

REPORT OF COMMISSIONERS RE ADHESION TO TREATY No. 9,
FOR THE YEAR 1929.

To the Honourable

The Superintendent General of Indian Affairs,

Ottawa, Canada.

The undersigned commissioners appointed under and by virtue of a commission dated the 30th day of May, 1929, in accordance with a minute of a meeting of the Committee of the Privy Council approved by His Excellency, the Governor General, on the same date, copy of which minute is attached hereto, to negotiate with the Ojibway and other Indians in northern Ontario, an extension of James Bay Treaty No. 9, respectfully submit the following report:—

James Bay Treaty No. 9 was negotiated in 1905 with the Ojibway, Cree and other Indians inhabiting a certain tract of land comprising some ninety thousand square miles more or less in the province of Ontario, described as bounded on the south by the height of land and the northern limits of the territory ceded by the Robinson-Superior Treaty of 1850, and the Robinson-Huron Treaty of 1850; on the west by a part of the eastern boundary of the territory ceded by the Northwest Angle Treaty No. 3, and on the east and north by the boundaries of the said province as then defined by law. At this time the northerly boundary of the province was the great Albany river running several hundred miles in a somewhat irregular though constantly easterly direction from lake St. Joseph on the west at the Northwest Angle Treaty boundary to James bay. The area immediately north of the said river was at that time comprised within the limits of the northwest Territories and under the jurisdiction of the federal government.

Under Treaty No. 9 not only did the Indians within the said area south of the Albany cede, release and surrender their rights but those resident in the area lying north of the river (to a straight line AB roughly drawn from the Northeast Angle of Treaty No. 3 in a north-easterly direction to a point on James bay approximately midway between the mouth of the Attawapiscat river on James bay and that of Winisk river on Hudson bay, did likewise.

In the year 1912 the limits of the province of Ontario were extended (see Statutes of Canada, Chapter 40-2 George V, and Statutes of Ontario, Chapter 3, 2 George V), beyond the Albany river to the province of Manitoba on the west Hudson bay on the north, and the northwestern shore of James Bay on the east, now known as the Patricia portion of the district of Kenora.

Under Treaty No. 9 certain reserves were set aside to the extent of a square mile for every family of five and certain of these reserves lie north of the Albany (now within but in 1905 without the limits of the province) viz.: north part of Osnaburgh, Fort Hope, Marten Falls, and Fort Albany.

While the province of Ontario since 1912 has recognized the extinguishment of the rights of the Indians who were attached to the bands making cession in 1905 of the territory lying South of the line AB and north of the Albany to the extent of annually paying the federal Government the \$4 per capita treaty money, no approval by Lieutenant Governor in Council, as is required, has been given to the said reserves.

In view of the foregoing circumstances and the fact that the pushing back of the frontier is inevitable due to the spectacular interest and activity in the

mining industry with its concomitant development, it was found necessary to extinguish the rights of those Indians resident north of the line AB; deemed advisable to confirm the cession made in 1905, by those Indians in the territory between line AB and the Albany river, and to deal with the above mentioned reserves within such area.

The program having been mapped out by the Indian Department it was decided with the consent of the Indians that they should be admitted to Treaty under the same conditions as applied to those covered by Treaty No. 9, and hence steps were taken towards effecting an adhesion thereto.

Three special points were selected at which all the Indians should assemble for consideration of the question, viz.: Trout Lake, the mouth of the Severn river on Hudson bay, and the mouth of the Winisk river on Hudson bay.

Consideration by the commissioners was to be given to the claims of the Attawapiscat Indians for a separate reserve in addition to the one already at Albany, the boundaries of which might be modified in the discretion of the commissioners to accord with any recognized claims of the Attawapiscat Indians.

Because of the magnitude of the area involved and the lack of ready transportation facilities, except flying boats, it was decided to take the air route. As it was found impossible owing to insufficient gas caches on Hudson bay at the points named, and an inability to provide such in due time for 1929 summer flying, the program provided Trout lake as the only point at which adhesion should be signed this year and that at the other reserves, like English river, those on the Albany already mentioned, and those on James bay, viz.: Moose Factory, Fort Albany and Attawapiscat, the regular annual treaty money be paid. Commissioner H. N. Awrey, representing the Indian Department as Paymaster, and Commissioner Cain, representing Ontario, on making observations at the old treaty payment points.

The program further provided that visitation to the two points on the Hudson bay be deferred until the summer of 1930 and that in the meantime steps be taken to transport the necessary gasoline supplies.

In pursuance of a joint understanding between the Dominion and the province two planes were requisitioned, one provided by the former and one by the latter. The Royal Canadian Air Force, through the Department of National Defence, after some unexpected incidents, supplied a cabin plane, a new 71 Fairchild WX, with wasp engine. Ontario, through the Department of Lands and Forests, supplied a Baby Moth, O.A.C.

The Moth, with Commissioner Cain and pilot Capt. Roy Maxwell, hopped off from Toronto Harbour at midday, June 25, the inclement weather preventing an early morning start, for Remi Lake, this being an air base of the Ontario flying service situated six miles north of the Transcontinental railway and forty miles west of Cochrane, where both planes were to meet.

The Fairchild with Commissioner H. N. Awrey, George Rutherford, Movie Picture Camera Operator of the province, Pilot Kingsley Rose and his mechanic, one Shaw, left Ottawa on the morning of June 26. Both planes met at Remi Lake according to schedule and here the Fairchild picked up Dr. G. W. Bell, of Sioux Lookout, representing the Indian Department. On June 27 the planes were thoroughly gone over and on the following day they left for English River post, and apart from the Fairchild, which left several hours earlier than the Moth, running into a dense fog and being required to return a portion of the distance and take refuge in a safe lake until improved visibility came, the planes reached English River post without untoward incident, a distance of 123 miles, on the evening of June 28.

This place was termed in the commissioner's report of 1905 "a desolate post of the Hudson Bay Company." Conditions have not materially changed

since then; the Hudson Bay Company while still there have as competitors the younger trading company Révillion Frères, who are erecting a new residence (rather a pretentious structure) for their factor.

Commissioner Awrey as paymaster, in the presence of Commissioner Cain, paid treaty money to some 99 individuals, over twice the number that presented themselves for admission to Treaty in 1905, as then about half of them had gone to the "line" to trade.

The commissioners addressed these Indians, who were formerly members of the Albany band, emphasizing the necessity of obeying all laws and regulations respecting fishing, trapping, hunting and forest protection. Dr. Bell exhorted them to exercise care with regard to their health and in his sympathetic way gave them excellent advice in matters with regard to maintaining and improving their general welfare.

The Moth left English River on Sunday, June 30, for Osnaburgh House, with stop-over at Ogoki for half a day and at Fort Hope for a night and half day, leaving the latter point at noon on Monday, July 1. At each of these points Indians waiting for Treaty money were met. Osnaburgh was reached at 1.30 p.m., where Commissioner Awrey had landed the night previous at 7.30, his plane WX having proceeded thence to Sioux Lookout with Dr. Bell, and camera man Rutherford, the intention being to return early next morning, July 1, but due to temporary indisposition of pilot Rose did not return until Tuesday morning, July 2.

At Osnaburgh some 498 Indians were paid treaty money and during the afternoon of Dominion Day a program of sports with suitable prizes was provided. The games consisted amongst others of running, jumping and stone putting. The unfortunate absence of the movie picture operator lost an opportunity of securing some historic records of the first Dominion Day Celebration the band had ever experienced. The games were all spiritedly contested and special features such as the Baby Beauty Show, the most successful hunter, and the shot putting contest, gave the Indians decided enjoyment.

The commissioners listened to certain alleged grievances the Indians had with regard to hunting and fishing and explained fully the laws and regulations, as well as the Indians' rights and privileges. The Indians were strongly urged for their own material welfare to respect the game and fire laws and the response made by them through the interpreter and their own facial expression, and the handclapping, showed their approval. The full meaning of a Dominion Day Celebration and the significance of the Union Jack were explained to and appreciated by them. Discussion with regard to the use by the Indians of the reserve and the necessity of having that portion lying north of the Albany river duly approved was pointed out.

While treaty money was being paid and medical attention was being given, the two pilots, Rose and Maxwell, in the WX plane, in preparation for the last leg in the journey to our main objective, Trout Lake, transported gas to Lansdowne House and established an emergency cache of ten gallons at Nibinamik, or Summer Beaver Lake, about 50 miles north of Lansdowne.

On Wednesday morning, July 3, at 11.50, the moth left Osnaburgh for Lansdowne House, where a stop-over was considered wise. Lansdowne House was reached at 1.30 p.m. and Commissioner Cain spent the afternoon interviewing the trading companies' factors and making a general survey of conditions. Certain Indians, about 50 in number, of the Trout Lake Band, were encamped here for the purpose of being duly enrolled by the Commissioners on their return from Trout Lake.

The Moth left Lansdowne House at 6.25 p.m. Wednesday, July 3, and after two hours' delightful flying with the visibility the keenest up to then met on the trip, reached Trout Lake at 8.30 p.m. The companion plane WX had

not then arrived. To view from the air in an open plane such a scene as followed the Moth's arrival over the lake was a memorable sight. It was hailed by the Indians with a real delight and childish conviviality,—the usual restraint characteristic of the race having been carelessly thrown aside in a comic display of pent up energy, as they rushed pell mell to greet the "fire canoe" and its occupants.

On the following morning, July 4, in order to allay the anxiety of the Indians and their evident impatience, Commissioner Cain called together all the members of the band, some 600 in number, under arrangements with Rev. Mr. Garrett, the resident Anglican missionary, who very generously opened his church for the purpose and his house for members of the party. A personal glad hand shaking of each member of the band, even to the babies in arms, followed, all this having been preceded by a special message of the chief, a very alert and intelligent leader, that his people especially desired to welcome the representatives of the King. The commissioner, after greeting all, addressed the band as they gathered outside the church, not large enough to accommodate all, and fully explained the purpose of the visit and that their Great White King, George V, had delegated two commissioners, the other, Mr. Awrey, being on his way by the air route, to bring them peace, good cheer and happiness. They were congratulated on their manifest interest in the religious services, on their ability to sing and chant, their evident intelligence and their clean and well dressed appearance.

Plane WX with Commissioner Awrey and Dr. Bell reached Trout Lake on the evening of Thursday, July 4, the delay being due to adverse weather conditions at Osnaburgh, on account of which the load had to be reduced by leaving the mechanic and camera man at Osnaburgh, the intention being to make a second trip for them.

The arrival of Commissioner Awrey was the signal for a repetition of the acclaim accorded the earlier plane and Commissioner Awrey was given a right royal welcome. On Friday morning, July 5, Plane WX returned to Osnaburgh to get the two members of the party left behind, Captain Maxwell having arranged with Pilot Rose to bring back ten gallons of gas for the use of the Moth.

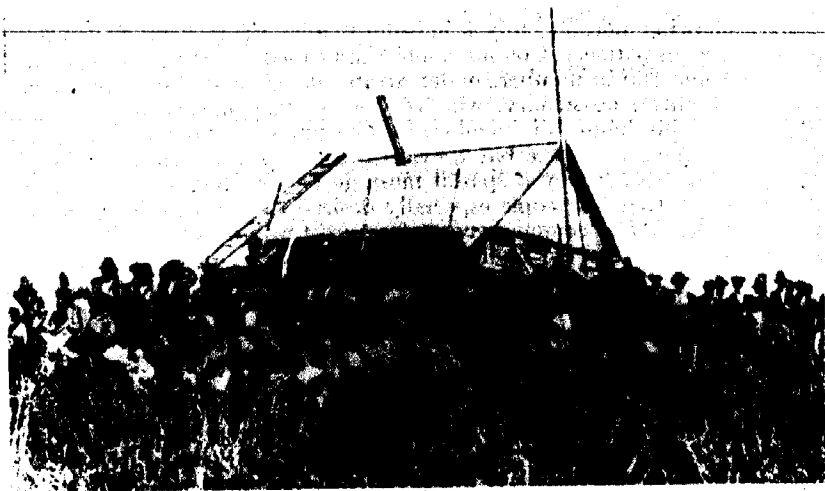
The weather being ideal the commissioners lost no time in calling the entire band together to address them on the object of the official visit. The services of one William Cromarty, a half-breed interpreter, were enlisted but his inability to raise his voice much above a whisper necessitated the words being relayed through the Chief. After fully understanding the explanations of the commissioners they were requested to remain in conference, appoint leading representatives of the band, six in number, in addition to the Chief, to meet the commissioners at the leaders' convenience and enter into full discussion of the terms and conditions of the treaty.

The commissioners withdrew and after dinner word came from the leaders that they were prepared to meet the commissioners for consideration of the treaty proposals and that they had full authority to act for the band, it having been clearly pointed out to the assembled Indians in the morning that what was agreed to by their leaders or representatives would be binding upon the whole band.

The commissioners and six leaders, Samson Beardy (Chief), George Winnapetonge, Jeremiah Sainnawap, Isaac Barkman, Jack McKay and Jacob Frog, met in a new unoccupied one-room building, "The Historical Hall", roughly constructed in the form of a 16 foot square, out of pit sawed spruce logs, over which flew a new Union Jack from a substantial pole hurriedly erected by the interested Indians.

Every important point in the treaty proposals from the area involved, which was indicated to the Indians on a roll map hanging upon the north wall of the rude structure was carefully considered to the minutest detail. In this they evinced the keenest interest, particularly in respect of the detailed obliga-

tions of the Crown. The ground was thoroughly covered, the commissioners entering into explanations with a particularity of detail, realizing that in the past certain claims have been made that the Indians did not fully understand the meaning of their act.



"THE HISTORICAL HALL" TROUT LAKE

Cognizant of their stolid character in certain circumstances and extremely desirous that any suspicions or apprehensions should be removed, the commissioners not only invited and received many questions but prompted the Indians in seeking data on points such as fishing, hunting, trapping, mining, etc., that might hereafter arise. The questions put to the commissioners and the sustained interest manifested by these alert leaders, who as time wore on became quite talkative, justify the opinion that for general intelligence they are much more advanced than the members of bands closer to the line and the commissioners feel from the observations noted and the comparisons made that the absence of direct and regular contact with the white man has not adversely affected this Northern Band, but on the contrary has obviously kept them free from many of the evil influences that such contact has upon the red man.

During the lengthy discussion it was suggested by the leaders that they get \$5 per head annuity, the same as Indians in Treaties Nos. 3 and 5. The inequality of such payment and the fact that it was beyond the powers of the Commissioners to grant it were pointed out to the leaders and understood by them. At the conclusion of the discussion each leader was asked personally if he understood everything and was wholly satisfied and each answered in the affirmative. Each leader not only expressed such satisfaction but the chief and another leader desired that it be placed on record that the leaders put absolute trust in the commissioners and that their frank treatment of all matters gave them confidence in the entire Treaty negotiations.

Consequently at 5 p.m. on Friday, July 5, 1929, the commissioners, followed by the leaders, signed the document, each leader signing his own name in Cree Syllabics. The witnesses were Rev. M. Garrett, Mrs Garrett, his wife, Dr. Bell and Karl Bayly.

The way was now open for enrolment. The same evening twenty young stalwart Indians were enrolled in advance as they had to leave early next morning by canoe for Fort Severn, 260 miles distant, to bring back supplies for the Hudson's Bay Company.

On Saturday, 9.30 a.m., E.S.T., July 6, the Commissioners started to enroll the band, it having been decided to secure if possible the ages of all. The half-breed interpreter Cromarty, while able to converse more or less freely with the Indians, all of whom were Crees, had no knowledge of spelling, and he was thereupon transferred to Dr. Bell. The commissioner substituted him by a Free Trader, a native of Newfoundland, Karl Bayly, a college graduate, who has been successfully trading in the outpost areas of Manitoba and northwest Ontario for some years. He had come from Norway House on the Nelson river in Manitoba to Trout Lake, a canoe distance of 460 miles, which was made in ten days. Through his knowledge of the Cree language and his acquaintance with a number of the Indians he very materially aided the commissioners in securing detailed information for registration.

The work of the commissioners was much expedited by the preparations made by the Indians, who had been previously instructed by the Commissioners to have in writing facts covering the names, ages and classification into men, women and children and in the case of women into widows, married or maidens. The commissioners deemed it advisable to provide for the permanent statistics the ages of all that the basis of any future study along ethnological lines, and the growth or decline of the band, would be reliable.

Practically every head of a family presented a piece of brown wrapping paper or birch bark, bearing in syllabics the desired information, which, through the splendid service of the Interpreter Bayly, was readily transcribed into English for our official records. The commissioners were thus able to enlist and pay over 525 members of the band up to 6 p.m. the first day.

On Monday, July 8, the remaining members, 52, were enrolled and paid. Other names to the number of 22 were submitted by five heads of families who claimed adherence to the Trout Lake band and had come from the region of Island Lake on the Manitoba boundary but frankly claimed residence in Manitoba, where their wives had been receiving treaty money, although the husbands spend ten or eleven months each year in Ontario, their hunting grounds. The commissioners gave them the alternative of applying to and getting permission from the Island Lake Council to enter their band, for which they expressed a preference, and seek approval thereof of the Indian Department, or appearing next year with their families at Trout Lake and satisfying the commissioners of their change of domicile to Ontario, when they would be admitted without loss of their gratuity except as to their wives, who could be entitled only to the regular annuity.

In addition to the 577 enrolled in the band at Trout Lake some 50 previously referred to were enrolled at Lansdowne House by Commissioner Awrey on the return trip some days later, Commissioner Cain having encountered these on his ingoing journey, but unable owing to illness to be present when their names were submitted. This brings up the total of the Trout Lake Band to 627 for the year 1929.

A certain number of Indians inhabiting the regions surrounding lake Wendigo and Round lake, who it was believed claimed adherence to the Trout Lake band, were duly advised by the Indian Department in January last to present themselves and families at Trout Lake for admission to treaty, but for some reason they did not appear nor have any representatives meet the commissioners and in consequence their claims were not considered. It was intimated, indirectly by other Indians, that they did not fraternize with the Trout Lake Band proper and preferred a separate band of their own with the right to select their own chief. From the scant information received at Trout Lake their numbers were calculated at about 150, and it was tentatively agreed by the commissioners at Trout Lake that in the absence of any explanation of their failure to attend it might be unfair to exclude them from the usual gratuity privileges and admission to treaty, provided next year when the Commissioners

visit Trout Lake the Indians and families appear, present their greivances and become enrolled.

Reserves.—On the assumption that the entire band would approximate 750, the number being indefinite owing to the lack of information respecting the Wendigo and Round Lake Indians, reserves were set aside for the use of the Indians on the basis of one square mile to every five persons. The chief maintained that the flat nature of the country, with its low lying lake conditions, lessens the opportunity for full development and the selection of areas in different localities would increase the chances of more successfully establishing in the future community life and making the land productive. The chief expressed the hope that some day a community system based upon that similar to the white man would be evolved for his race. The magnitude and inaccessibility of the region in question, involving such long and arduous canoe trips for all to assemble at any one given point at a specified time, was an added reason for a division of the acreage to which the band would be entitled. Consequently the Commission felt justified in allocating four different Reserves as follows:—

1. *Trout Lake.*—This was to be the largest and the central point at which treaty payments should be regularly made.
2. *Sachigo*, on the west.
3. *Wunnummin*, on the southeast.
4. *Round Lake, or Wendigo*, on the southwest, at such point to be hereafter established.

Chief Beardy expressed the hope that this reserve would be treated by the Wendigo and Round Lake Indians as a token of the good will he and all the Trout lakers assembled had for their absent though rather diffident Indian brothers for whom the chief had the highest regard and all of whom he considered his children.

The following is a rough description of each reserve, which shall be duly surveyed at the earliest time possible by an Ontario land surveyor, at the direction of the Dominion Government.

Reserve 1, Trout Lake, comprising roughly an area lying on the east or south-east shore of Trout lake, where it empties into the Fawn river and extending on both sides thereof along the shore of the said lake for $3\frac{1}{2}$ miles more or less, and back therefrom to a distance of approximately 10 miles, always, as far as possible, at a distance of $3\frac{1}{2}$ miles from the shore on each side of the main channel of the said Fawn river, containing 70 square miles more or less.

Reserve 2, Sachigo Lake, comprising an area lying at the outlet of Sachigo lake where it empties into Sachigo river, and extending on both sides thereof along the shore of the said lake for $3\frac{1}{2}$ miles more or less and back therefrom to a distance of approximately ten miles, always, as far as possible, at a distance of $3\frac{1}{2}$ miles from the shores on each side of the main channel of the said Sachigo river, containing 14 square miles more or less.

Reserve 3, Wunnummin Lake, comprising an area lying at the southeast end of Wunnummin lake where it empties into Winisk river, $4\frac{1}{2}$ miles frontage by 6 miles in depth, the area to be largely to the south side sufficient of the north side to be included so as to cover both sides of the river, containing 27 square miles more or less.

Reserve 4, Round Lake, or in Wendigo Lake Region, the area to be of such size and dimensions as may be determined by the commissioners, provided the Indians of such region accept treaty and are admitted in the year of 1930, the acreage of such proposed reserve to be the difference between the aggregate acreage required to be allotted to the whole band and that covered by the first three mentioned reserves.

The commissioners deem it worthy of note that of the 627 enrolled in Trout Lake Band 43 are widows of whom some 16 are childless, the other 27 having

95 children. In other words 22 per cent of the total members of those enrolled are widows and their dependents,—a number of husbands having died last winter as the result of an apparent flu epidemic. The clean and well dressed appearance of the widows seemed to indicate their condition at the moment was satisfactory and their lot fairly happy. However, with such a proportion of dependents it is reasonable to conclude that in the not far distant future appeals for relief will be made and efforts towards meeting these will accentuate the problem of the Department of Indian Affairs in providing emergency or general relief essential in such a far flung portion of the province, so many miles back from the coast, and so remote from the ordinary lines of communication.

Trout lake, where the Adhesion was signed, is the most important reservoir of the Severn river, its main outlet to the Severn proper being the Fawn river, the distance from the lake to the mouth of the river on the Hudson bay being 260 miles by canoe travel and 175 miles by air route. The lake lies between 53½ and 54° North latitude, and 89½ and 90° West longitude. Mail reaches here but twice a year, occasionally but once a year, coming as do the supplies via York Factory or Fort Churchill, thence by schooner to the mouth of the Severn, hundreds of miles, thence by canoe route to Trout lake. Some twenty-five years ago two Indians blazed a straight compass winter dog route from Trout Lake to York Factory, 250 miles, which is now used when necessary. Transportation charges are necessarily heavy and reflected in the prices of staple commodities. Flour costs 35 cents a pound, sugar \$1 a pound, tea \$2.50 a pound, pork \$1 a pound, salt 50 cents a pound, and shortening \$1 a pound.

The Hudson Bay Company have had a post established here for many years, at present in charge of W. H. Allison, with Ernie Hampton as clerk. These comparatively young men were extremely courteous, very hospitable and most obliging and furnished very comfortable quarters for several of the Treaty party. They rendered excellent service in offering information in respect of the Indians with most of whom they regularly trade. The remaining Indians market their furs with a free trader. The Hudson Bay post is situated near the north shore of the lake, on an island, which contains a very inviting sand beach affording safe anchorage for air craft.

The Anglican community has a mission church of log construction and a nearby house where the present rector, Rev. M. Carrett, resides. Practically all the Indians of the band show adherence to the Anglican faith (although one lay Methodist Itinerant preacher was enrolled), and during the week spent there by the treaty party daily attended services and the fervour and devotion indicated by their outward demeanour, as they sang hymns and chanted psalms, along with the general tranquility of the band, are direct evidences of the christianizing influence of the mission.

In pursuance of a long and well established practice regular elections for chief and councillors were held for the newly admitted band. There was no dearth of candidates and after an animated contest the following were elected and established in office: Chief, Simon Beardy, Councillors: George Winnapetonge, Jeremiah Sainnawap and Isaac Barkman.

In accordance with the provisions of the treaty the chief was presented with a large Union Jack, the symbol of authority, and each councillor with the chief had pinned upon his person his official badge, in accordance with the provisions of the treaty.

At the conclusion of enrolment and payment the Indians expected the usual feast that accompanies such treaty negotiations, but owing to the lack of provisions at the post the looked-for formalities were abandoned. The commissioners, however, assured the band that next year if there be ample supplies in store the deferred feast would be given. Partly in substitution of such feast the commissioners arranged rather an extended program of sports and the carrying out of these was indeed a new experience for the Indians. All the band evinced the greatest interest as they squatted about upon the somewhat spacious though

rather rough cleared area on the shore of the lake. The contestants enthusiastically entered into the spirit of the games and some of the younger element, those athletically inclined, gave promise of sturdy development. As a matter of official and historic record the program of the event appears below, with the prizes designated.

Event	Prize
Baby show	1st, 2nd and 3rd prize—cup each
Best looking girl	Ball
Best looking boy	Ball
Largest family	Large size frying pan
Best hunter	Trap
Oldest Indian	Tobacco
Oldest squaw	Shawl
Best pair twins	Large balls
Boys' race (50 yards) under 12	Mouth organ
Girls' race (50 yards) under 12	String of beads
Boys' race (50 yards) under 16	Pair of braces
Girls' race (50 yards) under 16	Handkerchief
Shot putting, men	Pipe
Men's race (75 yards)	1st and 2nd, hat each
Men's broad jump	Watch
Sack race	1st and 2nd, jack knives
Canoe race	1st and 2nd, watches

Monday evening, July 8, was drawing to a close when a challenge from the aborigines to the white men, limited to seven, for a test of supremacy in field agility, was issued and there being no "war weapons" in the form of gutted sticks to display the hectic value of Canada's national game, a football possessed by the well practised Indians was requisitioned and a real soccer struggle ensued. The seven whites, consisting of the two commissioners, with Dr. Bell, Captain Maxwell, Karl Bayly, the interpreter, the Hudson Bay factor and his clerk, with an average age of 36 years, forced the seven adroit red skins, with an average of 25 years, to bite the dust and after forty minutes hit and miss warfare emerged the winners by two goals to zero. The entire band urged on their followers to a frenzied effort but all in vain. Three rousing cheers for the winners and the vanquished concluded an eventful day in the lives of these new treaty Indians.

Tuesday, July 9, 1929. The commissioners having fully completed their work by noon were still anxiously waiting for plane WX which had failed to return from Osnaburgh. Several days having elapsed since it left consideration was given to a probable line of action with regard to proceeding with the Moth and arranging a search party. In the afternoon, however, a plane hove in sight which turned out to be a new machine, Fairchild XB, piloted by Flight Lieutenant Higgins, with Sergeant Green as mechanic, and brought the sad news that the WX had crashed at Osnaburgh, resulting in the loss of one life, the cook at the Hudson Bay factors' post there, Sandy Morrison, and a serious injury to Pilot Rose, and minor injuries to passenger Hooker, the Hudson Bay factor at Osnaburgh. The injured were taken by plane to Sioux Lookout hospital for attendance. Plane XB had come from Ottawa following the crash, communication via Government plane to Sioux Lookout and telegraph having been employed. Pilot Higgins had no knowledge of the arrangements made between Pilots Maxwell and Rose respecting a gasoline supply for the Moth but very kindly syphoned out five gallons, as a partial relief from his machine, thus enabling the Moth to proceed to Lansdowne House in the expectation of refuelling from the 10-gallon cache at Nibinamik, or Summer Beaver Lake, some 100 miles south of Trout Lake, and about 60 miles north of Lansdowne. At 5 p.m. Tuesday, July 9, both planes took off for Lansdowne House but XB, because of a slight leak in gas tank, continued without stop to Fort Hope for the purpose of short repairs, on completion of which the same evening returned to Lansdowne House.

The Moth practically followed the same course on its outward journey from Trout Lake, as on its inward, for some distance, but bucked a fairly heavy cross wind all the time, and found its limited gas supply subject to a heavier consump-

tion than under normal conditions. It was therefore decided, to refuel at Nibnamik Lake, rather than flirt with uncertainties, but because of the similarity of the lakes, the shore lines and the islands it was difficult to pick up the cache and marked only ten days before, and a slight turn to the right rather than the left resulted in overlooking the cache and a further westward survey over a string of lakes failed to disclose its real location. Pilot Maxwell, understanding that prospectors were actively carrying on investigations in the chain of lakes and trusting to the possibility of securing gas from their operating company, proceeded westward and after landing at a small lake to await the dropping of the unfavourable wind and to investigate an old encampment which proved an abandoned Indian lodge, proceeded farther westward to select a propitious landing shore, and in due time observing a very inviting sand beach on a lake of reasonable size, landed with but sufficient gas to carry on taxiing on the lake. This lake was not shewn upon our map but lies at the western end of the chain of lakes of which Wunnummin, emptying into the Winisk River, is the most important indicated on the map.

Commissioner Cain and Pilot Maxwell were thus forced to camp in the wilds on the sand beach in the hope that a provincial air service plane would locate the position of the Moth within a day or two should one of the different commercial planes operating in this section not do so. That evening after the camp fire had been extinguished and preparations were being made for open air beds, several Indians ploughed through the deep waters and drew up their canoes alongside the Moth which had attracted their attention some miles distant. Little information could be secured from them except that they were Crees and had an encampment on the opposite side of the lake. After an unsatisfactory attempt on their part to explain their coming they hopped into their canoes promising to return the following day. About midday on Thursday, July 11, the Indians again called, this time six only in number including two new faces, and gradually the occurrence of the night before was being repeated when much to the amazement of Commissioner Cain their leader, the chief, very unceremoniously extracted from his pocket a letter written by Dr. D. C. Scott, Deputy Superintendent General of Indian Affairs, in January, 1929, directing him as Chief of the Wendigo Indians to appear at Trout Lake for treaty negotiations. These then were representatives of the very Indians whose absence from Trout Lake gave the commissioners much concern and caused considerable discussion.

The unexpected meeting of this band was a striking coincidence when related to the fortuitous landing of the Moth plane.

These Indians of the Wendigo and Round Lake regions, under a false impression that the commissioners were to treat with them separately, had established an encampment on the opposite side of the very lake whose hospitable sand shore had welcomed the Moth. It is believed they numbered around 150 to 175 since by actual count, as was afterwards learned, there were 43 canoes banked. In full expectation of meeting the Commissioners they had posted the lanes for the safe landing of the planes.

That there should be no misunderstanding hereafter Commissioner Cain wrote and presented to the chief the following letter:—

2.20 p.m. E.S.T.,
Wednesday, July 10, 1929.

Forced landing, gas low, on Inland Lake, South of Trout Lake, District of Kenora
(Patricia Portion).

To the Chief of the Cree Indians,
Wendigo, Ont.

DEAR CHIEF.—On the 29th January last you were advised that the commissioners appointed to negotiate with the Indians of northern Ontario an adhesion to Treaty Nine, would be at Trout Lake on July 3, 1929, and that all the Indians residing in the vicinity of Wendigo and Trout Lake should meet at Trout Lake.

The commissioners, according to arrangement, met at Trout Lake and signed a treaty with nearly 600. You and your Wendigo Indians were not there and therefore you were not entered and cannot be enrolled this year and paid as were those who appeared there.

Now if you wish to become Treaty Indians you must next year bring all your families, women and children, to Trout Lake and you will be entered as Treaty Indians, and the commissioners, if there together, will consider any question or questions you may bring forward.

This letter is written by one of the commissioners to whom, while encamped on the sand beach of this lake, which name he does not know, though the Indians call it something like "Nikip," several Indians came after having seen our plane land to wait for gas supply when a search plane locates us. The one whom the undersigned considers "Chief" presented the letter of Dr. D. C. Scott, D.S.G., dated January 29, 1929, No. 235226-1 "A."

Our unexpected landing here and still more unexpected visit by you Indians, seven last evening, within one hour after landing and six today, including the bearer of Dr. Scott's letter, seems a striking coincidence in the train of events occurring in connection with this year's adhesion, particularly when the Commissioners were so anxious to meet the Wendigo and Round Lake Indians at Trout Lake, where the newly elected Chief, Sampson Beardy, said he had no illwill against your Indians but considered you all his children.

The undersigned is now on his way to Attawapiscat Lake or Lansdowne House and should any of your Indians meet us there we shall indeed be glad to admit you to Treaty.

Those who are not taken in this year must appear next year with their wives and families at Trout Lake if they wish treaty.

Very sincerely yours,

W. C. CAIN,

Commissioner.

The balance of the day was devoted to the setting out of smudges on the mainland in the hope of attracting a searching plane.

On Thursday, July 11, with the remaining gas in the tank the Moth was taxied over to an island, one mile from shore, where several smudges of goodly proportions with great difficulty were set out. The wind being in the tail on the return the Moth drifted to shore without the use of gas.

Towards evening of this day a Cabin plane of the Western Airways on transporting prospectors to a nearby lake observed the Moth and landed. Arrangements were made to bring a supply of gas the following morning to enable the Moth to proceed to Lansdowne and the remaining points of call on James bay. That night, however, a violent illness seized Commissioner Cain that forced him to take plane next morning, July 12, to Sioux Lookout Hospital, reached on the same evening after a stop for refuelling at Cat Lake. He was unable to continue the rest of the journey but as the treaty had been signed at the only point provided in the program and but fifty Trout Lake Indians were to be enrolled at Lansdowne, visited by Commissioner Cain on his inward journey, the latter requested Commissioner Awrey to list and pay them, which was duly done. Certain other questions respecting reserves at Albany and Attawapiscat, that were considered by Commissioner Awrey, were deferred until next year.

Commissioner Awrey continued the journey and while he was engaged at Lansdowne on July 10, XB returned to Trout Lake in search of the missing Moth. Several planes of the Ontario Air Service were enlisted to join in the search and the eastern route to Trout Lake was followed on July 11 and 12, until the announcement of the arrival of Commissioner Cain at Sioux Lookout hospital.

On July 11, 12 and 13, Treaty payments were made at Fort Hope, where the reserve lies north of the river, and is still subject to approval of the Ontario Government. Regular elections were held and on Monday, July 15, Commissioner Awrey returned to Lansdowne House for the enrolment of the fifty Indians covered by the request of Commissioner Cain, which reached him after his first visit to Lansdowne.

On July 16, XB plane being unable to get connections through Fort Hope radio to Ottawa, proceeded to Allanwater on the Transcontinental for instructions and on its return the party, with Dr. Mitchell of Sioux Lookout, substituting Dr. Bell according to schedule, went to Ogoki where annuities were paid. The day following, July 17, the plane proceeded to Albany arriving at 4 p.m.

and here Commissioner Awrey, who had during the early part of the journey discussed the merits of the claims of the Indians to a modification of boundaries of the Albany reserve due to the requests of the Attawapiscat Indians for a separate band, considered it wise to defer the matter until next year.

During the work at Albany XB plane transported Rev. M. Northam, Anglican missionary of Albany, to Sudbury hospital for treatment of a serious illness and returned on Saturday, July 20. On Monday, July 22, when prepared to leave for Attawapiscat the plane was found to have a slightly damaged float and this was repaired. Unfortunately while taxiing out on the following day from shore to set out to Attawapiscat the plane struck a submerged stone and sprang a leak, Pilot Higgins was obliged to return to Ottawa for a new float. Commissioner Awrey, to expedite the business in respect of the claim of the Attawapiscat Indians, instead of waiting for the return of the plane from Ottawa, the date of which was uncertain, took canoe for Attawapiscat on Tuesday and after an unprecedentedly fast trip reached there the following night. Thursday, July 25, Friday, July 26, and Saturday, July 27, were spent in paying treaty money, holding elections dividing the Albany Band and creating a new and distinct one to be hereafter known as the Attawapiscat Band, to meet the view of the Attawapiscat Indians, and dealing with their request for a reserve of their own. A determination of this question, inasmuch as it affects the reserve already laid out, though not confirmed, at Albany, was transferred to next year when both commissioners would be present.

XB Plane having returned from Ottawa on Friday, July 26, the party set out on Sunday, July 28, for Moose Factory, which was reached at 2 p.m. Notification of the serious condition of an Indian boy at Fort George, who had been shot in the hip, and of the need of immediate aid, was received. The work of paying treaty money and making certain investigations into matters respecting fishing, by Commissioner Awrey, was finished on Tuesday, July 30, and at 3 p.m. he left for Remi Lake and arrived there at 5 p.m. Instructions were received from Ottawa to send back the plane to Fort George for the Indian boy but owing to unfavourable weather conditions the plane was delayed until Thursday, August 1. Early in the morning, 4.45, the plane left for Fort George, arriving there at 10 a.m. It left again with the injured lad at 2 p.m. the same day and in a non-stop flight proceeded to Ottawa, reaching there at 9 p.m.

Commissioner Awrey left Remi Lake on Thursday, August 1, for Ottawa, by boat and train, arriving home on Friday, August 2, thus ending a memorable trip that will go down in Indian Treaty history as one crowded with untoward incidents, where tragedy, pathos, humour and devotion to duty each played its important part.

In conclusion the commissioners desire to place themselves on record as being of one accord on the various questions that arose and the problems presented. While differences of opinion in minor matters necessarily were expressed it is gratifying to note that the spirit of conciliation and sympathy always characteristic of the governing powers in Ontario when treating with the Indians, animated all the deliberations and the mutual respect and tolerance of the Commissioners established a common working basis. It was found that an attitude of fairness, even to the extent of leniency, and frankness towards the Indians elicited warm hearted response.

The province of Ontario, through the Department of Mines, and Department of Game and Fisheries, very graciously suggested through their minister, the Hon. Charles McCrea, that certain inquiries be instituted in respect of mining claims and the feelings of the Indians regarding fishing, trapping and hunting. Appeals for commercial rights in fishing had been declined by the Department of Game and Fisheries until the interests of the Indians could be consulted and an official expression of opinion secured. After the closest observations following intimate inquiries at every post visited, both with regard to hunting and fishing, it is the viewpoint of the commissioners that the entire area lying north of the Albany river to James bay on the east, Hudson bay

on the north, and to Manitoba and to the areas 3 and 5 on the west, be exclusively left to the Indians so far as hunting, trapping and fishing are concerned, that they may be assured of a continuous source of natural supply for their sustenance, the Indians to be subject in every respect to the game and fishing laws and regulations of the province.

At but two points in the whole trip did the treaty party get fresh fish, lake trout at Osnaburgh on lake Joseph and at Trout lake on the Severn river, and even here it was with apparent difficulty that the Indians, aggregated for treaty and anxiety purposes, secured ample catches to meet their own immediate needs. Not a single fish of sturgeon on the entire trip was served, the opinion being generally expressed that a scarcity existed this year. The Indians at different posts entertained fears lest their fishing and hunting grounds would be encroached upon by the granting of commercial fishing licences and the possible extension of trapping rights to whites. While showing gratitude for the general treatment accorded them by the Ontario Government in limiting certain privileges to resident Indians they appealed to the commissioners for some assurance that there would be no departure from that policy and that their future means of existence would not be narrowed.

The commissioners in the circumstances respectfully, though strongly recommend that it be suggested to the Ontario Government that before permitting commercial fishing licences, or granting extensions to whites with regard to hunting and trapping in this remote region, the matter be carefully studied and that as far as it is within the public interests the area be specifically left for the exclusive use of the Indians, the doing of which will, the commissioners believe, in no way interfere with or be antagonistic to the general fishing and hunting industry.

The commissioners further recommend as follows:—

(a) That the surrender made in the year 1905 by the Indians of that portion lying South of the line AB, then in the Northwest Territories but included in the extended boundaries of Ontario in 1912, be hereby approved and confirmed.

(b) That the following reserves situated in the area referred to in the preceding paragraph (a) be approved and confirmed as already allocated and surveyed.

1. Osnaburgh, North of the Albany River, 53 square miles.
2. Fort Hope, 100 square miles, and
3. Marten Falls, 30 square miles.

(c) That the final determination of the size of the Albany Reserve and the location and size of a Reserve to be established for the Attawapiscat Band be deferred until the year 1930.

(d) That the three reserves for the Trout Lake Indians, selected, subject to a proper survey, viz.: Trout Lake, Sachigo and Wunnummian, be approved and that any mining claims staked out and recorded within any of these three reserves subsequent to the date of the signing of the Adhesion, July 5, 1929, be in all respects subject to the provisions of Cap. 13, 14 George V, in which the rights of the Indians under well defined conditions are protected.

The commissioners desire to direct attention to the necessity of making adequate provision, prior to the advent of cold weather, for the transportation of gas to and the establishment of caches at Attawapiscat, Winisk, Severn River, and also possibly at Trout Lake, to ensure ample supplies for next year's treaty planes.

We beg to submit herewith the original treaty signed in triplicate. All of which is respectfully submitted by the Commissioners.

Your obedient servants,

W. C. CAIN,
H. N. AWREY.

August 30, 1929.

Adhesions have yet to be taken from the Indians at Wendigo, Fort Severn and Winisk. It is expected that this will be done during the summer of 1930.