

ARTICLES OF AGREEMENT and convention made and concluded at Manitowaning, or the Great Manitoulin Island in the Province of Canada, the sixth day of October, Anno Domini, 1862, between the Hon. William McDougall, Superintendent General of Indian Affairs, and William Spragge, Esq., Deputy Superintendent of Indian Affairs, on the part of the Crown and Government of said Province, of the first part, and Mai-she-quong-gai, Okemah-be-ness, J. B. Assiginock, Benjamin Assiginock, Nai-be nesse-me, She-ne-tah-guw, George Ah-be-tos-o-mai, Paim-o-quo-naish-gung, Abence, Tai-bose-gai, A-to-nish-cosh, Nai-wau-dai-ge-zhik, Wau-kau-o-say, Keesh-kewanbik, Chiefs and Principal Men of the Ottawa, Chippewa and other Indians occupying the said island, on behalf of the said Indians, of the second part.

Whereas, the Indian title to said island was surrendered to the Crown on the ninth August, Anno Domini, 1836, under and by virtue of a treaty made between Sir Francis Bond Head, then Governor of Upper Canada, and the Chiefs and Principal Men of the Ottawas and Chippewas then occupying and claiming title thereto, in order that the same might "be made the property (under their Great Father's control) of all Indians whom he should allow to reside thereon."

And whereas, but few Indians from the mainland, whom it was intended to transfer to the island, have ever come to reside thereon.

And whereas, it has been deemed expedient (with a view to the improvement of the condition of the Indians as well as the settlement and improvement of the country) to assign to the Indians now upon the island certain specified portions thereof to be, held by patent from the Crown, and to sell the other, portions thereof fit for cultivation to settlers, and to invest the proceeds thereof, after deducting the expenses of survey and management, for the benefit of the Indians.

And whereas, a majority of the chiefs of certain bands residing on that portion of the island easterly of Heywood Sound and the Manitoulin Gulf, have expressed their unwillingness to accede to this proposal as respects that portion of the island, but have assented to the same as respects all other portions thereof, and, whereas the Chiefs and Principal Men of the bands residing on the island westerly of the said sound and gulf, have agreed to accede to the said proposal.

Now this agreement witnesseth that in consideration of the sum of seven hundred dollars now in hand paid (which sum is to be hereafter deducted from the proceeds of lands sold to settlers) the receipt whereof is hereby acknowledged, and in further consideration of such sums as may be realized from time to time as interest upon the purchase money of the lands to be sold for their benefit as aforesaid, the parties hereto of the second part, have, and hereby do release, surrender and give up to Her Majesty the Queen all right, title, interest and claim of the parties of the second part, and of the Ottawa, Chippewa and other Indians in whose behalf they act, of, in and to the Great Manitoulin Island, and also of, in and to the islands adjacent which have been deemed or claimed to be appurtenant or belonging thereto, to have and to hold the same, and every part thereof, to Her Majesty, Her heirs and successors forever. And it is hereby agreed by and between the parties hereto as follows:-

Firstly. A survey of the said Manitoulin Island shall be made as soon as conveniently may be by or under the authority of the Department of Crown Lands.

Secondly. The Crown will, as soon as conveniently may be, grant by deed for the benefit of each Indian being the head of a family and residing on the said island, one hundred acres of land; to each single person over twenty-one years of age, residing as aforesaid, fifty acres of land; to each family of orphan children under twenty-one years of age containing two or more persons, one hundred acres of land, and to each single orphan child under twenty-one years of age, fifty acres of land, to be selected and located under the following rules and conditions:

Each Indian entitled to land under this agreement may make his own selection of any land on the Great Manitoulin Island, provided:-

1stly. That the lots selected shall be contiguous or adjacent to each other, so that Indian settlements on the island

may be as compact as possible.

2ndly. That if two or more Indians claim the same lot of land, the matter shall be referred to the resident Superintendent, who shall examine the case and decide between them.

3rdly. That selections for orphan children may be made by their friends subject to the approval of the resident Superintendent.

4thly. Should any lot or lots, selected as aforesaid, be contiguous to any bay or harbour, or any stream of water upon which a mill site shall be found, and should the Government be of opinion that such lot or lots ought to be reserved for the use of the public, or for village or park lots, or such mill site be sold with a view to the erection of a mill thereon, and shall signify such its opinion through its proper agent, then the Indian who has selected, or who wishes to select such lot, shall make another selection, but if he has made any improvements thereon he shall be allowed a fair compensation therefor.

5thly. The selections shall all be made within one year after the completion of the survey, and for that purpose plans of the survey shall be deposited with the resident Superintendent as soon as they are approved by the Department of Crown Lands, and shall be open to the inspection of all Indians entitled to make selections as aforesaid.

Thirdly. The interest which may accrue from the investment of the proceeds of sales of land as aforesaid, shall be payable annually, and shall be apportioned among the Indians now residing westerly of the said sound and gulf and their descendants per capita, but every Chief lawfully appointed shall be entitled to two portions.

Fourthly. So soon as one hundred thousand acres of the said land is sold, such portion of the salary of the resident Superintendent and of the expenses of his office as the Government may deem equitable, shall become a charge upon the said fund.

Fifthly. The deeds or patents for the lands to be selected as aforesaid shall contain such conditions for the protection of the grantees as the Governor in Council may under the law deem requisite.

Sixthly. All the rights and privileges in respect to the taking of fish in the lakes, bays, creeks and waters within and adjacent to the said island, which may be lawfully exercised and enjoyed by the white settlers there on, may be exercised and enjoyed by the Indians.

Seventhly. That portion of the island easterly of Heywood Sound and Manitoulin Gulf, and the Indians now residing there are excepted from the operation of this agreement as respects survey, sale of lots, granting deeds to Indians and payments in respect of moneys derived from sales in other parts of the island, but the said Indians will remain under the protection of the Government as formerly, and the said easterly part or division of the island will remain open for the occupation of the Indians entitled to reside upon the island as formerly, subject in case of dispute, to the approval of the Government.

Eighthly. Whenever a majority of the Chiefs and Principal Men, at a council of the Indians residing easterly of the said sound and gulf, to be called and held for the purpose, shall declare their willingness to accede to the present agreement in all respects, and the Government shall signify its approval, then that portion of the island shall be surveyed and dealt with in like manner as other portions thereof, and the Indians there shall be entitled to the same privileges in every respect, from and after the date of such approval by the Government, as those residing other in parts of the island.

Ninthly. This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be approved by the Governor in Council.

In Witness Whereof, the said Superintendent General of Indian Affairs, and the Deputy Superintendent, and the undersigned Chiefs and Principal Men of the Ottawa, Chippewa and other Indians, have hereto set their hands and seals at Manitowaning, the sixth day of October, in the first year above written.

Executed in the presence of

(having translated and explained).

GEO.IRONSIDE, S. I. Affrs.

S. PHILLIPS DAY,

WM. GILBARD,
(totem) [L.S.]

DAVID S. LAYTON,
ASSIGINACK, (totem) [L.S.]

JOS. WILSON,

JOHN H. McDOUGALL,
[L.S.]

F.ASSIKINACK
WEBETOOSOWN, (totem) [L.S.]

PETER JACOBS, Ch. of England Mission'y,
KUNG, [L.S.]

McGREGOR IRONSIDE.
(totem) [L.S.]

[L.S.]

(totem) [L.S.]

(totem) [L.S.]

[L.S.]

(totem) [L.S.]

[L.S.]

(totem) [L.S.]

GINSHING, (totem) [L.S.]

The undersigned is one of the chiefs of the Weguaimekong Band
and appends his signature in testimony of his general approval and
his assent as an individual to all the terms of the above agreement.

WM. McDOUGALL, [L.S.]

WM. SPRAGGE, [L.S.]

J. B. ASSIGINACK [L.S.]

MAISHEGUONG-GAI,

BENJAMIN

ABENCE, (totem) [L.S.]

SHE-WE-TAGUN, (totem)

GEORGE

PAIM-O-QUO-NAISH-

WAI-BE-NESSIEME,

TAI-BOS-EGAI, (totem)

A-TOWISH-COSH,

NAIWOTAIKEY-HIS,

WET-COW-SAI, (totem)

KUSH-KE-WAH-BIE,

BAI-BOM-SAI (totem)

KEG-HIK-GOD-ONESS,

PAH-TAH-DO-

TEH-KUM-MEH, (totem)

PAIM-SAH-DUNG, (totem)

COPY of the Report of a Committee of the honourable the Executive Council, approved by his Excellency the Governor General in Council on the 14th November, 1862.

The Committee have had before them a report, dated 3rd November, 1862, from the Honourable the Chief Superintendent of Indian Affairs, of the results of his mission to the Great Manitoulin Island under authority of order and council of 12th September last, and submitting that the terms of the agreement with the Indians, as contemplated by that order, having been modified in so far as to exclude from the proposed arrangement that part of the Island eastwardly of the Manitoulin Gulf and Heywood Sound, and other terms being deemed necessary to prevent future difficulty, these modifications have been embodied in the " Articles of Agreement and Convention" made and concluded at Manitouawning on the 6th October, 1862, between the Government as represented by the Chief Superintendent and Deputy Superintendent of Indian Affairs, and nineteen of the Chiefs and Principal Men on behalf of the Indians, which instrument he submits for the ratification of your Excellency and Council.

The Committee advise that the "Articles of Agreements and Convention" above referred to be approved and ratified by Your Excellency and be enrolled in the usual manner in Crown Land Department and in the office of the Provincial Registrar.

Certified.

WM.

H. LEE,

C.E.C.

To the Honourable

The provincial Registrar,

&c.,&c.,&c.