ont.

file

Dear Mr. Scott:

Referring to your letter of the 26th. instant (III834-2) and the resolution of the Grand General Indian Council of Ontario with respect to the late decision of the Privy Council on the subject of Indian lands, I note your statement the matter is now in the hands of the Department of Justice and is not being dealt with by the Indian Department, though in any event it is the purpose of your Department to discuss the subject with the Indians direct and you deprecate the idea of any intermediary in such discussion between the Government and its wards, or that the latter should incur the expense of legal advice already provided for them by the Crown.

I hope you will acquit me of being merely controversial, if I point out that under the decision in question, should the same not be the subject of further interpretation, there is a good deal of ground for the suggestion the Crown in right of the Dominion is liable to account to the Provinces for a sum which might shock one's imagination and which unless Parliament assumed the burden, would probably in the event of demand have to come from the Indian estate. A suggestion the Indians should not have independent advice under such circumstances, appears to me quite unjustifiable and to carry its own refutation. I should think the Justice Department would quite concur in this opinion however domestic the relations between your Department and the Indians.

Might I just add, that perhaps no one outside of either your own or the Justice Department realizes more fully than myself the problems arising under this judgment, and that in any advice I may be further asked for by the Grand Council, their seriousness, as well as the sympathetic attitude of your Department towards representations made by the Indians in this connection, will be fully recognized.

Believe me,
very sincerely yours,

J. Chisholm

Indian Affairs. (RG 10, Volume 2547, File 111,834-2)

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CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547)

File			
-	111,834-2	CLAIM OF THE PROVINCE OF ONTARIO TO MINERALS ON THE INDIAN RESERVES.	1897-1922
	111,834-3 1	AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND ONTARIO REGARDING INDIAN RESERVE LANDS. RESOLUTION OF THE UNION COUNCIL OF ONTARIO INDIAN RELATIVE TO HUNTING, FISHING AND TRAPPING IN THE PROVINCE OF ONTARIO.	1924-1932
	111,834-3 2	AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND ONTARIO RELATIVE TO THE SALE OR LEASE OF MINING CLAIMS ON INDIAN RESERVES IN ONTARIO.	1934-1939

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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3

No. 111834

Department of Indian Affairs

19

Dispute
Dominion vs Ontario

Agreement &c. (Col. Biggar)

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Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

CHIEF ELECTORAL OFFICER
CANADA

Ottawa, March 16th, 1923.

582151

The Deputy Supt. General,
Department of Indian Affairs,
Ottawa, Ont.

Dear Sir:-

Indian Reserves in Ontario.

As I told you a few days ago, the officers of the Department of Lands and Forests in Ontario raised during my last interview with them on the subject of the Chippewas and Mississaugas the general question of the legal position of the governments of Canada and the Province of Ontario respectively in relation to Indian reserves, and suggested the possibility of an agreement being reached and confirmed by concurrent legislation.

In case you may think it advisable to follow up this suggestion, I enclose a draft of an agreement adapted for confirmation by legislation, and applying to all the Indian reserves in the Province of Ontario. There are in the draft only two points that require special mention, viz: the general rule to be applied to the lands exclusive of the precious metals, and the rule to be applied to the precious metals alone.

The enclosed draft follows on the first point the draft clause which has already been under discussion in connection with the proposed agreement touching the territory of the Chippewas and Mississaugas between Lake Simcoe and the Ottawa River alleged still to be unsurrendered.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

On the second point the draft proposes to confirm everything that has been done in connection with the disposition of the precious metals in reserves, whether the action taken has been that of the Dominion or of the Province, and for the future it proposes that the Province and the Indians should be jointly and equally interested in the precious metals, though their disposition is to be under the control of the Dominion. This latter point must, I think, necessarily be raised in view of its having been dealt with in the agreement made between counsel in 1902, and the method of disposing of it followed in the draft will perhaps be acceptable and will avoid elaborate examinations of the facts relating to each separate reserve, assuming (as it seems to be assumed in the agreement of counsel) that these circumstances are material.

If the clause proposed for the Chippewa and Mississauga agreement is accepted by the Government of the Province there should be no great difficulty in securing the acceptance of the general agreement, and there is therefore at least a possibility of obtaining statutory confirmation of it at the present session at least of Parliament. Even if action by the provincial Legislature cannot be secured at its present session, to have had action taken at Ottawa might render subsequent confirmation by the Province more certain.

Yours truly,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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MEMORANDUM OF AGREEMENT made this day of 1923.

B E T W E E N

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

of the first part.

A N D

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 second part.

WHEREAS from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructuary rights to territories in the Province of Ontario, such considerations including the setting apart for the exclusive use of the Indians of certain defined areas of land known as Indian Reserves;

AND WHEREAS, except as to such Reserves, the said territories were by the said treaties freed, for the benefit of the Province of Ontario, of the burden of the Indian rights, and became subject to be administered by the Government of the said Province for the sole benefit thereof;

AND WHEREAS it has been declared to be the law that the effect of a surrender of the whole or any portion of a Reserve by the band of Indians to whom the same had been allotted, was equally to free the Reserve, or the portion thereof described in the surrender, from the burden of the Indian right and to entitle the Government of the Province in which such Reserve was to administer the same for the sole benefit of the said Province, possibly even if the surrender was made in order that the land might be sold for the benefit of the Indians and their descendants.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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AND WHEREAS on the 7th day of July, 1902, before the said declaration of the law, it had been agreed between counsel for the Governments of the Dominion of Canada and the Province of Ontario respectively that, as a matter of policy and convenience, and without thereby affecting the constitutional or legal rights of either of the said Governments, the Government of the Dominion of Canada should have full power and authority to sell, lease, and convey title in fee simple or for any less estate to any lands forming part of any Reserve thereafter surrendered by the Indians, and that any such sales, leases or other conveyances as had theretofore been made by the said Government should be confirmed by the Province of Ontario, the Dominion of Canada, however, holding the proceeds of any lands so sold, leased or conveyed subject, upon the extinction of the Indian interest therein and so far as such proceeds had been converted into money, to such rights of the Province of Ontario as might exist by law;

AND WHEREAS by the said agreement it was further provided that, as to the Reserves set aside for the Indians under a certain treaty made in 1873 and recited in the Schedule to the Dominion Statute, 54-55 Victoria, chapter 5, and the statute of the Province of Ontario, 54 Victoria, chapter 3, the precious metals should be considered to form part thereof and might be disposed of by the Dominion of Canada in the same way and subject to the same conditions as the land in which they existed, the question whether the precious metals in the lands included in Reserves set aside under other treaties were to be considered as forming part thereof or not being expressly left for decision in accordance with the circumstances and the law governing each;

NOW THIS AGREEMENT WITNESSETH that the parties hereto have mutually agreed, subject to the approval of the Parliament

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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of Canada and the Legislature of the Province of Ontario, as follows:-

1. All Indian Reserves in the Province of Ontario shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may be or may have been 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, or otherwise under the direction of the Government 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.

2. The precious metals found in the lands set apart as Reserves pursuant to the above recited treaty made in 1873, shall be deemed to form part of, and shall be subject to the provisions of this agreement in the same way in all respects as, the said lands.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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3. Any precious metals found in the lands forming part of any Reserves set aside under any other treaty than that of 1873 above mentioned and not heretofore disposed of either under letters patent under the Great Seal of Canada, or otherwise under the direction of the Government of Canada, or under the Great Seal of the Province of Ontario, or otherwise under the direction of the Government of the said Province, may be sold or otherwise disposed of in the same way in all respects and subject to the same conditions as the lands in which they are found, but only one-half of the proceeds of the sale or other disposition of the said precious metals shall be administered by the Government of the Dominion of Canada for the benefit of the Indians, and the other half of such proceeds shall, forthwith upon its receipt, be paid to the Province of Ontario.

4. If any sale or other disposition has heretofore been made under the Great Seal of the Province of Ontario, or otherwise under the direction of the Government of the said Province, of any of the precious metals in the lands in the last preceding paragraph defined, the proceeds of such sale or other disposition shall remain exclusively under the control and at the disposition of the Government of the Province of Ontario, and if any sale or other disposition of any such precious metals has heretofore been made under the Great Seal of Canada or otherwise under the direction of the Government of Canada, the proceeds thereof shall continue to be administered, and shall be dealt with in all respects, in the same way as the proceeds of the sale or other disposition of lands.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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5. Nothing herein contained shall affect the interpretation which would, apart from this agreement, be put upon the words of any letters patent heretofore or hereafter issued under the Great Seal of Canada or the Great Seal of the Province of Ontario, or of any lease or other conveyance, or of any contract heretofore or hereafter made under the direction of the Government of Canada or of the Province of Ontario.

IN WITNESS WHEREOF these presents have been signed by the parties thereto the day and year first above written.

Signed on behalf of the Government of Canada by the Honourable Charles Stewart, Superintendent General of Indian Affairs, in the presence of

_____

Signed on behalf of the Government of the Province of Ontario by the Honourable Beniah Bowman, Minister of Lands and Forests for the said Province, in the presence of

_____

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Pleas letter

March 20th, 1923.

Dear Colonel Biggar,-

I beg to acknowledge your letter of the 16th instant, re Indian Reserves in Ontario, and inclosing a draft memorandum of agreement between the Government of the Dominion and the Government of the Province of Ontario, for the adjustment of the interests of the Dominion and the Province, of the Indian Reserves, generally, in the Province of Ontario.

In reply, I beg to say that I have perused this draft agreement, and that it seems to be a reasonable and satisfactory agreement.

Yours very truly,

asw

Deputy Superintendent General.

Colonel O.M. Biggar,
239 Wellington St.,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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DEPT. OF INDIAN AFFAIRS
MAR 23 1923
RECORDS

CEF ELECTORAL OFFICER
CANADA

File

Ottawa, March 22nd, 1923.

Dear Mr. Scott,-

I beg to acknowledge your letter of the 20th instant re Indian Reserves in Ontario. I raised the question with the Deputy Minister of Justice, who approved of my carrying on and seeing if an agreement could be made. I shall take the matter up further without delay.

Yours very truly,

Duncan C. Scott, Esq.,
Deputy Superintendent General,
Department of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

DEPT. OF INDIAN AFFAIRS
APR 9 1923
RECORDS

File

4th April, 1923.

Dear Mr. Newcombe,

I have before me your file No.626 containing correspondence between T.E.Simpson, Esq., M.P., and yourself with reference to the confirmation of grants made by the Dominion Government of Indian lands in Ontario surrendered for sale, and note your reference to your letter of the 30th ultimo to Mr. Simpson in which you pointed out that what the grantee would require in order to perfect his title would be a confirmatory grant from Ontario, and suggested that this Department might be disposed to make some representations to the Ontario Government.

In reply I beg to say that this, in conjunction with other matters affecting the title of reserves, is now being taken up with the Ontario Government.

I am returning your file herewith.

enc.

Yours truly,

Duncan C. Scott

Deputy Superintendent General.

E.L.Newcombe, Esq., K.C., C.M.G., LL.D.,
Deputy Minister of Justice,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

CHIEF ELECTORAL OFFICER
CANADA

Ottawa, March 11th, 1924.

My dear Scott,-

I enclose in duplicate the final draft of the agreement covering the Indian reserve lands in Ontario as settled. I have attached to each a copy of the memorandum indicating briefly its purpose and effect which I prepared for the information of the Government of Ontario. I have today been advised that the agreement has been approved by the Ontario Government and will be signed and sent forward for signature by the Minister of the Interior.

There is, in my opinion, every reason for the adoption of the agreement by the Dominion Government and no reason against its adoption. An Order in Council in the terms of the enclosed draft might therefore be adopted at once, and as soon as the agreement has been signed by the Ministers of both Governments, a bill to confirm it (of which a draft is also enclosed) might be at once introduced.

Yours sincerely,

Duncan C. Scott, Esq.,
Deputy Superintendent General,
Department of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

Ottawa, March 11th, 1924.

To-

HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL.

The undersigned has the honour to report that the ultimate ownership of lands set apart as Indian Reserves in the Provinces of Ontario and Quebec has been the subject of discussion in several appeals to the Judicial Committee of the Privy Council, in the last of which (Attorney-General for Quebec vs. Attorney General for Canada, (1921) A.C.401), it was held that the title to lands forming part of Indian Reserves in the Province of Quebec was in the Province, and that even when the Indians' usufructuary interest disappeared by their surrender of a portion of the Reserve to the Crown in trust for sale, the Dominion could not give title to a purchaser.

Whether or not the legal position as to Indian Reserve lands is the same in the Province of Ontario as in the Province of Quebec, it is practically different by reason of an agreement dated 7th July, 1902, made between counsel for the Dominion and the Province respectively in the appeal then pending before the Judicial Committee of the Privy Council in the case of Ontario Mining Company, Limited, vs. Seybold (finally reported in 1903 A.C.73). By this agreement (which has been acted upon although it has never received legislative sanction) conveyances by the Dominion to purchasers of Indian Reserve lands in Ontario theretofore surrendered by the Indians were confirmed, and it was agreed that for the future the Dominion should have full power and authority to sell or lease and convey title in fee simple or for any less estate to any Indian Reserve lands in that Province. The right to dispose of the precious metals in such lands was, however, expressly left undetermined by the agreement, and the recent development of gold and silver mining in the Province has given to this point a new importance. The freedom of the Dominion to dispose of the precious metals for the benefit of the Indians would be advantageous to it and to them, and it would likewise be advantageous to the Province of Ontario that such metals should be disposed of and worked in order that the provincial revenue might thus be increased. No disposition of them, however, has been possible since the Indians will not surrender unless they are to derive benefit from so doing.

Negotiations to remove the difficulties described were accordingly entered upon with the Province of Ontario, and the attached draft agreement has been concluded, which the undersigned has the honour to recommend that he be authorized to sign on behalf of the Dominion of Canada.

Respectfully submitted.

Superintendent-General of Indian Affairs.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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MEMORANDUM. Ottawa, October 5th, 1923.

Re PROPOSED AGREEMENT AS TO INDIAN RESERVES IN ONTARIO.

1. The main purpose of the attached draft agreement is to confirm by concurrent statutes of Canada and of Ontario a working arrangement as to the disposition of Indian reserve lands made on the 7th of July, 1902, between counsel for the Dominion and the Province respectively just before the argument in the case of Ontario Mining Company, Limited, vs. Seybold, the judgment ultimately given in which is reported in 1903 Appeal Cases at page 73. A copy of counsel's agreement, as this appears in print in a pamphlet relating to Treaty No. 9 (the James Bay Treaty), published by the Government Printing Bureau in 1907, a copy of which is on the provincial files, is attached hereto. This agreement has been acted upon ever since it was entered into, but no statutory provision dealing with the title to the lands has ever been made.

2. Counsel's agreement expressly left undecided the question of the precious metals. The present draft proposes a settlement of this point by providing for an equal division of the proceeds not only of sales of precious metals, but of all minerals, and, when a disposition is made of surface including minerals for a consideration affected by the existence or supposed existence of mineral, extends the provision to the whole consideration.

3. The attached draft agreement therefore, after sufficient recitals, proceeds:-

(1) By paragraph 1, to confirm and define the the right of the Dominion to dispose of Indian reserve lands generally.

(2) By paragraphs 2 to 6, to permit the dis-

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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position also by the Dominion of the minerals including precious metals in Indian reserve lands, subject, however, to the assimilation of the right and mode of staking mineral claims on reserves to that applicable to other lands in the Province, and to the division equally between the Province and the Indians of the proceeds of the disposition by the Dominion of any minerals whether precious metals or not.

(3) By paragraph 7, to exclude from this latter arrangement the reserves set apart under the Northwest Angle Treaty made in 1873 which expressly provides that the Indians shall have the benefit of all minerals, including the precious metals, and also to exclude such lands as have been granted for the use of Indians by provincial letters patent, which, under the law of Ontario, carry the precious metals as well as other minerals.

(4) By paragraph 8, to confirm what has heretofore been done under the agreement of counsel, and to confirm Ontario in any profits she may heretofore have made out of the disposition of Indian reserve lands, and

(5) By paragraph 9 to prevent the statutory confirmation of the agreement from affecting the interpretation which would, apart from it, be placed upon grants heretofore or hereafter made.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Department of Indian Affairs.

Ottawa, March 25th, 1924.

To His Excellency the Governor General
in Council.

The undersigned has the honour to report that the agreement set out in Schedule A hereto has been settled with the Government of the Province of Ontario for the purpose of adjusting questions which have been the subject of discussion between the Dominion of Canada and the Province almost ever since Confederation; it is to take effect upon its being confirmed by concurrent legislation and will, when so confirmed, be to the advantage of both parties.

The undersigned has consequently the honour to recommend that the agreement be approved and that he be authorized to sign it on behalf of the Dominion of Canada.

Superintendent-General
of Indian Affairs.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Poor Copy.

March 26th, 1924.

Dear Mr. Lemaire,

It is rather important that the attached Memorandum should be passed at this morningés meeting of Council. The Hon. Mr. Stewart has a memorandum with reference to it. I should take it as a favour if you would lay it before Council this morning.

Yours very truly,

Deputy Superintendent General.

E. J. Lemaire, Esq.,
Clerk of the Privy Council,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Poor Copy.

March 26th. 1924.

Dear Mr. Lemaire,

I have pleasure in sending you herewith a copy of Schedule "A" to be attached to Memorandum to Council of the 25th. instant.

Yours very truly,

Deputy Superintendent General.

E. J. Lemaire, Esq.,
Clerk of the Privy Council,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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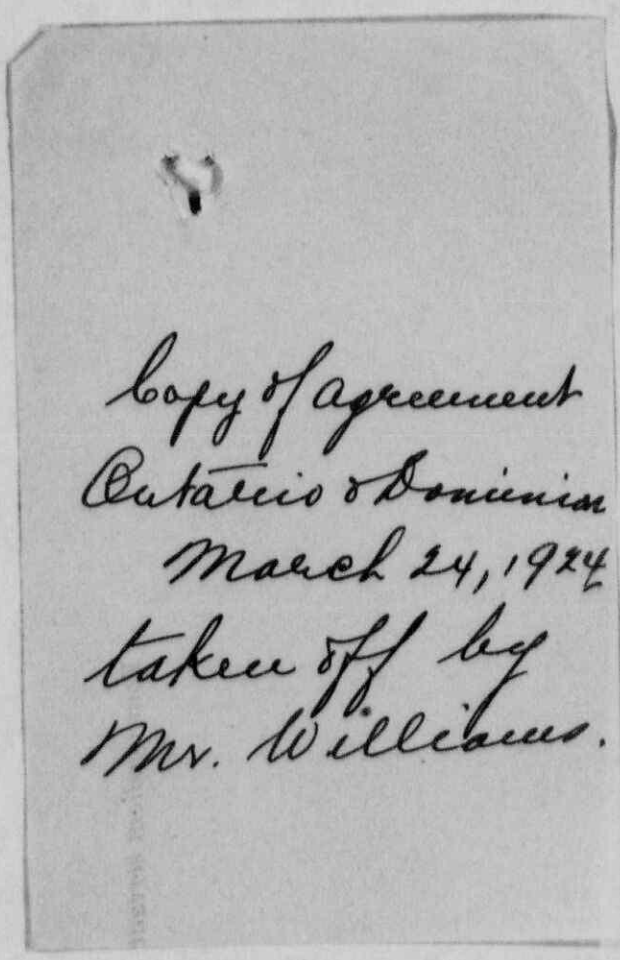

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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P. C. 501

Certified copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 26TH MARCH 1924

PRIVY COUNCIL CANADA

DEPT. OF INDIAN AFFAIRS
MAR 29 1924
RECORDS

The Committee of the Privy Council have had before them a report, dated 25th March, 1924, from the Superintendent General of Indian Affairs, stating that the agreement set out in Schedule A hereto has been settled with the Government of the Province of Ontario for the purpose of adjusting questions which have been the subject of discussion between the Dominion of Canada and the Province almost ever since Confederation; it is to take effect upon its being confirmed by concurrent legislation and will, when so confirmed, be to the advantage of both parties.

The Minister, therefore, recommends that the agreement be approved and that he be authorized to sign it on behalf of the Dominion of Canada.

The Committee concur in the foregoing recommendation and submit the same for approval.

E. J. Lemieux
Clerk of the Privy Council.

The Honourable
The Superintendent General of Indian Affairs.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Explanatory Statement.

The purpose of the Bill is to confirm an agreement between the Dominion of Canada and the Province of Ontario defining the respective rights of each touching the disposition of lands in Indian reserves in the Province which are surrendered by the Indians in order that they may be disposed of for the benefit of the band. The respective rights of the Province and the Dominion have been in dispute in more than one case which has reached the Privy Council, and, as appears in the agreement scheduled to the Bill, a partial settlement of the points in dispute was made in 1902 by an agreement between counsel engaged in one of these appeals on behalf of the Dominion and the Province respectively. Certain other points were, however, left unsettled by that agreement and it was never confirmed by statute. It is now proposed to give it legislative sanction and to settle those points with which it did not finally deal.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

ELECTORAL OFFICER
CANADA

Ottawa, April 3rd, 1924.

Dear Williams,-

Re Indian Reserves in Ontario.

I enclose a draft of a short explanatory statement covering the Indian reserves Bill. It seems hardly necessary to go into greater detail as to the history of the dispute or to give an abstract of the agreement.

Yours sincerely,

A. S. Williams, Esq.,
Department of Indian Affairs,
Booth Building,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

4th April, 1924.

Dear Sir,

I beg to enclose herein a copy of a Bill dealing with Indian Reserve lands in Ontario together with an explanatory statement.

I would be glad to have you take the necessary steps for the introduction of this Bill. The Superintendent General will advise you as to the date on which he desires to have the Bill introduced.

enc.

asw.

DC1

Yours truly,

Duncan C. Scott

Deputy Superintendent General.

A.G.Troop, Esq.,
Law Branch,
House of Commons,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CHIEF ELECTORAL OFFICER
CANADA

Ottawa, April 5th, 1924.

Duncan C. Scott, Esq.,
Deputy Superintendent General,
Department of Indian Affairs,
Ottawa, Ont.

Dear Mr. Scott,-

Re Indian Reserves in Ontario.

I enclose two copies of the printed Bill as it was introduced into the Ontario Legislature.

I am not sure whether in the original agreement there is not a comma between the words "purchase" and "money" in paragraph 6. It should not appear, and does not appear in the Ontario Bill as printed.

Yours very truly,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Poor C.P.

J[illegible]AN, K.C., LITT.D.
AW CLERK

HOUSE OF COMMONS
CANADA
LAW BRANCH

A. G. TROOP, B.A., LL.B.
LAW CLERK

5th A pril, 1924.

Dear Sir,

Encl.

I herewith send you two copies of the Bill respecting Indian Reserve Lands, for your examination and approval.

When I receive your instructions or the instructions of the Minister I will put the notice of introduction of this Bill on the Order Paper, and will place a copy in the hands of Mr. Beauchesne, the Clerk Assistant of the House, for introduction by the Minister at such time as he is ready to proceed.

Yours sincerely,

A. G. Troop

Law Clerk.

Duncan C. Scott, Esq.,
Deputy Superintendent General
Department of Indian Affairs,
O T T A W A.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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#111834-3

7th April, 1924.

Dear Sir,

I beg to acknowledge the receipt of your letter of the 5th instant, enclosing two copies of the printed Bill respecting Indian Reserve Lands.

In reply I beg to point out an error in the typewritten copy of the Schedule of the Bill which I sent to you. In this copy there was a comma between the words "purchase" and "money" in the third line of Paragraph 6 of the Agreement. This comma should be deleted. Again on the cover of this Bill the words "The Minister of the Interior" appear. There should be substituted for these words the words "The Superintendent General of Indian Affairs."

In other respects everything appears to be satisfactory.

I would be glad to have you give notice at once of the introduction of this Bill on the Order Paper as set forth in your letter. I am advising the Superintendent General that you have been asked to give this notice.

asw

Yours truly,

Deputy Superintendent General.

A.G.Troop, Esq.,
Law Clerk,
House of Commons,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

8th April, 1924.

Memorandum:

Hon. Charles Stewart,

I beg to enclose herein a copy of the Bill for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands, together with a copy of the same Bill which is being introduced in the Provincial Legislature and memoranda by Mr. O.M.Biggar, who has had charge of the negotiations between the two Governments, showing the purpose and scope of the proposed legislation.

I have asked Mr. Troop, Law Clerk, House of Commons, to give notice at once of the introduction of this Bill on the Order Paper.

Deputy Superintendent General.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Ottawa, May 7th, 1921.

Dear Mr. Scott,

242/21.

I beg to acknowledge the receipt of your letter of the 2nd of February last submitting the following questions for advice:-

1. Does this judgment affect only lands in the Province of Quebec set aside under the provisions of 13-14 Vict. 1850, c.42, and 14-15 Vict. 1851, c.106, of the Statutes passed by the Legislature of the Province of Canada, or does it affect as well lands on other reserves within the said Province or any other Province?

2. Has this Department authority to sell timber or minerals on any reserves affected by this judgment after surrender thereof by the Indians?

3. Can Indians be enfranchised and receive patents for their lands as provided by the Indian Act in respect of reserves affected by this judgment?

4. Has the Superintendent General authority to lease on such reserves lands which the Indians may surrender for that purpose?

In reply I beg to state that the decision in the Star Chrome case is of general application affecting the powers which have been heretofore commonly exercised by the Dominion in relation to all Indian reserves in which the province retains a beneficial interest and that consequently it would be unjust to the Indians in such cases to accept surrenders from them because it would seem to follow from the decisions of the Judicial Committee that the surrender of the Indian title, even when in trust for sale, operates to free the surrendered lands from the burthen of the Indian title for the benefit of the Province, without apparently affording the Indians any right of compensation.

As regards the third inquiry, I may observe that it is only a logical application of the principles enunciated

Duncan C.Scott, Esq.,
Deputy Superintendent General
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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to hold that an Indian cannot upon enfranchisement receive a grant of any greater interest than the band in common had in that particular part of the reserve which is located to the enfranchised Indian. It would be inadvisable to issue any grant or title which would free the land from its character of Indian reserve and probably an exclusive location is all that could safely be permitted.

As regards sales of timber and minerals I would still contend that these are matters of administration within the exclusive authority of the Dominion and that the Province has no right to question these sales. Leases also I think might be negotiated so long as the Indian title is not surrendered but I would hesitate to advise that the Indians may for any purpose safely surrender. As to timber lands, section 73 of the Indian Act, and on, provides that the Superintendent General or any officer or agent authorized by him to that effect may grant licenses to cut trees on granted Indian lands apparently without any necessity for a surrender from the Indians; but as regards minerals it appears by sections 48 and 51 that a surrender is required before minerals can be alienated and I would suggest that the Act be amended so as to provide for working the minerals without any surrender.

With respect to Ontario reserves my agreement with Mr. Blake would presumably continue to govern and by that the contention of the Dominion which has now been overruled was to a large extent conceded.

Yours truly,

E.L.Newcombe,

Deputy Minister of Justice.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Yours truly,

E.L.Newcombe,

Deputy Minister of Justice.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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59.

Third Session, Fourteenth Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA

BILL 59.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

First reading, April 14, 1924.

The SUPERINTENDENT GENERAL OF INDIAN AFFAIRS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
77167 1924

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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3rd Session, 14th Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

Agreement binding, and Governor in Council authorized to carry out its provisions.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement between the Dominion of Canada and the Province of Ontario, in the terms set out in the schedule hereto, shall be as binding on the Dominion of Canada as if the provisions thereof had been set forth in an Act of this Parliament, and the Governor in Council is hereby authorized to carry out the provisions of the said agreement.

SCHEDULE.

MEMORANDUM OF AGREEMENT made this day of 1924.

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 James Lyons, Minister of Lands and Forests, and the Honourable Charles McCrea, Minister of Mines, of the second part.

WHEREAS from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructuary rights to territories now included in the Province of Ontario, such considerations including the setting apart for the exclusive use of the Indians of certain defined areas of land known as Indian Reserves;

EXPLANATORY NOTE.

The purpose of the Bill is to confirm an agreement between the Dominion of Canada and the Province of Ontario defining the respective rights of each touching the disposition of lands in Indian reserves in the Province which are surrendered by the Indians in order that they may be disposed of for the benefit of the band. The respective rights of the Province and the Dominion have been in dispute in more than one case which has reached the Privy Council, and, as appears in the agreement scheduled to the Bill, a partial settlement of the points in dispute was made in 1902 by an agreement between counsel engaged in one of these appeals on behalf of the Dominion and the Province respectively. Certain other points were, however, left unsettled by that agreement and it was never confirmed by statute. It is now proposed to give it legislative sanction and to settle those points with which it did not finally deal.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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AND WHEREAS, except as to such Reserves, the said territories were by the said treaties freed, for the ultimate benefit of the Province of Ontario, of the burden of the Indian rights, and became subject to be administered by the Government of the said Province for the sole benefit thereof;

AND WHEREAS the surrender of the whole or some portion of a Reserve by the band of Indians to whom the same was allotted has, in respect of certain Reserves in the Provinces of Ontario and Quebec, been under consideration in certain appeals to the Judicial Committee of the Privy Council, and the respective rights of the Dominion of Canada and the Province of Ontario, upon such surrenders being made, depend upon the law as declared by the Judicial Committee of the Privy Council and otherwise affecting the Reserve in question, and upon the circumstances under which it was set off;

AND WHEREAS on the 7th day of July, 1902, before the determination of the last two of the said appeals, it had been agreed between counsel for the Governments of the Dominion of Canada and the Province of Ontario, respectively, that, as a matter of policy and convenience, and without thereby affecting the constitutional or legal rights of either of the said Governments, the Government of the Dominion of Canada should have full power and authority to sell, lease and convey title in fee simple or for any less estate to any lands forming part of any Reserve thereafter surrendered by the Indians, and that any such sales, leases or other conveyances as had theretofore been made by the said Government should be confirmed by the Province of Ontario, the Dominion of Canada, however, holding the proceeds of any lands so sold, leased or conveyed subject, upon the extinction of the Indian interest therein and so far as such proceeds had been converted into money, to such rights of the Province of Ontario as might exist by law;

AND WHEREAS by the said agreement it was further provided that, as to the Reserves set aside for the Indians under a certain treaty made in 1873 and recited in the Schedule to the Dominion Statute, 54-55 Victoria, chapter 5, and the Statute of the Province of Ontario, 54 Victoria, chapter 3, the precious metals should be considered to form part thereof and might be disposed of by the Dominion of Canada in the same way and subject to the same conditions as the land in which they existed, and that the question whether the precious metals in the lands included in Reserves set aside under other treaties were to be considered as forming part thereof or not, should be expressly left for decision in accordance with the circumstances and the law governing each;

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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NOW THIS AGREEMENT WITNESSETH that the parties hereto, in order to settle all outstanding questions relating to Indian Reserves in the Province of Ontario, have mutually agreed, subject to the approval of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:—

1. All Indian Reserves in the Province of Ontario heretofore or hereafter set aside, shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may be or may have been 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, or otherwise under the direction of the Government 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.

2. Any sale, lease or other disposition made pursuant to the provisions of the last preceding paragraph may include or may be limited to the minerals (including the precious metals) contained in or under the lands sold, leased or otherwise disposed of.

3. Any person authorized under the laws of the Province of Ontario to enter upon land for the purpose of prospecting for minerals thereupon shall be permitted to prospect for minerals in any Indian Reserve upon obtaining permission so to do from the Indian Agent for such Reserve and upon complying with such conditions as may be attached to such permission, and may stake out a mining claim or claims on such Reserve.

4. No person not so authorized under the laws of the Province of Ontario shall be given permission to prospect for minerals upon any Indian Reserve.

5. The rules governing the mode of staking and the size and number of mining claims in force from time to time in the Province of Ontario or in the part thereof within which any Indian Reserve lies shall apply to the staking of mining claims on any such Reserve, but the staking of

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

a mining claim upon any Indian Reserve shall confer no rights upon the person by whom such claim is staked except such as may be attached to such staking by the Indian Act or other law relating to the disposition of Indian Lands.

6. Except as provided in the next following paragraph, one-half of the consideration payable, whether by way of purchase money, rent, royalty or otherwise, in respect of any sale, lease or other disposition of a mining claim staked as aforesaid, and, if in any other sale, lease or other disposition hereafter made of Indian Reserve lands in the Province of Ontario, any minerals are included, and the consideration for such sale, lease or other disposition was to the knowledge of the Department of Indian Affairs affected by the existence or supposed existence in the said lands of such minerals, one-half of the consideration payable in respect of any such other sale, lease or other disposition, shall forthwith upon its receipt from time to time, be paid to the Province of Ontario; the other half only shall be dealt with by the Dominion of Canada as provided in the paragraph of this agreement numbered 1.

7. The last preceding paragraph shall not apply to the sale, lease or other disposition of any mining claim or minerals on or in any of the lands set apart as Indian Reserves pursuant to the hereinbefore recited treaty made in 1873, and nothing in this agreement shall be deemed to detract from the rights of the Dominion of Canada touching any lands or minerals granted or conveyed by His Majesty for the use and benefit of Indians by letters patent under the Great Seal of the Province of Upper Canada, of the Province of Canada or of the Province of Ontario, or in any minerals vested for such use and benefit by the operation upon any such letters patent of any statute of the Province of Ontario.

8. Every grant, lease or other disposition heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada of lands which were at the time of such grant, lease or other disposition included in any Indian Reserve in the Province of Ontario, is hereby confirmed, whether or not such grant, lease or other disposition included the precious metals, and the consideration received in respect of any such grant, lease or other disposition shall be and continue to be dealt with by the Dominion of Canada in accordance with the provisions of the paragraph of this agreement numbered 1, and the consideration received in respect of any grant, lease or other disposition heretofore made under the Great Seal of the Province of Ontario, or under the direction of the Government of the said Province, of any lands which at any time formed part of any Indian Reserve, shall remain under the exclusive control and at the disposition of the Province of Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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9. Nothing herein contained shall affect the interpretation which would, apart from this agreement, be put upon the words of any letters patent heretofore or hereafter issued under the Great Seal of Canada or the Great Seal of the Province of Ontario, or of any lease or other conveyance, or of any contract heretofore or hereafter made under the direction of the Government of Canada or of the Province of Ontario.

IN WITNESS WHEREOF these presents have been signed by the parties thereto the day and year above written.

Signed on behalf of the Government of Canada by the Honourable Charles Stewart, Superintendent General of Indian Affairs, in the presence of — CHAS. STEWART.

DUNCAN C. SCOTT.

Signed on behalf of the Government of the Province of Ontario by the Honourable James Lyons, Minister of Lands and Forests, and by the Honourable Charles McCrea, Minister of Mines, in the presence of — JAS. LYON.

C. McCREA.

W. C. CAIN.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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REVISED STATUTES OF ONTARIO.
1914.

CHAPTER 31.

AN ACT FOR THE PROTECTION OF THE PUBLIC INTERESTS IN THE BED OF NAVIGABLE WATERS.

HIS MAJESTY, by and with the advice and consent of the Legislative assembly of the Province of Ontario, enacts as follows:-

1. This Act may be cited as The Bed of Navigable Waters Act. 1, Geo. V. c.6, s. 1.

2. Where land bordering on a navigable body of water or stream has been heretofore, or shall hereafter, be granted by the Crown, it shall be presumed, in the absence of an express grant of it, that the bed of such body of water or stream was not intended to pass to the grantee of the land, and the grant shall be construed accordingly and not in accordance with the rules of the English Common Law. 1 Geo. V. c.6, s.2.

3. Section 2 shall not affect the rights, if any, of a grantee from the Crown or of any person claiming under him, where such rights have heretofore been determined by a court of competent jurisdiction in accordance with the rules of the English Common Law, or of a grantee from the Crown, or any person claiming under him who establishes to the satisfaction of the Lieutenant-Governor that he or any person under whom he claims has previous to the 24th day of March, 1911, developed a water power or powers under the bona fide belief that he had the legal right to do so, provided that he may be required by the Lieutenant-Governor in Council to develope the said power or powers to the fullest possible extent, and provided that the price charged for power derived from such water power or powers may from time to time be fixed by the Lieutenant-Governor in Council; and the Lieutenant-Governor in Council may direct that letters patent granting such right be issued to such grantee or person claiming under him, under and subject to such conditions and provisions as may be deemed proper for insuring the full development of such water power or powers, and the regulation of the price to be charged for power derived from them. 1 Geo. V. c. 6, s. 3.

4. This Act shall not apply to the bed of the river where it runs through Lot 8 in the 6th Concession of the Township of Meritt in the District of Sudbury. 1 Geo. V. c.6, s.4.

5. Nothwithstanding anything herein contained the case of any person setting up on special grounds a claim to receive from the Crown a grant or lease of any part of the bed of a navigable body of water or stream shall be dealt with by the Lieutenant-Governor in Council as he may deem fair and just. 1 Geo. V. c.6, s.5.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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"Provided, however, that ..... 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,"

This proviso is to cover such a situation as the following:-

The Canoose Reserve in the County of Charlotte, in the Province of New Brunswick, consisting of about 100 acres, which belonged to the Passamaquoddy Tribe, has not been occupied for more than thirty years. The Agent at Fredericton in February 1921 reported that he was unable to find any Indians who had any claim to this reserve. Subsequently he learned of two Indians residing in the State of Maine who claim to be the only Indians not interested in this reserve. As these Indians have been residing in a foreign country for more than five years without the written consent of the Superintendent General, as provided by Section 13 of the Indian Act, they have lost any interest they may have had in band property. Whether there are as a matter of fact any other Indians now living who have an interest in the reserve in question we are unable to say, but the lands are not being used for the benefit of any Indian band and have not been used for over forty years yet the lands are still tied up. If cases similar to this should arise in Ontario in the future it is considered advisable that the Superintendent General should be authorized to use his discretion in declaring whether any land is longer required for the benefit of a band.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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ELECTORAL OFFICER
CANADA

Ottawa, April 17th, 1924.

Dear Mr. Scott,-

Indian Reserves in Ontario.

I observe that in the print of the Indian Reserve Agreement in the Bill as introduced into the House of Commons the date is omitted. I think that the original one you have bears date the 24th of March, as does the print as it appears in the schedule to the Ontario Act.

If I am right in this it would be well to have the date inserted in the Act before it is passed.

Yours sincerely,

Duncan C. Scott, Esq.,
Deputy Superintendent General,
Department of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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19th April, 1924.

Memorandum:

Honourable Charles Stewart,

In Bill 59 the Agreement under the Schedule is undated. The date of this Agreement is the 24th day of March, 1924, and it will apparently be necessary to make a motion in Committee for the insertion of this date.

DC1

Deputy Superintendent General.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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#111834-3

25th April, 1924.

Dear Mr. Troop,

Our attention has been called to the fact that the Schedule to Bill 59 does not contain the revised agreement which was signed by the parties thereto on the 24th day of March, 1924. The Schedule forwarded to you with the draft bill was apparently a copy of the agreement as it was before revision.

I now send you the original revised agreement and would be glad if you would take such action as may be necessary to have this agreement inserted as the Schedule to this Bill in place of the one now in the Schedule, and whatever other action may be necessary to deal with the situation which has arisen.

Kindly return to me this original agreement when you have finished with it.

enc.

Yours truly,

Acting Deputy Superintendent General.

A.G.Troop, Esq.,
Law Clerk,
House of Commons,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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#111834-3

25th April, 1924.

Memorandum:

Honourable Charles Stewart,

I beg to attach hereto a copy of a letter to Mr. A.G.Troop, Law Clerk, House of Commons, with reference to Bill 59 which letter explains itself. I understand that Mr. Williams spoke to you about this matter this morning.

Acting Deputy Superintendent General.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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J. K. FO[redacted] K.C., LITT.D.
CLERK

A. G. TROOP, B.A., LL.B.
LAW CLERK

HOUSE OF COMMONS
CANADA
LAW BRANCH

30th April, 1924.

Dear Sir,

In answer to your letter of the 25th April, stating that the Schedule to Bill 59 does not contain the original revised agreement signed by the parties thereto on the 24th day of March, 1924, I had the Schedule carefully compared with the original you enclosed and found material differences. A new and important clause (No. 8) is inserted in the agreement. Clauses 2, 9 and 10 are amended and made subject to a provincial Act of Ontario. You will notice other minor changes.

I would be very glad if some method existed of getting around such a difficulty in an easier way, but in my judgment, under the circumstances, the order for the second reading should be discharged on motion of the Minister, and the Bill withdrawn, and a new Bill introduced.

The Bill and proposed changes in the Schedule have been submitted to Mr. Beauchesne, the Clerk Assistant of

J. D. McLean, Esq.,
Acting Deputy Superintendent General
Department of Indian Affairs,
O T T A W A.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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J. K. F[illegible], K.C., LITT.D.
[illegible] CLERK

HOUSE OF COMMONS
CANADA
LAW BRANCH

A. G. TROOP, B.A., LL.B.
LAW CLERK

J.D.McL. - 2.

of the House, for his opinion, and he has informed me to-day that this is the only course we can take in such a case.

We also agree that this Bill must be preceded by a resolution, which I will send you, with copies of the Bill re-printed as corrected, and ready for introduction.

The motion to discharge the order and withdraw the Bill is to be made when the order is called, which cannot be done, except by permission of the House, until the Budget debate is disposed of.

Yours sincerely,

A. G. Troop

Law Clerk.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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SCHEDULE "A"

Memorandum of Agreement made in triplicate this 24th day March ,1924.

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 James Lyons, Minister of Lands and Forests, and the Honourable Charles McCrea, Minister of Mines,

of the second part.

Whereas from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructuary rights to territories now included in the Province of Ontario, such considerations including the setting apart for the exclusi use of the Indians of certain defined areas of land known as Indian Reserves:

And whereas, except as to such Reserves, the said territories were by the said treaties freed, for the utimate benefit of the Provinc of Ontario, of the burden of the Indian rights, and became subject to be administered by the Government of the said Province for the sole benef thereof;

And whereas the surrender of the whole or some portion of a Reserve by the band of Indians to whom the same was allotted has, in respect of certain Reserves in the Provinces of Ontario and Quebec, been under consideration in certain appeals to the Judicial Committee of the Privy Council, and the respective rights of the Dominion of Canada a the Province of Ontario, upon such surrenders being made, depend upo law as declared by the Judicial Committee of the Privy Council and o wise affecting the Reserve in question, and upon the circumstances which it was set off ;

And whereas on the 7th day of July,1902, before the determi two of the said appeals, it had been agreed between

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the Governments of the Dominion of Canada and the Province of Ontario, respectively, that, as a matter of policy and convenience, and without thereby affecting the constitutional or legal rights of either of the said Governments, the Government of the Dominion of Canada should have full power and authority to sell, lease and convey title in fee simple or for any less estate to any lands forming part of any Reserve thereafter surrendered by the Indians, and that any such sales, leases or other conveyances as had theretofore been made by the said Government should be confirmed by the Province of Ontario, the Dominion of Canada, however, holding the proceeds of any lands so sold, leased or conveyed subject, upon the extinction of the Indian interest therein and so far as such proceeds had been converted into money, to such rights of the Province of Ontario as might exist by law;

And whereas by the said agreement it was further provided that, as to the Reserves set aside for the Indians under a certain treaty made in 1873 and recited in the Schedule to the Dominion Statute, 54-55 Victoria, chapter 5, and the Statute of the Province of Ontario, 54 Victoria, chapter 3, the precious metals should be considered to form part thereof and might be disposed of by the Dominion of Canada in the same way and subject to the same conditions as the land in which they existed, and that the question whether the precious metals in the lands included in Reserves set aside under other treaties were to be considered as forming part thereof or not, should be expressly left for decision in accordance with the circumstances and the law governing each.

Now, this agreement witnesseth that the parties hereto, in order to settle all outstanding questions relating to Indian Reserves in the Province of Ontario, have mutually agreed, subject to the approval of the Parliament of Canada and the Legislature of the Province of Ontario, as follows : -

1. All Indian Reserves in the Province of Ontario heretofore or hereafter set aside, shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may have been or 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, or otherwise

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under the direction of the Government of Can da, 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 any portion thereof, 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.

2. Any sale, lease or other disposition made pursuant to the provisions of the last preceding paragraph may include or may be limited to the minerals (including the precious metals) contained in or under the lands sold, leased or otherwise disposed of, but every grant shall be subject to the provisions of the Statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", Revised Statutes of Ontario, 1914, Chapter 51.

3. Any person authorized under the laws of the Province of Ontario to enter upon land for the purpose of prospecting for minerals thereupon shall be permitted to prospect for minerals in any Indian Reserve upon obtaining permission so to do from the Indian Agent for such Reserve and upon complying with such conditions as may be attached to such permission, and may stake out a mining claim or claims on such Reserve.

4. No person not so authorized under the laws of the Province of Ontario, shall be given permission to prospect for minerals upon any Indian Reserve.

5. The rules governing the mode of staking and the size and number of mining claims in force from time to time in the Province of Ontario or in the part thereof within which any Indian Reserve lies shall apply to the staking of mining claims on any such Reserve, but the

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staking of a mining claim upon any Indian Reserve shall confer no rights upon the person by whom such claim is staked except such as may be attached to such staking by The Indian Act or other law relating to the disposition of Indian Lands.

6. Except as provided in the next following paragraph, one-half of the consideration payable, whether by way of purchase money, rent, royalty or otherwise, in respect of any sale, lease or other disposition of a mining claim staked as aforesaid, and, if in any other sale, lease or other disposition hereafter made of Indian Reserve lands in the Province of Ontario, any minerals are included, and the consideration for such sale, lease or other disposition was to the knowledge of the Department of Indian Affairs affected by the existence or supposed existence in the said lands of such minerals, one-half of the consideration payable in respectof any such other sale, lease or other disposition shall forthwith upon its receipt from time to time, be paid to the Province of Ontario; the other half only shall be dealt with by the Dominion of Canada as provided in the paragraph of this agreement numbered 1.

7. The last preceding paragraph shall not apply to the sale, lease or other disposition of any mining claim or minerals on or in any of the lands set apart as Indian Reserves pursuant to the hereinbefore recited treaty made in 1873, and nothing in this agreement shall be deemed to detract from the rights of the Dominion of Canada touching any lands or minerals granted or conveyed by His Majesty for the use and benefit of Indians by letters patent under the Great Seal of the Province of Upper Canada, of the Province of Canada or of the Province of Ontario, or in any minerals vested for such use and benefit by the operation upon any such letters patent of any statute of the Province of Ontario.

8. No water power included in any Indian Reserve, which in its natural condition at the average low stage of water has a greater capacity than 500 horse-power, shall be disposed of by the Dominion of Canada except with the consent of the Government of the Province of Ontario and in accordance with such special agreement, if any, as may be made with regard thereto and to the division of the purchase money, rental or other consideration given therefor.

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9. Every sale, lease or other disposition heretofore made under the Great Seal of Canada or otherwise under the directionsof the Government of Canada of lands which were at the time of such sale, lease or other disposition included in any Indian Reserve in the Province of Ontario, is hereby confirmed, whether or not such sale, lease or other disposition included the precious metals, but subject to the provisions of the aforesaid statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", and the consideration received in respect of any such sale, lease or other disposition shall be and continue to be dealt with by the Dominion of Canada in accordance with the provisions of the paragraph of this agreement numbered 1, and the consideration received in respect of any sale, lease or other disposition heretofore made under the Great Seal of the Province of Ontario, or under the direction of the Government of the said Province of any lands which at any time formed part of any Indian Reserve, shall remain under the exclusive control and at the disposition of the Province of Ontario.

10. Nothing herein contained, except the provision for the application of the Bed of Navigable Waters Act aforesaid, shall affect the interpretation which would apart from this agreement, be put upon the words of any letters patent h retofore or hereafter issued under the Great Seal of Canada or the Great Seal of the Province of Ontario, or of any lease or other conveyance, or of any contract heretofore or hereafter made under the direction of the Government of Canada or of the Province of Ontario.

In witness whereof these presents have been signed by the parties thereto the day and year above written.

Signed on behalf of the Government of Canada by the Honourable Charles Stewart, Superintendent General of Indian Affairs, in the presence of
....Duncan Campbell Scott...

Charles Stewart

Signed on behalf of the Government of the Province of Ontario by the Honourable James Lyons, Minister of Lands and Forests, and by the Honourable Charles McCrea, Minister of Mines, in the presence of :

James Lyons

C. McCrea

W. C. Cain

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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GOVERNMENT NOTICE OF MOTION.

THE MINISTER OF THE INTERIOR - On next - In Committee of the Whole - the following proposed Resolution:-

RESOLVED, That it is expedient, -

(1) to confirm an agreement for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands, made the 24th March, 1924, defining the respective rights of each touching the disposition of lands in Indian Reserves in the Province which are surrendered by the Indians in order that they may be disposed of for the benefit of the band;

(2) to authorize the payments to the Province provided for in the said agreement of any balance from proceeds of the sale or other disposition of the lands or any portion thereof, together with accrued unexpended simple interest thereon, and of one-half of the consideration in the case of the sale, lease or other disposition of mining claims staked on such reserve, or of lands in which minerals are included or may exist or be supposed to exist; and

(3) to provide that no disposition shall be made of water power in any Indian Reserve of a greater capacity than five hundred horse-power except by special agreement, and that the provisions of the Bed of Navigable Waters Act, Revised Statutes of Ontario, 1914, chapter 31, shall apply to grants made of such lands or minerals and to grants heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada, and for other matters incidental thereto.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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J. [redacted]AN, K.C., LITT.D.
...W CLERK

HOUSE OF COMMONS
CANADA
LAW BRANCH

A. G. TROOP, B.A., LL.B.
LAW CLERK

2nd May, 1924.

Dear Sir,

I have had the Bill respecting Indian Reserve Lands re-printed, and I herewith send you two copies for your examination and approval. These have been very carefully compared with the original signed agreement, but I think it would be as well for you to compare them carefully yourself, so that there will be no possible error.

Encl.

Encl.

I return herewith the original agreement, and I also send a copy of the resolution to precede the Bill.

The procedure will be for the Minister to move that the Order for the second reading of Bill 59 be discharged and the Bill withdrawn, when the Speaker calls the Order, stating simply that he desires to make certain changes in the Schedule.

Any changes or corrections you may suggest will receive prompt attention.

Yours sincerely,

A. G. Troop

Law Clerk.

A. S. Williams, Esq.,
Departmental Solicitor,
Department of Indian Affairs,
O T T A W A.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Legislation.

THE AGREEMENT BETWEEEN CANADA AND ONTARIO:

In seeking to establish the aboriginal land and other rights of the Indian Tribes of British Columbmia and their full beneficial title to the Reserves it has become necessary to discuss the Agreement between the Government of the Dominion of Canada and the Government of the Province of Ontario made on 24th March last, which as is submitted seriously affects all rights of the Indian Tribes of British Columbia. The Agreement is in several respects similar to that made between the Government of Canada and the Government of British Columbia in the year 1912. It is intended for finally adjusting the whole matter of Indian Reserves. The Indian Tribes are not parties to the Agreement. It is assumed that the Indian Tribes of Canada have not and never had tribal title to their territories. It is assumed that a Province has reversionary title to all Indian Reserves.

The first paragraph of the preamble contains definition of Indian title based upon words of Lord Watson used in delivering judgment in St. Catharines Milling Company case. These words are divorced from their context and as is submitted the result is an erroneous definition. The decision was that the Indian Tribe had not "the entire property", title in fee simple, enabling the Tribe to convey the lands to the Dominion of Canada. Manifestly Lord Watson's words are to be understood in relation to the actual decision. In that case it was explicitly stated that their Lordships did not intend to determine "the precise nature of the Indian interest." It is now proposed that the Parliament of Canada shall by confirming the Agreement and making its provisions the law of Canada seek to establish the words used in the first paragraph as a definition of Indian title practically applicable to the whole of Canada.

The historical sketch contained in preamble deals with certain transactions which have occurred since Confederation and certain decisions of the Judicial Committee relating to those transactions. It does not deal with the treaties made between the British Sovereign and Indian Tribes from the year 1780 to the time of Confederation. It will be found that those treaties completely recognize tribal title to Indian territories, and show the intention to have been that lands reserved should be completely permanently and beneficially lands of the Indian Tribes.

By paragraph No.1 of the Agreement reversionary title is conceded to the Province. This principle is made applicable to all Indian Reserve throughout the Province without any distinction whatever. Under the operation of the Agreement any Reserve or part of a Reserve may become the absolute property of the Province.

Principles which have been affirmed by their Lordships of the Judicial Committee would seem to make clear

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that the Parliament of Canada has no power to enact that lands which were at Confederation or have since become the full beneficial property of an Indian Tribe shall become the property of the Province of Ontario.

The Agreement is in conflict with the provisions of the Indian Act - R.S.C. C.81,- which in defining Indian Reserve recognize only two titles as existing in respect of any Reserve in Canada, the legal title of the Crown and the beneficial title of the Indian tribe or Band.

The Agreement is in conflict with the aboriginal land and other rights claimed by the Indian Tribes of British Columbia and brought before His Majesty's Privy Council by the direct and independent Petition of the Nishga Tribe in support of which the alliance of Tribes has been formed.

It is therefore submitted for consideration of all concerned that the Agreement which has been made between the two Governments should not be confirmed by the Parliament of Canada until all rights of the Indian Tribes of Ontario, all rights of the Indian Tribes of British Columbia, and all rights of the Indian Tribes of the rest of Canada shall have been determined by the Judicial Committee of His Majesty's Privy Council or shall have been otherwise decisively dealt with.

A.E.O'M.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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MEMORANDUM. Ottawa, October 5th, 1923.

Re PROPOSED AGREEMENT AS TO INDIAN RESERVES IN ONTARIO.

1. The main purpose of the attached draft agreement is to confirm by concurrent statutes of Canada and of Ontario a working arrangement as to the disposition of Indian reserve lands made on the 7th of July, 1902, between counsel for the Dominion and the Province respectively just before the argument in the case of Ontario Mining Company, Limited, vs. Seybold, the judgment ultimately given in which is reported in 1903 Appeal Cases at page 73. A copy of counsel's agreement, as this appears in print in a pamphlet relating to Treaty No. 9 (the James Bay Treaty), published by the Government Printing Bureau in 1907, a copy of which is on the provincial files, is attached hereto. This agreement has been acted upon ever since it was entered into, but no statutory provision dealing with the title to the lands has ever been made.

2. Counsel's agreement expressly left undecided the question of the precious metals. The present draft proposes a settlement of this point by providing for an equal division of the proceeds not only of sales of precious metals, but of all minerals, and, when a disposition is made of surface including minerals for a consideration affected by the existence or supposed existence of mineral, extends the provision to the whole consideration.

3. The attached draft agreement therefore, after sufficient recitals, proceeds:-

(1) By paragraph 1, to confirm and define the the right of the Dominion to dispose of Indian reserve lands generally.

(2) By paragraphs 2 to 6, to permit the dis-

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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position also by the Dominion of the minerals including precious metals in Indian reserve lands, subject, however, to the assimilation of the right and mode of staking mineral claims on reserves to that applicable to other lands in the Province, and to the division equally between the Province and the Indians of the proceeds of the disposition by the Dominion of any minerals whether precious metals or not.

(3) By paragraph 7, to exclude from this latter arrangement the reserves set apart under the Northwest Angle Treaty made in 1873 which expressly provides that the Indians shall have the benefit of all minerals, including the precious metals, and also to exclude such lands as have been granted for the use of Indians by provincial letters patent, which, under the law of Ontario, carry the precious metals as well as other minerals.

(4) By paragraph 8, to confirm what has heretofore been done under the agreement of counsel, and to confirm Ontario in any profits she may heretofore have made out of the disposition of Indian reserve lands, and

(5) By paragraph 9 to prevent the statutory confirmation of the agreement from affecting the interpretation which would, apart from it, be placed upon grants heretofore or hereafter made.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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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 heretobefore (sic) made by the Dominion to portions of Reserve 38B already granted by Ontario as appearing in the proceedings.

(Sgd.) E.L.NEWCOMBE, for the Dominion.
(Sgd.) EDWARD BLAKE, for Ontario.

Dated 7th July, 1902.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CHIEF ELECTORAL OFFICER
CANADA

Ottawa, March 29th, 1924.

DEPT OF INDIAN AFFAIRS
MAR 31 1924
RECORDS

file

Dear Mr. Scott,-

Re Indian Reserves in Ontario.

I beg to acknowledge your letter of the 29th, and have sent one duplicate original of the agreement to Mr. Gibson and the other to Mr. Cain.

I observe by this morning's paper that the Ontario Legislature is likely to remain in session somewhat longer than was anticipated.

Yours faithfully,

Duncan C. Scott, Esq.,
Deputy Superintendent General,
Department of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Travelling Expenses of the Chief Electoral Officer to Toronto, re Indian Reserves in Ontario.

March 15th, to interview Mr. Cain and Mr. Titus - Sleeping car and sundries -	$ 9.60	
March 24th, to interview Mr. Cain and Mr. Titus - Sleeping car and sundries -	8.90	
Total -		$18.50

I certify that the foregoing expenses were incurred in the transaction of Government business, and are fair and just.

Ottawa, March 29th, 1924.

2765
Sent April 1/24

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Ottawa, 6th May, 1924.

Memorandum:

Honourable Charles Stewart,

The new Bill to be introduced is attached hereto together with a draft of the resolution prepared by Mr. Troop, which should precede the introduction of the Bill.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Return to Law Clerk

Ottawa, 6th May, 1924.

Memorandum:

Honourable Charles Stewart,

Mr. Troop, Law Clerk of the House of Commons, and Mr. Beauchesne, the Clerk Assistant of the House of Commons, advise that the introduction of Bill 15 should have been preceded by a resolution. It is desired also to make some changes in the Schedule to the Bill. They advise accordingly that the order for the second reading of this Bill should be discharged on motion of the Minister and the Bill withdrawn and a new Bill introduced, and that the procedure will be for the Minister to move that the Order for the second reading of Bill 59 be discharged and the Bill withdrawn, when the Speaker calls the Order, stating simply that he desires to make certain changes in the Schedule. The new Bill has been printed and contains the necessary changes in the Schedule.

Departmental Solicitor.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

Poor Copy.

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CANADA

Ottawa , March 25th, 1924.

Memorandum for the
Superintendent General of Indian Affairs.

1. The respective rights of the Dominion of Canada and the Province of Ontario in relation to Indian lands within the Province first came before the Judicial Committee of the Privy Council in 1888, when it was held (in St. Catharines' Milling Company vs. The Queen, 1888, 14 App. Cas. 46) that lands surrendered by the Indians to the Crown subsequent to Confederation belonged not to the Dominion, which had negotiated the treaty, but to the Province.

2. Fourteen years later the question again came before the Judicial Committee in a slightly different form, in Ontario Mining Company, Limited, vs. Seybold, 1903, A.C. 73. To that appeal the Dominion was a party, but just before the argument an agreement between Mr. Blake, representing the Province, and Mr. Newcombe, representing the Dominion,was entered into, and the latter took no part in the argument, which was followed by a judgment in effect confirming the conclusion arrived at in the earlier appeal.

3. The agreement (known as "counsel's agreement", and dated 7th July, 1902), provided that, without prejudice to the legal rights of either the Province or the Dominion, and merely as a matter of convenience, the Dominion should, upon their surrender by the Indians, have power to dispose of lands included in reserves in Ontario, the Dominion to hold the proceeds subject to the rights of the Province. It was further provided that the question whether this right of disposition by the Dominion should extend to the precious metals should depend upon the instruments and circumstances and law relevant to each particular piece of land.

4. This agreement has been acted upon and dispositions made by the Dominion, but no step has ever been taken to settle the legal position even as to the surface and base metals, and the uncertainty as to the precious metals has stood in the way of the disposition of these, with the result that such precious metals as the reserves may contain have in fact not been dealt with, to the detriment both of the Indians, who would receive the benefit of the disposition, and of the Province, which does not obtain the benefit of any taxation on the output of mines, which it might otherwise do.

5. It was not until 1920 that the strictly legal position of lands in Indian reserves surrendered for sale was discussed before the Judicial Committee. Then in a case from Quebec (Attorney General for Quebec vs. Attorney General for Canada, 1921, A.C. 401), it was held that a patent by the Dominion of lands included in a reserve and surrendered by the Indians in trust for sale was ineffective, since upon the surrender the title passed, not to the Dominion, but to the Province. It is probable that the strictly legal position in relation to reserves in the Province of Ontario is identical with that in Quebec, although practically the situation is altered by counsel's agreement. The statutory confirmation of this agreement would, however, be highly convenient to both the Dominion and the Province, and obviously that confirmation should extend to the settlement of the uncertainty in relation to the precious metals.

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6. The geological formations in Ontario are such that precious and base metals ordinarily occur together and are only separated in the course of refinement. To deal with the precious metals consequently involves dealing also with the base metals, and the arrangement proposed by the present draft agreement is that upon the sale or other disposition of mineral lands one-half of the total proceeds should belong to the Dominion for the benefit of the Indians, and the other half to the Province.

7. In addition to dealing with the minerals and to confirming counsel's agreement, the present draft agreement also contains a new provision that the capital sum received by the Dominion by way of consideration for the disposition of any interest in lands in reserves may be expended for the benefit of the Indians and that the Province, on the extinction of the Indian right, becomes entitled only to so much of the capital as may remain unexpended.

8. Briefly, the proposed draft agreement, after sufficient recitals, proceeds:-

(a) By paragraph 1 to confirm and define the right of the Dominion to dispose of Indian reserve lands generally.

(b) By paragraphs 2 to 6 to permit the disposition also by the Dominion of the minerals including precious metals, subject, however, to the assimilation of the right to stake and the mode of staking mineral claims on reserves to that applicable to adjoining lands in the Province under provincial laws, and subject also to the division equally between the Province and the Indians of the consideration obtained for minerals.

(c) By paragraph 7 to exclude this latter arrangement as to minerals from the reserves set apart in 1873 under the Northwest Angle Treaty, which expressly provides that the Indians shall have the benefit of all the minerals, and also to exclude from that arrangement such lands as have been granted for the use of Indians by provincial letters patent which, under the law of Ontario, carry the precious metals as well as other minerals.

(d) By paragraph 8 to prevent the disposition of water powers exceeding 500 horse-power, except on terms agreed to by the Province.

(e) By paragraph 9 to confirm all past transactions by the Dominion or the Province.

(f) By paragraph 10 to prevent the statutory confirmation of the agreement from affecting the interpretation which would, apart from it, be placed upon grants heretofore or hereafter made.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

MINISTER'S OFFICE
APR 22 1924
DEP'T. OF INTERIOR

OFFICE OF THE
DEPUTY SUPERINTENDENT GENFRAL
OTTAWA

19th April, 1924.

Memorandum:

Honourable Charles Stewart,

In Bill 59 the Agreement under the Schedule is undated. The date of this Agreement is the 24th day of March, 1924, and it will apparently be necessary to make a motion in Committee for the insertion of this date.

Duncan Scott

Deputy Superintendent General.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Third Session, Fourteenth Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA

BILL .

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

First reading, May , 1924.

The SUPERINTENDENT GENERAL OF INDIAN AFFAIRS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1924

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Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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3rd Session, 14th Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA.

BILL .

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

Agreement binding, and Governor in Council authorized to carry out its provisions.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement between the Dominion of Canada and the Province of Ontario, in the terms set out in the schedule hereto, shall be as binding on the Dominion of Canada as if the provisions thereof had been set forth in an Act of this Parliament, and the Governor in Council is hereby authorized to carry out the provisions of the said agreement.

SCHEDULE.

MEMORANDUM OF AGREEMENT made in triplicate this 24th day March 1924.

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 James Lyons, Minister of Lands and Forests, and the Honourable Charles McCrea, Minister of Mines, of the second part.

WHEREAS from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructuary rights to territories now included in the Province of Ontario, such considerations including the setting apart for the exclusive use of the Indians of certain defined areas of land known as Indian Reserves;

EXPLANATORY NOTE.

The purpose of the Bill is to confirm an agreement between the Dominion of Canada and the Province of Ontario defining the respective rights of each touching the disposition of lands in Indian reserves in the Province which are surrendered by the Indians in order that they may be disposed of for the benefit of the band. The respective rights of the Province and the Dominion have been in dispute in more than one case which has reached the Privy Council, and, as appears in the agreement scheduled to the Bill, a partial settlement of the points in dispute was made in 1902 by an agreement between counsel engaged in one of these appeals on behalf of the Dominion and the Province respectively. Certain other points were, however, left unsettled by that agreement and it was never confirmed by statute. It is now proposed to give it legislative sanction and to settle those points with which it did not finally deal.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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AND WHEREAS, except as to such Reserves, the said territories were by the said treaties freed, for the ultimate benefit of the Province of Ontario, of the burden of the Indian rights, and became subject to be administered by the Government of the said Province for the sole benefit thereof;

AND WHEREAS the surrender of the whole or some portion of a Reserve by the band of Indians to whom the same was allotted has, in respect of certain Reserves in the Provinces of Ontario and Quebec, been under consideration in certain appeals to the Judicial Committee of the Privy Council, and the respective rights of the Dominion of Canada and the Province of Ontario, upon such surrenders being made, depend upon the law as declared by the Judicial Committee of the Privy Council and otherwise affecting the Reserve in question, and upon the circumstances under which it was set off;

AND WHEREAS on the 7th day of July, 1902, before the determination of the last two of the said appeals, it had been agreed between counsel for the Governments of the Dominion of Canada and the Province of Ontario, respectively, that, as a matter of policy and convenience, and without thereby affecting the constitutional or legal rights of either of the said Governments, the Government of the Dominion of Canada should have full power and authority to sell, lease and convey title in fee simple or for any less estate to any lands forming part of any Reserve thereafter surrendered by the Indians, and that any such sales, leases or other conveyances as had theretofore been made by the said Government should be confirmed by the Province of Ontario, the Dominion of Canada, however, holding the proceeds of any lands so sold, leased or conveyed subject, upon the extinction of the Indian interest therein and so far as such proceeds had been converted into money, to such rights of the Province of Ontario as might exist by law;

AND WHEREAS by the said agreement it was further provided that, as to the Reserves set aside for the Indians under a certain treaty made in 1873 and recited in the Schedule to the Dominion Statute, 54-55 Victoria, chapter 5, and the Statute of the Province of Ontario, 54 Victoria, chapter 3, the precious metals should be considered to form part thereof and might be disposed of by the Dominion of Canada in the same way and subject to the same conditions as the land in which they existed, and that the question whether the precious metals in the lands included in Reserves set aside under other treaties were to be considered as forming part thereof or not, should be expressly left for decision in accordance with the circumstances and the law governing each;

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NOW THIS AGREEMENT WITNESSETH that the parties hereto, in order to settle all outstanding questions relating to Indian Reserves in the Province of Ontario, have mutually agreed, subject to the approval of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:—

1. All Indian Reserves in the Province of Ontario heretofore or hereafter set aside, shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may have been or 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, or otherwise under the direction of the Government 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 any portion thereof 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.

2. Any sale, lease or other disposition made pursuant to the provisions of the last preceding paragraph may include or may be limited to the minerals (including the precious metals) contained in or under the lands sold, leased or otherwise disposed of, but every grant shall be subject to the provisions of the statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", Revised Statutes of Ontario, 1914, chapter thirty-one.

3. Any person authorized under the laws of the Province of Ontario to enter upon land for the purpose of prospecting for minerals thereupon shall be permitted to prospect for minerals in any Indian Reserve upon obtaining permission so to do from the Indian Agent for such Reserve and upon complying with such conditions as may be attached to such permission, and may stake out a mining claim or claims on such Reserve.

4. No person not so authorized under the laws of the Province of Ontario shall be given permission to prospect for minerals upon any Indian Reserve.

5. The rules governing the mode of staking and the size and number of mining claims in force from time to time

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in the Province of Ontario or in the part thereof within which any Indian Reserve lies shall apply to the staking of mining claims on any such Reserve, but the staking of a mining claim upon any Indian Reserve shall confer no rights upon the person by whom such claim is staked except such as may be attached to such staking by the Indian Act or other law relating to the disposition of Indian Lands.

6. Except as provided in the next following paragraph, one-half of the consideration payable, whether by way of purchase money, rent, royalty or otherwise, in respect of any sale, lease or other disposition of a mining claim staked as aforesaid, and, if in any other sale, lease or other disposition hereafter made of Indian Reserve lands in the Province of Ontario, any minerals are included, and the consideration for such sale, lease or other disposition was to the knowledge of the Department of Indian Affairs affected by the existence or supposed existence in the said lands of such minerals, one-half of the consideration payable in respect of any such other sale, lease or other disposition, shall forthwith upon its receipt from time to time, be paid to the Province of Ontario; the other half only shall be dealt with by the Dominion of Canada as provided in the paragraph of this agreement numbered 1.

7. The last preceding paragraph shall not apply to the sale, lease or other disposition of any mining claim or minerals on or in any of the lands set apart as Indian Reserves pursuant to the hereinbefore recited treaty made in 1873, and nothing in this agreement shall be deemed to detract from the rights of the Dominion of Canada touching any lands or minerals granted or conveyed by His Majesty for the use and benefit of Indians by letters patent under the Great Seal of the Province of Upper Canada, of the Province of Canada or of the Province of Ontario, or in any minerals vested for such use and benefit by the operation upon any such letters patent of any statute of the Province of Ontario.

8. No water-power included in any Indian Reserve, which in its natural condition at the average low stage of water has a greater capacity than five hundred horse-power, shall be disposed of by the Dominion of Canada except with the consent of the Government of the Province of Ontario and in accordance with such special agreement, if any, as may be made with regard thereto and to the division of the purchase money, rental or other consideration given therefor.

9. Every sale, lease or other disposition heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada of lands which were at the time of such sale, lease or other disposition included in any Indian Reserve in the Province of Ontario, is hereby confirmed, whether or not such sale, lease or

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Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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other disposition included the precious metals, but subject to the provisions of the aforesaid statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", and the consideration received in respect of any such sale lease or other disposition shall be and continue to be dealt with by the Dominion of Canada in accordance with the provisions of the paragraph of this agreement numbered 1, and the consideration received in respect of any sale, lease or other disposition heretofore made under the Great Seal of the Province of Ontario, or under the direction of the Government of the said Province, of any lands which at any time formed part of any Indian Reserve, shall remain under the exclusive control and at the disposition of the Province of Ontario.

10. Nothing herein contained, except the provision for the application of "The Bed of Navigable Waters Act" aforesaid, shall affect the interpretation which would, apart from this agreement, be put upon the words of any letters patent heretofore or hereafter issued under the Great Seal of Canada or the Great Seal of the Province of Ontario, or of any lease or other conveyance, or of any contract heretofore or hereafter made under the direction of the Government of Canada or of the Province of Ontario.

IN WITNESS WHEREOF these presents have been signed by the parties thereto the day and year above written.

Signed on behalf of the Government of Canada by the Honourable Charles Stewart, Superintendent General of Indian Affairs, in the presence of

CHARLES STEWART.

DUNCAN C. SCOTT.

Signed on behalf of the Government of the Province of Ontario by the Honourable James Lyons, Minister of Lands and Forests, and by the Honourable Charles McCrea, Minister of Mines, in the presence of

JAS. LYON.

C. McCREA.

W. C. CAIN.

(SEAL)

(SEAL)

(SEAL)

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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GOVERNMENT NOTICE OF MOTION.

THE MINISTER OF THE INTERIOR - On next - In Committee of the Whole - the following proposed Resolution:-

RESOLVED, That it is expedient,-

(1) to confirm an agreement for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands, made the 24th March, 1924, defining the respective rights of each touching the disposition of lands in Indian Reserves in the Province which are surrendered by the Indians in order that they may be disposed of for the benefit of the band;

(2) to authorize the payments to the Province provided for in the said agreement of any balance from proceeds of the sale or other disposition of the lands or any portion thereof, together with accrued unexpended simple interest thereon, and of one-half of the consideration in the case of the sale, lease or other disposition of mining claims staked on such reserve, or of lands in which minerals are included or may exist or be supposed to exist; and

(3) to provide that no disposition shall be made of water power in any Indian Reserve of a greater capacity than five hundred horse-power except by sepcial agreement, and that the provisions of the Bed of Navigable Waters Act, Revised Statutes of Ontario, 1914, chapter 31, shall apply to grants made of such lands or minerals and to grants heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada, and for other matters incidental thereto.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

Ottawa, 6th May, 1924.

Memorandum:

Honourable Charles Stewart,

The new Bill to be introduced is attached hereto together with a draft of the resolution prepared by Mr. Troop, which should precede the introduction of the Bill.

D. S. Williams

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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59.

Third Session, Fourteenth Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA

BILL 59.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

First reading, April 14, 1924.

The SUPERINTENDENT GENERAL OF INDIAN AFFAIRS.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1924

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Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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3rd Session, 14th Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA.

BILL 59.

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

Agreement binding, and Governor in Council authorized to carry out its provisions.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The agreement between the Dominion of Canada and the Province of Ontario, in the terms set out in the schedule hereto, shall be as binding on the Dominion of Canada as if the provisions thereof had been set forth in an Act of this Parliament, and the Governor in Council is hereby authorized to carry out the provisions of the said agreement.

SCHEDULE.

MEMORANDUM OF AGREEMENT made this day of 1924.

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 James Lyons, Minister of Lands and Forests, and the Honourable Charles McCrea, Minister of Mines, of the second part.

WHEREAS from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructuary rights to territories now included in the Province of Ontario, such considerations including the setting apart for the exclusive use of the Indians of certain defined areas of land known as Indian Reserves;

EXPLANATORY NOTE.

The purpose of the Bill is to confirm an agreement between the Dominion of Canada and the Province of Ontario defining the respective rights of each touching the disposition of lands in Indian reserves in the Province which are surrendered by the Indians in order that they may be disposed of for the benefit of the band. The respective rights of the Province and the Dominion have been in dispute in more than one case which has reached the Privy Council, and, as appears in the agreement scheduled to the Bill, a partial settlement of the points in dispute was made in 1902 by an agreement between counsel engaged in one of these appeals on behalf of the Dominion and the Province respectively. Certain other points were, however, left unsettled by that agreement and it was never confirmed by statute. It is now proposed to give it legislative sanction and to settle those points with which it did not finally deal.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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AND WHEREAS, except as to such Reserves, the said territories were by the said treaties freed, for the ultimate benefit of the Province of Ontario, of the burden of the Indian rights, and became subject to be administered by the Government of the said Province for the sole benefit thereof;

AND WHEREAS the surrender of the whole or some portion of a Reserve by the band of Indians to whom the same was allotted has, in respect of certain Reserves in the Provinces of Ontario and Quebec, been under consideration in certain appeals to the Judicial Committee of the Privy Council, and the respective rights of the Dominion of Canada and the Province of Ontario, upon such surrenders being made, depend upon the law as declared by the Judicial Committee of the Privy Council and otherwise affecting the Reserve in question, and upon the circumstances under which it was set off;

AND WHEREAS on the 7th day of July, 1902, before the determination of the last two of the said appeals, it had been agreed between counsel for the Governments of the Dominion of Canada and the Province of Ontario, respectively, that, as a matter of policy and convenience, and without thereby affecting the constitutional or legal rights of either of the said Governments, the Government of the Dominion of Canada should have full power and authority to sell, lease and convey title in fee simple or for any less estate to any lands forming part of any Reserve thereafter surrendered by the Indians, and that any such sales, leases or other conveyances as had theretofore been made by the said Government should be confirmed by the Province of Ontario, the Dominion of Canada, however, holding the proceeds of any lands so sold, leased or conveyed subject, upon the extinction of the Indian interest therein and so far as such proceeds had been converted into money, to such rights of the Province of Ontario as might exist by law;

AND WHEREAS by the said agreement it was further provided that, as to the Reserves set aside for the Indians under a certain treaty made in 1873 and recited in the Schedule to the Dominion Statute, 54-55 Victoria, chapter 5, and the Statute of the Province of Ontario, 54 Victoria, chapter 3, the precious metals should be considered to form part thereof and might be disposed of by the Dominion of Canada in the same way and subject to the same conditions as the land in which they existed, and that the question whether the precious metals in the lands included in Reserves set aside under other treaties were to be considered as forming part thereof or not, should be expressly left for decision in accordance with the circumstances and the law governing each;

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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NOW THIS AGREEMENT WITNESSETH that the parties hereto, in order to settle all outstanding questions relating to Indian Reserves in the Province of Ontario, have mutually agreed, subject to the approval of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:—

1. All Indian Reserves in the Province of Ontario heretofore or hereafter set aside, shall be administered by the Dominion of Canada for the benefit of the band or bands of Indians to which each may be or may have been 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, or otherwise under the direction of the Government 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.

2. Any sale, lease or other disposition made pursuant to the provisions of the last preceding paragraph may include or may be limited to the minerals (including the precious metals) contained in or under the lands sold, leased or otherwise disposed of.

3. Any person authorized under the laws of the Province of Ontario to enter upon land for the purpose of prospecting for minerals thereupon shall be permitted to prospect for minerals in any Indian Reserve upon obtaining permission so to do from the Indian Agent for such Reserve and upon complying with such conditions as may be attached to such permission, and may stake out a mining claim or claims on such Reserve.

4. No person not so authorized under the laws of the Province of Ontario shall be given permission to prospect for minerals upon any Indian Reserve.

5. The rules governing the mode of staking and the size and number of mining claims in force from time to time in the Province of Ontario or in the part thereof within which any Indian Reserve lies shall apply to the staking of mining claims on any such Reserve, but the staking of

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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a mining claim upon any Indian Reserve shall confer no rights upon the person by whom such claim is staked except such as may be attached to such staking by the Indian Act or other law relating to the disposition of Indian Lands.

6. Except as provided in the next following paragraph, one-half of the consideration payable, whether by way of purchase money, rent, royalty or otherwise, in respect of any sale, lease or other disposition of a mining claim staked as aforesaid, and, if in any other sale, lease or other disposition hereafter made of Indian Reserve lands in the Province of Ontario, any minerals are included, and the consideration for such sale, lease or other disposition was to the knowledge of the Department of Indian Affairs affected by the existence or supposed existence in the said lands of such minerals, one-half of the consideration payable in respect of any such other sale, lease or other disposition, shall forthwith upon its receipt from time to time, be paid to the Province of Ontario; the other half only shall be dealt with by the Dominion of Canada as provided in the paragraph of this agreement numbered 1.

7. The last preceding paragraph shall not apply to the sale, lease or other disposition of any mining claim or minerals on or in any of the lands set apart as Indian Reserves pursuant to the hereinbefore recited treaty made in 1873, and nothing in this agreement shall be deemed to detract from the rights of the Dominion of Canada touching any lands or minerals granted or conveyed by His Majesty for the use and benefit of Indians by letters patent under the Great Seal of the Province of Upper Canada, of the Province of Canada or of the Province of Ontario, or in any minerals vested for such use and benefit by the operation upon any such letters patent of any statute of the Province of Ontario.

8. Every grant, lease or other disposition heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada of lands which were at the time of such grant, lease or other disposition included in any Indian Reserve in the Province of Ontario, is hereby confirmed, whether or not such grant, lease or other disposition included the precious metals, and the consideration received in respect of any such grant, lease or other disposition shall be and continue to be dealt with by the Dominion of Canada in accordance with the provisions of the paragraph of this agreement numbered 1, and the consideration received in respect of any grant, lease or other disposition heretofore made under the Great Seal of the Province of Ontario, or under the direction of the Government of the said Province, of any lands which at any time formed part of any Indian Reserve, shall remain under the exclusive control and at the disposition of the Province of Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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9. Nothing herein contained shall affect the interpretation which would, apart from this agreement, be put upon the words of any letters patent heretofore or hereafter issued under the Great Seal of Canada or the Great Seal of the Province of Ontario, or of any lease or other conveyance, or of any contract heretofore or hereafter made under the direction of the Government of Canada or of the Province of Ontario.

IN WITNESS WHEREOF these presents have been signed by the parties thereto the day and year above written.

Signed on behalf of the Government of Canada by the Honourable Charles Stewart, Superintendent General of Indian Affairs, in the presence of — CHAS. STEWART.

DUNCAN C. SCOTT.

Signed on behalf of the Government of the Province of Ontario by the Honourable James Lyons, Minister of Lands and Forests, and by the Honourable Charles McCrea, Minister of Mines, in the presence of — JAS. LYON. C. McCREA.

W. C. CAIN.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

Mr. Deputy Superintendent
Indian Affairs

DEPARTMENT OF INDIAN AFFAIRS
CANADA

Ottawa, 6th May, 1924.

Memorandum:

Honourable Charles Stewart,

Mr. Troop, Law Clerk of the House of Commons, and Mr. Beauchesne, the Clerk Assistant of the House of Commons, advise that the introduction of Bill 15 should have been preceded by a resolution. It is desired also to make some changes in the Schedule to the Bill. They advise accordingly that the order for the second reading of this Bill should be discharged on motion of the Minister and the Bill withdrawn and a new Bill introduced, and that the procedure will be for the Minister to move that the Order for the second reading of Bill 59 be discharged and the Bill withdrawn, when the Speaker calls the Order, stating simply that he desires to make certain changes in the Schedule. The new Bill has been printed and contains the necessary changes in the Schedule.

A. S. Williams

Departmental Solicitor.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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FORM T.D. 2

CANADIAN PACIFIC RAILWAY COMPANY'S TELEGRAPH

TELEGRAM

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J. McMILLAN, General Manager of Telegraphs, Montreal.

Send the following Message, subject to the terms printed on the back hereof which are hereby agreed to.

26 May 1924

Dr. D C Scott
Chateau Frontenac
Quebec.

Mr. Throop sending you to night two copies of Bill. These are all that can be spared

J D McLean

CANADIAN PACIFIC R'Y. CO.'S TELEGRAPH

FORM T. D. 1

TELEGRAM

CABLE CONNECTIONS TO ALL PARTS OF THE WORLD

J. McMILLAN, General Manager of Telegraphs, Montreal.

DEPT. OF INDIAN AFFAIRS
MAY 27 1924
RECORDS

178 RA A 20 COLLECT

CF QUEBEC Q MAY 26-24

J D MCLEAN

ACTING DEPUTY MINISTER DEPT OF INDIAN AFFAIRS

OTTAWA

KINDLY SEND ME THREE COPIES OF OUR BILL FOR SETTLEMENT ONTARIO RESERVES ADDRESS CHATEAU FRONTENAC WILL RETURN THURSDAY MORNING

DUNCAN C SCOTT

5.14 PM

Copied as

PHONED
By. Time 5500

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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GEORGE I. GOGO, K.C.
Barrister & Solicitor
BROWN BLOCK - PITT STREET

TELEPHONE 184

CORNWALL, ONT. May 26, 1924.

DEPT. OF INDIAN AFFAIRS
JUN 28 1924
OTTAWA

MINISTER'S OFFICE
MAY 28 1924
DEP'T. OF INTERIOR

Hon. Charles Stewart,
Supt. Gen. of Indian Affairs,
Ottawa, Ont.

My Dear Sir:-

Would you kindly send me a copy of the Bill you have introduced in the Dominion Parliament with respect to Indian Reserves in the Province of Ontario. I understand you made an agreement with the Honourable Mr. McRae of this Province and I would like to see the tenor of the Bill you introduced into the Dominion House.

Believe me,

Yours very sincerely,

G. I. Gogo

GIG/SEE.

Referred to the Deputy Minister of Indian Affairs
MAY 28 1924
FOR ATTENTION
DRAFT REPLY
PRIV. SEC'Y.

An act for the Settlement of certain Questions between the Govt of Can & Ont respecting Ind. Res. Lands, June 6

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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File

Ottawa, June 25, 1924.

Dear Sir:-

Your letter of the 26th ultimo, addressed to the Honourable Charles Stewart, has been referred to me for action and in reply I have pleasure in enclosing, herewith, a copy of Bill 191, An Act for the settlement of certain questions between the Governments of the Dominion of Canada and Ontario respecting Indian Reserve Lands.

Encl.

Yours very truly,

Duncan C. Scott

Deputy Superintendent General.

Oct 25

George I. Gogo, Esq., K.C.,
Barrister & Solicitor,
Cornwall, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Form 2A-TW

CLASS OF SERVICE DESIRED

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Day Letter
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Night Letter

Patrons should mark X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

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Ottawa, July 2nd. 1924.

W. C. Cain,
Deputy Minister of
Lands and Forests,
Toronto, Ont.

Will you kindly wire me immediately number of chapter of your statute confirming agreement Indian reserves March nineteen twenty-four.

Duncan C. Scott.

Charge I. A.

DCS

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J. McMILLAN, General [illegible]anager of Telegraphs

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DUNCAN CORBITT

DEPT OF INDIAN AFFAIRS OTTAWA ONT

INDIAN AGREEMENT COVERED BY CAP FIFTEEN / FOURTEEN-FIFTEEN / GEORGE FIVE STATUTES OF ONTARIO

W C CAIN

DEPUTY MINISTER

523 P

Copies

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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July 15, 1924.

Honourable Sir:

This Department is interested in two Bills which have recently been passed by the House of Commons, namely: Bill 172 " An Act to amend the Indian Act" and Bill 191 " An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands."

In case you may desire to discuss these Bills with an official of this Department, I may say that Mr. Williams, the Departmental Solicitor who is familiar with them, will be at your disposal.

Yours very truly,

(signed) Duncan C Scott

Deputy Superintendent General.

Hon. R. Dandurand, P.C.,
House of Commons,
OTTAWA.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Form 2A-TW

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Ottawa, July 16th, 1924

W.C. Cain, Esq.,
Deputy Minister,
Department of Lands and Forests, Toronto, Ont.

Indian Lands Bill has passed House of Commons.

DUNCAN C. SCOTT

Chg. Indian Affairs.

Form 6123, replacing Form 1-TW

CLASS OF SERVICE	SYMBOL
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DEPT. OF INDIAN AFFAIRS JUL 19 1924 RECORDS

D G SCOTT 499

DEPUTY SUPT GENERAL DEPT OF INDIAN AFFAIRS OTTAWA ONT

HAS INDIAN LANDS ACT RECEIVED ITS FINAL READING

W C CAIN DEPUTY MINISTER.

Copied

USE OUR DIRECT ALL-CANADA SERVICE TO VANCOUVER, VICTORIA AND BRITISH COLUMBIA POINTS

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111834-2

DEPT. OF INDIAN AFFAIRS
28 1925
RECORDS

Wikwemikong, Ont July 25th 1925

Sir:—

According to informations received here lately, an agreement was made between the Federal Government and the Government of the Province of Ontario, and new laws were enacted by the Federal Government concerning the titles of the Indians of this Province to their respective reserved lands. This information has caused some uneasiness here. Before making any move, the people of this reserve wish to study the question at its proper source. We would be very thankful if you could provide us with a copy of these new regulations or a blue book in which they can be found. They are the following:

(1) An agreement made on March 24th 1924 relating to the rights and titles of the Indians to their reserved lands in the Province of Ontario.

(2) The law passed by the Federal Government, ~~xxxxxx~~ on the 19 July 1924, known as Bill 191, concerning the above agreement.

(3) An enactment passed by the Federal Government in the year 1920, known as Bill 14th, relating to the compulsory enfranchisement of the Indians of the Province of Ontario and other Provinces.

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(4) The treaties passed between the different bands of Indians of North Ontario and the Government of Canada from the year 1835 to our time.

(5) (a) The reports of debates of the session of the Parliament of Canada in the year 1863, concerning the Indians of the Manitoulin Island.

(b) The reports and other documents of different officers of the Canadian Government relating to the difficulties between the the Indians of the Manitoulin Island concerning rights of fisheries an lands in the year 1862 and 1863.

I would be very thankful if you could provide me with these documents for the reason stated above and especially as documentary pieces for historical purpose

Very sincerely yours,
T. A. Desautels, S.J.
Missionary.

The Secretary of the Department of
Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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KODAK SAFETY ▲ FILM ●

111834-2

Ottawa, August 20, 1925.

Dear Sir,-

I have to acknowledge your letter of the 25th ultimo and in reply thereto I regret to say that the Department cannot supply you with the documents asked for therein. It is suggested that if the Indians desire to make representations in connection with their affairs they should do so to the Department through the Indian Agent.

Your obedient servant,

T. R. L. MacInnes,
For Assistant Deputy and Secretary.

Rev. T. A. Desautels, S. J.,

WIKWEMIKONG, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Memo For General Council Of Ontario Indians

(1) It is important to realize the seriousness of the whole course followed by the Indian Department during recent years, the central objective of which is to destroy all aboriginal land and other rights of the Indian Tribes of Canada, mainly by securing enactments of the Parliament of Canada.

(2) Such enactments where the law known as Bill 13, relating to the land rights of the Indian Tribes of British Columbia and the law known as Bill 14 relating to compulsory enfranchisement, both of which were enacted in the year 1920. Another such enactnent was the law known as Bill 191, relating to all Indian Reserves in the Province of Ontario enacted in the year 1924.

(3) It is important to realize that for making a successful fight against this policy of the Indian Department very rapid action is positively necessary. It is expected that at an early stage next session of Parliament the Government of Canada, acting uoon advice of the Indian Department, will introduce a Bill dealing with the aboriginal claims of the Indian Tribes of British Columbia. It is thought that the introduction of such a Bill is the most likely way in which the Indian Department will endeavor to force upon the Tribes of British Columbia terms of settlement which the Indians have been unwilling to accept. In any event it is probable that the whole subject of the aboriginal claims of the Indian Tribes of British Columbia will be brought before both Housees of the Parliament of Canada soon after the opening of the next session.

(4) It seems manifestly desirable that at early date the Committee appointed at Sarnia should meet and enter upon work of investigating the whole present position regarding Indian rights in Canada and preparing to deal with it.

(5) Also it is highly desirable that soon the Committee of the Ontario Tribes should be prepared to co-operate at Ottawa and in England with the Allied Indian Tribes of British Columbia.

(6) To the end that such co-operation may be arranged for, it is desirable that the Committee of the Ontario Tribes should meet delegates of the allied Tribes of British Columbia as soon as there shall be opportunity of doing so.

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504 Royal Bank Building,
Toronto, September 4th., 1924.

Jos. Jones, Esq.,
President,
General Council of Ontario Indians,
Shawanaga, Ont.
Dear Sir:—

On behalf of the Society of Friends of the Indians of Canada, I am sending you some information which I think you will find to be important.

On the 24th. March last the Government of the Dominion of Canada andthe Government of the Province of Ontario made an Agreement relating to all Indian Reserve lands in the Province of Ontario.

A Bill setting out the terms of this Agreement and confirming it, copy of which is enclosed, was in April last introduced into the House of Commons by the Minister of Interior, who is also Superintendant-General of Indian Affairs, and during last session was passed by Parliament and made the law of Canada.

The Agreement, as we understand its provisions, overrides many solemn treaties made between British Sovereigns and Indian Tribes of Ontario, is based upon the assumption that the Indian Tribes of Canada have not and never had tribal title to their territories, and concedes to the Province of Ontario what is called reversionary title in respect of all Indian Reserves.

We understand the meaning and practical effect of reversionary title so conceded to be that the Province of Ontario has ownership of all Indian Reserves of Ontario, subject only to the occupation of the Indians, so long as such occupation may continue.

By looking at paragraph No. 1 of the Agreement you will see that according to its provisions occupation of the Indians will continue just so long as the Department of Indian Affairs shall decide. The words of this paragraph quite clearly give to the Superintendent-General the power of declaring that a Reserve or any part of a Reserve is no longer required for the Indians and it is provided that upon the making of such declaration the land covered by it becomes absolutey the property of the Province of Ontario.

On behalf of the allied Indian Tribes of British Columbia their General Counsel, Mr. A. E. O'Meara, of Victoria, B.C., made a fight against the bill from the time of its introduction to the end of the session.

Mr. O'Meara prepared a memorandum dealing with the title of the Indian Tribes of Canada and in particular those of British Columbia, both the aboriginal title to their territories and the title to their Reserves, also with the revisionary claim in respect of Indian Reserves made by the Province of British Columbian and the agreement of March last.

The Canadian Advisory Committee of the Siciety of Friends of the Indians of British Columbia helped Mr. O'Meara and sent to the Minister of Interior a paper supporting Indian rights in Canada and expressing the opinion that a very strong case is made by Mr. O'Meara's Memorandum.

Also the Society of Friends of the Indians of Canada opposed the Bill and made representations to the Minister of Interior urging that the whole matter of Indian rights in Canada should be referred to the Judicial Committee of His Majesty's Privy Council.

Notwithstanding all efforts so made for protecting Indian rights in Ontario, in British Columbia, and throughout the rest of Canada, Parliament was induced by Memorandum of the Indian Department brought before the House of Commons and assurances of the Minister to pass the Bill which became law on 19th July.

All this was done, as was admitted by the Minister of Interior in course of debate in the House of Commons, without informing the Indian Tribes of Ontario. This we consider to be a very serious fact.

We understand that under the provisions of the British North America Act, His Majesty's Imperial Government has the power of disallowing any Act of the Parliament of Canada. The facts above stated would seem to show that the Indian Tribes of Ontario would be fully justified in asking that by exercise of this power, the Act confirming the Agreement, and thus so seriously affecting Indian Rights throughout Canada, should be cancelled. No doubt such a request would be strongly supported by the Allied Tribes of British Columbia.

I feel sure that Mr. O'Meara would furnish additional information and any explanation that you may desire. His present address is University Club, Ottawa, Ont.

Yours truly,

HARRY L. STARK, Secretary.

Toronto, Jan. 7th, 1925

Joseph Jones, Esq.,
General Council of Ontario Indians,
Shawanaga, Ont.
Dear Sir:

I wrote you on the 2nd inst. and have now received copies of the Bill from Ottawa, which I am forwarding to you.

In compliance with your request I am enclosing memo of suggestions prepared after consultation had with Mr. A. E. O'Meara, General Counsel of the Allied Tribes of British Columbia, who has spent two weeks in Ottawa and is now returning to British Columbia.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Recent events have made clearer than ever before the necessity of bringing the whole subject of Indian Rights in Canada, and in particular those of the tribes of British Columbia, before His Majesty's Privy Council and securing that all the serious issues involved shall be decided by the Judicial Committee of the Privy Council.

From Mr. O'Meara's account of the position of affairs, it seems probable that it will be necessary for the Allied Tribes of British Columbia to carry their case forward in the Privy Council and secure that their Independent Petition shall be referred to the Judicial Committee without the help of the Government if Canada and at their own expense.

Mr. O'Meara will report to and fully advise the Allied Tribes upon occasion of meeting of their Executive Committee to be held at Vancouver on the 13th inst.

It is expected that the Allied Tribes will, in the immediate future, move strongly both before the Parliament of Canada and in England.

If you should desire any particular information, I shall be glad, upon hearing from you, to furnish it so far as possible.

Will you please let me know whether, if delegates of the Allied Tribes of British Columbia should soon go to Ottawa, it would be possible to arrange that the Committee of the Ontario Tribes shall meet them either at Toronto or at Ottawa.

Yours truly,
HARRY L. STARK

TORONTO, February 20th, 1925.

Joseph Jones, Esq.,
Shawanaga, Ont.,

Dear Sir: I wrote you on the 9th acknowledging your letter of the 5th and advising you that I would write you further in reply to your questions. These I submitted to Mr. R. R. Cromarty, the head of the Canada Law Book Co., 234 Bay Street, Toronto. He had been away from the office but I have now received his reply, which is as follows:—

" (a). There is no such thing as a law governing treaties. The treaty speaks for itself. All treaties are subject to different constructions. If you would name the particular treaty to which Mr. Jones has reference, I would make an effort to see if any judgement in the Court has been given."

" (b) Regarding the British North America Act, we happen to have a number of copies of Wheeler's Confederation Law of Canada, which is the British North America Act, together with comments and anotations by Mr. Wheeler. The sections are all printed separately, but are complete, plus the notes by the author."

"We have had a great many copies of this work in stock for years so there is no value in it to us, and I will be glad if you would present the work to Mr. Jones with your compliments."

I am forwarding to you Wheeler's Confederation Law of Canada that Mr. Cromarty very kindly presented. I trust that it may be of service to you. Kindly acknowledge receipt of same and oblige.

As yet I have had no further word from Mr. O'Meara as to the progressof the Indian affairs in the West.

Yours very truly,
HARRY L. STARK

University Club, Ottawa,
24th. August, 1925.

Mr. Henry K. Abetung,
Shawanaga, Ontario.
Dear Mr. Abetung:

I am enclosing my promised Memorandum which deals with several important issues relating to Indian rights in Canada and especially in Ontario.

Before preparing this paper I have made considerable research additional to what I have already made, have specially examined a number of very important judgments delivered by the judicial Committee of His Majesty's Privy Council, and have carefully considered the issues dealt with.

My conclusions have been expressed briefly and you will probably ask for some explanations.

With regard to both the matter of the lands of Manitoulin Island and that of other islands claimed I find that further information will be needed before I can give satisfactory advice. These two matters I am reserving.

Mainly for the purpose of consulting with you and Mr. Jones about action advised I have by telegram of Saturday suggested that we meet in Orillia at an early hour of Monday next. Hope to spend a few days at the Lake of Bays and shall require to return to Ottawa in time for an appointment with the Minister of Justice arranged for Tuesday. I could arrange to spend Monday in Orillia, and upon inquiry I find that you could come from Parry Sound and arrive at an early hour.

You will remember it was arranged that upon my giving advice you would pay an additional amount of $100. My fees for consultations, research and advice now given according to rate usually charged would considerably exceed $200. But if you will in pursuance of our

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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arrangement on early day pay the additional $100 I am willing to charge total fees of $200 for all services to date including consultation which I hope we shall have in Orillia.

I am holding the papers placed in my hands untii we shall meet as I want to look over them again.

Your expected telegram answering mine will if necessary be forwarded to me.

Very truly yours.

A. E. O'Meara

MEMORANDUM OF COUNSEL

I set out the following Summary of my opinion upon outstanding matters:—

1. Indian Tribes may have been rightly described as allies. When the territory of a Tribe was ceded as by the Robinson-Huron Treaty the members of the Tribe became, if they had not already become, subjects of the British Sovereign. The Tribe continued to have communal standing and all aboriginal land and other rights not surrendered by the Treaty.

2. By Article 40 of the Articles of Capitulation, the Royal Proclamation of the year 1763, and other constitutional documents, the aboriginal title of the Tribes in respect of their territories was fully recognized, and by Section 109 of the British North America Act was preserved as an interest in all lands belonging to a province.

3. Each tract of land reserved by the Robinson-Huron Treaty became the full permanent beneficial property of the Community of Indians for whom it was reserved.

4. By that Treaty, hunting, trapping and fishing rights were reserved. Those rights had been before the Treaty was entered into and rontinued to be proprietary rights of the Indians.

5. At the time of Confederation (1867) lands reserved by the Robinson-Huron Treaty were not lands belonging to the Province oh Canada but lands belonging to the Indians. Therefore the Province of Ontario did not by the provisions of the British North America Act acquire any title whatever to the lands which had been so reserved, but those lands continued to be in the fullest sense Indian Lands.

6. After Confederation the hunting, trapping and fishing rights which had been reserved by the Treaty, continued to be the proprietary rights of the Indians.

7. The British North America Act did not give to the Parliament of Canada power for handing over to the Province of Ontario or otherwise disposing of either the lands or the hunting, trapping and fishing rights which had been reserved by the Treaty.

8. The British North America Act did not give to the Legislature of the Province of Ontario power for regulating the hunting trapping and fishing rights which had been reserved by the Treaty and enactments of the Legislature of the Province expressly restricting such rights or having the effect of restricting them are in that respect beyond the powers of the Legislature.

9. Section 91 of the British North America Act gave to the Parliament of Canada power for regulating the hunting, trapping and fishing rights of Indian Tribes.

10. The law known as Bill 191, to which the Governor-General gave assent on 19th July, 1924, attempts to hand over to the Province of Ontario ownership of all Indian Reserves within the Province, and is therefore beyond the powers of the Parliament of Canada.

11. That law also declares in effect that the Province of Ontario acquired absolute title to all lands within the Province which have been surrendered by Indian Tribes. By this declaration it is attempted to extinguish all hunting, trapping and fishing rights which have been reserved. Therefore in this respect also the law is beyond the powers of the Parliament of Canada.

12. That law also attempts to confer upon the Superintendent-General of Indian Affairs power for declaring that any particular Reserve or part of a reserve within the Province is no longer required for the benefit of the Indians and to enact that upon the issuing of such declaration that particular land shall become the full beneficial property of the Province of Ontario. In this respect also the law is beyond the powers of the Parliament of Canada.

13. A large number of Indian Tribes of Ontario, British Columbia, Quebec and other parts of Canada have great interests involved in establishing and maintaining hunting, trapping and fishing rights as their proprietary rights founded upon aboriginal title to their territories. Treaties made with the British Sovereign and the provisions of the British North America Act preserving all such proprietary rights as being an interest in the public lands of a Province.

ACTION ADVISED

For dealing with the position of affairs above outlined I advise the following course:

1. Application should be made for the disallowance of the law known as Bill 191. Under Section 56 of the British North America Act the King in Council has power for disallowing any act oftheParliament of Canada within two years after receiving notice that the Governor-General has given assent to the Bill. Grounds supporting such applications

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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are for present purposes sufficiently indicated by the opinions above expressed together with the letter which Mr. H. L. Stark in consultation with myself sent to Mr. Joseph Jones on 4th. September, 1924

2. The King should be asked under Section 4 of the Judicial Committee Act to refer to the Judicial Committee of His Majesty's Privy Council all issues requiring to be judicially determined and in particular those relating to the law known as Bill 191 and above shown and that relating to the power for restricting the hunting, trapping and fishing rights of Indian Tribes which the legislatures of the Provinces, especially those of Ontario, British Colnmbia and Quebec, have claimed to possess.

3. These two principal matters should be placed in the hands of a firm of solicitors in London who would take all necessary action in accordance with the advice of Counsel.

4. The whole subject of Indian rights in Canada should be brought before both the Senate and the House of Commons for full discussion at an early stage of next Session of Parliament so that a thorough Parliamentary investigation may be secured.

5. Efforts should be made for securing that the General Council of Ontario Indians shall support all intended action especially application for disallowance of the law known as Bill 191.

6. All possible should be done for securing co-operation of the Tribes of other Provinces especially in bringing Indian rights before Parliament and in dealing with hunting, trapping and fishing rights.

A. E. O'MEARA,

University Club, Ottawa, 24th August, 1925

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Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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3rd Session, 14th Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA

Bill 191

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

AS PASSED BY THE HOUSE OF COMMONS
8TH JULY, 1924

THE CANADIAN PRESSES. Parry Sound, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Third Session, Fourteenth Parliament, 14-15 George V, 1924

THE HOUSE OF COMMONS OF CANADA

BILL 191

An Act for the settlement of certain questions between the Governments of Canada and Ontario respecting Indian Reserve Lands.

(Agreement binding, and Governor in Council authorized to carry out its provisions.)

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Aagreement between the Dominion of Canada and the Province of Ontario in the terms set out in the schedule hereto, shall be as binding on the Dominion of Canada as if the provisions thereof had been set forth in an act of this Parliament, and the Governor in Council is hereby authorized to carry out the provisions of the said agreement.

SCHEDULE

Memorandum of Agreement made in triplicate this 24th. day of March 1924.

Between the Government of the Domnion 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 James Lyons, Minister of Lands and Forests, and the Hon. Charles McCrea, Minister of Mines, of the second part.

Whereas from time to time treaties have been made with the Indians for the surrender for various considerations of their personal and usufructuary rights to territories now included in the Province of Ontario, such considerations including the setting apart for the exclusive use of the Indians of certain defined areas of land known as Indian Reserves;

EXPLANATORY NOTE

The purpose of the Bill is to confirm an agreement between the Dominion of Canada and the Province of Ontario defining the respective rights of each touching the disposition of lands in Indian Reserves in the Province which are surrendered by the Indians in order that they may be disposed of for the benefit of the band. The respective rights of the province and the Dominion have been in dispute in more than one case which has reached the Privy Council, and, as appears in the agreement scheduled to the Bill, a partial settlement of the points in dispute was made in 19[illegible] by an agreement between counsel engaged in one of these appeals on [illegible] half of the Dominion and the Province respectively. Certain other points were, however, left unsettled by agreement and it was never confirmed by statute. It is now proposed to give it legislative sanction and to settle those points with which it did not finally deal.

AND WHEREAS, except as to such Reserves, the said territories were by the said treaties freed, for the ultimate benefit of the Province of Ontario, of the burden of the Indian rights, and became subject to be administered by the Government of the said Province for the sole benefit thereof

AND WHEREAS the surrender of the whole or some portion of a Reserve by the band of Indians to whom the same was allotted has, in respect of certain Reserves in the Provinces of Ontario and Quebec, been under consideration in certain appeals to the Judicial Committee of the Privy Council, and the respective rights of the Dominion of Canada and the Province of Ontario, upon such surrenders being made, depend upon the law as declared by the Judicial Committee of the Privy Council and otherwise affecting the Reserve in question, and upon the circumstances under which it was set off;

AND WHEREAS on the 7th day of July, 1902, before the determination of the last two said appeals, it had been agreed between counsel for the Governments of the Dominion of Canada and the Province of Ontario respectively that, as a matter of policy and convenience, and without thereby affecting the constitutional or legal rights of either of the said Governments, the Government of the Dominion of Canada should have full power and authority to sell, lease and convey title in fee simple, for any less estate to any lands forming part of any Reserve thereafter surrendered by the Indians, and that any such sales, leases or other conveyances as had theretofore been made by the said Government should be confirmed by the Province of Ontario, the Dominion of Canada, however, holding proceeds of any lands so sold, leased or conveyed subject, upon the extinction of the Indian interest therein and so far as such proceeds had been converted into money, to such rights of the Province of Ontario as might exist by law;

AND WHEREAS by the said agreement it was further provided that, as to the Reserves set aside for the Indians under a certain treaty made in 1873 and recited in the Schedule to the Dominion Statute, 54—55 Victoria, chapter 5, and the Statute of the Province of Ontario, 54 Victoria, and might be disposed of by the Dominion of Canada in the same way and subject to the same conditions as the land in which they existed, and that the question whether the precious metals in the lands included in Reserves set aside under other treaties were to be considered as forming part thereof or not, should be expressly left for decision in accordance with the circumstances and the law governing each;

NOW THIS AGREEMENT WITNESSETH that the parties hereto, in

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

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order to settle all outstanding questions relating to Indian Reserves in the Province of Ontario, have mutually agreed, subject to the approval of the Parliament of Canada and the Legislature of the Province of Ontario, as follows:—

1. All Indian Reserves in the Province of Ontario heretofore or hereafter set aside, shall be administered by the Dominion of Canada for the benefit of the bands or band of Indians to which each may have been or 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 or otherwise under the direction of the Government 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 any portion thereof 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 of Indians, be paid to the Province of Ontario, together with accrued unexpended simple interest thereon.

2. Any sale, lease or other disposition made pursuant to the provisions of the last preceding paragraph may include or may be limited to the minerals (including the precious metals) contained in or under the lands sold, leased or otherwise disposed of, but every grant shall be subject to the provisions of the statute of the Province of Ontario entitled "The Bed of Navigable Waters Act," Revised Statutes of Ontario, 1914, chapter thirty-one.

3. Any person authorized under the laws of the Province of Ontario to enter upon land for the purpose of prospecting for minerals thereupon shall be permitted to prospect for minerals in any Indian Reserve upon obtaining permission so to do from the Indian Agent for such Reserve and upon complying with such conditions as may be attached to such permission, and may stake out a mining claim or claims upon such Reserve.

4. No person not so authorized under the laws of the Province of Ontario shall be given permission to prospect for minerals upon any Indian Reserve.

5. The Rules governing the mode of staking and the size and number of mining claims in force from time to time in the Province of Ontario or in the part thereof within which any Indian Reserve lies shall apply to the staking of mining claims on any such Reserve, but the staking of a mining claim upon any Indian Reserve shall confer no rights upon the person by whom such claim is staked except such as may be attached to such staking by the Indian Act or other law relating to the disposition of Indian Lands.

6. Except as provided in the next following paragraph, one-half of the consideration payable, whether by way of purchase money, rent, royalty or otherwise in respect of any sale, lease or other disposition of a mining claim staked as aforesaid, and, if in any other sale, lease or other disposition hereafter made of Indian Reserve lands in the Province of Ontario, any minerals are included, and the consideration for such sale, lease or other disposition was to the knowledge of the Department of Indian Affairs affected by the existence or supposed existence in the said lands of such minerals, one half of the consideration payable in respect of any such other sale, lease or other disposition shall forthwith on receipt from time to time, be paid to the Province of Ontario; the other half only shall be dealt with by the Dominion of Canada as provided in the paragraph of this agreement numbered 1.

7. The last preceding paragraph shall not apply to the sale, lease or other disposition of any mining claim or minerals on or in any of the lands set apart as Indian Reserves pursuant to the hereinbefore recited treaty made in 1873 and nothing in this agreement shall be deemed to detract from the rights of the Dominion of Canada touching any lands or minerals granted or conveyed by His Majesty for the use and benefit of Indians by letters patent under the Great Seal of the Province of Upper Canada, of the Province of Canada or of the Province of Ontario, or in any minerals vested for such use and benefit by the operation upon any such letters patent of any statute of the Province of Ontario.

8. No water-power included in any Indian Reserve, which in its natural condition at the average low stage of water has a greater capacity than five hundred horsepower, shall be disposed of by the Dominion of Canada except with the consent of the Government of the Province of Ontario and in accordance with such special agreement, if any, as may be made with regard thereto and to the division of the purchase money, rental or other consideration given therefor.

9. Every sale, lease or other disposition heretofore made under the Great Seal of Canada or otherwise under the direction of the Government of Canada of lands which were at the time of such sale, lease or other disposition included in any Indian Reserve in the Province of Ontario, are hereby confirmed, whether or not such sale, lease or other disposition included the precious metals, but subject to the provisions of the aforesaid statute of the Province of Ontario entitled "The Bed of Navigable Waters Act", and the consideration received in respect of any such sale, lease or other disposition shall be and continue to be dealt with by the Dominion of Canada in accordance with the provisions of the paragraph of this agreement numbered 1, and the consideration received in respect of any sale, lease or other disposition heretofore made under the Great Seal of the Province of Ontario, or under the direction of the Government of the said Province, of any lands which at any time formed part

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of any Indian Reserve, shall remain under the exclusive control and at the disposition of the Province of Ontario.

10. Nothing herein contained, except the provision for the application of "The Bed of Navigable Waters Act" aforesaid, shall affect the interpretation which would, apart from this agreement, be put upon the words of any letters patent heretofore or hereafter issued under the Great Seal of Canada or the Great Seal of the Province of Ontario, or of any lease or other conveyance, or any contract heretofore or hereafter made under the direction of the Government of Canada or of the Province of Ontario.

IN WITNESS WHEREOF these presents have been signed by the parties thereto the day and year above written.

Signed on behalf of the Government of Canada by the Honourable Charles Stewart, Superintendent General of Indian Affairs, in the presence of DUNCAN C. SCOTT.

"CHARLES STEWART"

Signed on behalf of the Government of the Province of Ontario by the Honourable James Lyons, Minister of Lands and Forests, and the Honourable Charles McCrea, Minister of Mines, in the presence of W. C. CAIN.

"JAS. LYONS"
(SEAL)

"C McCREA"
(SEAL)

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

Poor C.P

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DEPT. OF INDIAN AFFAIRS
DEC 12 19--
RECORDS

Shawanaga, Ont.,
Nov. 20th., 1925

Sir:—

In addressing you chiefs, councillors and officers of the different bands of Ontario. To commemorate some of the past history, which had been erroneous concerning the race to which we belong.

I enclose herewith the copy of Bill 191, and a copy of the Memoran dum which deals with several important issues relating to Indian rights in Canada especially in Ontario.

We the authorized committee of those different Bands of Indians here in Georgian Bay received notice from Mr. H. Stark of Toronto, that A. E. O'Meara of Victoria B. C. was the General Counsel for the British Columbia Indians. Mr. O'Meara has made a special study of their case where our case or grievance are the same. We have also learned that he has made a life study of the Indian Treaties in different parts of Canada. To make this a successful fight we require a considerable amount of money and time. First of all this has to be put before the Parliament to disable the Indian Dept., from there to the Privy Council, then to the Judicial Committee before the Greatest Tribunal of the British Empire to be dealt with before His Royal Highness, King George the Fifth.

We have long desired to have our grievances presented before the King. "Now our chance has come and what are we going to do to keep our financial part up?"

We have decided to call a council at Shawanaga Indian Reserve on the 30th. of December 1925. We are asking different bands of Indians in Ontario to attend this council to show you our views on the subject and also get your opinion on the same. This is the most important question that was ever brought up on behalf of our race.

The Society of Friends of the Indians of Canada are doing all they can in their power to assist, of which Harry L. Stark is the head.

Respectfully yours
Henry. K. Abetung

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

Ottawa, December 23, 1925.

Sir,-

With reference to the circular of the 20th ultimo, which you addressed to the chiefs, councillors and officers of the different bands of Ontario, calling attention especially to Bill 191, I beg to say that this Bill was passed for the purpose of settlement of certain questions between the Governments of Canada and Ontario respecting Indian reserve lands and was in the best interests of the Indians and has now become the law of the land. It has nothing to do with any question at issue as between the Province of British Columbia and the Dominion of Canada. It is, therefore, absolutely wrong that you should ask the Indians of Ontario to contribute money to support the contentions of Mr. O'Meara, on behalf of the Indians of British Columbia.

Your obedient servant,

J. D. McLean,
Assistant Deputy and Secretary.

Mr. Henry K. Abetung,
Shawanaga, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

INDIAN DEPT., OTTAWA
MAR 4 1926
REGISTRATION BRANCH.

1515 Second Street,
Charleston, Illinois,
United States of America,
February 28, 1926.

LANDS BRANCH
MAR 11 1926

Land Office.
Dept. of Interior,
Ottawa, Canada.

Dear Sir:

Will you please tell me the price of Lot 1 on island 1372 in N/E Gregor Bay and of Lot 1 on island 1701. Is the case of the first Parish to know just how much and what part of the island Lot 1 takes up.

Can you tell me, also, who owns Island 1621? Of all the islands,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

Poor C.P.

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CANADA

we would prefer to buy that one if it is for sale.

Yours very truly,

Patsy Pupo Stover

Mrs. Ernest F. Stover

MacGregor Bay is on the North Shore of Lake Huron near Little Current.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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DEPARTMENT OF THE INTERIOR
CANADA

G.

OFFICE OF THE SECRETARY,

OTTAWA, 9th March, 1926.

DEPT. OF INDIAN AFFAIRS
MAR 10 1926
RECORDS

Copy for Department of Indian Affairs, with letter from Mrs. Stover.

LANDS BRANCH
MAR 11 1926

R

Dear Madam,

I am directed to acknowledge the receipt of your letter of the 26th ultimo, asking for infomnation and the price of Lot 1 on island 1372 in McGregor Bay, of Lot 1 on island 1701, and island 1621.

The islands referred to are not under the control of this Department, but I am transferring your letter to the Department of Indian Affairs, which Department will be in a position to furnish definite information regarding your enquiry.

Your obedient servant,

J. D. Roberts

Secretary.

Mrs. Ernest L. Stover,
1515 Second St.,
Charleston, Ill.,
U. S. A.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

LLL7834-3

/O'C

Ottawa, March 15th, 1926.

Madam:-

I have received your letter of the 28th ultimo, from the Department of the Interior, with reference to certain islands in McGregor Bay, and advise that we have no record of the islands referred to under numbers 1372, 1631 and 1701.

May I ask you to kindly advise from what map you have taken the above numbers.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

Mrs. Ernest L. Stover,
1515 Second Street,
C H A R L E S T O N,
Ill.
U. S. A.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

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363.

ONTARIO
DEPARTMENT OF MINES
OFFICE OF THE DEPUTY MINISTER

DEPT. OF INDIAN AFFAIRS
MAY 27 1926
LANDS BRANCH
MAY 29 1926

Toronto,

26th. May, 1926.

Dear Sir:

The agreement subsequently ratified by legislation between the Dominion Government and the Government of Ontario, regarding prospecting for minerals and staking out mining claims on Indian lands specifies that the holder of an Ontario miner's license may prospect, etc. on obtaining permission from the Indian Agent, and his claim or claims must be staked out in accordance with the regulations of the Mining Act of Ontario. Nothing, however, is said as to where these claims should be recorded. I assume that the record should be made with your Department at Ottawa or the Indian Agent, or some official appointed by your Department. Will you kindly advise what procedure has been adopted?

Yours very truly,

Thos. W. Gibson,
Deputy Minister.

TWG/M.

Superintendent of Indian Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

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111834-3

Ottawa, June 14th.1926.

Sir:-

I beg to acknowledge receipt of your letter of the 26th.ult.regarding the procedure adopted with respect to the recording of mining claims on Indian Reserves in the province of Ontario,and in reply to state that although to date the Department has not granted any mining leases or locations since the passage of the Act dated July 19th.1924 ratifying the agreement between the governments of Canada and Ontario,I may say that the following procedure is suggested.

A prospector's permit is granted in the first instance to any reputable person who holds an Ontario mining license or certificate,to enable him to prospect for minerals on an Indian Reserve.He must file with the Department or our local agent a certified copy of his miner's license and stake out a claim in conformity with the Mining Act of the province.

He must then record his claim with the Department,giving a proper description of the size, location and boundaries and must if required furnish a blue print plan of the location.If such location is restricted to the working of the precious metals only, the Department will then proceed with arrangements for the leasing of the surface rights on payment of such rental or royalties as may seem best in the opinion of the Superintendent General.If the claim covers the baser metals or other minerals,a surrender from the Indians must first be obtained. It is proposed to furnish your Department with a certified statement at the end of each fiscal year,showing the leases or sales of mining locations made on Indian Reserves in the province,and the amount of revenue derived by way of rentals or royalties,such statement to be used as a basis for the payment of the moiety,representing the interest (of

Thos.W.Gibson Esq.
Deputy Minister
Dept. of Mines.Toronto.ONT.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

of the Province of Ontario,as specified in the above mentioned Act.

I shall be pleased to learn if the proposed procedure meets with your approval.

Your Obedient servant,

Asst. Deputy & Secretary.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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363

111834-3

ONTARIO
DEPARTMENT OF MINES
OFFICE OF THE DEPUTY MINISTER

Toronto,

June 15th.1926.

DEPT. OF INDIAN AFFAIRS
JUN 17 1926
RECORDS
LANDS BRANCH
JUN 17 DEC

Sir;

I am in receipt of your (unsigned) letter of the 14th.inst. setting out the procedure followed by your Department in the case of mining claims staked on an Indian Reserve.

So far as I can see, the regulations are suitable, and I shall now be in a position to advise enquirers with regard to the same.

Yours very truly,

Thos.W. Gibson,
Deputy Minister.

TWG/HWB

Secretary,
Department of Indian Affairs,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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C. R. Fitch, Ph. B.
Barrister, Solicitor, Notary Public &c
OFFICE 211 CHURCH ST.
Fort Frances, Ont.

DEPT. OF INDIAN AFFAIRS
MAR 12 1930
RECORDS

March 7th., 1930.

Duncan C. Scott Esq.,
Superintendant of Indian Affairs,
Ottawa, Ont.

My Dear Mr. Scott:

Re: Indian Reserve No. 1 and Indian Reserves A and B

We are having some litigation with regard to these reserves, part of Indian Reserve No. 1 having been subdivided and sold to different purchasers for summer residences, part having been leased to the Rainy Lake Golf and Country Club and part leased to the Mathieu Lumber Company. From the maps apparently these reserves were set aside about 1876 by the Dominion Government but not approved by the Ontario Government until some time later.

The question has arisen when the Ontario Government consented to the setting aside of these reserves and also whether or not when the reserves are sold they automatically become a part of the adjacent municipality without the consent of the Indian Department at Ottawa.

I would be glad if you would advise me when the Ontario Government consented to the setting aside of these three reserves and also whether that consent reserved the right to the Dominion Government to sell and transfer the lands. I should also like to know whether the Indian Department would after their transfer to individuals or tenants have any right to say that these lands shall or shall not be included in the municipality.

I have the honour to be, sir, your obedient servant.

C. R. Fitch

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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ARCHIVES PUBLIQUES
CANADA

111834-3

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file

March 11th. 1930.

Dear Sir,-

Re: Indian Reserve No. 1 and
Indian Reserves A and B.

I have to acknowledge your letter of the 7th instant.

In reply to your enquiries I beg to say that these reserves were surveyed about the year 1876. They were confirmed by Provincial Statute, Chapter 12, 5-George V, 1915. These reserves are held and administered according to the terms of an agreement made between the Dominion and the Province on the 24th day of March, 1924, contained in Schedule "A", Chapter 15, Statutes of Ontario, 4-George V, 1924. By this agreement you will observe that the Dominion has the right upon surrender, to issue letters patent for portions surrendered for sale. This agreement also confirms patents previously issued. I am not aware of any special provision enabling the Department to determine to what particular municipality such patented portions of Indian reserves shall belong.

A.G.W.

Yours very truly,

DCS

Duncan C. Scott

C. R. Fitch, Esq., Ph.B.,
Barrister, etc.,
211 Church St.
Fort Frances,
Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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COPY/MC

GWYNETH J. GLOVER
1638 Jarvis Avenue
Chicago, Illinois

March 17, 1930

Dear Sir,-

Will you kindly advise under what terms and conditions small islands forming public lands may be purchased, either in MacGregor Bay or adjoining Whale Back Channel?

Stamped and addressed envelope is enclosed for reply.

Very truly yours,

Gwyneth Glover

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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111834-3

When replying address
Commissioner of Dominion Lands
Ottawa

HH/MC

CANADA

Please quote
File 3407 O.L.

DEPT OF INDIAN AFFAIRS
MAR 26 1930
RECORDS

Department of the Interior

DOMINION LANDS ADMINISTRATION

24th March, 1930.

Sir,-

Herewith is a copy of a letter received from Miss Gwyneth Glover of Chicago in which she requests particulars respecting the purchase of islands in McGregor Bay and Whaleback Channel.

It is understood that the Department of Indian Affairs control certain islands in the district in question and Miss Glover has therefore been advised that her application has been referred to the Department of Indian Affairs for attention.

Your obedient servant,

J W Martin

Commissioner.

Encl.

J.D. McLean, Esq.,
Asst. Deputy Minister,
and Secretary,
Department of Indian Affairs,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

Ottawa, 10th April, 1930.

Madam,

The Department of the Interior has transferred here copy of your letter of the 17th ultimo with reference to Islands in MacGregor Bay or adjoining Whale Back Channel.

As the Islands in that portion of the Georgian Bay do not come under the jurisdiction of any Department of the Federal Government I would direct you to communicate with Mr. C.W.Cain, Deputy Minister, Department of Crown Lands, Toronto, Ontario, for the desired information.

Your obedient servant,

J.C.Caldwell
Director, Indian Lands and Timber.

Miss. Gwyneth Glover,
1638 Jarvis Avenue,
Chicago, Ill.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
MAY 3 1930
RECORDS

T-1995

Parry Sound, Ont.
May 1, 1930

Sec'y

Chap 48
Stat 1924

The Secretary,
Department Indian Affairs,
Ottawa, Ont.

Sir:

I have to report that there are rumblings of discontent through my Agency which are caused through a bill passed in Parliament some two years ago, Bill 191.

For the peace and smooth running of this Agency I would appreciate it very much if the Department would send me a copy of this bill and an explanation about the bill so that I could take the matter up with the Councils of the Bands in this Agency and explain to them the meaning of Bill 191. My idea in asking for the meaning of Bill 191 is to keep the people contented. There are a few Indians who are trouble makers here the same as anywhere else, and if this matter is explained to them in an intelligent manner, I presume that there will be no reason for complaint.

The consideration of the Department in this matter at their earliest is urgently requested.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly
Agent.

JMD/EK.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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ARCHIVES PUBLIQUES
CANADA

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

R

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
MAY 15 1930
RECORDS

Parry Sound, Ont.
May 13, 1930

T-2009

The Secretary,
Department Indian Affairs,
Ottawa, Ont.

Sir:

Following mine of May 1st, T-1995, re my enquiry about Bill 191, passed in Parliament about two years ago, the consideration of the Department at their very earliest convenience is earnestly requested.

Trusting the Department will help me in this matter so that I can explain matters to the Indians in my Agency.

Trusting this will be satisfactory.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly
Agent.

JMD/EK.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

Ottawa, 17th May, 1930.

Sir,

I have your letters of the 1st and 13th instant, File No. T-2009, with reference to the status of the Indian Reserves as contained in an agreement between the Dominion and the Province dated the 24th day of March, 1924, and set forth in the schedule to Chapter 48, Statutes of 1924. I am enclosing a copy of the said Act. It is thought that the Indians can properly assume that the Department sees to it that their interests are safe-guarded and you might endeavour to impress that upon them.

enc.

For your information I may say that according to decisions of the Privy Council on the surrender of Indian reserves the lands devolve upon the Province. This prevented the Department from selling the surrendered lands for the benefit of the Indians. To get over this difficulty the Department was able to get the Province to agree to allow such surrendered lands to be sold for the benefit of the Indians and to use the proceeds for the Indians. In this agreement the Department secured distinct advantages for the Indians and the Province was good enough to grant them. This should be enough to allay any uneasiness that has been caused among the Indians. We cannot undertake to go into all the details leading up to this agreement and it is not expected of course that our Agents should be able to answer all the questions that may be raised.

Your obedient servant,

A. F. MacKenzie.

Acting Asst. Deputy and Secretary

John M.Daly, Esq.,
Indian Agent,
Parry Sound, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

DEPT. OF INDIAN AFF. & N.D.
MAY 31 1930
RECORDS

MacINNIS & BRIEN
Barristers, Solicitors, Notaries, Etc.
JOHN A. MacINNIS, B.A. W.H.C. BRIEN
VANCE BLOCK
SAULT STE. MARIE
CANADA

May 20th., 1930.

Secretary of Department of
Indian Affairs,
Parliament Buildings,
Ottawa, Ontario.

Dear Sir:

Re: Peter Bombard.

You perhaps have read the editorial in the Toronto Daily Globe of Friday, May 16th., 1930, entitled The Indian's Ancient Right. If you have read such article, you will see that The Globe undertakes to defend the rights of the Indians, one in particular, Peter Bombard, who was sentenced by Magistrate Elliott of this city on the Tenth of May for the following offences:

(1) Did kill partridge during the closed season.

(2) Did set traps for the purpose of taking beaver during the closed season for taking the same.

Bombard, not being able to pay his fine, was given one month's imprisonment.

The Globe, in the article we refer to, quotes a portion of the wording of an Indian Treaty, the substance of which is "to permit the Chiefs and their tribes the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof as they have been heretofore in the habit of doing, saving and excepting such portions of the said territory

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

as may from time to time be sold to individuals or companies of individuals and occupied by them with the consent of the Provincial Government."

The writer, having read such article, became interested in the case, and in company with Mr. Sims, the Indian Agent here, investigated the facts of this case. We find from Bombard's own statement, and likewise from the statement of the Officers of the Court, that the partridge was shot and the traps were set in the Township of Pennyfather, formerly Indian Lands, but have been patented and sold to individuals many years ago.

In other words, the editorial in The Globe is absolutely misleading, as one would be inclined to think from reading the same that the land where the partridge was shot was not the property of some private individual, while as a matter of fact there is no question but what this land is patented and the greater portion of it sold to individuals. We told Mr. Sims, the Indian Agent, that we would write your Department as a result of our investigation of the case so that your Department would not think that the Indian Agent was neglecting his duty.

We trust that if you have read this article referred to, that this letter will be all

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CANADA

that is required to explain what the true facts of the situation are. We might also say that the Officers of the Court here are always exceptionally fair to Indians. The Magistrate always errs on the side of mercy in every case, but more particularly in the case of a member of one of the Indian Bands.

Yours truly,

MacInnes & Brien

JAM/PB.

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CANADA

111834-3

DEPAR[illegible]T OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
MAY 21 1930
RECORDS

Parry Sound, Ont.
May 19, 1930

T-2021

The Secretary,
Department Indian Affairs,
Ottawa, Ont.

Sir:

Replying to yours of March 17th, 11834-3 I presume the enclosed act was the act referred to in mine of May 1st, and 13th T-2009.

Some of the more peaceable Indians have come to me at various times and told me that they do not like the other Indians who are having meetings and discussing this act. It has come to my notice that there is some lawyer who is egging the Indians on to contest this act. I would like to explain to the Department my reason for writing about this was so that there will be no dissatisfaction in my agency as far as I can help and I thank the Department very much for sending this act and their explanation, which I will make the most of in trying to keep down discontent when paying Robinson Treaty money.

In reading the Editorial in the Toronto Globe re the conviction of an Indian at Sault St. Marie, belonging to the Goulais Bay section, I can easily understand how the Indians would be dissatisfied because of the quotations of the Robinson Treaty mentioned by the Editor. Quotations of the act without an explanation being made, such as the editor of the "Globe" has quoted are very misleading to the Indians and liable to cause a lot of discontent, and quotations of lawyers to Indians in my section are just as liable to cause discontent that is the reason why I wrote to the Department about this matter.

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The editor of the "Globe" does not go far enough in his explanation of the Robinson Treaty. In his reference to it he states,

"And further to allow the said Chiefs and their tribes the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof, as they have heretofore been in the habit of doing;

That section is all right, if it were not for the following,

"Saving and excepting such portions of the said territory as may from time to time to time be sold to individuals or companies of individuals, and occupied by them with the consent of the Provincial Government."

The editor of the Globe has a fine opportunity here of explaining how that the Islands, in my agency at any rate, have been sold by the Provincial Government which is their right to do, and that licenses have been granted to companies to fish. This, in my opinion, is where a lot of trouble is caused by the white man only explaining that section of the act which would appeal to the Indian and making statements which causes the Indian to be dissatisfied.

In the same copy of the Globe, in another section there is an appeal against the decision of Judge McKay which brings this 'saving and excepting' section very much before the public eye at the present time. I presume the Department knows all about this. I am going into this in detail to explain why I have written to the Department, and how I am anxious to explain these things fully to the members of the Bands in my Agency, so that no Indian will get up in court and make fiery statements such as the Indian did at Sault St. Marie.

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CANADA

I think the only way to keep the Indian satisfied is to explain to him in an intelligent manner the acts as they really are, by doing so, he may not be satisfied but I think he will be prevented from making a show of himself in the courts of the Province.

I am very anxious to have peace and quietness in this Agency, and to uphold the dignity of the Department to the best of my ability. I would never presume to answer half of the questions put to me by the various members of the Bands. In your letter of May 17th, 11834-3 I can find sufficient data to impress upon the Indians of my Agency that the lawyer who is trying to stir them up is only telling them half the story.

Trusting I have made myself clear and that the Department will understand that I am a man of peace and am desirous of keeping peace in this Agency among the Indians.

Trusting this will be satisfactory.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly
Agent.

JMD/EK.

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CANADA

111834-3

Ottawa, May 22, 1930.

Gentlemen:-

I have to thank you for your letter of the 20th instant regarding the case of Peter Bombard which has been duly noted.

Your obedient servant,

A. S. Williams

A.S.Williams.
Acting Assistant Deputy and Secretary.

Messrs.MacInnis and Brien,
Barristers, etc.,
Sault Ste Marie,Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

Nipigon, Ont.
July 20/30

Dear Miss Leuch:-

I am sending tomorrow "School" magazines. Will find out whether mail is cheaper than express and will advise as to cost. We are all well as yet and am still at my land every day. Father Desautels was here last Sunday for Francis Boy's funeral. Have also found out that Paul Deschampé really got married.

Johny & Denis Deschampé are having meetings at various places around here, seems to be just the style now. Their main subject seems to be reforming this place and putting things in general good order. This is all very good if it can be done. However, Denis was called to town yesterday by the town officials and was told to keep his daughter at home or at least away from town at nights. I think it is at his home he should begin his reforming work and putting things in good order. I think he was down hearted when he was attacked in town for his daughter.

The other reformer, John Deschamps has put up a dance at Ambroise Bouchard's place, I refused to take part for which they got mad. That I think is also a wrong method of mentaining order in this place. They danced nearly all night.

And just now they, John & Denis and several others, are trying to put a new constable in the place. They say that I am not doing my work

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CANADA

to satisfy them and putting a new man on the job is what is needed now to improve conditions. Diny is trying to get my job at an increased salary and there are several who are trying to get him in.

It seems that they have already brought the matter to Mr Burk and were told to elect the man they want so that Burk may be able to give power to the new man who ever he might be.

They whole trouble is this. They have nothing against me for which I could be fired, as I have always done my best to do what I thought was right. But ever since I did not side in with them during Abitibi meetings they have found fault with me. It seems they know or at least suspect that I had reported the meetings. For this they do not like me.

In the second place, I do not think Burk will shed tears when he sees me put out. This gives him a good chance to get rid of me without him putting me out. As he still blames the whole last spring affair on to me. Well, that does not worry me a bit, even if I lose my job I shall always be loyal to the Department and will work for the good of the Indians.

Now I am asking your advice again as to what I shall do. I am thinking about giving up my police job and live in peace, yet I don't like the idea of letting them think that they had put

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CANADA

me out of my job. I did intend to quit long ago and now I have a stronger reason to quit than ever. I shall stick to C.P.R. and be contented with that. Please write what you think and I shall then know what you think.

I think perhaps somebody else might do better than me, but not Jimmy anyways.

The priest, tourist, was in town alright, but changed mind as to having guide, he went around with Game Warden Daubert instead, I think the latter talked the priest into not having to have guide. I had hired Frank Hardy and made two trips to town and never even got a cigar ~~fot~~ for it.

The other woman, I have heard nothing about her.

Excuse my poor writing I hope you will be able to read it.

Blue Berry crop is said to be better than last year, just got word from Rossport My people will leave in the first week of August.

This is all for now.

Yours in the S.H.

Peter E. Bouchard

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CANADA

KODAK SA

111834-3

DEPT. OF INDIAN AFFAIRS
JUL 24 1930
RECORDS

Girls' Industrial School,
Spanish, Ont.,
July23, 1930.

Dear Sir,-

The enclosed, from Constable Bouchard, of Red Rock Reserve, has just reached me and I thought that by forwarding it the Department would get a better idea of what this man's ideas are.

Since he is constable things have improved a great deal at Lake Helen. Owing to the opposition of former Chief Salt he has not been able to do all he would have liked at Parmacheene Reserve.

Perhaps you have been informed of the meetings a man from Shawanaga named Abitung held at both Mission and reserve. He spoke in a manner to stir up the Indians against the Government in general and The Department of Indian Affairs and the Indian Agent in particular. The Indians of course looked on him as a hero and deliverer.

Constable Bouchard attended the meeting at Parmachene and felt it his duty to report to Mr Agent Burk. Of all the Indians present he was the only one who did not believe in this man Abitung or share his views. The rest became greatly agitated and felt that something should be done at once to give them their rights as shown by Mr. Abitung. I tried to reason with them and show them how impossible and foolish some of the things this man said were but did not succeed in convincing them. They felt that I was simply trying to help the Department and did not care for their good as proposed by this man.

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CANADA

Constable Bouchard being a man who reads a great deal knew how impossible the ideas which were put into the Indians'heads were.

The fact that he alone of all those present protested against them won for him the disfavour of the rest of the Indians.This is the reason for their trying to get him out of office.

The part of his letter which refers to his trouble with Mr. Burk last spring concerns the petition sent in by the Indians when they were not satisfied with the way the election for chief was carried on. Mr.Burk has been against Mr.Bouchard ever since because he feels that it was the latter who formed the petition. He told me himself that no one else had brains enough to do it. Mr Burk has shown resentment on several occasions.

As having a good constable is such a great help to the well-being of the Mission I thought it better to bring this matter to the the notice of the Department and trust that this may give you the necessary information and that Constable Bouchard may be able to retain his position.

Respectfully yours,

Elizabeth Lensch.

The Secretary,
Department of Indian Affairs,
Ottawa.

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111834-3

Nipigon. Ont.
July 20/30

DEPT. OF INDIAN AFFAIRS
JUL 23 1930
RECORDS

The Secretary.
Department of Indian Affairs,
Ottawa, Ont.

Dear Sir:—

Sometime ago an Indian from Shawanaga Reserve came here to call up meeting with Indians here. He is a Mr Henry K. Abetung, Secretary of the Grand General Council of Ontario Indians. He held his meeting at the Parmachenn Indian Reserve and was all about a certain Bill 191 which he claims was passed in parliament some years ago and which is doing much harm to the rights of the Indian.

I did not like the way he spoke against the Indian Department as many indians around here are still foolish enough to believe anything a stranger tells them. I tried to tell many of them that the Department would never do anything that would cause harm to the indians and that the Department has always worked for the good of the Indian, but the words that this Mr Abetung said seemed to have impressed the indians more.

I have reported the above affair to Mr. Agent Burk at Port Arthur and no doubt you have heard about it already from him.

Now, the Indians are collecting the money among themselves to send to this man Abetung for

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CANADA

the expenses of coming here and later going to England to see the British powers and the King as he has told the Indians he would. I sent every detail about what he said at the meeting to Mr Burk, so I will not reapeat.

Now the Indians are poor enough as they are without having to give away money to this cheater a cheating, as that is what I think he is.

Can they be stopped to collect money like that, and can Mr Abeting be prevented from coming to our reserve and make such speeches against the Department in the future. When I sent the report to Mr. Burk, I thought he would enlighten me on the subject but must have forgotten to answere me.

Chief Ellis Desmoulens of Mobert and Joe Salt our old chief were the ones who also made speeches in the same way as Abeting did complaining about the way the Department treat the Indians. I also reported them to Mr Burk.

Yours very truly.

Peter E. Bouchard
Indian Constable. R. C. M. P.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

Ottawa, July 28th. 1930.

Dear Madam,-

I have to acknowledge your letter of the 23rd instant with enclosure from Constable Bouchard.

I have today written to Mr. Agent Burk instructing him to warn Mr. Abitung that in the event of the latter collecting money from Indians of his agency he would render himself liable to prosecution under Section 141 of the Indian Act and also to inform him that any moneys thus collected to date should be returned to those from whom they were obtained. I may add that the Department has not received any complaints with regard to Constable Bouchard and that there has been no change since my letter to you of April 8th, 1930.

Yours very truly,

A. F. MacKenzie.
Acting Assistant Deputy & Secretary.

Miss E. Leusch,
Teacher,
Girls' Industrial School,
Spanish, Ont.

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CANADA

111834-3

(L.K.M.)

Ottawa, July 28th. 1930.

Sir,-

The Department has received letters from Miss Leusch of the Girls' Industrial School at Spanish and also from Indian Constable Bouchard of Nipigon, with regard to Mr. Abitung who, it seems, is collecting money from Indians for the purpose of conducting an agitation against the Department in connection with the Act of the Dominion of Canada of 1924 with reference to Indian Reserve Lands in the Province of Ontario and other matters.

If Abitung is collecting money from Indians of your agency, please warn him that he is liable to prosecution under Section 141 of the Indian Act and notify him that any moneys so far collected for this purpose should be returned to those from whom they were obtained.

Kindly explain to any of the Indians who may be interested that the Act in question was passed for their own protection as it gives effect to an agreement with the Province whereby Indians may surrender and sell reserve lands. Were it not for this agreement, Indians would be unable to surrender and sell any of their lands as the Privy Council had previously ruled that lands surrendered revert to the Province. Please advise Constable Bouchard as to the Department's ruling in this matter.

Your obedient servant,

A.F.MacKenzie.
Acting Assistant Deputy and Secretary.

J. G. Burk, Esq.,
Indian Agent,
Port Arthur,
Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
AUG 2 1930
RECORDS

Port Arthur, Ont.,
July 30th, 1930.

310-B

Sir:

I beg to acknowledge receipt of your letter of the 28th inst., 111834-3, and note the Department have received letters from Miss Leusch, teacher of the Lake Helen Day School at Nipigon, who, at present, is spending her vacation at Spanish, Ontario, and also a letter from Indian Constable Bouchard at Nipigon, regarding Mr. Abetung who was reported to be collecting money from Indians in this Agency, and in reply I wish to state this matter was brought to the Attention of Mr. Paget during Annuity payments, and I made inquiries from various Indians of the Red Rock Band, and was advised they did not give Abetung any money.

A letter was received from Constable Bouchard at Nipigon regarding a meeting which was held at Parmacheene on July 1st. Unfortunately the writer was unable to attend this meeting as Mr. Paget and myself paid Treaty at Mobert and Pic Reserves on the above mentioned date. I communicated with various Chiefs in this Agency warning them to have nothing to do with Abetung.

Further inquiries will be made at Parmacheene and if I hear of any Indians contributing. or giving donations, to Abetung I will take action.

With reference to your last paragraph I will most certainly explain that this Act was passed for their own protection as it gives effect to an agreement with the Province whereby Indians may surrendered and sell Reserve land. Constable Bouchard will be advised immediately regarding the Department's ruling in the above matter.

Yours obedient servant,

J. G. Burk,
Indian Agent.

The Secretary,
Dept. of Indian Affairs
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

Telegram from the Batchewana Band of Indians
to His Majesty King George V., London
Received Sandringham 8.14 a.m, 11th June, 1930.

::::::::::::::::

Batchewana Band we want our rights which Her Majesty Queen Victoria had signed September seventh, eighteen fifty. We Indians are molested by the white man of Canada. We hope that His Majesty will take steps to remedy situation I Peter Cogiosh treaty Indian served sentence for trapping and hunting the grandson of John Meskiyosh.

PETER COGIOSH.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

Poor Copy.

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CANADA

DUPLICATE

CANADA.

No. 372

Downing Street,

8 July, 1930.

Sir,

I have the honour to transmit the accompanying copy of a telegram addressed to His Majesty the King on behalf of the Batchewana Band of Indians.

2. I should be glad if, in any reply sent to the Batchewana Band, it may be explained that the telegram was, by His Majesty's Command, referred to His Majesty's Government in Canada.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(Signed) J. H. THOMAS

THE SECRETARY OF STATE

FOR EXTERNAL AFFAIRS,

CANADA.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

Poor Copy.

111834-3

August 13, 1930.

Sir:-

There has been referred to the department by the Right-Honourable J.H.Thomas, Secretary of State for Dominion Affairs, London, a cablegram from the Batchewana Band of Indians addressed to His Majesty the King as follows:-

"Batchewana Band we want our gights which Her Majesty Queen Victoria had signed September 7th, eightèen fifty. We Indians are molested by the white man of Canada. We hope that His Majesty will take steps to remedy situation. I Peter Cogiosh treaty Indian served sentenc for trapping and hunting the grandson of John Meskiyosh.

Peter Cogiosh. "

Please let the department have a report on this subject, and also advise the Indians that the matter has been referred to the department.

Your obedient servant,

A.F.MacKenzie.
Acting Assistant Deputy and Secretary.

G.H.Sims, Esq.,
Indian Agent,
Sault Ste Marie, Ont.,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

Poor Copy.

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CANADA

111834-3

DEPT. OF INDIAN AFFAIRS
AUG 18 1930
RECD

INDIAN AGENT'S OFFICE

Sault Ste Marie, Ont.

August 16th. 1930

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER

R

Sir,—

I have your letter of the 13th. instant No.111834-3 with reference to a cablegram sent to His Majesty the King by the Batchewana Band of Indians and signed by one Peter Cogiosh.

In reply I have to say that Mr.Gus.Nolan is chief of the Batchewana Band of Indians and knows nothing about the cablegram being sent to His Majesty the King. Cogiosh is the man who was convicted and sentenced a few months ago for shooting partridge out of season,also for illegal trapping. He spends about one third of his time in jail as the police records will show. Cogiosh is an agitator,has held several meetings trying to stir up trouble among the Indians urging them to make demands on the Government. At his meetings there were very few Batchewana Indians present and he has a very small following. He does not live on any Reserve,and I have never known him to do any work outside of trapping.

I believe the whole agitation is the outcome of the publicity given the court proceedings by the Sault Star,and which was taken up by the Toronto Dailies and broadcast over the whole Dominion.

Might I say that at the time of the court proceedings last spring,Mr. McInnis a lawyer,and myself went into the whole matter,and I asked Mr.McInnis to report to the Department which I believe he did.

Fully ninety per cent of the Indians in this agency are making a livlihood by other means,as hunting and trapping is almost a thing of the past in this district.

I have every sympathy with the Indians in seeking their rights,but in this case I believe Cogiosh is unreasonable in his demands.

Trusting that this report will be satisfactory.

I have the honor to be,Sir,
Your obedient servant.

G. H. Sims

Indian Agent.

A.F.MacKenzie,Esq.,
Actg. Asst. Deputy & Secretary,
Dept. of Indian Affairs, Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

August 29, 1930.

Sir:-

I have to acknowledge receipt of your letter of the 16th instant with reference to a cablegram sent to His Majesty the King by the Batchewana Band of Indians and signed by one Peter Cogiosh.

The department concurs in the observations contained in this letter, and would ask you to kindly advise Cogiosh accordingly.

Your obedient servant,

T.R.L. MacInnes.

T.R.L.MacInnes.
For Secretary.

G.H.Sims, Esq.,
Indian Agent,
Sault Ste Marie, Ont.,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

Poor Copy.

Shawanaga, Ontario,
October 6th. 1930.

Chief Wm. Touck-go-shegun,
Lac Seul, Ontario.

Dear Sir:

I have your letter of the 25th.Sept. last containing Money Order amount to $ 50.00 thanking you very much for your kindness, and in reply I have to say that this fall I am going to fight hard for your rights, last spring I beat the Ontario Government they lost their case we are stronger than the government, and they want to try again to have to be tried the Indian rights in the Supreme court of Ontario this fall. We think that we will beat the Governments of the Dominion of Canada and the Government of Great Britain, England. We understand the meaning of the Indian Treaties and we understand the Laws so we are willing to fight the Governments: the time we had a chance to fight the law known as Bill 191 in 1926 but still we got a chance and a better chance to fight for our rights, in 1926 King George V desires to set up that Bill 191. According to the agreement paragraph No. 1. its unfair and unjust to the Indians.

After the Supreme Courts is over then we will push the Indian Matters before Parliament, Ottawa. And after the Privy Council is over, and then we are attempting to go to England.

I wish you send me your complaints so I can presented these matters before Parliament at Ottawa.

Indian Department and Indian Agents those are the men who are trying to break the Treaties, do not lisent to Indian Agent and Indian Department, anything they say to you, they are foolish

Sometimes I feel sorry for Indians for they cannot help themselves, and they are not able to send me some money for to pay all the expenses, I have heavy expenses since last six years now.

I enclose herewith receipt for the money Order you sent to me.

I wish you ask other Indians or other Chiefs to send me some money.

Respectfully Yours,

Henry K. Abetung.

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Poor Copy.

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111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

DEPT. OF INDIAN AFFAIRS
OCT 18 1930
RECORDS

132-1

OFFICE OF
INDIAN AGENT Kenora, Ont.

October 15th, 1930

R

Assistant Deputy & Secretary.
Department of Indian Affairs,
Ottawa, Ont.

Dear Sir,

Enclosed please find copy of a letter from Henry K. Abe tung. I understand he is an Indian who is forming an organization, I believe it is called the Indian League of Nations.

This copy was sent me confidentially to show what is being done so I am passing it on to you for any action you think advisable.

Your obedient servant,

Jack Edwards

Indian Agent.

Enc.1

Ans 141

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ARCHIVES PUBLIQUES
CANADA

Poor Copy.

11834-3

Ottawa, October 23, 1930.

Sir,-

I have to acknowledge receipt of your letter of the 15th instant with enclosure of a copy of a letter addressed to Chief Wm. Touck-go-shegun of Lac Seul, Ont., and purporting to have been written by Henry K. Abetung.

In reply I beg to say that Section 141 of the Indian Act prohibits the collection of funds in this manner or for the purposes mentioned in the copy of letter you forwarded.

Without divulging any prospective action along these lines could you obtain possession of the original? If so, it should be forwarded to the Department, when consideration will be given as to what further action may be taken.

If not possible to obtain any direct evidence which would lead to a conviction, you should advise all Indians in your Agency to withhold contribution for such purposes. They are only wasting their money to support agitators too lazy to earn an honest living.

Your obedient servant,

A. F. MacKenzie.
Secretary.

Frank Edwards, Esq.,
Indian Agent,
Kenora,
Ont.

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Poor Copy.

PUBLIC ARCHIVES
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CANADA

Mobert, Ontario, October 6th, 1931.

UNION COUNCIL

The Union Council of Ontario Indians was held on the Mobert Indian reserve, Ontario, October 6th, 1931.

The member Bands of the delegates of the Union Council were present from the different bands of Indians.

APPLICATION.

The following resolution was passed by the Union Council that we make application to ask to Government to grant us exemption for hunting, trapping and fishing under Section 6. of the Game and Fisheries Act.

RESOLUTION.

Moved by Chief Ellis Desmoulin and seconded by Chief Paul John that we Ontario Indians do hereby resolve to urgently request the Government to allow exemption for hunting, trapping and fishing under Section 6. of the Game and Fisheries Act through the Minister of the Interior; and that the Indian Agents shall be given instructions strictly to protect the Indians, so that no Indian should be prosecuted by the Game Wardens.

Carried.

Signed on behalf of the Union Council.- Henry K. Abetung, Secretary of the Union Council of Ontario Ind

RESOLUTION -

Moved by Chief Ellis Desmoulin and seconded by Chief Paul John ~~that~~ to contribute money from the different bands of Indians for the purpose of defraying the expenditure to be incurred by our Secretary of the Union Council. Carried.

Signed on behalf of the Union Council.- Henry K. Abetung, Secretary of the Union Council of Ontario Indians.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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ARCHIVES PUBLIQUES
CANADA

Poor Copy.

MINISTER'S OFFICE
OCT 19 1931
DEPT. OF INTERIOR

Shawanaga, Ontario.

October 15th, 1931.

Kindly return.

Hon. Thomas Gerow Murphy,
Minister of Interior and Superintendent General
of Indian Affairs,
OTTAWA, Ontario.

Sir:

As Secretary of the Union Council of Ontario Indians I was ordered by the Council of those Bands which met on the 6th inst., to write you personally asking your help to ask the Ontario Government to carry out the terms of their Game and Fisheries Act under 6th Section. The Indians want you to obtain for them exemption for hunting, fishing and trapping from the Ontario Government, and I will try to explain the reason as shortly as possible for your kind consideration and attention.

According to the old Documents and Treaties they could not stop us from hunting, trapping and fishing. It is no way to interfere with these Documents; there is no such thing as a law governing the Treaties, but the Treaty speaks for itself. Finally, I want to say if the Indians are not allowed to hunt they will starve.

Thanking you in advance for your kindness and in the full expectation of your personal and sympathetic treatment.

I have the honour to be, Sir,

Your obedient servant,

Henry K. Abetung,
Secretary of the Union
Council of Ontario Indians.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

Poor Copy.

Minister's Office

MEMORA[illegible]UM

As requested by
Mr. MacInnes.

Kia

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPT. OF INDIAN AFFAIRS
OCT 29 1931
RECORDS

October 29, 1931.

Sir:-

The department has received a letter from Mr. Henry K. Abetung, Secretary of the"Union Council of Ontario Indians", Shawanaga, Ontario, with reference to hunting rights and so forth. This title is new to the department, and I would be glad if you would let me have any information that you can with reference to the "Union Council".

Your obedient servant,

A. F. MacKenzie

A.F.MacKenzie.
Secretary.

Extract

John M.Daly,Esq.,
Indian Agent,
Parry Sound,Ont.,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

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111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
NOV 2 1931
RECORDS

Mr Mac Innis
Reply this should be on another style
[illegible]

Parry Sound, Ont.
Oct. 31, 1931.

R

The Secretary,
Department Indian Affairs,
Ottawa, Ont.

Sir;

Yours of October 29th received, re Henry K. Abetung, an Indian of the Shawanaga Band, and who states that he is Secretary of the Union Council of Ontario Indians.

In reply I have to state that this is a body of Indians, composed of Henry Abetung, who I understand takes up a collection from all the easy Indians from whom he can take a collection, The aims and objects of this organization is to look after the Indians and ultimately smash Bill 191. So far as Henry Abetung is concerned I think the main view in life for him is that he might through this Organization be able to get a trip to Ottawa.

I look upon him as being perfectly harmless and jolly him along. I have just discovered this morning, that he has been extending his activities and is liable to work out of this district, as I hear that he was as far North as Mobert. Henry K. Abetung has been encouraged by J. Roland Hett, Barrister Parry Sound, and his stenographer has typed the letter which you have in your possession now, and she informs me it was sent forward to the Minister of Interior.

In connection with this matter, is there not some clause in the Indian Act which states that an Indian who causes discontent can be stopped doing it. I have explained Bill 191 to all the Bands in my Agency. In my opinion it is an easy mode of living for Abetung as I am almost sure he takes up subscriptions

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

so that he will be able to right the wrongs of the Indians in connection with Bill 191.

Trusting this is the information required.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly

JMD/EK. Agent.

P. S since writing this I had a talk with Mr Brouton our magistrate and he tells me in looking papers of J. Roland Hett who is in trouble at the present time He took notice of Collections made between Hett and Abetung to the amount of at least $800.00 Hett has been tried for appropriating funds and has to appear on another charge

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

111834-3

Biscotasing Ont
Jan 2nd 1932

Secy
Dept of Indian Affairs
Ottawa Ont

Dear Sir
Kindly let me know the present address of this man who is said to be an Indian councillor, Mr. Henry K. Abetung. whose last address was known to be Shawanaga Ont.

Yours truly
Charles Buckshot
Biscotasing
Ont

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

SUPERINTENDENT GENERAL OF INDIAN AFFAIRS CANADA

Ottawa, October 21, 1931.

Dear Sir:-

I have to acknowledge receipt of your letter of the 15th instant enclosing resolution of the Union Council of Ontario Indians with reference to hunting, fishing and trapping by Indians in the Province of Ontario.

I may say that I am particularly sympathetic towards the hunting and fishing Indians. I would point out, however, that as I think you are aware, the matter is one that is considered to be within the legislative control of the Province. The only treaties which give unconditional right to hunt and fish to the Indians subscribing thereto are the Robinson-Huron and Robinson-Superior Treaties. The question of the force and effect of these treaties as against the Provincial Game Laws is a legal point which this department cannot undertake to decide but which must be determined by the Courts.

I may add, however, that the Department of Indian Affairs is doing all within its power to advance the legitimate claims of the hunting and fishing Indians for special consideration.

Yours very truly,

Henry K. Abetung,Esq.,
Secretary of the
Union Council of
Ontario Indians,
Shawanaga,
Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMORANDUM

Minister's Office

DEPT. OF INDIAN AFFAIRS
JAN 7 1932
RECORDS

October 24, 1931

DR. SCOTT -

Returned, herewith, is draft letter (Oct. 21) to Henry K. Abetung, Secretary of the Union Council of Ontario Indians, Shawanaga, Ont., with reference to hunting, fishing and trapping by Indians in the Province of Ontario.

The Minister asks that you send this information to Mr. Abetung over your own signature.

(We have retained the copy of draft for our files).

F. Clapp
for Private Secretary.

Enclosure.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

file D.M. circd return to me

October 27, 1931.

Dear Sir,-

I have to acknowledge the receipt of your letter of the 15th instant addressed to the Honourable the Superintendent General, inclosing a resolution of the Union Council of Ontario Indians with reference to hunting, fishing and trapping by Indians in the Province of Ontario, which has been referred to me for attention.

I may say that I am particularly sympathetic towards the hunting and fishing Indians. I would point out, however, that as I think you are aware, the matter is one that is considered to be within the legislative control of the Province. The only treaties which give unconditional right to hunt and fish to the Indians subscribing thereto are the Robinson-Huron and Robinson-Superior Treaties. The question of the force and effect of these treaties as against the Provincial Game Laws is a legal point which this Department cannot undertake to decide but which must be determined by the Courts.

I may add, however, that this Department is doing all within its power to advance the legitimate claims of the hunting and fishing Indians for special consideration.

Yours very truly,

Henry K. Abetung, Esq.,
Secretary of the Union Council
of Ontario Indians,
Shawanaga, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

111834-3

January 14,1932.

Sir:

I have to acknowledge receipt of your letter of the 31st of October last with reference to Henry K. Abetung of the Shawanaga Band.

Will you be good enough to let the department have further particulars with reference to the matter referred to in your Post-script concerning the collection of money between Hett and Abetung.

Your obedient servant,

T.R.L. MacInnes.

T.R.L.MacInnes.
Acting Secretary.

John M.Daly,Esq.,
Indian Agent,
Parry Sound,Ont.,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

January 13, 1932.

Sir:-

I have to acknowledge receipt of your letter of the 2nd instant, and in reply thereto I have to advise you that the address of Mr. Henry K.Abetung is Shawanaga, Ontario.

Your obedient servant,

T.R.L.MacInnes.
Acting Secretary.

Mr. Charles Buckshot,
Biscotasing,Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

DEPT. OF INDIAN AFFAIRS
JAN 19 1932
OFFICE OF
INDIAN AGENT

T-3418

Parry Sound, Ont.
January 16, 1932.

The Secretary,
Department Indian Affairs,
Ottawa, Ont.

Sir;

Replying to yours of Jan 14th 111834-3 re the post-script to my letter concerning the collection of money between Hett and Abetung. I think, if I remember right, Iwrote this Post-script in longhand, after ringing up Mr. Hett's stenographer who is a friend of mine and who has been very obliging in giving me information. I just dont remember what the Post-script was now, but as far as I can make out the Union Council of Ontario Indians, Shawanaga Ontario, is burst up.

I am pretty sure it is burst up because the last time I saw Abetung, I spoke to him about it, and he got a little saucy, and I am sorry to say, I found it necessary to promise him that if he was not careful in his manner of speech to me, I would sock him one in the eye. I warned him that the possibilities were that he would be lifted and put in jail, as a trouble maker among decent law-abiding Indians.

I have quite a few little things to straighten out with the various heads of Departments and I am figuring on coming down as soon as I can get all my Indians fixed up here, which will be some time next month, and if you would be good enough to let me know what the wording of the Post-script is, I will be pleased to explain it. However, I think, so far as Abetung is concerned, his baloon is burst.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

Trusting this willbe satisfactory

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly

Agent.

JMD/EK.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

January 20,1932.

Sir:-

I have to acknowledge receipt of your letter of the 16th instant with reference to the collection of money between Hett and Abetung, and in response to your inquiry I may say that your Postscript to letter of the 31st of October last, reads as follows:-

> "Since writing this I had a talk with Mr. Bronton, our magistrate, and he tells me in looking papers of J. Roland Hett who is in trouble at the present time he took notice of collections made between Hett and Abetung to the amount of at least $800.00. Hett has been tried for appropriating funds and has to appear on another charge."

With reference to your remarks concerning a visit to Ottawa, I may say that the department does not consider that it is necessary for you to come here at the present time in connection with any official business pertaining to your agency. It is desired, however, that you kindly submit in writing any reports or recommendations that you desire to make.

Your obedient servant,

T.R.L.MacInnes.
Acting Secretary.

John M.Daly,Esq.,
Indian Agent,
Parry Sound,Ont.,

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
JAN 25 1932
RECORDS

T-3428

ParrySound,Ont.
Jan.22.1932.

The Secretary,
Department Indian Affairs,
Ottawa,Ont.

Sir;

Yours of Jan 20th, 111834-3, received in which you refer to the Post script to my letter of October 16th, which was written in longhand, and which I did not keep a copy of, I remember the incident and it is quite correct about the $800.00 being collected.

At a later period I had conversation with Mr.J.Roland Hett about these monies, and asked him if he would be good enough to let me know how he came to have a record of them. He explained that Abetung collected these monies from various Bands, he could not say which Bands, and outside of his fee, which he thought would be somewhere around $60.00 Abetung received all this $800.00 at various times, to pay his expenses in travelling around and getting information which was supposed to make enquiry into Bill 191.

Mr. J.Roland Hett was tried on both charges mentioned in my Post script, and his case was dismissed. Since then, he has lost his status as a practising lawyer.

Trusting this is the information that you require.

With reference to my intended visit to Ottawa, I have been collecting quite a lot of data whichI find necessary to take to Ottawa. One day at headquarters will clear up all the business, that I have to do, where it might take months of correspondence.

I would like to see Dr. Scott, the Deputy, in connection with a road which he wrote to me about from Moose Point Reserve to Moon River P.O., also Mr. Caldwell in connection with location tickets, enfranchisement, and other matters. I also intend visiting the accounting

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

Department, the Architects Department, in connection with the Indian Office in the new Public building, I have quite a lot of matters to take up with Mr. Russell T. Ferrier, Supt. of Indian Education, and want to see Dr. Stone, about a T.B. case, and other matters.

I am not anxious to travel, but I am very anxious to get these things cleared up, and as soon as I get the distress relief settled here, pick up a couple of youngsters who ran away from the school at Chapleau, and return them there, and take a run out to Gibson Reserve, I think I can satisfy the Department that it is good business for me to go down for a day. One day will be all that I will require, as I have everything all set.

I might state that I have been keeping in touch with Henry Abetung and he is at the present time, on the Shawanaga Reserve, where he belongs. He has ceased going around, as I threw out a hint to him that there was lots of room down in Kingston for men like him who go around making trouble.

Trusting this is the information required.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly
Agent.

JMD/EK.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

MINISTER'S OFFICE
JAN 22 1932
DEPT. OF INTERIOR

Shawanaga, Ont. January 15th, 1932.

Hon. Thomas Gerow Murph
Minister of Interior,
Ottawa, Can.

Dear Sir,—

On October 15th, I wrote you on behalf of the Union Council of Ontario Indians to write you personally asking your help to obtain exemption for the Indians for hunting trapping and fishing.

The Indians are very anxious to hear and to know the result; Kindly let me hear from you by return mail.

I have the honour to be, sir.

Henry K. Abetung,
Secretary of the Union
Council of Ontario
Indians.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

Minister's Office

MEMORANDUM

DEPT. OF INDIAN AFFAIRS
JAN 28 1932
REGISTRY

January 25.32

DR. SCOTT:

I am enclosing, for your attention, a letter (Jan 15) received from Henry K.Abetung, Secretary of the Union Council of Ontario Indians, Shawanaga.

The letter of the 15th October was referred to you, for reply, on October 24 last.

F.Clapp
for Private Secretary.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

January 28, 1932.

Sir:-

I have to acknowledge receipt of your letter of the 15th instant addressed to the Honourable Thomas G. Murphy, which has been transferred to me.

Your previous letter was referred to the Indian Agent, Mr. J.M.Daly of Parry Sound, who, it is understood, has interviewed you on the subject.

Your obedient servant,

T.R.L. MacInnes.

T.R.L.MacInnes.
Acting Secretary.

Mr. Henry K.Abetung,
Secretary of the Union
Council of Ontario Indians,
Shawanaga, Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

EX'L.

January 28, 1932.

Sir:-

I have to refer to your letter of the 22nd instant with regard to Henry K. Abetung. The department has received another letter from Abetung, and I am enclosing herewith copy of my reply herewith.

With reference to your proposed visit to Ottawa, I may say that the matters to which you refer can be investigated by Inspector McGookin, who will visit your agency at a later date. It is not considered necessary that you should come to Ottawa.

Your obedient servant,

T.R.L. MacInnes

T.R.L.MacInnes.
Acting Secretary.

J.M.Daly,Esq.,
Indian Agent,
Parry Sound,Ont.,

encl

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

FEB 1 1932

Parry Sound, Ont.
Jan. 30. 1932

T-3442

The Secretary,
Department Indian Affairs,
Ottawa, Ont.

Sir;

Yours of Jan 28th, 111-834-3 received with copy of letter sent to Henry K. Abetung, Secretary of the Union Council of Ontario Indians, Shawanaga Ont, enclosed.

Thanks very much for the second portion of the letter referring to Inspector McGookin's intended visit to the Agency at a later date, which suits me fine, and I trust that the later date, will be as soon as is convenient for Mr. McGookin.

With reference to interviewing Henry K. Abetung, about the subject of being secretary of the Union Council of Ontario Indians. My interviewing him was more in the form of jollying him along. My reason for this attitude towards Abetung is that if he thought that I thought his being secretary of the Union Council of Ontario Indians was of any importance, he would take the matter seriously and suggest as he has often done before, that he would take a trip to Ottawa, and for this reason, I just keep jollying him along.

Thanking you for your information that Inspector McGookin will likely be in this Agency at a later date,

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly
Agent.

JMD/EK.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

#111834-3

18th March, 1932.

Memorandum:

Honourable Thomas G.Murphy,

Memorandum with respect to the status of Indian Reserves in the Province of Ontario.

The Royal Proclamation of 1763 following the capture of Quebec provided that the several nations and tribes of Indians who lived under British protection should not be molested or disturbed in the "possession of such parts of Our dominions and territories as, not having been ceded to or purchased by us, are reserved to them or any of them as their hunting grounds."

In 1873 a formal treaty was concluded between the Dominion Government and the representatives of the Indians interested for a surrender of 50,000 square miles of territory known as the Northwest Angle, 32,000 square miles of which are situated within the Province of Ontario. Acting on the assumption that the beneficial interests in these lands had passed to the Dominion Government, their Crown Timber Agent in May 1883 issued to the St. Catherines Milling and Lumber Company a permit to cut and carry away one million feet of lumber from a specified portion of the area in Ontario. The said Company having availed themselves of that license, a writ was filed in the High Court of Ontario by the Attorney General of the Province praying for a declaration that the Company had no rights in respect of the timber on the lands specified in the permit and for an injunction restraining them from further trespassing. The case finally went to the Privy

St.Catherines Milling & Lumber Co. Vs The Queen 1888

A.S.W.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Council, where it was held "that by force of the proclamation the tenure of the Indians was a personal and usufructory right dependent upon the good will of the Crown; that the lands were thereby, and at the time of the union, vested in the Crown, subject to the Indian title, which was 'an interest other than that of the Province in the same,' within the meaning of Section 109 of the B.N.A.Act." It was held also "that by force of the said surrender the entire beneficial interest in the lands subject to the privilege was transmitted to the Province in terms of Section 109. The Dominion power of legislation over lands reserved for the Indians is not inconsistent with the beneficial interest of the Province therein."

Ontario Mining Company vs Seybold 1903

When the Northwest Angle Treaty was made in 1873, as referred to in the above case, the Dominion Government undertook to set aside reserves in the territory surrendered for the various Indian bands. One of the reserves so set aside was Sultana Island in the Lake of the Woods, in the Province of Ontario. In 1886 a portion of this reserve was surrendered to the Crown in trust to sell the same and apply the proceeds for the benefit of the Indians. In 1889 and 1890 patents were issued by the Dominion Government to the appellants, Seybold and others, and in 1889 patents were issued by the Government of Ontario to the respondents, the Ontario Mining Company. A question then arose as to which Government had the right to grant a patent of the lands in question. The case finally went to the Privy Council where it was held that the Dominion Government having purported without the consent of the Province to appropriate part of the surrendered lands under its own seal as a reserve for the Indians in accordance with the said treaty was ultra vires of the Dominion which had by Section 91 of the British North America Act of 1867 exclusive legislative authority over the lands in question but had no proprietary rights therein.

Just before the argument in this case, an agreement was entered into between Mr. Blake, representing the Province, and Mr. Newcombe, representing the Dominion, enabling the Dominion to deal with Indian Reserves as had previously been done. A copy of this agreement is attached hereto.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

Pursuant to a Statute of Canada (14 and 15 Vict.C.106) certain lands including Lots 6, 7 and 8 in the 13th Range of the Township of Coleraine, in the County of Megantic, were appropriated for the benefit of the Indian Tribes of Lower Canada the lots particularly mentioned being set apart for the Band called the Abenakis of Becancour. In 1882 this Band surrendered a tract of land including the lots in question, patents for which were granted to purchasers by the Dominion Government. Subsequently these lots were involved in litigation when the title that had been granted by the Dominion was challenged. The action, commonly referred to as the Star Chrome Case, came on for trial in June 1909 but the trial was adjourned and an Order was made suggesting that the Dominion Government and the Government of Quebec should intervene for the purpose of determining the controversy touching the authority of the Dominion Government to dispose of the lands in question on behalf of the Crown. This case went to the Privy Council where it was held that the effect of the Statute above referred to was not to give the Indians an equitable estate in the lands but that the title remained in the Crown. It was held that the Dominion Government had of course full authority to accept the surrender on behalf of the Crown from the Indians but had neither authority nor power to take away from Quebec the interest which had been assigned to that Province by the British North America Act of 1867.

Star Chrome Case.

Privy Council Decision Nov. 1920.

This decision brought to the fore again the title to Indian Reserves. The Blake-Newcombe Agreement with respect to reserves in Ontario had been acted upon since 1902 but had never been confirmed by Statute. In 1924 an agreement was entered into between the then Superintendent General representing the Dominion and the Provincial Ministers of Lands and Forests and Mines on behalf of the Province confirming the Blake-Newcombe Agreement as to the disposal of reserves, and adjusting the disposal of precious metals which had been left undecided in that Agreement. An Order in Council was passed on the 26th March, 1924, authorizing the Superintendent General to sign this Agreement and the Agreement was confirmed by Statute, being Chapter 48 Statutes of Canada 1924.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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PUBLIC ARCHIVES
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CANADA

S. C. O.

HIS MAJESTY THE KING?

.;and ;-

JOE PADJENA AND PAUL QUESAWA

.....

NOTICE OF APPEAL.

.....

E. Bayly,

Parliament Buildings,
Toronto,Ont.

Solicitor for the Appellant.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

IN THE SUPREME COURT OF ONTARIO

BETWEEN :

HIS MAJESTY THE KING,

Appellant.

.;and;-

JOE PADJENA and PAUL QUESAWA,

Respondents.

TAKE NOTIce that pursuant to the certificate of the Attorney General for Ontario, dated the seventeenth day of April, A.D. 1930, His Majesty the King appeals to The Appellate Division of the Supreme Court of Ontario from the Judgement herein of His Honour John McKay, Junior Judge of the District of Thunder Bay dated the tenth day of April, A.D. 1930, upon the following grounds:--

1. The learned District Court Judge erred in holding that the Game and Fisheries Act, R.S.O. 1928, Capt. 318, does not apply to Indians.

2. The learned District Court Judge erred in finding in effect that the so-called Robinson Treaty dated the seventh day of September A.D. 1950 , was a binding arrangement which could not be altered by Legislation and which thus prevailed over the terms of the Order -In -Council dated the twenty sixth day of April, A.D. 1928, and passed pursuant to the fame and Fisheries Act. R.S.O 1927, Cap. 318

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

3. The learned District Judge erred in finding that the said Order in Council, expressly providing for the case of Indians, was beyond the authority of the Provincial Government and that in effect the Act authorizing such Order was ultra vires the Ontario Legislature.

DATED at Toronto this twenty -ninth day of April. A.D.1930

E. BAYLY,
Parliament Buildings,
Toronto, Ont.
Solicitor for the Appellant.

TO -

Joe Padjena,
White Lake, Mobert, Ont.

AND TO -

Paul Quesawa,
White Lake, Mobert, Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
APR 6 1932
RECORDS

Parry Sound, Ont.

April 4, 1932.

T- 3539

The Secretary,
Department of Indian Affairs,
Ottawa, Ont.

Sir:

Further replying to yours of October, 29, 1931 re letter received from Henry K. Abetung, Secretary of the "Union Council of Ontario Indians," Shawanaga , Ontario, with reference to hunting rights and so forth, I have to state that I have had a heart to heart talk with Henry Abetung today, and have discovered in conversation with him that he is not satisfied with any of the officials of the Department of Indian Affairs, and particularly Dr. Scott. He made the statement in this office, that Dr. Scott, was no good for the Indians. I retaliated by stating to him that Dr. Scott, was a scholar, a gentleman, and a prince of fine fellows, and the best friend the Indians ever had. He did not like this.

He made the statement that I did not interview him. I have interviewed him a numberof times, but could get nothing out of him as to his activities. I told him that he collected between six and eight hundred dollars from the Indians and withdrew it all except about $60.00 which Lawyer Hett kept for fees. He told me that I had nothing to do with this. I also explained to him that so far as writing to the Hon. Thos. G. Murphy, Minister of the Interior, he should write to the Department if he wishes to approach the Hon. Thos. G. Murphy. He retaliated by saying that he wanted action.

He has made a statement that the Indians from Mobert, and other places north, passed a resolution asking for exemption from the Ontario Game Act, to allow them to hunt without paying a license. He was very indignant that he did not receive a reply. I explained to him, that I had taken up the matter of hunting rights

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

in Ontario, with the late Hon. Wallace Nesbitt, who had taken the matter up with the Honourable Charles McCrae, and that so far as I could see the Hon. Chas McCrae in his reply to Hon. Wallace Nesbitt, stated that the treaties had been made and the Indians must abide by them. It seems that Abetung cannot understand this explanation, and he wants to get a reply from the Hon. Thomas. G. Murphy.

He was told about Inspector McGookin being here and he feels slighted because Inspector McGookin did not enquire for him.

He showed me a Judgement that had been before the Supreme Court, which Idid not ask his sanction for, but copied it. He was in a hurry and did not want me to copy this, but I copied it for the information of the Department. Enclosed is the copy. The case, it appears, was tried at Port Arthur , and according to Abetung, Agent Burke of Port Arthur knows something of it.

In mentioning to him about the collection of money which he gave to Lawyer Hett and then received back again, he stated that had nothing to do with this case. These are all the facts that I can get from this Indian. It would appear to me from observation,and his conversation that he thinks he has a Mission in life and his mission is to right the wrongs of the Indians. What I cannot understand , is, how he is able to live. In the Fall of the year, I backed his credit to the extent of $4.00 for a grocery bill, as he was up against it. At that time he was chasing after Lawyer Hett to see if there was any more money left, (He did not know that I knew what he was doing), but I knew that he was

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

in need of supplies and backed his credit. I paid this bill, which I discovered was $4.75 and I asked him for the money today. He paid me. I asked him if he had been trapping and he said no, but the puzzle to me is how he got the money, as money is very scarce among the Indians here. I am still suspicious that he is collecting for this Union Council of Ontario Indians. According to his speech and his actions it would appear to me that he is very vindicitave towards the Department and all the officials.

I assured him that I would send the information that he gave me to the Department. This clears up the matter as far as I can make out, but Abetung is of a very erratic nature and he is liable to start something else.

Just as he was going out, I kept on questioning him, and he explained that J.A. Mc Cumber K.C. Port Arthur, was the lawyer handling the case mentioned.

Trusting this will give the Department a line on the situation.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly
Agent.

JMD/EK.

ENCLOSURE.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

Shawanaga, Ont. June 22 nd, 1932.

MAIL ROOM OFFICE
JUN 24 1932
DEPT. OF INTER

Hon. Thomas Geraw Murphy,
Minister of the Interio and Superintendent-General of Indian Affairs.
Ottawa, Can.

Dear Sir:-

I have to inform you that I have received letters of the Indian Chiefs stating that they want to hold convention at Kenora, Ont on the 2 nd day of July and they want me to be with them on the work and I want to get authority from you so I can go to Kenora perhaps they will pay my travelling expenses

Kindly let me hear from you by return mail, or wire.

I have the honor to be sir,

Your Obedient Servant.
Henry K. Abetung.
Secretary.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

111834-3

Minister's Office

MEMORANDUM

June 25, 1932

DEPT. OF INDIAN AFFAIRS
JUN 27 1932
RECORDS

MR. WILLIAMS,
Acting D.S.G.

Will you please have a departmental reply sent to the attached letter (June 22) addressed to the Minister by Henry K. Abetung, of Shawanaga, Ont., asking that he be authorized to attend a Convention of Indian Chiefs at Kenora on June 2nd, and requesting that the Department pay his travelling expenses.

Private Secretary.

Encl.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
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CANADA

111834-3

Ottawa, July 4, 1932.

Dear Sir,-

I have to refer to your letter of April 4th last and previous correspondence with regard to Henry K. Abetung.

The Minister received a letter from Mr. Abetung, dated the 22nd ultimo, requesting authority from the Department to attend a meeting of the Indians at Kenora. The Department did not reply to this letter and I shall be obliged if you will kindly advise Mr. Abetung that the Department was not disposed to give any special sanction to his attendance at the meeting in question.

Yours very truly,

A. F. MacKenzie.
Secretary.

John M. Daly, Esq.,
Indian Agent,
Parry Sound,
Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

D.

Ottawa, July 4, 1932.

Dear Sir,-

The Department received a letter from Henry K. Abetung, Secretary of the Union Council of Ontario Indians, Shawanaga, Ont., in which he asked authority for his attendance at a meeting of Indians at Kenora on July 2. This authority was not given. I shall be obliged if you will advise me as to whether the meeting took place and as to what occurred.

Yours truly,

A.F. MacKenzie.
Secretary.

Frank Edwards, Esq.,
Indian Agent,
Kenora,
Ont.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
JUL 8 1932
RECORDS

Parry Sound, Ont.
July 6, 1932.

T- 3691

The Secretary,
Department of IndianAffairs,
Ottawa, Ont.

Sir;

Yours of July 4th 11834-3 received referring to Henry K. Abetung an Indian of the Shawanaga Band, writing to the Minister of Interior Hon. Mr. Murphy

I have written to the Chief of the Band explaining the situation and asking him, as chief of the Band, to explain to Abetung that any requests that he has to make to the Department of Indian Affairs, must be done in the regular way, through the Chief to this office, from this office to the Department, and advising him that in future any correxpondence he sents to the Minister will not be answered direct but through this office.

I wish to state that I appreciate the actions of the Department in this matter very much and can assure the Department that as far as Abetung is concerned, I am keeping in touch with his activities all the time and the only way to handle a case like this, that I know of, is to look upon him as a huge joke and advise the Indians that he tries to tap for funds, not to pay any funds to him, and to give him the "Ha, ha." This may not be good composition but it is a statement which the Indians will understand and they are starting to do that now, and I expect that in a short time Henry will be discounted. I think he is discounted now in getting funds, so far as the Bands are concerned.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

Thanking the Department for their consideration in this matter.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly

Agent.

JMD/EK.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT. OF INDIAN AFFAIRS
JUL 11 19[illegible]
TORONTO

122

Kenora, Ontario.
July, 7th. 1932.

Dear Sir:

Replying to your #111834-3 of 4th. inst. Henry K. Abetung, Secretary of the Union Council of Ontario Indians, did not attend on July, 2nd. A mee ting was held by the several Chiefs that were here and it was decided by all that they would have nothing more to do with this man, as they understood they could get nothing from him, and that this Office was doing all that was possible for them.

We did not attend the meeting, as we have been very busy, since returning from treaty, but this information was volunteered by the Chiefs themselves.

Your obedient servant,

Indian Agent.

Assistant Deputy & Secretary,
Department of Indian Affairs,
Ottawa, Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

July 14, 1932.

Sir:-

I am enclosing herewith for your information copy of a letter that has been received from Indian Agent Edwards of Kenora with reference to Henry K. Abetung, Secretary of the Union Council of Ontario Indians.

Your obedient servant,

A.F.MacKenzie.
Secretary.

John M.Daly,Esq.,
Indian Agent,
Parry Sound,Ont.

encl

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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CANADA

111834-3 CLOSED

FROM 16/3/23.

TO 14/7/32

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 1)

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Indian Affairs
Red Series

(RG 10, Volume 2547)

File			
- 111,834-2		CLAIM OF THE PROVINCE OF ONTARIO TO MINERALS ON THE INDIAN RESERVES.	1897-1922
- 111,834-3	1	AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND ONTARIO REGARDING INDIAN RESERVE LANDS. RESOLUTION OF THE UNION COUNCIL OF ONTARIO INDIAN RELATIVE TO HUNTING, FISHING AND TRAPPING IN THE PROVINCE OF ONTARIO.	1924-1932
111,834-3	2	AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA AND ONTARIO RELATIVE TO THE SALE OR LEASE OF MINING CLAIMS ON INDIAN RESERVES IN ONTARIO.	1934-1939

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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ARCHIVES PUBLIQUES
CANADA

No. 111834-3

VOL.2 RED VOL.1 CLOSED

111834-3

INDIAN AFFAIRS BRANCH

DEPARTMENT OF MINES & RESOURCES

DISPUTE

DOMINION VS ONTARIO

RE LANDS SURRENDERED BY INDIANS

Reg. 8399

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Received of Shawanaga Ont. Sept 24th 1927
Chief Johnny Oh-key
mahkeyshequat.
Thirty Five ——— Dollars
being on account of Union
Council of Ontario Indians
$35.00 Henry K. Abetung.
R.H.

Received of Shawanaga. Ont. Oct 15" 1928.
John Chief.
8 — — — — — — 95¢ Dollars
Contribution for to support the Union
council of Ontario Indians.
$8.95¢ Henry K. Abetung.
43.95 R.H.

Received of Shawanaga. Ont, Jan 25" 1929
John Chief.
Fifty One ——— Dollars
For Contribution for to support the
Contentions of the Union Council.
$51.00. Henry K. Abetung.
44.95 R.H.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Shawanaga. Ont. Dec 27th 1930

Received from John Chief

Ten 100 Dollars

Being Contribution for Travelling expenses of the Committee of the Union of Council.

$10 Henry K. Abetung

104.95 R.N.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
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CANADA

KODAK SAFETY FILM

No. 3, Jan. 25th, 1929.

Sawanaga, Ont.
Jan 25-Th. 1929.

John Chief,
Mine Centre, Ont.

Dear Chief,-

I enclose herewith the receipt for which I received the Money Order Amount to $57.00 for to support the contention of the Union Council of Ontario Indians.

What is the name of your Reserve, or your Band.

Thank you for your kindness.

Yours Truly.
Henry K. Abetung.

BA.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
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CANADA

No. 2, Oct. 15th, 1928.

Shawanaga, Ont.
Oct 14th. 1928.

John Chief.
Nine Centre, Ont.

Sir;—

I have your letter of the 29th last Sept, and contents noted and in reply, I have to state that the monies I have received from the Indians about Eight Hundred dollars, We would like to collect about Three Thousand dollars to cover the expenses for deputation to go to England.

You had better collect some more money

H.H.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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CANADA

and send it to me and
I will send you a receipt.

As soon as we
get enough money
we will push our case
before the Governments,
Dominion & British
Government.

Thanking you
for your kindness.

Yours Truly,
Henry K. Abeting:

1741.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No.1 Sept. 24th, 1927.

Shawanaga. Ont.
Sept 24th 1927.

Chief, Johnny. Obhaywah-
okeysbegwab.
Fort Frances. Ont.

Dear Chief.—

Your favor of the
9th instant to hand
and contents noted
and in reply, I have
to say that we are busy for
preparing to go to
England, but sorry
to say that we cannot
get enough money to
pay all the expenses to
go to England.

I wish you would
explain the meaning

RR.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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CANADA

of our proposition to the other Chiefs and tell them to help us to raise the funds. If we get this matter be settled in England it means a great benefit to all the Indians in Ontario.

We are attempting to go to England this fall if get enough money.

Kindly let me hear from you by return mail.

Yours Truly
Henry K. Abetung.

P.S. Thanking you for your kindness.

B.L.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Division Fyle No. 8-134 F 2-3 P. 237

YAL CANADIAN MOUNTED POLICE

Division	Sub-Division	Detachment
4 "D"	33 PORT ARTHUR, ONT.	15 FORT FRANCES, ONT.

Province: MANITOBA.

Date: Sept. 6th, 1934.

Fyle References

Re: Henry K. ABETUNG, Sec.-Treas. Union Council of Ontario Indians, Shawanaga, P.O., Ont. - Alleged obtaining of money from Seine River Indians by false pretence. (Complaint of Seine River Band, Grilly, Ont.).

Headquarters

The Officer Commanding,
R.C.M.Police,
Manitoba District,
Winnipeg, Man. 6-9-34.

Sir-

Sub-Division

1. Reference to the above, I beg to report that on the 1st inst., Chief OGA-MA-GEE-GEIK and Frank WILLIAMS, Treaty Indians of the Seine River Band at Grilly, Ont., called at this office and produced the attached letters No. 1,2 and 3 with four Receipts for the amount of One hundred and Four Ninety Five ($104.95) said to be received from the above named. According to Chief OGA-MA-GEE-GEIK, this amount had been collected by him from members of the Seine River Band and forwarded to Abetung who promised these Indians that he would use this money to pay the Expenses of an Indian delegation to go to England to defend the Indians Treaty Rights. This Indian Chief, states that he wrote to Abetung informing him that he would send no more money until he saw some action taken and Abetung has not answered him since.

Detachment

P. C. R.

2. The above named Indians requested that action be taken against Abetung for the recovery of the money paid him by the Seine River Band.
I informed these Indians that the time limited for taken action in this matter had elapsed and that it was doubtful if anything further could be done about the matter. They then requested that the letters and Receipts be forwarded to the Department of Indian Affairs for their consideration. These Indians have been requested by me, that in future when any such person or Indian calls upon them for donation of money for any such doubtfull purpose, they should immediately refer the matter to the Mounted Police and Indian Agent for advise.

FT.FRANCES.
23-8-28.

3. This has reference to report submitted by Reg. No. 8964. Cpl.(Now Sgt.) F.H. Bebb, dated Ft. Frances, Aug. 23rd, 1928, under the heading of re; Indians - Rainy River District.

4. Three letters and four Receipts from Henry K. Abetung is attached hereto with copy of letter from Atterney General of Ont., to Frank Williams, Treaty Indian, Grilly, Ont.

5. I would respectfully request that I be instructed in regards to any further action to be taken.

EXPENSES. Nil. CONCLUDED in so far as Ft. Frances Detachment is concerned.

rwarded to
/Arthur Div-Division.

(R.Newton.Reg.No.10473) i/c.. Det.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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CANADA

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8-134 [illegible] 2-3

The Commissioner,
R.C.M.Police,
Ottawa, Ont.

Forwarded for your information 11-9-34. I am afraid there is nothing very much can be done about this matter, as far as the Police are concerned. Some time ago in 1928 we had some correspondence in connection with same, under the above file heading, the last letter being dated September 6th, 1928.

Inspector
A.H.L.Mellor
i/c C.I.B.

M/M

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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CANADA

Poor Copy.

111834-3

L.H. 4A.

ALL CORRESPONDENCE TO BE ADDRESSED
COMMISSIONER,
R.C.M. POLICE,
OTTAWA

ROYAL CANADIAN MOUNTED POLICE
HEADQUARTERS (C.I.B.)

113390

IN REPLY PLEASE QUOTE

FYLE NO. 34 D 1250-E-7

OTTAWA. September 19, 1934.
CANADA

DEPT. OF INDIAN AFFAIRS
SEP 21 1934
RECORDS

Sir:

Re - Henry K. ABETUNG, Collecting Money from Indians, Crilly, Ont.

Enclosed is copy of a report dated the 6th instant received from the Officer Commanding at Winnipeg, Manitoba, relative to the above named Indian, who, some years ago, attempted to collect certain sums of money from the Indians of the Seine River Band at Crilly, Ontario, with the intention of sending a deputation of Indians to the Government of Canada and of England with respect to the affairs of the Indians of Ontario. Also attached are receipts and letters referred to.

Yours truly,

L. Armitage.
R. ~~Armitage~~ Insp.,
for D.C.I.

The Deputy Superintendent General,
Department of Indian Affairs,
Ottawa.

Encl.
A/

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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CANADA

Poor Copy.

Copy for the information
of Indian Agent Daly

11834-3

October 26, 1934.

Sir:-

I have to acknowledge receipt of your letter of the 19th instant, No. 34 D 1250-E-7, concerning Henry K. Abetung, Collecting money from Indians, at Crilly,Ontario.

As the time for prosecution has passed, it would not appear that there would be any usefulness in taking any further action in the matter.

I concur in the Corporal's advice to the Indians that if similar collection is attempted again, complaints should be made at once to your officers.

The documents which you forwarded are being retained here.

Your obedient servant,

T. R. L. MacInnes

T.R.L.MacInnes.
Acting Secretary.

The Commissioner,
The Royal Canadian Mounted Police,
Ottawa.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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111834-3

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

DEPT OF INDIAN AFFAIRS
OCT 31 1934
RECORDS

T- 5859

Parry Sound, Ont.,
October 28th, 1934,

The Secretary,
Department of Indian Affairs,
Ottawa, Ontario,

Sir;

I have received your copy of letter to The Commissioner, Royal Canadian Mounted Police, Ottawa, re the activities of Henry K.Abetung, collecting money from the Indians at Crilly, Ont.,

I presume this refers to the activities of Henry K.Abetung in the past. About two years ago I warned him that he was liable to get into trouble for doing this, and about 18 months ago,, I asked the Chief to impress on his mind that there was a prison sentence awaiting him if he persisted in collecting money from the Indians. Since last winter Henry K. Abetung has been working on the highway and attending to his duties. In the cold days in the winter time he had brains enough to work himself into a job turning the handle of the bellows for the blacksmith.

I have reason to believe that Henry K.Abetung will not endeavour to do any more collecting . Am I right in presuming that this communication refers to his past activities which would be sometime about two years ago. I would appreciate knowing this as I am very interested in the happiness of Henry K. Abetung.

The next time I am at Shawanaga I will advise Henry K.Abetung that he is a lucky man, and that if he presumes to do any collecting again that the Red Coats will get him if he doesn't watch out. Please let me know if this refers to his activities about two years ago.

I have the honour to be,
Sir,
Your obedient servant,

John M. Daly
Agent

JMD/EK.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

November 1, 1934.

Dear Sir:-

I have your letter of the 28th ultimo, your ref. T-5859, regarding Mr. Henry K. Abetung.

The activities referred to in our letter to the Commissioner, Royal Canadian Mounted Police occurred some two years ago or more. Insofar as I am aware Mr. Abetung has not been guilty of collecting funds from other Indians in recent months. I am pleased to note that he is endeavouring to earn his livelihood by more legitimate means but I think a further warning when you see him will have good effect as he will know that he is still under close surveillance.

Yours very truly,

A. F. MacKenzie,
Secretary.

John M. Daly, Esq.,
Indian Agent,
Parry Sound,
Ontario.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

ORIGINAL ON
119-129

OCT 1 1938
RECORDS

Kenora, Ont., 23rd Sept. 1938.

EX'D.

Dear Sir:

Reference your letter #119-129 of the 1st June last re meeting of the Amalgamated Organized Indians.

Another meeting of this organization was held at Aoochiching Reserve, near Fort Frances, the meeting starting on the 22nd Instant and finishing on the 24th.

x x x

They had many complaints, the main ones being in connection with hunting, fishing and trapping, and in connection with an agreement made in 1924 respecting Indian Lands, re disposal of reserves, whereby the Government claimed the right to sell the land and use the funds of the benefit of the Band, but when a band became extinct, the remnant of the funds would become, under the agreement the property of the Province, also that the Province, should receive one half of the consideration in the case of the sale, lease, or other disposition of mining claims staked on Indian reserves. The Honourable Charles Stewart, Minister of the Interior is reported to have stated that from the Privy Council judgment in 1883 it was declared that the title to Indian Lands surrendered to the Crown, belong to the Province and not to the Dominion. Mr. Stewart stated according to press reports that he could not say all the Indians had agreed to this settlement, but most of them had. The Indians claim this is not so, and to my knowledge or Mr. Spencer's none of our Indians had been asked to agree during our terms as agent. This particular legislation was limited to Ontario, and apparently the resolution was carried in the House.

x x x

Frank Edwards.
Indian Agent.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

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PUBLIC ARCHIVES
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CANADA

111834-3

ELIZABETH BEARD
NORTHVILLE, MICHIGAN

July 18, 1938

R

Dept. of Mines & Resources
JUL 19

Minister of Lands and Forest
Ottawa, Canada

Dear Sir,

Will you kindly let me know if the islands in McGregor Bay, Ontario, Canada are still or for sale, or if they can now be only leased from the Canadian government?

If this request does not come under your jurisdiction, will you please refer it to the proper department?

Yours very truly,

Elizabeth Beard

Elizabeth Beard

JUL 20 1938

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

PUBLIC ARCHIVES
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CANADA

Poor

111834-3

EX'D.

OCT 17 RECORDS

111834-3.

Ottawa, August 20th, 1938.

Dear Madam,-

I beg to acknowledge receipt of your inquiry of July 18th last, in connection with islands in McGregor Bay, Ontario, and may say that all unsold islands in these waters are the property of the Alnwick Band and, therefore, under the jurisdiction of this Department.

If you are interested in any particular island we shall be glad to furnish information in connection therewith on receipt of an inquiry.

Yours very truly,

J. C. Caldwell,
Chief, Reserves Division.

Miss Elizabeth Beard,
Northville,
Michigan, U. S. A.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY

L.

AUDITOR GENERAL
CANADA.

Ottawa, May 2, 1939.

Dear Sir:

Dominion-Ontario Agreement, Chap. 48,
14-15 Geo. V.- Indian Affairs Branch.

On April 13, 1938, Trust Fund Cheque 5197 for $250. was issued to the Department of Mines, Province of Ontario, in "payment of half the proceeds arising from the sale or lease of mining claims on Indian Reserves in Ontario, under authority of the Dominion-Ontario agreement dated July 19, 1924".

Paragraph 6 of this Act stipulates that after July 19, 1924, the Province is to receive one-half share of all revenue from the sale or lease of mining claims subject however to paragraph 7 which exempts (1) all lands set apart by Treaty No.3 of 1873 and (2) all lands conveyed to the Indians by letters patent under the Great Seal of the Province of Upper Canada, of the Province of Canada or of the Province of Ontario.

I would be pleased to receive your assurance that the Reserves involved in the above repayment, namely, Whitefish River and Long Lake No.77, do not come under exemption (2) of paragraph 7 quoted above.

The above mentioned bands apparently are subject to the Robinson Treaty which antedates Treaty No. 3 by 23 years and which states that "should the said Chiefs and their respective tribes at any time desire to dispose of any such reservations, or of any mineral or other valuable productions thereon, the same will be sold or leased at their request by the Superintendent-General of Indian Affairs for the time being, or other officer having authority so to do, for their sole benefit, and to the best advantage". It would seem probable that the Province would at that time confirm the title of the Indians in the lands set apart for their use.

Yours truly,

(Sgd.) Geo. Gonthier.

Auditor General.

Charles Camsell, Esq.,
Deputy Minister,
Dept. of Mines and Resources,
O T T A W A.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

Department of Mines and Resources

Department of Mines & Resources
Indian Affairs Branch.
MAY 4 1939
RECORDS

Memorandum to: Dr. McGill

I am sending herewith a communication dated May 2 from The Auditor General, Ottawa.

Subject: Dominion-Ontario Agreement, Chap.48, 14-15 Geo.V.

Kindly prepare a draft reply for the signature of the Deputy Minister and return the correspondence to this office.

If the information desired is not available within the next days, will you be good enough to advise me when it may be expected.

DEPUTY MINISTER

May 3 1939

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

F.111834-3

EX'D

Ottawa. May 5th.1939.

Dear Sir:-

With reference to your letter of May 2nd.regarding the status of the Whitefish River and Long Lake No.77 Indian Reserves,I wish to state that these reserves were not conveyed by letters patent to the Indians,but were reserved for them under Treaty stipulations.

The Whitefish River Reserve was set aside under the Robinson Huron Treaty of 1850 and confirmed by Provincial Order in Council dated Jan.1st.1853.

The Long Lake Reserve No.77 was set aside under the Robinson Superior Treaty of 1850 and confirmed by Provincial Order in Council dated Oct.9th.1914.

The Reserves exempted in paragraph 7 of the Dominion-Ontario Agreement of 1924 comprise all reserves in Treaty No.3 area and such reserves that were purchased from Ontario such as Golden Lake in 18 and Gibson in 1861;also the Six Nations Reserve which was granted by letters patent in 1793.

All reserves in Ontario that have been set aside under Treaty,other than Treaty No.3 are no exempted.

Yours very truly,

Geo.Gonthier Esq.
Auditor General
Ottawa.

Deputy Minister.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111834-3

Copy to be returned to
Indian Affairs Branch

F.111834-3

Dept of Mines & Resources
Indian Affairs Branch.
MAY 9 1939
RECORDS

Ottawa. May 5th.1939.

Dear Sir:-

With reference to your letter of May 2nd.regarding the status of the Whitefish River and Long Lake No.77 Indian Reserves,I wish to state that these reserves were not conveyed by letters patent to the Indians,but were reserved for them under Treaty stipulations.

The Whitefish River Reserve was set aside under the Robinson Huron Treaty of 1850 and confirmed by Provincial Order in Council dated Jan.1st.1853.

The Long Lake Reserve No.77 was set aside under the Robinson Superior Treaty of 1850 and confirmed by Provincial Order in Council dated Oct.9th.1914.

The Reserves exempted in paragraph 7 of the Dominion-Ontario Agreement of 1924 comprise all reserves in Treaty No.3 area and such reserves that were purchased from Ontario such as Golden Lake in 1870 and Gibson in 1881;also the Six Nations Reserve which was granted by letters patent in 1793.

All reserves in Ontario that have been set aside under Treaty,other than Treaty No.3 are not exempted.

Yours very truly,

C. W. JACKSON

for Deputy Minister.

Geo.Gonthier Esq.
Auditor General
Ottawa.

Long Lake Res. # 77 was set aside under treaty 9, 1906 and confirmed by Prov. O.C. Feby 13, 1907. ef.

Indian Affairs. (RG 10, Volume 2547, File 111,834-3 pt. 2)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
111,888	SARNIA - REQUISITION FROM THE CHIPPEWAS OF SARNIA FOR A SUM OF MONEY TO PAY CERTAIN ACCOUNTS FOR THE QUARTER ENDED THE 30th OF SEPTEMBER 1890.	1890-1891
111,891	CAPE CROKER AGENCY - LIST OF PATENTS REQUIRED FOR THE MONTH OF NOVEMBER 1890.	1890-1904
111,892	PENETANGUISHENE AGENCY - CORRESPONDENCE REGARDING THE REPAIRS TO THE WHARF AT CHRISTIAN ISLAND.	1890-1906
111,894	SIX NATIONS RESERVE - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF THE SIX NATIONS.	1890
111,896	CAPE CROKER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF SAUGEEN AND OWEN SOUND.	1890
111,916	ALNWICK AGENCY - RESOLUTION PASSED BY THE MISSISSAUGAS OF ALNWICK GRANTING A SUM OF MONEY TO ROBERT GRAY FOR DIGGING GRAVES.	1890
111,917	CAPE CROKER AGENCY - APPLICATION FROM JOHN GAWLEY TO PURCHASE LOT NO. 11, CON 6, WEST OF BURY	1890

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Acct [illegible] 12 12 90
Mr. N. 18. 12. 90
Ant 14 — 1 — 91
Mr. N. 23. 1. 91

No. 111888

Department of Indian Affairs,

1890

A. English.
Sarnia.

5/9 Dec

With accounts for payment for Sept-Qr 1890.

23 Dec Cklet to A English
6/8 Jan 1891 let from A. English
9/12 Jan let from A English
26 " Cklet to do
6/7 Feb let from A. English.

ACTION.

29/28-7

ACTION CONTINUED.

RED
111888

Indian Affairs. (RG 10, Volume 2547A, File 111,888)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Samkson Jackson

DATE.			AMOUNT.	
		grave dudging		
July	23	grave for Adam Jamieson	1	00
Sept	25	Jabje Jackson	1	00
			2	00

DEPT. OF INDIAN AFFAIRS
EXAMINED.

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111888

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Mackenzie Milne & Co.

DATE. 1890			AMOUNT.	
May	22	To 2 ℔ Nails		08
June	17	" 13 " " for Culvert		52
Sept	2	" 3 galls Oil 20	✓	60
		" Wick		05
				1 25

DEPT. OF INDIAN AFFAIRS EXAMINED. Hunck

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

A. English Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111888

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Jacob Lawrence Esqre

DATE.			AMOUNT.	
1890		for lumber for Culverts		
Sept	23	2.P 2 x 12 — 12 2 P 2 x 4 — 10	$13	71
"	24	½ Circle for Culvert	2	50
"		4 P 2 x 12 — 16	2	66
			83	87

DEPT. OF INDIAN AFFAIRS EXAMINED.

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111888

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs,

To John Johnston

DATE.			AMOUNT.	
1890				
Aug	6th	traveling. & services attending Cuncle meeting at Sarnia	1	50
			1	50

DEPT. OF INDIAN AFFAIRS
EXAMINED.

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

A English Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. of Acct.

DEPARTMENT OF INDIAN AFFAIRS DEC 9 1890

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Jones Coultis & Co

DATE.			AMOUNT.	
1887 Aug	17	2 1012 ft Lumber Bridge Kettle point	$ 8	09
"	30	" 479 " " " "	4	79
1888 May	10	" Lumber for culvert Stoney point	3	25
"	19	" Lumber for Shawnaw Hill	2	04
"	21	" 2 pin 2-8-20 = 52 10 oz	✓	52
		" Plank 288 8 oz	✓ 2	30
		30 Slabs	✓	30
			✓ 21	29

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

A English Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111888

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs,

To W. B. Clark

DATE.			AMOUNT.	
1890				
Septr	24	To funeral furnishings for the late Jane's Jackson		
		To 15 yd Cotton @ 8¢ 1.20 1/2 yd Muslin @ 12½¢ 6¢	✓ 1	26
		1 Pair Socks 20¢ 1 Pair Gloves 25¢	✓ —	45
		1 Tie 13¢ Tape 2¢ 1 Spool 4¢ Pins 6¢	✓ —	25
		6 yd Love Ribbon @ 8¢ 48¢ 1 Roll Hat Crape 1.00	✓ 1	48
			$ ✓ 3	44

DEPT. OF INDIAN AFFAIRS EXAMINED.

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

A. English Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs,

To R. H. MacKenzie

DATE.			AMOUNT.	
1890				
July	23	Coffin for Antoine Jamieson	4.	00
Sept	25	" for Jabez Jackson	4	00
			$8.	00

DEPT. OF INDIAN AFFAIRS
EXAMINED.

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. of Acct. .....

111888

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Lewis Cloud

1890 DATE.			AMOUNT.	
aug	6	Traveling Expences attending meeting of Councle at Sarnia	1	50
			1	50

DEPT. OF INDIAN AFFAIRS
Aug 6

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. of Acct. 111888

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Lewis Cloud

1890 DATE.			AMOUNT.	
aug	6	Traveling Expences attending meeting of Councle at Sarnia	1	50
			1	50

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111838

DEPARTMENT OF INDIAN AFFAIRS
DEC 9 1890

Chippewas of Sarnia

Sarnia Oct 1890

Required by the chippewas of Sarnia the sum of $82.50 87/100 to make payment of certain accounts for quarter ended Sept 30/1890 Viz

5

4473.6

1	A. McLean	M.D.	medical attendance	114.20
2	A Scott	M.D.	" "	✓ 7 53.00
3	R & H Mackenzie		coffin	✓ 8 8.00
4	H. L. Clark		Funeral Furnishings	✓ 3.44
5	Sampson Jackson		Services digging	40 2.00
6	Jones & Conklin		Lumber	✓ 121.25
7	J. Lawrence & Son		"	✓ 25.87
8	John Johnston		travelling expenses	✓ 31.50
9	Lewis Cloud		" "	✓ 41.50
10	John Darson		Bal. of organ?	× 31.77
11	C. Mackenzie		Film & Co oil &c	✓ 5 1 25
12	Peter Radd		Travelling Expences?	× 13.80
				256 87

Cheque sent 23 Dec. '90 -

Wilson Jacobs. Head Chief
Daniel Otter
Ben. White

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
DEC 9 1890
21

111888

Sarnia Council House
Nov 4th 1890

Council met. all the Councillors. Chief. and Agent English were present. and among other Items. the Council House organ was being discussed. when it was moved by Joseph Wawanosh. and seconded by James Plain to pay the Balance due. being $31.87 out of the Public Funds and was carried unanimously

Wilson Jacobs
Joseph Wawanosh
Daniel otter
James Plain
John Johnston

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs, John Barron

To [illegible]

DATE.		Sarnia Nov 19th 1890	AMOUNT.	
1888				
Dec	22	To One Doherty Organ	110	
		"Intrest on overdue ope	2	
1889				
Apr	25	By Cash		47 25
Oct	26	" "		17 75
Nov	7	" "		13 23
1890				2 00
June	22	" "		80 23
			112 00	
			80 23	
			31 77	31 77

DEPT. OF INDIAN AFFAIRS EXAMINED.

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

A Enfield Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111888

No. of Acct.

INDIAN TRUST FUND.

DEPARTMENT OF INDIAN AFFAIRS
JAN 12 1891

The Department of Indian Affairs,

To Peter Redd

DATE.			AMOUNT.	
From Sept 18				
To Sept 27th 1890	To Travelling and board while looking after Exhibits at Western Fair		$13.	00
	9 days Board @ $1 00 per day		9	00
	Railway fare		3	00
	freight on Exhibits		1	00
			13	00
		Total	$13.	00

DEPT. OF INDIAN AFFAIRS
EXAMINED

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,888)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
111,888	SARNIA - REQUISITION FROM THE CHIPPEWAS OF SARNIA FOR A SUM OF MONEY TO PAY CERTAIN ACCOUNTS FOR THE QUARTER ENDED THE 30th OF SEPTEMBER 1890.	1890-1891
111,891	CAPE CROKER AGENCY - LIST OF PATENTS REQUIRED FOR THE MONTH OF NOVEMBER 1890.	1890-1904
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111,896	CAPE CROKER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF SAUGEEN AND OWEN SOUND.	1890
111,916	ALNWICK AGENCY - RESOLUTION PASSED BY THE MISSISSAUGAS OF ALNWICK GRANTING A SUM OF MONEY TO ROBERT GRAY FOR DIGGING GRAVES.	1890
111,917	CAPE CROKER AGENCY - APPLICATION FROM JOHN GAWLEY TO PURCHASE LOT NO. 11, CON 6, WEST OF BURY	1890

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Lds. 12 — 12 90
M. N. 18-12 90
[illegible] 12 90

No. 111891

Department of Indian Affairs,

1890

Wm Simpson
Wiarton.
6/9 Sept

Requisition for
Patents for November

23rd Dec. Let W. Wm Simpson.
29/31 Dec let from Wm Simpson
24/30 Dec let from Wm Simpson

ACTION.

8/34

ACTION CONTINUED.

RED
111891

Poor Copy.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

PATENT APPLIED FOR.

DEPARTMENT OF_____

Reference No._____

File No._____

Remarks_____

Placed on File_____ 18

McGregor's Improved Document, Map and File Protector No. 4.

BELLOWS' PATTERN QUALITY No. X.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

In the Matter of Lot number 20 in the First Concession S.C.D. of the twonship of Keppel in the County of Grey

ONTARIO: I William McIvor of the Township of
County of Grey Keppel in the County of Grey, Farmer do
To Wit: solemnly declare:-

1. That I am personally acquainted with Frederick William Spencer and Thomas Joynt, who are applicants for the patent of lot 20, in the First Concession, S. CL D. in the said Township of Keppel.

2. The said Frederick W. Spencer and Thpmas Joynt, have been both been actual residents in the said twonship of Keppel for the past twenty years.

3. The said Frederick William Spencer is the owner of lot 9 and the East half of 8 in the said Township, and there is erected thereon a log house about 24 x 20; a log stable 18 x 24; and there is about 35 acres of the same now cleared and under actual cultivation.

4. The said Thomas Joynt is the owner of lot Number 7 in the Seventh Concession, upon which there is erected a log house boarded outside and lathed and plastered inside about 24 x 32; a frame stable about 24 x 30; a frame shed about 20 x 30; and a log barn about 30 x 50, and about 55 acres of the said lot are cleared and fenced and are now in a good state of cultivation. About five acres of lot number twenty above mentioned are cleared and used for pasture

And I make this solemn Declaration conscientiously believing the same to be true and by virtue of the Act respecting Extra-Judicial Oaths.

Declared Before me at the Town of
Owen Sound in the County of Grey
this 7th day of August, A. D. 1890.

F. A. Kilbourn
Notary Public, Ont.

Wm McIvor

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Re
20. Con 1. D.C.D Arpps

Declaration of
Wm McDoer

Wm McDoer

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dominion of Canada,
PROVINCE OF ONTARIO.
County of Bruce
TO WIT:

In the matter of Lot 20 Con 1st S.B.D
in the Township of Keppel County of Grey
Province of Ontario.

I, Matthew Boyd
of the Township of Keppel
in the ——— County of Grey Farmer
Do solemnly declare that I am well
aquainted with Lot 20 Con. 1.S.B.D. Keppel
in said County and Province. and say
that the following improvements are now
existing thereon. that is to say all of 6 cleard
and used for pasture.
That the said Lot is owned by Frederick
William Spences, and Thomas Poyant. each
of whom has been bonafide actual settlers
in Township for the last twenty years.
That the said Frederick Wm Spencer is the owner
of ~~Lot~~ twenty acres of Lot. 9 and the East half
of Lot 8 Con. 7. in said Township with
the following improvement thereon - one log house 20 & 24
Stable 18 & 24. with about 35 acres cleard and under
Cultevation.
That the said Thomas Poynt is the owner of Lot 7
in the 7 Con of said Township - Log house boarded
outside & lathed & plastered inside about 24 & 30 - log
barn 30 & 50 with frame shed. and about 55 acres
cleared fenced and under cultevation. That the afore
Lot 20 Con 1. S. B. D. is held in connection with
these latter lots and is about one Mile distant.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "ACT RESPECTING EXTRA-JUDICIAL OATHS."

DECLARED before me at the Village
of Wiarton
in the ——— County of Bruce
this 25th day of November
in the year of our Lord 1890.

Matthew Boyd

Wm Simpson
A ~~Commissioner, Etc.~~
J. P. Agent

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
1891
DEC
9
1890

In the Matter of

Sale — 2766

Lot — 20

Con — 1st S.C.D

Tp. Keppel

Statutory Declaration.

ECHO PRINT

Settlement duties in lieu of Patent in name of Frederick William Spences. and Thomas Jaynt — both of the Township of Keppel County of Grey each Farmers.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dominion of Canada,
PROVINCE OF ONTARIO.
County of Bruce

In the matter of Lot Park 2 East of Bryant st and South of Devision street. Con and Park Lot 9 North Range
Township of Olipant County of Bruce
Province of Ontario.

TO WIT:

We John Hutchinson & William James Hutchison
of the Township of Amabel
in the ——— County of Bruce Farmers

Each for himself Do solemnly declare that we are well aquainted with Park Lot 2 East of Bryant Street, and South of Devision Street - and Park Lot 9 in the North Range of the Townplot of Oliphant in said County and Province, and say That John Randle is the Locatee of said Lots.

That the following improvements are now existing thereon. That is to say on Park Lot 2 East of Bryant st. and South of Devision Street all of 15 acres cleared fenced and cultivated and has been cultivated, one log dweeling house 18424 feet. On Park Lot 9 North Range - there are about six acres Choped - two acres of which is cleared fenced and cultivated this last season and is held and worked with Park lot 2 East of Bryant st, and South of Devision st, That those improvements were made by and on behalf of John Randle. That the said John Randle is a bonafide actual settler living and residing thereon - now - and for the last - at least 10 years.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "ACT RESPECTING EXTRA-JUDICIAL OATHS."

DECLARED before me at the Village of Wiarton in the ——— County of Bruce this first day of December in the year of our Lord 1890.

John Hutchinson
William J. Hutchinson

Wm Simpson
A ~~Commissioner, Etc.~~
B. L. Agent

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111891
DEPARTMENT OF INDIAN AFFAIRS
DEC 9 1890

In the Matter of

Sale 2782
Park Lot 2 East of Bayview and South of Denison street
~~Lot~~
Sale 52 50.
Park Lot 9 North Range
~~Con~~
Tp. plat of Oliphant

Statutory Declaration.

ECHO PRINT

In view of Patent in Name of John Randle of the Townplot of Oliphant County of Bruce Farmer

---

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dominion of Canada,
PROVINCE OF ONTARIO.
County of Bruce
TO WIT:

In the matter of Lot 26 Con 1 E.B.R.
Township of Albemarle County of Bruce
Province of Ontario

We James Blake ~~Henry~~ William ~~Henry~~ Craig ~~Jr~~
of the Township of Albemarle
in the ——— County of Bruce Farmers
Each for himself Do solemnly declare that I am
well aquainted with Lot 26 Con 1 E.B.R.
Albemarle in said County and Province.
And say- that the following improve-
-ments are now existing thereon- that is
to say- one frame dwelling house 18&24
feet- barn (log) 18&30 feet. and all
of 18 acres cleared fenced and under
cultivation.
That it is now occupied. and has been
occupied for the last eight years.
That those improvements were made by
and on behalf of Thomas Hurst. the
owner thereof.
That we Know of no adverse claim

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "ACT RESPECTING EXTRA-JUDICIAL OATHS."

DECLARED before me at the Village of Wiarton
in the ——— County of Bruce
this 26th day of November
in the year of our Lord 1890.

James Blake
W.A. Craig

Wm Simpson
~~A Commissioner, &c.~~
J.P.L. Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
111891
9
1890

In the Matter of

Sale — 4478

Lot — 26

Con — 1 E.B.R.

Tp. Albemarle

Statutory Declaration.

ECHO PRINT

Settlement duties in view of Patent in Name of Thomas Hurst of the Township of Albemarle County of Bruce Farmer.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dominion of Canada,
PROVINCE OF ONTARIO.
County of Bruce

In the matter of Lot 18 Con 5
Township of Amabel County of Bruce.
Province of Ontario.

TO WIT:

I, David Morton and George Walker
of the Township of Amabel
in the ——— County of Bruce Yeomen
Each for himself Do solemnly declare that ~~there~~
I am well acquainted with said Lot & that there
are five acres cleared and fenced a
frame house with a stone foundation
24 by 18 feet. And a frame stable
16 by 14 feet on Lot 18 in the 5th
Conn of the said Township of Amabel
That it is now occupied and
has been occupied for the last
5 five years
That these improvements were
made by and on behalf of
Agness McDougall
That we know of no adverse
claim

And I make this solemn declaration conscientiously believing the same to be true, and by ~~virtue of the~~ the
"ACT RESPECTING EXTRA-JUDICIAL OATHS."

DECLARED before me at Skipness
~~of~~ in the Tp. of Amabel
in the ——— County of Bruce
this Third day of November
in the year of our Lord 1890

David Morton
George Walker

Dond Reid
A Commissioner, Etc.
for the County of Bruce

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
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CANADA

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111891

DEPARTMENT OF INDIAN AFFAIRS
DEC 9 1890

In the Matter of

Sale 2223 J

Lot 18

Con 6

Tp. J. Amabel

Statutory Declaration.

ECHO PRINT.

Settlement duties
in name of Agnes
McDougall wife of
John McDougall.
Township of Amabel
County of Bruce
Farmer.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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LETTERS OF ADMINISTRATION.

Newsome & Leyden, Law Stationers, 46 Adelaide St. East, Toronto

In Her Majesty's Surrogate Court of the

Count of Grey

Be It Known that on the Twenty fifth day of June in the year of our Lord one thousand eight hundred and ninety Letters of Administration of all and singular the real and personal estate and effects, rights and credits of Mary Davidson late of the Town Plot of Brooke in the ~~~~ Count of Grey widow deceased who died on or about the seventh day of April in the year of our Lord one thousand eight hundred and ninety at the said Town Plot of Brooke intestate and who had at the time of her death, a fixed place of abode at the Town Plot of Brooke in the said ~~~~ Count of Grey were granted by Her Majesty's Surrogate Court of the ~~~~ Count of Grey to Jane Jess of the Township of Keppel in the said County of Grey, widow a daughter —

of the said Intestate she having been first sworn faithfully to administer the same by paying her just debts and distributing the residue (if any) of the real and personal estate and effects according to law. **And** to exhibit a true and perfect Inventory of all and singular the said real and personal estate and effects, rights and credits and to render a just and true account thereof whenever required by Law.

Geo Bayliss

Registrar of the Surrogate Court of the County of Grey

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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Indian Affairs Co
Geo Inglis

Letters of
Administration
to the Estate of
Mary Davidson late
of Brook —
Lawrence

DEPARTMENT OF INDIAN
DEC 9 1890

I certify that the within is a true copy of the Letters of administration of the Real and personal Estate and Effects of Mary Davidson late of the Town Plot of Brook deceased. which were granted by the Surrogate Court of the County of Grey on the 25th day of June AD 1890 to Dave Jess. a daughter of the said deceased

Geo. Inglis
Reg. Sur. A. Co. Grey

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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Cap 141 R.S.C.

Newsome & Co. Law Stationers 46 Adelaide St East Toronto

In the Matter of Lot 33 in the 2nd Concession West of the Bury Road in the Township of Eastnor

We. Joseph. R. Hatt. Farmer and Daniel. W. Slocum. Farmer both of the Township of Eastnor in the County of Dmcd. Farmers

Each for himself **Do solemnly Declare** that We are Well acquainted with Lot 33 in the 2nd Concession West of the Bury Road in the Township of Eastnor

That there is cleared and laid under cultivation on said Lot Five acres

That there is erected thereon a Habitable House of the dimensions of 18 ft x 24 ft

That the said Lot is occupied by George Myles and has been occupied for five years last past

That We are not aware of any adverse claims to or occupancy of said Lot

And We make this solemn declaration conscientiously believing the same to be true and by virtue of the "**act respecting extra-judicial oaths**"

Declared before me at Spry Township of Eastnor in the County of Bruce this 27th day of October A.D. 1890

Chas. W. W. Dalton
a Comr. A.C.J. etc

J. R. Hatt
Daniel W. X Slocum
his mark.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
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CANADA

111891

DEPARTMENT OF INDIAN
DEC
9
1890

Declaration
de
Settlement duties
on Lot
33, Con 2. N.B.R.
Tp. Eastnor

Sale — 4472.

Declaration of Settlement Duties in view of Patent in Name of George Myles of the Township of Eastnor County of Bruce Farmer

---

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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G. W. AMES & CO.
Bankers

Brandon, Nov 18th 1890

Wm Simpson Esq
Indian Lands Agent
Wpg

Dear Sir,

Re Lot 6 West of McNaughton & South of Division St Wpg.

In reference to my application for a patent for above Lot I may say that I took it as a trustee for Mrs Margaret Gibson wife of John Gibson of Lions Head some six months ago I advanced Mrs Gibson the money to purchase said Lot from one D. M. West of Wallaceburg & she now wishes to procure the money from a Loan Co to pay me off and before they will advance the money they require the Lot to be patented. You will see by the affidavits I handed you some days ago that the Lot has been occupied a number of years & that the other conditions have been fulfilled & which are

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
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G. W. AMES & CO.
Bankers

II

Viarton, 189

required by the Department.
My reason for writing this letter is = to
show you that I hold this property
merely as a trustee and not as the
beneficial owner thereof and that it is
my intention to deed the property to
said Mrs Gibson as soon as Patent
issued =

I am
Yours truly
G. W. Ames

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
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COUNTY OF
Bruce
TO WIT:

We, John D. Dennyn - Financial agent
of the ~~Township~~ Village of Wiarton in the County of Bruce
and John J. Galloway - clerks of the
~~Township~~ Village of Wiarton in the County of Bruce
each for himself make oath and say:

That we know and have examined Lot No. (6) Six West of Monaughton Street and South of ~~in the~~ Division Street in said village

and find the said Lot - fenced and cleared
that said lot has been occupied for more than three years last past.
with the following improvements thereon:
a good habitable house of the dimensions
20 x 30 and other improvements
were made by and on behalf of
George William Ames

Sworn before me, at
Wiarton this 18th
day of November A.D. 1890

Commissioner in B.R. for said County.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
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CANADA

111891

DEPARTMENT OF INDIAN AFFAIRS
DEC 9 1890

Sale — 2428
Lot — 6
West of McNaughton
Street and South of
Dennison Street
Townplot of Wiarton

Declaration

Settlement Duties
in view of Patent
in name of George
William Innes Village
of Wiarton County of
Bruce. Bankers

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
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CANADA

In the Matter of Lot 20, Concession 1, S.C.D. Keppel, in the County of Grey.

ONTARIO: } I Frederick William Spencer of the
County of Grey } Township of Keppel in the County of Grey
To Wit: } Farmer, do solemnly declare:-

1 That I am one of the grantees named in the conveyance dated the 5th day of August 1890, made by The McArthur Bros. Company, Limited of Lot Number 20 in the First Concession south of the centre diagonal road, in the twonship of Keppel in the County of Grey, ~~to about 5 xxxxxxxxxxxx xxxxxxxxxxxx~~ F.H.K.

2 That about five acres are now cleared up on the said lot and used as pasture. F.H.K

3. F.H.K I am the owner of twenty acres of Lot 9 and the East half of lot 7, both in the Seventh Concession of the said Township of Keppel, and the following improvements have been made thereon: viz:- A log house 24x20; a log stable 18 x 24; and about 35 acres are cleared and under actual cultivation.

4 I have resided in the Township of Keppel, and upon the said lands for the past twenty years and upward, and the greater part of the clearance on the said lands has been done by me.

5 I know of no person having any ~~xxx~~ claim to the said lot 20, adverse to mine.

6. Thomas Joynt who is with me a grantee in the above mentioned deed is an actual resident in the said twonshi p of Keppel residing upon lot 7 in the Seventh Concession of the said township, upon which there is a clearance of about 55 acres, and erected a comfortable log house, boarded outside and lathed and plastered inside, about 24 x 32, a frame stable about 24

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
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CANADA

x 30; a frame shed about 20 x 20; and a log barn about 30 x 50.

And I make this solemn Declaration conscientiously believing the same to be true and by virtue of the Act respecting Extra-Judicial Oaths.

Declared before me at the Town of Owen Sound in the County of Grey this 7th day of August A. D. 1890.

Frederick R Spencer

F. A. Kilbourn.

Notary Pub Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

In Re Lot 20. Con. 1.
S.C.D. Appeal

Declaration of
Frederick W. Spencer

Kilbourn
Kilbourn.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

111891

DEPARTMENT OF INDIAN AFFAIRS DEC 9 1890

REQUISITION FOR PATENTS *for parties entitled to the same for the Month of* November 1890.

Sale No.	Name in Full.	Place of Residence.	Occupation.	Description of Land to be Patented. Lot.	Con. or Street.	Acres.	Town or Township.
6168	John George Hayes Pf 9741	Keppel	Farmer	46	2 S.C.D.	96	Keppel & sold unconditionally see letter Oct 31/90 No 60776
4472	George Myles Pf 9738	Eastnor	do	33	2 W.B.R.	100	Eastnor
2813	Peter Wartman Merritt Pf 9762	Amabel	Farmer	Park Lots 4 & 5	West of Bryant street and North of Division st	18	Townplat of Oliphant
6170	William Davenport Pf 9742	Keppel	do	29	22	90	Keppel & sold unconditionally
6177	Townsend Lymburner Pf 9743	Lindsay	Yeoman	48.849	14 E.B.R.	200	Lindsay do
4116	David Winskill Pf 9739	Amabel	Farmer	38	C	136	Amabel, affidavit of settlement duties already paid
2766	Frederick William Spences and	Keppel	Farmers	20	1 S.C.D.	100	Keppel
"	Thomas Joynt Pf 9738						
4478	Thomas Hurst Pf 9731	Albemarle	do	25	1 E.B.R.	97 16½	Albemarle
2782	John Randle	Townplat of Oliphant	do	Park Lot 2 East of Bryant st and South of			Division st. Oliphant
5250	John Randle Pf 9732	do	do	Park Lot 9 North Range		29½	Townplat of Oliphant
2223	Agness McDougall wife of						
"	John McDougall Pf 9733	Amabel	Farmer	18	6	50	Amabel
2428	George William Ames Pf 9734	Wiarton	Banker	C West of McNaughton & South of Division st			Townplat of ~~Oli~~ Wiarton
689	Jane Jess-Heiress Pf 9740	Keppel	Widow	Lots 50.52.54.56.58.&60		Cocks st	Townplat of Brooke
"	Mary Davidson	"	"	" 49.51.53.55.57.&59		Albert st	
4813	Horace Lymburner 9763	Lindsay	Timber Dealer	39	13 E.B.R.	33	Lindsay
4814	Horace Lymburner	Lindsay	"	40	13 "	84	do
4966	Horace Lymburner Pf 9764	Lindsay	"	38	11 "	67	do
6174	James William Maitland Pf 9744	Owen Sound	Saw Mill owners	41	4 E.R.R.	81	St Edmund & sold unconditionally
"	Henry Rixon						

I hereby Certify the above Applicants for Patents will not thereby acquire more land than is allowed by the Land Regulations of the Department.

Dated Indian Office, 6th December 1890.

Wm Simpson
Indian Lands Agent or Supt.

Form No. 105.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

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DEPARTMENT OF INDIAN AFFAIRS DEC 9 1890

REQUISITION FOR PATENTS *for parties entitled to the same for the Month of* November 1890 1891

Sale No.	Name in Full.	Place of Residence.	Occupation.	Description of Land to be Patented. Lot.	Con. or Street.	Acres.	Town or Township.
6168	John George Ibayes	Keppel	Farmer	46	2 S.C.D	96	Keppel { sold unconditionally see letter Oct 31/90 No 60776
4472	George Myles	Eastnor	do	33	2 W.B.R	100	Eastnor
2813	Peter Wartman Merritt	Amabel	Farmer	Park Lots 4 & 5 West of Bryant street and North of Division		18	Townplot of Oliphant
6170	William Davenport	Keppel	do	27	22	90	Keppel { sold unconditionally
6177	Townsend Lymburner	Lindsay	Yeoman	48 & 49	14 E.B.R	200	Lindsay } Do
4116	David Winskill	Amabel	Farmer	38	C	136	Amabel { affidavit of settlement duties already filed
2766	Frederick William Spencer and	Keppel	Farmers	20	1 S.C.D	100	Keppel
"	Thomas Joynt	"	"	"	"	"	
4478	Thomas Thurst	Albemarle	do	25	1 E.B.R	97 16½	Albemarle
2782	John Randle	Townplot of Oliphant	do	Part Lot 2 East of Bryant st & south of Division. Oliphant			
5250	John Randle	do	do	Park Lot 9 North Range		29½	Townplot of Oliphant
2223	Agness McDougall Wife of						
"	John McDougall	Amabel	Farmer	18	5	50	Amabel
2428	George William Ames	Marton	Banker	6 West of McNaughton & south of Division st Townplot of Marton			
589	Jane Jess. Heiress Ex-	Keppel	Widow	Lots 50.52.54.56.58 & 60 Cock street			
"	Mary Davidson	"	"	Lots 49.51.53.55.57 & 59 Albert street			Townplot of Brooke
4813	Horace Lymburner	Lindsay	Timber dealer	39	13 E.B.R	33	Lindsay
4814	Horace Lymburner	Lindsay	Do	40	13 E.B.R	84	Do
4966	Horace Lymburner	Lindsay	Do	38	11 E.B.R	67	Do
6174	James William Maitland &						
"	Henry Rixon	Owen Sound	Saw Mill owners	41	4 E.B.R	81	St Edmund { sold unconditionally

I hereby Certify the above Applicants for Patents will not thereby acquire more land than is allowed by the Land Regulations of the Department.

Dated Indian Office, 6th December 1890

Wm Simpson
Indian Lands Agent or Supt.

Form No. 105.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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111891

DEPARTMENT OF INDIAN AFFAIRS DEC 9 1890

Sir Wm Lands Br
R S Gordon
Dec 9

Indian Land Office
Wiarton 6th Dec. 1890

Sir

I send herewith my requisition for Patents wanted for the Month of November 1890. by the following named persons.

AND BRANCH DEC 12 1890

Sale No
√6168 John George Hayes - for Lot 46 Con 2 S. C. D. Amabel
√4472 George Myles for Lot 33 Con 2 W.B.R. Eastnor
2813 Peter Wartman Merritt - Park Lots 4 & 5 West of Bryant st and North of Division st, Oliphant
" "
√6170 William Davenport, Lot 29 Con 22 Keppel
√6177 Townsend Lymburner, Lots 48 & 49 Con 14 E.B.R. Lindsay
√4116 David Winskill. Lot 38 Con 6. Amabel
√2766 Frederick William Spencer, and Thomas Joynt
" " for Lot 20, Con. 1. S. C. D. Keppel
√4478 Thomas Hurst, - Lot 25 Con 1 E.B.R. Albemarle
√2782 John Randle. Park Lot 2 East of Bryant st and South of Division street. Oliphant.
" "
√5250 John Randle - Lot, Park, 9 North Range, Oliphant
√2223 Agnes McDougall - for Lot 18. Con. 5. Amabel
√2428 George William Ames, Lot 6. West of McNaughton and South of Division street, Wiarton
" "
√589 Jane Jess - has taken out letters of Administration of the real and personal estate of
" Mary Davidson, Lots 50. 52. 54. 56. 58. & 60 Cock st.
" " 49. 51. 53. 55. 57. & 59 Albert st Brooke
" "
4813 Horace Lymburner, Lot 39 Con 13 E.B.R. Lindsay
4814 Horace Lymburner, Lot 40 Con 13 E.B.R. do
4966 Horace Lymburner Lot 38 Con 11 do do
√6174 James W. Maitland & Henry Rixon - Lot 41 Con 4 E.B.R. St Edmund

L. Vankoughnet Esqr
Deputy Supt General
of Indian Affairs
Ottawa

Your Obdt Servant
Wm Simpson
I. L. Agent

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

MEMORANDUM.

To S.W.

Attinkes
A.B.D.W.

Department of Indian Affairs,

Ottawa, 18. Dec 1890

Mr Agent Simpson in his requisitions for Patents for November requests Patents in the name of Horace Lymburner for three of the lots included in his 2nd Choice as a resident Millowner of the Saugeen Peninsula. These lots for which Patents are asked have been paid for in full at the increased rate of $1.12 per acre. The ruling of the Min. in regards to the 2nd Choice is as follows— "Each resident Millowner "shall also be permitted to select an "additional 400 acres out of the lands "he has purchased for which he "shall pay at the rate of $1.12 per "acre. Further dues to be paid till "Patents issue and credited to price "of lands. Patents to issue on payment "of three equal annual instalments "(the first instalment to be paid on "or before 1st Oct 1886) of balance of

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

MEMORANDUM.

Department of Indian Affairs,

To .....

Ottawa, ... 18

"purchase money and interest."

No timber dues have been paid by Mr Lymburner and the undersigned submits whether Mr Lymburner should file a Statutory declaration that no timber was cut on the lands or if any cut the quantity and kind and pay the dues thereon before Patent issues

D. A. Dr

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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MEMORANDUM.

Department of Indian Affairs,

To Cor^ce / BD

Ottawa, 18 Dec 1880

To ack Mr Agent Simpsons letter of the 6th inst. return the accompanying Declaration re improvements etc on park lots 4 & 5 W. of Bryant St & N. of Devisine St Oliphant for amendment by signature of the Commr before whom same was taken.

Say as regards Patents asked for on behalf of Horace Lymburner that before Patents can issue a Declaration by Mr Lymburner must be filed shewing that

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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RETURN TO 111891
CORRESPONDENCE BRANCH.

Answer req'd

Wm Simpson Esq.
Indian Lands Agent.
Wiarton.
Ont.

Decr 23rd 1890

Sir,

I have back the rec^t of your letter of the 6th instant, enclosing your requisition for Patents for the month of Novr last; and in reply I ~~have to~~ return herewith the Declaration which also accompanied your letter relative to improvements on Park Lots 4 & 5 West of Bryant St & North of Division St Elphant, for in order that it

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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it may be signed
by the Commr
before whom the
same was made.

As regards the
Patents asked for
on behalf of Horace
Lymburner I beg
to state that before
the same can
issue, a Declaration
by Mr Lymburner
must be filed
shewing that no
timber has been cut
on the Lots for which
Patents are asked,
or if any was cut,
the quantity & kind
should be stated
and payment of
dues thereon made.

I am &c.

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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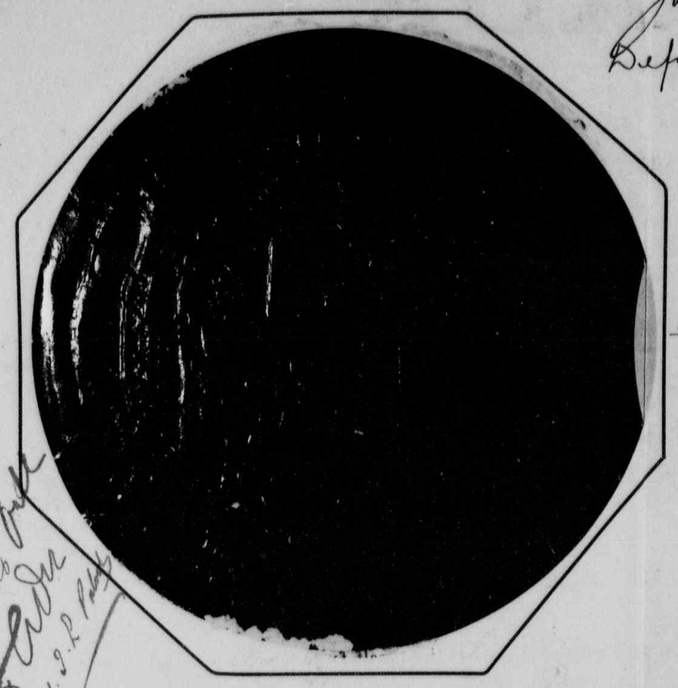

John J. McGee
Deputy GOVERNOR.

CANADA.

Victoria, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.*

To all to whom these Presents shall come—GREETING:

Whereas the Lands, hereinafter described, are part and parcel of those set apart for the use of the Chippewas of Saugeen and Owen Sound Indians. AND WHEREAS WE have thought fit to authorize the sale and disposal of the Lands hereinafter mentioned, in order that the proceeds may be applied to the benefit, support and advantage of the said Indians, in such a manner as We shall be pleased to direct from time to time: AND WHEREAS

John George Hayes of the Township of Keppel in the County of Grey, in the Province of Ontario and in Our Dominion of Canada Farmer hath

contracted and agreed to and with Our Superintendent-General of Indian Affairs, duly authorized by us in this behalf, for the absolute purchase at and for the price and sum of Seventy Five Dollars of lawful money of Canada, of the Lands and Tenements hereinafter mentioned and described, of which We are seized in right of our Crown.

Now Know Ye, that in consideration of the said sum of Seventy Five Dollars by him the said John George Hayes to Our said Superintendent-General of Indian Affairs in hand well and truly paid to Our use, at or before the sealing of these Our Letters Patent, We, by these Presents, do grant, sell, alien, convey and assure unto the said John George Hayes his heirs and assigns for ever; all that Parcel or Tract of Land, situate, lying and being in the Township of Keppel, in the County of Grey in the Province of Ontario in Our Dominion of Canada,

Containing by admeasurement Ninety Six Acres be the same more or less

Composed of lot number Forty Six in the Second Concession South of the Centre Diagonal, in the aforesaid Township of Keppel

To have and to hold the said Parcel or Tract of Land, hereby granted, conveyed and assured unto the said John George Hayes his heirs and Assigns, for ever; SAVING, EXCEPTING AND RESERVING, NEVERTHELESS, unto Us, Our Heirs and Successors, the free use, passage and enjoyment of, in, over and upon all navigable waters that shall or may be hereafter found on or under, or be flowing through or upon any part of the said Parcel or Tract of Land hereby granted as aforesaid.

GIVEN under the Great Seal of Canada:—**Witness,** John Joseph McGee, Esquire, Deputy of Our Right Trusty and Well Beloved the Right Honorable Sir Frederick Arthur Stanley, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of Great Britain, Knight Grand Cross of Our Most Honourable Order of the Bath; Governor General of Canada.

At OTTAWA, this Twenty Second day of December, in the year of Our Lord, one thousand eight hundred and Ninety, and in the Fifty Fourth year of Our Reign.

Ref. No 9741.
Sale No. 6168.
BY COMMAND,

L. H. Catellier
Under Secretary of State.

A. Van Koughnet
Deputy of the Superintendent-General of Indian Affairs.

Cancelled
In order on this file to Order
Sgt. J. L. Pat

Recorded in the Department of Indian Affairs
the 23rd Dec 1890.
Lib. 6. Folio 115.
[signature]
Registrar of Indian Lands Patents.

INDIAN
LAND SALE.

GRANT
TO

John George Hayes

Township of Keppel

County of Grey

96. Acres.

Dated 22nd December 1890

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

1

112415

DEPARTMENT OF INDIAN AFFAIRS
DEC 31 1890

Indian Lands Office
Wiarton 29th Dec. 1890

LAND BRANCH
31 1890

I return herewith for amendment Patent No 9741.- Sale 6168. in name of John George Hayes for Lot 46 Con 2. South Center Diagonal Township of Keppel in the County of Grey.

It should be Lot 46 Con. 2nd South Center Diagonal Township of Amabel in the County of Bruce.

You will see that there is no such Lot in the Township of Keppel, See the fourth entry on My Land Return for the Month of November last. and see my letter of the 6th Instant covering requisition for Patents.

Your Obdt Servant
Wm Simpson
B. L. Agent

L. VanKoughnet Esqr
Deputy Supt General
of Indian Affairs
Ottawa

Immediate Lands Branch to which the Patent has been sent
31 Dec 90
RL for Dec

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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Department of Indian Affairs
Ottawa 8. Jany 1891.

Whereas a wrong description has been found to exist in the body of the Indian Lands Patent issued to John George Hayes dated the twenty second day of December 1890. the land having been described as in the Township of Keppel instead of in the Township of Amabel

Now therefore by and in virtue of the powers and duties vested in the Superintendent General of Indian Affairs by the Indian Act 1886 I direct the said defective Letters Patent to be cancelled and a minute of such cancellation to be entered in the margin of the Registry of the Original Letters Patent and correct Letters Patent to be issued in their stead.

R Sinclair

Actg Deputy of the Supt Genl
of Indian Affairs

Ref 9759

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

112421

Dominion of Canada,
PROVINCE OF ONTARIO.
County of Bruce

In the matter of Park Lots 4 & 5 West of Bryant st. and North of Devision street in the Township of Oliphant County of Bruce
Province of Ontario.

TO WIT:

We David Cook and John Baine
of the Township of Amabel
in the ——— County of Bruce each Farmers
Each for himself Do solemnly declare that I am well aquainted with Park Lots 4 and 5 West of Bryant street and North of Devision street, in the Townplot of Oliphant, in said County and Province, and say that the following improvements are now existing thereon, That is to say. on Park lot 4 there is one log dweeling house 18 + 24 feet. one log barn 25 + 30 feet and all of 7 acres cleared fenced and cultivated - and has been cultivated, On Park Lot No 5 there are all of 7 acres cleared fenced and cultivated, and has been cultivated - and that said Park lot is held and worked in Connection with Park lot No 4.
That it is now occupied by tennant and has been continuously occupied for the last eight years.
That those improvements were made by and on behalf of the owner. Peter N. Merritt

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the "ACT RESPECTING EXTRA-JUDICIAL OATHS."

DECLARED before me at the Village of Wiarton
in the ——— Count of Bruce
this Second day of December
in the year of our Lord 1898.

David Cook
John Baine

Wm Simpson
~~A Commissioner, Etc.~~
B. L. Agent

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

111891

111890

DEPARTMENT OF INDIAN AFFAIRS
DEC 9 1890

In the Matter of
Lands 31-12-90

Sale 2813

Lot Park - 486
West of Bryant Street and
North of Dewson Street
in the
Town Complet of Oliphant

Statutory Declaration.

ECHO PRINT.

of Settlement duties on new
of Patent in name of
Peter Watman Merritt
of the Township Amabel
County of Bruce.
Farmer.

DEPARTMENT OF INDIAN AFFAIRS
DEC 30 1890

111891

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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CANADA

112421

LAND BRANCH JAN 5 1891

DEPARTMENT OF INDIAN AFFAIRS DEC 30 1890

Indian Lands Office
Marton 27th Dec. 1890

Sir

Re your letter dated 23rd Dec. 1890. No. 111,890

Yours of the 23rd Instant No. 111,890. Acknowledging the receipt of Mine of the 6th Instant, enclosing my Requisition for Patents for the Month of November last; Am in reply returning the declaration which also accompanied my letter relative to improvements on Park Lots 4 and 5 West of Bryant St and North of Dorision St Oliphant, in order that it may be signed by the Commissioner before whom the same was made.

As regards the Patents asked for on behalf of Horace Lymburner, I beg to state that before the same can issue, a Declaration by Mr Lymburner must be filed showing that no timber has been cut on the lots for which Patents are asked ~~for~~ or if any was cut, the quantity and kind should be stated and payment of dues thereon made.

Received.

In reply I have the honor to say - that I return the declaration above referred to duly signed by me, said declaration was duly made before me on the date thereof. In reference to the Patent asked

L. VanKoughnet Esqr
Deputy Supt General
of Indian Affairs
Ottawa

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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asked for by Mr Horace Lymburner for Lots 39 and 40 Con 13 E.B.R. Lindsay (Sales 4813 and 4814) and Lot 38 Con 11 E.B.R. Lindsay (Sale 4966). On reference to Lots 39 and 40 Con 13 E.B.R. Lindsay, I would most respectfully call your attention to the fact that those lots were purchased on the 28th February 1881. and was paid in full January 4/86. - Those lots were the Homestead with very extensive improvements thereon - one large dwelling house - and several more smaller one - Log barn and stable, Saw Mill - with dock - as well as a Canal cut from Gilles Lake to the Mill about ¼ of a Mile. Mr Lymburner asked for Patents for those lots. but the Department refused to issue Patents - unless he relinquished other lots held by Mr Lymburner in lew of these lots in question, which was done, and 50 per cent was added to their original price - and the Money paid on sale 5330 was transfered to those Sales (4813 & 4814) see your letter April 27/88, No 82628. the same course was taken with Lot 38 Con 11 E.B.R. Lindsay, as Mr Lymburner wanted to reserve this lot for a piling ground for his Mill - see letter April 27/88. No 82628.

There was no timber cut on those lots in my time in fact there was no Merchistable timber on them to cut. for I travelled over those lots during the year 1885.

Your Obd Servant
Wm Simpson
D. L. Agent

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MEMORANDUM. 111

Department of Indian Affairs,

Ottawa, 7. [illegible]

Referring to letter to Mr Agent Simpson of the 23rd ult: the undersigned would beg to recommend in view of the explanations given by Mr Agent Simpson in his letter of the 27th ult: that Patents be now issued to Mr Horace Lymburner as requested in requisitions for Patents for November last.

D. Cadzow

Indian Affairs. (RG 10, Volume 2547A, File 111,891)

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111891

275574

Walkerton, Ont.

aug. 15. 1904

J. D. McLean Esq.
Secy. Dept. of Indian Affairs
Ottawa

Sir

re Lot 46 Con 2. S.C.D. Tp of Arnaby

according to the entries in my books your Department has not granted a Patent of this lot to any one, your agent at Wiarton claims that this lot was sold on the 6th of February 1891 to one John George Hayes — who on the 17th of July 1891 purchased the adjoining lot 45. My books show that John George Hayes appeared to own the above Lot 46 in the year 1891 but I cannot find any trace of a patent. The County Treasurer here, gets his information as to Patents from this office, for purpose of Tax Sales etc, and he is in a quandary whether to rely on our books

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REGISTRY OFFICE BRUCE

275574

Walkerton, Ont.

or on the statement of your agent at Wiarton. He is about to put this lot for sale and cannot state really whether the lot is "patented" or "not patented",

I would be obliged to hear from you on the matter.

I have the honor to be, Sir,

Your Obedient Servant

Walter M. Dack

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CANADA

111,891.

OTTAWA, 18th August, 1904.

Sir:-

In reply to your letter of the 15th Instant, regarding Lot 46, Con. 2, S.C.D. Tp. Amabel, I beg to say that on the 22nd of December 1890 Letters Patent issued to John George Hayes, intended to cover this Lot but erroneously described in Patent as in Keppel Township. This Patent was duly cancelled on the 2nd of January 1891 as containing a wrong description and on the 5th of January 1891 correct Letters patent were issued to John George Hayes for Lot 46, Con. 2, S.C.D. Amabel.

Your obedient servant,

J. D. McLEAN

Secretary.

Walter N. Dack, Esq.,
Registrar, County of Bruce,
Walkerton,
Ont.

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FILM C

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
- 111,888	SARNIA - REQUISITION FROM THE CHIPPEWAS OF SARNIA FOR A SUM OF MONEY TO PAY CERTAIN ACCOUNTS FOR THE QUARTER ENDED THE 30th OF SEPTEMBER 1890.	1890-1891
- 111,891	CAPE CROKER AGENCY - LIST OF PATENTS REQUIRED FOR THE MONTH OF NOVEMBER 1890.	1890-1904
111,892	PENETANGUISHENE AGENCY - CORRES-PONDENCE REGARDING THE REPAIRS TO THE WHARF AT CHRISTIAN ISLAND.	1890-1906
111,894	SIX NATIONS RESERVE - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF THE SIX NATIONS.	1890
111,896	CAPE CROKER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF SAUGEEN AND OWEN SOUND.	1890
111,916	ALNWICK AGENCY - RESOLUTION PASSED BY THE MISSISSAUGAS OF ALNWICK GRANTING A SUM OF MONEY TO ROBERT GRAY FOR DIGGING GRAVES.	1890
111,917	CAPE CROKER AGENCY - APPLICATION FROM JOHN GAWLEY TO PURCHASE LOT NO. 11, CON 6, WEST OF BURY	1890

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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With Ans.

MEMO.	No. 111892	ACTION.	ACTION.—Continued.
6.6.93	DEPARTMENT OF INDIAN AFFAIRS, 1893		RED 111892
	Christian Island Wharf	6/8	
	1893 6 June Let. E. from C. McGibbon		

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Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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111892

To Rec'd
For Statement
Ap. of S.
Christian Island Dep.

L. VanDoughnet Esq.
Deputy Supt. Gen. of Indian Affairs
Ottawa

Honorable Sir

We the members of the Christian
Band of Indians do prayerful
aid from the Department to
our dock which we have
the convenience of the
as well as for our own
as we are unable
on account of lack of
we humbly ask you
The proposed dock
hundred feet long
be made accessible

ACCOUNTANT
DEC 12 1899
BRANCH.

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to land - We have already builded to the length of 300 ft from the shore. If the dock is completed it will afford a convenience to the Navigators. Trusting you will kindly entertain our pleadness early reply in solicited

We are your
Humble Servants
Chief - Samuel Assance
Councillor Enoch Monague
" Thomas Katzewan x
" John Monague x
" Fred Coppegog x

The band requested me to forward this application
H. H. Thompson
Indian

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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Poor C

MEMORANDUM

Department of Indian Affairs,

To Dep^t Minr

Ottawa, 13th Decr 1890

Chipps of Beausoleil.

Cr Balance "Capital" $57.715.78

The Interest ap is overdrawn but on 1st Jany will have a Credit Bal of say $500.00

R J D Attoll
for Acct

CORRESPONDENCE BRANCH DEC 16 1890

Corrce Br to write Agent Thompson requesting him to transmit a sketch & specifications of the dock with estimate of cost of completing the same

DLR

Decr 13/90

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CANADA

RETURN TO
CORRESPONDENCE BRANCH.

111892.

H. H. Thompson Esq
Indian Agent
Penetanguishene
Ont.

Answer reqd

Dec 19 1890.

Sir,

With reference to the petition dated the 5th inst, forwarded by you to the Dept from Chief Samuel Assance & other Indians of the Christian Island Band praying that assistance be given them to enable them to finish their dock, I have to request that you will transmit to the Dept a sketch and specification of the dock, together with an estimate of the cost of completing the same

Yours &c

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CANADA

124817

Extract from Ltr. dated 24th February from A. Dingman, Inspector of Indian Agencies and Reserves.

Enfield on 124170

Chief Samuel Assance on the part of his Council, composed of Peter Deonagon, William King, David Hawk, and William King, Sr., explained that the people needed a dock built very much to facilitate landing on the island. There is a large quantity of fine maple and birch timber on the island, and the people can make no use of it when in the process of clearing land but to burn it. There is a considerable demand by the numerous tug boats and other steamers for wood, and Christian Island would be one of the most convenient places for these boats to obtain wood if there was a wharf. Then there are numerous excursions every summer which would make Christian Island their objective point if there was a wharf to land the excursionists. Many excursions visit the island as it is, but have to land in small boats with very great difficulty. These excursions always leave more or less money with the people of the island in the purchase of their wares &c.

The Chief

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CANADA

The Chief thinks that his people would be benefited in these and many other ways if they had a good wharf built. The shore is very shallow in the bay on which their settlement is situated, and it is difficult to reach the shore even in small boats. It is about 800 feet from the shore to deep water. They have a pier built out about 200 feet, and they wish it carried out about 200 feet further and then a "T" built about 75 feet by 25 or 30 feet. The portion they have built is constructed of block piers loaded with stone, and is only 8 feet wide. They have it covered with hemlock plank. At the distance of 300 feet beyond which they have carried this pier there is only about 1½ feet of water. At 800 feet there would be 12 feet of water, and then the depth increases very rapidly. They think the extension and wharf part would be better built on piles, and the bottom is free from stones which would admit of the driving of piles. The bridge from the shore to the wharf should be about 14 feet wide, and this would require that the portion already built should be widened from 8 to 14 feet. The covering of the bridge and the wharf could be made

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CANADA

could be made of hewed flat stuff. They have abundance of cedar suitable for that purpose. All the material is there on the Island in abundance, and they say all they would need would be a man who knew something of wharf building as overseer, and the people could do all the work. The Chief would like very much if an order could be given at an early date for the getting out of the covering and the piles so his people could have an opportunity & earn something & help them along, as the times are pretty hard with many of them. If the Department could see its way clear & instruct the Agent, Jas A. Thompson, to begin work at an early day on the covering and the piles it would greatly benefit the people of the Island.

They asked that I might visit the Island in the fore part of May when the plan and construction of the wharf could be definitely arranged and decided upon, and I promised them that I would visit the Island at the time they mentioned, trusting that the Department would see proper to allow me fulfil my promise. This is the only promise I made them, only that I would be happy to report to the Department all their wants and requests for its consideration.

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CANADA

124 817

H. H. Thompson Esq
Ind Agt
Penetanguishene Ont.

SECY'S BRANCH,
MAR 15 1892
WRITTEN.

Sir - I forward herewith an extract from a report dated the 29th ult. made by the Insp of I.A. & R. for the older Provinces on a visit made by him lately to the Christian Island & resp'g. certain representations made to him by the Chief on behalf of the Indian Council in regard to the necessity for a dock being built, or rather for the present one being enlarged to such an extent as to admit of steamers & other craft calling thereat for the

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CANADA

purpose of obtaining wood, of which the Chief states there is a large quantity consisting of maple & beech of which his people can make no use when they have to cut it in clearing land, while on the other hand there is considerable demand by the boats for wood, & Christian Isld wd. be a most convenient place for them to call at & obtain wood if there was a wharf built there. The Chief also states that the wharf wd. be of service to excursion parties visiting the Island, that these parties always leave more or less money in the purchase of Indian manufactures &c. The

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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CANADA

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reasons given by the Chief ~~showing~~ for believing that ~~why~~ the wharf should ~~has to~~ be extended so far out into the bay will be found in the extract from the Inspector's report, also explanations in regard to the manner in which the Indians expect the wharf to be built; & the Chief asks the Dep't to instruct you to have the work begun at an early date on the covering & the piles to be used in building & constructing the wharf, the plan & construction of which the Indians wish to be definitely decided upon on the next visit ~~which would probably~~ of the Insp. to the Isld., which they proposed shall ~~Shd.~~ be ~~in~~ may next.

In

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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CANADA

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In this connection
I beg to refer you to
the official letter to
you of the 19th Dec 1890,
having ref. to a previous
petition
rec'd from the Chief &
other Indians of the
Christian I.D. Band
asking that assistance
be given them to enable
them to finish their
dock. & that letter
you were asked to
transmit to the Dept
a sketch & specifications
of the proposed dock,
together with an estimate
of the cost of completing
it. I have to inform
you that no reply
whatever to that letter,
much less the sketch
& specifications, has been
rec'd from you.
In connection
with the proposed scheme

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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of constructing a dock for the purposes described, the following points suggest themselves as necessary for the Dep't to be informed upon, viz., (1) whether the quantity of wood & timber on the Res. is so much in excess of what will be ~~necessary~~ needed by the Indians of the present ~~generation~~ & future generations for domestic purposes, ~~&~~ that there will be no danger, shd. the Dep't allow the Indians to sell wood to the steamers, of the supply required for domestic purposes as aforesd. proving to be insufficient.

2. Shd. facilities be afforded to Excursion

If would also be well to consider what measures should be adopted to control the ~~&~~ cutting for sale of wood if it should turn out that there is a surplus so as to prevent such a contingency arising in the future as that the Indt. should run short of wood & timber for their own use.

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CANADA

of constructing a dock for the purposes described, the following points suggest themselves as necessary for the Dep't to be informed upon, viz, (1) whether the quantity of wood & timber on the Res. is so much in excess of what will be ~~necessary~~ needed by the Indians of the present ~~generation~~ & future generations for domestic purposes, ~~&~~ that there will be no danger, shd. the Dep't allow the Indians to sell wood to the steamers, of the supply required for domestic purposes as aforesd. proving to be insufficient.

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parties to visit the Res. ~~ed the~~ would such visits ~~made by the same to the Fold~~ be beneficial morally to the Indians. I shd. fear that the contrary wd. be the case, as generally speaking accompanying such parties there are loose characters who ~~wd.~~ might introduce liquor upon the Res., as well as corrupt the Indians by other means.

I have to request that you will give early attention to the matter of the proposed Wharf & not allow it, as you have ~~already~~ hitherto done, to remain in abeyance.

In reporting on the quantity of wood & timber on the Res., which should also be done with the least possible delay, it wd. be advisable that you shd. mention the number of families located thereon & who wd have to obtain their wood & timber supply from the Res. and estimate the quantity that each family would probably [illegible] adding [illegible] quantity for a possible increase [illegible]

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CANADA

H. A. Thompson Esq.
Indian Agent
Penetanguishene
Ont.

Draft

111,892

SECY'S BRA[illegible]
APR 23 1[illegible]2

Sir,

I beg to refer you to my letter to you of the 15th instant, respecting the desire of the Christian Island Indians to have a dock built, or rather the present wharf at which their small craft land, extended and enlarged.

I have to remind you that no reply has been received from you in respect to this matter; and in this connection I beg to refer you to my letter to you of the 19 December 1890 on the

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CANADA

same subject, and to inform you that no reply was received to that letter.

The matter has again been brought before the Govt by the Indians, in a petition addressed to the Hon'ble the Minister of Public Works; and, with a view to a proper consideration of the subject, it is necessary that a report should be made by you as called for by my letters above quoted.

I have, therefore, to request that you will without further delay reply thereto.

Yr Obt Sat

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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CANADA

Ottawa, April 29th, 1892.

Dear Mr. VanKoughnet,

With reference to Mr. Dingman's letter of thw 29th of February last addressed to me, extracts from which were placed on file, I think you had better instruct the Inspector to visit Christian Island about the middle of May, in compliance with the request of the Indians and in pursuance of Mr. Dingman's promise.

The vote of the Indians as to the survey of their Reserve might be taken while the Inspector is there.

Yours sincerely,

L. VanKoughnet, Esq.,
Deputy Supt. General of
Indian Affairs, Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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CANADA

KODAK SAFETY FILM

A. Dingman Esq.
Inspector of
Indian Agencies & Reserves
Dept. Indian Affairs
Ottawa

Draft

11,892

SECY'S BRANCH,
MAY 3 - 1892
WRITTEN.

Sir,

With reference to the wish expressed to you by the Christian Island Indians on your visiting them last February with a view to conferring with them in respect to their application that an extension of their reserve be made, I beg to inform you that you can give effect to the promise then made to those Indians.

Yr obt Servt

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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127194

Christian Island Ont,
May 24th 1892

Moved by Enoch Monague and seconded by Chief Samuel Assance and resolved that we the members of the Christian Island Band of Indians desire that a wharf be built on the Island on the Bay on which ~~their~~ our settlement is situated, by the Department of Indian affairs, to be paid for out of the capital account of the Band.

Carried unanimously

S. Dinemann
H. H. Thompson Agent
Samuel Assance Chief
Alfd McCue Secty & Inter

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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CANADA

File No. 111892

Penetanguishene Ont

127194 May 26th 1892

Return

Sir,

With reference to official letter of the 3rd inst. file No. 111892, relative to the application of the Christian Island Indians that an extension of their wharf may be made I have the honor to report that I visited the Island in company with Mr. Indian Agent H. H. Thompson on the 24th and 25th inst. and conferred with the Band in general council on the subject of their application. I beg to attach to this report a resolution passed unanimously by the council expressing their desire to have a wharf built, or in other words, to have their present little wharf extended and enlarged so as to enable steamers to land at it, and their willingness to have the cost paid out of their capital funds in the hands of the Department. They went over the reasons for the necessity of a wharf, all of which are noted in my report* to the Superintendent General of the 29th of February last, on file No. 124,170, to which I beg to suggest that reference may be made.

Two

* See Extract therefrom on this File

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Two additional reasons were given, to the effect that without a wharf they cannot, without great difficulty, get their cattle to market. In the months of August and September they sometimes have quite a number of marketable cattle, which are made fit for the market from the excellent and abundant pasturage on the Island, and this pasturage is capable of indefinite extension if the necessary exertion is put forth. Then without a wharf they find it very difficult to improve their stock, by getting improved animals to visit the Island from the want of any facilities for landing them. Under these discouragements their stock is not of a character which they would like, or which they find profitable. They hold out that they are anxious to improve their stock of horses and cattle, but find it almost impossible to effect improvement from the want of a wharf. There is no doubt but a wharf is much needed, and if one was built it would be of great benefit to them if they were possessed of the enterprise and industry necessary to avail themselves of its advantages.

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127194

a wharf in the form of an "L" instead of a "T" I think would be best. Such a wharf, 50 by 30 feet, with the bridge 12 or 14 feet wide, would I think be large enough, and give capacity for 45 cords of wood at one time, by piling it one and a half cords high, and room for 45 cords is likely to be quite sufficient for the requirements of the Island. Such a wharf would probably cost between $1500 and $2000. There is abundance of material on the Island. If a suitable man who understood the building of such wharves could be obtained to direct and superintend the construction the labor could doubtless be done by the Indians.

I am sir your
obedient Servant
A. Dingman
I.I.A. & R

L. Vankoughnet Esq,
Deptg. Supt. Gen. of
Indian Affairs
Ottawa, Canada,

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

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CANADA

H. H. Thompson Esq.
Indian Agent
Penetanguishene
Ont.

Exd.

Draft

SECY'S BRANCH,
MAY 31 1892
WRITTEN.

Sir,

The Indians belonging to your Agency have repeated the request made by them on two previous occasions for the construction of a wharf to admit of steamers and larger vessels landing at Christian Island.

I wrote you in this matter on the 15th ~~April~~ March and the 23rd April, asking you to report on certain points referred to in those letters, especially in the earlier one.

HA

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No report whatever has been received from you in the matter, although the urgency of the case should have shown you that such a report was promptly required.

I have now to request your immediate attention to the letters above referred to, and that you will forward a full report on all the points mentioned therein, at the same time explaining the cause of your tardiness in replying to the former communications, which, in the absence of any explanations, seems to the Dep^t most extraordinary. Y^r obt Servt

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CANADA

Christian Island April 15th 1893

L. Vankaughnet

D. S. G.

Hon Sir

We the ojebways of Christian Island Indian Band wish to make a report to you, in regard to the erection of our Dock, the foreman Mr Derushie left his work about three weeks ago, an leave these cribs not properly loaded with stones as it should be, and the force of the ice from southeasterly wind, move these cribs out of their place, we did mention to Mr Derushie the quantity of stones that is in those cribs the ice will displace those cribs, but Mr Derushie said he know the ice will never move them, for he know better than us, now we see plainly that our work an our money is a lost to us, by Mr Dingman fetching over a careless man to built our Dock, if these cribs were built 36 ft in length by 14 ft wide an timber joint closer together round its walls an dove tailed every cross pecies it would be stronger, instead of 16 ft by 12 an the timber 5 to 6 inches apart round its walls no dove tailed the way is built, any man on this Island can build a better & stronger Dock than this frenchman he is not work two Dollars & 25c a day, he has managed the work an pay out money which ~~be no~~ will be no benefit towards our dock, an also he did not mark every man's time in his Book correctly

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CANADA

137162

Same Men are Complaining Not paid for their
wa[illegible]k, When Mr Dingman Came auer with this
Man for to make arrangements for the erection of
our Dock, Mr Derushie draw out a plan the
way he is to built a dock, Chief & Council
Men said to Mr Dingman if the Dock is
to built in this Shape, it will not stand the force
of the ice, Mr Dingman would not lathe to our
Award, but he rather accept Mr Derushies
ward, if this is our Money, that is used building
our dock here, we have a full Control auer
it, in a plan the for the dock, that is to
decide a plan, & if we See Mr Dingman here
we Can Show to him where the work is not properly
done by his foreman.

I remain Yours & Truely

Chief Samuel Assance

Councilors Peter Manaque

Jery Manaque

Wellington Assance

Wm King

See over & read

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

if these Servants from the
Indian Department are bent
in such Matter as Mr Dingman
they Seem to ~~their~~ have their owen
will about it. if our Money is
granted in any employment
for our building such as did
erecting a dock. we must
have all the Means to decide
upon any plan required

2 68/111

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111892

CORRESPONDENCE BRANCH.

A Dingman Esqr
Inspector of Indian Agencies
~~Sutton West~~
~~Brantford, Ont~~ ~~Winnipeg Man~~
Penetanguishene Ont
April 26 1893

Sir,

In connection with previous correspondence with reference to the building of the Wharf on Christian Island I enclose herewith for your report thereon Copy of a letter from Chief Assance & four Councillors of the Christian Island Band who complain of the way in which the wharf is being constructed

Yours obt Sert

Chief Samuel Assance
& Councillors Peter Managuese
of the Ojibbeway Band of Indian
Christian Island
~~Penetanguishene, Ont~~
Ont Ont

April 26 1893

Sir,

A.N. Mills

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Sir,

I have to ack the receipt of your letter of the 14th instant complaining of the way in which the Wharf on Christian Island is being constructed & in reply I have to infer you that a copy of your letter has been sent to Mr Inspector Quigman who has been instructed to report on the statements made by you in regard to the construction of this Wharf

Tanoosfat

A.N. Morris

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

137537

939.

Certified Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the **Governor General in Council,** *on the* 5th April 1893.

PRIVY COUNCIL CANADA

ACCOUNTANT APR 27 1893 BRANCH

DEPARTMENT OF INDIAN AFFAIRS APR 22 1893

On a Report dated 21st of March 1893, from the Superintendent General of Indian Affairs stating that the Indians who own a Reserve on the Christian Islands, Georgian Bay, petitioned the Department of Indian Affairs last winter to be allowed to extend their wharf for the purpose of rendering it suitable for the landing of steamers and other large craft.

The Minister further states that the Inspector of Indian Agencies and Reserves was sent to the spot for the purpose of examining into the matter, and he has reported in favour of the extension of the wharf, as the present wharf is not adapted for the landing of large vessels, and these Indians have a considerable surplus of cord-wood and other small timber which they manufacture and sell. The Islands are also a favourite place of resort for excursion parties.

(Continued next page)

The Honourable

The Superintendent General of Indian Affairs.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

137537

(Continued, P.C.939, 5th April,1893)

The Minister after fully considering the whole matter decided that it would be in the interest of the Indians to sanction the extension of their present dock so as to admit of steamers and other vessels of large size landing thereat, plans and specifications were accordingly prepared, and the Indians have, under the Supervision of a competent foreman, been engaged in getting out the timber and doing such work as they could do in the winter season towards the promotion of the object. They ask that the cost of the work, which, it is estimated, will be about $2,000.00, be charged against the Capital standing at the credit of their Band.

The Minister further states that the Capital at the credit of the Christian Island Indians in $58,675.-85, which has been derived from the sale of land and timber belonging to them and he recommends that the wish of the Indians be complied with, and that the cost of the said wharf, which will be a permanent structure, be charged against the said Capital.

The Committee submit the same for Your Excellency's approval.

John J. McGee

Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111892

A C

LETTER 493571

FILE

204489

"...our reply
...ne Secretary
Department of the Interior,
Ottawa."

Do not write about more than one subject in the same letter.

Write legibly your full name and address.

If you reply to this letter quote its file number.

Department of the Interior,

Ottawa, 2nd December, 1898.

DEPARTMENT OF INDIAN AFFAIRS DEC 6 1898

ACCOUNTANTS DEC 7 1898 BRANCH.

Sir,

I am directed to enclose you herewith file No.493571 of this Department, and to ask if you can give the information which the Reverend John Lawrence desires to obtain with respect to the cost of a certain wharf at Christian Island.

Ref.

Enc.

I am, Sir,

Your obedient servant,

Assistant Secretary

J. D. McLean, Esq.,
Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111892

Ottawa 10th December, 1898.

Revd Sir,

Referring to your letter of the 22nd ultimo, which has been transfered to this Department by the Department of the Interior, I beg to inform you that the cost of the wharf at Christian Island was ~~$3,160.22~~ $3,163.22.

Your obedient servant.

J.D. McLEAN

Secretary.

Revd John Lawrence,
Missionary,
Rama, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Christian Island oct 5. 1904

290793

Moved by Henery Simon
Seconded by Solomon Mark
that our Dock be repaired, and the work
be commenced early as possible, and that we
Indians, will do the whole work, and will
not employ no french men or Irish or englis
men, we can do as good work as any a
in America—

Carried
Chief Jerry. D. Monague

D. J. Assance
Secty

P.S. This letter for the Indian Agen
Chas McGibbon

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

Christian Island oct 5th 1905

290793

a resolution Past in Council

Moved by Henery Simon

Seconded by Solomon Mark

that The Dept be requested, to grant us One Thousand Dollars out from our Captal, for the purpose of repairing our Dock— carried

unanimously

Chief Jerry D. Monegue

D. J. Hanna

Sec'ty

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111892

INDIAN AGENT'S OFFICE,

Penetanguishene

Oct 23rd 1905

290793

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER

Ref.: Your Letter 190 No.

Sir,

The Secretary
Dept of Indian Affairs
Ottawa

Dear Sir,

I enclose 2 Resolutions Re Dock at Christian Island. I think the Dept of Public Works should undertake the Repairs to this Dock as it is used by vessels in stormy weather being a good Harbor

Yours Truly
Chas. M Clubbin
Agent

DEPT. OF INDIAN AFFAIRS
NOV 14 1905
SURVEYS.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

No. 111892.

Memo.

Department of Indian Affairs,
Ottawa, 14th April, 1906.

Deputy Supt. General,-

There has been considerable correspondence regarding the wharf at Christian Island, which is in a bad state of repair. The Indians have voted $1,000. for these repairs to be taken from their capital.

The Department of Public Works have had the wharf examined by one of their engineers, who estimates the cost at $700., but says that the maintaining should not be a charge against that Department.

I beg to recommend that an Order in Council be applied for authorizing the taking of $1,000. from the funds of this band for the purpose. Their capital is $40,155.

J.B.

Secy

Cap. $40,155.00

Expenditure recommended

H M O'Leary

Dcs

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dpt Rec'

111,892

Ottawa, 21st April, 1906.

His Excellency

The Governor General in Council.

The undersigned begs to report that a resolution has been passed by the Chippewa Band of Beausoleil in favour of an expenditure of $1000 being made from their capital on the repair of the wharf jutting into Georgian Bay from their reserve on Christian Island, Ont.

The survey officers of the Department of Indian Affairs advise that authority be asked for to permit this expenditure being made.

As the work when completed would be in the nature of a permanent improvement and properly represent capital, the undersigned begs to recommend that, under the provisions of Sec. 139 as added to the Indian Act by Sec. 11 of Chap. 32, Vic. 57-58, authority be given for the expenditure thereon of the sum above mentioned from the capital at the credit of the said band, which amounts to $40,155.00.

For L.

Frank Pedley

Superintendent General

of Indian Affairs.

Dec. 21
I. A. B. 24
L. 23
P. C. 24

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

Christian Island is all Indian reserve land. The wharf is used by the Indians for their shipments of wood. Excusrion steamers also land there and leave more or less money among the Indians by purchasing their wares, milk, &c.

An engineer of the Public Works Dept. has made an estimate as to the cost of the repairs, and puts the same at $700. The surveyors of this Dept., however, think that estimate too close and desire authority to, if necessary, spend up to $1000. That amount would not be spent unless required.

Indian labour will be employed under the superintendence of a competent foreman.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

PRIVY COUNCIL
CANADA

Extract from a Report of the Committee of the Honourable the Privy Council, approved by

the Governor General on 30th April 1906.

DEPARTMENT OF INDIAN AFFAIRS
MAY 5 1906

1 Records
2 Surveys

297479
****

On a memorandum dated 21st April 1906, from the Superintendent General of Indian Affairs, stating that a resolution has been passed by the Chippewa Band of Beausoleil, in favour of an expenditure of $1000.00 being made from their capital on the repair of the wharf jutting into Georgian Bay from their reserve on Christian Island, Ontario.

The Minister futher states that the survey officers of the Department of ~~Inland Revenue~~ Indian Affairs advise that authority be asked for to permit this expenditure being made.

DEPT. OF INDIAN AFFAIRS,
MAY 7 1906
SURVEYS.

The Minister recommends - as the work when completed would be in the nature of a permanent improvement and properly represent capital - that under the provisions of Section 139 as added to the Indian Act by Section 11 of Chapter 32, 57-58 Victoria, authority be given for the expenditure thereon of the sum above mentioned from the capital at the credit of the said band, which amounts to $40,155.00.

The Committee submit the same for approval.

John J. McGee
Clerk of the Privy Council.

The Honourable
The Superintendent General
of Indian Affairs.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111892.

DSIA

Ottawa, 7th May, 1906.

Sir,-

I beg to inform you that authority has been granted by an Order in Council to expend the sum of $1,000. in repairing the wharf at Christian Island. I have to request you to inform me in what manner you would advise that the repairs be executed; that is to say, can you prepare a sketch and specifications of the work required, in order that it may be let by contract or be executed by day's labour, or would you advise that the sum be handed to the Department of Public Works, and that Department be requested to have the work executed, under the supervision of its engineers.

Your obedient servant,

J. D. [illegible]

Secretary.

Chas. McGibbon, Esq.,
Indian Agent,
Penetanguishene, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111892

INDIAN AGENT'S OFFICE,

297768 Penetanguishene

May 11th 1906

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER

DEPT. OF INDIAN AFFAIRS,
MAY 12 1906
SURVEYS.

Ref.: Your Letter May 8th 1906 No. 111892

Sir,

The Secretary
Dept Indian affairs
Ottawa

Sir

Referring to your letter of above date and number, I would recommend that a competent man be engaged to oversee the work of Repairing the wharf and to Instruct the Indians by the Day to do this work the Foreman to have power to engage what men he may require & that he be instructed to Repair the wharf as substantially and as economically as possible If a good man is engaged the services of an Engineer will not be necessary

The Indians asked that a Foreman be engaged or selected from one of their number but I do not consider this would be wise

I have no doubt but that Mr Gunn, if called upon would be able to Recommend a Competent man to undertake this work

I am Sir
Chas. McGibbon
Agent

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 111892.

Memo.

Department of Indian Affairs,

Ottawa, 14th May, 1906.

The Deputy Supt. General,-

Referring to Agent McGibbon's letter, hereunder, of the 11th instant, I beg to state that the repairs to the Christian Island wharf would be satisfactorily executed, if the services of a competent and trustworthy foreman can be obtained. In fact I think this is the most satsifactory way of having the work done, and would recommend, therefore, that a foreman be appointed.

Chief Surveyor.

DEPT. OF INDIAN AFFAIRS,
MAY 16 1906
SURVEYS.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111892

INDIAN AGENT'S OFFICE,

Penetanguishene

May 15th 1906

DEPT OF INDIAN AFFAIRS
MAY 17 1906
RECEIVED

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER

Ref.: Your Letter 190 No.

297952

Sir,

The Secretary
Dept of Indian Affairs
Ottawa

Sir

I enclose several Resolutions of the Band in Council for your consideration

Yours Truly
Chas. McGibbon
Agent

DEPT. OF INDIAN AFFAIRS,
MAY 23 1906
SURVEYS.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

297952

Christian Island May 16th 1906

a resolution Part in Council

Moved by William King, seconded by Sol. Mark Councillors, that the Dept is requested to grant us, five hundred Dollars out from our Capital and issue a cheque to that amount for the purpose of repairing our Dock, pursuaded this with no delay by the Public Works Dept will furnish the other Part—

Carried unanimously

Witness
D. J. Sissaner Secty of Band

Chief Jerry D. Monaghan

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111892.

1 Dy. Minister
2 Secty

D.X.H

Ottawa, ~~25th~~ 29th May, 1906.

Sir,-

In accordance with the request of the Indian Council of the Christian Island band of the 7th March last, authority has been granted by Order in Council, dated the 21st ultimo, to expend the sum of $1,000. from the funds of the band in the repairs required to the wharf at the Island. The Department is now prepared to have these repairs made. In the meantime, however, we have received your letter of the 15th instant enclosing a resolution of the 16th of the Indian band requesting that $500. be expended from their capital funds in this work, and stating that the Public Works Department will furnish the other part.

The Department has not received any notice from the Public Works Department to the effect that it is ready to assume one half of the cost of this work, on the contrary, that Department has stated that, in its opinion, the maintenance of the wharf should not be charged against public works. On inquiry at that Department, it appears that no such promise has been made. Kindly ascertain the facts of the case, and report as soon as possible.

S.B.

Chas. McGibbon, Esq.,
Indian Agent,
Penetanguishene, Ont.

Your obedient servant,

[illegible]

Secretary.

Indian Affairs. (RG 10, Volume 2547A, File 111,892)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
- 111,888	SARNIA - REQUISITION FROM THE CHIPPEWAS OF SARNIA FOR A SUM OF MONEY TO PAY CERTAIN ACCOUNTS FOR THE QUARTER ENDED THE 30th OF SEPTEMBER 1890.	1890-1891
- 111,891	CAPE CROKER AGENCY - LIST OF PATENTS REQUIRED FOR THE MONTH OF NOVEMBER 1890.	1890-1904
- 111,892	PENETANGUISHENE AGENCY - CORRESPONDENCE REGARDING THE REPAIRS TO THE WHARF AT CHRISTIAN ISLAND.	1890-1906
111,894	SIX NATIONS RESERVE - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF THE SIX NATIONS.	1890
111,896	CAPE CROKER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF SAUGEEN AND OWEN SOUND.	1890
111,916	ALNWICK AGENCY - RESOLUTION PASSED BY THE MISSISSAUGAS OF ALNWICK GRANTING A SUM OF MONEY TO ROBERT GRAY FOR DIGGING GRAVES.	1890
111,917	CAPE CROKER AGENCY - APPLICATION FROM JOHN GAWLEY TO PURCHASE LOT NO. 11, CON 6, WEST OF BURY	1890

Indian Affairs. (RG 10, Volume 2547A, File 111,894)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Cert. 12-12-90
~~[illegible]~~ 15 12 90
Cert. 19. 12. 90
Cert 26-12-90
Cert 4. 2. 91

No. 111894

Department of Indian Affairs,

1890

A. Dingman:
Brantford.
6/9 Dec

Land Return
for November
$403.21/100

19 Dec. 90 let to Agt. Dingman (C)
24th " " let to do. 2

ACTION.

32/347

ACTION CONTINUED.

RED
111894

Indian Affairs. (RG 10, Volume 2547A, File 111,894)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS DEC 1890

NO. OF RETURN.

RETURN made by A. Dingman *Indian Agent of Land Sales and payments thereon, in Bank Deposits, on Account of the Indians of* the Six Nations *during the Month of* November 1890.

No. of Sale.	Date of Sale or Payment.	Name of Purchaser, Residence and Occupation.	Township or Place.	Part of Lot.	No. of Lot.	No. of Concession, Range or other Division.	Acres.	Price per Acre.	Total Amount of Sale. $	cts.	No. of Instalment.	Principal Paid. $	cts.	Interest Paid. $	cts.	Total Paid. $	cts.	In what Bank deposited.	Interest Computed, From	To	REMARKS.
1228 ~~991~~	26th Feb 1850	Sarah McClung	Seneca Tp.	S1/2	15	Con 3	100	4	400	00	7	116	96	286	25	403	21	Mont	26 Feb 1850	29 Nov 1890	Remitted to the Receiver General 6 Dec/90

Certified that the amt. collected in this Ret. is the amt which should have been collected on acct of the lot mentioned for the purpose claimed in this Ret.

W. Wm
In chg. of Ld & Trust Br

A. Dingman
L.L.A. & R.

Indian Affairs. (RG 10, Volume 2547A, File 111,894)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
- 111,888	SARNIA - REQUISITION FROM THE CHIPPEWAS OF SARNIA FOR A SUM OF MONEY TO PAY CERTAIN ACCOUNTS FOR THE QUARTER ENDED THE 30th OF SEPTEMBER 1890.	1890-1891
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111,917	CAPE CROKER AGENCY - APPLICATION FROM JOHN GAWLEY TO PURCHASE LOT NO. 11, CON 6, WEST OF BURY	1890

Indian Affairs. (RG 10, Volume 2547A, File 111,896)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Acct. 12-12-90
~~[illegible]~~ 12 ~~[illegible]~~ 90
Mcn. 27-12-90
Acct. 31-12-90

No. 111896

Department of Indian Affairs,

189 0

Wm Simpson
Wiarton
5/9 Dec

Land Return for
November $1992.12/100

26 Dec. 90 let. to Agt. Simpson (C)
30 " let E to do

ACTION.

ACTION CONTINUED.

RED

8|34-111896

Poor Copy.

Indian Affairs. (RG 10, Volume 2547A, File 111,896)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS DEC 3 1890

111896

No. OF RETURN.

RETURN made by Wm. Simpson Indian Agent, of Land Sales and payments thereon, in Bank Deposits, on Account of the Indians of Saugeen & Owen Sound during the Month of November 1890.

No. of Sale.	Date of Payment. 1890	Name of Purchaser, Residence and Occupation.	Township or Place.	Part of Lot.	No. of Lot.	No. of Concession, Range or other Division.	Acres.	Price per Acre.	Total Amount of Sale. $ cts.	No. of Instalment.	Principal Paid. $ cts.	Interest Paid. $ cts.	Total Paid. $ cts.	In what Bank deposited.	Interest Computed: From date of Sale.	Interest Computed: To date of Payment.	REMARKS.
5-936	Nov. 1	Peter Anderson	Annabel		42	C	100	1.25	125 00	2nd	25 00	3 68	28 68	Owen Sound	May 19/88	Nov 1/90	
6167	" 3	Robert McMaster	Eastnor		3	1 E.B.R	100	1.00	100 00	1st	20 00		20 00	"			New sale - Old sale 5676 - see letter Oct 24/90 Rec 108.739
5-829	" "	Maggie Pettigrew	Lindsay		4	5 E.B.R	102	.75	76 50	2nd	14 75	3 21	17 96	"	April 3/87	Nov 3/90	Granted
6168	" 4	John George Hayes	Annabel		46	2 S.C.D	96		75 00	in full	75 00		75 00	"			Sold unconditionally - see letter Oct 31/90 Rec 60.776 Patent
6169	" 5	Henry Herman Craig	Albemarle		3	2 E.B.R	100	.75	75 00	1st	15 00		15 00	"			New sale
4472	" "	George Hayles	Eastnor		33	2 W.B.R	100	1.25	125 00	in full	59 60	42 22	101 82	Hamilton	Jany 15/79	Nov 6/90	Paid on this payment - $42.22 - Dues charged against Lot
2813	" 6	Peter Hartman Merritt, Crompton P.O. Algoma	Sarah Lot 6 & 6 Con 6 Dysart & Dudley Bryanston and		6		31	50		"	17 10	17 36	34 46	Owen Sound	Dec 6/73	Nov 6/90	Patent Granted
6170	" 7	William Davenport	Keppel		29	22	90	1.25	112 50	"	112 50		112 50	"			Patent issued Sold unconditionally - Old sale 4033 - see letter April 10/89 Rec 99.16
6171	" 8	William McCleary	Lindsay	Lots 13 & 14		2 E.B.R	196	1.50	294 00	"	294 00		294 00	Commerce			For 5816 & 5821 Patents issued Sold unconditionally Land & Timber - Old sales 5305 & 5527 - see letter Jan 14/89
6172	" "	William McCleary	Lindsay	Lots 16 & 17		2 E.B.R	194	1.50	291 00	"	291 00		291 00	"			Rec 106.639. Patent issued Sold unconditionally Land & Timber - Old sales 5218 & 5313 - see letter Jany 4/90
5-928	" "	Charles Ruehlin	Annabel		34	C	120	3.00	360 00	2nd	72 00	10 94	82 94	Owen Sound	April 28/88	Nov 8/90	
6173	" 10	Daniel McShaw	Albemarle		12	2 E.B.R	100	.75	75 00	1st	15 00		15 00	"			New sale - Old sale 5366 - see letter Oct 31/90 Rec 109.132
5-694	" 14	William Boyle	Eastnor		13	1 E.B.R	100	.75	76 00	in full	17 17	12 97	30 14	"	April 10/78	Nov 4/90	The sum of $29.88/100 Charged against Land but now Paid of this Payment - is Timber dues
5-879	" "	Charles Phipps	Lindsay		5	2 N.B.R	101	5.42/100	547.00	4th	95 00	17 10	112 10	"	Nov 14/87	Nov 14/90	
6174	" 17	Strickland & Rajon Agts	Albemarle		41	4 E.B.R	81	Estab	70 00	in full	70 00		70 00	"			Sold unconditionally Land & Dues - see letter Oct 29/90 Rec 110.561
6175	" "	Jamdrock McLennan	Lindsay		19	2 E.B.R	98	.75	73 50	1st	15 00		15 00	"			New sale - Old sale 6315 - see letter Jany 16/87 Rec 65.719
6176	" 19	William Hillard Craig	Albemarle		3	3 E.B.R	100	.75	75 00	1st	15 00		15 00	"			New sale Old sale 4735 - see letter April 11/88 Rec 84.817 Rec 110.583
6177	" 20	Townsend Lymburner	Lindsay	Lots	48 & 49	14 E.B.R	200	.80	160 00	in full	160 00		160 00	Hamilton			Sold unconditionally Land & Timber - see letter Nov 12/90
5614	" "	William Walpole	Keppel		18	25	100	1.25	125 00	2nd	25 00	7 50	32 50	Owen Sound	Nov 19/86	Nov 20/90	
6072	" 24	William Jas White	Keppel		18	20	100	1.25	125 00	2nd	41 67	3 29	44 96	"	July 30/89	Nov 24/90	
4545	" 25	Charles Kiep	Albemarle		8	7 E.B.R	100	1.25	125 00	3rd	25 00	16 94	41 94	"	Aug 11/79	Nov 25/90	
5-950	" "	William Jas Boyd	Keppel		7	1 N.C.D	100	2.00	200 00	2nd & 3rd	71 10	9 78	80 88	"	Aug 9/88	Nov 26/90	
4116	" 27	David Hinskill	Annabel		38	C	136	1.37½	187 00	in full	132 60	106 59	239 19	"	July 4/77	Nov 27/90	Price Reduced - see letter Nov 12/90 Rec 69.308
5-89	" 28	Jane Jess	Crompton P.O. Brock	Lots	52 52 52 52 58 59	Orchard - Albert	9.00		96 00	"	5 96	4 93	10 89	"	Feb 20/77	Nov 24/90	Patent Granted
5-938	" 29	Richard Robinson Thomas Blaylock	Annabel	Lots	79 51 52 50 57 58	Albert	41	2.25	204 75	2nd	40 18 41 00	6 02 5 16	46 16	"	May 28/88	Nov 29/90	
6178	" "	Alexander McMillan	Keppel		16	6	1	Average 5.00 acre of the limits	5 00	in full	5 00		5 01	"			Patent Granted - Let of 21 Nov. 90 Rec 107.40
											$1730 45	$261 66	$1992 12				

add — 2 51

$1994.63

To be applied as follows

Saugeen $990.61

Chippewas of Saugeen

Nawash 100.02

$1994.63

Certified that in the above new sales no one person has acquired more land than the Regulations of the Department allow them to hold.

Wm Simpson
I.A.

I certify that the amts. collected in this Return have been collected on account of the lots mentioned & the purpose claimed & this Return is accordingly amended.

D. Sifton
Sales Ks & Timb. Br

Poor Copy.

111896

No. 5063 **Duplicate, for Department.**

Bank of Montreal, TORONTO. NOV 3 1890 188

$ 104.33

RECEIVED from Jones Bros & MacKenzie

on account of Indian Lands As endorsed

the sum of One hundred Four 33/100 *Dollars,*

which amount will appear at the Receiver General's credit with this Bank.

Signed in Triplicate,

G. T. [illegible]

Pro Manager.

Ent'd. [illegible]

Bank of Montreal.

Indian Affairs. (RG 10, Volume 2547A, File 111,896)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

From George Myles on a/c of Lot No. 33
Con: 2 - W.B.K. Township of Eastwood

DEPARTMENT OF INDIAN AFFAIRS
DEC 9 1890

Indian Affairs. (RG 10, Volume 2547A, File 111,896)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
- 111,888	SARNIA - REQUISITION FROM THE CHIPPEWAS OF SARNIA FOR A SUM OF MONEY TO PAY CERTAIN ACCOUNTS FOR THE QUARTER ENDED THE 30th OF SEPTEMBER 1890.	1890-1891
- 111,891	CAPE CROKER AGENCY - LIST OF PATENTS REQUIRED FOR THE MONTH OF NOVEMBER 1890.	1890-1904
- 111,892	PENETANGUISHENE AGENCY - CORRESPONDENCE REGARDING THE REPAIRS TO THE WHARF AT CHRISTIAN ISLAND.	1890-1906
- 111,894	SIX NATIONS RESERVE - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF THE SIX NATIONS.	1890
- 111,896	CAPE CROKER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF SAUGEEN AND OWEN SOUND.	1890
111,916	ALNWICK AGENCY - RESOLUTION PASSED BY THE MISSISSAUGAS OF ALNWICK GRANTING A SUM OF MONEY TO ROBERT GRAY FOR DIGGING GRAVES.	1890
111,917	CAPE CROKER AGENCY - APPLICATION FROM JOHN GAWLEY TO PURCHASE LOT NO. 11, CON 6, WEST OF BURY	1890

Indian Affairs. (RG 10, Volume 2547A, File 111,916)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Acct 12-12-90
Mr U. 15/12 90
Cont 19-1-91
Mr U. 26 1 91
Cont 4-2-91

No. 111916

Department of Indian Affairs,

189 a

John Thackeray.
Roseneath.

8/10

Resolution of
Council granting
$2.00 to Robt Gray
for grave digging.

16th Decr ch let "A" to Yt Thackeray
13/16 Jan 1891 let from J. Thackeray.
28 " ch let A do
2 Feb let from J. Thackeray.

ACTION.

25/28-7

ACTION CONTINUED.

RED
111916

Indian Affairs. (RG 10, Volume 2547A, File 111,916)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111916

DEPARTMENT OF INDIAN AFFAIRS
DEC 30

Moved by Peter Crowe seconded by H. Beaver
that the sum of Two dollars be paid by
Robt Gray for digging a grave for J. H. Chases
Child

We certify the above Resolution was
passed by the Indian Council at
Alderville on the first day of December
1890

John Hartley
a/c

Wm Lukes Secy

Indian Affairs. (RG 10, Volume 2547A, File 111,916)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS. FEB 2 1891

113410

112940

DEPARTMENT OF INDIAN AFFAIRS. JAN 16 1891

Moved by Geo Crowe seconded by Geo Blaker that the sume of Six dollars be paid to Robert Gray for digging Graves for the following deceased persons, R. Marsdens child W. Beavers child & for Mary a Shippigaw and that a copy of this resolution be sent to the Department by our agent for payment

ACCOUNTANT FEB 4 1891 BRANCH

We hereby certify the above to be a true copy of a resolution passed at a general meeting of the Indian Council held on 12 day of January 1891

John Thackray Wm Lukes Secy

Indian Affairs. (RG 10, Volume 2547A, File 111,916)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

duplicate

No. of Acct. 113410

DEPARTMENT OF INDIAN AFFAIRS
FEB 23 1891

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Robt Gray

DATE.			AMOUNT.
July	1	To Digging Grave for R Muarsdeus child	2 00
Aug	2	" Digging Grave for Mary an Shippegan	2 00
Dec	29	" Digging Grave for H. Beaver child	2 00
			$ 6 00

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

John Brackenridge Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,916)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

113410

No. of Acct.

INDIAN TRUST FUND.

The Department of Indian Affairs,

To Robt. Gray

DATE.			AMOUNT.	
July	1	To digging grave for R. Marsden's child	$ 2	00
Aug	2	To digging grave for Mary Ann Shippegaw	2	00
Dec	29	To digging grave for H. Beavers child	2	00
			$ 6	00

ck 45507
6 00
23.11.91

I hereby certify that the articles have been received, the services performed and that the prices are fair and just.

John Hackney Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,916)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
- 111,888	SARNIA - REQUISITION FROM THE CHIPPEWAS OF SARNIA FOR A SUM OF MONEY TO PAY CERTAIN ACCOUNTS FOR THE QUARTER ENDED THE 30th OF SEPTEMBER 1890.	1890-1891
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- 111,892	PENETANGUISHENE AGENCY - CORRES-PONDENCE REGARDING THE REPAIRS TO THE WHARF AT CHRISTIAN ISLAND.	1890-1906
- 111,894	SIX NATIONS RESERVE - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF THE SIX NATIONS.	1890
- 111,896	CAPE CROKER AGENCY - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF SAUGEEN AND OWEN SOUND.	1890
- 111,916	ALNWICK AGENCY - RESOLUTION PASSED BY THE MISSISSAUGAS OF ALNWICK GRANTING A SUM OF MONEY TO ROBERT GRAY FOR DIGGING GRAVES.	1890
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Indian Affairs. (RG 10, Volume 2547A, File 111,917)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Ld 12 12 - 90
Ann. 15 12 90

No. 111917

Department of Indian Affairs,

189 a

Wm Simpson
Wiarton.
8/10 Dec

With application from John Gawley to purchase Lot 11 Con 6. W.B.R. Lindsay.

19 Dec., Cr. to Wm Simpson

ACTION.

8/34-2

ACTION CONTINUED.

RED
111917

Poor Copy.

Indian Affairs. (RG 10, Volume 2547A, File 111,917)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111917

Wiarton Dec 8. 1890

Mr. Wm. Simpson

Indian land Agt

Wiarton ont

I Hear by make Application ~~for~~ to Purchase lot 11 Con 6, W.B.R lindsay for which I will Give $55, Dollars Cash for land and timber free of Dues

Yours truly

John Gawley

Spry. ont

DEPARTMENT OF INDIAN AFFAIRS
DEC 10 1890

Indian Affairs. (RG 10, Volume 2547A, File 111,917)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111917

LAND BRANCH DEC 12 1890

DEPARTMENT OF INDIAN AFFAIRS DEC 10 1890

Indian Land Office
Wiarton 8th Dec. 1890

Sir

I send herewith for your consideration an application from Mr John Gawley to purchase Lot No 11 Con 6 N.B.R. Lindsay for which he offers the sum of $65 cts Cash for land and timber free of dues.

From all that I can learn the above mentched is a very poor on all rock. very poorly timber mostly stunted cedar only fit for Pickets. If there had been any valuable timber on it, the lot would have been sold long ago. Lots 10 and 12 was sold last year one for $75 cts. the other for $80 cts. cash. In the position of the lot I consider it should be worth $70 cts Cash, and this is its full outside value.

Your Obdt Servant
Wm Simpson
S. L. Agent

L. Vankoughnet Esqr
Deputy Supt General
of Indian Affairs
Ottawa

Indian Affairs. (RG 10, Volume 2547A, File 111,917)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMORANDUM.

To Sir

Approved
A. D. Dyke

Department of Indian Affairs,

Ottawa, 13. Dec 1890.

Lot 11 Con 6 W.B.R. Lindsay was inspected by Mr McKay and he reported it "Jet for pasture, best of the timber "cut by Kidd, unoccupied." This lot was offered at the timber Sale in 1886 at $60.00. Mr Simpson reports this lot a poor one, timber stunted cedar only fit for pickets and values the land & timber at $70.00 cash the undersigned would therefore recommend that he be authorized to sell this lot land & timber free of dues and unconditionally for $70.00 cash to the applicant Mr Gawley.

D. A. Dyke

Indian Affairs. (RG 10, Volume 2547A, File 111,917)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor copy.

RETURN TO CORRESPONDENCE BRANCH.

111917

Wm Simpson. Esq.
Indian Lands Agent.
Wiarton, Ont.

Decr 19. 1890.

Sir,

With reference to your letter of the 8th Inst, submitting the applⁿ of Mr. John Gawley for the purchase of Lot 11, Con 6, W.B.R. Lindsay I have to inform you that you may sell this Lot land and timber free of dues & unconditionally for $70^{00} Cash to the applicant Mr. Gawley.

I am &c.

Affirm

Sale 6206

Indian Affairs. (RG 10, Volume 2547A, File 111,917)

PUBLIC ARCHIVES
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CANADA

Poor Copy.

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
111,918	SAUGEEN AGENCY - CORRESPONDENCE REGARDING THE INSTRUCTIONS GIVEN TO C. RANKIN TO SURVEY A PORTION OF BRUCE INTO THE TOWNSHIP OF AMABEL.	1890
111,920	SARNIA - QUIT CLAIM DEED FROM JAMES ALEXANDER McDOWALL TO JOSEPH MURNEAU OF LOT NO. 15, RANGE 4 IN THE TOWN OF SARNIA.	1890-1891
111,925	ORDER IN COUNCIL PASSED ON MARCH 16, 1920, DIRECTING THAT THE PAYMENT BY THE GOVERNMENT FOR RESIDENCE TELEPHONES USED BY MEMBERS OF THE GOVERNMENT AND THE SERVICE GENERALLY BE DISCONTINUED FROM APRIL 1, 1920.	1918-1922
111,926	SIX NATIONS RESERVE - APPLICATIONS TO PURCHASE LANDS IN THE VILLAGE OF CAYUGA IN THE COUNTY OF HALDIMAND. (PLAN)	1890-1931

Indian Affairs. (RG 10, Volume 2547A, File 111,918)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

ACTION.

ACTION CONTINUED.

Wacs 12-12 90
MFN 20-12-90

No. 111918

Department of Indian Affairs,

189 a

Johnston & Ross
Toronto.
9/10 Dec

Asking for memo of instructions given to Mr Rankin in 1856 to survey a portion of Bruce into the Tp of Amabel.

16 Dec let to Johnston & Ross

8/30

RED
111918

Indian Affairs. (RG 10, Volume 2547A, File 111,918)

PUBLIC ARCHIVES
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CANADA

JOHNSTON & ROSS
Barristers, Solicitors, Notaries Public, &c.
E. F. B. JOHNSTON, Q. C. GEORGE ROSS.

TELEPHONE 2258

ROOM 13, MANNING ARCADE,

111918

The Department of Indian affairs Ottawa

Toronto, Ont., 9 Dec 1890

Re North Bruce petitions

Dear Sir, I/we are anxious to ascertain if you have any trace of a certain memo of instructions issued by the late superintendent general of Indian affairs to Mr Rankin a former surveyor of Inspector Canada. This memo of instructions was issued to Rankin sometime in 1856 as near as we can ascertain to survey a portion of Bruce into the township of Amabel. This survey was concluded but his map of same leaves in doubt the exact boundaries of Amabel. It would seem from his remarks that a part if not the whole of what is now called the Indian reserve was surveyed by him and was included in the township boundaries. In an index book kept in the Crown lands department here I see in this entry.

Amabel | 1856/42 | C. Rankin | Indian lands surveyed under instructions from Superintendent general (supposed to have been sent to Indian department)

Indian Affairs. (RG 10, Volume 2547A, File 111,918)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111918

JOHNSTON & ROSS
Barristers, Solicitors, Notaries
Public, &c.
E. F. B. JOHNSTON, Q. C. GEORGE ROSS.

TELEPHONE 2258

ROOM 13, MANNING ARCADE,

Toronto, Ont., ... 189

RE .....

The words "supposed to have been sent to Indian department" are written in a different hand from the rest and have apparently been entered by some one after a search for the instructions. Some part of these Indian lands - possibly all of them - are included in the town of Southampton but there are no means here of finding out how much. We think that this highly probable that your department has a full record of the municipal divisions to wh these reserves belong (if they belong to any) and we would feel extremely obliged to obtain any information whether final or not on the subject. Kindly let us have a reply by return (if possible) as the matter is urgent. Any fees for search will be promptly remitted truly yours

Johnston & Ross.

Indian Affairs. (RG 10, Volume 2547A, File 111,918)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

Approved
AA
DLW

Memorandum

18th Dec. 1891

To Deputy Minister

In answer to letter of 9th inst. from Messrs. Johnston & Ross, I respectfully recommend that they be informed that the following are of record in this Dept.; Correspondence with Mr C. Rankin regarding the surveys in the Saugeen Peninsula to be performed by him in which correspondence is a letter of instructions dated 26th April 1855 ~~and~~ accompanied by printed general instructions: Plan and Field Notes of the Township of Amabel and Plan of the North part of the Town of Southampton.

2. That unsurrendered Indian lands are held as Indian Reserves and are under the direct control of this Department.

3 That this Dept. is not aware of what are the limits in the lands surrendered to the Crown that may have been adopted ~~or assigned~~ ~~as the~~ for municipal purposes by the Township of Amabel or the Town of ~~Sarnia~~ Southampton

4 That in the case of that portion of surrendered Indian lands on the North of the Town of Southampton called on the ~~Pl~~ Plan, a part of the said Town, that portion of the said surrendered lands ~~is~~ lying to the North of the Copway Road although surrendered to the Crown is not at present for sale but is still held ~~reserved~~ for the use of the Indians.

5 That the above mentioned Plan of

Indian Affairs. (RG 10, Volume 2547A, File 111,918)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

of Part of the Town of Southampton shows the limits of the surrendered lands and the limits of that portion of the surrendered ~~lands~~ lands that is ~~reserved~~ held for the use of the Indians, ~~and~~ that the said information may be that which is required by Messrs Johnston & Ross. and that the fee for a copy of the said Plan is $7.00.

Saml Bray

Deputy Minister
Messrs. Johnston & Ross
offer in their letter mentioned above to pay for any necessary search.
I

Indian Affairs. (RG 10, Volume 2547A, File 111,918)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

RETURN TO
CORRESPONDENCE BRANCH.

111-918

Messrs. Johnston & Ross.
Room 13, Manning Arcade
Toronto, Ont.

Dec. 26 1890.

Gentlemen,

I have to ack. the rec. of your letter of the 9th. Inst. asking for information with regard to the instructions given Mr. C. Rankin to survey a portion of Bruce into the Township of Amabel; and in reply I beg to inform you:—

(Here copy from Mr. Brays report all between A & B marked in Green)

I may add that the fee for preparing a copy of the Plan referred to is $7.00.

I am &c.

Alfordue

Indian Affairs. (RG 10, Volume 2547A, File 111,918)

PUBLIC ARCHIVES
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CANADA

Poor Copy.

KODAK SAFETY FILM

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
— 111,918	SAUGEEN AGENCY - CORRESPONDENCE REGARDING THE INSTRUCTIONS GIVEN TO C. RANKIN TO SURVEY A PORTION OF BRUCE INTO THE TOWNSHIP OF AMABEL.	1890
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111,926	SIX NATIONS RESERVE - APPLICATIONS TO PURCHASE LANDS IN THE VILLAGE OF CAYUGA IN THE COUNTY OF HALDIMAND. (PLAN)	1890-1931

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

Lds. 12 - 12 - 90
Ml N 13 12. 90
Lds 30 / 12. 90
McN 31 - 12 - 90
Lands 12 - 1 - 91
Land 10 - 1 - 91
M N. 14. 1. 91
Acct 7 - 2 - 91
Lds to
Cor 23. 2. 91

No. 111920

Department of Indian Affairs,

1890

Jas A. McDowall
Sarnia.
8/10 Dec

Enclosing Quit
Claim Deed of Lot
15 Con 4. Sarnia
& asking for patent.

19 Dec. Let to J. A. McDowall.
(W encl)
20/23 Dec let from do
29 Dec " E to do
1891.
9 Jan. Let to J. A. McDowall.
(W encl)
6/8 Jan let from Jas. A. McDowall.
14 Jan let from J. A. McDowall.

ACTION.

22 Jan. Let to J. A. McDowall.
2/5 Feb 91 . from do
26 Feb. . E to do

ACTION CONTINUED.

RED
111920

29/34-2

Poor Copy.

Indian Affairs. (RG 10, Volume 2547A, File 111,920)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111920

JAMES A. McDOWALL
Barrister, Solicitor,
PROC[illegible] NOTARY, &c.

Office : Front Street
P. O. BOX 545.

DEPARTMENT OF INDIAN AFFAIRS
DEC 10 1890

Sarnia, Ont. 8th. Dec. 1890.

Dear Sir,

Sarnia town
re 15 r. 4 Francis's survey.

I have bought above lot from Wm Lacroix. The amt. prin. & int. due is I believe $86 57/100 which I wish to pay the Department at once and get a Patent for the lot.

Let me know what I am to do — I do not wish to pay interest any longer. The amt. stated may not be just exactly correct to a cent. but will be nearly so — Answer as soon as possible and oblige. Quit claim is sent you herewith. Yours truly

Please return one of them with certificate of filing indorsed

The Supt. Genl. of Ind. Affairs Ottawa

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMORANDUM.

Department of Indian Affairs,

To Cor^ee / B^ro

Ottawa, 13. Dec — 1880

To ack. Mr McDowall's letter of the 8th inst, return assignment in duplicate & say that the bal. due on this lot is for Principal $54.00 and interest thereon at 6% from 10th Nov 1880 till paid. Say that no transfer from Mr Lacroix can be accepted until after the 9th Jany 1891. being the expiration of the 2 years from date of tax sale given by 51 Vic Chap 22. Sec. 6. for any person to contest the validity of such deed.

for DM

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
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CANADA

RETURN TO
CORRESPONDENCE BRANCH.

111920

James A McDowall Esq.
Barrister &c.
P.O. Box 645
Sarnia, Ont.

Decr 19th 1890.

Sir,

I have to ack. the rect. of your letter of the 8th inst; and in reply I return herewith the Assignment forwarded by you as no Transfer from Mr Lacroix can be accepted until after the 9th January, 1891, being the date of expiration of the two years from date of Tax Sale, given by 51 Vic Chap 22, Sec 6 within which to contest the validity of — such ~~Sale~~ deed.

The Balance due

relative to Lot 15, Range 4, Francis Survey Sarnia.

R S for Dm

A.N. Evans

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

due on this Lot is $54.00
Principal, together
with Interest at 6%
from 10th Novr 1880
until paid

Jam & C.

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Sold by Joseph Doust, Law Stationer, 58 Adelaide St. East, Toronto.

This Indenture

made (in duplicate) the twen-tieth day of December, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety-

Between James Alexander McGowan of the town of Sarnia in the county of Lambton Barrister at law of the First part and Joseph Mur-neau of the same place Laborer of the Second part

Witnesseth that the said party of the First Part, for and in consideration of ninety five 00/100 Dollars of lawful money of Canada, to him in hand paid by the said party of the Second Part, at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged) **Ha th Granted, Released and Quitted Claim,** and by these Presents **Do th Grant, Release and Quit Claim,** unto the said party of the Second Part, his heirs and assigns FOR EVER:

All the Estate, right, title, interest, claim and demand whatsoever both at law and in equity or otherwise howsoever and whether in possession or expectancy of him the said party of the First Part of in to or out of, **All and Singular** that certain parcel or tract of Land and Premises, situate, lying and being lot number Fifteen in range number Four in the town of Sarnia in

the County of Lambton according to
Francis's Survey -

Together with the appurtenances thereunto belonging or appertaining.

To have and to Hold the aforesaid Lands and Premises, with all and singular the appurtenances thereto belonging and appertaining unto and to the use of the said part*y* of the *Second* Part, *his* heirs and assigns FOR EVER: **Subject**, nevertheless, to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

In Witness Whereof the said parties to these presents have hereunto set their hands and seals.

Signed, Sealed and Delivered,
IN THE PRESENCE OF

W. J. Barber

James A. McDowall. (L.S.)

~~**Received** on the date hereof from the said the sum of Dollars, the consideration herein mentioned,~~

~~Witness~~

Dated 20th. December, 1890.

James A. McDowall

—To—

Joseph Murneau

Quit Claim Deed.

Sarnia Town

Sold by Joseph Doust, Law Stationer, 58 Adelaide Street East, Toronto.

J. A. Mc Dowall.
Barrister &c
Sarnia, Ont

County of Lambton To Wit: } I, William James Barber of the town of Sarnia in the County of Lambton Clerk make oath and say:

1. THAT I was personally present and did see the within Instrument and Duplicate thereof duly signed, sealed and executed by James Alexander McDowall one of the parties thereto.

2. THAT the said instrument and Duplicate were executed at the said town of Sarnia on the day of the date thereof

3. THAT I know the said party -

4. THAT I am a subscribing Witness to the said Instrument and Duplicate.

SWORN before me at the town of Sarnia in the County of Lambton this 20th day of December, in the year of our Lord 1890.

W. J. Barber

A Commissioner for taking Affidavits in the H. C. of J.

DEPARTMENT OF INDIAN AFFAIRS DEC 23 1890

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

JAMES A. McDOWALL
Barrister, Solicitor,
PROCTOR, NOTARY, &c.

Office: Front Street
P.O. BOX 645.

Sarnia, Ont. 20th Dec 1890.

Dear Sir,

Enclosed is quit claim deed from me to Joseph Murneau.

After awhile he will apply for a Patent.

Meanwhile please put same on file.

Yours truly

J A McDowall

To the Sup. Genl. of Ind. affairs
Ottawa

Sale 398

Ackd 29 Dec

1. Cor
2. Land
RS for
23 Dec 90

LAND DEPT. DEC 30 1890

DEPARTMENT OF INDIAN AFFAIRS DEC 23 1890

CORRESPONDENCE DEC 26 1890 BRANCH

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Memorandum

Department of Indian Affairs,

To Cor^ce B^ro Ottawa, 30 Dec 1890.

COPRESPONDENCE DEC 31 1890 BRANCH

To ack. letter from Mr McDowall of the 20th inst. return assignments & refer him to letter of the 19th inst. as same cannot at present be entered

RJ
Acty Dir

DAO

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111920

RETURN TO
CORRESPONDENCE BRANCH.

Cancelled

Afford M

N.M. Mori

Not Sent

I. A. McDonald Esq
Barrister &c
Sarnia Ont.

January 9th 91

Sir,

I have to ack the receipt of your letter of the 20th ultimo, Enclosing Quit Claim Deed from You to Joseph Murneau; and in reply I have to inform You that the assignment in question is returned herewith as the same cannot at present be entered & I have to refer you to Official letter of the 19th inst in this Connection.

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
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CANADA

JAMES A. McDOWALL
Barrister, Solicitor,
PROCTOR, NOTARY, &c.

Office : Front Street
P. O. BOX 645.

Sarnia, Ont. 6th. Jany. 1890.

Sandy

112689

DEPARTMENT OF INDIAN AFFAIRS
JAN 8 1891

Dear Sir

LAND BRANCH
JAN 12 1891

re your File No 112262.

The name of the Grantee in the Quit Claim deed from me of lot 15 in range 4 Sarnia is Murneau not "Munroe" — he is of French extraction. Hold the Quit Claim. After the 9th. I will send you the Quit Claim to me of same lot which I sent you and which you returned to me. Yours truly

James A. McDowall
Dy. Supt. Genl. of Indian affairs.

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Sold by Joseph Doust, Law Stationer, 58 Adelaide St. East, Toronto

This Indenture made (in duplicate) the

eighth day of December, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety

Between William Lacroix of the town of Sarnia in the County of Lambton Carriage painter of the First part and James Alexander McDonall of the same place Barrister at law of the Second part—

Witnesseth that the said party of the First Part, for and in consideration of Fifty eight—46/100 Dollars of lawful money of Canada, to him in hand paid by the said party of the Second Part, at or before the sealing and delivery of these presents (the receipt whereof is hereby acknowledged) **Hath Granted, Released and Quitted Claim**, and by these Presents **Doth Grant, Release and Quit Claim**, unto the said party of the Second Part, his heirs and assigns FOR EVER:

All the Estate, right, title, interest, claim and demand whatsoever both at law and in equity or otherwise howsoever and whether in possession or expectancy of him the said party of the First Part of in to or out of, **All and Singular** that certain parcel—or tract—of Land and Premises, situate, lying and being in the town of Sarnia aforesaid being composed of lot number Fifteen in the

Fourth Range Francis's Survey Con-
taining three tenths of an acre more or
less —

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Together with the appurtenances thereunto belonging or appertaining.

To have and to Hold the aforesaid Lands and Premises, with all and singular the appurtenances thereto belonging and appertaining unto and to the use of the said part*y* of the *Second* Part, *his* heirs and assigns FOR EVER: **Subject**, nevertheless, to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

In Witness Whereof the said parties to these presents have hereunto set their hands and seals.

Signed, Sealed and Delivered,
IN THE PRESENCE OF

W J Barbour

William La Croix

~~**Received** on the date hereof From the said the sum of Dollars, the consideration herein mentioned.~~

~~Witness~~

Dated 8th December, 1880.

William Lacroix

—To—

James A. McDowall

Quit Claim Deed.

Sarnia town.

Sold by Joseph Doust, Law Stationer, 58 Adelaide Street East, Toronto.

111920

DEPARTMENT OF INDIAN AFFAIRS
DEC 15 1880

J. A. McDowall
Barrister &c
Sarnia Ont

County of Lambton
To Wit:

I, William James Barber of the town of Sarnia in the County of Lambton Clerk make oath and say:

1. THAT I was personally present and did see the within Instrument and Duplicate thereof duly signed, sealed and executed by William Lacroix one of — the parties thereto.

2. THAT the said instrument and Duplicate were executed at the said town of Sarnia on the day of the date thereof.

3. THAT I know the said party.

4. THAT I am a subscribing Witness to the said Instrument and Duplicate.

SWORN before me at the town of Sarnia in the County of Lambton this eighth day of December, in the year of our Lord 1880.

Isaac Kidenmaster

A Commissioner for taking Affidavits in the H. C. of J.

W. J. Barber

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

RETURN TO
CORRESPONDENCE BRANCH.

111920

J. A. McDowall Esq.
Barrister, &c
P. O. Box 645
Sarnia.
Ont.

Answer reqd

Jany 22nd 1891

Sir,

With reference to your letter of the 6th Inst & previous correspondence in the matter of Lot 15, Range 4, Francis Survey, Sarnia, I have to inform you that upon receipt by the Dept of $2.00 fees for entry of the two Assignments (from Wm Lacroix to you & from you to Joseph Murneau) affecting this Lot the same will be duly entered.

I am &c

Afordell

AN Inv

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Memorandum

Department of Indian Affairs,

To Cor^ce Bn

Ottawa, 16 Jany 1891.

JAN 17 1891 BRANCH

To write Jas. A. McDowall Barrister Sarnia and say that upon receipt by the Dept of $2.00 Jus for entry of two assignments Wm Lacroix to himself and he to Joseph Murneau of lot 15. Range 4 Sarnia Francis Surry that same will be duly entered

RS

For DM

Do

Indian Affairs. (RG 10, Volume 2547A, File 111,920)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
— 111,918	SAUGEEN AGENCY - CORRESPONDENCE REGARDING THE INSTRUCTIONS GIVEN TO C. RANKIN TO SURVEY A PORTION OF BRUCE INTO THE TOWNSHIP OF AMABEL.	1890
— 111,920	SARNIA - QUIT CLAIM DEED FROM JAMES ALEXANDER McDOWALL TO JOSEPH MURNEAU OF LOT NO. 15, RANGE 4 IN THE TOWN OF SARNIA.	1890-1891
111,925	ORDER IN COUNCIL PASSED ON MARCH 16, 1920, DIRECTING THAT THE PAYMENT BY THE GOVERNMENT FOR RESIDENCE TELEPHONES USED BY MEMBERS OF THE GOVERNMENT AND THE SERVICE GENERALLY BE DISCONTINUED FROM APRIL 1, 1920.	1918-1922
111,926	SIX NATIONS RESERVE - APPLICATIONS TO PURCHASE LANDS IN THE VILLAGE OF CAYUGA IN THE COUNTY OF HALDIMAND. (PLAN)	1890-1931

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 111925

Department of Indian Affairs

19.....

BELL TELEPHONE CO. ACCOUNTS.

HEADQUARTERS.

FED
111925

48963

PUBLIC ARCHIVES
RECORDS CENTRE

Indian Affairs. (RG 10, Volume 2547A, File 111,925)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

No. 111925

Department of Indian Affairs

19.....

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PUBLIC ARCHIVES
RECORDS CENTRE

Indian Affairs, (RG 10, Volume 2547A, File 111,925)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF THE
DEPUTY SUPERINTENDENT GENERAL
OTTAWA

MEMORANDUM

Mr. Paget -

Will you kindly arrange for the Department to assume Mr. S. J. Robin's phone as Private Secretary to the Superintendent General.

Duncan Campbell Scott

D. S. G. I.A.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,925.

Ottawa, March 8th., 1918.

Sir,-

I have to request that you will take the necessary steps to provide Mr. S. J. Robins, Private Secretary to the Superintendent General, with a phone at his residence, Westminster Apartments.

Your obedient servant,

J. D. McLean

Asst. Deputy and Secretary.

The Secretary,
Public Works, Department,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

P.C. 565. COPY

CERTIFIED COPY OF A REPORT OF THE COMMITTEE OF THE PRIVY COUNCIL, APPROVED BY HIS EXCELLENCY THE ADMINISTRATOR ON THE 16th March, 1920.

The Committee of the Privy Council have had before them a report, dated 10th March, 1920, from the Acting Minister of Public Works, submitting as follows;

That the Sub-Committee appointed by Council to consider the estimates of the Department of Public Works for the fiscal year 1920-21, decided with regard to the appropriation for "Telephone Service, Ottawa Public Buildings", that a considerable saving could be effected by the Government by discontinuing the payment of residence telephones throughout the service;

That these telephones are paid for semi-annually in advance, and the sub-committee of Council has advised that the discontinuance of payment for such phones be made effective on the expiry of the current half-year and that action in this regard apply to all residence telephones hitherto paid for by the Government, with the sole exception of telephones in residences of Ministers' Private Secretaries, to be limited to one per Minister.

The Minister, concurring in the views of the sub-committee of Council above referred to, recommends that the payment for residence telephones used by members of the Government and the service generally, with the exception of the Ministers' Private Secretaries, above mentioned, be discontinued from the 1st April, 1920, date to which present telephone rentals have been paid and, further, that the Auditor General be directed to see that no accounts from whatever source for residence telephones, with the exception above referred to, be passed for payment.

The Committee concur in the foregoing recommendation and submit the same for approval.

(Signed) Rodolphe Boudreau,

Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

P.C. 565.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Administrator on the

16th March, 1920.

539537

The Committee of the Privy Council have had before them a report, dated 10th March, 1920, from the Acting Minister of Public Works, submitting as follows:

That the Sub-Committee appointed by Council to consider the estimates of the Department of Public Works for the fiscal year 1920-21, decided with regard to the appropriation for "Telephone Service, Ottawa Public Buildings", that a considerable saving could be effected by the Government by discontinuing the payment of residence telephones throughout the service;

That these telephones are paid for semi-annually in advance, and the sub-committee of Council has advised that the discontinuance of payment for such phones be made effective on the expiry of the current half-year and that action in this regard apply to all residence telephones hitherto paid for by the Government, with the sole exception of telephones in residences of Ministers' Private Secretaries, to be limited to one per Minister.

The Minister, concurring in the views of the sub-committee of Council above referred to, recommends that the payment for residence telephones used by members of the Government and the service generally, with the exception of the Ministers' Private Secretaries, above mentioned, be discontinued from the 1st April, 1920, date to which present telephone rentals have been paid and, further, that the Auditor General be directed to see that no accounts from whatever source for residence telephones, with the exception above referred to, be passed for payment.

The Committee concur in the foregoing recommendation and submit the same for approval.

Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF PUBLIC WORKS
CANADA

j

OFFICE OF THE DEPUTY MINISTER
OTTAWA

March 18th, 1920.

Dear Sir,-

I beg to enclose, for your information, in order that you may notify any members of your staff concerned, copy of an Order in Council, under date of March 16th, 1920, authorizing the discontinuance of payment by the Government of all residence telephones in the homes of Government officials, with the exception of one Private Secretary to each Minister.

Payment by the Government of these telephones will cease at the end of the current quarter.

Yours very truly,

Deputy Minister.

The Deputy Superintendent General of Indian Affairs,
Ottawa,
Ontario.

Encl.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111925

PLEASE WRITE ON ONE SUBJECT ONLY
IN A LETTER

YOUR REPLY REFER TO
FILE NO

DEPARTMENT OF PUBLIC WORKS
CANADA

538058

DEPT. OF INDIAN AFFAIRS
MAR 29 1920
RECORDS

OFFICE OF THE SECRETARY

D-ND-ID.

OTTAWA March 25, 1920.

FROM: The Secretary,
Department of Public Works.

TO: The Deputy Supt. General,
Department of Indian Affairs,
OTTAWA.

Following the letter of the Deputy Minister of this Department of the 18th instant, enclosing you copy of an Order in Council dated March 16, 1920, relative to the discontinuance of payment by the Government of residence telephones for Government officials, I beg to inform you that the Bell Telephone Company has now furnished a list of all telephones at Ottawa affected by the Order in Council in question.

Those of your Department are the following:

R. 2349	F. H. Paget,
Q. 3118	D. G. Scott,
Q. 5737	J. D. McLean.

P. E. Desrochers
I.D.

Secretary.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 G 25

P.C.797.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Administrator on the

15th April, 1920.

DEPT. OF INDIAN AFFAIRS
APR 21 1920
RECORDS
539125

PRIVY COUNCIL
CANADA

The Committee of the Privy Council have had before them a report, dated 13th April, 1920, from the Acting Minister of Public Works, submitting as follows:

That an Order in Council was passed on March 16, 1920, directing that the payment by the Government for residence telephones used by members of the Government and the service generally be discontinued from April 1, 1920, with the exception of those in the residences of Ministers' Private Secretaries, to be limited to one per Minister;

That this Order in Council was interpreted as applying to all residence telephones at Ottawa and outside of Ottawa;

That it is now considered advisable to describe more definitely the scope of the said Order, and the Minister therefore recommends that the Order in Council of March 16, 1920 (P.C.565) regarding the payment by the Government of residence telephones, be amended as follows:

Copied A.S.

1. It shall apply only to the City of Ottawa.

2. Residence telephones to be allowed for Ministers, for each Minister's Private Secretary, and Deputy Ministers;

3. No other residence telephones in Ottawa to be paid for by the Government unless authorized by an Order in Council in each specific case.

The Committee submit the same for approval.

Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111925

P.C.797.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Administrator on the

15th April, 1920.

PRIVY COUNCIL CANADA

ACCOUNTANT APR 22 19[illegible] BRANCH

DEPT. OF INDIAN AFFAIRS APR 21 1920 RECORDS

539536

The Committee of the Privy Council have had before them a report, dated 15th April, 1920, from the Acting Minister of Public Works, submitting as follows:

That an Order in Council was passed on March 16, 1920, directing that the payment by the Government for residence telephones used by members of the Government and the service generally be discontinued from April 1, 1920, with the exception of those in the residences of Ministers' Private Secretaries, to be limited to one per Minister;

That this Order in Council was interpreted as applying to all residence telephones at Ottawa and outside of Ottawa;

That it is now considered advisable to describe more definitely the scope of the said Order, and the Minister therefore recommends that the Order in Council of March 16, 1920 (P.C.565) regarding the payment by the Government of residence telephones, be amended as follows:

1. It shall apply only to the City of Ottawa.

2. Residence telephones to be allowed for Ministers, for each Minister's Private Secretary, and Deputy Ministers;

3. No other residence telephones in Ottawa to be paid for by the Government unless authorized by an Order in Council in each specific case.

The Committee submit the same for approval.

Clerk of the Privy Council.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111935

Ottawa, 31st January, 1923.

His Excellency,

The Governor General in Council.

With reference to the Order of Your Excellency in Council, dated the 15th April, 1920, restricting the payment of residence telephones in the City of Ottawa, used on Government business to the persons therein mentioned, and providing that no other residence telephones in Ottawa be paid for by the Government unless authorized by Your Excellency in Council, the undersigned begs to recommend that the Assistant Deputy Minister of Indian Affairs be allowed the use of a telephone in his residence from the date of the Order in Council above referred to, as it is constantly found necessary, in matters of urgency, to communicate with him by telephone, on Government business.

Respectfully submitted,

Superintendent General
of Indian Affairs.

L.B.17
2.B.17

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

P.C. 187/1426. 111925

Certified Extract from the Minutes of a Meeting of the Treasury Board, held on the 28th June, 1922. *approved by His Excellency the Deputy Governor General in Council, on the* 30th. June, 1922.

DEPT. OF INDIAN AFFAIRS
JUL 10 1922
RECORDS

PRIVY COUNCIL CANADA

572071

INDIAN AFFAIRS.

The Board recommend that the Assistant Deputy Superintendent General of Indian Affairs be allowed the use of a telephone in his residence from the 15th April, 1920, the date of the Order in Council restricting the payment of residence telephones in the City of Ottawa used on Government business, as it is constantly found necessary in matters of urgency, to communicate with him by telephone on Government business.

Copied as.

Clerk of the Privy Council.

Requisitioned C.P.C. for copy 11-7-22

The Honourable
The Superintendent General of Indian Affairs.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

NO. 9033-91 TY

9033-91 SENT TO

AGT. HAIGHT 4-7-35

Department of Indian Affairs

19.....

Returned

DEPT. OF INDIAN AFFAIRS
JUL 17 1935
RECORDS

ST REGIS

ESTATE

JOHN THOMPSON.

Indian Affairs. (RG 10, Volume 2547A, File 111,925)

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CANADA

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Indian Affairs
Red Series

(RG 10, Volume 2547A)

File		
- 111,918	SAUGEEN AGENCY - CORRESPONDENCE REGARDING THE INSTRUCTIONS GIVEN TO C. RANKIN TO SURVEY A PORTION OF BRUCE INTO THE TOWNSHIP OF AMABEL.	1890
- 111,920	SARNIA - QUIT CLAIM DEED FROM JAMES ALEXANDER McDOWALL TO JOSEPH MURNEAU OF LOT NO. 15, RANGE 4 IN THE TOWN OF SARNIA.	1890-1891
- 111,925	ORDER IN COUNCIL PASSED ON MARCH 16, 1920, DIRECTING THAT THE PAYMENT BY THE GOVERNMENT FOR RESIDENCE TELEPHONES USED BY MEMBERS OF THE GOVERNMENT AND THE SERVICE GENERALLY BE DISCONTINUED FROM APRIL 1, 1920.	1918-1922
111,926	SIX NATIONS RESERVE - APPLICATIONS TO PURCHASE LANDS IN THE VILLAGE OF CAYUGA IN THE COUNTY OF HALDIMAND. (PLAN)	1890-1931

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Hamilton, Ont.

Superintendent General Indian Affairs
Ottawa

LAND BRANCH DEC 13



Dear Sir-

Kindly let us know by return mail what amount including principal and interest to date and costs would be required to be paid to secure the usual title documents &c for 69 acres (more or less) being East part of Lot 19 South of Canboro road Township of Seneca, County of Haldimand sold to one Patrick Fagan - 24 Novr 1876.

Yours Respectfully
Martin & Murphy

File No 89600.
Sale No 2419

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Messrs Martin & Morph
Equity Chambers.
Hamilton, Ont.

RETURN TO
CORRESPONDENCE BRANCH

Immediate

Decr 18 1890.

Gentn
~~Sir~~,

In reply to the enquiry made in your letter of the 12th inst. I have to inform you that the balanc due on the S. pt. Lot 1 South, Camboro Ro Seneca, is $435.16 Principal, together wit Interest thereon at 6% from the 24th Novr 1876 until paid an amount indic (Principal & Interest should be sent the local Agent of the Dept, Mr A Ding Inspr of Indian Ag

B

Alfordm

N.S. Mcy

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Brantford, Ontario
for transmission
to the Dept

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

DEPARTMENT OF IND... JAN 16 1892

123215

Indian Lands office
Brantford 14th January 1892.

Sir

I have to acknowledge the receipt of your letter of the 13th inst No 120539 in which you instruct me to report seperately on the Sales mentioned in my letter of 29th December last, and in reply, I beg to to report, that in July last I notified Patrick Sagan, that he Must pay up the balance due on his purchase of Sale No 2419. Made on the 24th november 1876. on the east part of Lot 19. 1st Concession South of Cainboro Road, Township of Seneca. Amount of Sale $544.32 paid $108.86 balance still due $435.46 + interest and as yet have received no reply from my notice to Mr Sagan, do you not think it would be as well for me to Call on him and notify him, that unless he pays up the balance, say in thirty days, or any time you think best, he will be dispossed, and the land otherwise disposed of, and he will not be allowed anything for his improvements.

Your Obedient Servant
Jno Noble
Agent

L Vankoughnet Esq
Deputy Supt General
Indian Affairs
Ottawa,

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

MEMORANDUM.

To Mr. McLean — Department of Indian Affairs.

Ottawa, 22nd January 1897

Sale 24/9

S. Pt. Lot 19 S. Canboro Road, Seneca
sold on 24 Nov. 1876 to Patrick Falconer whose
name it now stands on the Books of the Dept.

56 4/100 acres at $5.00 p.a. = $544.32
Int. thereon at date of sale = $108.56

Bal. due $435.464

Int. thereon at 6% from date of sale

3 notices sent.

H.J.O.

CORRESPONDENCE BRANCH JAN 28 18

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CORRESPONDENCE BRANCH.

111926

J. Mobld. Esq.
Indian Land Agent.
Brantford.
Ont.

Jany 28th, 1892

Sir,

I have to ack the rect. of your letter of the 14th Inst. relative to Sale No. 2419; and in reply I have to inform you that you should notify the owner of the E. part of Lot 19. S. Camboro Road, Seneca, that unless the arrears due ~~on~~ the ~~Lot~~ 2 (part) are paid by the 1st April next the Sale will be cancelled and the land resumed by the Dept.

Yours &c.

ANSWER REQUIRED

Alfor Dm

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

123630

Lands 13

DEPARTMENT OF INDIAN AFFAIRS FEB 1 1892

Indian Lands Office
Brantford 30th Jany 1892.

Sir

I have to acknowledge the receipt of your letter of the 28th instant No 111.926. relative to Sale No 2,419. to Patrick Fagan of the East part of Lot 19. South Canboro Road, Seneca, That he must pay the arrears due on this Lot, or the Sale would be Cancelled by the 1st April and the Land resumed by the Department,

Your Obedient Servant
Jno Noble
agent

LAND BRANCH FEB 8 1892

L Vankoughnet Esq
Deputy Supt General
Indian affairs
Ottawa,

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

E. D. Cameron Esq.
Indian Supt.
Brantford, Ont.

THIS LETTER HAS BEEN SENT

December 20th 1895

Sir

I have to request that you will be good enough to report to the Dept. what improvts. have been made on each of the following lots, namely, lot 11 S. Chippewa St. Cayuga (Sale 1857), lot 9 S. Victoria St. Cayuga (Sale 2115) and East pt. lot 19 Con 1, S Camboro Road, Seneca (Sale 2419) You will also state whether any of these lots are occupied and whether you would recommend cancellation of any or all of the sales thereof.

Yours &c

Fwd. H.E.K.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

169507 111926

Indian Office
Brantford Ont
Dec, 27th 1895

LAND BRANCH DEC 30 1895

DEPARTMENT OF INDIAN AFFAIRS DEC 30 1895

Sir.

I beg to acknowledge the receipt of your letter of the 20th inst. file No. 111,926. requesting me to report what improvements have been made on each of the Lots mentioned therein in Seneca and Cayuga.

In reply I have to state that Seneca is some distance away from Cayuga from where I would have to drive to visit the lot in Seneca and as the roads are almost impassable. I will have to ~~to~~ delay visiting these lots until the roads improve.

I am
Sir
Your obedient Servant
E A Stanton
Supt.

Hayter Reed Esq
Depty. Supt. Gen.
Indian Affairs
Ottawa Canada

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

171075 111926

Indian Office
Brantford Ont
February 10th 1896

Sir.

As requested by your letter of the 20th of December last File No. 111,926. I beg to report the improvements which have been made on each of the following lots. On Thursday last I visited the properties and learned that:-

Lot 11 South of Chippewa Street Cayuga (Sale 1857) is enclosed by a rail fence together with Lot 10 South of Chippewa Street. The said lot 10 is claimed as the property of the estate of the late John Crawford deceased, on which is built a small dwelling house, and is occupied by Mrs Syke a widow, who rents from the Crawford estate and also holds possession of the said lot 11 as tenant under said estate. There are no improvements on this lot 11 except the said fence and a few apple trees. I was unable to see any person of authority under said estate

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

estate and cannot report whether the estate desires to purchase or not.

I would recommend that posters be printed, a copy of which I attach, and distributed in the Village of Cayuga and vicinity, and all Indian lands could then be disposed of. I would require a complete list from you of all lands not patented and should any fail to call upon me according to said notice. I could see them and report.

I learned when in Cayuga that several persons were anxious to purchase land which was occupied by others. It seems so long as people can hold land without paying for them they are content to continue.

Lot 9 South Victoria Street Cayuga (Sale 2115).

It seems almost impossible to locate this lot as all the Streets north of Echo Street to Hill St. and East of Winniet are closed except one short Street from Echo and which leads to the Agricultural Grounds. From the

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

the Street that leads to the Agricultural Grounds, which I presume is Fishcarrier as on the map from Echo to Hill is in two large fields except that portion enclosed and occupied by the Agricultural Society.

Thomas Humphrey and E.S. Martin appear to have possession of this land. Neither Mr Martin nor Mr Humphrey could give me any attention on account of an election taking place.

If you inform me of the probable purchaser, possibly I could locate the land.

Sale 2419

East part of Lot No. 19 Con 1 South of Canbora Road, Seneca (Sale 2419)

I find Patrick Fagan Jr, is occupying this land under a verbal lease with his father, the improvements amount to a barn 50 x 30 feet, 2 sheds about 30 x 20 feet each, a dwelling house one story about 30x26 feet, fences are generally very poor. The property is in two fields, the buildings are fairly good, but I do not consider that more than $500 could

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

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could be obtained for ~~it~~ their Mr. Fagan Jr. says his father from whom he rents is in the County of Brant.

I am well aware he is not in a position to pay the amount that is due on this property. The soil is of a very stiff clay and the land in that section can be purchased very cheaply.

I would recommend the cancellation of all the said sales and that the same be resold, giving the occupants or those in possession the first chance to purchase.

I am
Sir
Your Obedient Servant
E. D. Cameron
Supt

Hayter Reed Esq
Depy Supt. Gen. of
Indian Affairs
Ottawa Canada

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Department of Indian Affairs.

Ottawa, 21st Feby. 1896

The Deputy

MEMO.

Sale 1857

Lot 11 S. Chippewa St. Cayuga was sold 4 Sept. 1854 to John Linnington, but stands by assigt. in the name of Wm. Grant.

Price of lot		$104.00
Paid at date of Sale	$34.66	
Paid 12 Mar. 1857	$23.10	$57.76
Bal. Princ. due		$46.24

Cancellation appd. [illegible]

and int. @ 6% from date of Sale. Regular notices sent for Sept. 1889 & 1890. The 1889 notice not called for but was sent to agt. to again forward.

Mr. agent Cameron states, in his letter of the 10th inst. that this lot is enclosed by a rail fence with lot No. 10 S. Chippewa St.

Lot 10, which is Patented to one William Grant, is reported by Mr. Cameron to be claimed by the estate of the late John Crawford and is occupied by a Mrs. Dyke, a widow, who rents from the Crawford estate, in connection with lot 11. No improvts. on lot 11 except the fence enclosing it and a few apple trees. The agent recommends Cancellation of the Sale.

over.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

2

Department of Indian Affairs,

Ottawa, ... 189...

MEMO.

Sale 2115

Lot 9 S. Victoria St. Cayuga was sold 7 June 1858 to Wm Jane Tierney in whose name it stands

Price of the lot	$50.00
Paid at date of Sale	$27.78
Bal. Princ. due	$22.22

and int. @ 6% from date of Sale.

Cancellation approved [illegible]

Regular notices sent for June 1889 - 90 - 91 - 93 & 94. The 1889 notice was returned not called for, but sent to agt to forward.

The agent states, in letter of the 10th inst. that he cannot identify this lot, but believes it is enclosed with other lots in a large field - He recommends Cancellation of the Sale -

Sale 2419

E Pt Lot 19 Con 1, S. Camboro Rd Seneca, was sold 24 Nov. 1876 to Patrick Fagan in whose name it stands

68 4/100 acres @ $8. P.A.	$544.32
Paid at date of Sale	$108.86
Bal. Princ. due	$435.46

and int. @ 6% from date of Sale

Regular notices were sent for 1888 - 89 - 90 - 92 - 93 - 94 & 95.

In letter of the 28th Jany. 1892.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

3

Department of Indian Affairs,

Ottawa, ... 189....

MEMO.

1892 Mr John Mobbs, then agent at Brantford, was requested to notify the owner of this pt lot that unless he paid the arrears thereon by the 1st April 1892 the sale would be cancelled and the land resumed by the Dept. & he agent stated in his letter of the 30th Jany 1892 that he duly gave Mr Adam, the owner, the notice ~~Next~~, Mr Agent Cameron was requested, in letter of the 20th Dec. last to report whether the lot was occupied, what improvements had been made thereon and whether he would recommend cancellation of the sale.

In reply the agent states, in his letter of the 10th inst. that he finds this land to be occupied by Patrick Fagan Jr. under a verbal lease from his father. Improvts on the lot consist of a barn 50 × 30 ft. Two sheds about 30 × 20 ft. each - a dwelling house one

Owner to be notified in person if possible to pay [illegible] cancellation [illegible] Hill

21-2-92

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4

Department of Indian Affairs,

Ottawa, ... 189....

MEMO.

one story about 30 × 26 ft. — fences generally very poor — property in two fields and adds that he does not consider that more than $500.00 could be obtained for the place and recommends that the sale be cancelled. He further recommends that all the lots, referred to in this memo, be resold, giving the occupants or those in possession the first chance to purchase.

In view of these facts and also that, Sale 1857 has been over 41 years on the Books of the Dept., that Sale 2115 is over 37 years and Sale 2419 is over 19 years on the Books and on each only the 1st instalment paid, I would recommend that the sales be cancelled.

A.E.K.

J.D.M. Lean

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

File 111 926

Department of Indian Affairs
Ottawa 3rd March 1896-

WHEREAS the Lots standing in the names of the under mentioned parties were sold to them subject to the conditions of actual occupation the performance of certain settlement duties and the payment of equal annual instalments,

AND WHEREAS it has been represented and established to my satisfaction that the siad conditions under which the said Sales were made have been violated,

NOW THEREFORE by and in consideration of the powers and duties vested in the Superintendent General of Indian Affairs by the Indian Act Chap 43, Sec 49, Revised Statutes of Canada, I hereby CANCEL the said Sales, and resume the said lands-

✓ Sale 1857-Lot 11, S. Chippewa St. Cayuga-William Grant.

✓ Sale 2115-Lot 9, S. Victoria St. Cayuga-Mrs Jane Tierney-

Hayter Reed

Deputy Superintendent General
of Indian Affairs-

W.D.D.

1, Entd in Cancn Regs.
2, Ruled off Plan &
3, Ruled off Sales Bk.
A.E.K.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926

ANSWER REQUIRED

THIS LETTER HAS BEEN SENT

Ottawa 5th March 1896.

Sir,

In reply to your letter of the 10th Ultimo, I have to inform you that the Sales (1857 & 2115) of Lot 11, South side Chippewa St. and Lot 9, South side Victoria St. in the Townplot of Cayuga, have been cancelled, but before they can be offered for Sale, it will be necessary for you to advise the Department of the price at which you would recommend that the Lots be sold.

With reference to the East part of Lot 19, Con 1, South of Canboro Road, Township of Seneca, I have to request that you will endeavour to see the owner of this Lot, at as early a date as possible, and inform him that the Department expects that he will pay something in reduction of the arrears against this property within one month, otherwise the Sale will be cancelled and the Lot with the improvements disposed of to some other purchaser.

I may add that a List of Lots in arrears in your Agency, will be forwarded to you at an early date for report thereon.

Your obedient servant,

(SGD) HAYTER REED

Deputy Superintendent General

of Indian Affairs-

E. D. Cameron, Esq,

Indian Superintendent,

Brantford,

Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111,926

Statement shewing Lots in arrears in the Six Nations Agency.

Sale No	Date of Sale	Lot	Con. or St.	Town or Township	Name of Owner	Amt. of Sale	Prin. Paid	Bal. Due	Remarks
2356	17 Dec 1870	(17,18,19 N.sd. Talbot Rd) (17,18,19 S.sd. River St.)		Cayuga	Geo. A. Gibson	75 00	50 00	25 00	
2364	23 Feb. 1871	27 27	S.sd. River St. N.sd. " "	do	John R. Martin	67 50	22 50	45 00	
2368	18 Mar 1871	8	E.sd. Delaware St. N. Talbot Rd W. of River	do	John Walsh	80 00	26 66	53 34	✓
2496	30 July 1884	6 & 7 7 & 8	N.sd. Joseph St. S.sd. Princess St.	do	John Thompson	135 00	45 00	90 00	

Cancelled 23 June 1896

Cancelled 23 June 1896

Cancelled 23 June 1896

Cancelled 23 June 1896

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111 926-

THIS LETTER HAS BEEN SENT

Special letter
21-5-96.

Ottawa 14th March 1896-

Sir,

I enclose herewith a Statement of Lots in arrears in your Agency, and have to request that you will ascertain and report to the Department what improvements have been made on each Lot mentioned, whether it is occupied and whether you would recommend cancellation of any or all of the Sales.

You might, however, at the same time see as many of the owners as possible, and inform them that the Department expects immediate payment of at least a part of the arrears against their properties, as it is very desirable that these mattersof so long standing should be closed out.

Your obedient Servant,

(Sgd) D. C. SCOTT

A.E.K. for Depauty Superintendent General
of Indian Affairs-

E.D.Cameron, Esq.,
Indian Superintendent,
Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111926

Indian Office
Brantford Ont
June 11th 1896

DEPT OF INDIAN AFFAIRS JUN 12 1896

LAND BRANCH JUN 12 1896

Sir.

I beg to refer to your Special notice dated 21st May last, requesting me to reply immediately to official letter of the 14th of March last file No. 111,926, relating to the statement of Lots in arrears in this agency.

In reply I beg to explain that I was expecting a complete list of unpatented lots before visiting Cayuga, however I visited there on Friday last the 5th inst, and now beg to report as follows:-

Sale No. 2 5 & 6 Lots 17, 18 & 19 North of Talbot Road 17, 18 & 19 South of Kerr St — George A. Gibson, owner - these lots are merely fenced, no other improvement and are used as pasture land. Mr Gibson refuses to pay the balance due and interest, but as the land in that neighborhood has been sold for 10^{xx} per acre, he is willing to

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY ▲ FILM ●

to pay $20.00 for these lots as they contain in all 2 acres
Sale No. 2364 27 North Kerr St, & 27 South Kerr Street - John R. Martin owner - These lots are enclosed by rail fence. No other improvements. The fences were built by Mr. Maxwell McClung who is occupying the land as pasture. The owner Mr. J. R. Martin does not reside in Cayuga. I understand that he executed an assignment for the benefit of his creditors some time ago. Mr McClung offers $10.00 for each Lot.

Sale No 2368 Lot 8 of Delaware Street - John Walsh owner. This lot is enclosed by a very poor rail fence. No other improvements. A creek runs through the lot and during the freshets overflows the land. Mr Walsh refuses to pay the balance due and considers he has already paid as much as the land is worth.

Sale no 2496 Lots 6 & 7 North of Joseph Street. 7 & 8 South of Princess

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

Princess Street, - John Thompson owner - These lots are enclosed by a fairly ~~good~~ good fence. The other improvements amount to a log house 16 x 18 feet. The former owner John Thompson has been dead some years, the son James Thompson is occupying the land and refuses to pay the balance due as it is more than the property is worth.

I would recommend the cancellation of all the above sales and resell the properties.

When these sales were made, property in Cayuga was more valuable and I am convinced that the balance on each lot in every instance is more than they are worth. I do not consider that there is any chance for property increasing in value and consider that as much can be procured now as at any other time.

I am convinced that many purchasers who agreed some time ago to purchase lots at

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

171022

at high prices and who only paid small instalments felt that they could hold the land without any further payment as others had been doing for years.

There are other lots in Cayuga. I would again ask that I be furnished with a complete list of the lots not patented in the Village of Cayuga as requested by my letter addressed to you and dated the 10th February last and ~~[illegible]~~ thereby dispose to the best advantage all the Indian lands in Cayuga

I am Sir
Your obedient Servant
~~E S [illegible]~~
~~Supt~~

Hayter Reed Esq
~~Depty. Supt.~~ Gen. of
Indian affairs
Ottawa
Canada

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Department of Indian Affairs.

Ottawa, 18th June 1896

The acting D. M.

MEMO.

Sale 2356

Lots 17, 18, 19. N. Sd. Talbot Road and lots 17, 18, 19. S. Sd. Kerr St, Cayuga were sold 17th Dec. 1870 to George C. Gibson, in whose name they stand:-

2 acres @	$60.00	
25% added	$15.00	$75.00
Paid at date of Sale	$25.00	
Paid 6th Feby. 1873	$25.00 (Int $3.25)	$50.00
Bal. Princ. due		$25.00

and int. @ 6% from date of Sale.

Regular notices sent for Dec. 1888 - 89 - 90 - 92 - 93 & 94 -

In letter of the 11th inst. Mr. Agent Cameron reports that these lots are ~~nearly~~ merely fenced - no other improvts. They are used as a pasture. Mr Gibson, the owner refuses to pay the balance & interest. but, as land in that neighborhood has been sold for $10. per acre, he is willing to pay $20. for the 6 lots as they contain 2 acres.

Approved Dchoff

Belts given Cameron the lists to ask for

over

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

2.

Department of Indian Affairs.

Ottawa, ... 189....

MEMO.

Sale 2364

Lots 27 S. Side Kerr St. and 27 N. Side Kerr St., Cayuga, were sold 23rd Feby. 1871 to John R. Martin in whose name they stand:-

1 acre @	$54 00	
25% added	$13 50	$67 50
Paid @ date of Sale		$22 50
Bal- Princ. due		$45 00

and int- @ 6% from date of Sale.

Regular Notices were sent for Febys. 1889-90-91 & 94.

In letter of the 11th inst. Mr Supt Cameron states that these lots are enclosed by a rail fence - no other improvt. The fences were built by Mr. Maxwell McClung who is at present using the land for pasture

Mr Martin does not reside in Cayuga and Mr McClung offers $10. for each lot.

over

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

3

Department of Indian Affairs.

Ottawa, ... 189....

MEMO.

Sale 23 66

Lot 8 E Sd Delaware St. & N. T. Rd. Cayuga, was sold 18th Mar. 1871 to John Walsh:-

1 60/100 acres at	$64.00	
25% added.	16.00	$80.00
Paid at date of Sale		$26.66
Bal. Princ. due		$53.34

and int. @ 6% from date of Sale.

Regular notices were sent for Mar. 1889 - 90 - 91 - 94 & 95 -

In letter of the 11th inst. Mr. Supt. Cameron reports that this lot is enclosed by a very poor rail fence - no other improvements The lot is cut in two by a creek which overflows the land during freshets - The owner, Mr Walsh says he has already paid as much as the lot is worth and refuses to pay the balance against it -

over

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

Department of Indian Affairs.

Ottawa, ... 189.....

MEMO.

Sale 2496

Lots Nos 6 & 7 N. Side Joseph St. and 7 & 8 S. Side Princes St, Cayuga, were sold 30 July 1884 to John Thompson in whose name it stands :-

4½ acres @ $30 00 P.A.	$135 00
Paid at date of sale	$45 00
Bal. Princ- due	$90 00

and int. @ 6% from date of Sale

Regular Notices were sent for July 1889-90-91-93-94 & 95.

In letter of the 11th inst- Mr. Supt Cameron states that these lots are enclosed by a fairly good fence - other improv^ts are a log house 16 ft. x 18 ft. John Thompson, the original owner died some years ago, but his son, James Thompson is in occupation - He refuses to pay the balance due as he claims it to be more than the property is worth.

Mr Cameron recommends that all these sales be Cancelled, namely, Sales 2356, 2364, 2368 & 2496, and that the properties be resold as, when these sales were made

Property

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

Department of Indian Affairs.

Ottawa, ... 189....

MEMO.

property in Cayuga was more valuable and as the balance in every case is more than the lot is worth.

In view of these facts and that the Sales have been on the Books for 12 to 25 years with only the 1st Instalments paid I would also recommend that they be cancelled and the properties sold to those who will give the most therefor over and above the Agents' valuation.

H.E.K.

J. D. McLean

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Indian Office
Brantford Ont
June 11th 1896

JUN 12 1896 DEPARTMENT OF INDIAN AFFAIRS

Sir.

I beg to refer to your letter of the 5th of March last file No. 111,926 in reference to the East part of Lot No 19 Con 1 South of Canboro Seneca and requesting me to see the owner of this Lot and inform him that the Department expects he will reduce the arrears against this lot within one month, otherwise the sale would be cancelled and the lots disposed off with the improvements to some other purchaser.

Sale 2419

LAND BRANCH JUN 12 1896

In reply I beg to state that I duly notified Mr Dagan, and he informed me that the amount due is considerably in excess of the value of the property.

On Friday last I again visited the property. Mr Dagan was not at home, his son informed me that he had the proof as to the value of the property, in the hands of W. A. D. Grant Esq. Barrister at Cayuga.

I then called upon Mr Grant when

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

when he supplied me with the enclosed declarations, one of Alexander Barry, and Patrick Fagan each declaring the land is not worth over $3.50 per acre, exclusive of the improvement.

I am satisfied that the property can never realize the amount that is due on it. The locality is not by any means a good farming district and land with improvements which is more valuable than this property can be purchased for, From $8.00 to $10.00 per acre.

The drainage is very poor in this portion of the Township.

I would recommend that the Sale be cancelled and the property be resold to the highest bidder

I am Sir
Your obedient Servant
E S [illegible]
Supt.

Hayter Reed Esq
Depty. Supt. Gen
Indian Affairs
Ottawa Canada

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dominion of Canada :

PROVINCE OF ONTARIO.

County of Haldimand

TO WIT

171923

Sold by Joseph Doust, Law Stationer, 58 Adelaide Street East, Toronto

In the Matter of the East part of Lot number nineteen in the First Concession township of Seneca South of the Stoney Creek Road in the said township of Seneca in the County of Haldimand containing sixty nine acres 400 sq ft more or less

I, Alexander Barry
of the township of Seneca
in the County of Haldimand Farmer

Do Solemnly declare that I know the land in question herein well having lived on adjoining land about twenty six years.

That in my opinion three 50/100 dollars an acre for the said land is a high price without improvements

That Patrick Fagan the applicant for the patent thereof has been in possession of said land for the last eighteen years or more and that the said Patrick Fagan is the owner of the improvements on said lands and that I know and have never heard of any adverse claim to the said Patrick Fagan

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act, 1893."

Declared before me at the town of Cayuga in the County of Haldimand this thirteenth day of April A.D. 1896 having been first read over

his
Alexander X Barry
mark

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Dominion of Canada:
PROVINCE OF ONTARIO.
County of Haldimand

TO WIT

Sold by Joseph Doust, Law Stationer, 58 Adelaide Street East, Toronto

474923

In the Matter of the East part of lot number nineteen in the first Concession Township of Seneca South of the Stoney Creek Road in the Said township of Seneca in the County of Haldimand containing sixty nine acres 400 sq ft more or less

I, Patrick Fagan
of the township of Seneca
in the County of Haldimand Farmer

Do Solemnly declare that I have been in undisputed possession of the said lands for the last eighteen years and that no claim exists to my knowledge against said lands save the right of the Crown

That I know the value of the property in that neighborhood and I verily believe that the land without improvements is not worth more than three $\frac{50}{100}$ dollars an acre

That I am the owner of the improvements on said lands

And I make this solemn declaration conscientiously believing it to be true and nowing that it is of the same force and effect as if made under oath and by virtue of THE CANADA EVIDENCE ACT, 1893."

eclared before me at the town Cayuga in the unty of Haldimand this hirteenth day of April

his
Patrick X Fagan
mark

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File111926-

MEMORANDUM

To the Acting Deputy Minister-

Ottawa 22nd June 1896-

With reference to Mr. Superintendent Caneron's letter of the 11th Instant, enclosing Affidavits by Patrick Fagan, owner of the East part of Lot 19, Con 1, South of the Camboro Road, Seneca, and Alexander Barrey, in which it is stated that this part lot has been occupied by Patrick Fagan for over 18 years and that $3.50 per acre, without the improvements, which were made by the said Patrick Fagan, would be a high price for the land, I beg to refer the Acting Deputy Minister to Memorandum of the 21st February last, pages 2 and 3, and would submit whether the sale be cancelled and the land re-sold to the highest bidder, as recommended by Mr. Superintendent Cameron in his letter under.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

File 111 926-

Department of Indian Affairs-

Ottawa 23rd June 1896-

WHEREAS the following Lots standing in the names of the undermentioned parties were sold to them subject to the payment of certain annual instalments,

AND WHEREAS it has been represented and established to my satisfaction that the said condition has been violated,

NOW THEREFORE by and in virtue of the powers and duties vested in the Superintendent General of Indian Affairs by the Indian Act, Chap 43, Section 46, Revised Statutes of Canada I hereby cancel the following sales and resume the lands held thereunder.

Sale 2356, Lots 17 18 and 19 N. Side of the Talbot Road Cayuga,
" 17 18 and 19 S. Side of Kerr Street, Cayuga,
standing in the name of George A. Gibson

Sale 2364, Lot 27 S. Kerr St. & 27 N. Kerr St. Cayuga, in the name of John R. Martin-

Sale 2368- Lot 8, East Side of Delaware Street & North Talbot Road, in the name of John Walsh-

Sale 2496- Lots 6 and 7, North Joseph Street, Cayuga ~~in John~~ in
" 7 and 8 South Princess St. " "
the name of John Thompson-

D Scott

Actg. Deputy Superintendent Genl-
of Indian Affairs-

1. Entd in Cancn Reg.
2. Ruled off Plan &
3. Ruled off Sales Bk

N.E.K.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

File 111 926-

✓ Sale 2419-

Department of Indian Affairs-

Ottawa 24th June 1896-

WHEREAS E Pt Lot 19, Con 1, South Canboro Road, Seneca, was sold on the 24th November 1876 to Patrick Fagan in whose name it stands, subject to the condition of certain annual instalments being paid,

AND WHEREAS it has been represented and established to my satisfaction that the said condition under which the said sale was made has been violated,

NOW THEREFORE by and in virtue of the powers and duties vested in the Superintendent General of Indian Affairs by the Indian Act, Chap 43, Section 46, Revised Statutes of Canada I hereby CANCEL the said sale and resume the said land.

Acting Deputy Superintendent General

of Indian Affairs-

1. Entd in Canc Reg.
2. Ruled off Plan
3. Ruled off Sales Bk

S.E.K.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Special letter 22-7-96.

THIS LETTER HAS BEEN SENT

Ottawa 25th June 1896-

Sir-

In reply to your letters of the 11th Instant reporting upon certain Lots in the Townplot of Cayuga and Township of Seneca, I have to inform you that, after due consideration, the Department has acted upon your suggestions and cancelled the sales of the following Lots, viz 17, 18 and 19 ~~South~~ North Talbot Road; 17, 18 and 19 South side of Kerr Street (Sale 2356); 27 South side Kerr Street and 27 North side of Kerr Street (Sale 2364); 8, East side of Delaware Street, North of Talbot Road, West of River (Sale 2368); 6 and 7, North side of Joseph Street and 7 and 8, South side of Princess Street (Sale 2496), Townplot of Cayuga, also the East part of Lot 19, Con 1, South of Camboro Road, Seneca (Sale 2419). You will be good enough to inform the Department at your early convenience, the price at which you consider each of these Lots should be sold, giving your value of the land and the improvements thereon separately.

Your obedient servant

(SGD) D. C. SCOTT

Acting Deputy Superintendent General

of Indian Affairs-

E. D. Cameron, Esq-

Indian Superintendent,

Brantford-

Ont-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

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CANADA

111926

176362

Indian Office
Brantford
July 27th, 1896

Sir.

I beg to acknowledge receipt of Special Notice dated 22nd inst requesting me to reply without delay to Official letter dated 25th June file No 111,926 relating to certain lots in the Township of Cayuga and Township of Seneca &c.

In reply I beg to explain. That it is a most difficult matter to give the price at which each of these lots should be sold, as property in the village of Cayuga which the Department is offering for sale very few if any pieces will purchase at its full value. and in fact it is difficult to get an offer for them unless the person owning the adjoining property will purchase.

Lots 17. 18. 19 N Talbot Road
" 17. 18. 19 S " St Cayuga

These lots are enclosed & by one fence and in one field, Mr G. A. Gibson is using them as a pasture

Sale 2356

LAND BRANCH JUL 28 1896

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pasture field. There are no improvements further than an old rail fence. Mr Gibson offers 25ˣˣ dollars for all the Lots. I consider that Mr Gibson can and will pay as much as any other person. The first offered 15ˣˣ, but I refused to report his offer hoping he would increase it finally he offered 20ˣˣ which is the most I could get from him.

G.A. Gibson
Offers $20. for these 6 Lots

Sale 2864

Lots 27 S Ken St
27 N " Cayuga

Mr Maxwell McGlashan values these lots as a pasture field. He has a slaughter House on the adjoining lot and offers $20ˣˣ for both lots. There is merely a rail fence enclosing both lots, no other improvements.

Mr Maxwell McGlashan
Offers for these
Lots $20.00 "

Sale 2368

Lot 8 E. Delaware st Cayuga

Mr John Walsh holds possession of this lot and offers $10ˣˣ for it. The only improvement is a very poor rail fence, and during the freshets it is overflowed

John Walsh
Offers $10ˣˣ

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176362

Jas Thompson offers $40 for the 4 lots

Sale 24.96

Lots 6 & 7 N Joseph Street
7 & 8 S Princess St Cayuga.
Mr James Thompson who is occupying these lots offers $40.00 for the four lots. There is a log house 16 x 18 with fences fairly good. The improvements I consider worth about $20.00.

I have not visited these properties since my report of 11th June last, when I recommended the cancellation of the sales, since they are for sale I may possibly in some instances obtain better offers should I visit the properties. When the Village of Cayuga was located some years ago it was thought that a city of great importance would be the result, and the corporation is very large; but the village is not as brisk as some 20 years ago and certainly property not in such demand and not nearly so valuable or saleable. There are a number of lots in Cayuga, which has not been sold. If you would furnish me with a complete list as I requested in my letter to you dated

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KODAK SAFE

176362

dated 10th February last, I would suggest that I be instructed to visit Cayuga, and endeavour to dispose of all the unsold or unpatented lots, or at least obtain the best offers and submit same to you before taking action.

Sale no 419

Re Eplt lot 19 Con 1 South
Talbot Road Seneca

This property is occupied by Mr Patrick Fagans. In my report to you dated 11th June past I enclosed a couple of declarations setting out that the land is not worth over 3.50 per acre exclusive of improvements. I am aware that land in this section is not very marketable, I also learned when in Cayuga that property in that neighborhood with far better improvements can be purchased from $8.00 to 10.00 per acre I would suggest that this property be offered to Mr Fagan at 5.00 per acre.

Cyt advises the sale of this lot @ $5.00 per ac.

I am
Sir
Your obedient Servant
E. D. Cameron
Supt

H. Reed Esq
Deptly Supt Gen
Indian Affairs
Ottawa.

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111 926-

West of Grand River.

Brittania St&North side Lots 1, 2, 3, Sales 2607 + 2609

Brittania St.South side Lots 1, 2, 3, &Part 4. do

Clench St.North side Lots 1, 2, 3, 4. S-2607 do

Sold Dixon St.West side Lots 1, 2, 3, 4, 5. — See De Cew's Plan for S. No.

Erie St.South side, Lots Part 1, 2, 3. 4 4, N Sd. of St. -

Deleware St.East, and N.Talbot Road Blocks 1, 6, 8. 8610

George St.South Part 1, Part lot 2.

King St.South side ~~Lots~~ Part lot 1 and lot 4.

Sold Deleware St.East side & S.of Talbot Road Block 5. - Sold - See De Cew's plan

Moravian St.South side Lots 1, 2, & Part 3,

Onondaga St.East side & N. ~~Talbot Road~~ Britannia St. Pt Lot 1.

Queen St.South side North Part Lot 1. & 2

East of River Road, Block A. — DeCew's plan —

Oneida St.East side & N.of ~~Talbot Road~~ Moravian St. Gore Lot 1.

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For Sale

111,926

List of Lots unsold in the Townplot of Cayuga, as far as can be ascertained, to be examined and valued by the Agent.

East of Grand River,

~~Brant St, North side, --Lots 21, 22, 23, 24, 25, 26,~~ Sale 2589. Sale 1829 cancelled-Vacant

~~Brant St, South side --Lots~~ 3, 4, ~~23, 24, 25, 26, 27, 28,~~ Sale 2589

~~Chippewa St, North side--Lots 31, 32, 33.~~ Sale 2589.

Chippewa St, South side ---Lots 11, 27.

Echo St, North side--- Lots 15, 16.

Echo St, South side Lots 14, 15, 16.

Joseph St, North side Lots 12, 13, 14.

Joseph St, South side Lots 4, 5, 6, & Park Lots 8, 9, 10, also Lots in rear of ~~8, 9, 10,~~ Sale 2590 Joseph St, South side.

Kerr St, North side Lots 8, 27.

Kerr St, South side --Lots 13, 14, 23, 24, 17, 18, 19, 27. Let 20 Dec. 97

Mohawk St, South side Lot 8.

~~McKay St, North side Lots 21, 22, 23, 24, 25, 26,~~ Sale 2589

~~McKay St, South side Lots 21, 22, 23, 24, 25, 26.~~ Sale 2589.

Norton St, North side Lots 4, 16, 17. Let. of 20 Dec 97.

Obadiah St, North side Lots 15, 16.

Obadiah St, South side Lots 15, 16. ? +

Ouse St, West Lots 1, 2, 3, 4, 5, 6, 17, 18.

Princess St, North side Lots 23, 24

Princess St, South side 7, 8, 11, 12, 13, 15. Sale 2536 Let. of 20 Dec. 1894.

Talbot Road North side Lots 7, 17, 18, 19, 23, 24.

Talbot Road South side Lots 21, 22, 29. Sale 2589 Let. 20 Dec. 1894.

~~Tuscarora St, North side Lots 24, 25, 26, 27, 28, 29,~~ Sale 2589

~~Tuscarora St, South side Lots 31, 32, 33.~~ Sale 2589

Victoria St, South side Lots 15, 16.

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PUBLIC ARCHIVES
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111 926

Ottawa 2nd October, 1896-

Answer Required- Special letter 16-1-97

Sir, THIS LETTER HAS BEEN SENT

With reference to your letter of the 27th July last, in which you state that one G.A.Gibson offered $20.00 for Lots 17, 18 & 19, North Talbot Road, 17, 18 & 19, South of Kerr ST. Cayuga; that Maxwell McClung offered $20.00 for Lot 27, South KerrSt, and Lot 27, North Kerr St. Cayuga, ~~xxx~~; that J.Thompson offered $40.00 for Lots 6 & 7, North Joseph St, and 7 & 8, South Princess St. and, John Walsh offered $10.00 for Lot 8, East Deleware St. Cayuga, also suggesting that the East part of Lot 19, Con. 1, South of Talbot Road, Seneca, be sold to Patrick Fagan, for $5~~0~~. per Acre, I have to inform you that the Department considers the offers submitted very ~~xxxxxx~~ low for these properties. As you stated, however, in your letter referred to above, that possibly you might obtain better prices, after a visit to the properties in question, the Department is awaiting further and possibly better offers than these made.

With reference to Lots 6 & 7, North Joseph St. and 7 & 8, South Princess St. for which Mr. J.Thompson has offered $40.00, and on which you report certain improvements to exist, also the East part Lot 19, Con. 1, South Talbot Road, Township of Seneca, ~~xxx xxxxx xx.xxxxx~~ I have to request that you will advise

A.E.K.

E.D.Cameron, Esq,
Indian Superintendent,
Brantford,
Ont.

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advise the Department whether better prices cannot be obtained in these cases.

I am enclosing a List of unsold Lots in your Agency, and have to request that you will visit Cayuga as suggestedby you, in order to obtain the best offers for all or as many as possible, of the properties included in the List. In submitting your report to the Department, it will be necessary to state your own valuation, in each case, giving the price of the Lot or Lots, and the value of the improvements separately.

Your obedient servant,

(SGD) HAYTER REED

Deputy Superintendent General

Of Indian Affairs.

WAD

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Your obedient servant,

(SGD) HAYTER REED

Deputy Superintendent General

Of Indian Affairs-

WDD

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111926 ~~184090~~

180647

LAND BRANCH
SEP 16 1897

DEPARTMENT OF INDIAN AFFAIRS
SEP 13 1897

Indian Office, Brantford.

September 9th, 1897.

Sir.

Last week I visited the Village of Cayuga, in the County of Haldimand, to endeavour to dispose of a number of lots there, which have not been disposed of and now beg to report thereon.

Lots 3 and 4 South Brant Street;

These are in possession of the Roman Catholic Church. I find by the correspondance in this Office, the Rev. Father Bardo then Priest there offered $10.00 for each lot. The present Priest is under the impression the Church purchased all the lots in their possession; I beg to recommend that these be sold to the R.C. Church for $10.00 for each lot which I consider a fair price. These are inclosed by a picket fence with no other improvement, each lot contains quarter of an acre.

Lot 11 South side Chippewa Street,

This lot is inclosed with a fence together with another lot, and is occupied by Mrs Crawford, widow of the late John Crawford, there are a few small fruit trees on this lot, and beg to recommend the same be sold for $10.00 to Mrs Crawford, This lot contains ¼ of an acre.

Lots 15, 16 North Echo Street,
" 15, 16, South Obediah Street
" 1, 2, 3, 4, South Victoria Street,

These

Deputy Supt. General
Indian Affairs-
Ottawa.

$40.00 per acre

Rate of $40.00 per acre

See New form of Cancellation dated 23rd Nov. 1897 this File. Agt. authorized in letter of 26th Nov. to sell these lots to Mr. C. S. Martin. A.F.K.

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CANADA

180647

These are occupied by Mr E.S.Martin, there are no improvments beyond an old rail fence. The lots on Victoria St. contain ¼ of an acre, the other lots contain ½ an acre. I beg to recommend that these be sold to Mr Martin at the rate of $10.00 per acre, being the price which you instructed me in your Official letter dated 16th March File No. 184 090, to sell other lands to Mrs Rebbitoy, and which are worth as much as these occupied by Mr. Martin.

$10 per acre
$30.00 for all

Lot 27. South Chippewa Street,
" 28, North side Princess Street,

These are occupied by Mrs Elizabeth Rockett and are inclosed by a rail and slab fence, there is a frame house 12 x 24 feet, which I valued at $100.00 which is not in very good repair, and would recommend that these be sold to Mrs Rockett at the rate of $10.00 per acre, each lot contains 2½ acres.

$10.00 p.a.
$50.00 for the lot

Lots 14, 15, &16, S.side Echo Street,
" 16 & 17 N.Norton Street,

These are occupied by Micheal Curran, the lots contain ¼ of an acre each, there are no improvements beyond a rail fence, a Creek flows through these and during the freshets they are overflowed by this Creek. I would beg to recommend that these be sold to Mr. Curran at $10.00 per acre.

$10.00 p.a.
$12.50 for the lot

Lot 8, North Kerr Street,
" 8, South Mohawk Street,

These are occupied by Mr T Hodder the only improvment is a rail fence, Mr Hodder offers $10.00 for the two lots, as they contain ¼ of an acre each, which I consider a fair price, and beg to recommend that the same be sold to Mr Hodder.

$20.00 p.a.

For Lot 4 N Norton St: see agents letter of the 20th Dec. 1897.

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CANADA

3

100647

Lot 27, North Kerr Street,

" 27, South Kerr Street,

These are occupied by Mr Maxwell McClung who owns the adjoining lot, which he is anxious to purchase, there are no improvements beyond a rail fence, he offers $20.00 for the two lots, they contain ½ an acre each, and beg to recommend that these be sold to Mr McClung.

Lots 13 & 14 S. Kerr Street, — 1/4 ac. each

These are in commons no inclosure whatever, Mr Joseph Murray who is out of Town is anxious to purchase them. These lots I consider are worth $10.00 each and beg to ask authority to sell them at that figure.

Lots 17, 18, 19 South Kerr Street,

" 17, 18, 19 North Talbot Street,

These are in possession of Mr Geo. A. Gibson, each lot contains one-third of an acre, he offers $20.00 for the 6 lots there are no improvements on them and during freshets are overflowed with water. I was unable to procure a higher offer, as these are opposite or near those sold to Mrs Rebbitow at the rate of 10.00 per acre, cannot expect to receive more, I will therefore recommend these to be sold at rate offered.

Lots 23, 24 South Kerr Street,

" 23, 24, North Talbot Street,

These lots contain ½ an acre each and are in possession of Patrick Cranny, no improvement beyond a rail fence. Mr Cranny is very old and is not in a position to purchase. I would recommend that these be offered for sale at the rate of $10.00 per acre, subject to any claim or improvement made by Mr Cranny.

For Lt 7 N. Side Talbot Rd
see Let of the 20/12/97

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4

130647

See letter of the 10 Dec-18 E.J. re exchange of certain lots

✓ Lots 15,16, N.side Obediah Street,

✓ " 15,16 S.side Victoria Street,

These are inclosed by a high board fence together with a number of other lots and are in possession of and form a part of the grounds of the County of Haldimand Agricultural Society, and would recommend that the lots marked as Court House grounds East side Muncey Street be released by the County in lieu of above lots which property until a few years ago was occupied by the Agricultural Society as their Fair Grounds.

✓ 1,2,3,4,5,6. Ouse Street. West

These are not marked on the Map in this Office Please let me know what streets intersect them if these lots are numbered the same as the East side they simply contain the River bank.

✓ Lots 6 & 7 N.Joseph Street,

✓ " 7 & 8, S.Princess Street,

These contain 5 acres in all and were in possession of the late John Thompson at the time of his death. The improvements amount to a partly board and log house 16 by 18 feet, all inclosed by a rail fence, I consider the improvements worth about $200.00. The children of the late John Thompson are now seperated, I beleive some are now in British Columbia and the widow died subsequently. There is one daughter Margaret living in Cayuga who desires to purchased these lots, and beg to recommend that this land be sold to her at $10.00 per acre.

About 4½ acs in the 4 lots

$10. p. a

$45.00 for the 4 lots

✓ Lots 13,14, N.Joseph Street,

✓ " 15 S.Princess Street.

These lots contain 7 acres and are occupied by Mr. Thomas Cline with no improvements beyond a rail fence,

7 acs

$10. p. a

$70.00

and

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190647

and beg to recommend the same be sold to him at $10.00 per acre.

Lots 4,5,6.S.Joseph Street,

These are occupied by William Sinnett, there is a stable 18 by 24 feet valued at $100.00 thereon. The lots are inclosed by a rail fence, and beg to recommend the same be sold to Mr Sinnett at $10.00 per acre.

about 3 3/4 acs.
$10. P. a.
$37.50

Lot 8, S.Joseph Street,
" 8, in rear of S.Joseph Street.

These are in possession of Richard Sinnett, there are no improvements beyond a rail fence, I would recommend that ~~it~~ these be sold to him at the rate of $10.00 per acre.

about 2 1/4 acs.
$10. P. a.
$12.50

Lots 9,10 S.Joseph Street.
" 9,10, rear of S.Joseph Street,

Sale 2590

These lots are in possession of George Lishman, he has a small frame house thereon and a barn which I valued at $100.00 together with a few fruit trees and a rail fence. I have advised Mr Lishman that these will be sold to him at $10.00 per acre as authorized by your letter of 18th March last File No.184088, he informs me that he will complete the sale early in October.

Sale 2590
Ref. 118 64

Lot 24, ~~S~~ N.Princess Street.

This lot is in possession of Peter Cline, there is a small frame house one and a half story and a small kitchen attached and a small barn all of which I valued at $200.00, the lot is inclosed with a board and rail fence, and recommend the same be sold to Mr Cline at ~~xxx~~ $10.00 per acre.

what is one?
$10. P. a.
File 198425

Lots 11 & 12 S.Princess Street.

These are in possession of Miss Maggie ~~Warrick~~ Barnrick, no

$10. P. a.
about 1 1/8 ac.

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6

what is area?

no improvements, a rail fence inclosing these lots with others, and beg to recommend to have the same sold to Miss ~~Vanrick~~ Bamrick at $10.00 per acre.

I am

Sir.

Your obedient servant.

E. D. Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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111 926

Ottawa October 28th 1897-

Sir,

With reference to your letter of the 9th Ultimo, reporting upon certain unsold Lots in the Townplot of Cayuga,.. accompanied by a valuation thereof, I have to state that a report on only a part of the number of Lots contained in the List sent you under cover of letter of the 24th October, 1896, has been received.

As this matter has been held pending the receipt of your report on the remainder of the Lots, referred to in the List, and in order that the whole question may be considered, I should like to be furnished with the additional report, at as early a date as possible. You will kindly explain why you did not give your valuation of each Lot in the List referred to, as requested in the letter to you submitting the same.

With reference to your report on Lots 1, 2 3 & 4, South side of Victoria St., which you value at $[illegible].00 per Acre, and recommend a Sale at that price, I have to inform you that, according to the Books of the Department, these Lots stand in the name of John Robert Carroll, and were paid for in full in 1881 (Sale No 1353).

Your obedient servant,

J. D. McLEAN

Secretary-

H. D. Cameron, Esq.,

Indian Superintendent,

Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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192138 111926

NOV 5 1897

Indian Office, Brantford.

November 3rd. 1897.

Sir.

I beg to acknowledge the receipt of your letter of the 28th October last, No. 111 926, in reference to the unsold Lots of the Townplot of Cayuga, and requesting me to explain why I only made a report of part of the list of the lots you sent me, and why I did not give valuation of each lot in the list, and also stating that lots 1, 2, 3 and 4 South of Victoria St. which I recommended to be sold are entered in the books of the Department in the name of John Robert Carroll, and paid for in full in 1851, (sale No. 1555).

LAND BRANCH NOV 5 1897

In reply I beg to explain when I visited Cayuga, to inspect the lots in the list you sent me, I was two days inspecting the lots on the East side of the River, and as I had an appointment in the Office here I could not remain to complete the work on the West side of the River.

I duly reported to you the result of my work on the East side, in hope that you will approve of same, and when I visit Cayuga in reference to the West side of River I could close the sale as well as those on the East side of the River.

As to the value of each lot, the recommendation I

The Secretary-
Dept. of Indian Affairs-
Ottawa.

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How ag.t arrived at his valuation

made for the sale of each lot was the value I placed on the same. It is difficult to value property particularly when it has so depreciated invalue, but the price I ~~xxxxx~~ learn could be obtained for the lots was how I arrived at my valuation. When the Town of Cayuga was mapped out many years ago, it was expected that the place would rapidly increase and become a large town, and the corporation extend~~ing~~ed some distance, ~~and as a~~ But the result is it is simply a Village with a population of about 1000, who are occupying lots near the banks of the Grand River, while the back lots together with the Streets are enclosed by a fence as farm lands, the occupants of some of these unsold lots in many instances hold patents for portions of the land and desire to retain possession of all without paying anything for the unpatented land. It is therefore very difficult to locate these lots.

The Department have sold a number in the past at $8.00 and $10.00 per acre, but where I find one person is simply holding one or two lots I do not value these by the acre, but by the lots occupied by him according to their location.

As to Lots 1, 2, 3 and 4 Victoria St. the books in the Office show that on November 15th 1851, Sale No. 1655, a number of lots were sold to John Robert Carroll for the sum of $1177 leaving a balance due the Department which with $8.00 for a patent to Belzner of lots 14, 15, and 16 S. Mohawk St. left a balance of $721.66 due the Department. The books here also show that this balance was never paid, and that the sale to John R. Carroll was cancelled by order of the Department 11th October 1885, and as there is no entry of a subsequent sale, I submit that the same be resold to Mr Martin together with other lots as recommended by me.

See new cancellation from dated 23 Nov. 1897 on this file

$713.66

File See Letter of 11th Oct 68

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192433

To my knowledge Mr Carroll has not occupied any property in Cayuga for over 30 years. I will in the course of a few days again visit Cayuga and make an inspection and valuation of the lots on the West side of the River and consider it important that I could be in a position to close any sale on the East side of the River as recommended by me.

I am

Sir,

Your obedient servant.

E. D. Cameron

Supt.

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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111 926-

Ottawa 10th November 1897-

Sir-

In reply to your letter of the 3rd Instant, in which you state that the sale to Jno.L.Carroll was cancelled by order of the Department on the 11th October 1865 I beg to inform you that the letter addressed on that date to your predecessor, Mr.Gilkison, does not appear to contain advice as to cancellation of the sales of Lots 1,2,3 and 4 Victoria Street, and I should be obliged if you would favour me with any further information you may have in your Office in this matter, forwarding, if necessary, the document to which you refer.

Your obedient servant

J.D.McLEAN

Secretary-

E.D.Cameron,-Esq-
Indian Superintendent,
Brantford-
Ont

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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192808

Dr. John Robert Carroll Cr.

Town of Cayuga

Sales 690 and 1555

1851				1851			
Nov	14	Lot 27 S Kerr St	56 00	Nov	14	By pt Instalm	392 67
		" 15 & 16 N do	85 00			on sales 690 & 1555	
		17.18.19 & 27 do	190 00	1858			
		12 S. Mohawk St	73 00	Feby	5	Assigned to	
		14.15 & 16 do	106 00			Belzner Lots	
		17.18 & 19 do	133 00			14.15 & 16 S. Mohawk St	70 67
		5 8 & 9 S Echo St	403 00	1862			
		1 S Victoria St	54 00	June	1	By Balance to	
		2.3 & 4 do block	77 00			date per Schedule	713 66
		$	1,177 00			$	1,177 00
1862			~~1862~~	1862			
June	1st	To Balance	713 66				
		& int from 14 Nov 51					
		To Extra Patent for					
		Jno Belzner					
		Pr agreement 8 Feb 58	8				
			721 66				

Cancelled per order of the Dept 11 Oct 65

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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192808 111926

DEPARTMENT OF INDIAN AFFAIRS NOV 17 1897

Indian Office, Brantford. Nov

November 16th, 1897.

Sir.

I beg to acknowledge the receipt of your letter of the 10th instant File No.111 926, requesting me to furnish you any further information which may be in this Office in reference to the cancellation of the sales of Lots 1,2,3, and 4 South Victoria St.

LAND BRANCH NOV 18 1897

In reply I beg to enclose a copy of the entry of Sales 690 and 1555 from the Sale Books in this Office.

You will observe that a number of Lots were sold to John Robert Carroll, among them being lots 1,2,3 and 4 S.Victoria St. which I recommended be sold to Mr E.S. Martin. I also find that some of the above lots have been resold as follows:-

November 1865-Sale No 2185, Lots 16 and 17 North Kerr St.

April 25th, 1881-Lots 17,18 and 19 S.Mohawk St. 17, 18 and 19 S.Kerr St. all to John Belzner, which I submit show that the sale to Mr Carroll must have been cancelled.

I also find in the Land Sale Books, notes under various sales cancelled by order of Department 1865, which appears to me, that a general order was issued cancelling a number of sales in the Town of Cayuga. I am writing to visit Cayuga next Monday.

I am

Sir.

Your obedient servant.

E D Cameron

Supt.

The Secretary-

Dept of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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File 111 926-

M E M O R A N D U M.

Ottawa 20th November 1867

Lots 1,2,3 and 4, South side Victoria Street, Cayuga were sold on the 14th November 1851 to John Robert Carroll, in connection with certain other lots, the sales of which Mr. Superintendent Cameron stated, in his letter of the 3rd Instant, Were Cancelled by order of the Department, 11th October 1865, ~~were cancelled~~, and no subsequent entry of sale has ~~been~~ been made.

After examining the letter to which Mr. Cameron referred, there was some doubt as to the cancellation referred to, and Mr. Cameron was again written to on the 10th Instant and requested to furnish any further information which he might have in his office in connection with the matter. In reply Mr. Cameron stated, in his letter of the 15th Instant, that he found in the Lands Sales Books notes under various sales, " Cancelled by order of Department 1865", which, he said, appeared to him, that a general order had been issued cancelling a number of sales in the Town of Cayuga. He also enclosed a copy of the entry of sales 690 and 555 from his Sales book showing that a number of lots were sold to Mr. Carroll among them being the ones referred to herein viz:- 1, 2, 3 and 4, South Victoria Street (as under) are pointed out that, while these Lots had not been re-sold, most of the other Lots

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EASTMAN SAFETY FILM C

Lots, included in the Sales to which he refers, had been re-sold at differnt times. Mr. Cameron concludes that, therefore, the Sales must have been cancelled, as stated in his former letter, and he recommended that Lots 1, 2, 3 & 4, South of Victoria St, be sold to Mr. E. S. Martin, who is in occupation thereof, at the rate of $10.00 per Acre. The 4 Lots contain together two Acres.

In view of the facts that the Sale (1555) as it appears on the Books of the Department, is over 46 years of record, with only 1/5 of the purchase money paid, that Mr. Supt. Cameron fully believes that the Sale was cancelled in 1865, but, that all doubt as to the cancellation may be removed, I would recommend that the usual form of cancellation be approved, and placed on file, and that these Lots be, as recommended by Mr. Cameron, offered to Mr. E. S. Martin, at $10.00 per Acre, either Cash, at the time of purchase, or 1/3 Cash, and the balance in 4 equal annual instalments, with Interest thereon @ 6% from date of Sale to date of payment.

N. E. Kemp

W. A. Orr

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File 111 926
Sale 1555.

Department of Indian Affairs
Ottawa 23rd November, 1897-

WHEREAS Lots 1, 2, 3 & 4, South side of Victoria St, in the Townplot of Cayuga, were sold on the 14th November, 1851, to John Robert Carroll, subject to the conditions of actual occupation, the performance of certain settlement duties, and the payment of equal annual instalments,

AND WHEREAS it has been represented and established to my satisfaction that the conditions under which the said Sale was made have been violated,

NOW THEREFORE by and in consideration of the powers and duties vested in the Superintendent General of Indian Affairs by the Indian Act, Chap 43, Sec. 46, Revised Statutes of Canada, I hereby CANCEL the said Sale, and resume the said lands.

Deputy Superintendent General
of Indian Affairs-

H.E.K.

1 Entd in Canada Reg.
2. Ruled off Plan &
3. Ruled off Sales Bk -

H.E.K.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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111 926-

Ottawa 26th November 1897-

Sir-

In reply to your letter of the 16th Instant, I have to inform you that, in order to remove all doubt in regard to the cancellation of the original sale of Lots 1 2, 3 and 4 South side Victoria Street, Cayuga, to which you refer, a formal cancellation of the sale (1555) has been approved by the Department and authority given for a re-sale of these Lots to Mr. E.S. Martin at $10.00 per acre, as recommended in your letter of the 9th September last, provided that Mr. Martin is in occupation and there is no adverse claim to the property.

Sale 2594

With reference to your remark, in letter of the 3rd Instant, in connection with the list of Lots sent you some time ago for inspection and re-valuation, that at the time you visited Cayuga, you were unable, owing to an appointment at your Office, to complete the work of inspection on the West side of the River, I have to state that, in looking over your report, I find that you have not dealt with any of the Lots on the West side of the River and with only a portion of those on the East side, included in the list.

A.E.K.

Your obedient servant

J. D. McLEAN

Secretary-

E. D. Cameron, Esq-
Indian Superintendent,
Brantford-
Ont-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

193197 111926

DEPARTMENT OF INDIAN AFFAIRS
DEC 1 1897

Indian Office, Brantford.

November 30th, 1897.

Sir.

I beg to acknowledge the receipt of your letter of 26th November, File No 111 926 authorizing me to resell Lots 1, 2, 3 and 4 South side Victoria St, Cayuga, to Mr E.S.Martin at 10.00 per acre and also notifying me that in my report of the 9th September last, I only reported on a portion of the lots on the East side of the Grand River included in the list you sent me.

BRANCH
DEC 1 1897

In reply I beg to state that I have dealt with all the lots on the East side of the River except the follow ing and for the reasons marked after each lot:-

Lot 4 N.side Norton St.is in occupation of the estate of the late Alexander Baird, it is claimed that he purchased this lot some years before his death. I was unable to find any record of a sale so far, but was alway under the impression that he owned this property.

17 and 18 West Ouse St. contains a very narrow strip of land between the road and river, there are no improv- ments, and could not be of any use for any purpose, the river bank being worn away.

13, Princess St, sold and patented to John Humpries Sale No 2536.

I also recommended in my report that Lots 15 and 16 N.Echo St, 15 and 16 S.Obediah St, 1, 2, 3 and4 S.Victori St, be sold to E.S.Martin at $10.00 per acre. You have authorized me to sell 1, 2, 3, and 4 to him at that price,

The Secretary-
Dept.of Indian Affairs-
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

193197

I beg to ask authority to sell to him 15 and 16 N.Echo St, and 15 and 16 S.Obediah St at the same price.

I was unable to visit Cayuga at the time appointed, I- on the West side of the River, as Mr Colter, Barrister, etc was engaged in the Sternaman murder trial, I would be unable to do any business, as he was acting for those in occupation of various properties in Cayuga, I hope to arrange with him in a few days.

I am

Sir.

Your obedient servant.

W D Lamont

Supt,

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111 926-

Ottawa 3rd December 1867=

Sir,

In reply to your letter of the 30th Ultimo, with further reference to your report on Lots in Cayuga, I have to state that Lot 4, North side of Norton Street, Cayuga, is not shown by the records of the Department to have ever been sold, but, as you state that you are under the impression that this Lot was owned by the late Alexander Baird, you will be good enough to make a thorough investigation of the matter and report to the Department, in order that the Lot may be disposed of.

With reference to Lots 17 and 18, West side of Ouse Street, if this narrow strip of land between the road and the River could not, as you state, be of use for any purpose, the bank of the River having been worn away, the question of a sale need not, of course, be considered any further.

Upon further examination of the list of Lots sent you, under cover of letter of the 24th October last, it is observed that you have not reported upon Lot 7, North side Talbot Street, and Lot 20, South side Talbot Street. You will therefore be good enough to furnish the Department with your report on these Lots, when the question of disposing of the unsold Lots East of the River will be fully considered.

Your obedient servant,

J. D. McLEAN

Secretary.

E. D. Cameron, Esq.,
Indian Superintendent,
Brantford,
Ont-

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CANADA

193379 111926

DEPARTMENT OF INDIAN AFFAIRS DEC 9 1897

Indian Office, Brantford.

December 8th, 1897.

Sir.

I beg to acknowledge the receipt of your letter of the 3rd instant File No.111 926 in further reference to the Lots in Cayuga on the East side of the Grand River, requesting me to furnish you a report upon Lot 7, North side Talbot St. and Lot 29 South side Talbot Street which I omitted in my former report.

In reply I beg to state that Lot 7, North side Talbot Street is with a number of other lots in a public commons and not enclosed with any fence, and no improvements thereon. I was informed when in Cayuga that Joseph Murry would like to purchase the property, but as he was out of Town I was unable to see him.

This lot omitted from list where agt ex'd & valued lots on E. sd. of Riv.

As to Lot 29 South side Talbot Street this is enclosed together with a number of other lots and streets with a rail fence, there are no other improvements thereon. I was informed that John Humphries had purchased this lot with a number of others some time ago, as he was at his brick-yards some distance away I was unable to see him.

I have arranged to leave here for Cayuga next Monday evening, I would like to be in a position to close as many sales on the East side of the River as possible when there. I therefore beg to ask that I be informed of your decision in reference to these lots before then.

Richard Sinnett who I recommended should be permitted to purchase the lots on South Joseph St has written to me in reference to purchasing these lots.

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CANADA

No doubt he will close the sale when I am in Cayuga, if you will approve of my recommendation.

I will look into Lot 4, North side Norton Street, when in Cayuga.

I intended to, and will look up lots, 7& 29 on Talbot St. on east side of the river when looking into the lots on the west side.

I am

Sir,

Your obedient servant,

E D Cameron

Supt.

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111 926

Ottawa 10th December, 1897-

Sir,

With further reference to your valuation of Lots in the Village of Cayuga, East side of the Grand River, and report thereon of the 9th September last, I have to request that you will advise the Department whether the County of Haldimand Agricultural Society would be willing to relinquish the block of land marked "Court House Grounds" East of Muncey St, as recommended by you, in lieu of Lots 15 & 16, North Obadiah St. and 15 & 16, South Victoria St. You will also state whether, in case of such relinquishment, the Society would not require, in addition to the above, Lots 15 & 16, North Echo St. and 15 & 16, South Obadiah St., especially as the block of land which you recommend be relinquished by the Society, is somewhat larger than the eight Lots above referred to.

Your obedient servant,

D. McLEAN Secretary-

E. D. Cameron, Esq.
Indian Superintendent,
Brantford,
Ont.

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CANADA

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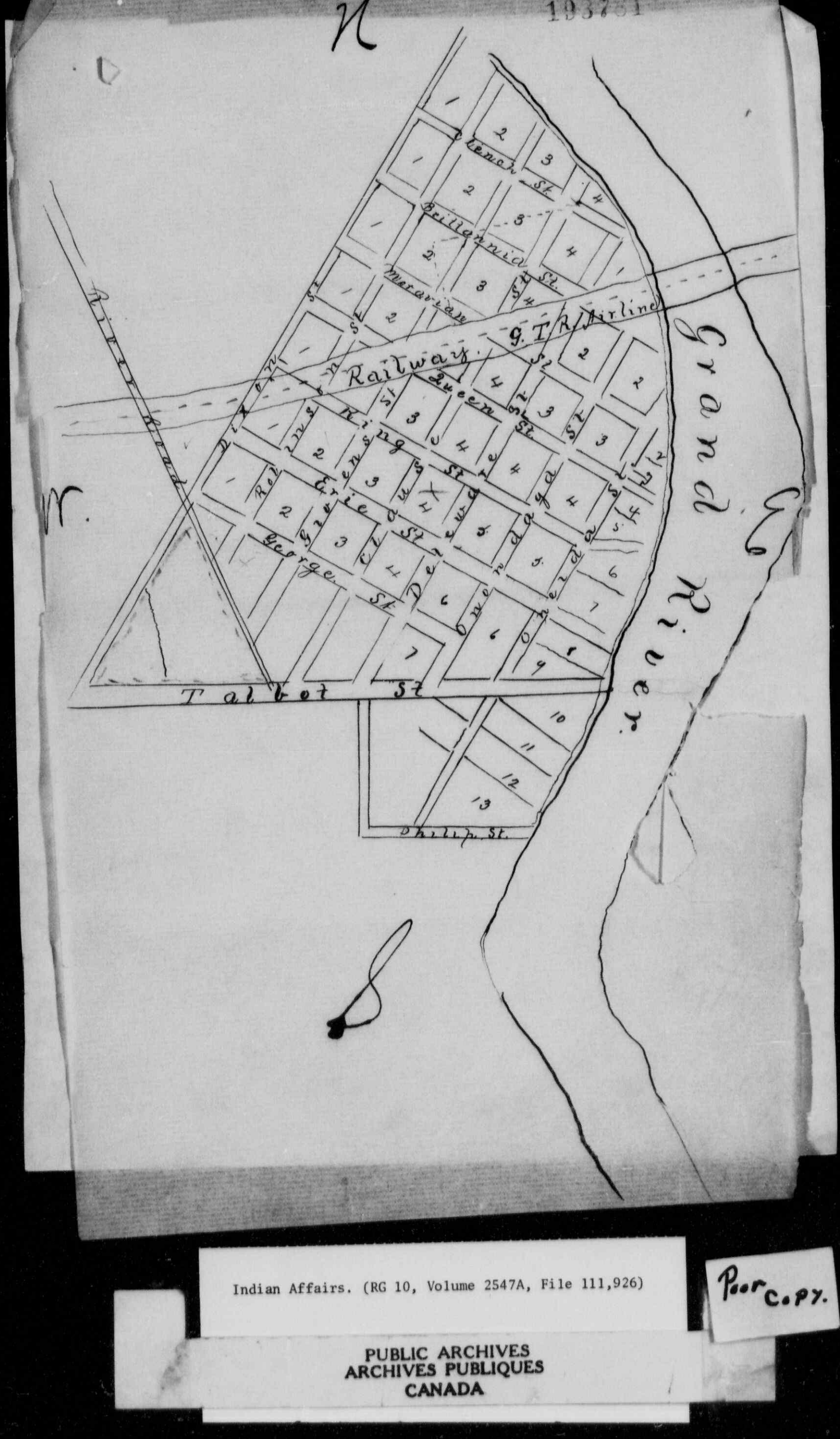

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CANADA

193731

111926

Indian Office, Brantford.
December 20th 1887

Sir.

Last week I visited Town of Cayuga in reference to the unsold Lots there and now beg to report.

On the East side of the River as mentioned in your letter of the 3rd instant, File No.111 926 I find:-

Lot 4, North Norton Street, is occupied by the estate of the late Alexander Baird, there are no improvement beyond a fence which is enclosed together with other lots, I value the same at $10.00, and would recommend that this Lot be sold to Mrs Baird at that price.

Lot No.7, N. Talbot Street is in a commons together with a number of other lots no improvements thereon not even a fence, Mr Joseph Murray has paid the taxes thereon for some years, and is anxious to purchase together with 13 and 14 South Kerr Street. I value the three lots at $30.00 and beg to recommend that Lot 7, North Talbot St. 13 and 14 South Kerr Street be sold to Mr Murray for the sum of $30.00

Lot 29, South Talbot Street, this lot is enclosed with a number of other lots with a rail fence and is in possession of John Humphries, there are no buildings on any portion of the enclosure. Mr Humphries was not at home and will not return until spring, I consider the lot worth $10.00, and would recommend the same be sold.

The Secretary-
Dept of Indian Affairs-
Ottawa.

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I cannot understand why he did not purchase this lot when purchasing lots in the vinicity, these complete the unsold Lots on the East side of the River.

West side of the River:-

I find all Streets North of Talbot are closed except King and Oneida, and find great difficulty in learning what Lots are in possession of each person.

Lot 1 East of Deleware, Lot 1 East of Oneida, Lot 1 East of Onondaga all North of Talbot, have been washed away by the Grand River.

Oneida Street running at right angles to King is opened and from where it ends at the River the street is continued along the banks of the River to Lot 3 North of Clench Street, therefore all ~~Streets~~ North of Oneida, on the banks of the River have the width of street some 66 feet taken off. The map in this Office is dated 1843 and does not show where the Railway passes through the lots on the West side of the River, however I enclose a Plan which shews the portion occupied by the Railway.

All Lots North of the Railway are in possession of John Doyle, John Sovey and William Doyle, there are no improvements except a rail fence, except on Lot 3, North of Clench Street on which there is a frame dwelling house 12 by 24 with a kitchen attached 12 by 14, which I value at $400.00, and which is owned and occupied by John Doyle. All fences are built parallel to the Railway, I have no points to guide me, as Streets and Lots enclosed with fences, and extend as far as the River Road as shown on enclosed plan.

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CANADA

193781

On the enclosed Plan John Sovey's fence I am under the impression commences at the South West corner of Lot 4, North of Clench Street and extends as indicated by the red dotted line parallel to the Railway to a point South of Brittannia St. thence at right angles to the Railway, the other fences are built similarly, and it is impossible without the aid of a Surveyor to find out just what property is occupied by each party together with Streets.

I also find that the Lots South of the Railway are in possession of William Doyle and Martin Burke and for the same reasons as those North of the Railway, I cannot say what are occupied by each.

Dixon Street West:-

1, 2, 3, 4 and 5 West of Dixon Street, Block 5 Deleware Street East and South of Talbot, I cannotfind upon the map.

Will you please let me know where they are on the enclosed plan. I also find that portion lying between Talbot, River Road and Dixon Street which I have marked in the enclosed plan in blue pencil is in possession of John Walsh and Mrs Cox, and I am informed has not been sold, under the circumstances I would recommend that those parties occupying land on the West side of the River be required to furnish the Department with a plan and Surveyor's description of the property occupied by each, and that the same be sold at $5.00 per acre North of the Railway and $8.00 an acre South of the Railway. As these parties will be at a considerable expense in having the plans prepared, besides the taxes at the rate of 2¼ cents on the dollar is very expensive to own land within the Corporation. I was informed that the taxes on 5 acres in

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the Town plot of Cayuga was as much as on a 100 acre farm in the Township.

I consulted with Mr Colter, Barrister of Cayuga, he approved of the price suggested by me.

If the Town Council would release any claim they may have in the Streets which are not opened at the present time I would recommend that the same be sold together with the Lots as occupied by each.

I am

Sir.

Your obedient servant.

E. D. Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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File 111 926-

MEMORANDUM.

Ottawa 4th February 1898-

To the Asst. Secretary.

With reference to the lots remaining unsold in the Townplot of Cayuga, East of the River, I beg to state that Mr. Superintendent Cameron reports as follows:-

Lot 11, South side Chippewa Street-

This lot enclosed with a fence - is occupied by Mrs. Crawford, Widow- a few small fruit trees on the lot which contains ¼ of an acre-would recommend that it be sold to Mrs. Crawford for $10.00.

Lots 15,16 North Echo Street,

" 15,16, South Obadiah Street-

These lots are occupied by Mr. E.S. Martin in connection with Lots 1,2,3 and 4, South Victoria Street,-no improvements but an old rail fence- Lots on Victoria Street contain one acre- lots on Obadiah Street, one acre and lots on Echo Street, one acre-in all three acres-would recommend that these lots be sold to Mr. Martin at $10.00 per acre.

Lots 27 South Chippewa Street-

Lot 23, North Princess Street-

These lots occupied by Mrs. Elizabeth Rockett- enclosed by rail and slab fence- a frame house 12 by 34 feet erected-value of house $100.00-would recommend that these lots, which contain together 5 acres, be sold to Mrs. Rockett at the rate of $10.00 per acre.

Lots 14,15 and 16, South side Echo Street-

Lots 16 and 17, North Norton Street-

These lots contain together 1¼ acre, occupied by

LAND BRANCH FEB 11 1898

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Michael Curran- no improvements beyond rail fence- a creek flows through them and during freshets the lots are overflowed- would recommend that they be sold to Mr.Curran for $10.00 per acre.

Sale 2593

Lot 8,North of Kerr Street-

Lot 8,South Mohawk Street-

These lots occupied by T.Hodder- only improvements a rail fence-lots contain together ½ an acre- Mr.Hodder offers $10.00 for the two lots- I consider this a fair price and recommend a sale to Mr.Hodder.

S 2593

Lot 27,North Kerr Street-

Lot 27,South Kerr Street-

S 2599.

These lots occupied by Maxwell McClung,who owns the adjoining lot-no improvements but a rail fence- lots contain together one acre- Mr.McClung offers $20.00 for the two lots- would recommend that they be sold to him for that price.

Lots 13 and 14,South Kerr Street-

S 2601

These lots are in a commons- they contain together ¼ an acre- and would consider them worth $10.00 each. Joseph Murphy wishes to purchase the lots,and I beg to ask for authority to sell to him at that price.

Sale 2595.

Lots 17,18 and 19,South Kerr Street-

" 17,18 and 19,North Talbot Street-

These lots in possession of George A.Gibson-they contain together 2 acres- Mr.Gibson offers $20.00 for the six lots- no improvements on them- during freshets they are overflowed with water-would recommend that they be sold at the rate of $10.00 per acre.

S 2627

Lots 23 and 24,South Kerr Street-

Lots 23 and 24,North Talbot Street-

These lots are in possession of Patrick Cranny - they contain together 2 acres no improvements but a rail fence- Mr.Cranny is very old and not able to purchase- would recommend that they be offered for sale at the rate of $10.00 per acre, subject to any claim or improvement by Mr.Cranny.

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3

Lots 6 and 7, North Joseph Street,

Lots 7 and 8, South Princess Street-

Sale 2596

These lots were in possession of the late John Thompson at the time of his death-a h-ouse built thereon 16 by 18 feet, partly board and partly log- lots enclosed by a rail fence- improvements worth $200.00- children of John Thompson now separated- some of them in British Columbia- the Widiw dead- one daughter, ~~Margaret~~ Mary E. - Let. of 30/6/98 File 144132, living in Cayuga-she desires to purchase the lots-which contain in all ~~5~~ 4½ acres- would recommend that they be sold to her at $10.00 per acre.

File 144132

S 2619 → Lots 13 and 14, North Joseph Street-

2619 Lot 15, South Princess Street-

THESE LOTS CONTAIN 7 ACRES AND ARE OCCUPIED BY THOMAS CLINE - no improvements but a rail fence- would recommend that they be sold to Mr. Cline for $10.00 per acre

S 2618 Lots 4, 5 and 6, South of Joseph Street-

These lots are occupied by William Sinnett- enclosed by a rail fence- a stable 18 by 24 feet thereon-value of stable $100.00- lots contain 3 3/4 acres- would recommend that they be sold to Mr. Sinnett at $10.00 per acre.

Sale 2591 Lot 8, South Joseph Street-

Lot 8 in rear of South Joseph Street-

File 195528

These lots are in possession of Rich-ard Sinnett- no improvements but a rail fence- lots contain together 2¼ acres-would recommend that they be sold to Mr. Sinnett at the rate of $10.00 per acre-

Lot 24, North Princess Street-

S 2622

This lot is in possession of Peter Cline- a small frame house, 1½ story with a small kitchen attached- small barn- value of all, $200.00.- lot enclosed with a board and rail fence- would recommend a sale to Mr. Cline at $10.00 per acre.

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Lots 11 and 12,South Princess Street-

S/2598

These lots in possession of Miss Maggie Bamrick- no improvements but a rail fence enclosing the lots- they contain together about 1 1/8 acre- would recommend a sale thereof to Miss Bamrick at $10.00 per acre-

Lots 3 and 4,South Brant Street-

S/2600

These lots in possession of the Roman Catholic Church- enclosed by a picket fence- no other improvements- they contain together ½ an acre- would recommend that they be sold to the R.C.Church for $10.00 each .

Lot 4,North Norton Street-

S/2616

This lot is occupied by the Estate of the late Alexander Baird- no improvements but a fence enclosing the~~m~~ with other lots- area of this lot,¼ acre- would recommend that it be sold to Mrs.Baird for $10.00.

Lot 7,North Talbot Street-

S/2601

This lot is in a commons with other lots- no improvements thereon,not even a fence- Joseph Murray has paid the taxes for years- he is anxious to purchase this lot together with 13 and 14,South Kerr street- which are valued in the former part of ~~the~~ report at $10.00 each.- would recommend that these three lots be sold to Mr. Murray for $30.00.

Lot 29,South Talbot Street-

S 2617

This lot is enclosedwith a rail fence together with other lots in possession of John Humphries- no buildings on any portion of the enclosure - Mr. Humphries away from home and will not return till Spring- would recommend that the lot be sold for $10.00.

Mr.Agent Cameron stated in his letter of the 3rd November last in regard to his report on these lots, that he found it difficult to value property,particularly when it had so depreciated in value,that he was assisted in arriving at a valuation of each lot by the offers made by persons desirous of purchasing and added that when the Town of Cayuga was mapped out many years ago,it was expected that lands would rapidly increase in price and that

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CANADA

Cayuga would become a large town. The result however, is that there is only a Village with a population of only about 1000,who occupy lots near the banks of the Grand River while the back lots and streets are enclosed by fences and used as farm lands. In many instances occupants of these back lots hold patents for portions of the land enclosed and desire to retain the whole plot without paying anything for the unpatented portion. He further stated that he found it very difficult to locate some of the lots..

With reference to the lots included in the above list,I would recommend that Mr.Cameron be authorized to sell these lands at the prices placed thereon in his report,and as far as possible for cash,giving the occupants,as stated by him in several cases,the first chance of purchasing.

W. Laird

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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KODAK SAFETY

Cayuga would become a large town. The result however, is that there is only a Village with a population of only about 1000,who occupy lots near the banks of the Grand River while the back lots and streets are enclosed by fences and used as farm lands. In many instances occupants of these back lots hold patents for portions of the land enclosed and desire to retain the whole plot without paying anything for the unpatented portion. He further stated that he found it very difficult to locate some of the lots..

With reference to the lots included in the above list,I would recommend that Mr.Cameron be authorized to sell these lands at the prices placed thereon in his report,and as far as possible for cash,giving the occupants,as stated by him in several cases,the first chance of purchasing.

W. Ridout

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Ottawa, 12 Feby 1898

MEMO. Wm Orr—

In answer to your mem. of 11th inst. I would say that action might be taken under Sec. 568 of "The Municipal Act" of Ontario.

Agent Cameron might be instructed to obtain the assent of the resident owners and the necessary resolution of the Tp. Council.

A copy of that portion of the plan of Cayuga showing the streets proposed to be closed should be prepared for Agent Cameron in order that he may show thereon ~~the streets to be stopped~~ for the information of the owners and of the Tp. Council, which streets are to be closed and the proposed new subdivision.

When the resolution of the Tp. Council has been obtained a survey and plan of the new subdivision made by an Ontario Land Surveyor, will be required.

L. Bray

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Ottawa, 11 July 1898

MEMO. Mr Gray

What is requisite to have done to close the Streets referred to in letter from Mr Supt Cameron of 20 Dec last

Wade

Mr Kemp

Kindly state if any lots have been sold adjoining the streets that are proposed to be closed.

S. Bray

Several sales have been made J.B.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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III 926

Mr Vankoughnet
Sec't. Surveys

Ottawa I4th February I898-

Sir,

With reference to your letter of the 20th December last, reporting upon unsold Lots in the Village of Cayuga, East and West of the Grand River, I have to inform you that the report in regard to the Lots East of the River, is under consideration by the Department.

In regard to your report upon the unsold Lots West of the River, I have to request that you will obtain the consent in writing, of each resident owner of property, in that portion of the Village, to have the streets closed, as recommended in your report, also the necessary Resolu-tion by the Municipal Council relinquishing all claim to streets proposed to be closed, the same to be forwarded to the Department, along with information as to what streets are to be closed, and what streets are to remain open, as well as your proposition in regard to how the property is to be re-subdivided.

WAD
P.E.K.

Your obedient servant,

J. D. McLEAN
Secretary-

E.D.Cameron, Esq-
Indian Superintendent,
Brantford,
Ont.

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111926

195711

Indian Office, Brantford.
February 22nd. 1898.

Sir.

I beg to acknowledge the receipt of your letter of 14th instant File No.111 926, requesting me to obtain the consent in writing of each resident owner of property on the West side of the Grand River in the Village of Cayuga to have the Streets closed, and also the necessary resolution of the Municipal Council relinquishing all claim that they may have to the Streets proposed to be closed.

In reply I beg to ask if the consent of merely those who desire to purchase the property be necessary. There are others who have patented lands in the section, if their consent will be necessary. I will be obliged to visit Cayuga before I can obtain the consent as I cannot say who is in occupation of patented lands.

John Sovey, John Doyle, and William Doyle are in possession of all unsold land North of the Railway, on the West side of the River, where I propose closing the Streets. Please let me know if their consent together with the Municipal Council will be all you require to close the Streets.

I am

Sir,

Your obedient servant.

E. J. Cameron

Supt.

The Secretary-
Dept of Indian Affairs-
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Ottawa 25th February 1898-

Sir,

In reply to your letter of the 22nd Instant, in relation to the closing of the streets in a piece of property lying on the West side of the River in the Village of Cayuga, I beg to inform you that it will not be necessary to get the consent of squatters to the closing of ~~side~~ said streets but the consent should be obtained of owners of all lands sold or patented.

Your obedient servant,

J. D. McLEAN

Secretary.

E. D. Cameron, Esq-
Indian Superintendent-
Brantford-
Ont-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

197536

LAND BRANCH
APR 23 1898

APR 22 1898

Indian Office, Brantford.
April 21st. 1898.

Sir.

M.E. Tompson has made application to purchase Lots 6 and 7 North Joseph Street and 6 and 7 South Princess Street in the Town of Cayuga, being the property occupied by her late father John Thompson, I recommend in my report of the 9th September 1897 the same to be sold to the applicant at $10.00 per acre.

I will be obliged to visit Cayuga to close this matter as you desired on the West side of the River, I am arranging to do so next week and would like to be in a position to close sales on the East side of the River as this is the best time of the year to dispose of property.

I am

Sir,

Your obedient servant.

E. D. Cameron

Supt.

The Secretary-
Dept. of Indian Affairs-
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

Immediate

Ottawa 26th April,1898-

MEMORANDUM.

To the Secretary-

I beg to state that Mr.Supt.Cameron, has written the Dept.in letter of the 2Ist Instant, asking for permission to sell Lots 6 & 7,North side of Joseph St,& Lots 6 & 7 S.side of Princess St.E .of the Grand River,Cayuga,to Miss M.E.Thompson,at the rate of $I0.00 per Acre,and refers to his report of Sept.last upon all the unsold Lots E.of the River,Cayuga,in which report he recommended a Sale of these four Lots to Miss Thompson,at the rate which he now recommends that they be sold to her. Mr Cameron further states that, as he will be obliged to visit Cayuga soon,in connection with the closing of certain Streets,and the valuation of unsold Lots W.of the River,Cayuga,he would like to be in a position to close out as many Sales as possible,East of the River,on the basis of his report,while there,as this is the best time of the year to dispose of property.

I may state that Mr.Cameron's report of Sept. last,to which he refers,was laid before the Deputy Minister, in connection with Memo,of 4th Feb.last,for his approval, but he wrote across the corner of the Memo. "Bring this up again" ,and returned the File to the Dept.

In view of the above,I beg to submit whether the recommendation in the Memo.,be now carried out,viz:- that Mr.Cameron be authorized to sell the Lots remaining unsold E.of the River,at the prices placed thereon by him,and, as far as possible,for Cash,giving the occupants thereof the first chance of purchase.

W. McOrr

H.E.K.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Ottawa 29th April 1898-

Sir-

In reply to your letter of the 21st Instant in relation to your proposed visit to Cayuga to look into the question of Lots on the West side of the River, I beg to inform you that the Department has under consideration your report in connection with the Lots on the East side of the River, and you will be advised of the decision arrived at as soon as possible.

Your obedient servant

A. N. McNEILL,

Assistant Secretary-

E.D. Cameron, Esq-
Indian Superintendent,
Brantford,
Ont-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

III 926-

Encd.

Ottawa 23rd May,1898-

Sir,

With further reference to your Report upon the unsold Lots, East of the River, in the Townplot of Cayuga, I have to inform you that the Department has decided to authorize the Sale of these Lots as follows-;

Lot II, South side Chippewa St. to Mrs. Crawford, for $10.00, Lots I5 & I6, North Echo St. & Lots I5 & I6, South Obadiah St. to E.S. Martin, at $10.00 per Acre ; Lot 27, South Chippewa St. & Lot 23, North Princess St. to Elizabeth Rockett @ $10.00 per Acre ; Lots I4, I5 & I6, South side Echo St. & I6 & I7, North Norton St. to Michael Curran, @ $10.00 per Acre ; Lot 6, North of Kerr St. and Lot 8, South of Mohawk St. to T. Hodder, @ $10.00 for the two Lots ; Lots 27, North Kerr St., and 27, South Kerr St. to Maxwell McClung @ $20.00 for the two Lots; Lots I3 & I4, South Kerr St. to Joseph Murphy @ $10.00 each ; Lots I7, I8 & I9, South Kerr St. and I7, I8 & I9, North Talbot St. to George A. Gibson, @ $10.00 per Acre ; Lots 23 & 24, South Kerr St. and 23 & 24, North Talbot St. to be offered for sale at the rate of $10.00 per Acre, subject to any claim for improvements which the occupant Patrick Cranny, may have; Lots 6 & 7, North Joseph St. and 7 & 8, South Princess St. to Margaret Thompson, @ $10.00 per Acre; Lots I3 & I4, North Joseph St. and I5, South Princess St. to Thomas Cline, @ $10.00 per Acre; Lots 4, 5 & 6, South of Joseph

E.D. Cameron, Esq-
Indian Superintendent,
Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

Joseph St.to William Sinnett,@ $10.00 per Acre; Lots 8, South Joseph St.and 8,in rear of South Joseph St.to Richard Sinnett,@ $10.00 per Acre;Lot 24,North Princess St.to Peter Cline,@ $10.00 per Acre; Lots 11 & 12,South Princess St. to Maggie Bamrick,@ $10.00 per Acre ; Lots 3 & 4,South Brant St.to the Roman Catholic Church,for $10.00,each Lot 4,North Norton St. to the Widow of the late Alexander Baird for $10.00; Lot 7,North Talbot St.to Joseph Murray, together with Lots 13 & 14,South Kerr St.@ $30.00 for the three Lots ; Lot 29,South Talbot St.may be offered for sale for $10.00,if more cannot be obtained therefor.

In making your Return for the sale of any of these Lots,you will be careful to refer to this letter as your authority for the same.

Your obedient servant,

J. D. McLEAN

Secretary

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

200270

Indian Office, Brantford.

July. 13th. 1898.

DEPT OF INDIAN AFFAIRS JUL 13 1898

Sir.

When in Cayuga on the 29th of last month, Mr. John Humfries informed me that he was anxious to purchase Lot No. 7 North of Talbot Street, and would pay the sum of $50.00 for the same.

This Lot, as reported by me, is with other lots in a commons with no improvements whatever. Mr Joseph Murray has paid the taxes on this lot for some time and therefore I recommended that the same be sold to him together with Lots 13 and 14 South Kerr St. at $30.00 for the three lots, which you approved ~~of~~ by letter of the 23rd of May last File No. 111 926.

BRANCH 2681

When valuing these lots I did not consider lots 13 and 14 South Kerr St. of much value, as during the freshet the Creek which passes through theme overflows the two lots which are in possession of Mr. Joseph Murray.

I find that Mr. Humfries and Mr. Murray are neighbours and Lot 7 is opposite to them. Mr Humfries is desirous of purchasing the lot for building purposes, therefore is willing to pay $50.00 for it. As Mr. Murray was not in the Village when I was there I was unable to see him, and since my return he has forwarded to me a Post Office order for $10.00 for Lot No. 7 North Talbot St, which I have not accepted, as only on condition that he received this lot he was to purchase Lots 13 and 14, South

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

South Kerr Street for the total amount of $30.00.

It appears to me that Mr.Murray having paid the taxes on this lot for some years should be permitted to purchase it at the price offered by Mr.Humfries,and would therefore recommend that Mr.Murray be notified that an offer has been made of $50.00 for Lot No.7. North Talbot St.and that he can only purchase it on payment of this amount within 30 days,otherwise the same will be sold to Mr.Humfries at $50.00,and also recommend that 13 and 14 South Kerr St.be sold to Mr.Murray at $10.00 for the two lots making a total for the three lots of $60.00.

I am

Sir,

Your obedient servant.

E D Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

200271 111926

Indian Office, Brantford.
July 13th. 1898.

DEPT OF INDIAN AFFAIRS JUL 15 1898

Sir.

On the 29th of June last I visited Cayuga in reference to the unsold lots on the West side of the River and to obtain the consent in writing of each resident owner of property to have the Streets closed, as recommended by me in my letter of 20th December last, which you approved ~~of~~ by Official letter dated the 14th February last File No. 111 926. I also consulted with members of Municipal Council in reference to a resolution relinquishing all claim to the Streets which ~~are~~ proposed shall ~~to~~ be closed.

BRANCH JUL 16 1898

I found that the Streets which is proposed to be closed are occupied by Squatters, and as you instructed me by letter of 25th February last that it will not be necessary to get the squatters' consent I did not receive the consent of any person.

The Railway which passes through the lots on the West side of the River from the River to the regular travelled road, being Dixon Street on the Map, is a large embankment and the Street cannot be used to connect the Street North of the Railway with those Streets South of the Railway, and I hope to have the Municipal Council of Cayuga pass a resolution relinquishing all claim to Streets North of the Railway, except Dixon Street.

The Secretary-
Dept. of Indian Affairs-
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

200271

The members of the Council whom I saw agreed to consider this matter at the next Council, and as soon as received I will further report to you.

I closed the sale of several lots on the East side of the River and duly reported the same to you in my Return of Land Sales for the month of June, and expect to close others shortly.

I am

Sir,

Your obedient servant.

E D Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

III 926-

Ottawa I6th July,I898-

Sir,

In reply to your letter of the I3th Instant,relating to an application by John Humfries to purchase Lot 7,North of Talbot St.East of River,Cayuga,and offering $50.00 for the same,I have to inform you,that,in view of your statements in regard to your report and valuation of this Lot,together with Lots I3 & I4,South Kerr St.,you may as you suggest,offer Lot 7,North of Talbot St.to Mr. Humfries,for $50.00,and accept the $I0.00 paid by Mr. Murray for Lots I3 & I4,South Kerr St.

When making your Return,including the Sales of these Lots,be careful to refer to this letter,as your authority for the same.

Your obedient servant,

J. D. McLEAN

Secretary-

E.D.Cameron,Esq-

Indian Superintendent,

Brantford

~~Hamilton~~,

Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

201123 111926

Indian Office, Brantford.

August 13th. 1898.

Sir.

Mr. Richard Sinnett has applied for a Patent of lot 7, South side Joseph Street, Town of Cayuga, he claims that he has purchased the same from the estate of the late James McMullen, deceased, By the Sales book in this Office I find that lots 7 and 8, South Joseph Street, front and rear were sold by Sale No. 1848 on August 29th. 1854, to James McMullen for the sum of $276.00 of this amount $153.33 have been paid. There is also a note that, James McMullen died intestate about 1861.

In August 1871 Mrs. McMullen, widow, was advised to petition the Department and have said lot 7, retained by her where her house stands for the amount paid, and release her claim to the other lots, I cannot find what has been done, but the said lot 8 has been Patented to Mr. Sinnett as authorized by your letter of 23rd. May last, File No. 111 926. I beg to ask how said lot 7 South Joseph Street, Cayuga stands in the books of the Department.

1848

Mem on Sales Book
See File 3868
re cancellation of
Sale of lot 7 S.
Joseph St. etc.

I am

Sir,

Your obedient servant.

E. D. Cameron

Supt.

The Secretary-
Dept. of Indian Affairs-
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

201122

Indian Office,

Brantford, Ont., July 27th.1898. *189*

Mr.Joseph Murray-

Cayuga.

Dear Sir.

I received your letter in further reference to Lot No. 7 North Talbot St.Cayuga,complaining about being asked to pay $50.00 for this lot,which was offered to you with other lots for $30.00.

When I recommended to the Department that the three lots be sold to you for $30.00 I considered that their full value to which the Department approved,but since then the Department has been offered $50.00 for one lot, and if you are given an oppurtinuty of buying at that figure,surely you cannot complain.By you paying the ~~xx~~ taxes on the property would not entitle you to purchase the lot for less then others are willing to pay.

I hope that you will remit to me the balance mentioned in my letter to you on the 18th.instant.

Yours truly.

E D Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

201122

Indian Office, Brantford.

June 22nd. 1898.

Mr. Joseph Murray

Cayuga.

Dear Sir.

I am now prepared to sell to you Lots [redacted] 7, North Talbot St. and 13 and 14 South Kerr St. Cayuga, at $10.00 each. If you will remit to me the amount $30.00 at once, I will close the sale.

Yours truly.

E. D. Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

201122

Indian Office, Brantford

July 18th 1898.

Mr Joseph Murray-

Cayuga

Dear Sir.

I received your s enclosing $10.00 which you desire to have applied on the purchase of Lot No.7, North Talbot Street Cayuga. When I wrote you that you could purchase the three lots for $30.00 it was not intended to sell Lot 7 seperately, however before receiving your $10.00 I received an offer of $50.00 for Lot 7 North Talbot Street, Cayuga.

If you will send me to me within 30 days the sum of $50.00 for Lot 7 N.Talbot St, you can have it; and the $10.00 you sent me will be applied on Lots 13 and 14, South Kerr St. Cayuga, otherwise Lot 7 will be sold according to the offer I received.

Yours truly.

E. D. Cameron

Capt.

LAND BRANCH
JUL 18 1898

Indian Affairs. (RG 10, Volume 2[illegible], Mile [illegible])

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

111926

COLTER & GOODMAN.

Barristers &c.

C.W. C[illegible] B.A. A.K. Goodman, LL.B.

Solicitors for the County of Haldimand

Cayuga, Ont.

August 11th, 189 8

201122

DEPT OF INDIAN AFFAIRS AUG 13 1898

J. D. McLean Esq.,

Secretary Indian Department,

Ottawa,

LAND BRANCH AUG 18 1898

Dear Sir:-

Mr Joseph Murray who works as a Section man of the Grant Trunk Railroad had applied to purchase certain lands in Cayuga. This land was on the list sent to you by Supt. Cameron and approved by me sometime ago The enclosed letters will show how he has been dealt with by Mr Cameron and in my opinion what has been proposed by Mr Cameron is decidedly sharp practice. Mr Murray was notified on the 22nd of June this year, and having $10. about him he immediately sent it to apply on lot 7 North Talbot Street and

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COLTER & GOODMAN.

Barristers, &c.

C.W. Colter, B.A. *A.K. Goodman, LL.B.*

Solicitors for the County of Haldimand.

Cayuga, Ont.

(2) 201122 *189*

notified Mr Cameron that he would send the other $20. very shortly. Then Mr Cameron prior to July the 18th receives an offer of $50. and jumps the price up on Mr Murray to that amount. At this particular time the bargain was in honor complete~~x~~ and Mr Murray was not backing out or intending to back out of his bargain on the other two lots, he simply had not the money convenient and expected to have it within a very few weeks to apply on the other two lots. I have a strong suspicion that the person who offered that $50. is Mr G. A. Gibson whose name was also on the list referred to me and who has been holding several lots in Cayuga for speculative purposes. No one has interferred with him in regard to the lands occupied by him and I do not think it is decent or fair that Mr Murray should be bid up

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COLTER & GOODMAN.

Barristers, &c.

C.W. Colter, B.A. Cantab. A.K. Goodman, L.L.B.

Solicitors for the County of Haldimand.

Cayuga, Ont.

(3) 201122 *189*

by Mr Gibson in this case, particularly when we consider that Mr Murray has been assessed and has paid the taxes on this lot for a number of years. I hold that the Government is in honor bound to complete its original bargain with Mr Murray and that he should be given a reasonable time to raise his money. I am willing to guarantee that he will complete that bargain within a reasonable time. If however the Government is not willing to do this, then I ask that the lands on the list be subjected to public competition but I do not think it is fair that Mr Gibson should have his lands at the upset price and then either directly or indirectly run up the price on some of his neighbors who have just as good rights as he has.

Yours truly,

C. W. Colter.

per M. M.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File 111 9

[No. 2 A.]

THE GREAT NORTH WESTERN TELEGRAPH COMPANY OF CANADA

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

It is agreed between the sender of the following message and this Company that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of an unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the workings of its lines, for errors in cypher or obscure messages, or for errors from illegible writing beyond the amount received for sending the same. To guard against errors the Company will repeat back any telegram for an extra payment of one-half the regular rate, and in that case it shall not be liable for damages beyond fifty times the amount received for sending and repeating.

Correctness in the transmission of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charges for repeated messages, viz.: one per cent. for any distance not exceeding 1000 miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to rea its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receivin message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the sa claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

H. P. DWIGHT, President and General Manager.

READ THIS NOTICE AND AGREEMENT.

CUSTOMERS' TYPE-WRITER BLANK.

Direct Connection with ATLANTIC CABLES and WESTERN UNION Telegraph Co.

SENT NO.	SENT BY.	REC'D BY.	TIME SENT.	TIME FILED.	CHECK.

Send the following Message subject to the above Terms, which are hereby agreed to.

15th Aug. 1898

E. D. Cameron, Esq.,
Indian Supt. -
Brantford. Ont

Do not sell Lot 7 North Talbot St
East of River Cayuga until further ad
charge D. I. A. Wm

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File 111 926-

M E M O R A N D U M

To the Secretary-

Ottawa 15th August 1898-

In accordance with a report made by Mr.Superintendent Cameron of his inspection of certain Lots in the Village of Cayuga,he was instructed,on the 23rd May last, to sell certain Lots to parties therein specified at the prices named,included in which was authority to sell ~~xxxxx~~ Lot 7 North Talbot Street and Lots 13 and 14 South Kerr St~~e~~ Street for $30.00 for the three Lots,to Mr.Joseph Murray.

Mr.Cameron advised the Department,by letter of the 13th Ultimo,that,when recently at Cayuga,he was informed by Mr.John Humfries that he was anxious to purchase Lot 7 North Talbot Street and would pay the sum of $50.00 therefor. As Mr.Cameron considered this Lot was worth $50.00,he recommended that the price asked Mr.Murray for this Lot be increased to $50.00 and his recommendation was approved of by the Department in letter of the 16th Ultimo

Mr.Colter,on behalf of Mr.Murray,now complains of the increase in price and submits certain letters written by Mr.Cameron to Mr.Murray,one of which,on the 22nd June last,notified Mr.Murray that he was prepared to sell Lot 7 North Talbot Street and 13 and 14 South of Kerr Street Cayuga at $10.00 each and he was asked to remit the amount of $30.00 at once to close the sale. It appears that,in accordance with this notice,Mr.Murray remitted $10.00 to be applied on purchase,which Mr.Cameron did not accept,in view of the increased offer

From the correspondence submitted by Mr.Colter, it does appear to me that the arrangement made by Mr.

Cameron

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Cameron with Mr.Murray should be carried out,as the sale was virtually effected prior to receipt by Mr.Cameron of increased offer and I would,therefore,beg to recommend that Mr.Superintendent Cameron be instructed to carry out the sale of the three Lots to Mr.Murray as originally arranged.

W. A. Orr

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

111 926-

Ottawa 16th August 1898-

Sir-

In regard to Telegram sent you yesterday as follows;- "Do not sell Lot 7 North Talbot Street,East of River,Cayuga,until further advised," I beg to inform you that as it appears from a letter addressed by you on the 22nd June last to Mr.Joseph Murray at Cayuga that you offered to sell him Lots 7 North of Talbot Street and 13 and 14 South Kerr Street,Cayuga,at $10.00 each,and as Mr. Murray is willing and desirous of completing the purchase of these Lots,it is considered that the Department is bound to carry out this sale,notwithstanding the larger offer for Lot 7 North Talbot Street subsequently received by you from Mr.Humfries.

It is thought that a complaint made on behalf of Mr.Murray of an increase in price is well founded,in view of the fact that the Lots were offered to him by you at the upset price placed thereon by yourself and approved of by the Department,and you will,therefore,be good enough to carry out the arrangement with Mr.Murray and sell to him Lots 7 North Talbot Street and 13 and 14 South Kerr Street for $30.00.-

Your obedient servant

Secretary-

E.D.Cameron,Esq.,
Indian Superintendent,
Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Ottawa 16th August 1898-

Sir-

I beg to acknowledge the receipt of your letter of the 11th Instant in relation to the sale of Lot 7 North Talbot Street,Cayuga,which Lot,in connection with Lots 13 and 14 South Kerr Street,was offered to Mr.Joseph Murray for $30.00,but the price of which was subsequently increased.

Sale 2601

I may state in this connection that Mr.Superintendent Cameron,when at Cayuga in June last,was informed by Mr.John Humfries that he was anxious to purchase this Lot and would pay the sum of $50.00 therefor and,in view of Mr.Cameron's recommendation,an increased price was asked from Mr.Murray for the Lot,it being considered by the Department that he was entitled to the first chance of purchasing the Lot.

As it appears from the papers forwarded by you that,on the 22nd June last,Mr.Superintendent Cameron advised Mr.Joseph Murray that he was prepared to sell Lots 7 North Talbot Street and 13 and 14 South Kerr Street;Cayuga,for $30.00,it is considered by the Department that in all fairness he should be allowed to complete purchase of these Lots at the price indicated and Mr.Superintendent Cameron has been this day instructed to carry out the sale to Mr.Murray of the three Lots for sum of $30.00 as specified in his letter.

I

C.W.Colter,Esq.,
Cayuga,
Ont.-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

I may point out that the Department, in instructing Mr. Superintendent Cameron to sell to Mr. Murray at the increased price, was actuated only by a desire to receive as much as possible for the property on behalf of the Indians and I am sure this was the motive of Mr. Cameron's recommendation, but, as it has been ascertained that a virtual agreement had been entered into with Mr. Murray, it is considered that in order to keep good faith with ~~the Indians~~ him, the Department would not be justified in increasing the price asked for the Lots in question.

Your obedient servant

J. D. McLEAN

Secretary-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Secretarys Office
Haldimand County Agl Society
Cayuga Mch 26. 1898.

Certified Copy of Resolution of the Board of Directors passed at the Annual Meeting held on the 19th day of January A.D 1898.

Moved by Mr Lynch seconded by Mr Wadel that the Secretary communicate with Mr Cameron, and that this Society release all its claims upon the Lots marked "Court Houselgrounds" on the plan of the Town of Cayuga, said lots being formerly occupied by this Society, in consideration of receiving a grant of the lots unpatented, lying further, the enclosed grounds now occupied by the Society. Carried.

JWS.

Certified
J W Shepard
Secretary.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

201197 111926

File No.111,926-

Indian Office, Brantford.
August 16th.1898.

Sir.

On receipt of your letter of the 10th December last, I communicated with the Secretary of the County of Haldimand Agricultural Society asking if it would be willing to relinquish the block of land marked "Court House Grounds" east of Muncey Street in lieu of Lots 15 and 16 North Obediah St.15 and 16 South Victoria St.all in the Village of Cayuga.

Subsequently I received a reply from the Secretary of the said Society, that the Society was willing to release the "Court House Grounds"East of Muncey St.in lieu of other lots which are now occupied by them.

When in Cayuga last I had a conversation with the Secretary, I now enclose a certified copy of their resolution passed at their meeting held on the 26th March last.I also learn that A.K.Goodman, Barrister of Cayuga, has purchased from the County Council of Haldimand the said "Court House Grounds" and paid therefor the sum of $400.00.I beleive this block of land contains some 4 acres and I consider the price paid by Mr.Goodman is full value.

It appears to me that the block was reserved as Court House Grounds "and subsequently allowed to be used as Agricultural Society Grounds and no doubt could be so used occupied as long as desired,but when not so used

The Secretary-
Dept.of Indian Affairs-
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

201197

I submit reverts to the Crown, and neither the County Council of Haldimand nor the County of Haldimand Agricultural Society have any right to dispose of these grounds and any consideration received by them therefor belonged to the Crown for the benefit of the Six Nations Indians.

I would therefore recommend that the County of Haldimand Agricultural Society who I understand subsequently received this $400.00 be asked to pay to the Crown the amount received by them from Mr. Goodman.

I am

Sir,

Your obedient servant.

E. D. Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

201197

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Sir,

Your obedient servant.

E. D. Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

Cayuga July 19th 98

6 H Cameron.

Dear Sir

I recieved yours & was surprised at the answer you sent me. I did not buy it separatly. I only asked for a little time. as I did not have all the money on hand at the time. I have paid Taxes on Lot 7 for 10 years & on the other 2 for over 40 years my self & Father & I have been waiting for an answer this long time. I would have sent all the money before this. had you wrote me sooner. I have your letter in the house offering them to me for 30 & if you dont answer me right away I will get Mr Colter & Mr Foster to see about it My Father & myself have supported the Reform Government all our lives & then be used like this.

I am prepared to send the money you offered them to me for. Please answer right away & oblige

Joseph Murray Cayuga

1196

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PUBLIC ARCHIVES
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CANADA

answer right away

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PUBLIC ARCHIVES
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CANADA

111926

201196

File No.111 926-

Indian Office, Brantford.
August 16th.1898.

Sir,

I received your telegram yesterday instructing me not to sell Lot 7, North Talbot St. east side of River in Cayuga until further advised.

In reply I beg to explain what has taken place in reference to the sale of this Lot. When recommending in my letter of the 20th December last, that this Lot together with Lots 13 and 14 South Kerr St. be sold to Mr. Murray for the sum of $30.00 I beleived that this was all that could be procured for these lots, which you approved of by letter of the 23rd May last, when I informed Mr. Murray, that he could purchase the three lots for the sum of $30.00. But when in Cayuga last June I received an offer for said Lot 7 North Talbot St. from Mr. John Humfries for the sum of $50.00. As Mr Murray was not in Town, I did not see him, but after my return to the Office here I received a letter from Mr. Murray enclosing a Post Office order for $10.00 for the purchase of said Lot 7, North Talbot St.

On the 13th July last I wrote you concerning Mr. Humfries' application to purchase Lot 7, N. Talbot St and offering $50.00 for the same, when I recommended that the same be offered to Mr. Murray at the amount offered by Mr. Humfries, and that he be allowed 30 days to pay for

The Secretary-
Dept. of Indian Affairs-
Ottawa.

LAND BRANCH AUG 16 1898

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

201196

for same, to which you reply under cover of 16th July approving of my recommendation, but stating that I could offer the same to Mr.Humfries for $50.00.

I took this to mean that Mr Murray would be granted the privilege of buying the same for this amount within 30 days, and under date of 18th July I notified Mr.Murray that an offer of $50.00 I received for this lot and that he could purchase same at this offer at any time within 30 days, to which I received the enclosed letter.

I replied that I considered he should be satisfied at being allowed to purchase the Lot at another person's offer. Nothing further has been done by me, I beg again to recommend that Mr.Murray be allowed to purchase this lot at $50.00; and in case he fails to do so that the offer of Mr.John Humfries be accepted.

I am

Sir,

Your obedient servant.

E. D. Cameron

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Ottawa 20th August 1898-

Sir,

With reference to your letter of the 12th Instant,asking for information in regard to the position of Lot 7,South side Joseph Street,Cayuga,I have to inform you that this lot was sold on the 29th August 1854 (Sale 1848) to James McMullen,in whose name it stands. The price of the Lot was $153.00,which has been paid in full.

In regard to Lot 8,South side Joseph Street, it is,as you state,patented to Richard Sinnett in connection with Lot 8,in rear of Joseph Street,under Sale No.2591.

Your obedient servant,

J.D. McLEAN

Secretary.

E. D. Cameron,Esq-
Indian Superintendent-
Brantford-
Ont-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Ottawa 20th August 1898-

Sir,

In reply to your letter of the 16th Instant, enclosing a relinquishment of all claims upon the lots marked "Court House Grounds" on the plan of the Village of Cayuga, by the County of Haldimand Agricultural Society, I have to inform you that such relinquishment cannot be accepted, the Society having already disposed of their interest. I would also call your attention to the decision of the Department of Justice, that these lands would not revert to the Crown, even if the terms of trust mentioned in the Deed were not carried out, conveyed to you in letter of 8th May 1896, File 169 844.

With reference to Lots 15 and 16, North Obadiah Street, and 15 and 16, South Victoria Street, which you state are in possession of the Agricultural Society, I may say that the Department would be willing to sell these Lots to the Society at a valuation to be approved.

Re Court House Grounds

Your obedient servant,

J. D. McLEAN,
Secretary.

E. D. Cameron, Esq-
Indian Superintendent-
Brantford-
Ont-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

926-

Encl.

Ottawa 7th September 1898-

Sir-

I beg to inform you that Mr.C.W.Colter,Barrister of Cayuga,has forwarded to the Department $20.00 on behalf of Joseph Murray as payment on account of the purchase of Lots 13 and 14 South side of Kerr Street,Cayuga,and have to request that you will be good enough,when returning the sale of Lots 7 North side Talbot Street and 13 and 14 South side Kerr Street,in accordance with letter to you of the 16th Ultimo,to include this sum,together with the $10. which you state was handed you by Mr.Murray,also on account of this purchase.

Sale 2601

J.D.M. A.E.K.

Your obedient servant

J.D. McLEAN

Secretary-

Court House

E.D.Cameron,Esq.,
Indian Superintendent,
Brantford,
Ont.-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

111926

204943

DEPARTMENT OF INDIAN AFFAIRS
DEC 21 1898

Indian Office, Brantford.

December 19th. 1898.

Sir.

Mrs. Mary Curran who has Lot 15, North Norton St. in the Village of Cayuga, enclosed with other property belonging to her, and who is about to close a sale of all her properties is anxious a Patent of said lot 15. North Norton St, issue in her name, and offers $8.00 for the same.

I find on the map in this Office, that this lot is marked "Reserve". On June the 7th, 1897 in connection with Sale No. 2588, I forwarded to you a resolution of the Municipal Council of Cayuga releasing all undisposed land in the Townplot of Cayuga, which would include this property.

I therefore beg to recommend that Mrs. Curran's offer of $8.00 be accepted, and that I be instructed to sell the same to her at that figure. This lot contains but one-quarter of an acre, other lots in that neighbourhood has been sold at $10.00 peracre, I do not consider that more can be obtained for it.

I am

Sir,

Your obedient servant.

E. S. Cameron

Supt.

The Secretary-
Dept. of Indian Affairs-
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

III 926-

MEMORANDUM.

Ottawa, 24th December, 1898-

To the Secretary-

2602

With reference to Mr. Supt. Cameron's letter of 19th Inst. recommending a sale of Lot 15, North Norton St. Cayuga, to Mrs. Mary Curran, I beg to state that this Lot together with all other Lots reserved by the Village Council for public purposes, was relinquished in favour of the Department, by Resolution of the Village Council, dated 5th April, 1897. The Lot referred to above, is therefore, in the hands of the Dept. for disposal and, as Mr. Cameron reports it to be enclosed with other property belonging to Mrs. Curran, also that he considers the price offered, viz:- $8.00 to be as much as can be obtained therefor, I would recommend that the Lot be sold to the applicant for that sum as recommended by Mr. Cameron.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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ARCHIVES PUBLIQUES
CANADA

III 926-

DZH

Ottawa, 28th December, 1898-

Sir,

In reply to your letter of the 19th Instant, recommending that a Sale be made to Mrs. Mary Curran, of Lot 15, North Norton St. Cayuga, I have to inform you that, in view of your report and recommendation, also that this Lot was relinquished in favour of the Department by the Village Council at the time all the other Lots reserved for public purposes were relinquished, you may sell it to Mrs. Curran at the price offered by her, viz:-

$8.00 Cash.

When returning this Sale, you will be good enough to refer to this letter, in the margin of your Land Return, as your authority for the same.

Sale 2605

Your obedient servant,

J. D. McLEAN

Secretary-

E. D. Cameron, Esq-
Indian Superintendent,
Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

PLAN OF PART OF THE

Lands of Department of Indian Affairs

OCCUPIED BY JOHN DOYLE

ON THE WEST SIDE OF THE GRAND RIVER IN THE

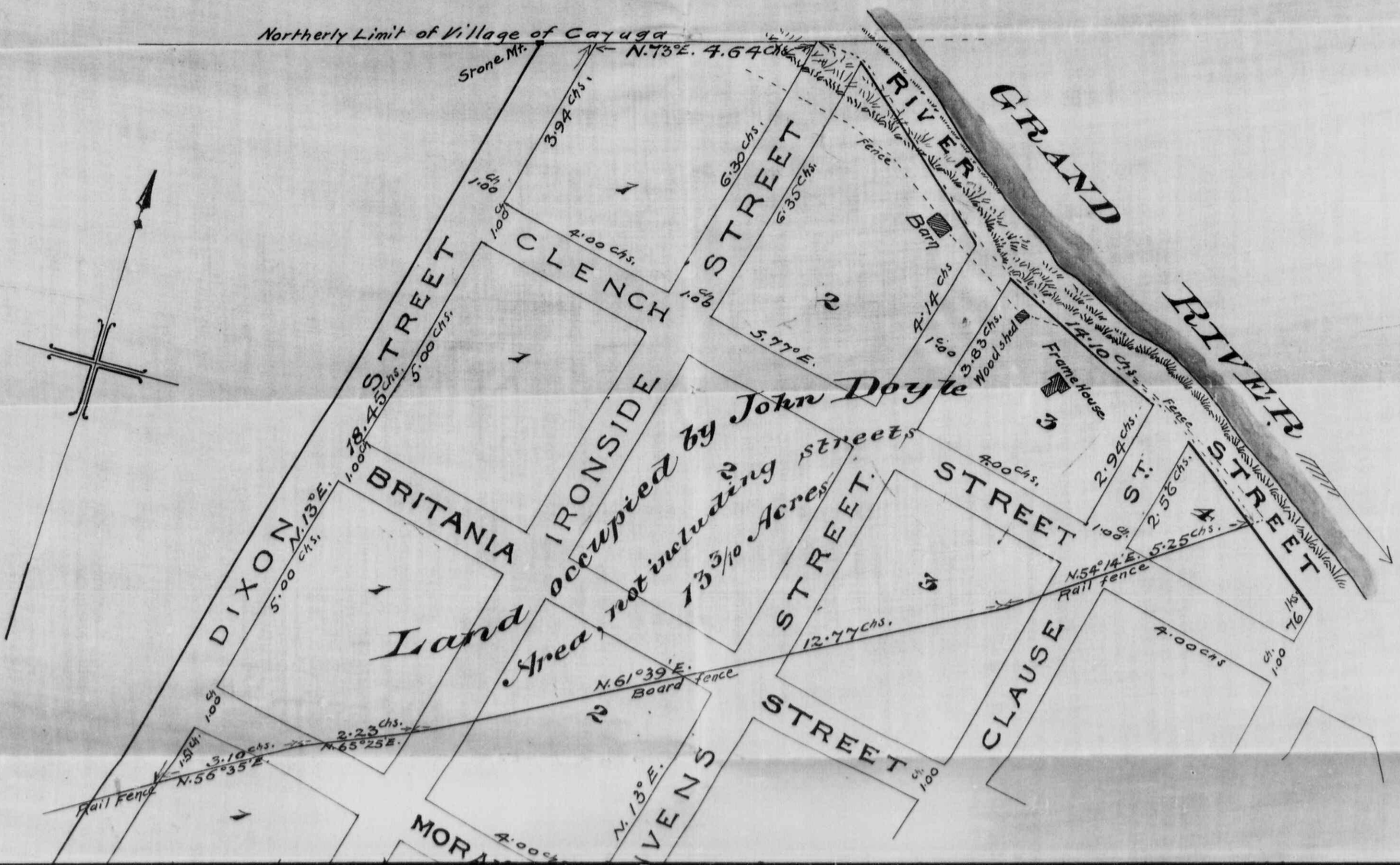
VILLAGE OF CAYUGA

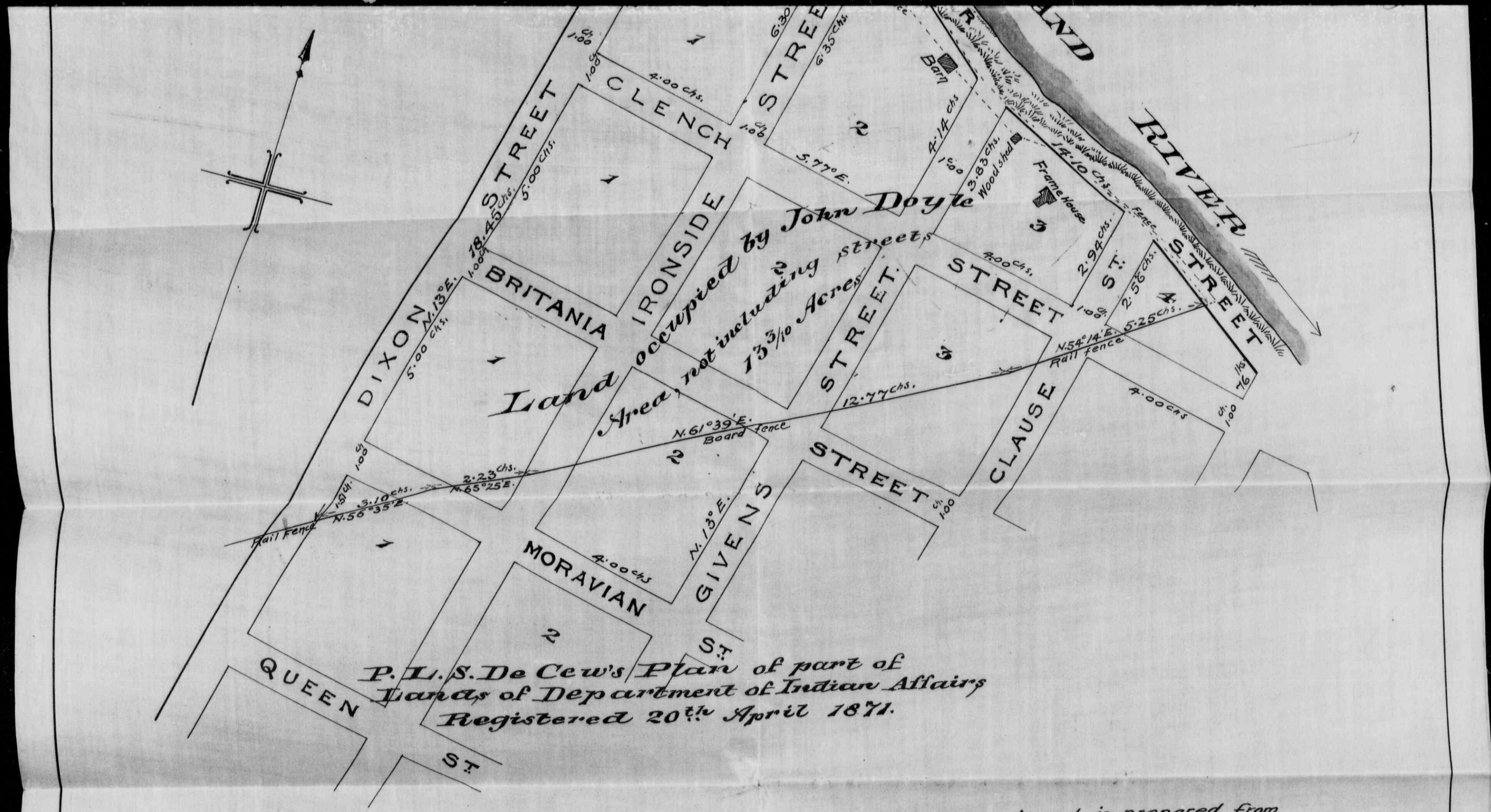
IN THE

COUNTY OF HALDIMAND

Scale, 2 Chains to 1 Inch.

TP. OF NORTH CAYUGA.





P. L. S. De Cew's Plan of part of
Lands of Department of Indian Affairs
Registered 20th April 1871.

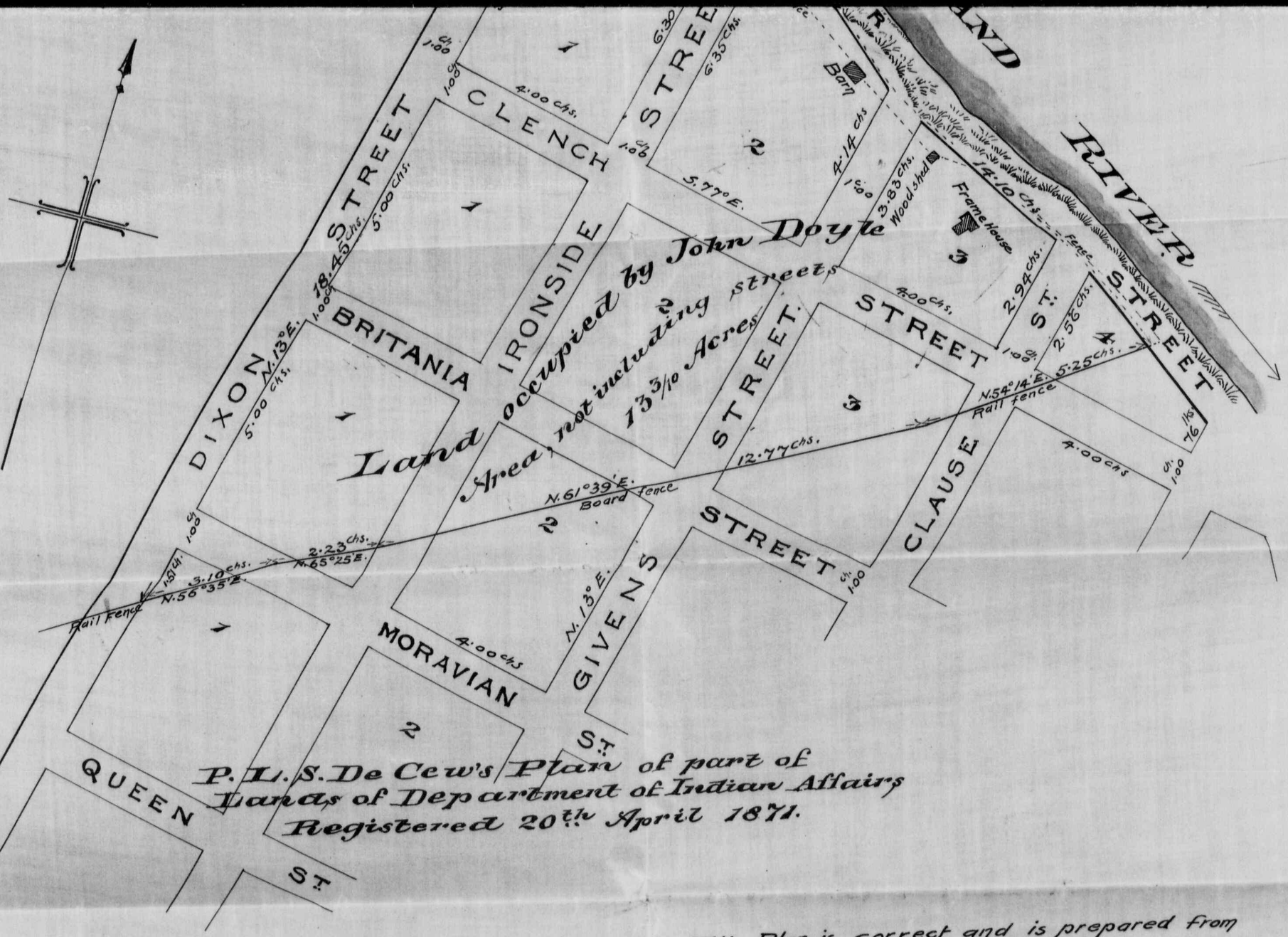
This Plan is correct and is prepared from
actual survey made by me
Geo. Ross
O. L. Surveyor

Welland, Ont. 4th Jan. 1900. See Description Letter No 218609 File 111926

2 of 2

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA



P. L. S. De Cew's Plan of part of
Lands of Department of Indian Affairs
Registered 20th April 1871.

This Plan is correct and is prepared from
actual survey made by me Geo. Ross
O. L. Surveyor

Welland, Ont. 4th Jan. 1900. See Description Letter No 218609 File 111971

2 of 2

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

Description of
Part of Lands of
Department of Indian Affairs
in
Village of Cayuga
occupied by
Mr. John Doyle

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

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218609

All and singular that certain parcel or tract of land and premises, situate lying and being in the Village of Cayuga, in the County of Haldimand and Province of Ontario, being composed of part of the Lands of the Department of Indian Affairs, on the west side of the Grand River, shown on a Plan prepared by Edmund De Cew P.L. Surveyor, and registered in the Registry Office for the said county, on the 20th day of April 1871; and which said parcel or tract of land may by particularly described as follows:

Commencing at the north westerly angle of block number 1, on the northerly side of Clench Street, according said plan, being the point where the easterly limit of Dixon Street intersects the northerly limit of the Corporation of the Village of Cayuga; thence south thirteen degrees west along the said easterly limit of Dixon Street, eighteen chains and forty five links; thence north fifty six degrees and thirty five minutes east, three chains and ten links; thence north sixty five degrees and twenty five minutes east, two chains and twenty three links; thence north sixty one degrees and thirty nine minutes east, twelve chains and seventy seven links; thence north fifty four degrees and fourteen minutes east; five chains and twenty five links more or

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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ARCHIVES PUBLIQUES
CANADA

north westerly along the said south westerly limit of River Street fourteen chains and ten links to the north easterly angle of said block number 1 on the northerly side of Clench Street; thence south seventy three degrees west along the northerly limit of said block number 1, four chains and sixty four links more or less to the place of beginning.

Excepting out of the above described parcel of land all those portions of Clench, Britania, Moravian, Ironside, Givens and Clause Streets, included therein and leaving an area of thirteen acres and three tenths of an acre be the same more or less, and being composed of blocks numbers 1, 2, 3 and part of block number 4 on the northerly side of Clench Street, blocks numbers 1, 2 and part of block number 3 on the northerly side of Britania Street, block number 1 and part of block number 2 on the northerly side of Moravian Street and part of block number 1 on the northerly side of Queen Street.

Geo Ross
O. L. Surveyor

Welland 4 Jan. 1900.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

111 § 26

21803

Indian Office Brantford, Jan'y 25th. 1900

Sir File No.III.926

Mr.A.T.Thompson, Barrister of the village of Cayuga, on behalf of John Doyle desires to purchase the following lots on the west side of the Grand River in the village of Cayuga viz.:-

I.2.3.and part 4.North side of Clench street.

I.2 and part 3.North side of Brittania street.

I and part of 2.south side of Brittania street.

Containing ~~12 2/10~~ 18.and 3/10 acres.I enclose Plans and description prepared by Mr.Ross Surveyor.

I find by my notes taken when in Cayuga in December 1897 that John Doyle, John Sovey and William Dolye were in possession of the land on the west side of the River but as the streets were closed, it was impossible for me to say definitely what portion John Doyle was entitled to purchase on account of occupancy. It is now impossible for me to say without visiting the property if John Doyle should be granted permission to purchase the proposed land. John Sovey and William Doyle were also anxious to purchase their respective properties, and why John Doyle alone should engage a Surveyor I cannot explain? John Doyle offers $6.00 per acre which I consider very reasonable, and would recommend that the land in possession of John Doyle be sold to him at $6.00 per acre. I beg further to recommend that Mr. Doyle must establish his right to purchase the land. He has been to considerable expense and offers $1.00 per acre more than I recommended, with the approval of Mr. Colter, Barrister of Cayuga in 1897, and therefore better for me to visit the property and report to you the full facts after fully enquiring from those residing in the immediate neighbourhood before his application be considered by you.

your obedient servant

E. D. [illegible]
Supt

The Secretary
Indian Department
Ottawa-Ont.

LAND BRANCH JAN 27 1900

INDIAN AFFAIRS DEPARTMENT

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

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111 926-

Exd.

Ottawa 31st January 1900-

Sir,

In reply to your letter of the 25th Instant, in regard to an application by Mr.John Doyle to purchase certain lots on Clench and Brittania Streets,in the Village of Cayuga, I have to inform you that in view of your statements and recommendation, you may visit Cayuga for the purpose of inspecting these lands and furnishing the Department with a full report thereon. As no action will be taken by the Department in the matter of a sale of this property pending the receipt of your report, you will be good enough to make the inspection of the lots as soon as convenient.

J.A.M.L.
WAO
A.E.K.

Your obedient servant,

J. D. McLEAN

Secretary.

E. D. Cameron,Esq-
Indian Superintendent-
Brantford-
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

COLTER & GOODMAN.
Barristers, &c.
C.W. [illegible] B.A. A.K. Goodman L.L.B.
[illegible] ATTORNEY.

Solicitors for the County of Haldimand.
Cayuga, Ont.
15th Oct 1800

E. D. Cameron Esq
Supt of Indian Affairs
Brantford

227649

Dear Sir

Mr Patrick Fegan has been in possession of the East half of Lot number nineteen South of the Canboro Road in the first Concession South East of the Stoney Creek Road in the Township of Seneca in the County of Haldimand. We bought the right of Peter McMullen in said, Lot 26 years ago, and then bought from the Government at ~~five dollars~~

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

2

COLTER & GOODMAN,
Barristers, &c.
C.W. [illegible] B.A. A.K. Goodman L.L.B.
COUNTY CROWN ATTORNEY.

Solicitors for the County of Haldimand.
Cayuga, Ont.
22 [illegible] 49
189

per acre and paid two instal
ments, then ceased paying.
About two years ago Mr Fegan
arranged with H. A. D. Grant
Barrister of this place to take
out the Patent. Grant got Fagan
to give him a mortgage for $425
and promised to take out the
Patent. Grant pocketed the money
+ never applied for the Patent. We
forced Grant to disgorge $240
and got a Deed of some property
worth about $125 from him. Grant
has absconded, and Fegan owes
on said Mortgage about $470,
and is thus beaten out of about $100

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

3

COLTER & GOODMAN.
Barristers &c.
C.H. Colter B.A. A.K. Goodman L.L.B
COUNTY CROWN ATTORNEY.

Solicitors for the County of Haldimand.
Cayuga, Ont.
227649
189

Hegan is a poor man, cannot read or write and his case is a hard one. The land in question contains 69 acres, and is in the poorish district in this County. I sold some land in the same tier of lots, lying about ½ mile west of the Hegan land two years ago at $8 per acre, after considerable effort and negotiation on my part and I would suggest that $4 per acre would be a fair price for the Government to charge and for Hegan to pay under the circumstances.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor

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CANADA

4

COLTER & GOODMAN,
Barristers &c.
C.W. C[illegible] B.A. A.K. Goodman L.L.B.
COUNTY CROWN ATTORNEY.

Solicitors for the County of Haldimand.
Cayuga, Ont. 227649
189

That was the amount per acre originally charged for good land in this vicinity, when covered with timber. This Fegan Lot was stripped of timber before he bought it; the land is swampy and poor.

Kindly put this matter before the Department and let me know, if Fegan can buy at the figure named by me. I would like an answer as soon as possible

Yours truly
C.W. Colter

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

Poor

111 926 [illegible]

DEPARTMENT OF INDIAN AFFAIRS. FEB 22 1900

Indian Office, Brantford.

February 17th. 1900

P.H.

Sir.

LAND BRANCH FEB 19 1900

I beg to acknowledge the receipt of your letter of 31st January last File No.111 926 in regards to an application by Mr.John Doyle to purchase certain lots on the West side of the River in Cayuga and beg to report as follows:-

On Tuesday last I visited the property proposed to be purchased by Mr.Doyle, I found by the Plans I sent you a portion of the land was occupied by other persons, and that he is not entitled to all the land.

After considering the same with Mr.Thompson, Solicitor for Mr.Doyle and Mr.Colter in behalf of others, it was decided that new applications will follow for their respective holdings, until these are surveyed I submit no further action be taken.

I am

Sir,

Your obedient servant.

E D Cameron

Supt.

The Secretary-

Dept.of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

KODAK SAFETY FILM

22764⅛

123909

DEPARTMENT OF INDIAN AFFAIRS
OCT 27 1900
83

Indian Office, Brantford.

October 26th. 1900.

Sir.

Mr. C.W. Colter, Barrister of Cayuga has made application in behalf of Mr. Joseph Shurr to purchase Lots 17 and 18 on the West side of Ouse St. in the Village of Cayuga.

He writes that these lots are very small, the distance from Ouse Street to the River is less than 50 ~~yards~~ feet the area of both lots is less than one-fifth of an acre, and are flooded every spring from high water, and offers $20.00 for the two lots.

LAND BRANCH
OCT 27 1900

I find by the books in the Office that these lots were originally sold to Mr. Thomas Martindale, Sale No. 2139 and the said sale was cancelled by Official letter dated 21st April 1892, File No. 123 909.

From the notes I have when visiting Cayuga I had no hopes of obtaining anything for them, but as Mr. Shurr I understand has a Plaining and Saw Mill near these lots, he can use them for piling logs. I consider the price offered fair and would recommend the same be sold to him for $20.00.

I am

Sir,

Your obedient servant.

E. D. Cameron

Supt.

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111 926-

Ottawa 14th November 1900-

Sir,

In reply to your letter of the 26th Ultimo, applying on behalf of Mr.Joseph Shurr for the purchase of Lots 17 and 18, on the West side of Ouse Street, in the Village of Cayuga, for which he offers $20.00 for the two lots, I have to inform you that, in view of your statements and recommendation, you may sell these lots to the applicant for the sum offered by him, viz:-$20.00 cash.

When returning the sale be good enough to refer to this letter as your authority for the action.

Your obedient servant,

J D McLEAN

Asst. Secretary.

W. D. Cameron, Esq-
Indian Superintendent-
Brantford-
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

OFFICE OF
County Crown Attorney
and Clerk of the Peace,
COUNTY OF HALDIMAND.

234198

DEPARTMENT OF INDIAN AFFAIRS
MAY 17 1901

Cayuga, Ont. May 13 1901.

Dear Mr Coeter. The Town Council requested me to ask you to purchase Lots 17. 18. on the West side of Ouse Street Cayuga for the Town. They are desirous of securing these lots in order that they may obtain the gravel in them, if any, for the streets. I understand that Mr Joseph Shurr has made an application for them and also Mr Thos. Humphries. Mr Shurr, me under stand does not want them. The lots were advertised for sale by the Co Treasurer for arrears of taxes, but just before the sale Humphries went to the Co Treasurer, and paid the back taxes as owner, I suppose with the intention of setting up some supposed claim as occupant and getting a tax deed, but as he paid the back taxes as owner he is not entitled to a tax deed. Furthermore he heard the Council

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CANADA

234198 198

OFFICE OF
County Crown Attorney
and Clerk of the Peace,
COUNTY OF HALDIMAND.

Cayuga, Ont. 189

discussing the advisability of purchasing the lots for gravel, and I suppose he planned this scheme to obtain possession of the lots, to frustrate our desires to secure a convenient place to secure gravel if we can. He has a mortgage on Conways lots, and no doubt ~~will~~ Conways property will fall into his hands at Conways death, who is very low and not likely to live long. Humfrees scheme is therefore to secure possession of the whole tier of lots on the River from lots 17. to Conways. I understand 17. 18 are not patented if so the Town is desirous of securing them at a nominal or reasonable price from the Govt. and while you are there I would ask you to represent this matter to the Dept in our favour.

Yours truly
J M Heppard Reeve

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

123909?

234198

Department of Indian Affairs

DEPARTMENT OF INDIAN AFFAIRS MAY 17 1901

Immediate

Ottawa, 1

Jos. Shaw

Lots 17 & 18 West Ouse St

Cayuga $25

Village of Cayuga

S. 2139

111926

LAND BRANCH MAY 18 1901

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Ottawa 18th May 1901-

Sir-

Sale
2608

Referring to letter addressed you on the 14th November last, authorizing a sale to Mr. Joseph Shurr of Lots 17 and 18 on the West side of Ouse Street, Cayuga, for $20.00, I beg to inform you that an application has been received, [redacted], for the purchase of the Lots by the Town Council of Cayuga, and I have to request that if Mr. Shurr has not exercised his right to purchase, you will sell the Lots to the Council on the same terms.

Your obedient servant

J. D. McLEAN

Secretary.

E.D.Cameron, Esq.,
Indian Superintendent,
Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926-

Ottawa 18th May 1901-

Sir-

Regarding the application of the Town Council of Cayuga to purchase Lots 17 and 18 on the West side of Ouse Street, Cayuga, I beg to inform you that Mr. Superintendent Cameron has been this day instructed to sell the Lots to the Council on the same terms as they were offered to Mr. Shurr, provided he has not exercised his right to purchase them.

Sale 2608

Your obedient servant

J. D. McLEAN

Secretary-

C.W. Colter, Esq.,
Barrister &c.,
Cayuga,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

111926

Cayuga Dec 14th 1912

DEPARTMENT OF INDIAN AFFAIRS
DEC 17 1912

The Secretary
Department of Indian Affairs
Ottawa Ontario

416377

Dear Sir,

The enclosed advertisement announcing the sale of unopened streets in the Village of Cayuga appeared in a recent issue of the local paper. I am the owner of lots on three parts of Obadiah, Victoria and Thirteen Streets adjoining the Court House grounds.

I understand the Council of Cayuga was originally Indian Lands and I shall be obliged if you will be good enough to inform me if the Town Council can give a clear title to these streets should I decide to purchase.

If the Council cannot give title could I purchase either streets or portions thereof adjoining my lots and if so, upon what terms and at what price

I have the Honor to be Sir,
Your Obedient Servant
Frances Martin.

LANDS BRANCH
DEC 19 1912

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926.

Ottawa, December 19, 1912.

Sir,-

I beg to inform you that it is observed that you have advertised for applications for the purchase of unopened streets in the village of Cayuga, ~~xxx~~ as authorized under a By-law of the Village of Cayuga, and in connection therewith beg to call your attention to the fact that streets which have been dedicated by this Department and have been closed in accordance with law, revert to this Department to be disposed of for the benefit of the Indians and the Council has no authority whatever to make disposition thereof.

Your obedient Servant,

J. D. McLEAN

Asst. Deputy and Secretary.

J. W. Sheppard, Esq.,
Municipal Clerk,
Cayuga, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

111,926.

Ottawa, December 19, 1912.

Madam,-

I beg to acknowledge the receipt of your letter of the 14th instant, inclosing clipping of advertisement as to sale of unopened streets in the Village of Cayuga, and in reply to say that the Municipal Council has no authority to make disposition of these streets.

If the streets are closed in accordance with the requirements of the law, the land comprised therein reverts to this Department to be sold for the benefit of the Indians.

Before any action could be taken by the Department, it would be necessary for it to be furnished with certified copy of the By-law and satisfactory evidence that the consent of interested parties to the closing of the streets was obtained before By-law was issued.

A sale of the streets could only be made by this Department after being furnished with the evidence above referred to, and after a valuation has been made of the property.

Your obedient Servant,

T. D. McLEAN

Asst. Deputy and Secretary.

Miss Frances Martin,
Cayuga,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DO NOT WRITE ABOUT MORE THAN ONE SUBJECT IN THE SAME LETTER. — WRITE LEGIBLY YOUR FULL NAME AND ADDRESS.

7· 111926

ADDRESS YOUR REPLY
"TO THE SECRETARY
DEPARTMENT OF THE INTERIOR
OTTAWA."
E.J.

Department of the Interior

Canada.

Refer to No. 2448 O.L.

424128

DEPARTMENT OF INDIAN AFFAIRS
APR 15 1913

Ottawa, 11th April, 1913.

EXD

Sir,

I have the honour to enclose herewith a copy of a letter dated the 31st ultimo, from Mr. T.A.Snider, K.C., Cayuga, Ontario, with reference to Letters-patent granted to Mr. Patrick Cranny for certain lots in that town.

Enc.

The lots referred to were not Ordnance and Admiralty Lands, but it is presumed that the said lots might be Indian Lands under the control of your Department.

Mr. Snider has been advised that a copy of his letter has been forwarded to the Department of Indian Affairs for whatever action may be deemed necessary.

I have the honour to be,
Sir,
Your obedient servant,

LANDS BRANCH

Secretary.

J.D.McLean, Esq.,
Assistant Deputy & Secretary,
Department of Indian Affairs,
Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

Cayuga, 31st March, 1913.

424128

Sir,

(S. 2373)

Some years ago lots 23 and 24 South Mohawk Street and 23 and 24 North Kerr street in the town of Cayuga in the county of Haldimand were granted to Patrick Cranny. Mr. Cranny was also in possession of lots 23 and 24 South of Kerr street and 23 and 24 North of Talbot street. It was supposed the patent was for the last mentioned four lots as well as the first four; but it is now discovered the last four are not included in the patent. I shall be obliged if you will let me know if the papers show Mr. Cranny should have had a patent for the eight lots, if not is any one down as locatee of the last four lots, and what will be required to pay for the patent of 23 and 24 South Kerr and 23 and 24 North Talbot street.

S. 2373

I have the honor to be,

Your obedient servant,

T.A.Snider,

H.S.

The Hon The Minister

of the Interior.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926.

Ottawa, April 18, 1913.

Sir ,-

I beg to acknowledge the receipt of your letter of the 31st ultimo, addressed to the Honourable, the Minister of the Interior, in connection with lots 23 and 24 south of Kerr street, and 23 and 24 north of Talbot street, in the town of Cayuga, and in reply to say that the papers do not show that Mr. Cranny, who received patent years ago for lots 23 and 24 south of Mohawk street and 23 and 24 north of Kerr street, was entitled to purchase or to receive patent for the first mentioned lots.

The Department is communicating with the local Superintendent in the matter.

Your obedient Servant,

J. D. McLEAN

Asst. Deputy and Secretary.

T. A. Snider, Esq., K.C.,
Cayuga,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926.

Ottawa, April 18, 1913.

Sir.-

I beg to inclose copy of a communication received from Mr. T. A. Snider, in regard to lots 23 and 24, south of Kerr street, and 23 and 24, north of Talbot street, in the town of Cayuga, and in reply to say that, as far as the records of the Department show, these lots have not been disposed of, and I have to request that you will be good enough to report whether they are occupied or improved, and if so, the nature and extent of the improvements, the name of the occupant and the price which you would consider the Department should ask for the lots in question.

Your obedient Servant.

J. D. McLEAN

Asst. Deputy and Secretary.

Gordon J. Smith, Esq.,
Indian Superintendent,
Brantford, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File No. 111 926.

111926

DEPARTMENT OF INDIAN AFFAIRS
APR 23 1913

424315

Indian Office, Brantford,
April 21st., 1913.

Sir,-

LANDS BRANCH
APR 23 1913

I beg to acknowledge receipt of your communication of the 18th inst. in reference to Mr. T. A. Snider's communication about some lots in the Town of Cayuga. The communication referred to was not enclosed in your letter as stated. In order to secure the information ~~referred~~ required I will have to go to Cayuga to examine the property which I will do as soon as I dispose of the spring payment of interest money.

Encl. sent

I am

Sir

Your obedient servant,

Supt-

The Secretary-
Dept. of Indian Affairs-
Ottawa-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

DEPARTMENT OF INDIAN AFFAIRS
MAY 23 1913

File No. 111,926.

426612

Indian Office, Brantford,
May 22nd., 1913.

Sir,-

LANDS BRANCH
MAY 27 1913

Sale 26-7

Referring to your letter of the 18th of April. I beg to state that I went to Cayuga yesterday and inspected lots 23 & 24 South of Kerr St. and 23 & 24 North of Talbot St. in the town of Cayuga. None of the streets surrounding this block have been opened out except Talbot Street. There are no fences on the property except a wire fence on the Talbot Street frountage recently put up by the daughter of Patrick Granny the patentee of the lots on the North side of Kerr Street. The Kerr Street lots and the lots in question are all included in one large field which is all cleared and growing in grass. With the exception of the clearing there are no improvements on the land. By reference to the land sale books in my office I find that the other four lots purchased by Mr. Granny in 1873 were sold at $15.00 per lot and I would therefore place the value of these lots at no greater sum than the other lots. Mr. Snider informed me that it was Granny's intention to purchase the whole eight lots and he thought he

The Secretary-
Dept. of Indian Affairs-
Ottawa-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

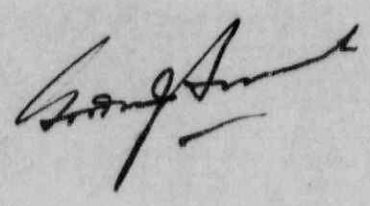
426612

he had done so and has used them as his own ever since until his death some years ago when they became the property of his daughter. A few months ago the daughter sold the eight lots for $200.00 to William Walters who is now living on the lots north of Kerr street. Mr. Snider considers that there are no improvements and that under the circumstances very little should be asked by the Department for the lots.

I am

sir

Your obedient servant,



Supt-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

III 926-

MEMORANDUM.

Ottawa, 28th May, 1913-

To the [redacted] Deputy Minister,

In March last, Mr. Snider, K. C. of Cayuga, made enquiry as to Lots 23 & 24, South of Kerr St. and 23 & 24, North of Talbot St. Cayuga, as it was supposed that they had been included in a Patent of adjoining lands, made to Patrick Cranny, years ago. —

Mr. Snider was advised that these Lots had not been sold or patented, and Mr. Supt. Smith was requested to report whether they were occupied or improved, and if so, the nature and extent of the improvements, the name of the occupant, and the price which he would consider the Department should ask for the Lots.

The local Superintendent now reports that the Streets surrounding this block have not been opened, excepting Talbot St. that there are no fences on the property except a wire fence on the Talbot St. frontage, recently put up by the daughter of Patrick Cr anny . The Superintendent reports that the Lots patented to Patrick Cranny, and the Lots in question, are all included in one large field, which is all cleared and grown in grass, and that with the exception of the clearing, there are no improvements on the land. Mr. Supt. Smith places a value of $15.00 per Lot on the property, and states that it was Mr. Cranny's intention to purchase the whole eight Lots, and he thought he had done so, and used them until his death some years ago, when they became the property of his daughter.

A

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

A few months ago the daughter sold the Lots to William Walters.

In view of the above, and as the greater part of the Lots in the Townplot of Cayuga, have already been disposed of, I would recommend sale to Mr. Walters at the upset price placed thereon by the Agent.

W. A. Orr

In charge of Lands & Timber Branch.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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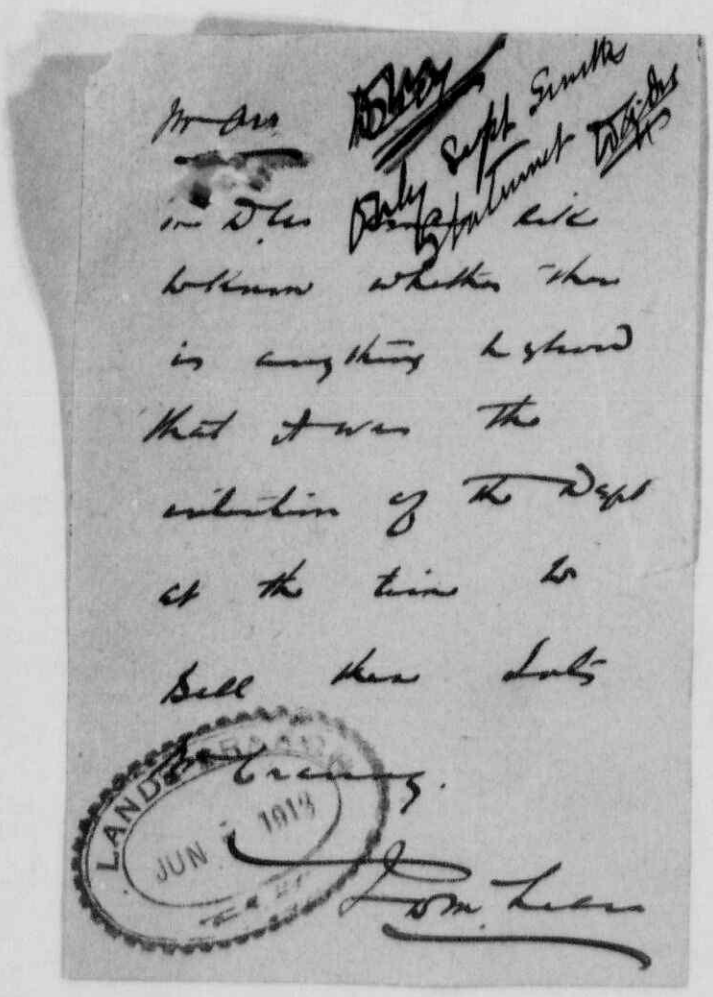

Mr Ass [illegible] Sept Smith
in D.Ins [illegible] like
to know whether there
is anything beyond
that it was the
intention of the Dept
at the time to
sell these Lots
[illegible] Crossing.

[illegible]

LANDS BRANCH
JUN 1913

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

DEPARTMENT OF INDIAN AFFAIRS CANADA

OFFICE OF THE DEPUTY SUPERINTENDENT GENERAL.

OTTAWA. June 18th. 1913.

MEMORANDUM

Secretary -

I think before a decision is reached, a much fuller report should be obtained, as to what was intended to be sold at the time the sale was made.

D. S. G. I. A.

LANDS BRANCH JUN 17 1913

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926.

Ottawa, June 19, 1913.

Sir,-

Referring to your letter of the 22nd ultimo and prior correspondence in connection with application for lots 23 and 24, south of Kerr street, and 23 and 24 north of Talbot street, I am directed to state that, before a decision can be reached, a fuller report should be obtained as to what was intended to be sold at the time the sale was made.

If there is no information in the records of your office on this point, possibly you might be able to obtain a statutory declaration from one of the heirs of the late Patrick Cranny.

Your obedient Servant,

W. D. McLEAN

Asst. Deputy and Secretary.

Gordon J. Smith, Esq.,
Indian Superintendent,
Brantford, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

QUIT CLAIM DEED—Printed—L-6-11 United Typewriter Co., Limited, Toronto. 8437

This Indenture

made (in duplicate) the eighth day of July

one thousand nine hundred and thirteen

Between Mary Ann Waters of the town of Cayuga in the county of Haldimand widow Of the first part

and

William Walters of the said town of Cayuga farmer Of the second part

Whereas Patrick Crany was for many years and continued to be till his death in possession of the lands hereinafter set out

And whereas I am the only child and heir at law of the said Patrick Crany and have since his death been in possession of the lands hereinafter set out

And whereas the said Patrick Crany and I have been in exclusive possession of the said lands for over forty years

Witnesseth that the said party of the first part for and in consideration of

one dollar-

of lawful money of Canada to her in hand paid by the said party of the second part at or before the sealing and delivery of these Presents (the receipt whereof is hereby acknowledged) ha granted, released and quitted claim, and by these Presents do grant, release and quit claim unto the said party of the second part his heirs, and assigns, forever, ALL estate, right, title, interest, claim and demand, whatsoever, both at law and in equity or otherwise, howsoever, and whether in possession or expectancy of, her the said party of the first part in, to or out of ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the town of Cayuga in the county of Haldimand and province of Ontario, being composed of lots numbers twenty three and twenty four on the North side of Talbot street in the town of Cayuga in the county of Haldimand and province of Ontario

TOGETHER with the appurtenances thereto belonging or appertaining TO HAVE AND TO HOLD the aforesaid land and premises with all and singular the appurtenances thereto belonging or appertaining unto and to the use of the said part 1 of the second part his heirs and assigns, FOREVER; SUBJECT, nevertheless, to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

In Witness whereof the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered
IN THE PRESENCE OF

Emma Wadell.

Mary Ann Watts

CANADA
PROVINCE OF ONTARIO
County of Haldimand.
TO WIT:

I, Emma Wadel
of the Town of Cayuga.
in the County of Haldimand.
Law. Clerk.
make oath and say:

1. That I was personally present and did see the within Instrument and a Duplicate duly signed, sealed and executed by Mary Ann Waters.

one of —the parties thereto.

2. That the said Instrument and Duplicate were executed by the said party at the Town —— of Cayuga.

3. That I know the said party

4. That I am a subscribing witness to the said Instrument and Duplicate.

SWORN before me at the Town
of Cayuga
in the County of Haldimand.
this 14th day of July.
A.D. 19/3.

Emma Wadel.

J. A. Murphy
A Commissioner for taking Affidavits in H.C.J., etc.

DATED 8th July A.D. 19/3

Mary Ann Waters

—TO—

Wm Walters

Quit Claim Deed

United Typewriter Co., Limited, Toronto.

[illegible]

Sold by Joseph Doust, Law Stationer, 58 Adelaide E., Toron

Dominion of Canada
PROVINCE OF ONTARIO
County of Haldimand
TO WIT,

In the Matter of

lots numbers 23 and 24 on the North side of Talbot street in the town of Cayuga in the county of Haldimand province of Ontario

I, Mary Ann Waters of the town of Cayuga in the County of Haldimand widow

Do solemnly declare that

1. I am a daughter of Patrick Crany patentee of lots 23 and 24 on the South side of Mohawk street and lots 23 and 24 on the North side of Kerr street all in the said town of Cayuga

2. The said Patrick Crany at the time pf procuring the said patent was in possession of the said lands therein mentioned and also in possession of lots 23 and 24 on the North side of Talbot street, the said six lots were then and have been enclosed within one fence for over forty years, and were then and have for a period of over forty years been in the possession of the said Patrick Crany or myself his only child.

3. I recently sold the said lands as set out in the patent being lots 23 and 24 on the South side of Mohawk street and lots 23 and 24 on the North side of Kerr ~~supposing it covered the whole field and comprising the aforesaid six lots~~

4. ~~I believe the said Patrick Crany was entitled to the patent to the said six lots, and that it should now be granted to William Walters of the town of Cayuga to whom I have sold the lands~~

And I make this solemn declaration conscienciously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act,

Declared before me at the Town of Cayuga in the County of Haldimand this Eighth day of July A.D. 1903

Mary Ann Waters

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

Dated *day of* 190

In the matter of

lots 23 and 24 N Talbot st

Cayuga;Co,Haldimand

Ontario

Statutory Declaration

—OF—

Sold by Joseph Deust, Law Stationer, 58 Adelaide Street East, Toronto

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

Poor Copy.

T. A. SNIDER, K. C.
NOTARY, ETC.

SOLICITOR FOR THE CANADIAN BANK OF COMMERCE, C
SOLICITOR FOR THE COUNTY OF HALDIMAND

42982

Cayuga, Ont., Canada

14th July 1913

G.J.Smith Esq

Superintendent of Indian Affairs

Brantford

Sir,

I herewith apply for the patent to lots 23 and 24 on the North side of Talbot street in the town of Cayuga.I enclose you a declaration and Quit claim deed to support the application. William Walters of the town of Cayuga is applicant to whom the patent should issue.Kindly let me know how much he will have to Pay for the lots.

Yours truly

T.A.Snider

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

T. A. SNIDER, K. C.
NOTARY, ETC.

SOLICITOR FOR THE CANADIAN BANK OF COMMERCE, CAYUGA
SOLICITOR FOR THE COUNTY OF HALDIMAND

42982

Cayuga, Ont., Canada

14th July 1913

G. J. Smith Esq
Superintendent of Indian Affairs
Brantford

Sir,

I herewith apply for the patent to lots 23 and 24 on the North side of Talbot street in the town of Cayuga. I enclose you a declaration and Quit claim deed to support the application. William Walters of the town of Cayuga is applicant to whom the patent should issue. Kindly let me know how much he will have to Pay for the lots.

Yours truly

T. A. Snider

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

Poor Copy.

File No. 111 926.

111926

429862

Indian Office, Brantford,
July 17th., 1913.

Sir,-

Upon receipt of your letter of the 19th ultimo I wrote to Mr. Snider for a full report and have received in reply the enclosed letter, statutory declaration and Quit Claim Deed. I presume the Quit Claim should be returned to Mr. Snider after inspection by the Department. From these documents it appears as if Patrick Cranny always considered himself the owner of lots 23 & 24 on the North side of Talbot street in the town of Cayuga. I therefore beg to recommend that the patent issue as requested.

I am

sir

Your obedient servant,

supt-

The secretary-

Dept. of Indian Affairs-

Ottawa-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

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File No. 111 926.

111926

DEPARTMENT OF INDIAN AFFAIRS
SEP 4 1913

Indian Office, Brantford,

Sept. 2, 1913.

452320

Sir,-

I have received a letter from Mr. T. A. Snider of Cayuga in which he thinks it is strange that no answer has been received in reference to Mr. Water' s application for a patent for lots 23 & 24 South of Kerr Street and lots 23 & 24 North of Talbot Street. I beg to request that the required information be given as soon as convenient.

I am

Sir

Your obedient servant,

Supt-

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111926

Ottawa, September 20, 1913.

Memorandum:

Mr. Pedley,

LANDS BRANCH
SEP 22 1913

With respect to the proposed sale of Lots 23 and 24, on the north side of Talbot St., in the town of Cayuga, to William Walters, I beg to say that as Mr. Walters is the only applicant for the same, and as Mary Ann Waters, the only child and heir-at-law of the late Patrick Crany, who occupied these lands for a number of years, has given a quit claim of her interest, if any, in these lots I think it would be proper to sell these lots to Mr. Walters.

A.S. Williams

Law Clerk.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926.

Ottawa, September 23,1913.

Sir,-

In reply to your letter of the 2nd instant and prior correspondence in connection with application of Mr. William Walters to purchase lots 23 and 24, south of Kerr street, and lots 23 and 24, north of Talbot street. in the village of Cayuga. I beg to say hat it has been decided to allow Mr. Walters to purchase these lots at $15.00 per lot, and return of sale may be made in the usual way.

Your obedient Servant,

D. McLEAN

Asst Deputy and Secretary.

Gordon J. Smith, Esq.,
Indian Superintendent,
Brantford, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

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ARCHIVES PUBLIQUES
CANADA

T. A. SNIDER, K. C.
NOTARY, ETC.

SOLICITOR FOR THE CANADIAN BANK OF COMMERCE
SOLICITOR FOR THE COUNTY OF HALDIMAND

Cayuga, Ont., Canada

435014

8th Oct 1913

Sir, re Walters

I have your letter herein askinf $15.00 a lot for the land They are half acre lots,near the outskirts of the village and a creek breaks them.You ask $30.00 an acre,double as much as has been asked heretofore.Is there not some mistake about this? Kindly let me know about it.If Walters takes the lots,if a price ~~xxx~~ is agreed on must he payxit all in one payment or can he send you a part and get the patent when he sends the balance.

Yours truly

T.A.Snider

Indian Agent

Brantford

co

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111926

FILE NO 111 926.

Indian Office, Brantford,

October 10th., 1913.

435014

Sir,-

In reference to the application of William Walters for the purchase of four lots in Cayuga, I beg to enclose a letter received from Mr. Snider in which he protests at the charge of $15.00 per lot as he says it is too much. I beg to ask for further instructions.

I am

Sir

Your obedient Servant,

Supt.

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926.

Ottawa, October 14, 1913.

Sir,-

I beg to acknowledge the receipt of your letter of the 10th instant, inclosing a communication addressed you by Mr. T. A. Snider, as to value placed on four lots in Cayuga, applied for by Mr. Walters, and in reply to say that the Department is not prepared to reduce the price placed on this land, but the applicant may be allowed to pay one-fifth cash and the balance in four equal, annual instalments with interest at five per cent.

S 2627

Your obedient Servant,

S. STEWART

Assistant Secretary.

Gordon J. Smith, Esq.,
Indian Superintendent,
Brantford, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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ARCHIVES PUBLIQUES
CANADA

Poor Copy.

FILE NO. 111 926

DEPARTMENT OF INDIAN AFFAIRS
NOV 8 1913

Indian Office, Brantford,
November 7th., 1913.

436624

Sir,-

I beg to enclose bank draft No. 22 for $25.00 being first instalment of purchase money on lots 23 & 24, South of Kerr Street, and lots 23 & 24 North of Talbot Street in the village of Cayuga paid by William Walters.

LANDS BRANCH
NOV 11 1913

I am

Sir

Your obedient servant,

Supt.

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILE NO. 111 926

DEPARTMENT OF INDIAN AFFAIRS
NOV 8 1913

Indian Office, Brantford,
November 7th., 1913.

436624

Sir,-

I beg to enclose bank draft No. 22 for $25.00 being first instalment of purchase money on lots 23 & 24, South of Kerr Street, and lots 23 & 24 North of Talbot Street in the village of Cayuga paid by William Walters.

LANDS BRANCH
NOV 11 1913

I am

Sir

Your obedient servant,

Supt.

The Secretary-

Dept. of Indian Affairs-

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926.

Ottawa, December 22, 1913.

Sale
2627

Sir,-

I am returning herewith your Land Return for November last, marked Nil, and have to ask why you did not include the sale of lots 23 and 24, south side of Kerr street, Cayuga, as reported in your letter of the 7th November last. This evidently should have been done and the return sent in duplicate.

Your obedient Servant,

J. D. McLEAN

Asst. Deputy and Secretary.

Gordon J. Smith, Esq.,
Indian Superintendent,
Brantford, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

Poor Copy.

Cayuga, Ont: 28th Feb: 1914

To The Secretary.
Department of Indian Affairs
Parliament Buildings
Ottawa. Ont:

442931

Dear Sir,

You have understand a few Lots of unclaimed Lands in your Dept. in the Town of Cayuga, Ont: There is one Lot 4. North of Erie and South of King Street Town of Cayuga, and West of Grand River, Please let me have your price for this Lot. and if there is any more not taken up near by this one let me have their prices and oblige

Yourstruly
John Carruthers.

MAR 2 1914

LANDS BRANCH MAR 2 1914

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

copy for File

undisposed of

List of Lots in the Townplot of Cayuga,

West of the Grand River.

✓ Erie St.South side, Part Lot I,and Lots 2 & 3.

✓ Erie St.North side, Part Lot I,and Lot 4.

✓ Delaware St.East side,N.Talbot Road,Blocks 6 & 8.

✓ George St.South side,Part Lot I, and Part Lot 2.

✓ Moravian St.South side,Parts Lots I 2 & 3.

✓ Onondaga St.East side,North Britannia St, Gore Lot I.

✓ Queen St,South side,North parts Lots I & 2.

✓ Oneida St.East side,North of Moravian St.Gore Lot I.

East Side

Lot 11 S. side of Chippewa St. ✓

Lots 15 & 16 S. Victoria St.

" 15 & 16 N. Obadiah St.

Lot 1 S. Victoria

Lot 22 S. Echo St

Lots 15 & 16 North Obadiah St } agricultural Society - / Letter Aug 16 1918

" 15 & 16 South - Victoria St - }

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

III 926/

Ottawa, 9th March, 1914-

Sir,

In reply to your letter of the 28th Ultimo, asking for information with regard to Lot 4, North side Erie Street, and West of Grand River, in the Townplot of Cayuga, I am enclosing herewith a list of Lots in that locality, which, so far as can be ascertained from the records of the Department, have not been disposed of. If you will be good enough to make a selection from this list, of the Lots you desire to purchase, a special report and valuation will be made thereof, and you advised accordingly.

Your obedient servant,

In charge Lands & Timber Branch-

John Carruthers, Esq.
Cayuga,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

84-32

IN YOUR REPLY REFER TO

No.....

ALSO TO THE DATE OF THIS LETTER.

PLEASE WRITE ON ONLY ONE SUBJECT IN EACH LETTER.

ESS REPLY TO THE
SEC DEPT. OF INDIAN AFFAIRS,
OTTAWA.

DEPARTMENT OF INDIAN AFFAIRS
CANADA

March 23rd, 1922.

111834 V

File 111926 Re Lots in Twp of Cayuga

Memorandum

The delegation from the Six Nations who are now in Ottawa called the Deputy's attention to a quantity of unsold land, as given in the Annual Report for 1921, in the townships of Dunn and Cayuga and in the townplot of Cayuga. They alleged that these unsold lands were occupied by white men and they desired that the matter be taken up by the Department and if any unsold lots are occupied by white men they should be either removed or compelled to purchase at a fair valuation. I think as a preliminary step we had better communicate with the Indian Superintendent at Brantford in regard to this matter and ask him to verify, if possible, the unsold lots in the two townships referred to and also in the townplot and when the Department has definite information as to the exact number of lots still remaining unsold it is advisable that we should have a valuation of them made and if any of them are occupied by white men they should be compelled to purchase at the valuation or removed from the lots.

114727

114724

Asst. Deputy and Secretary.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, April 29th, 1922.

Sir:-

A delegation from the Six Nations called the Department's attention recently to a quantity of unsold land, as given in the annual report for 1921, in the Townships of Dunn and Cayuga and in the Townplot of Cayuga. They alleged that these unsold lands were occupied by White men and they desired that the matter be taken up by the Department, and if any unsold lots are occupied by White men, they should be either removed or compelled to purchase at a fair valuation.

As a preliminary step, I have to ask that you will be good enough to verify, if possible, the unsold lots in the Townships referred to and also in the townplot. When the Department has definite information as to the exact number of lots still remaining unsold, it is thought that we might have to have a valuation of them made, and if any of the lots are occupied by White men they should be compelled to purchase at the valuation or removed therefrom.

Your obedient servant,

J. G. Caldwell
In Charge Land & Timber Branch.

Gordon J. Smith, Esq.,
Indian Agent,
BRANTFORD,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

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FILE NO. 111 926.

DEPT. OF INDIAN AFFAIRS
AUG 2 1922
RECORDS

Indian Office, Brantford,

July 31st., 1922.

573197

Sir,-

Referring to your letter of the 29th of April 1922, I beg to state that I have been making some enquiries in regard to the unsold lands in the Townships of Dunn and Cayuga and in the Town plot of Cayuga, but without more information I am not able to locate these lots. I find that in the Township of Dunn, the land is principally flooded or marsh lands and of very little value.

I beg to request that you send me a list of the unsold lands with their lot and concession numbers and I will then have to make a special trip probably to Cayuga and Dunnville to investigate and find out what lots if any are occupied by white people.

I am, Sir,

Your obedient servant,

Gordon J. Smith,
Supt.

LANDS BRANCH
AUG 2 1922

The Secretary-

Dept. of Indian Affairs,

Ottawa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

TOWNSHIP OF DUNN

LOTS UNDISPOSED OF

SOUTH OF ROAD DOVER TO DUNNVILLE.

	Lot 15	Con.	4	Patented to Frederick Hyde	100	Acres.	26 June 1846
Pt.	" 17	"	3	Walter Butler Sheehan	62	"	22 Nov-1838
"	" 18	"	3	Do. Do. Do.	62	"	Do
"	" 19	"	3	Do. Do. Do.	62	"	Do
"	" 20	"	3	Do. Do. Do.	62	"	Do
"	" 21	N. pt - S. pt	3	Do. Do. Do. Hugh Earl	62	"	Do
"	" 22	"	3	Walter Butler Sheehan	62	"	Do

- - - - - - - - - - - - - -

NORTH OF DOVER ROAD

S. 1/2	Lot 7,	Con.	2	Lyman Burnham et al	100	Acres.	4 Jany 1842
S. 1/2	" 8,	"	2	Do. Do.	100	"	Do Do
N. 1/2	" 1	"	2	Do. Do.	100	"	Do Do
N. 1/2	" 2	"	2	Do. Do.	100	"	Do Do
N. 1/2	" 3	"	2	Do. Do.	100	"	Do Do
N. 1/2	" 4	"	2	Do. Do.	100	"	Do Do
N. 1/2	" 5	"	2	Do. Do.	100	"	Do Do
Fr. N. 1/2	" 6	"	2	Do. Do.	89	"	Do Do
" N. 1/2	" 7	"	2	Do. Do.	70.25	"	Do Do
" N. 1/2	" 8	"	2	Do. Do.	44.25	"	Do Do
Pt. Lot 1,	Con.	3		Do. Do.	46.25	"	Do Do
" " 2	"	3		Do. Do.	54.25	"	Do Do
" " 3	"	3		Do. Do.	57.40	"	Do Do
" " 4	"	3		Do. Do.	49.00	"	Do Do
" " 5	"	3		Do. Do.	31.40	"	Do Do
" " 6	"	3		Do. Do.	6	"	Do Do

1619 .80 Acres.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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ARCHIVES PUBLIQUES
CANADA

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S. 1/2 pt 7 17-3-- 83 acs

TOWNSHIP OF DUNN (Walter Butler Sheehan)

LOTS UNDISPOSED OF

SOUTH OF ROAD DOVER TO DUNNVILLE.

	Lot 15	Con.	4	Patd to ~~Fred~~ Frederick Hyde	100 Acres.	June 26 1846
Pt.	" 17	"	3	Walter B. Sheehan Nov. 22-1838	62	"
S "	" 18	"	3	Walter B. Sheehan Patd. Nov 22-1838	62	"
"	" 19	"	3	Do	62	"
"	" 20	"	3	Do	62	"
"	" 21	"	3	Do Hugh Earl	62	" S. part
"	" 22	"	3	Walter B. Sheehan	62	"

- - - - - - - - - - - - - -

NORTH OF DOVER ROAD

✓	S. 1/2	Lot 7,	Con. 2		100 Acres.	
	S. 1/2	" 8,	" 2		100	"
✓	N. 1/2	" 1	" 2	Burnham (4 Jan 1842	100	"
	N. 1/2	" 2	" 2	Do Do	100	"
	N. 1/2	" 3	" 2	Do Do	100	"
	N. 1/2	" 4	" 2	Do Do	100	"
	N. 1/2	" 5	" 2	Do Do	100	"
Fr.	N. 1/2	" 6	" 2	Do Do	89	"
"	N. 1/2	" 7	" 2	Do Do	70.25	"
✓ "	N. 1/2	" 8	" 2	Do Do	44.25	"
✓ Pt.	Lot 1,	Con. 3		Do Do	46.25	"
"	" 2	" 3		Do Do	54.25	"
"	" 3	" 3		Do Do	57.40	"
"	" 4	" 3		Do Do	49.00	"
"	" 5	" 3		Do Do	31.40	"
"	" 6	" 3		Do Do	6	"

(1,548 acs)

1619 .80 Acres.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Department of Indian Affairs

File No. 111,926

Canada

Lands and Timber Branch

Ottawa, October 17th, 1922.

Memo.

Mr. Caldwell:-

A careful examination of our records covering the land in question in the Townships of Dunn and Cayuga, and in the Townplot of Cayuga reveals to me that in order to adjust this matter satisfactorily, an officer of the Department should make an inspection on the property.

I arrive at this conclusion owing to the fact that twenty-five (25) or more years of correspondence has not brought this question any nearer to a final settlement. The longer the matter is left, the more difficult of adjustment.

In Dunn one thousand five hundred and forty-eight (1548) acres are undisposed of. All this land may not be desirable for either farming, grazing or residential purposes, but it would be well to know this. It is also questionable if some of the lands, as shown on our records unsold, have not been long ago disposed of.

In Cayuga Township one hundred (100) acres are unsold. In the Townplot of Cayuga 33.36 acres are at the disposal of the Department.

All this land is occupied and ownership probably claimed by someone. I fail to see why the disposition of this area cannot be made.

The Agricultural Society of the County of Haldimand lays claim to Lots fifteen (15) and sixteen (16) North Obadiah Street, and Lots fifteen (15) and sixteen (16) South Victoria Street. Payment, therefor, has not been received and no effort appears to have been made to collect the moneys due.

There is also the question of the occupation of closed streets in the Township of Cayuga. The land in the streets revert to the Department when the streets are closed. This should be looked into and if possible a record made of those occupying the area.

When the Township of Cayuga was mapped out many years ago, it was expected that the place would rapidly grow and become a large town. In accordance with this surmise, the Corporation extended some distance. Today Cayuga is a small Village. The lots occupied being along the Grand River, while the back lots, together with the streets, are enclosed by fences.

In 1913, the Village Council of Cayuga passed a By-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

law (242) covering the disposition of unopened streets. The Department, in December, 1912, advised the Municipal Clerk of Cayuga that the streets which were dedicated by this Department, and have been closed in accordance with the Law, revert to the Department to be disposed of for the benefit of the Indians. Nothing further has been done in this matter.

I have prepared lists covering the lands in question, and also have had blue prints made of the Township of Dunn, and of a compiled plan recently made of the East and West sides of the Grand River in Cayuga Townplot.

These, with other necessary copies of correspondence, relating to the land under discussion, should be looked into by the officer who may deal with the subject under consideration.

F. J. Conmee

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

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File No. 111,926.

Department of Indian Affairs

Canada

Lands and Timber Branch

Ottawa, October 18, 1922.

Memo.

Approved

The Deputy Minister,-

For some time Mr. O'Connor has been engaged in an investigation of the Indian lands situation in the townships of Dunn and Cayuga and the Townplot of Cayuga. All available Departmental records in this connection have been carefully reviewed, and a condition of affairs has been revealed which, in my opinion, requires immediate attention. The present very unsatisfactory situation is fully explained in the subjoined memorandum from Mr. O'Connor, dated the 17th instant.

As pointed out by Mr. O'Connor, any attempt to settle this matter by way of correspondence would appear entirely futile, as an interchange of correspondence extending over the past twenty-five years has not brought the matter any nearer final settlement. It would appear from our records that the following Indian lands remain undisposed of:-

Township of Dunn - - - -	1,548 acres.
Township of Cayuga - - -	100 "
Townplot of Cayuga - - -	33.36 acres.

Mr. O'Connor has very carefully prepared a number of statements and plans which will be of great service should a final adjustment of this question be decided upon, and in view of the fact that the Six Nations Council, has requested the Department to furnish definite information in this connection, I would recommend that Mr. O'Connor be instructed to go to Brantford in the near future and, in co-operation with Major Smith, go very thoroughly into the question with a view to definite and final settlement. There are a number of local conditions which must be taken into consideration, and which make a personal visit by an Officer of the Department absolutely necessary.

This work could be carried out this fall, and I would recommend that instructions be given to Mr. O'Connor to proceed at once to Brantford for this purpose.

J. D. Caldwell

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

FORM 2

Great North Western Telegraph Company of Canada

Exclusive Connection with the WESTERN UNION TELEGRAPH CO.

Cable Service to all the World

CONDITIONS.—Approved by Board of Railway Commissioners for Canada, under Order 162, dated March 30, 1916.

It is agreed between the sender of the message on the face of this form and this Company, that said Company shall not be liable for damages arising from failure to transmit or deliver, or for any error in the transmission or delivery of any unrepeated telegram, whether happening from negligence of its servants or otherwise, or for delays from interruptions in the working of its lines, for errors in cypher or obscure messages, or for errors from illegible writing, beyond the amount received for sending the same.

To guard against errors, the Company will repeat back any telegram for an extra payment of one-half the regular rate; and, in that case, the Company shall be liable for damages suffered by the sender to an extent not exceeding $500.00, due to the negligence of the Company in the transmission or delivery of the telegram.

Correctness in the transmission and delivery of messages can be insured by contract in writing, stating agreed amount of risk, and payment of premium thereon at the following rates, in addition to the usual charge for repeated messages, viz.: one per cent. for any distance not exceeding one thousand miles, and two per cent. for any greater distance.

This Company shall not be liable for the act or omission of any other Company, but will endeavor to forward the telegram by any other Telegraph Company necessary to reaching its destination, but only as the agent of the sender and without liability therefor. The Company shall not be responsible for messages until the same are presented and accepted at one of its transmitting offices; if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the sender's agent; if by telephone, the person receiving the message acts therein as agent of the sender, being authorized to assent to these conditions for the sender. This Company shall not be liable in any case for damages, unless the same be claimed, in writing, within sixty days after receipt of the telegram for transmission.

No employee of the Company shall vary the foregoing.

GEO. D. PERRY, General Manager.

Counter No.	Time Filed	Sent No.	Sent By	Received By	Time Sent	Check

Send the following message, subject to the above Terms, which are hereby agreed to.

Ottawa, October 21, 1922.

Major Gordon J. Smith,
Indian Superintendent,
Brantford, Ont.

Mr. O'Connor, Lands Branch, will call on you Monday, for purpose of adjusting Indian lands situation in Townships Dunn and Cayuga. Please give all possible assistance.

A. F. MacKenzie.

(Charge D.I.A.)

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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ARCHIVES PUBLIQUES
CANADA

Department of Indian Affairs

File No.....

Canada

Lands and Timber Branch

Ottawa, November 10th, 1922.

Memo. Mr. Caldwell:-

Report re the undisposed of lands in the Townships of Cayuga and Dunn, and in the Town-plot of Cayuga, as shown by the annual Report.

In compliance with instructions of the 18th ultimo, I called on Indian Superintendent Gordon Smith at Brantford with a view to gathering from him and his records any information that might help in adjusting the land situation under consideration.

Mr. Smith was unable to produce any record that could be considered of value. He and I went to Cayuga and secured, from the records produced by the Registrar of the County of Haldimand, the information wich enabled me later on to interview the squatters on the Indian lands.

A puzzling state of affairs which the Registrar, Mr. Howard, was unable to elucidate in any way, is how the ownership and transfers of our lands are registered in the County Registry office prior to the issue of the Crown Grant. However, such is the case. Many parties I interviewed in connection with the land undisposed of informed me that when they secured adjoining land they were assured by their Legal Representative that their title was clear, covering the land under the control of the Department. Some were under the impression that they purchased all the land occupied by them. It appears to me that they considered by holding a title under patents for a portion of land they could retain possession of all without paying anything for unpatented land.

Fifty or more years ago lands in and about Cayuga were more valuable than they are today. At that time the population was double what it is now. In the early days navigation was a great boon to the towns along the Grand River. The advent of the railway seems to have had the effect of closing down river transportation and some promising undertakings.

Since my return, I have looked further into this land question, and find that Messrs. Glenny and Jones, Land Valuators for the Department, in 1889 placed a valuation of from four ($4.00) dollars to eight ($8.00) dollars an acre on the undisposed of lands on the west side of the river. The late Agent Cameron sold the greater portion of the lands in the hands of the Department on the west side of the river, at these valuations.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

In 1896 Mr. Cameron reported that "When the Village of Cayuga was located many years ago, it was thought that it would ultimately develop into a city of some importance and consequently a very large area was set aside as a town site. It has steadily declined, however, and certainly property is not in much demand now and not nearly so valuable or saleable, and in fact it is difficult to get an offer for them unless the person owning the adjoining property will purchase." Today the Village is practically at a standstill.

I find that the tax rate within the Corporation is four (4¢) cents on the dollar,-all the lands we are dealing with is within the Corporation,-and that those residing on Indian lands without title west of the river pay as much taxes for about five (5) acres in the townplot as the owner of a hundred (100) acre farm in the township.

In view of the above, I would respectfully suggest that the squatters, west of the river, be requested to pay ten ($10.00) dollars per acre for the land occupied. This valuation I consider they would favorably entertain.

In connection with the lots east of the river, I concur in the valuation placed thereon by the late Superintendent Cameron of from ten ($10.00) dollars to fifteen ($15.00) dollars per lot depending on location and size. I would recommend that lots undisposed of be sold accordingly.

Lots on the East side of the Grand River.

Lot 11, South Chippewa St., enclosed along with lot 10 by a dilapidated picket fence. On lot 10 is built a small clapboard dwelling owned and occupied by Geo. Edwards, Laborer. There are no improvements except the fence, and a few apple trees on lot 11. Edwards informed me that his lawyer, who drew up the papers, when he purchased, assured him that the lots were free from encumbrances and that he had a clear title to lots 10 and 11.

I would recommend that Lot 11, which contains half (1/2) an acre, be sold for fifteen ($15.00) dollars cash.

Lots 22, 23 and 24, north Norton Street are claimed by John Quigley, who has no permanent address. He is now, I am informed, at Brampton, Ont. These lots are low and are enclosed by a wire fence. No improvements. I would place a valuation of ten ($10.00) dollars a lot, or thirty ($30.00) dollars for the three (3) lots which contain one (1) acre of land.

Lot 22, South Echo Street, is occupied by Mrs. Annie Cassidy, Widow, who has lived on the lot for over fifty (50) years. These people are very poor. This lot, I also value at ten (10.00) dollars.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Lots 9, 15 and 16, South Victoria Street, and Lots 15 and 16, North Obadiah Street, are occupied by the County of Haldimand Electoral District Agricultural Society, and were purchased by them about thirty (30) years ago, from E. S. Martin.

A meeting of the Society was called at my request to consider their liability. The President, Mr. Nicholas Last, who has been a member of the Agricultural Society for over thirty (30) years, stated that my notification was the first intimation he had received that anything was owing on the agricultural property. As the meeting was not largely attended, it was decided to defer the question of payment until the annual meeting in January. I place a valuation of seventy-five ($75.00) dollars on the lots, which contain 2.33 acres, or fifteen ($15.00) dollars a lot.

West side of the River.

Jas. J. Doyle occupies Blocks 1 and 2, South of George Street, 1, 2 and 3, north of George St, Fractional Block 1, and Block 4, north of Erie St., and a small gore lot south of King St., and east of the River road, in all 13.9/10 acres, more or less. The Doyle family have lived here for three (3) generations.

Mrs. Mary Ann Hall has Block 6, south of King street, containing two (2) acres, more or less.

Calvin Williamson occupies Fractional Block 8, north of Talbot Road, containing 1.33 acres more or less.

The Gore lot, north of Talbot Road, containing about six (6) acres is held by John J. Walsh.

There are no buildings erected on any of these blocks, which are part of the farm lands.

The annual report shows one hundred (100) acres unsold in the Township of Cayuga. From our plan I gather that this refers to the south one hundred (100) acres of Lot 29, Concession 1, north of the Talbot Road. I took this question up with the Registrar who produced a record showing that all of Lot 29 is within the boundaries of the town of Cayuga. This being the case would leave all lands in the township disposed of.

TOWNSHIP OF DUNN.

The information received from the Registrar of the County of Haldimand convinces me that our records in connection with the Dunn lands are faulty.

Lots south of the Dover Road.

Lot 15, Concession 4, was patented 26th June, 1846, to Frederick Hyde. Part of Lots 17, 18, 19, 30 and 31, Concession 3, were patented to Walter B. Sheehan, November 22nd, 1838. The

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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ARCHIVES PUBLIQUES
CANADA

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south part of Lot 21 was patented to Hugh Earl, 22nd November, 1838. Part of Lot 22, Concession 3, patented to Walter B. Sheehan 22nd November, 1838.

All the lands listed in the Department as unsold, north of the Dover Road, were patented on the 4th of January, 1842, to Lyman Burnham.

This clears up the whole of the Dunn lots, shown by our annual report as being unsold.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

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Department of Indian Affairs

File No. 111,926

Canada

Lands and Timber Branch

Ottawa, November 14th, 1922

Memo.

Deputy Superintendent General:-

I am submitting herewith a report made by Mr. P. J. O'Connor, of this Branch, of his investigation recently into the question of certain Indian lands in the Townships of Cayuga and Dunn, and in the Townplot of Cayuga which, according to our records for some time, have appeared as unsold.

As explained in a previous memorandum, the Departmental records appear to indicate that the Department owned approximately one thousand seven hundred (1700) acres in the localities referred to, but some doubt existing as to the accuracy of these records and for the purpose of definitely clearing up this situation, Mr. O'Connor's investigation was undertaken.

As a result of a detailed and exhaustive enquiry, we now find that of the one thousand seven hundred (1700) acres, approximately, which we thought the Department owned, only about thirty (30) or forty (40) acres may now properly be claimed.

/ Of the one thousand five hundred (1500) acres, more or less, which, according to our records, remained unsold in the Township of Dunn, it transpires that these lands were all sold and patented many years ago. Also the one hundred (100) acres we had recorded as being located in the Township of Cayuga are apparently a portion of the Townplot of Cayuga, and have been so dealt with by Mr. O'Connor.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

While the result of the investigation is, in one respect, dissappointing to the Department, it has definitely cleared up the whole situation affecting these lands, and I would, therefore, recommend that our records be corrected accordingly, and that a revised statement coinciding with the latest information appear in the next issue of the Auditor General's report.

In the meantime, the several recommendations made by Mr. O'Connor, with respect to the areas to which the Department may claim ownership, might be carried out.

J. Caldwell
In Charge

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Ottawa, November 27th, 1922.

MEMORANDUM

HON. CHARLES STEWART.

Re unsold Six Nation's lands in the Townships of Cayuga and Dunn.

You will recall that the question of unsold lands belonging to the Six Nations, in the Townships of Cayuga and Dunn, and the Townplot of Cayuga, was one of the matters which have come up from time to time in our discussions with the Indians.

The Department has just completed an exhaustive investigation on this subject, an Officer having been sent to Brantford for the purpose.

Previous to this investigation, it had appeared that the Department owned approximately one thousand six hundred and eighty-one (1681) acres in the localities referred to. It is now shown that our records were very much at fault, and that as a matter of fact of the one thousand six hundred and eighty-one (1681) acres, approximately, which we thought the Department owned, only about thirty-three (33) acres in the townplot may now properly be claimed.

Of the one thousand five hundred and forty-eight (1548) acres, more or less, which according to our records, remained unsold in the township of Dunn, it transpires that these lands were sold and patented many years ago. Also the one hundred (100) acres we had recorded as being located in the township of Cayuga are from the roll produced by the local registrar within the boundaries of the town of

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

Cayuga and have been disposed of.

I would recommend that the remaining thirty-three (33) acres above mentioned in the townplot of Cayuga be sold at from ten ($10.00) to fifteen ($15.00) dollars per lot for property east of the river, and ten ($10.00) dollars per acre for the land west of the river. The monies obtained from the lands disposed of have been credited to the Six Nation's Indians.

Duncan C. Scott

Deputy Superintendent General.

The Minister approves
sgd D.C.S.
Dec. 13-1920

The original is on the Ministers file No 11 - File No 2

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, November 30th, 1922.

Sir:-

In connection with the recent investigation by an officer of the Department of certain lands in the Townships of Cayuga and Dunn, and the Townplot of Cayuga, I am to advise that our records were very much at fault.

Of the lands shown as unsold in Dunn, these were patented in 1838 and 1842. The one (100) hundred acres unsold in Cayuga Township are, from a record produced by the Registrar, part of the Townplot. The balance of the land shown unsold is situated in the village east and west of the river, and the Department proposes to dispose of the land to the squatters thereon.

Your obedient servant,

J. D. McLean.
Assistant Deputy & Secretary.

Gordon J. Smith, Esq.,
Indian Agent,
BRANTFORD,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

No. of Account 33

INDIAN TRUST FUND

The Department of Indian Affairs.

To W H Howard
Registrar, County of Haldimand.

DATE			AMOUNT	
1922		Authorized by Dept. letter No ..... dated		
Oct	28	To search in Town of Cayuga re lots 22 Fees	5	50
		productions		70
		To search in Tp of Dunn lots 27	6	75
			12	95

6235
Acct 20/11/22

I HEREBY CERTIFY that this voucher is correct, that the material has been supplied, the work performed and the charges are fair and just; also that the expenditure has been incurred legitimately and that each item of the same is a fair and just charge against the Government of Canada.

.....
Agent.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

- C O P Y -

Ottawa, November 27th, 1922.

MEMORANDUM

HON. CHARLES STEWART.

Re: Unsold Six Nation's lands in the Townships of Cayuga and Dunn.

You will recall that the question of unsold lands belonging to the Six Nations, in the Townships of Cayuga and Dunn, and the Townplot of Cayuga, was one of the matters which have come up from time to time in our discussions with the Indians.

The Department has just completed an exhaustive investigation on this subject, an Officer having been sent to Brantford for the purpose.

Previous to this investigation, it had appeared that the Department owned approximately one thousand six hundred and eighty-one (1681) acres in the localities referred to. It is now shown that our records were very much at fault, and that as a matter of fact of the one thousand six hundred and eighty-one (1681) acres, approximately, which we thought the Department owned, only about thirty-three (33) acres in the townplot may now properly be claimed.

Of the one thousand five hundred and forty-eight (1548) acres, more or less, which according to our records, remained unsold in the township of Dunn, it transpires that these lands were sold and patented many years ago Also the one hundred (100) acres we had recorded as being located in the township of Cayuga are from the roll produced by the local registrar within the boundaries of town of Cayuga and have been disposed of.

I would recommend that the remaining thirty-three (33) acres above mentioned in the townplot of Cayuga be sold at from ten ($10.00) to fifteen ($15.00) dollars per lot for property east of the river, and ten ($10.00) dollars per acre for the land west of the river. The monies obtained from the lands disposed of have been credited to the Six Nation's Indians.

(Sgd.) Duncan C. Scott
Deputy Superintendent General.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

File No. 111,926

Department of Indian Affairs

Canada

Lands and Timber Branch

Ottawa, December 14th, 1922

Memo.

Approved

Deputy Superintendent General:-

Hereunder is an account I received from the Registrar of the County of Haldimand for his services and production of certain documents in connection with a recent investigation into the Cayuga and Dunn lands.

As the information reported to the Department with respect to these lands could not have been furnished without the production of the papers by the Registrar and his co-operation, I would recommend, subject to your approval, that Mr. Howard's account for twelve dollars and ninety-five ($12.95) cents be paid.

In Charge.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, April 18th, 1923.

Sir:-

In connection with an interview held by an officer of the Department with you last Fall dealing with Lot 11, South Chippewa St., I am now to request that you will be good enough to forward the sum of fifteen ($15.00) dollars to cover the valuation of the said lot.

When making this payment if you will kindly furnish your name in full and occupation, the Department will gladly issue a Patent in your name for said Lot 11, on request.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

Geo. Edwards, Esq.,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111,926

Ottawa, April 18th, 1923.

Sir:-

An officer of this Department visited Cayuga last Fall in connection with certain Indian lands shown by our records as having been unpaid for in the Town.

It is noted that you are the reputed owner of Lots 22, 23 and 24, North Norton St. These Lots were never paid for to the Department, and I have to ask you to kindly forward the sum of thirty ($30.00) dollars for the three (3) lots.

Provided the payment is made within a reasonable date, the Department will be pleased to issue a Patent to you covering these lots. It will be necessary for you to furnish us with your name in full, place of residence and occupation for insertion in the Grant which would issue on request after payment of the thirty ($30.00) dollars.

Your obedient servant,

J. D. Caldwell
In Charge Land & Timber Branch.

John Quigley, Esq.,
B R A M P T O N ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111,926

Ottawa, April 18th, 1923.

Madam:-

You will remember last Fall Mr. O'Connor from this Department called on you in connection with Lot 22, South Echo St.

You are aware this property was Indian land under the control of this Department. From our records we find that this lot was never disposed of.

The valuation placed thereon is ten ($10.00) dollars, and I have to ask that you will be good enough to forward the said amount to this Department at your earliest convenience.

After receipt of the payment it will be our pleasure to have a Patent prepared on request in your name covering said lot 22.

This Grant would be forwarded to you for registration in the local office.

Paid-Sale- 26 31-

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch

Mrs. Annie Cassidy,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111,926

Ottawa, April 18th, 1923.

Sir:-

Last Fall an officer from headquarters interviewed you regarding a fractional part of Block 8, North of Talbot Road, which from our records has never been disposed of. The area affected is 1.55 acres which at an estimated valuation of ten ($10.00) dollars an acre, totals ten dollars and fifty-five ($10.55) cents.

I have to ask that you will be good enough to forward the above total at an early date.

On receipt of the payment, and on your request the Department will be pleased to forward the Patent in your name covering this area.

You will kindly furnish your occupation for insertion in the Grant.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

Calvin Williamson, Esq.,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111,926

Ottawa, April 19th, 1923.

Sir:-

It has been reported to the Department that the Village of Cayuga has under its By-Laws at different times disposed of unopened streets in the said Village.

In this connection I have to call your attention to the fact that the streets which have been dedicated by this Department and have been closed in accordance with your By-Laws revert to the Department to be disposed of for the benefit of the Indians, the Council having no authority whatever to make disposition thereof.

It appears By-Law 374 authorized the disposition of certain closed streets. In accordance therewith you disposed of the East 33 feet of Ouse St. to E. S. Baxter, Registrar, for the sum of fifteen ($15.00) dollars. It is also noted that Givnis Street between Erie and King Streets was sold to the Roman Catholic Church forcemetery purposes at a nominal valuation of one ($1.00) dollar.

The sixteen ($16.00) dollars referred to covering Ouse and Givnis Streets I have to ask that you will kindly forward on receipt of this communication.

I should also like to refer to ByLaw 175 in so far as it affects Queen Street from Onondage to Oneida Streets sold to Mr. Adam Martin; Moravian St., from Onondage to Oneida sold to Mr. Sauve and Onondage from Moravian to Britannia Streets sold to William

Municipal Clerk,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Best. I think the valuation was at the rate of thirty ($30.00) dollars an acre. The moneys collected on this account you will also be good enough to forward.

By-Law 242, covered 44 streets mentioned for sale. It is the intention of the Department to take the necessary steps to bring to a close the long standing unsettled question of property in the Village of Cayuga.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

P

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, April 19th, 1923.

Madam:-

You will recall an officer of the Department of Indian Affairs, Ottawa, interviewed you last Fall in connection with your occupation of Block 6, south of King Street, containing two (2) acres, more or less.

You will also remember that your deed of land was carefully read over by him, and it was remarked that the above lot was not included therein.

We have placed a valuation of ten ($10.00) dollars an acre on the property, and I would ask you to be good enough to forward to this office the sum of twenty ($20.00) dollars to cover the two (2) acres affected.

On receipt of the payment and on your request, the Department would at once take the necessary action to issue the Patent in your name covering the block.

At a later date the question of compensation for the roadway you occupy in your farm will be taken up.

Sale 263

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

Mrs. Mary Ann Hall,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, April 19th, 1923

Sir:-

You will recall an officer of the Department interviewed you last fall dealing with a six acre gore lot lying east of the Talbot Road which is in your possession. It was pointed out that no sale of this lot was made by the Department.

As we have arrived at a valuation of ten ($10.00) dollars an acre for the Indian lands west of the river, I have to ask that you will be good enough to forward on receipt of the letter the sum of sixty ($60.00) dollars to cover the purchase price of the gore lot.

When making this payment if you will kindly furnish your occupation the Department will gladly issue a Patent in your name on request.

At a later date the question of compensation for the roadway you occupy, if any, will be taken up.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

John J. Walsh, Esq.,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111926

Cayuga Apr. 22nd 563509

Department of Indian Affairs
Letter No 111926

LANDS BRANCH APR 25 1923

DEPT. OF INDIAN AFFAIRS APR 25 1923 RECORDS

Dear Sir

I rec'd your letter in reply to Lot No 22 South Echo St dated April 18th 1923 in respect to the Land Mentioned I will send you the ten dollars $10.00 just as soon as possible in the course of two weeks and have the patent of the Lot sent to My Mother Mrs Annie Cassiday

Yours, Resp Ralph Cassiday
Cayuga
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

yesterday. there will be lots
of work here now on.
If you can favor me
by allowing two pay-
ments it will greatly
oblige me.
Awaiting your reply.
I remain
Yours Truly
John J. Walsh.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

DEPT. OF INDIAN AFFAIRS
APR 26 1923
RECORDS

Cayuga. April 25th 1923

Dept of Indian Affairs
Ottawa. Canada.

583530

Gentlemen:-

Your letter # 111,926 under date of April 19th received.

In regard to payment of 60.00 for 6 acres of land same is reasonable and quite satisfactory. I would like to ask you if I could make it in two payments 30.00 now and 30.00 in 3 mts or in July.

Work has been scarce here all winter I just started to work here

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

CANADA

John J. McGee
Deputy Governor

GREAT SEAL

VICTORIA, by the Grace of God, of the United Kingdon of Great Britain and Ireland, QUEEN, Defender of the Faith, &c., &c., &c.

To all to whom these Presents shall come----

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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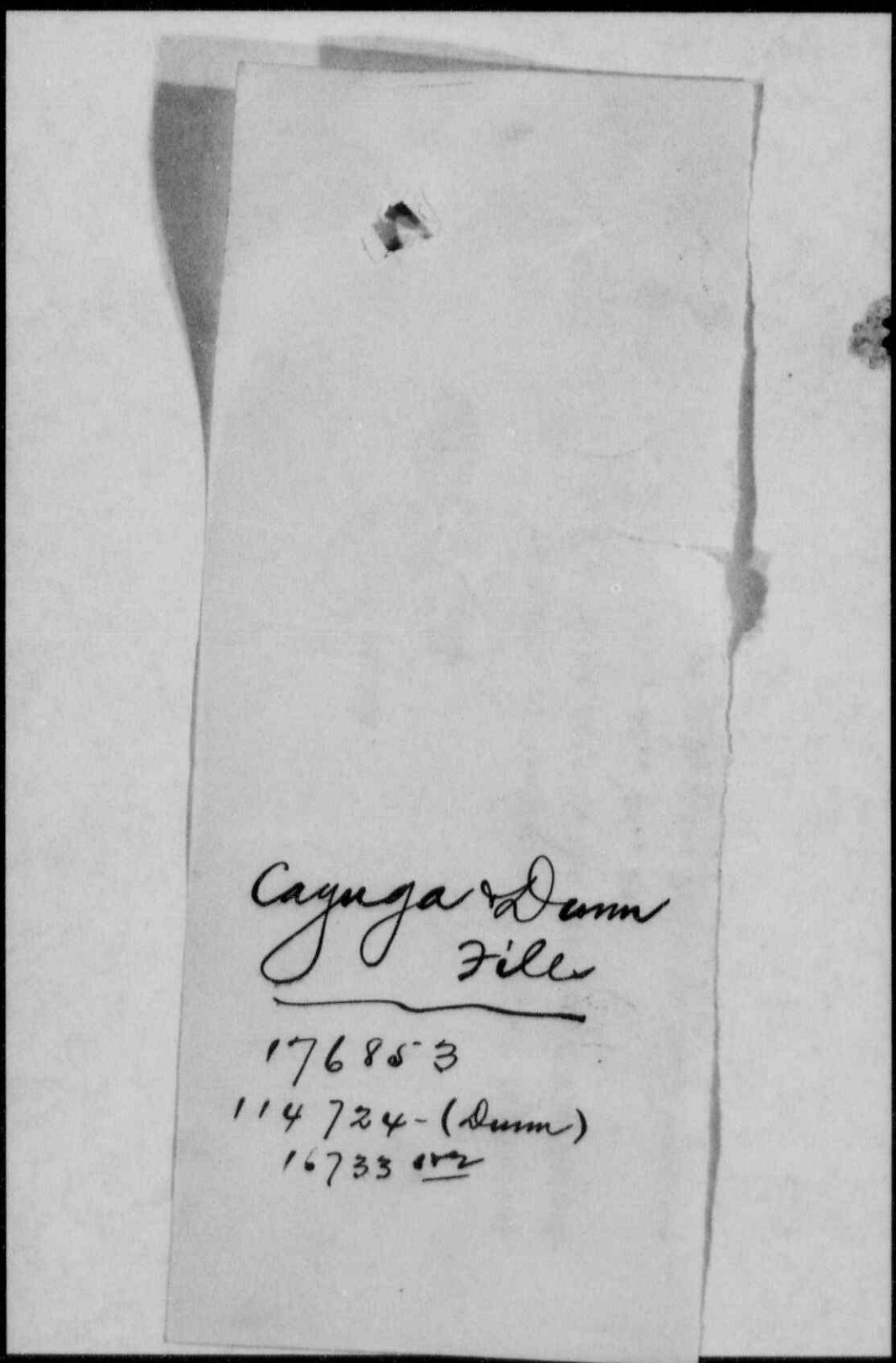
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA



Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,927

Ottawa, May 1st, 1923.

Sir:-

Answering your inquiry of the 24th ultimo with reference to the Gore lot the Department is prepared to dispose of to you for the valuation of sixty ($60.00) dollars, I beg to advise that your offer of thirty ($30.00) dollars cash and the balance of thirty ($30.00) dollars in three months is approved of by the Department.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

John J. Walsh, Esq.,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

KODAK SAFETY FILM

No 111926

583982

DEPT. OF INDIAN AFFAIRS
MAY 8 1923
RECORDS

ecretary Dept of Indian
affairs
Ottawa

Dear Sir
please find enclosed ten dollars
to do for the deed or patent to Lot 22 South
Echo St in the Townplot of Cayuga Ont County of Haldimand
to Mr Ralph Cassiday Son of Mrs Annie
Cassiday patent to be in her name
please forward as soon as possible
and Oblige P. Cassiday.

Ref. 20,054

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

BANK RECEIPT No. 563982

A. $10.00 p.m.v.

Entered sale 2631

Date 19

DEPT. OF INDIAN AFFAIRS MAY 7 1937 RECORDS

Entered Journal No. 22 Folio 185

33c

Principal

Dept. Receipt No. C 3755

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

PHONE 119

HOWARD V. MEADOWS
BARRISTER, SOLICITOR ETC.
BOX 78, CAYUGA, ONT.

DEPT. OF INDIAN AFFAIRS
JUN 18 1923
RECORDS

Secretary, Dept. of
Indian Affairs

Cttawa ,Ont.

CAYUGA, ONT. June 15, 192 3

985889

Dear Sirs :- Re. File No. III,926 & letter Apr. I9th. I923.

Mrs. Mary E. Hall called at my office yesterday and asked me to write to you concerning the claims you seem to have against her lands West of the Grand River in the Town of Cayuga and County of Haldimand.

I am enclosing herewith the sum of $ 20.oo as per your reque in the herein mentioned letter and would ask that you please issue a crown deed or see to the issuing of the same to the said Mrs. Mary E. Hall , who is one and the same Person described in your said letter as Mrs. Mary Ann Hall. How the error came to be made it is hard to say.

I am glad that you mentioned in your said letter the question of compensation for the road way through her farm and would be very glad to take the matter up with you or have a reply to the same in the near future.

Trusting that you will see to the issuing of the Patent herein requested, I am

Your obedient servant,

Howard V. Meadows

LANDS BRANCH
JUN 19 1923

Ref. 20077

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, June 27th, 1923.

Sir:-

I should like to refer to our letter of the first ultimo replying to yours of the 24th of April in connection with the Gore Lot lying east of Talbot Road which is in your possession, and would ask you to kindly forward the sum of thirty ($30.00) dollars in order that we may enter this lot in your name.

Your early attention to this matter will be greatly appreciated.

Your obedient servant,

J. D. Caldwell
In Charge Land & Timber Branch.

John J. Walsh, Esq.,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

586562

Cayuga. Ontario. June 28th 1923

Dept of Indian Affairs
Ottawa.

DEPT. OF INDIAN AFFAIRS
JUL 4 1923
RECORDS

LANDS BRANCH
JUL 6 1923

Gentlemen:-

Your letter # 111,926 dated May 1st advising me of acceptance of 30.00 Cash payment now and balance in 3 mths received. am enclosing the 30.00 now. Owned of sent it before this but did not have it. this payment is for the One lot east of tacket road.

Kindly give me credit and will send remaining 30.00 due later. Yours.

John J. Hale

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, July 6th, 1923.

Sir:-

On April 18th last the Department addressed a communication to you in connection with the Fractional part of Block 8 North of Talbot Road which forms part of your property, but was never disposed of by this Department. You were then requested to forward the sum of ten dollars and fifty-five ($10.55) cents to cover the cost of land affected being 1.55 acres.

As you have not been heard from, I am again requesting your earliest attention to forwarding the above amount in order that we may be in a position to issue the patent to you covering this area.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

Calvin Williamson, Esq.,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

DEPARTMENT OF INDIAN AFFAIRS
1923
RECORDS

REGISTRY OFFICE
COUNTY OF HALDIMAND

Cayuga, Ont., July 14th 1923
CANADA

J. C. Caldwell, Esq
Department of Indian Affairs
Ottawa, Ont

037039

Sir:-

In reply to your communication of the 11th July 1923 . I have the honor to acknowledge return of Lot No 22 S side of Echo Street Town of Cayuga County of Haldimand for which Letters Patent have been issued

Ypur obedient servant
H. V. Howard
Registrar

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

DEPT. OF INDIAN AFFAIRS
1923
RECORDS

REGISTRY OFFICE
COUNTY OF HALDIMAND

1850

Cayuga, Ont., October 18th 1923.
CANADA

P. S. O'Connor, Esq
Land Branch Indian Affairs,
Ottawa, Ont.

Dear Sir:-

In reply to your communication of the 13th of October 1923, I have the honor to acknowledge lot number Six on the south side of King Street in the Town of Cayuga, County of Haldimand, for which Letter Patent have been issued during the quarter ended the Thirtieth of September 1923.

With kind regards.

Your Obedient servant,
H. A. Howard
Registrar.

LANDS BRANCH
OCT 22 1923

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

The Dominion Government is erecting a wireless station at Port Stanley for the benefit of lake navigation. It is to be the only one of its kind on the north shore of Lake Erie.

LAND SALE

Village of Cayuga

Applications will be received by the Village Council at their next meeting for the purchase of the land comprised in the Unopened Streets in the Village of Cayuga as authorized for sale by By-law No. 242, at the rate of Thirty-five dollars per acre.

The Council will give a clear deed for same without any restrictions or conditions, as the By-law has been amended in that respect.

In case of neglect to purchase by adjoining owners, the land will be sold to the first applicant and if not sold will be rented or declared and thrown open as the Council may seem best.

J. W. SHEPPARD,
Municipal Clerk.

Cayuga, Nov. 5th, 1912.

416377

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor C

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

r, and he is the dearest man I
e. He goes next pay day."
Ve dairymen may apply this same
nciple to our business. Here is a
worth $25, producing 12,000
unds of milk, worth $120. Let us
pose that it cost $60 to feed her
the season. That would leave us
profit; or twenty-four per cent.
the investment.

ere is another cow, worth $50 (we
find them everywhere), produc-
4,000 pounds of milk, worth $40.
ill take $40 to feed her. Where
ie profit?

e trouble with too many of us is
we have been working with in-
ent machinery. We have not
able to persuade ourselves that
an afford to pay prices for cows
n the hundreds of dollars when
tock that we have could not be
for more than $50 or $60 a head.
matter of fact we cannot afford
it valuable feed into our cheap

need to take that business
maxim to heart. We must find
hat "cheap" really is.—Farm
Dairy.

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11.—All
Prizes
D. P. FOS

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

- C O P Y -

111,936

Ottawa, December 19, 1912.

Sir,-

I beg to inform you that it is observed that you have advertised for applications for the purchase of unopened streets in the village of Cayuga, as authorized under a By-law of the village of Cayuga, and in connection therewith beg to call your attention to the fact that streets which have been dedicated by this Department and have been closed in accordance with law, revert to this Department to be disposed of for the benefit of the Indians and the Council has no authority whatever to make disposition thereof.

Your obedient Servant,

(Sgd.) J. D. McLean.
Asst. Deputy and Secretary.

J. W. Sheppard, Esq.,
Municipal Clerk,
Cayuga, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

- C O P Y -

111,926

Ottawa, 14th February 1898-

Sir,

With reference to your letter of the 20th December last, reporting upon unsold Lots in the Village of Cayuga, East and West of the Grand River, I have to inform you that the report in regard to the Lots East of the River, is under consideration by the Department.

In regard to your report upon the unsold Lots West of the River, I have to request that you will obtain the consent in writing, of each resident owner of property, in that portion of the Village, to have the streets closed, as recommended in your report, also the necessary Resolution by the Municipal Council relinquishing all claim to streets proposed to be closed, the same to be forwarded to the Department, along with information as to what streets are to be closed, and what streets are to remain open, as well as your proposition in regard to how the property is to be re-subdivided.

Your obedient servant,

J. D. McLean
Secretary.

E. D. Cameron, Esq.,
Indian Superintendent,
Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, December 19, 1912.

Madam:-

I beg to acknowledge the receipt of your letter of the 14th instant, inclosing clipping of advertisement as to sale of unopened streets in the Village of Cayuga, and in reply to say that the Municipal Council has no authority to make disposition of these streets.

If the streets are closed in accordance with the requirements of the law, the land comprised therein reverts to this Department to be sold for the benefit of the Indians.

Before any action could be taken by the Department, it would be necessary for it to be furnished with certified copy of the By-law and satisfactory evidence that the consent of interested parties to the closing of the streets was obtained before By-law was issued.

A sale of the streets could only be made by this Department after being furnished with the evidence above referred to, and after a valuation has been made of the property.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

q- C O P Y -

11,926

Ottawa, 10th December, 1897.

Sir:-

With further reference to your valuation of Lots in the Village of Cayuga, East side of the Grand River, and report thereon of the 9th September last, I have to request that you will advise the Department whether the County of Haldimand Agricultural Society would be willing to relinquish the block of land marked "Court House Grounds" East of Muncey St. as recommended by you, in lieu of lots 15 and 16 North Obadiah St. and 15 and 16, South Victoria St. You will also state whether, in case of such relinquishment, the Society would not require, in addition to the above Lots 15 and 16, North Echo St., and 15 and 16, South Obadiah St., especially as the block of land which you recommend be relinquished by the Society, is somewhat larger than the eight lots above referred to.

Your obedient servant,

J. D. McLean.
Secretary.

E. D. Cameron, Esq.,
Indian Superintendent,
Brantford,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

- C O P Y -

SECRETARY'S OFFICE

HALDIMAND COUTY AGL. SOCIETY.

Cayuga, Mch. 26, 1898.

CERTIFIED Copy of Resolution of the Board of Directors passed at the Annual Meeting held on the 19th day of January A.D. 1898.

Moved by Mr. Lynch seconded by Mr. Wadel that the Secretary communicate with Mr. Cameron, and that this Society release all its claims upon the Lots marked "Court House Grounds" on the plan of the Town of Cayuga, said lots being in consideration of receiving a grant of the Lots unpatented within the enclosed grounds now occupied by this Society. CARRIED

CERTIFIED

J. W. Sheppard

Secretary.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

File No. 111,926

Indian Office, Brantford,

August 16th, 1898.

Sir:-

On receipt of your letter of the 10th December last, I communicated with the Secretary of the County of Haldimand Agricultural Society asking if it would be willing to relinquish the block of land marked "Court House Grounds" east of Muncey Street in lieu of Lots 15 and 16 North Obediesh St. 15 and 16 South Victoria St. all in the Village of Cayuga.

Subsequently I received a reply from the Secretary of the said Society, that the Society was willing to reO lease the "Court House Grounds" East of Muncey St. in lieu of other lots which are now occupied by them.

When in Cayuga last I had a conversation with the Secretary, I now enclose a certified copy of their resolution passed at their meeting held on the 26th March last. I also learn that A.K.Goodman,Barrister of Cayuga, has purchased from the County Council of Haldimand the said "Court House Grounds" and paid therefor the sum of $400.00. I believe this block of land contains some 4 acres and I consider the price paid by Mr. Goodman is full value.

It appears to me that the block was reserved as Court House Grounds" and subsequently allowed to be used as Agricultural Society Grounds and no doubt could be so occupied as long as desired, but when not so used

The Secretary,

Department of Indian Affairs,

Ottaa.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

I submit reverts to the Crown, and neither the County Council of Haldimand nor the County of Haldimand Agricultural Society have any right to dispose of these grounds and any consideration received by them therefor belonged to the Crown for the benefit of the Six Nations Indians.

I would therefore recommend that the County of Haldimand Agricultural Society who I understand subsequently received this $400.00 be asked to pay to the Crown the amount received by them from Mr. Goodman.

I am

Sir,

Your obedient servant.

(Sgd.) E.D. Cameron.

Supt.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

- C O P Y -

179/96

Enclosure.

Ottawa, 25th February, 189

S i r;

I have the honour to acknowledge the receipt of your letter of the 22nd instant - No. 169844 - and of the accompanying papers.

By letters patent dated 8th March, 1851, certain lands in the Town of Cayuga were granted to the Municipal Council of the County of Haldimand. The letters patent contain the usual recital indicating that the grant is made pursuant to a contract or agreement for the sale of the lands, the price being stated as 16 Lbs.2s.6d, and the receipt of this sum being duly acknowledged, but the lands are granted to the Council and its assigns, to have and to hold to the Council and its assigns forever "in trust for the purpose of erecting a gaol, courthouse and other public buildings thereon".

A considerable portion of the land granted, apparently the greater portion, is used for purposes of the character contemplated by this clause in the patent, the court house, gaol, gaoler's residence, and registry office being erected thereon. The balance is stated to have been used as the County Agricultural Grounds until about twelve or fifteen years ago, and to have been since that time, and to be at present, rented as a pasture field.

You ask for advice as to whether under these circumstances the trust in the patent has been carried out, and if not, what steps may be taken by this Department in order that the land or such portion of it as has not been used may be disposed of.

I am directed by the Minister of Justice to state that, in his opinion, the facts above recited do not indicate that there has been any breach of the trust upon which these lands were granted. Apparently as much of the lands as is at present required for such purposes is in use for purposes of the kind contemplated by the patent, and the balance is not being dealt with in any manner which is inconsistent with its being put to uses within the trust when it may be required. The Minister thinks that should the grantees attempt to so deal with it, they might by appropriate proceedings be prevented from doing so, but he does not think that under such a grant the land would revert to or could be recovered by the Crown even if the terms of the trust were not carried out.

Papers returned.

I am, Sir,

The Deputy Superintendent
General of Indian Affairs,
O T T A W A

Your obedient servant

Deputy Minister of Justice

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

- C O P Y -

111,926-

Ottawa 20th August 1898-

Sir,

In reply to your letter of the 16th instant, enclosing a relinquishment of all claims upon the lots marked "Court House Grounds" on the plan of the Village of Cayuga, by the County of Haldimand Agricultural Society, I have to inform you that such relinquishment cannot be accepted, the Society having already disposed of their interest. I would also call your attention to the decision of the Department of Justice, that these lands would not revert to the Crown, even if the terms of trust mentioned in the Deed were not carried out as conveyed to you in letter of 8th May 1896, File 169,844.

With reference to Lots 15 and 16, North Obadiah Street, and 15 and 16, South Victoria Street, which you state are in possession of the Agricultural Society, I may say that the Department would be willing to sell these Lots to the Society at a valuation to be approved.

Your obedient servant

(Sgd.) J. D. McLean.

E. D. Cameron, Esq.,
Indian Superintendent-
Brantford-
Ont-

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

All lots reserved by the village Council for public purposes were relinquished in favor of Dept by Resolution of the Village Council, 5th April 1897.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

LOT 9, South Victoria Street, Cayuga (Sale 2115)

It seems almost impossible to locate this lot as all the Streets north of Echo Street to Hill St. and East of Winniet are closed except one short street from Echo and which leads to the Agricultural Grounds. From the street that leads to the Agricultural Grounds, which I presume is Fishcarrier as on the map from Echo to Hill and East to Monture St. is in two large fields except that portion enclosed and occupied by the Agricultural Society.

Thomas Humphrey and E. S. Martin appear to have possession of this land. Neither Mr. Martin nor Mr. Humphrey could give me any attention on account of an election taking place.

If you inform me of the probable purchaser, possibly I could locate the land.

A 2115 - June 1858 - 1/3 acs. $50.00 - $27.78 pd.
Cancelled Mch 1896 - (Mrs. Jas. Tierney)

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

11926.

5 letters

Ottawa, May 13th, 1927.

ACCOUNTANTS
MAY 16 1927
BRANCH

Sir,-

You will recall that a few years ago a representative of this Department discussed with your Society the question of payment for Lots 9,15 and 16, South Victoria St., and Lots 15 and 16, North Obadiah St., Cayuga, occupied as part of the Exhibition Grounds. The price arranged to be paid for these Lots was $75.00.

E B Davis Clerk Cayuga map

As the said sum has never been paid by your Society I again bring the matter to your attention and request payment of the amount due, owing to the fact that the Indians are urging the Department to close out the long standing accounts.

I should like to refer to our letter to you of the 18th of April, 1923.

Your obedient servant,

In Charge Land and Timber Branch
(J. C. Caldwell)

H. J. Hoshal, Esq.,
Secretary, Agricultural Society,
Cayuga, Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

W. A. SIMS, PRESIDENT. 111926 ALFRED WRIGHT, SECRETARY.

MERCANTILE FIRE INSURANCE COMPANY

BUSINESS OFFICE: 14 RICHMOND ST. EAST, TORONTO

DEPT. OF INDIAN AFFAIRS
MAY 12 1923
RECORDS

Cayuga May 10th 1923.

Mr J.C. Caldwell,
Dept of Indian Affairs,
Ottawa.

864750

Dear Sir,;

Re No 111926--Apl 18th,1923.

Your letter of Apl 18th re 5 lots in the Fair Grounds Cayuga with request to remit $ 75.00 to cover the valuation placed on these lots,;I beg leave to report,; At a Directors meeting of the Haldimand County Agrl society held on May 7th at Cayuga ,this matter was discussed and it was decided to look into same,that is get the location, size and other information relative to these lots in view to arriving at some decision.
At the time your representative was here we endeavored to to get the directors together on this matter but only two or three were present.

Yours truly,

H. J. Kachal

Secy Haldimand County Agrl Society,Cayuga.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

COPY 111,926.

Ottawa, April 18th, 1923.

Sir:-

Adverting to an interview held last Fall by an officer of the Department with the President and other gentlemen of the County of Haldimand Electoral District Agricultural Society in connection with Lots 9, 15 and 16, South Victoria St., and Lots 15 and 16, North Obadiah St., occupied by the Society as part of the Exhibition Grounds, I am to request that you will kindly forward the sum of seventy-five ($75.00) dollars to cover the valuation placed on these lots.

Your early attention to this matter will be appreciated. On receipt of the above sum the Crown Grant will at once issue, on request, in the name of your Society.

You will recall that this matter was to have been discussed at this Spring's Annual Meeting, and the Department advised. As you have not been heard from it is presumed that the meeting has not been held.

Instrument No. 965 in the Registry office is a transfer of certain lots from Mr. E. S. Martin to your Society, dated 1st February, 1893, and registered on the 11th of the same month. The lots covered are 9 to 16 North Victoria, 9 to 16 South Victoria, and 9 to 16 North Obadiah St. There is a clause in said transfer which states that it is subject to the Crown for such said lots as are not unpatented.

The lots I have requested payment for are those not referred to in the Martin transfer.

Your obedient servant,

J. C. Caldwell,
In Charge Lands & Timber Branch.

H. J. Hoshal, Esq.,
Secretary,
Agricultural Society,
CAYUGA, ONT.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Instrument No - 965

Registry office

Cayuga

Covers.- Lots. 9 & 16 - S. of Hill St
" 9 " 16 - N. Victoria St
" 9 " 16 - S. Do
" 9 " 16 N. Obadiah St

Subject to the Crown for such said Lots as are now unpatented
the Lots now unpatd are 9. 15 & 16 S. Victoria
& 15 & 16 N. Obadiah 2 Lots

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, April 18th, 1923.

Sir:-

Adverting to an interview held last Fall by an officer of the Department with the President and other gentlemen of the County of Haldimand Electoral District Agricultural Society in connection with Lots 9, 15 and 16, South Victoria St., and Lots 15 and 16, North Obadiah St., occupied by the Society as part of the Exhibition Grounds, I am to request that you will kindly forward the sum of seventy-five ($75.00) dollars to cover the valuation placed on these lots.

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H. J. Hoshal, Esq.,
Secretary,
Agricultural Society,
C A Y U G A ,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

for such said lots as are not unpatented.

The lots I have requested payment for are those not referred to in the Martin transfer.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Cayuga. Ont. Nov 26th 1923

Dept of Indian Affairs
Ottawa, Canada.

DEPT. OF INDIAN AFFAIRS
NOV 1923
RECORDS

Gentlemen:-

Am enclosing 30 ac to pay for 6 acre gore lot. I also have your receipt for 30 ac sent you before # C 43872. Your letter to me is # 111-927. This will complete payment of 60 ac Kindly send me patent as Deed to this land. I am a clerk here

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

in Cayuga in a Flour & Feed store.
Kindly send me Patent or Deed right
away as I may need it.
and oblige
John J. Halsh

DEPT. OF INDIAN AFFAIRS
DEC 3 1923
SURVEYS

Surveys.

Kindly prepare a description for insertion in Patent covering Gore Lot ~~East~~ North of Talbot Road in the town plot of Cayuga.
9 1/4 acres

F. J. O'Connor

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Ottawa, 5th December 1923

Description for patent

All that parcel of land in the townplot of Cayuga, in the Province of Ontario and Dominion of Canada, containing nine acres and twenty-five hundredths of an acre, more or less, being composed of a park lot in the West part of the Town of Cayuga, of triangular shape, bounded on the North-West by Dixon Street, on the North-East by River road, on the South by Talbot Road. The said lot is shown on a plan of Park Lots in the West part of the townplot of Cayuga, surveyed and drawn by Edmund De Cew Provincial Land Surveyor, dated De Cewville, 20th February 1883, of record in the Surveys Branch of the Department of Indian Affairs under number 2032.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

DEPARTMENT OF INDIAN AFFAIRS

CANADA

Ottawa, 5th December 1923

Description for patent

All that parcel of land in the townplot of Cayuga, in the Province of Ontario and Dominion of Canada, containing nine acres and twenty-five hundredths of an acre, more or less, being composed of a park lot in the West part of the Town of Cayuga, of triangular shape, bounded on the North-West by Dixon Street, on the North-East by River road, on the South by Talbot Road. The said lot is shown on a plan of Park Lots in the West part of the townplot of Cayuga, surveyed and drawn by Edmund De Cew Provincial Land Surveyor, dated De Cewville, 20th February 1883, of record in the Surveys Branch of the Department of Indian Affairs under number 2032.

W Rochester

LANDS BRANCH DEC 10 1923

A. 2633

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

/O'C

Ottawa, December 10th, 1923.

Sir:-

Further with reference to your Gore lot purchase I have to point out that on request for a description of the lot for insertion in the Grant it was pointed out that the survey of the property in 1883 by Mr. Edmund De Cew, P. L. S. shows the lot to contains nine acres and twenty-five hundredths of an acre instead of six acres as you were advised. This larger area at ten ($10.00) dollars an acre will make a total valuation of ninety-two dollars and fifty ($92.50) cents.

In view of the above I have to ask you to kindly forward at your convenience the sum of thirty-two dollars and fifty ($32.50) cents, and on receipt of this amount the Department will be pleased to issue the Patent in your name.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

John J. Walsh, Esq.,
C A Y U G A ,
Ontario.

P 26 33

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Howard V. Meadows
Barrister etc.
Cayuga,Ont.

DEPT. OF INDIAN AFFAIRS
FEB 1 1924
RECEIVED

Cayuga,Ont. Jan. 29th. 1924

Dept.of Indian Affairs
Ottawa,Ont.

Dear Sirs:- Re No. III926

Since your last letter to Mr.George Edwards in regard to this matter which letter bears date April I8th. I923 Mr Edwards has sold the lands known as Lot II, on the south side of Chippewa St. in the Town of Cayuga to me.

I am enclosing herewith my cheque for the sum of $ I5.oo as stated in your said letter and would ask that Your Dept. would issue a Crown deed to me of the said Lot II on the South Side of Chippewa Street in the Town of Cayuga. My name is Howard V. Meadows, Barrister,Solicitor etc.

Would you please send the deed at your earliest convenience.

your obedient servant,
H.V.Meadows.

LANDS BRANCH
FEB 4 1924
ACCOUNTANTS
FEB 1 1924
BRANCH

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

BANK RECEIPT No. 1882

Amt. $15.00 chq

Entered sale 2634

Date [illegible] 19

DEPT. OF INDIAN AFFAIRS JAN 30 1924 RECORDS

Entered Journal No. 22 Folio 279 [illegible]

Acct 33c

Dept. Receipt No. C 44436

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

/O'C

Ottawa, February 6th, 1924.

Sir:-

I have your letter of the 29th ultimo with cheque for fifteen ($15.00) dollars covering Lot 11 on the south side of Chippewa Street in the Town of Cayuga, and would ask you to be good enough to forward to the Department an assignment from Mr. George Edwards to yourself covering this lot and on receipt of same, accompanied by a transfer fee of three ($3.00) dollars, the Department will be pleased to consider the issue of the Patent in your name.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

H. V. Meadows, Esq.,
Barrister, etc.,
C A Y U G A ,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

PHONE 119

HOWARD V. MEADOWS
BARRISTER, SOLICITOR ETC.
BOX 78, CAYUGA, ONT.

DEPT OF INDIAN AFFAIRS
MAR 26 1924
RECORDS

Del[illegible]of Indian Affairs,
Ottawa, Ont.

CAYUGA, ONT. Mar. 24th. 192 4

R

Dear Sirs:-

your letter of the 6th ultimo has long since been to hand.

In regard to Lot II on the South Side of Chippewa St. in the Village of Cayuga .

I am enclosing herewith my deed to this property from Mr. George Edwards.

I fail to see the reason for the further charge of $3.00 in regard to the obtaining of a patent for these lands . Why not issue the patent direct to me? Or if they have already been issued in Mr.George Edward's name why not forw ard them to me for registration? I am quite willing to see any clog on the title to my lands that a/transfer might lack of show.

Kindly return my deed to me as soon as you have finished with the same and oblige.

your obedient servant.

H.V. Meadows

LANDS BRANCH
MAR 28 1924

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

/O'C

Ottawa, April 2nd, 1924.

Sir:-

I have your letter of the 24th ultimo and inclosure with further reference to Lot 11 on the south side of Chippewa Street in the Village of Cayuga.

I gather from your letter you have no objection to our issuing the Patent in the name of Mr. George Edwards, Labourer, and am pleased to say this can be done and the assignment returned to you without noting same on our records if you so desire.

The Patent of course would be forwarded to you on completion.

As transfers of Indian lands have to be recorded here previous to the issue of the Grant, may I refer you to Sections 54, 55 and 56 of Chapter 81, Revised Statutes of Canada, 1906, on this point.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

Howard V. Meadows, Esq.,
Barrister, etc.,
C A Y U G A ,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Re No. III,926

DEPT. OF INDIAN AFFAIRS APR 15 1924 PHONE 119 RECORDS

HOWARD V. MEADOWS
BARRISTER, SOLICITOR ETC.
BOX 78, CAYUGA, ONT.

Dept. of Indian Affairs,
[redacted]awa,
Ont.

CAYUGA, ONT. Apr. I4th. 1924

Dear Sirs:-

In reply to your letter of April 2nd,I924.

Kindly issue the patent in the name of George Edwards and forward the same to me along with my deed from George Edwards as suggested in your letter as I certainly have no objection to this mode of proceedure.

Trusting that in the near future I shall be able to get this affair straightened up.

your obedient servant,

H V Meadows.

LANDS BRANCH APR 10 1924

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

FILM C

16th April 1924

Surveys.

Be good enough to prepare a description for insertion in a patent covering Lot 11 on the south side of Chippewa Street in the town plot of Cayuga.

E. J. Connor

.56 cents

DEPT. OF INDIAN AFFAIRS
APR 1924
SURVEYS

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

/O'C

Ottawa, April 17th, 1924.

Sir:-

In acknowledging receipt of your letter of the 14th instant with reference to the issue of Patent covering Lot 11 on the South side of Chippewa Street, Cayuga, I beg to advise the Patent is in course of preparation in the name of George Edwards and when completed will be forwarded to you.

INCL.

I am returning the copy of the Deed covering this lot.

Your obedient servant,

J. C. Caldwell
In Charge Land & Timber Branch.

H. V. Meadows, Esq.,
Barrister, etc.,
Box 78,
Cayuga,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

DEPARTMENT OF INDIAN AFFAIRS
CANADA

Ottawa, 17th April 1924

Description for patent

All that parcel of land situate in the townplot of Cayuga, in the Township of North Cayuga, County of Haldimand, in the Province of Ontario and Dominion of Canada, containing by admeasurement fifty-six hundredths of an acre, more or less, being composed of Lot number Eleven on the South side of Chippewa Street. This lot is shown on a map of that part of the town of Cayuga lying on the East side of the Grand River, by Edward DeCew, Provincial Land Surveyor, dated at Cayuga June 3rd 1851, of record in the Surveys Branch of the Department of Indian Affairs under Number 1676.

W R White

LANDS BRANCH
APR 17 1924

Sale 2634

Ref 20,229

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Ottawa, 13th June 1925

Sir,-

Will you kindly supply this Department with a certified copy on tracing linen of the original plan of the subdivision of the Townships of [redacted] Cayuga. We have a plan on paper purporting to be a copy, which shows the lot lines crossing the river. Another plan, also purporting to be a copy, which does not show the lot lines crossing the river and there are also other differences. The cost of this work will be remitted on receipt of a voucher in duplicate, or if you prefer, we will make the copy here if you will send us the original plan.

Your obedient servant,

(J.D.McLean)
Assistant Deputy and Secretary.

L.V. Rorke Esq.,
Director of Surveys,
Department of Lands & Forests,
Toronto, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

A letter should only have reference to one subject.
No. 469758 D R
In your [illegible]ly refer to above le[illegible] number if an answer is [illegible]ed.

ONTARIO
DEPARTMENT OF LANDS AND FORESTS
SURVEYS BRANCH

DEPT. OF INDIAN AFFAIRS
JUN 18 1925
RECORDS

DEPT. OF INDIAN AFFAIRS
JUN 19 1925
SURVEYS

Toronto, June 17th, 1925.

Dear Sir;- Re township Cayuga.

Referring to your letter of the 13th inst. in which you request to have prepared for your department a copy of the township of Cayuga, I would like to be sure of the plan of Cayuga which is required.

Plan B 3 in this office is a survey by Lewis Burwell dated 4th March, 1834 and shows the whole of Cayuga township which is now divided into North and South Cayuga by 12 Victoria, chapter 98. On this plan the lot lines are dotted covering the drowned lands forming part of the river but do not cross the main channel. As this is a fairly large plan and will require some time to trace, I thought best to ask you before commencing on this if it is the plan you desire. It is the only complete plan of the township on file here. The preparation of this plan will require three to four day's work of a draughtsman.

Please advise me and the matter will be given prompt attention.

LVR/WK

Yours truly,

Deputy Minister Lands and Forests.

J.D.McLean Esq.,
Asst.Deputy & Secretary,
Department of Indian Affairs,
Ottawa,Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Ottawa, 19th June 1925

Sir,- Your ref.No.469758 DR
re Township of Cayuga

In reply to your letter of the 17th instant, I have to inform you that the copy of the plan which is required is apparently a copy of your plan No.B-3 which is a survey by Lewis Burwell dated 4th March 1834 and shows the whole of Cayuga township.

Your obedient servant,

(J.D.McLean)
Assistant Deputy and Secretary.

The Deputy Minister,
Department of Lands and Forests,
Toronto, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111926

A letter should only have reference to one subject.

No. 470458 D R

In your reply refer to above letter [illegible] if an answer is desi[illegible]

ONTARIO

DEPARTMENT OF LANDS AND FORESTS
SURVEYS BRANCH

DEPT. OF INDIAN AFFAIRS
JUN 25 1925
RECORD

Toronto, June 24th, 1925.

Dear Sir;- Re plan township of Cayuga.

This is to advise you that a tracing is being made of the plan of the township of Cayuga made by Lewis Burwell, dated March 4th, 1834, and as soon as the same is completed will be forwarded to you.

Yours truly,
W. B. Cain
Deputy Minister Lands and Forests.

LVR/WK

SURVEYS BRANCH
JUN 2[illegible] 1925

C. F. Rorke
DIRECTOR OF SURVEYS

DEPT. OF INDIAN AFFAIRS
JUN [illegible] 1925
SURVEYS

J.D.McLean Esq.,
Asst.Deputy & Secretary,
Department of Indiam Affairs,
Ottawa, Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

111926

A letter should only have reference to one subject.

No. 470458 D.R.

In your repl[illegible] to above lette[illegible] f an answer is de[illegible]

ONTARIO

DEPARTMENT OF LANDS AND FORESTS
SURVEYS BRANCH

DEPT. OF INDIAN AFFAIRS
JUL 22
RECORDS

27

Toronto,
July 21st,
1925.

DEPT. [illegible]
JUL 22 1925
SURVEYS

Dear Sir;-

I beg to advise you that I am today sending you, under separate cover, a tracing of Burwell's plan of the Township of Cayuga.

Yours very truly,

W. C. Cain

Deputy Minister of Lands and Forests.

JH/SOD

Plan recorded under No. 2101 24th July 1925

J.D. McLean Esq.,
Assistant Deputy & Secretary,
Department of Indian Affairs,
Ottawa, Canada

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

ADDRESS REPLY TO THE
SECRETARY, DEPT. OF INDIAN AFFAIRS,
OTTAWA

IN YOUR REPLY REFER TO
No. 11926.
ALSO TO THE DATE OF THIS LETTER
PLEASE WRITE ON ONLY ONE SUBJECT
IN EACH LETTER

DEPARTMENT OF INDIAN AFFAIRS
CANADA

Ottawa, May 13th, 1927.

Sir,-

A few years ago an Officer of this Department found, on investigation, that you are the reputed owner of Lots 22, 23 and 24, North Norton Street, in the town of Cayuga.

Our records show that these lots have never been paid for and I have therefore to ask you to be good enough to forward, on receipt of this letter, the sum of $30.00 for the three lots.

When making the payment kindly advise as to your occupation. This information is necessary for insertion in the Patent which will be prepared and forwarded to you after payment of the above sum.

Your obedient servant,

Letter returned to Dept'd marked not called for

In Charge Land and Timber Branch.
(J. C. Caldwell)

John Quigley, Esq.,
Brampton, Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

COPY (EXTRACT OF ORIGINAL ON 63-32.) File No. 111926.

The fifth general council of the second elected Council of the Six Nations was held at Ohsweken March 4th, 1926.

x x x

No. 32.

Moved by Frank Miller seconded by David General, that we ask the Department to investigate the matter of Six Nations lands outside of the reserve and adjoining the towns of Caledonia and Cayuga and any other such lands and inform the Council if any rents are being paid for same.

Carried.

x x x

Brantford, March 23rd, 1926.

x x x

I would ask the Department to furnish a report for lands in the Towns of Caledonia and Cayuga, if they are rented and what rents are received.

x x x

Cecil E. Morgan.
Supt. Six Nations.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

63-32

111926

JAN 3 1930

MINUTES OF MEETING OF SIX NATIONS COUNCIL HELD DEC. 5, 1929.

x x x

No.17

Moved by Archie Lickers seconded by George Green that this Council ask the Indian Department what action, if any, was taken to investigate the claim of said Council to certain lands mentioned in resolution No. 3 passed on June 4th, 1925 and resolution No. 32 passed March 11th, 1926.

Carried.

x x x

Brantford, Jan. 7th, 1930.

x x x

This is one of the questions that will be discussed by the deputation that is going to Ottawa in the near future and I will defer reporting on this minute until after our visit.

x x x

C. E. Morgan.
Supt. Six Nations.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926.

Ottawa, May 13th, 1927.

Sir,-

In checking over our records dealing with the town of Cayuga I find that you are occupying a fractional part of Block 8, North of Talbot Road, which has never been sold by this Departme nt. The area affected is 1.55 acres and is valued at $10.55.

As we are closing out all long standing accounts and being desirous of furnishing the occupants of our land with a clear and incontestable title,the Department will gladly prepare, in your name, a Patent for the land referred to on receipt of the above sum.

You will, therefore, be good enough to co-operate with us and forward the above amount on receipt of this letter and receive your Deed.

Your obedient servant,

In Charge Land and Timber Branch.
(J. C. Caldwell)

Calvin Williamson, Esq.,
Cayuga, Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

Poor Copy.

Cayuga. 19 June 1931

~~Caledonia.~~

Paym't of $10.55/100 by

Calvin Williamson,

Cayuga. Ont. being paym't

in full for Block 8 North

of Talbot Road & west of the

Grand River. Cayuga.

~~Containing 4.55 acres~~

33c

Laffels –

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Co

111926

24 June 1931

DEPT. OF INDIAN AFFAIRS
JUN 25 1931
SURVEYS

Surveys.

Please prepare description for Patent covering Block 8, west of the Grand River, in the town of Cayuga, shown on your Plan No. 1165, and containing 1.55 acres.

[signature]

Bd.

2 Lands.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111926

24 June 1931

DEPT. OF INDIAN AFFAIRS
JUN 25 1931
SURVEYS

Surveys.

Please prepare description for Patent covering Block 8, west of the Grand River, in the town of Cayuga, shown on your Plan No. 1165, and containing 1.55 acres.

[signature]

Bd.

2 Lands.

Poor copy.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

111926

DEPARTMENT OF INDIAN AFFAIRS
CANADA

Ottawa, 25th June 1931

Description for patent

All that parcel of land situate in that portion of the Townplot of Cayuga, West of the Grand River, being composed of Block Number Eight. The said Block is bounded on the North by George Street, on the East by Onondaga Street, on the South by Talbot Street and on the West by Delaware Street.

Ref. 22,207

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

figure $ 40.00

West Side

N. Erie Street

Registry Office Page 229 Book 2

Lot 1 - (nothing registered -)
" 4 - " " but occupied by Doyle along with 3 South of Erie (on N. Geo)

($30.00)

- N. George St -

231 Bk 2

1 & 2 North } nothing Registered
1 & 2 South } Roth to Mrs Hall)

($50.00)
$40.00

S. George (N. Talbot Rd)
Blk 8 - Mrs Hall. 1.55

N. Queen
Lot 1 & 2 Patd to John Doyle 20th May 1901 -
" 2 - Patd to John Savey 13 July
" 3 & 4 N. of Queen S.E. of Ry Patd 26 Mch - Jean Gruenbeck -

$50.00 assessed
($40.00)

Blk 6 - N. Erie

Calvin Williamson
Blk 8 - (.1.55) acs.) ($50.00 an ac)

Laws - 136-175-242) closing of streets

- 3 & 4 - N. King. Henry Roth (Mary Ann Hall ($3.200

$14.00 (an acre)

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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- C O P Y -

List of Lots undisposed of in the Townplot of Cayuga (aes 33.36)

WEST SIDE OF GRAND RIVER.

- - - - - - - - - - - Roth to Mrs Hall

Doyle

Erie St. ~~South side, Part Lot 1, and Lots 2 & 3.~~

Erie St. North side, Part Lot 1, ~~and Lot 4.~~ Doyle

Delaware St. East side, N.Talbot Road, Blocks 6 & 8. Mrs. Hall

George St. South side, Part Lot 1, and Part Lot 2. - Roth to Mrs Hall

Moravian St. South side, Parts Lots 1, 2 & 3. Doyle Sayal Roth

Onondaga St. East side, North Britannia St. Pt. Gore Lot 1.

Queen St. South side, North parts Lots 1 & 2. -

Oneida St. East side, North of Moravian St. Gore Lot 1.

- - - - - - - - - - - - - -

EAST SIDE OF GRAND RIVER.

~~Lot 11, South side of Chippewa St.~~

~~Lots 9, 15 & 16, South Victoria St.~~ Mr Davis

~~Lots 15 & 16, North Obadiah St.~~

~~Lot 9, South Victoria.~~

~~Lot 22, South Echo St.~~

~~Lots 15 & 16, North Obadiah St.~~) Agricultural
) Society
~~Lots 15 & 16, South Victoria St.~~) Letter Aug. 16th, 1918.

File 176853 — Norton St Lots ~~21-22-23~~ 22-23-24 (North) Jno Quigley

" 115385 — ~~[illegible] St 19820 (E.S.)~~

- - - - - - - - - - - - - -

Township of Cayuga.

The S. 100 acs of Lot 29 - 1st Con. North.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111926.

July 7th, 1931.

Sir,- Re Townplot of Cayuga.

You may not be aware that the lots in the Townplot above named, as well as the surrounding farm lands, were at one time Indian lands under the jurisdiction of the Department of Indian Affairs and all unpatented lands are still under its control. I wish now to inform you that such is the case.

For the past few years we have been endeavouring to clean up all the titles in this district and issue the Crown Grants covering all unpatented lands. I find from our records that Lots 22, 23 and 24, north of Norton Street in Cayuga have never been sold. An officer of the Department recently called on Mr. E. B. Davis, Clerk of the Municipality, and was informed that you are the recorded owner of the lots under consideration, and have paid the taxes thereon for years. What this Department is now prepared and anxious to do is to issue a patent in your favour covering the lots referred to. Before we can do this it will be necessary to request a payment from you of the nominal sum of $10.00 a lot, in order that we may be in a position to enter a sale in your name and credit the payment to the Indian funds.

Would you kindly co-operate with us in forwarding a cheque, in favour of the Department of Indian Affairs, for the sum of $30.00, and at the same time advise us as to your occupation and residence. This information is necessary for insertion in the patent.

Your obedient servant,

J. C. Caldwell,

Director, Indian Lands & Timber.

John Quigley, Esq.,
Hotel Cecil,
Los Angeles,
Cal.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

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Streets closed

E. 33 ft Ouse St. (By Law 274) to Registrar Barter

for $15.00

Pt. Winnie. Moravian (175)

Oneida

Onondago

Delaware

Givens (between Erie & King

(R.C. Church (Cemetery)

16 Oct 1903

El Campbell

By Law

136-1-5. 242-274

) To sell to E S Baker Part Ouse St. $15.00

(Registrar)

44 Streets mentioned) offering them for sale.

Same - Queen (from Onondago to Oneida) from Adam Martin

Moravian do do from O. to Rue

Onondago from Moravian to Britannia (Wm Best)

Givens - Erie & King - R.C. Cemetery

James J. Boyle

Bo. Price

COLTER & COLTER

BARRISTERS, SOLICITORS

R. S. COLTER — COUNSEL: C. W. COLTER, K. C. — H. A. COLTER

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111926.

Ottawa, May 13th, 1927.

Sir,-

Further in connection with the Gore lot lying east of Talbot Road, which is in your possession and which contains an area of 9.35 acres instead of six acres, I have to request you to be good enough to forward to the Department the balance of purchase money amounting to $32.50.

As the Indians are desirous of receiving the moneys due on their lands you will please cooperate with us and forward the above balance. On its receipt the Patent will at once be prepared in your name, giving you a clear title to the farm property.

Your obedient servant,

In Charge Land and Timber Branch.
(J. C. Caldwell)

John J. Walsh, Esq.,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

Poor Copy.

John J. Walsh

6 acres

($50.00 assessed) $40.00 xx $240.00 xx

James Doyle

Front, assessed $50.00 xx an ac.		$115.00
Back - " 40.00 " " ($30.00)		291.50
		60.00
		10.00
		$476.50

Mrs. Hall

2 acs @ $30.00 xx $60.00

July 3-1898 - (Letter No. 200.271) F. 111926 Agt Cameron reported he secured the written consent of each resident owner of property to have the streets closed etc - West of river & N. of Ry.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

111926

INDIAN AFFAIRS
JUN 4 1927
RECORDS

Cayuga. June 1st 1927

Dept of Indian Affairs
Ottawa Canada.

Gentlemen:-

Your letter # 111926
under date of May 13th 27
received.

In regard to this Gore lot you say Contains 9.35 acres and of which I have said you for 6 acres beg to say that this lot at present does not contain over 6 acres. If there is over 6 acres it runs onto land now occupied by Mr. M. Connolly and which he uses at present time, I might say that

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

(2)

years ago. Mr Connolly and my Father were always in dispute regarding this lot. However I know that there is not over 6 acres in lot and have asked our Local Agriculture representive to measure it. I told him the circumstances and he said he would do it. In the meantime if you had a map or Guide to this land think it would help in straightening this deal out. of course the only and best way would be to have your survey man here as I do not care to

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

3

renew any old trouble that
was between my Father and
Mr Connolly who are both dead.
Their is a lot of land here
that could be fixed up
in that way.
For My-self would like to have
the entire 9 acres.
Will send you the
measurements of this field
soon as Agricultural man
measures same up.
This last week has been very
wet here, besides he has been
quite busy. Are there any
prospects of your department
Sending man out?
Awaiting reply. I remain
Yours Truly, John J. Walsh

S
2633

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926.

Ottawa, June 10th, 1927.

Sir,-

I have your letter of the 1st instant with further reference to the Gore lot, East of Talbot Road, in the townplot of Cayuga, and am pleased to advise that our records show it to contain 9.25 acres more or less. We have no information as to the boundaries of the farm of Mr. Connolly.

The enclosed tracing may be of assistance to your agricultural representative when he is taking measurements of the said lot. I regret that we have no other copy of the plan with which to furnish you.

At the present time I cannot assure you of the presence in your vicinity of one of our surveyors in order that he may be able to make the survey, as requested by you.

Your obedient servant,

In Charge Land and Timber Branch
(J. C. Caldwell)

John J. Walsh Esq.,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

in the Town of Cayuga Co of Haldimand prov of Ont & being composed of that gore of land lying west of the river & north of Talbot St

111926.

Ottawa, June 10th, 1927.

Sir,-

I have your letter of the 1st instant with further reference to the Gore lot, East of Talbot Road, in the townplot of Cayuga, and am pleased to advise that our records show it to contain 9.25 acres more or less. We have no information as to the boundaries of the farm of Mr. Connolly.

The enclosed tracing may be of assistance to your agricultural representative when he is taking measurements of the said lot. I regret that we have no other copy of the plan with which to furnish you.

At the present time I cannot assure you of the presence in your vicinity of one of our surveyors in order that he may be able to make the survey, as requested by you.

Your obedient servant,

In Charge Land and Timber Branch
(J. C. Caldwell)

John J. Walsh Esq.,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

"John J. Walsh"

"Lot in the Town of Cayuga
in the Co of Haldimand etc —
being composed of that gore
of land lying west of the river
road, north of Talbot
& east of Dickson St
in the said town of Cayuga."

Transfer from Jno W. to his
son Jno J. - 29th May 1911 x
Cayuga.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926.

July 13th, 1931.

Sir,-

In connection with certain lots in the Townplot of Cayuga, formerly held by the County of Haldimand Electoral District Agricultural Society, I wish to advise that lots referred to, and unpatented, are 9, 15 and 16, South Victoria Street, and Lots 15 and 16, North Obadiah Street, which are included in the Exhibition Grounds. The nominal valuation placed on these lots is $75.00. As the Agricultural Society is not operating at present, the Department is prepared to issue a patent in favour of the Municipality on receipt of the above sum.

I enclose a blue print of Cayuga Townplot for your records.

Your obedient servant,

J. C. Caldwell,
Director, Indian Lands & Timber.

Enclosure.

E. B. Davis, Esq.,
Merchant,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111,926

Ottawa, April 18th, 1923.

Sir:-

I am communicating with you in connection with Blocks 1 and 2, South of George St., Blocks 1, 2 and 3, North of George St; Fractional Block 1 and Block 4, North of Erie St., and a small Gore Lot South of King Street and East of the River Road, in all 13.9 acres more or less.

The Department has arrived at a valuation of ten ($10.00) dollars an acre for the land west of the River, and I therefore request you to be good enough to forward the sum of one hundred and thirty-nine ($139.00) dollars for the land above mentioned.

On receipt of a cheque for this sum, the Department will, on request, issue the Patent in your name.

At a later date the question of compensation for the roadway you occupy in your farm will be taken up.

Your obedient servant,

J.C. Caldwell
In Charge Land & Timber Branch.

Jos. J. Doyle, Esq.,
Councillor,
CAYUGA,
Ont.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

11926.

Ottawa, May 13th, 1927.

Sir,-

I am requested to call your attention to our letter to you of the 18th of April, 1923, dealing with Indian land included in your farm and for which no payment has ever been made. The area you will remember is 13.90 acres which is valued at $139.00.

The Indian owners of this land have urged the Department to close out the long standing accounts and I, therefore, request you to be good enough to forward the above sum at the earliest possible date.

After payment is received we are prepared to issue a Patent, in your name, for the land referred to and thereby secure for you a clear title to your whole property.

Your obedient servant,

Joseph J. Doyle, Esq.,
Cayuga,
Ontario.

In Charge Land and Timber Branch.
(J. C. Caldwell)

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926

Ottawa, 14th July, 1931.

Survey,

Please prepare description for Patent covering Blocks 1 and 2 south of George street; Blocks 1, 2 and 3 north of George street; fractional Block 1 and Block 4 north of Erie street and a small Gore lot south of King street and east of the River Road all west of the river in the townplot of Cayuga. Approximately 13.90 acres.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

S. ½ Lot 29, Con. 1. (Not Sold)

N. Talbot Road,

North Cayuga. (100 acres).

N.½ (S.53) 100 acres sold to

James Cockshutt January, 1832.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Poor Copy.

S. ½ Lot 29, Con. 1. (Not Sold)

N. Talbot Road,

North Cayuga. (100 acres).

N.½ (S.53) 100 acres sold to

James Cockshutt January, 1832.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

S. ½ Lot 29, Con. 1. (Not sold)

N. Talbot Road,

North Cayuga. (100 acres).

N.½ (S.53) 100 acres sold to

James Cockshutt January, 1832.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926.

July 14th, 1931.

Sir,-

In checking over our records concerning Indian lands in the Township of Cayuga I find that I am unable to locate the sale of the S.½ of Lot 29, Con. 1, North Cayuga, containing 100 acres. What I should like to know is who is listed in your records as the owner of the above mentioned lot. If you will be good enough to furnish this information it will be greatly appreciated.

Your obedient servant,

J. D. Caldwell,
Director, Indian Lands & Timber.

W. Teasdale, Esq.,
R. R. #1,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

Mrs Best.

8.50/xx

Secy - agricultural society

John J. Walsh - Gore Lot East of Talbot Rd.

James Doyle -

Clerk -

Reeve

E.B. Davis
"Clerk of the Municipality"

c/o Hotel Cecil
Los Angeles Calif -

John Quigley - Lots 22, 23 & 24 N.
Norton St -

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111 926

CANADA

Department of Indian Affairs

OTTAWA, 18/7/31 19

Mr O'Connor

Re our conversation.

I herewith blueprints on which I think should be indicated by parties concerned the parcels which are to be covered by description requested in yours of 14th inst.

J Robertson

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor copy.

PUBLIC ARCHIVES
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CANADA

INDIAN AFFAIRS BRANCH FILM C

JAS. H. LOCKIE
Reeve
Canfield, Ont.

WM. NABLO
Road Supt.
R.R. 3, Cayuga

111926

W. TEASDALE
Clerk and Treasurer
R.R. 1, Cayuga

TOWNSHIP OF NORTH CAYUGA

COUNCILLORS

Geo. D. Brown, R.R. 5, Dunnville
Morley Coverdale, R.R. 2 Canfield
James R. Doyle, R.R. 1, Canfield
A. M. Hodgson, R.R. 4, Cayuga

DEPT. OF INDIAN AFFAIRS
JUL 17 1931
RECORDS

CAYUGA, Ont., July 15th. 1931. 19...

To the Secretary
Department of Indian Affairs
Ottawa, Ont.

Dear Sir,

In reply to yours of 14th. inst. No 111926, the present owners of Lot 29 1st Con. are Mrs John W Badger and Fred G Lishman R.R.#.1.Cayuga. Mrs Badger is the owner of the north part of the S half, The former owner was Donald MacFarlane. Mr Lishman is the owner of the south part, and it has been in the family for over fifty years. An early owner of part of it if not all of it was John Waters. Hoping this information may be of some use to you,

I remain
Yours Truly
W. Teasdale
Clerk of North Cayuga

W. H. Howard
Registrar

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926.

July 22nd, 1931.

Sir,-

With reference to the Gore Lot in the Townplot of Cayuga, which lies west of the River Road, east of Dixon and north of the Talbot Road, I wish to advise that, after careful examination of our various records, it is clearly shown this property contains 9.25 acres and not 6 acres, as stated by you. In view of this fact, the Department is not in a position to comply with your request and issue patent covering the former area in the triangle.

You will note from the enclosed blue print that Ironside and Givens Streets do not extend beyond the River Road and, therefore, their area is not deducted from the lot.

The Department would appreciate your giving this matter attention, as it is our desire to close out the long-standing accounts. The balance due is $32.50 and, on receipt of this sum, patent will at once issue in your favour.

Your obedient servant,

J. C. Caldwell,
Director, Indian Lands & Timber.

Enclosure.

John J. Walsh, Esq.,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

111926.

July 22nd, 1931.

Sir,-

I enclose three blue prints showing land in which you are more or less interested. The small plan is compiled from two different surveys. This was prepared in order that you might more readily locate your various lots which are not clearly shown on either of the other plans.

To enable the Department to deal with your land difficulty I should like you to indicate, on the small blue print, the parcels which are now included in your farm property and which are not patented. After marking your lots, please return the print to the Department and on its receipt, and after checking over the lots, we will again communicate with you.

Your obedient servant,

J. C. Caldwell,
Director, Indian Lands & Timber.

Enclosure.

Joseph J. Doyle, Esq.,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

111926.

July 23, 1931.

Sir,-

In connection with your purchase of Block 8, west of the River in the Townplot of Cayuga, I enclose herewith patent, in your favour, covering this property. I would suggest that you hand the document to Mr. W. H. Howard, Registrar, in order that his records may be complete.

Your obedient servant,

J. C. Caldwell,
Director, Indian Lands & Timber.

Calvin Williamson, Esq.,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

111926.

July 29th, 1931.

Sir,-

We have recently received a communication from Mr. W. Teasdale, Clerk of North Cayuga, with reference to the ownership of Lot 29, in the First Concession of Cayuga, and in order for the Department to clear up this matter I should like you to be good enough to advise if you have a record of the issue of patent covering this lot. If entered in your office would you kindly furnish the name in full and date of issue, at your convenience.

Your obedient servant,

P. J. O'Connor,
Acting Director, Indian Lands & Timber.

W. H. Howard, Esq.,
Registrar,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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CANADA

111926

REGISTRY OFFICE
COUNTY OF HALDIMAND
W. H. [illegible], REGISTRAR

Cayuga, Ont., CANADA
July 31, 1931.

P. J. O'Connor, Esq,
Department of Indian Affairs,
Ottawa, Ont.

DEPT. OF INDIAN AFFAIRS
AUG 4 1931
RECORDS

Dear Sirs:-

In reply to your letter of the 29th inst (III926), we give the following.

Oct 18th, 1862, The crown to John Walters broken Lots 29 and 30 and S ½, 28, first S. of Talbot Road, Township of North Cayuga. Also the island in the Grand River close to and to the south and south west of the said broken Lots No's 29 and 30 in the Ist Con. S. of Talbot Road, 269 acres, reserving an allowance for a tow path one chain in width along the top of the bank of the Grand River and free access to the shore thereof for all vessels, boats and persons.

Search and memo 50¢

would you please forward cheque to W. H. Howard, Registrar Cayuga, for the sum of 50¢ (Fifty cents) to cover the cost of search etc in Re Lots 29 & 30 S. ½ - 28 - 1st South Talbot Road North Cayuga.

Sent Aug. 14

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Cayuga. Aug 31st 1931 111926

Dept of Indian Affairs.
Ottawa. Canada.

Sirs:

Your letter No 111926 Dated July 22nd 1931 enclosing map of same or blue print showing this property contains 9.25 Acres and not 6 acres. also asking me to send $32.50 to close out this long standing account received. Replying to same I am also very anxious to have this matter settled. Now to begin with your blue print shows about 3/4 in on Talbot Road. Scale is 4 chains to an in. which is 924 feet. I measured this property I have in my possession on Talbot Road and it is only 5 1/2 chains or 363 ft the balance of this field is occupied by Mr Connolly. That is what I allways claimed. Mr Connolly does not deny that this Blue Print takes in his property but he has and his Father has had possession of this land for years. He has also a house and well on this land just east of Dijon St I will draw you a sketch of this Triangle a copy off your print sent me and mark out what part I have and part Connolly has.

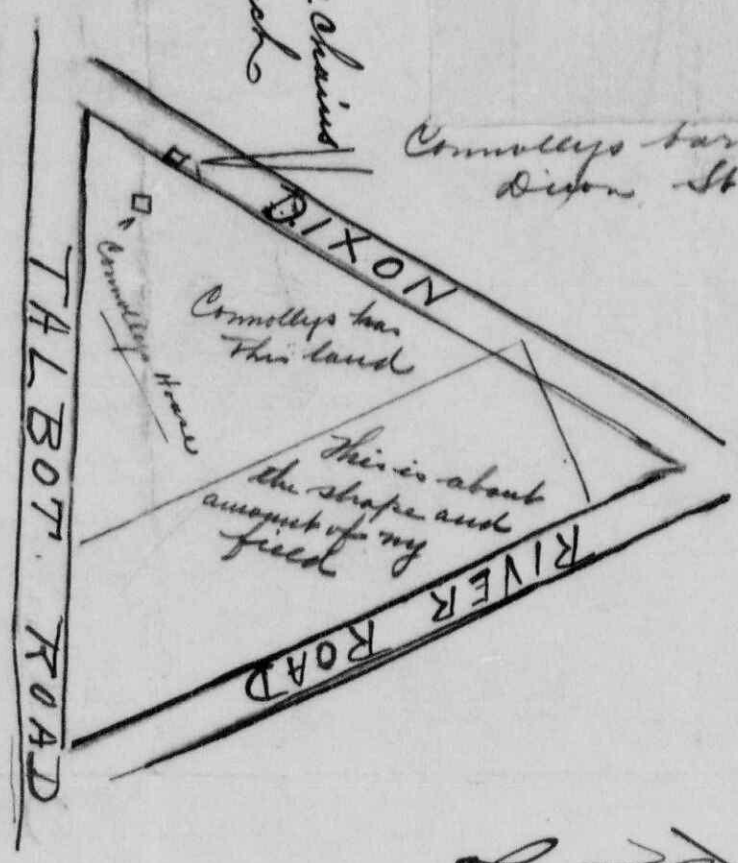
Now what I want to know is what am I to do. Can I pay you 32.50 balance due to have this 9.25 acres and how am I going to get what Connolly has. I suggest as I did to your man (Mr Commo) I think his name was to have a surveyor come and mark it out and then we can settle it up for Good. If I can have this 9.25 Acres I am only too Glad to pay balance due but I do not feel like paying for land Connolly is using and know you also do not expect me to do so. Awaiting your instructions as to what I should do I remain Yours Truly

John J Walsh

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA



Note.

This is a copy of triangle of land I should have. Pencil marks show about what I really have. Connolly uses and has rest of this land in his possession

John J Walsh

My field is not a triangle it is about 3 times longer on River Rd than it is on Talbot. So you can see what Connolly has out of what I should have.

From River road to Dixon on Talbot Rd is 924 ft.

I have only 363 ft on Talbot Road starting at River Rd Connolly has 561 ft of Talbot Rd starting at Dixon East

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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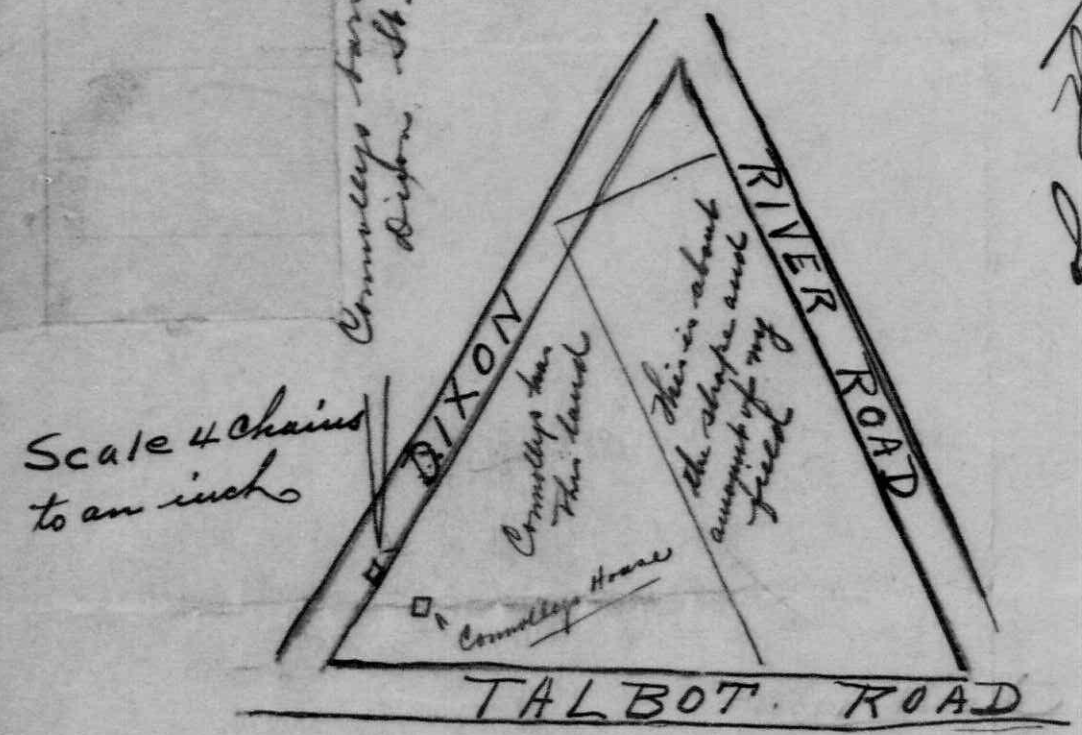
CANADA



Note.

This is a copy of triangle of land I should have.

Pencil marks show about what I really have.

Connolley uses and has rest of this land in his possession.

John J Walsh

My field is not a triangle it is about 3 times longer on River Rd than it is on Talbot, so you can see what Connolley has out of what I should have.

From River road to Dixon on Talbot Rd is 924 ft.

I have only 363 ft on Talbot Road starting at River Rd

Connolley has 561 ft of Talbot Rd Starting at Dixon East

Poor Copy.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

PUBLIC ARCHIVES
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CANADA

111926.

EXD.

October 16th, 1931.

Sir,-

For some years the Department was under the impression that John J. Walsh, Cayuga, was the owner of the triangle lot fronting on Talbot Road, and lying between the River Road and Dixon Street, containing 9.25 acres. Recently, Mr. Walsh reported to the Department that he was the owner of 363 feet on Talbot Road, measured from the River Road, and that you are in possession of 561 feet along the Talbot Road, measured from the east side of Dixon Street.

I enclose a tracing, indicating Mr. Walsh's idea of the division of the Lot, and would ask you to be good enough to advise the Department if the division, as suggested by Mr. Walsh, meets with your approval. If it does, would you kindly ~~forward the~~ state what distance your Lot extends along the east side of Dixon Street.

There is a small portion of the Lot, north of Mr. Walsh's property, which he does not appear to claim, and I would ask you to advise as to who is the owner of this point of land. On receipt of this information the Departmant will be pleased to consider the question of issuing a patent to you and Mr. Walsh for the land.

Your obedient servant,

J. C. Caldwell,
Director, Indian Lands and Timber.

Enclosure.

Michael Connolly, Esq.,
Cayuga,
Ontario.

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

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PUBLIC ARCHIVES
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CANADA

84-32 1
84-32 3

111926 CLOSED

FROM 18/12/1890

TO 16/10/31

Indian Affairs. (RG 10, Volume 2547A, File 111,926)

Poor Copy.

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

Indian Affairs
Red Series

(RG 10, Volume 2548)

File		
111,930	ST. REGIS AGENCY - APPLICATION FROM JOHN D. McMILLAN FOR A PATENT ON LOT NO. 12, RANGE 1, DUNDEE TOWNSHIP.	1890
111,931	ST. REGIS AGENCY - APPLICATION FROM ANGUS McBEAN FOR A PATENT COVERING LOT NO. 17, RANGE 1, TOWNSHIP OF DUNDEE.	1890
111,959	STATEMENTS FROM THE DEPARTMENTS OF FINANCE RELATIVE TO PROMOTIONS AND SALARY INCREASES TO EMPLOYEES OF THE DEPARTMENT OF INDIAN AFFAIRS.	1891-1917
111,983	MANITOWANING - LISTS OF LAND ASSIGNMENTS, AFFIDAVITS OF SETTLEMENT DUTIES AND PATENTS REQUIRED DURING THE MONTH OF NOVEMBER.	1890
111,985	MANITOWANING - APPLICATION FROM MESSRS C.L. AND G. WEDGERFIELD TO PURCHASE THE TIMBER ON LOTS NOS. 21, CON. 13 AND 22, CON. 12, TOWNSHIP OF CAMPBELL.	1890-1891
111,992	MANITOWANING - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF MANITOULIN ISLAND.	1890
112,001	STRATHROY - REQUISITION FROM THE CHIPPEWAS OF THE THAMES FOR A SUM OF MONEY TO PAY SUNDRY ACCOUNTS.	1890
112,049	SIX NATIONS RESERVE - MINUTES OF THE COUNCIL HELD AT OHSWEKEN ON THE 11th OF NOVEMBER PASSING CERTAIN ACCOUNTS FOR PAYMENT.	1890

Indian Affairs. (RG 10, Volume 2548, File 111,930)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

MEMO.

15 - 12 90

No. 111930

Department of Indian Affairs,

1890

Dept of Justice.
Ottawa.
10 Dec
11

With papers and application from John D. McMillan for patent of Lot 12 Range 1 Dundee.

ACTION.

ACTION CONTINUED.

RED
111930

33/34-2

P.R.C. 97.

Indian Affairs. (RG 10, Volume 2548, File 111,930)
PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

On this twenty-eighth day of the month of January, in the year of Our Lord one thousand eight hundred and seventy-eight, in the afternoon.

Before Mr. Israël-Isaïe Crevier, undersigned Public Notary for the Province of Quebec, in the Dominion of Canada, therein residing in the parish of St. Anicet, in the district of Beauharnois.

Personally appeared Mr. John McMillan, farmer of the township of Dundee, in the said district, and Dame Margaret Cameron, his wife, whom he doth hereby well and duly authorize for all and every the purposes hereof.

Who did and do hereby bargain, sell, assign, transfer and make over, with full warranty, compaignant all troubles and causes of trou[illegible] and eviction generally whatsoever, unto Mr. John-Duncan McMillan, one of their sons, also farmer of the said township of Dundee, in the said district, hereunto present and accepting thereof, purchaser for himself, his heirs and assigns, to wit:

1° A certain lot or parcel of land known as lot number twelve, on the first range of the said township of Dundee, in the county of Huntingdon, in the said district, containing three arpents in width, by thirty-three arpents and one third of an arpent in length, more or less, and such as bounded at the North-West end, by a grave-yard belonging to the Presbyterian Congregation of the said township of Dundee, at the South-East end, by William Irwin, on the North-East side, by a by-road, and on the South-West side, partly by Peter Fraser and partly by William Fraser, with

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

with a dwelling house, two barns and other buildings thereon erected.
2nd Nine milk cows, a pair of working horses and five sheep.

Such as the said parcel of land and farming stock hereby sold are now to be found with all and every the members and appurtenances thereunto belonging of which the said purchaser declares to have a perfect knowledge and thereunto he is satisfied.

To have & to hold the said purchaser, his heirs and assigns, held and enjoyed in full property from this day, to take possession thereof on the first day of May in the year one thousand eight hundred and seventy-nine.

The hereby sold parcel of land is held in free and common soccage and was belonging to the said vendors under and by virtue of a good and sufficient title deed.

The present sale is thus made for and in consideration of the price and sum of four thousand dollars, money, in deduction of which sum the said purchaser has heretofore paid to the said vendors that of two thousand two hundred and fifty-four dollars, said money, whereof quite for so much.

As to the balance or sum of seventeen hundred and forty-six dollars, said money, the said purchaser promises to pay the same to the said vendors, or order, within eight years from this date, with interest thereon at the rate of six per centum per annum from the said first day of May in the said year one thousand eight hundred and seventy-nine, until payment, said interest payable yearly.

Witness

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CANADA

within the said period of eight years, the said balance is to be paid either in one single instalment or in several large or small instalments, as may suit purchaser and the interests to decrease in proportion to the parts of principal paid.

It is well understood and agreed upon by and between the said parties hereto that the said balance of price or consideration money shall not bear interest during the first year that the said purchaser shall work and enjoy the said property himself, and for each and every year during which the said purchaser, after the first of May next, shall work for the said vendors and for their own exclusive profit and benefit; and shall allow the said vendors to use and enjoy the said property for their own exclusive profit and benefit, he, the said purchaser shall be entitled to [illegible] hundred dollars, said currency, in deduction of the principal of said balance of price or consideration money, and to a complete exemption of interests for the same year on the balance of said price or consideration money.

For security of the faithful payment of said balance of price or consideration money and of all interests to accrue thereon, the hereby sold parcel of land is and shall remain duly affected and hypothecated by privilege of bailleurs de fonds.

Under and by virtue of these presents, the said vendors have transfered and set over to the said purchaser, accepting thereof, all rights of property and other rights whatsoever which they have or may have in or upon what has been hereby sold, hereby dispossessing themselves thereof in his behalf, consenting and agreeing that he be and remain seized and invested with the full and entire possession thereof as of right.

For

Indian Affairs. (RG 10, Volume 2548, File 111,930)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

For the execution hereof, the parties have elected domicile at their actual residence.

Whereof Acte: Thus done and passed at the said parish of St. Ariel, in the said undersigned Notary's office, under the number two thousand one hundred and four in his Repertory, on the day, month and year first above written, and after reading made to the said parties according to law, they have signed with me, Notary.

(Signed) "John McMillan"
" "Margaret Cameron"
" "John D. McMillan"
" "J. J. Crevier, N. P."

A true copy of the original hereof, remaining of record in the undersigned Notary's office.

J. J. Crevier
N. P.

Indian Affairs. (RG 10, Volume 2548, File 111,930)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

For the execution hereof, the parties have elected domicile at their actual residence.

Whereof Acte: Thus done and passed at the said parish of St. Ann, in the said undersigned Notary's office, under the number two thousand one hundred and four, on the day, month and year first above written. and after reading made to the said parties according to law, they have signed with me, Notary.

Signed / "John McMillan"
" "Margaret Cameron"
" "John D. McMillan"
" "J. H. Cerrie, N.P."

A true copy of the original hereof, remaining of record in the undersigned Notary's office.

J. H. Cerrie
N.P.

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

Poor Copy.



I Certify this document was received at the Registry Office of the County of Huntingdon, on the Twenty Second day of December one thousand eight hundred and Eighty at three o'clock in the after noon, and is recorded in Register B, volume 12 page 717 under number 13150

And Lanewille
Registrar.

111930

13150
22
3

No 21

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

28th January 1878

Deed of Sale
from Mr.
John McMillan
at Dusa
to Mr.
John Duncan McMillan, one of their sons.

1st Copy

1.70
50
2.20

J. T. Crevier, Notary at St. Anicet.

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

KODAK SAFETY ▲ FIL

Before the undersigned Notary Public, for the Province of Quebec, residing at the Village of Huntingdon, in the District of Beauharnois;

Personally appeared: Mr. John Davidson, Senior, of the Township of Dundee, in the said District, farmer;

Who did and doth hereby grant, bargain, sell, transfer, make over and confirm, with warranty against all troubles, mortgages and all other hindrances whatsoever, unto Mr. John McMillan, of the aforesaid Township of Dundee, farmer, hereto present and accepting, purchaser, for himself, his heirs and assigns, to wit: A piece or parcel of land being lot Number Twelve, in the first range of the aforesaid Township of Dundee, bounded on the north by a burial ground, on the east by the Nine Mile road, on the west by lot Number Thirteen, in said first range, and on the south by the west half of lot Number Six, in the second range, and containing one hundred arpents, more or less, in superficies, with all appurtenances thereon or thereunto belonging.

To have and to hold the said piece of land and premises, hereinbefore granted, bargained, sold and confirmed, or intended so to be, with their and every of their appurtenances, unto the said John McMillan, his heirs and assigns, for ever, the said John Davidson, Senior, consenting that the said purchaser be and remain seized thereof, as of right, and to enter upon and take possession thereof on first May next.

The present bargain and sale is thus made subject to the charge by the said purchaser to pay the annual rent to become due on said property, from this day, to the Indian Chiefs of St. Regis, and to conform himself to all and every the other clauses, conditions and charges mentioned in the emphyteutical lease of said property from

Discharge in full filed 18th. April one thousand eight hundred and seventy seven.—

Alex Somerville
Reg.

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

said Indian Chiefs, and further, for and in consideration of the price or sum of Two thousand eight hundred Dollars, currency, out of which sum the said Vendor doth hereby acknowledge to have received from the said purchaser, part before this day, and part this day, before the execution hereof, Sixteen hundred Dollars, currency, and he grants a discharge for so much to the said purchaser. And as regards the balance of the said purchase price, to wit: Twelve hundred Dollars, currency, the said purchaser doth hereby bind and oblige himself, his heirs and assigns, to pay the same to the said Vendor, or order, within four years from the date hereof, with interest from the first day of May next till payment, at six per cent per annum, the said interest payable annually.

For security of said balance of purchase price and interest, the said piece of land and appurtenances shall remain hypothecated in favor of the said Vendor, as of right.

At the execution hereof, personally appeared and intervened Dame Elizabeth Gordon, wife of the said John Davidson, Senior, and by her said husband hereto duly authorized for all and every the purposes hereof;

Which said intervening party, after having duly had communication of these presents, did and doth hereby declare to approve the same; willing that the present deed of Sale be followed according to its tenor; and further, she did and doth hereby, in consideration of said presents, renounce, as well in her own name as for and in the name of her children, to all dower or right of dower and all other matrimonial rights whatsoever which she may or can have in or upon the said premises hereby sold.

Whereof act: Done and passed, at Huntingdon aforesaid, at the residence of Wm. Graham

(Stormont

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

Stormont, under the Number Seventeen hundred and eighty five of the Repertory of J. Beauchemin, the undersigned Notary, on the Twentieth day of February, in the afternoon, in the Year one thousand eight hundred and seventy three, in the actual presence of Mr. William Walsh, of the aforesaid Village of Huntingdon, Merchant, Witness called to these presents according to law, - And after reading hereof duly made, the said parties have signed with and in the presence of the said Witness and Notary, except the said Vendor's Wife, who has declared to the said Notary and Witness not to know how to sign her name, and has made her mark in their presence.

(Signed,) John Davidson
— " — John McMillan
— " — Elizabeth x her Gordon
— " — Wm. Walsh, marky Witness

Indian Affairs. (RG 10, Volume 2548, File 111,930)

Poor Copy.

PUBLIC ARCHIVES
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CANADA

№ 8175.

No. 1785.

20th February, 1873.

Sale

from

Mr. John Davidson, Senior,

to

Mr. John McMillan.

First Copy.

P. Beauchemin, N.P.

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

Indian Affairs. (RG 10, Volume 2548, File 111,930)

Poor C.P

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CANADA

J. Beauchemin, N.P.

A true copy of the original thereof remaining of records in the undersigned Notary's Office.

J. Beauchemin, N.P.

J. Beauchemin, N.P.

I certify this document was received at the Registry Office of the County of Huntingdon on Twenty first February, one thousand eight hundred and seventy three, at Nine o'clock in the forenoon, and is recorded in Register "H", Volume 8, Page 646, under Number 8175.

Wm. Somerville
Rg

REGISTRATION 30 QUEBEC 30 THIRTY CENTS

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

DEPARTMENT OF INDIAN AFFAIRS
DEC
11
1890

111330

Township of Dundee,
Province of Quebec.

To the Honorable Minister
of Justice,
Ottawa.

Sir,

I, the undersigned, John D. McMillan, of the said township of Dundee, farmer, actual tenant of that lot known and designated on the official plan and book of reference of the said township of Dundee as lot number twelve, on the first range of Dundee aforesaid, containing ninety acres and twenty perches in superficies, more or less, now beg leave to apply for a patent for said lot.

In testimony whereof, I have signed at Dundee aforesaid, this fifteenth day of November, in the year one thousand eight hundred and ninety.

John D. McMillan

Indian Affairs. (RG 10, Volume 2548, File 111,930)

PUBLIC ARCHIVES
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CANADA

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

111930

Province of Québec,
Township of Dundee.

To the Honorable Minister
of Justice,
Ottawa.

Sir,

I, the undersigned, J.J. Crevier, of the parish of St Anicet, Notary Public, duly appointed agent, beg leave to report as follows, upon the title of John D. McMillan, of the township of Dundee aforesaid, farmer, in connection with that lot known and designated on the official plan and book of reference of the said township of Dundee as lot No 12, on the 1st range of Dundee aforesaid, containing ninety acres and twenty perches, in superficies, more or less, to wit:

1st The said lot was originally leased by the Indian Chiefs of St Regis to one Benjamin Phillips, under a lease reported to be on record in the Indian Department at Ottawa, which lease cannot however be produced.

2d The said Benjamin Phillips transfered his own claims in said lot to one

Indian Affairs. (RG 10, Volume 2548, File 111,930)

PUBLIC ARCHIVES
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CANADA

one Angus Stewart.
3° The said Angus Stewart transferred his own claims in said lot to one John Davidson, Sr. about the year 1835, the whole as per sworn declaration fyled herewith, in default of titles.
4° The said John Davidson, Sr. sold his claims in said lot to one John Mc Millan, the said John D. Mc Millan's father, by deed of sale executed before P. J. Beauchemin, Notary, on the 20th of February 1823, recorded under N° 8175, fyled herewith.
5° The said John Mc Millan and Margaret Cameron, his wife, sold their claims in said lot to the said John D. Mc Millan, their son, the actual tenant thereof, by deed of sale executed before J. T. Taschereau, Notary, on the 28th of January 1828, recorded under N° 13150, also fyled herewith.
6° The said John D. Mc Millan has paid all indian rents on said lot, as per final receipt fyled herewith. 7° (1)
In testimony whereof, I have signed

(1) The said John D. McMillan has paid me the required fee for the examination of titles.
J. H. C.

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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111930

signed at Dundee aforesaid, this seventeenth day of November in the year one thousand eight hundred and ninety. One marginal note initialed is good.

E. T. Crevier
Agent.

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

Report of J. J. Grenier, Agent
upon the titles of John D.
McMillan, in connection with
Lot No 12 - 1st range of Dundee:

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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CANADA

111930

Province of Quebec,
Township of Dundee. } John Davidson, jr. of
Fort Covington, state of New York,
United States, Secretary-treasurer
of the municipal Council of the said
township of Dundee, and Angus Mc-
Bean, of the said township of Dundee,
farmer; most solemnly declare, attest
and certify to whomsoever it may ap-
pertain that:

1st The lot known and designated on the
official plan and book of reference
of the said township of Dundee as lot
Number twelve, on the first range
of Dundee aforesaid; containing ninety
acres & twenty perches, in superficies, more or less,
actually occupied by John D. McMillan,
of Dundee aforesaid, farmer, as tenant,
was formerly leased by the Indian Chiefs
of St Regis to one Benjamin Phillips
under a lease reported to be on file or re-
corded in the Indian Department at
Ottawa.

2nd The said Benjamin Phillips transfered
his own claims in said lot to one
Angus Stewart.

3rd The said Angus Stewart transfered
his

Indian Affairs. (RG 10, Volume 2548, File 111,930)

PUBLIC ARCHIVES
ARCHIVES PUBLIQUES
CANADA

his own claims in said lot to one John Davidson, Sr. about the year 1835.
4° The said John Davidson Sr. sold his claims in said lot to one John McMillan, the actual tenant's father, by deed of sale executed before J. Beauchemin, Notary, on the 20th of February 1873, recorded under N° 8170.
5° The said John McMillan sold his claims in said lot to the said John D. McMillan, the actual tenant of said lot, by deed of sale executed before J. J. Crevier, Notary, on the 28th of January 1876, recorded under N° 13150.
6° All the hereinabove named tenants have occupied said lot peaceably and without any litigation in connection therewith.
7° The said John D. McMillan, the actual tenant of said lot is really entitled to a patent for the same, to the exclusion of all others.
And the hereinabove named deponents do hereby make this solemn declaration, believing the same to be conscientiously true, under and by virtue of the Act passed in the thirty-seventh year of Her Majesty's reign intituled: An Act

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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act for the suppression of voluntary and extra-judiciary oaths.

Affirmed and solemnly declared at Dundee aforesaid, before me, the undersigned, this 15th of November 1890.

J. T. Creery
Notary Public &
Commissioner of the
Superior Court

John Davidson

Angus McBean

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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Statutory Declaration
by
John D Anderson jr. &
Angus Mc Lean.

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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TRIPLICATE FOR PAYOR.

111930

RENT RECEIPT.

C 1241

INDIAN OFFICE,

$ 5 ao

Dundee 14th Feby 1889

RECEIVED from John Mc Millan

the sum of Five - - - Dollars,

being rent from January 1st 1888

to January 1st 1889 for Lot No 12

in the first Range

A. Levy

Indian Agent.

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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DEPARTMENT OF JUSTICE CANADA

111930

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

Ottawa, 10 Dec 1890

Sir, Dundee Indian Lands.
Lot No. 12 1st range

LAND BRANCH
DEC 13 1890

I have the honour herewith to enclose the application of John D. McMillan for a Patent of the above Lot, together with the Agent's report on the Title and four accompanying documents.

Ref No 9735 I have the honour to advise that a Patent may issue.

Sale 4
Page 376
Quebec Sales Book

Your obedient servant
A. Power
for Sol. Ind. Affairs

The Deputy
Superintendent General
Indian Affairs

Indian Affairs. (RG 10, Volume 2548, File 111,930)

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Indian Affairs
Red Series

(RG 10, Volume 2548)

File		
- 111,930	ST. REGIS AGENCY - APPLICATION FROM JOHN D. McMILLAN FOR A PATENT ON LOT NO. 12, RANGE 1, DUNDEE TOWNSHIP.	1890
111,931	ST. REGIS AGENCY - APPLICATION FROM ANGUS McBEAN FOR A PATENT COVERING LOT NO. 17, RANGE 1, TOWNSHIP OF DUNDEE.	1890
111,959	STATEMENTS FROM THE DEPARTMENTS OF FINANCE RELATIVE TO PROMOTIONS AND SALARY INCREASES TO EMPLOYEES OF THE DEPARTMENT OF INDIAN AFFAIRS.	1891-1917
111,983	MANITOWANING - LISTS OF LAND ASSIGNMENTS, AFFIDAVITS OF SETTLEMENT DUTIES AND PATENTS REQUIRED DURING THE MONTH OF NOVEMBER.	1890
111,985	MANITOWANING - APPLICATION FROM MESSRS C.L. AND G. WEDGERFIELD TO PURCHASE THE TIMBER ON LOTS NOS. 21, CON. 13 AND 22, CON. 12, TOWNSHIP OF CAMPBELL.	1890-1891
111,992	MANITOWANING - LAND RETURN DURING THE MONTH OF NOVEMBER IN FAVOR OF THE INDIANS OF MANITOULIN ISLAND.	1890
112,001	STRATHROY - REQUISITION FROM THE CHIPPEWAS OF THE THAMES FOR A SUM OF MONEY TO PAY SUNDRY ACCOUNTS.	1890
112,049	SIX NATIONS RESERVE - MINUTES OF THE COUNCIL HELD AT OHSWEKEN ON THE 11th OF NOVEMBER PASSING CERTAIN ACCOUNTS FOR PAYMENT.	1890

INdian Affairs. (RG 10, Volume 2548, File 111,931)

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MEMO.

Lds. Br Dec 12 90

No. 111931

Department of Indian Affairs,

189 0

Dept of Justice.
Ottawa
11/11 Dec

With application and papers from Angus McBean for patent of Lot 17. Range 1. Dundee.

ACTION.

ACTION

RED
111931

33/342

P.or C.PY.

INdian Affairs. (RG 10, Volume 2548, File 111,931)

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CANADA

This Indenture Made and Concluded at Dundee in the Province of Canada East this the fifth day of September in the year of our Lord one Thousand Eight hundred and fifty five Between Robert. McGibbon Heir by Will to the Late Doctor John McGibbon of the Township of Dundee County of Beauharnois District of Montreal Yeoman of the first part and Laughlin McBain of the same place of the Second part. Witnesseth That the said party of the first part for and in Consideration of the Sum of fifty Pounds of Lawful Money of the Province of Canada East to him in hand paid the receipt whereof is hereby Acknowledged Hath Bargained Sold Conveyed Made over and by these presents doth bargain Sell Convey Release and Make over to the said Laughlin McBain All and Singular ~~that Certain~~ piece or parcel of Land and premises situate lying and being in the St. Regis Indian Reservation in the Township of Dundee in the District of Montreal and Province of Canada aforesaid and being composed of Lot Number Seventeen in the first Concession of the aforesaid Indian Reservation containing One Hundred Arpents of Land be the same more

INdian Affairs. (RG 10, Volume 2548, File 111,931)

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KODAK SAFETY ▲ FILM



Certify this document is recorded at the Registry Office of the County of Huntingdon on Tuesday Lamont Lane of one thousand eight hundred and Sixty six at the Aldwell Mc, in Reports B volume 10 pages 257 under No. 10059
Archd Somerville

...e or less. To have and to hold the Said Lot of Land and premises with its appurtenances unto to the Said Laughlin Mc Bain his heirs Executors administrators and assigns for and during the full end and term of time which is unexpired or yet to come in the original lease from the Saint Regis Indians to the late John Mc Gibbon dated the 8 day of November 1819 for the term of 99 years freed and discharged from all Back rents Mortgage or other incumberances what ever of him the Said Robert Mc Gibbon his heirs or Successors And without any let hinderance or denial of him the Said Robert Mc Gibbon his heirs or Administrators And the Said Laughlin Mc Bain for him self and for his heirs and Successors doth here by promise and agree to well & truly pay unto the Lawful British Indian Chiefs of St Regis or their Lawful Agent or Attorney Annualy on the tenth day of February the Rent or Sum of One pound five Shillings Lawful Money of Canad And also to Observe perform and fullfill & keep all and Singular the Articals Claims Conditions provitions & agreement, Contained in the Originale Lease. In testimony whereof the parties to thes Presents have hereunto set their hand & Seal the day and date first mentioned. Jean Alan

Signed Sealed and delivered in presence of Witness

Angus Colquhoun Lachlin Mc Bain Robert Mc Gibbon

10059

Assignment
Robert Mc Gibbon
to
Laughlin Mc Bain
of
Lot No. 17 in 1st Concess
Dundee

Certify that a true copy of this Indenture was recorded in the Book of Indian Records this the second day of June 1837
Sloughton Agent

20 Jan 1876 Sorlock

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

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111931

DEPARTMENT OF INDIAN AFFAIRS
DEC
1890

Canada,
Province of Québec,
Township of Dundee.

To the Honorable Minister
of Justice:
Ottawa.

Sir,

I, the undersigned, Angus McBean, of the township of Dundee, farmer, actual tenant of that lot known and designated on the official plan and book of reference of the said township of Dundee, as lot number 17, on the 1st range of the said township of Dundee, containing eighty-six acres three roods and twelve perches in superficies, more or less, now beg leave to apply for a patent for said lot.

In testimony whereof, I have signed at Dundee aforesaid, this fifteenth day of November, in the year one thousand eight hundred and ninety.

Angus McBean

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(21)

Application of
Angus McLean
for a patent for lot
No 12. on 1st Range of Dundee

of 1270/90

INdian Affairs. (RG 10, Volume 2548, File 111,931)

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111931

DEPARTMENT OF INDIAN AFFAIRS
DEC 11 1890

Canada,
Province of Quebec,
Township of Dundee

To the Honorable
Minister of Justice:
Ottawa.

Sir,

I, the undersigned, I. T. Crevier, of the parish of St Anicet, Notary Public, duly appointed agent, beg leave to report as follows upon the titles of Angus McBean, of the said township of Dundee, farmer, actual tenant of that lot known and designated on the official plan and book of reference of the said township of Dundee as lot No 17, on the 1st range of Dundee aforesaid, containing eighty-six acres, three roods and twelve perches in superficies, more or less, to wit:

1o The said lot was originally leased by the Indian Chiefs of St Regis to John McGibbon, under a lease dated the 20th of October 1824, recorded in the registry office in and for the county of Huntingdon under No 6189, according to extract fyled along with Robert McGibbon's

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Mc Gibbon's titles.

2:- The said Colin Mc Gibbon having departed this life intestate, all his lawful representatives transfered to Jean Allen, his wife, their mother, all their rights, claims shares and interests in the movable and immovable estate and succession of the said late Colin Mc Gibbon, their father, including all their claims and shares in said lot, under and by virtue of a deed of quit-claim executed before Charles M. LeBrun and Louis Hamailt, Notaries, on the 1st of July 1848, registered under No. 3128, in the books of the registry office of the old county of Beauharnois, also fyled, said quit-claim, along with Robert Mc Gibbon's titles.

3:- Under and by virtue of a deed of sale executed before witnesses on the 26th of October 1859, recorded under No. 936, the said Jean Allen has sold all her claims in certain lands therein described including all her claims in the hereinabove described lot to Robert Mc Gibbon, of the said township of Dundee, farmer, one of her sons, fyled also said deed of sale

along

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along with the said Robert McGibbon's titles.

4th Under a certain deed executed before witnesses on the 5th of September 1855, recorded under No. 10059, the said Robert McGibbon has sold said lot No 17, in said 1st range of Dundee, to Laughlin McBean, father of said Angus McBean, the actual tenant of said lot. Which last mentioned deed has been confirmed, ratified and made valid by the posterior acquisitions of said lot by the said Robert McGibbon under the hereinabove mentioned deed of the 26th of October 1859. The said deed of the 5th of September 1855 is fyled herewith.

5th The said Laughlin McBean by departing this life intestate transmitted the said lot to said Angus McBean, his only child, the actual tenant of said lot, as per solemn declaration fyled herewith.

6th The said Angus McBean has paid all indian rents on said lot as per final receipt fyled herewith.

7th The said Angus McBean has paid the required fee for the examination of his titles.

In testimony whereof, I have signed at Dundee aforesaid, this seventeenth day of

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of November in the year one thousand eight hundred and ninety.

J. F. Crevier
N.P.
Agent.

Report upon Angus McBean's title in connection with lot No 17, on the 1st range of Dundee

INdian Affairs. (RG 10, Volume 2548, File 111,931)

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Canada,
Province of Québec,
Township of Dundee.

I, the undersigned, Angus Colquhoun, of the township of Dundee, farmer, do hereby most solemnly declare, attest and certify to whomsoever it may appertain, as follows, viz:
1st That Lauchlin Mc Bean, formerly tenant of that lot known and designated on the official plan and book of reference of the said township of Dundee as lot No. 17, on the 1st range of Dundee aforesaid, containing eighty-six acres, three roods and twelve perches in superficies, more or less, died intestate in the year one thousand eight hundred and fifty-seven, leaving for his sole and only heir his only child Angus Mc Bean, now of the said township of Dundee, farmer, actual tenant of said lot, thereby transmitting all his claims in said lot to the said Angus Mc Bean, his only issue.
2nd The said lot has been constantly occupied since the fifth of September eighteen hundred and fifty-five by the

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the said Laughlin McBean and by the said Angus McBean, his son, in succession, peaceably and without any litigation in connection therewith.

3° I consider that the said Angus McBean, the actual tenant of said lot is the only party entitled to a patent therefor.

And I have made this solemn declaration believing the same to be conscientiously true under and by virtue of the act passed in the thirty-seventh year of Her Majesty's Reign intituled: an act to suppress voluntary and extra-judiciary oaths.

Affirmed and solemnly declared at Dundee aforesaid this 15th day of November A.D. 1890 before me, the undersigned

J. J. Crevier Notary Public and Commissioner of the Superior Court.

Angus Colquhoun

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Solemn Declaration
by Angus Colquhoun
in connection with
Angus Mc Beans
titles to lot No. 12
on 1st range of
Dundee.

INdian Affairs. (RG 10, Volume 2548, File 111,931)

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DJ 1270/90

111931

DEPARTMENT OF JUSTICE CANADA

Ottawa, 11 Dec 1890

DEPARTMENT OF INDIAN AFFAIRS DEC 11 1890

Sir,

Indian Lands Dundee
Lot No. 17 1st range

LAND BRANCH DEC 13 1890

I have the honour herewith to transmit the application of Angus McBean for a Patent of the above Lot together with the Report of the Agent on his titles and three accompanying documents.

Entd Sale 5 Page 377

Ref 9736 I have the honour to advise that a Patent may issue.

Your Obedient Servt
A Power
for Solr Ind. Affairs

The Deputy
Superintendent General
Indian Affairs.

INdian Affairs. (RG 10, Volume 2548, File 111,931)

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111931

TRIPLICATE FOR PAYOR.

RENT RECEIPT.

C 1244

INDIAN OFFICE,

$ 28 00

Dundee Feby 14th 1889

RECEIVED from Angus Mc Bean

the sum of Twenty-eight — — Dollars,

being rent from January 1st 1884

to January 1st 1889 for Lot No 17

in the 1st Range

G Dewdney

Indian Agent.

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