

**Description of Indian treaties**

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[Ottawa : Department of Indian Affairs and Northern  
Development], c. 1940. 12 p.

Claims and Historical Research Centre: X.17

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Description of Indian Treaties, prepared by the  
Department of Indian Affairs, Ottawa.

From the time of the first British settlement in New England, the title of the Indians to lands occupied by them was conceded and compensation was made to them for the surrender of their hunting grounds. The Crown has always reserved to itself the exclusive right to treat with the Indians for the surrender of their lands, and this rule, which was confirmed by the Royal Proclamation of October 7, 1763, is still adhered to.

In 1670, during the reign of Charles II, instructions were given to the governors of the colonies, which, among other matters, directed that Indians who desired to place themselves under the British should be well received and protected.

For nearly a century the Indians most intimately associated with the English were the Five Nations, living in what is now the state of New York. These were known as the "Iroquois League" and at first comprised the Mohawks, Oneidas, Cayugas, Onondagas and Senecas. In 1715 the Tuscaroras from North Carolina were admitted to this league, which from that time has been known as the "Six Nations."

There are still of record numerous agreements and treaties, dating back as far as the year 1664 and made by the British with the Indians of New England, while Canada was still under French Government.

QUEBEC

Unlike the British, the French did not admit the Indians had any title to lands but claimed them for the Crown by right of discovery and conquest. Reserves were, however, set apart from time to time for the use of the Indians and these were confirmed by the British in Article XL of the Articles of Capitulation signed at Montreal on September 8, 1760, which reads, in part, as follows:—

"The Savages or Indian Allies of his most Christian Majesty, shall be maintained in the lands they inhabit, if they choose to remain there; they shall not be molested on any pretence whatsoever, for having carried arms and served his most Christian Majesty."

In later years other reserves were set apart for Indians in the province of Quebec under authority of an Act of the province of Canada dated August 30, 1851 (14 & 15 Victoria, Cap. 106).

MARITIME PROVINCES

Two of the reserves in Prince Edward Island were grants from private owners and the third was purchased by the Dominion Government for the Indians. In New Brunswick and Nova Scotia some reserves were set apart by the Provincial Governments before Confederation and others have been purchased for the use of the Indians by the Dominion Government since that date.

## ONTARIO

The whole of Upper Canada has been surrendered to the Crown by treaties made by the Government with the Indians, reserves of sufficient extent being set apart for their use at points chosen by the Indians. In addition to the indigenous tribes, it was necessary to provide lands for the Six Nations Indians who came to Canada after the American revolution to compensate them for the loss of their lands in the Mohawk Valley. Reserves were set aside for them on the Bay of Quinte and on the Grand River.

Up to the year 1818 the compensation for the lands, whether in goods or money, was paid to the Indians at the time of treaty but since that date it has taken the form of an annuity.

Previous to the year 1829, the custom was to pay these annuities in goods of the same description as the annual presents, by which practice the Indians, having already received an adequate supply of clothing, had a strong inducement to dispose of the remainder for any object of more immediate want or attraction, among which liquor ranked foremost.

In 1829, Sir John Colborne, being desirous of checking the evils of this system and to promote the settlement and civilization of the Indians, obtained permission from the Secretary of State to apply the annuities towards building houses and purchasing agricultural implements and stock for such members of the several tribes, interested in the payments, as were disposed to settle in the province; and from that time the issue of goods in payment of annuities ceased. The change seems at first to have been unwillingly adopted by the Indians but was later generally approved of. Within two or three years the settlements at Coldwater, the Narrows, St. Clair and Munceytown were established by means of these funds and later several other settlements were formed or enlarged.

In consequence of this change it became necessary to credit each band, yearly, with the amount of its annuity and to direct the expenditure of the money for its benefit. This has led to the admission of the Indians to a voice in the disbursement of their funds. The Government has not abandoned control but still exercises a restraint on improvident or improper expenditure and directs undertakings for their advantage, but the general practice is for the Indians to determine among themselves how the money is to be spent, sending a resolution of their Council to the department covering each item.

There have been many surrenders of land for the purpose of sale or lease, the proceeds of which are placed to the credit of the Indians, and there have been others for railway purposes, roads, churches, schools, etc., but the principal surrenders were made under Treaty and cover practically the whole province.

## OLD UPPER CANADA TREATIES

By treaty of May 15, 1786, the Ottawa and Chippewa Indians surrendered Anderdon township and part of West Sandwich, Lambton County; also Bois Blanc Island in the Detroit River:

By Treaty of May 19, 1790, the Ottawa, Chippewa, Pottawatamie and Huron Indians surrendered parts of Kent, Elgin and Middlesex Counties, containing about 2,000,000 acres of land, in consideration of goods to the value of £1,200 currency delivered at the time of treaty.

By treaty of December 7, 1792, signed at Navy Hall, the Mississagua Indians surrendered Norfolk and Haldimand counties and parts of Lincoln, Wentworth, Brant, Oxford, Middlesex, Elgin and Welland counties, containing about 3,000,000 acres of land.

This surrender was taken to correct a defect in one taken on May 22, 1784.

The consideration in this case was £1,180.7s.4d. sterling.

By treaty of September 7, 1796, the Chippewa Indians surrendered part of Middlesex and Oxford counties, on the north side of the River Thames, in consideration for which they were paid £1,200 Quebec currency, in goods, at time of treaty.

By treaty of September 7, 1796, the Chippewa Indians surrendered part of Lambton and Kent counties, in consideration for which they were paid £800 currency, in goods at the time of treaty.

By treaty of August 21, 1797, the Mississagua Indians surrendered part of Nelson township, in Halton County, containing about 3,450 acres in consideration of goods to the value of £75.2s.6d. delivered at the time of treaty.

By treaty of May 22, 1798, the Chippewa Indians surrendered part of Simeoe county, including Penetanguishene harbour and islands therein, for the sum of £101 paid to them in goods at the time of treaty.

By treaty of June 30, 1798, the Chippewa Indians surrendered St Joseph, Cariboux or Payentanassin Island, between Lakes Huron and Superior—one hundred and twenty miles in circumference—in consideration of goods, to the value of £1,200 Quebec currency, delivered to them at the time of treaty.

By treaty of September 11, 1800, the Ottawa, Chippewa, Pottawatamie and Wyandott Indians surrendered part of Essex county, containing 2,412 acres and a roadway, in consideration of the payment of £300 in goods delivered at the time of treaty.

By treaty of August 1, 1805, the Mississagua Indians surrendered Etobicoke, York and Vaughan townships and parts of King, Whitechurch and Markam townships, York county.

This was in confirmation of a surrender signed on September 23, 1787, when "divers goods and valuable consideration was given." Ten shillings was paid at the time of this confirmation.

By treaty of September 6, 1896, the Mississagua Indians surrendered part of Peel and Halton counties to the extent of about 85,000 acres, in consideration of goods to the value of £1,000. 9s. 1½d. delivered at the time of treaty.

By treaty of the 17th and 18th of November, 1815, the Chippewa Indians surrendered part of Simeoe county containing about 250,000 acres, on consideration of £4,000 paid to the Indians at the time of treaty.

By treaty of August 6, 1816, the Mississagua Indians surrendered part of Thurlow township, Hastings county, at the mouth of Moira River, Bay of Quinte, containing about 428 acres, in consideration of £107 paid to the Indians at the time of treaty.

By treaty of October 17, 1818, the Chippewas of Lakes Huron and Simcoe surrendered part of Gray, Wellington, Dufferin and Simcoe counties, containing about 1,592,000 acres, in consideration of an annuity of £1,200 payable in goods.

By treaty of October 28, 1818, the Mississagua Indians surrendered parts of Wellington, Dufferin, Peel and Halton counties to the extent of about 648,000 acres, known as the Mississagua Tract, in the Home District. The consideration in this case was an annuity of £522 10s. to be paid in goods.

By treaty of November 5, 1818, the Chippewa Indians surrendered Ryde township and parts of Muskoka, Morrison, Draper and Oakley, Muskoka district; part of Ontario county; Victoria and Peterborough counties; and parts of Durham, Haliburton, Hastings and Northumberland counties, containing about 1,951,000 acres, in consideration of an annuity of £740, province currency, payable in goods.

By treaty of February 28, 1820, the Mississagua Indians surrendered part of Toronto township, Peel county, containing about 2000 acres in consideration of £50 currency paid at the time of treaty.

By treaty of July 8, 1822, the Chippewa Indians surrendered part of Middlesex, Lambton and Kent counties, containing about 580,000 acres, in consideration of an annuity of £2 10s. in goods to each man, woman and child of the Chippewas then inhabiting and claiming the said tract of land, and who shall be living at the respective times appointed for the delivery of the said merchandise, during their respective lives and to their posterity for ever, provided that the number of annuitants should not at any time exceed 240, being the number of persons then composing the said nation claiming and inhabiting the said tract.

By treaty of July 20, 1820, the Mohawks of the Bay of Quinte surrendered about 52 square miles, in consideration of an annuity of £2 10s. for each man, woman and child but not to exceed the sum of £450 a year.

By treaty of November 28, 1822, the Mississagua Indians surrendered parts of Carleton, Lanark, Renfrew, Frontenac, Addington and Hastings counties, containing about 2,748,000 acres, in consideration of an annuity of £2 10s. in goods, to each man, woman and child, provided the number of annuitants shall not at any time exceed 257, being the present number of persons entitled to the same.

By treaty of July 10, 1827, the Chippewa Indians surrendered parts of Waterloo, Wellington, Huron, Lambton, Middlesex and Oxford counties and all of Perth county, containing about 2,182,049 acres, in consideration of an annuity of £1,100 payable in goods.

This was in confirmation of a treaty signed by them on April 26, 1825, but giving the area surrendered more exactly.

By treaty of August 9, 1836, the Ottawa and Chippewa Indians surrendered their claim to Manitoulin Island to be used as a reserve for all Indians.

By treaty of October 25, 1836, the Moravian Indians surrendered their lands on the north side of the River Thames, containing about 2,500 acres, in consideration of an annuity of \$600.

The annuities granted to the Indians under the Old Upper Canada treaties were capitalized some time previous to Confederation and the interest placed each year to the credit of their respective accounts and distributed to the Indians entitled to them semi-annually with the interest derived from sale of their lands, timber etc.

By treaty of September 7, 1850, at Sault Ste. Marie, the Ojibway (or Chippewa) Indians surrendered the land on the north shore of Lake Superior, including the islands, from Batchewana Bay to Pigeon River, and inland to the height of land, except reserves mentioned, in Algoma and Thunder Bay districts, in consideration of an immediate payment of £2,000 and an annuity of £500. If the territory ceded should produce a sufficient amount the annuity to be increased to £1 currency for each individual, provided the number of annuitants shall be two-thirds of their present number (which is 1,240). This increase of annuity was authorized by Order in Council of July 22, 1875, and arrears of increase paid for the years 1853, 1854, 1856, 1872, 1873 and 1874.

By treaty of September 9, 1850, the Ojibwa (or Chippewa) Indians surrendered the eastern and northern shores of lake Huron, including the Islands, from Penetanguishene to Batchewana Bay, and inland to the height of land, except reserves mentioned in Muskoka, Parry Sound, Nipissing and Algoma districts, in consideration of an immediate payment of £2,000 and an annuity of £600. If the territory ceded should produce a sufficient amount the annuity to be increased to £1 currency for each individual provided the number of annuitants shall be two-thirds of their present number (which is 1,422). This increase of annuity was authorized by Order in Council of July 22, 1875, and arrears of increase paid for 1873 and 1874.

## TREATY 9

In the years 1905 and 1906 Treaty Commissioners Duncan C. Scott and Samuel Stewart (for the Dominion) and Daniel George MacMartin (for the Province of Ontario) negotiated a treaty with the Ojibwa and Cree Indians north of the height of land and a surrender was obtained of a tract of land described in the treaty, containing about 90,000 square miles, under the following conditions; Lands to be reserved for the use of the Indians to the extent of one square mile for each family of five. A present of \$8. to be made to each Indian at the time of treaty. An annuity of \$4. for each Indian and schools to be established for the Indians where necessary.

This treaty was signed at:—

Osnaburg, on July 12, 1905.  
 Fort Hope, on July 19, 1905.  
 Martins Falls, on July 25, 1905.  
 Fort Albany, on August 3, 1905.  
 Moose Factory, on August 9, 1905.  
 New Post, on August 21, 1905.  
 Abitibi, on June 7, 1906.  
 Matchewan, on June 20, 1906.  
 Mattagami, on July 7, 1906.  
 Flying Post, on July 16, 1906.  
 New Brunswick House, on July 25, 1906.  
 Long Lake, on August 9, 1906.

The annuities granted to the Indians under the Robinson Treaties and Treaty No. 9 are distributed yearly to the Indians entitled to them.

## ADHESION TO TREATY No. 9

In 1929 Mr. W. C. Cain, Deputy Minister of Lands and Forests, and Mr. H. N. Awrey were appointed Commissioners to negotiate an extension of the James Bay Treaty No. 9, with the Ojibway, Cree and other Indians. Mr. Cain acted for the Province of Ontario and Mr. Awrey for the Dominion Government.

By this adhesion to Treaty No. 9—128,320 square miles, in the District of Kenora (Patricia Portion) were ceded to the Crown and the deed was signed at the following places:—

Trout Lake on July 5, 1929.  
 Wendigo River on July 18, 1930.  
 Fort Severn on July 25, 1930.  
 Winisk on July 28, 1930.

### CHIPPEWA AND MISSISSAUGA TREATIES OF 1923

In 1923 a Commission was appointed to negotiate a treaty with the Chippewa Indians of Christian Island, Georgian Island and Rama and the Mississaguas of Rice Lake, Mud Lake, Scugog and Alnwick to extinguish the Indian title to certain lands. On this commission Mr. A. S. Williams, Solicitor of the Department of Indian Affairs, represented the Dominion Government and Mr. R. V. Sinclair and Mr. Uriah McFadden represented the Province of Ontario.

The Indians ceded to the Crown the following lands:—

*Parcel No. 1.*—A tract of land lying to the east of Georgian Bay and north of Lake Simcoe (described in the treaty) containing 17,600 square miles.

*Parcel No. 2.*—A tract of land lying in the Counties of Northumberland, Durham, Ontario and York along the shore of Lake Ontario (described in the treaty) containing about 2500 square miles to cover the "Gunshot Treaty" of 1787.

and all other lands other than those reserved for them by the Crown.

The Chippewas were, in consideration, each paid the sum of \$25.00 and the sum of \$233,375.00 was placed to their credit in trust account.

This treaty was signed by the Commissioners, Chiefs and Headmen at Georgina Island on the 31st of October, at Christian Island, on the 3rd of November and at Rama on the 7th day of November 1923.

The Mississaguas were, in consideration, each paid \$25.00 and the sum of \$233,425.00 was placed to their credit in trust account.

The treaty was signed by the Commissioners, Chiefs and Headmen at Alderville on the 19th of November, at Mud Lake on the 15th of November, at Rice Lake on the 16th of November and at Scugog on the 21st of November 1923.



## MANITOBA AND THE NORTHWEST TERRITORIES

By treaty of July 18, 1817, the Chippewa or Saulteaux and the Killistine or Cree Indians surrendered a large tract of land in the Red River district, now in Manitoba, for the Selkirk Settlement, in consideration of an annuity of 100 pounds of tobacco to be delivered to each of the two nations. The Earl of Selkirk had purchased the rights of the Hudson Bay Company to this land on June 21, 1811, for the consideration of ten shillings and certain agreements and understandings contained in an indenture. In 1836 the Hudson Bay Company bought back the whole tract from the heirs of the Earl of Selkirk for the sum of £84,000, the rights of colonists, who had purchased land between 1811 and 1836 being respected.

This tract of land was afterwards included in Treaty No. 1, 1871.

By treaty No. 1 dated August 3, 1871, Treaty Commissioner Wemyss M. Simpson obtained a surrender from the Chippewas and Swampy Crees of a tract of land (described in the treaty) reserving 160 acres, for each family of five Indians, in several localities in consideration of an annuity of \$3. for each man, woman and child, Her Majesty agreeing to maintain a school on each reserve for the use of the Indians.

By treaty No. 2, dated August 21, 1871, Treaty Commissioner Wemyss M. Simpson obtained a surrender from the Chippewa Indians of a tract of land (described in the treaty) reserving certain lands for the use of the Indians to the extent of 160 acres for each family of five persons, in consideration of an annuity of \$3. for each man, woman and child, Her Majesty agreeing to maintain a school on each reserve for the use of the Indians.

By Order in Council of April 30, 1875, Treaties Nos. 1 and 2 were amended raising the amount of annuity from \$3 to \$5. with an additional \$20 per annum to each Chief and giving a suit of clothes every third year to each Chief and Headman. Headmen also received \$10. extra.

An acceptance of this amendment was signed by the Indians on August 23, 1875.

By Treaty No. 3 (Northwest Angle), dated October 3, 1873, the Treaty Commissioners, Hon. Alexander Morris, Lt.-Governor of Manitoba and the Northwest Territories, J. A. N. Provencher and S. J. Dawson, obtained a surrender from the Saulteaux and Ojibwa Indians, of a tract of land (described in the treaty) comprising an area of about 55,000 square miles, reserving certain lands for the use of the Indians, to the extent of one square mile for each family of five, in consideration of a present of \$12 for each man, woman and child and an annuity of \$5 for each Indian. Her Majesty further agreed to maintain a school for the Indians on each reserve and to supply the Indians with \$1,500 worth of ammunition and twine (annually), also implements and cattle. And that the Chiefs be paid a salary of \$25. a year and the sub-chiefs (three to each band) \$15. a year. The Chiefs and sub-chiefs were to receive a suit of clothes once every three years and a medal and flag to be given to each Chief.

On June 9, 1874, the Indians of Lac Seul, Trout and Sturgeon Lakes signed an adhesion to Treaty No. 3 (Northwest Angle).

By Treaty No. 4 (the Qu'Appelle Treaty), dated September 15, 1874, the Treaty Commissioners, Hon. Alexander Morris, Lt.-Governor of Manitoba and the Northwest Territories, Hon. David Laird, Minister of the Interior, and W. J. Christie, obtained a surrender from the Cree and Saulteaux Indians of a tract of land (described in the treaty) upon the same terms as Treaty No. 3, with the exception that four sub-chiefs were allowed to each band and the annual grant for ammunition and twine was \$750.

The following adhesions were signed to Treaty No. 4, at:—

- Fort Ellice, on September 21, 1874.
- Swan Lake, on September 24, 1874.
- Qu'Appelle Lakes, on September 8 and 9, 1875.
- Fort Pelly, on August 24, 1876.
- Fort Walsh, on September 25, 1877.

By Treaty No. 5 (Lake Winnipeg Treaty), dated September 20 and 24, 1875, at Berens River and Norway House, the Treaty Commissioners, Hon. Alexander Morris and Hon. James McKay, obtained a surrender from the Saulteaux and Swampy Cree Indians of a tract of land (described in the treaty) containing about 100,000 square miles.

The terms of this treaty are similar to those of Treaty No. 3.

The following adhesions to Treaty No. 5 were signed by:—

- Chief Thick Foot's Band on September 28, 1875.
- Bloodvein, Big Island, Dog Head and Jack Head bands on July 26, 1876.
- Grand Rapids, on August 4, 1876.
- Black River Band, on September 27, 1876.
- Pas, Cumberland and Moose Lake band on September 7, 1876.
- Split Lake, on June 26, 1908.
- Nelson House, on July 13, 1908.
- Norway House, on July 8, 1908.
- Cross Lake, on July 15, 1908.
- Fisher River, on Aug. 24, 1908.
- Oxford House, on July 29, 1909.
- Gods Lake on August 6, 1909.
- Island Lake on August 13, 1909.
- Deer Lake, on June 9, 1910.
- Fort Churchill, on August 1, 1910.
- York Factory, on August 10, 1910.

By Treaty No. 6, dated August 23 and 28 and September 9, 1876, at Fort Carlton, Fort Pitt and Battle River, the Treaty Commissioners, Hon. Alexander Morris, Hon. James McKay and Hon. W. J. Christie, obtained a surrender from the Plain and Wood Cree Indians of a tract of land (described in the treaty) containing about 121,000 square miles.

The terms of this treaty are similar to those of Treaty No. 3.

Adhesions to Treaty No. 6 were signed by the Cree Indians at Fort Pitt on August 9, 1877, and August 19, 1878.

By the Crees at Blackfoot Crossing and Bow River on September 25, 1877.

By the Stony Plain Indians on August 29, 1878.

By the Wood Crees at Carlton on September 3, 1878.

By Crees (Michel Calistrois) on September 18, 1878.

By Little Pines band on July 2, 1879.

By Big Bears band on December 8, 1882.

Robert and William Charles bands signed an adhesion to Treaty No. 6 on February 11, 1889, at Montreal Lake and surrendered lands (described in the adhesion to treaty) containing about 11,066 square miles.

The Waterhen River band signed an adhesion to Treaty No. 6 on the 8th of November, 1921.

By Treaty No. 7 (Blackfoot) dated September 22, 1877, at Blackfoot Crossing, the Treaty Commissioners, Hon. David Laird and James F. McLeod, obtained a surrender from the Blackfoot, Blood, Peigan, Sarcee and Stony Indians of a tract of land (described in the treaty).

The terms of this treaty are similar to those of Treaty No. 3.

An adhesion to Treaty No. 7 was signed by Chief Three Bulls on behalf of his band on December 4, 1877.

## TREATY 8

A Treaty was made on June 21, 1899, by the Treaty Commissioners, Hon. David Laird, J. A. J. McKenna, and J. H. Ross, with the Cree, Beaver and Chipewyan Indians by which the Indians surrendered a tract of land (described in the treaty) on the following conditions:—

Lands were to be reserved for the use of the Indians to the extent of 160 acres for each Indian.

Each Chief was to receive a present of \$32., each Head-man \$22. and each Indian \$12. at the time of Treaty.

Each Chief was to receive an annuity of \$25. each Head-man \$15. and each Indian \$5.

Each Chief was to receive a medal and a flag, and each Chief and Head-man a suit of clothes every third year.

School teachers were to be provided for the Indians and implements, cattle, ammunition and twine were to be supplied.

This treaty was signed at:—

Lesser Slave Lake, on June 21, 1899.

Peace River, on July 1, 1899.

Vermilion, on July 8, 1899.

Fond du Lac, on July 25 and 27, 1899.

Dunvegan, on July 6, 1899.

Fort Chipewyan, on July 13, 1899.

Fort McMurray, on August 4, 1899.

Wapiscow Lake, on August 14, 1899.

Adhesions to Treaty No. 8 were signed before Commissioner J. A. Macrae by the Beaver Indians of Upper Peace River on May 30; the Sturgeon Lake band on June 8; the Slave Indians of Upper Hay River on June 23; and by the Great Slave Lake Indians (south shore) on July 25, 1900.

The Slaves and Sicanees Indians of Fort Nelson, B.C., signed an adhesion to Treaty No. 8 before Commissioner H. A. Conroy on August 15, 1910.

## TREATY 10

In the Year 1906 Treaty Commissioner J. A. J. McKenna negotiated a treaty with the Chipewyan and Cree Indians by which they surrendered a tract of land (described in the treaty) containing about 85,800 square miles, upon terms similar to those of Treaty No. 8.

This treaty was signed at:—

Isle-a-la-Crosse, on August 28, 1906.

Lac du Brochet, on August 19 and 22, 1906 and

Canoe Lake, on September 19, 1906.

## TREATY 11

By Treaty No. 11, dated June 27, 1921, Commissioner H. A. Conroy obtained the surrender from the Indians of a tract of land in the Mackenzie River District (described in the treaty) containing about 372,000 square miles. The terms of this treaty are similar to those of Treaty No. 8, and it was signed by the Indians at:—

Simpson, on July 11, 1921.

Wrigley, on July 13, 1921.

Norman, on July 15, 1921.

Good Hope, on July 21, 1921.

Arctic Red River, on July 26, 1921.

McPherson, on July 28, 1921.

Rae, on August 22, 1921.

The annuities granted by treaty to the Indians of Manitoba and the Northwest Territories (now Alberta and Saskatchewan and the Northwest Territories) are distributed yearly to those entitled to them.

G. M. MATHESON,

*Registrar.*