

DEPT. OF INDIAN AFFAIRS  
OTTAWA  
1923

Ottawa, December 1st, 1923

To the Honourable the Superintendent General  
of Indian Affairs, Ottawa,  
and the Honourable the Minister of Lands and Forests,  
Toronto, Ontario.

Gentlemen:

For upwards of 70 years the Chippewa Indians of Lakes Simcoe and Huron, and the Mississauga Indians of Rice Lake, Mud Lake, Scugog Lake and Alderville, have constantly pressed upon the attention of the government a claim to compensation in respect of their ancient hunting limits situated in the northern part of the Province of Ontario and lying between the Georgian Bay and the Ottawa River, and bounded approximately on the North by the French River, Lake Nipissing and the Ottawa River, and on the South by the 45th parallel of latitude.

In April of this year an agreement was made between the Dominion of Canada and the Province of Ontario for the appointment of Commissioners to investigate the foregoing claim, and, if satisfied as to its validity, to negotiate with the Indians in question for a surrender of their rights and subsequently, by an Order of His Excellency in Council of the 31st August, 1923, the undersigned were appointed Commissioners for the purposes above set forth.

On the 13th of September last the Commission met at Sutton West, Ontario, for the purpose of taking evidence at Georgina Island in Lake Simcoe. The Commission travelled by automobile from Sutton West to Jackson's Point, and from thence by motor boat to the Island. On September 14th and

15th such evidence as could be adduced by the claimants was taken in shorthand by the Secretary of the Commission, Miss Kathleen Moodie.

Addresses were delivered by the Chairman and the members of the Commission at Georgina Island, and at all the reserves which were visited, designed to instruct the Indians as to the nature of the claim which, in the event of its being established, they would be asked to surrender, and especially for the purpose of disabusing the Indians of the idea that they owned the lands and would be entitled to compensation as owners, an idea which the Commission found to be extremely prevalent.

On the 17th of September the Commission proceeded to Penetanguishene, and on the morning of the 18th travelled by automobile to Cedar Point and thence by motor boat to Christian Island, where evidence was taken during the day. The Commission returned to Penetang at night and remained there until mid-day on the 19th, for the purpose of enabling the Indians to produce at Penetang further evidence which it seemed probable they would be able to procure. No further evidence, however, having been brought to the attention of the Commissioners, they left Penetang and proceeded to Orillia for the purpose of taking evidence at Rama, which was done on September 20th and 21st.

On September 24th the Commission went to Port Perry and took evidence at Lake Scugog, reaching Peterborough the same night, and on the 25th took evidence at Mud Lake, on the 26th at Rice Lake, and on the 27th at Alderville, from the members of the Alnwick Band, returning to Ottawa on the 28th.

A very large volume of evidence was taken at the seven reserves above referred to, and many documents were

filed with the Commissioners as exhibits, and between the date of the Commissioners' return to Ottawa and the 6th of October the evidence was extended and carefully considered by the Commission.

The Commissioners took with them on their first trip a large map of the Province of Ontario, on which was depicted within a boundary, the area said to represent the ancient hunting limits of the Tribes in question. This map was placed upon the wall in the several Council Houses so that the Indians and the Commission might more fully understand the purport of the evidence as it was adduced, and during the time that elapsed between the return of the Commission to Ottawa, and the 6th of October, the Commission plotted upon the map the various hunting limits which the evidence established had been occupied and used by the several families of the different Tribes, in addition to which, however, evidence was obtained at all the reserves of a more or less general user by the members of the Bands of the area in question.

The Commission having received an intimation from the Honourable the Minister of Lands and Forests that he desired it to wait upon him in Toronto for the purpose of advising him as to the views which the Commission had formed as to the validity or otherwise of the claim, the Commission went to Toronto, arriving there on Sunday, October 7th, the appointment with the Minister having been fixed for October 8th. Owing to the arising of unforeseen circumstances, however, the Commission was unable to see the Minister until October 9th, when, after having explained to the Minister the purport of the evidence, the Commission was desired to remain in Toronto until the

12th of October, as the Prime Minister had stated that he desired to interview the Commission before further proceedings were taken. During the interval between the 9th and 12th of October, the Commission were engaged in examining the files and the archives in the Parliament Buildings in Toronto, where it obtained a considerable quantity of evidence bearing directly upon the claim.

On October 12th the Commission had an interview with the Prime Minister of Ontario, in which a report was given as to the evidence and the general aspects of the claim.

The Commission re-assembled at Ottawa on the 18th of October, and obtained some evidence of importance by an examination of various files in the Department of Indian Affairs, and having, after a careful consideration of the evidence and exhibits, come to the conclusion that the claim of the Indians had been established, the Commission had a careful description of the lands forming the ancient hunting limits, and intended to be included in the Treaty, prepared by the Surveys Branch of the Department of Indian Affairs.

During the course of the taking of evidence at Rice Lake, the Commissioners were informed by one of the witnesses that the Indian title to seven townships lying immediately south of Lake Simcoe had never been extinguished, and an investigation of the records in the Department of Indian Affairs satisfied the Commissioners that the assertion so made was correct.

On the 13th of September, 1787, a Treaty, commonly called "The Gunshot Treaty" was made by the Honourable Sir John Johnston, Baronet, on behalf of the King, with the Principal Chiefs and War Chiefs of the Mississauga Nation. This Treaty was intended to cover the land bordering on the north shore of Lake Ontario, and extending back therefrom as

as far as a gunshot could be heard, and covering the land lying between the Bay of Quinté and the Tobicoke River.

The Commission, in the course of its researches, discovered that this Treaty was signed without a particular description of the lands intended to be surrendered having been included therein, the intention being, as appeared from the files, that the surveyor was to write into the Treaty a proper description of the lands intended to be covered thereby. It is quite clear that the surveyor failed to complete the Treaty in this regard, and the Gunshot Treaty as printed in the Volume of Indian Treaties and Surrenders published in 1905, contains no description of the lands, the title to which was intended to be surrendered. A few years after the signing of this treaty the omission in question was discovered, and a subsequent confirmatory Treaty was signed on August 1st, 1805, but by error only a portion of the land intended to be included in the Gunshot Treaty was included in the confirmatory surrender. This portion is now commonly known as the "Toronto Purchase", and included only the townships of Tobicoke, York and Vaughan, and parts of the townships of King, Whitechurch and Markham in the county of York.

In view of the foregoing, the Commissioners determined to include in the new treaty that portion of the lands originally intended to be covered by the Gunshot Treaty, but which had not been included in the confirmatory surrender of August 1st, 1805. The Commission having therefore obtained from the Surveys Branch a proper description of the lands south of Lake Simcoe, already referred to, and of the lands intended to have been included in the Gunshot Treaty, prepared two Treaties, one to be signed by the three Bands of Chippewas, and the other to be

signed by the four Bands of Mississaugas, each of which Treaties covered all the ancient hunting grounds of both nations, the townships south of lake Simcoe, and the Gunshot Treaty lands, it being felt that grave difficulty might arise particularly with respect to the ancient hunting grounds, if an attempt were made to define a boundary between the hunting limits of the Chippewas and those of the Mississaugas, as the evidence disclosed that neither of these Tribes had any very definite idea as to the actual situs of such boundary.

When the Commissioners were taking the evidence at Christian Island it was asserted that an area of land approximately bounded on the east by a line drawn from the west end of Lake Nipissing to Moose Deer Point, and bounded on the West by the shore of Georgian Bay and on the North by the French river, had been improperly included in the Robinson-Huron Treaty of September 9th, 1850, it being alleged that the Indians who signed that Treaty did not have an exclusive right to hunt and fish in the area in question, but that a joint right existed between the signers of that Treaty and the Chippewas of Lakes Simcoe and Huron to use the area in question as hunting grounds. The Commissioners, for the purpose of settling any question at rest as to title over these latter lands, had this area included in the description prepared by the Surveys Branch.

When the Commission was in Toronto for the purpose of a conference with the Honourable the Minister of Lands and Forests, a letter was brought to the attention of the Commissioners from a solicitor at Lindsay, Ontario, in which he stated that, acting for some of the Mississauga Indians, he desired to place before the Commission some evidence on their behalf, and the Commission arranged to

meet the solicitor in question in Toronto on the 25th day of October, on which day the Commission heard the representations which the solicitor desired to put forward, and on the 26th left Toronto for Parry Sound for the purpose of taking evidence from some Christian Island Chippewas residing on Parry Island, which evidence was presented to the Commission on the 27th, and, it being expected that further evidence bearing upon the claim might be available on the 29th, the Commission remained at Parry Sound until noon of that day. Having then been informed that no further evidence could be adduced, the Commission proceeded to Sutton West, to negotiate a treaty at Georgina Island.

On the 30th of October, the Commission was unable to proceed to Georgina Island owing to stormy weather on Lake Simcoe, but the weather having abated, the Commission proceeded to that Island on October 31st, where they found a very large number of Indians awaiting them.

The Commission having heard that notwithstanding the addresses delivered during the first trip, the Indians still believed themselves to be the owners of the lands in question and entitled to upwards of ten million dollars compensation, the Commissioners felt it was incumbent upon them to make a very special effort for the purpose of disabusing the minds of the Indians of this idea, and therefore lengthy addresses were delivered by the three members of the Commission, which convinced the Indians of the unfounded nature of their view and resulted in the Treaty being signed.

The Commission desires to express its satisfaction with the general condition of the reserve at Georgina Island, and was particularly impressed with the stock on the several farms, consisting of well-bred horses, cattle, sheep and hogs. Ex-Chief Charles BigCance, now in his 91st year, entertained

the Commission at his house. He has a large and well-improved farm, a well-furnished house, and has great authority and weight amongst the Band, and the Commission feels that the task which devolved upon it in the endeavour to induce the Indians to take a reasonable view of the amount of compensation to which they were entitled, was greatly lightened by the influence exerted by this venerable and most excellent Ex-Chief, and his son, John E. BigOancee, who is at present Chief of the Band. The Agent for this Band, Mr. William Kay, appears to have the affairs of the Band well in hand, and has the confidence and liking of the Indians, in whom and in whose welfare he evidently takes a very great interest.

There is an excellent school on Georgina Island, the teacher being also the Missionary. The children appeared to the Commissioners to be bright, intelligent, and diligent, and the teacher, Mr. Ward, evidently takes a great interest in the progress and advancement of his pupils.

On the 1st November the Commission arrived at Penetang, and on the 2nd and 3rd were at Christian Island. On the 2nd of November some slight additional evidence was taken, and after addressed by the members of the Commission, similar in character to those delivered at Georgina Island, the Commission returned to Penetang, with the understanding that it would again be at Christian Island on the following day for the purpose of executing a Treaty should the Band in Council have determined to accept the offer made by the Commission. Accordingly, on November 3rd the Treaty was signed. After the signing of the Treaty a very pleasing incident took place, in which Mr. R.V. Sinclair was made Honorary Chief of the Chippewa Tribe, and given the Indian name "Pa-yah-bee-dwa-we-dong", which means



"Man Bringing Good News". Mr. A.S. Williams, Mr. Uriah McFadden and Miss Kathleen Moodie were formally adopted as members of the Tribe, with Indian names. That bestowed upon Mr. Williams was "Showh-nah-ko-on", which means "Thundering from the South"; upon Mr. McFadden, "Now-wuak-gee-sig", which means "Bright Moon Day"; and upon Miss Moodie, "Wah-sa-yah-bun-no-quah", which means "Lady of the Dawn". Several addresses were given by different members of the Band, and suitable replies were made by Mr. Sinclair and the other members of the Commission and Miss Moodie.

Chief Henry Jackson, Mr. Walter Simons, who acted as Interpreter, and Messrs J. Monague and R. Marsden exerted their influence with the members of the Band for the purpose of bringing about an execution of the Treaty, thus materially assisting the Commission in its labour.

The Commission had the pleasure of meeting Father Cadot, the French Missionary Priest, who was at the meeting on November 3rd and made a very wise and eloquent address to the Indians.

On November 4th the Commission again visited Christian Island, having been requested to make a special report for the Department of Indian Affairs upon the agricultural aspects of the Island.

The School on this Island is under the direction of Mr. Lorenzo BigCance, grandson of Ex-Chief Charles BigCance of Georgina Island. He is a young man of striking appearance, and seems to have the affection of his pupils and the esteem of the members of the Christian Island Band.

The Christian Island Indians have a very creditable brass band, which played for the Commissioners on the occasion of each of their visits to the Island.

On Christian Island the government has supplied the Agent with a farm having a good brick house and large modern barn. The farm bears evidence of being well cultivated by the Agent, who resides in the house and who has some well-bred stock.

On November 5th the Commission went to Orillia for the purpose of visiting the reserve at Rama, which it did on the 6th and 7th. Here too the Commission found that the Indians considered that they were entitled to receive a large sum of money for a surrender of their rights, and the members of the Commission made a very special effort in their addresses to convince the Indians that the amount which the Commission was prepared to offer would be a full and ample compensation for such rights as they were being asked to surrender. One of the difficulties which arose at this reserve resulted from the fact that under the Indian Act, where a reserve or part of a reserve is surrendered for sale, the Band surrendering it is entitled to receive up to 50 per cent of the purchase price, and the Indians at Rama suggested that in the present instance their right to share in the compensation should be governed by the section of the Indian Act above referred to. It being quite impossible for the Commission to agree to the payment in cash to the Indians of any very large sum of money, since the compensation which would be paid would represent the patrimony of the releasing Indians, it behooved the Commission to satisfy the Indians that the surrender of aboriginal rights which belonged to the Tribe in perpetuity and would therefore, if not surrendered, afford hunting grounds for future generations, stood upon a different basis from the sale of a reserve. This view as presented by the Commission finally prevailed, and the Treaty was signed on November 7th.

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This reserve originally consisted of 6000 acres and was purchased by the Rama Indians in 1833. Since then some of it has been sold, and its present area is 2200 acres, of which about one-quarter is cleared, and 750 acres cultivated. The Commission was informed that a very considerable portion of this reserve consists of rough, rocky, and swampy land, and that such farms as are worked do not exceed 25 acres in area, and portions of these, owing to the character of the ground, are not cultivable. The policy of the Indian Department being to induce the Indians to turn their attention to agricultural pursuits, the Commission suggests that this object would be more easily attained if it were possible to acquire in contiguity to the reserve a further area of land free from swamp and reasonably free from rock, which might be cultivated to advantage.

The Commission were invited by Chief Alder York to a supper and concert which was to be held in the Council House on the evening of November 6th. Some very excellent music was performed by the brass band, and a number of songs and recitations were given by several talented Indians. The Commission desires particularly to refer to the singing of some Indian songs by Mr. David Simcoe, and a historical address made by Mr. Sigwin, who was dressed in Indian costume. Miss Bowman, one of the school teachers, sang and recited most excellently.

The Commission had the pleasure of visiting the School on this reserve, which is presided over by Mrs. Coleman and Miss Bowman, and of hearing the children both read and sing. There is an excellent, modern school building, well-ventilated and well equipped, having

living quarters for the staff on the second story.

The Agent at Rama, Mr. A.S. Anderson, a returned man, impressed the Commission with his energy, ability, and intelligence. The Indians are more than satisfied with the attention he gives to the affairs of the Band, and he appears to have won their confidence and respect.

When the Commissioners were at Parry Sound, some of the Indians from Parry Island who appeared, asserted that under the Robinson-Huron Treaty of September 9th, 1850, the Chippewa Indians now residing on Parry Island were entitled to a reserve on the mainland opposite Sandy Island, as described in the Treaty, which the Indians in question asserted to be a misnomer for Parry Island, and that such reserve covered the site of the present town of Parry Sound, and had never been surrendered by them or their forefathers. On November 8th, the Commission went to Toronto and was occupied on that day and on the 9th in investigating the claim of the last-mentioned Indians to a reserve at the town of Parry Sound. It appeared that although the Indians in question were given a reserve by the Robinson-Huron Treaty as stated by them, the Province of Canada, in April, 1867, issued a patent to Beatty et al for a tract of land which might include the reserve in question. The Commission laid these facts before the Honourable the Minister of Lands and Forests, who instructed the Commission to make some further investigation into this claim. The result of these enquiries will form the subject of a separate report.

The Commission adjourned on Friday, the 9th, to meet again on the 13th, on which day it left for Peterborough for the purpose of negotiating with the Indians at Mud Lake, which it did on November 14th and 15th. On the latter

day the Treaty was signed.

The Indians at Mud Lake have an excellent brass band, which met the Commissioners at some distance from the Council House and escorted them thereto. A visit was made to the school on this reserve, which is in charge of Miss Harris. The pupils appeared to be bright and diligent, and the Commissioners enjoyed hearing the children sing. It would appear that an additional teacher is required at this school as the number of children is too large to be properly instructed by one teacher.

The Mud Lake Band consists of 265 persons, and the reserve is composed of 1664 acres. Of this, only about 500 are cultivable, the rest of the lands being rough and extremely rocky. The work of cleaning the land is so great that it is impossible to induce the Indians to do it, and consequently only a very limited number of them are engaged in farming. If better land in the vicinity could be obtained, the Commission is of the opinion that many more members of this Band could be induced to turn their attention to agriculture.

On the 16th of November the Commission went to the Hiawatha reserve, situate on the shore of Rice Lake, where, after a full explanation of the object of the visit, and some addresses by the Chief and other members of the Band, the Treaty was signed during the afternoon.

A new Council House is in course of erection on this reserve, which is composed of excellent farming land. The Agent for this reserve and for the reserve at Mud Lake, is Mr. Robert McCamus, who accompanied the Commission to both reserves and made at each a very excellent address to the assembled Indians. Mr. McCamus evidently enjoys

the confidence of the Indians upon these reserves and takes a great interest in the affairs of the Bands and the welfare of the Indians who are under his charge.

~~At the Miawatha reserve complaint was made by the~~ Indians that owing to the leasing to whites of muskrat trapping privileges upon the borders of the lake, they had been deprived of the right formerly enjoyed by them of trapping muskrat, upon the avails of which trapping many of the Indians are largely dependent for support. This question will be further referred to in another report to be made by the Commission.

At this reserve after the Treaty was signed, the members of the Commission were made Honorary Chieftains of the United Bands of Mississaugas of Rice, Mud and Scugog Lakes, and Miss Moodie was made Honorary Chieftainess, and each member of the party was thereby made a member of the United Bands and given an Indian name.

After the execution of the Treaty, the Commission returned to Peterborough, and on the 19th of November went to Alderville for the purpose of obtaining the execution of a Treaty by the Indians residing on the Alnwick reserve. The Treaty was signed on that day, in the presence of a large gathering of Indians composed both of the men and women of the Band. These Indians have an excellent brass band which at the conclusion of the proceedings played a number of pleasing selections.

This Band of Indians is prosperous, and is fortunate in occupying a reserve which appeared to the Commissioners to be more adapted to agriculture than any of the reserves visited by them, with the possible exception of the reserve at Lake Scugog, which, however, is

very limited in area. The Agent for the Alnwick reserve, Mr. W.R. Coyle, is highly thought of by the Indians, is himself a practical farmer, and appeared to the Commission to be active, energetic and greatly interested in the performance of his duties as Agent.

On the 20th of November the Commission went to Port Perry for the purpose of meeting the Indians at Lake Scugog reserve on the 21st, to place before them the proposals for a surrender. This took place on the latter date, when the Treaty was signed. This execution of the Treaty completed the work of the Commission so far as the Chippewa and Mississauga Indians were concerned.

The reserve at Lake Scugog consists of 800 acres, half of which is leased and operated by whites and the remainder is practically unused. The Agent here, Mr. Wilson Gerrow, informed the Commission that he had been quite unable to persuade the Indians to engage actively in farming, although the land is practically all cleared and capable of being worked to great advantage. Mr. Gerrow suggested that a solution of the difficulty, as it occurred to him, would be to pool the entire reserve and operate it as one farm, employing the Indians thereon as laborers and turning over the net profits yearly derived from the operations for the use of the Band. The Commission thinks well of this suggestion.

Before the Commission left Ottawa on October 24th last for the purpose of negotiating for the execution of the Treaties referred to in this report, their very careful consideration had been given to the evidence and exhibits which had been obtained on its earlier visits to the reserves, for the purpose of arriving at a sum of money which would

be a fair, just and equitable compensation for the rights which these Indians would be asked to surrender. In arriving at the amount upon which the Commission finally determined, consideration was given to the several treaties which had been made between the Crown and the Indians of Ontario during the last century, and the areas covered by the several surrenders were compared with the area which would be affected by this Treaty and some comparison made between the relative situation of the surrendered tracts, and this tract, as regards their contiguity to the settled parts of Ontario. Consideration was also given to the sums agreed to be paid under former Treaties, and after exercising the best judgment which the Commission was able to bring to bear, it was decided to offer these Indians as compensation for a surrender of all their rights, the sum of \$500,000.00, which the Commission deemed it would be equitable to divide equally between the Chippewas and Mississaugas, the evidence having disclosed that the areas of hunting limits surrendered by each of these claimants would be about equal and that the population of the Chippewas exceeded that of the Mississaugas very slightly. This equal division of the proposed compensation was satisfactory to the claimants, none of whom raised any objection thereto.

By the execution of these treaties, the Indian title which formerly covered all the lands in the old Province of Ontario has been finally released, and the taking of Treaty 9 in 1905 extinguished the Indian title up to the northern boundary of the Province of Ontario as the same existed at that date.



All of which is respectfully submitted,——

*Bill Williams*  
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 Chairman

*R. W. Linn*  
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*Heck McFadden*  
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