TREATIES 1 AND 2

BETWEEN

HER MAJESTY THE QUEEN

AND

THE CHIPPEWA AND CREE INDIANS

OF

MANITOBA AND COUNTRY ADJACENT

WITH ADHESIONS
ARTICLES OF A TREATY
made and concluded this third day of August in the
year of Our Lord one thousand eight hundred and seventy-one, between Her
Most Gracious Majesty the Queen of Great Britain and Ireland by Her Com-
missioner, Wemyss M. Simpson, Esquire, of the one part, and the Chippewa and
Swampy Cree Tribes of Indians, inhabitants of the country within the limits
hereinafter defined and described, by their Chiefs chosen and named as herein-
after mentioned, of the other part.

Whereas all the Indians inhabiting the said country have pursuant to an
appointment made by the said Commissioner, been convened at a meeting at
the Stone Fort, otherwise called Lower Fort Garry, to deliberate upon certain
matters of interest to Her Most Gracious Majesty, of the one part, and to the
said Indians of the other, and whereas the said Indians have been notified
and informed by Her Majesty's said Commissioner that it is the desire of Her
Majesty to open up to settlement and immigration a tract of country bounded
and described as hereinafter mentioned, and to obtain the consent thereto of
her Indian subjects inhabiting the said tract, and to make a treaty and arrange-
ments with them so that there may be peace and good will between them and
Her Majesty, and that they may know and be assured of what allowance they
are to count upon and receive year by year from Her Majesty's bounty and
benevolence.

And whereas the Indians of the said tract, duly convened in council as
aforesaid, and being requested by Her Majesty's said Commissioner to name
certain Chiefs and Headmen who should be authorized on their behalf to conduct
such negotiations and sign any treaty to be founded thereon, and to become
responsible to Her Majesty for the faithful performance by their respective bands
of such obligations as should be assumed by them, the said Indians have there-
one upon named the following persons for that purpose, that is to say:—

Mis-koo-kenew or Red Eagle (Henry Prince), Ka-ke-ka-penais, or Bird for
ever, Na-sha-ke-penais, or Flying down bird, Na-na-wa-nanaw, or Centre of
Bird's Tail, Ke-we-tayash, or Flying round, Wa-ko-wush, or Whip-poor-will,
Oo-za-we-kwun, or Yellow Quill,—and thereupon in open council the different
bands have presented their respective Chiefs to His Excellency the Lieutenant
Governor of the Province of Manitoba and of the North-West Territory being
present at such council, and to the said Commissioner, as the Chiefs and Head-
man for the purposes aforesaid of the respective bands of Indians inhabiting
the said district hereinafter described; and whereas the said Lieutenant Governor
and the said Commissioner then and there received and acknowledged the
persons so presented as Chiefs and Headmen for the purpose aforesaid; and
whereas the said Commissioner has proceeded to negotiate a treaty with the
said Indians, and the same has finally been agreed upon and concluded as follows,
that is to say:—

The Chippewa and Swampy Cree Tribes of Indians and all other the Indians
inhabiting the district hereinafter described and defined do hereby cede, release,
surrender and yield up to Her Majesty the Queen and successors forever all the
lands included within the following limits, that is to say:—

Beginning at the international boundary line near its junction with the Lake
of the Woods, at a point due north from the centre of Roseau Lake; thence to
run due north to the centre of Roseau Lake; thence northward to the centre of
White Mouth Lake, otherwise called White Mud Lake; thence by the middle
of the lake and the middle of the river issuing therefrom to the mouth thereof in Winnipeg River; thence by the Winnipeg River to its mouth; thence westwardly, including all the islands near the south end of the lake, across the lake to the mouth of Drunken River; thence westwardly to a point on Lake Manitoba half way between Oak Point and the mouth of Swan Creek; thence across Lake Manitoba in a line due west to its western shore; thence in a straight line to the crossing of the rapids on the Assiniboine; thence due south to the international boundary line; and thence eastwardly by the said line to the place of beginning. To have and to hold the same to Her said Majesty the Queen and Her successors for ever; and Her Majesty the Queen hereby agrees and undertakes to lay aside and reserve for the sole and exclusive use of the Indians the followig tracts of land, that is to say: For the use of the Indians belonging to the band of which Henry Prince, otherwise called Mis-koo-ke-new is the Chief, so much of land on both sides of the Red River, beginning at the south line of St. Peter's Parish, as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families; and for the use of the Indians of whom Na-sha-ke-penais, Na-na-wa-nanaw, Ke-we-tayash and Wa-ko-wush are the Chiefs, so much land on the Roseau River as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, beginning from the mouth of the river; and for the use of the Indians of which Ka-ke-ka-penais is the Chief, so much land on the Winnipeg River above Fort Alexander as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, beginning at a distance of a mile or thereabout above the Fort; and for the use of the Indians of whom Oo-za-we-kwun is Chief, so much land on the south and east side of the Assiniboine, about twenty miles above the Portage, as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, reserving also a further tract enclosing said reserve to comprise an equivalent to twenty-five square miles of equal breadth, to be laid out round the reserve, it being understood, however, that if, at the date of the execution of this treaty, there are any settlers within the bounds of any lands reserved by any band, Her Majesty reserves the right to deal with such settlers as She shall deem just, so as not to diminish the extent of land allotted to the Indians.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians parties to this treaty, She hereby, through Her Commissioner, makes them a present of three dollars for each Indian man, woman and child belonging to the bands here represented.

And further, Her Majesty agrees to maintain a school on each reserve hereby made whenever the Indians of the reserve should desire it.

Within the boundary of Indian reserves, until otherwise enacted by the proper legislative authority, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve Her Majesty's Indian subjects inhabiting the reserves or living elsewhere from the evil influence of the use of intoxicating liquors shall be strictly enforced.

Her Majesty's Commissioner shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the district above described, distributing them in families, and shall in every year ensuing the date hereof, at some period during the month of July in each year, to be duly notified to the Indians and at or near their respective reserves, pay to each Indian family of five persons the sum of fifteen dollars Canadian currency, or in like proportion for a larger or smaller family, such payment to be made in such articles as the Indians shall require of blankets, clothing, prints (assorted colours), twine or traps, at the current cost price in Montreal, or otherwise, if Her Majesty shall deem the same desirable in the interests of Her Indian people, in cash.
And the undersigned Chiefs (Jo hereby bind and pledge themselves and their people strictly to observe this treaty and to maintain perpetual peace between themselves and Her Majesty's white subjects, and not to interfere with the property or in any way molest the persons of Her Majesty's white or other subjects.

IN WITNESS WHEREOF, Her Majesty's said Commissioner and the said Indian Chiefs have hereunto subscribed and set their hand and seal at Lower Fort Carry, this day and year herein first above named.

Signed, sealed and delivered in the presence of, the same having been first read and explained:

ADAMS G. ARCHIBALD, 
Lieut.-Gov. of Man. and N.W. Territories.

JAMES MCKAY, PLC.
A. G. IRVINE, Major.
ABRAHAM COWLEY.
DONALD GUNN, M.L.C.
THOMAS HOWARD, PS.
HENRY COCHRANE.
JAMES MCARRISTER.
HUGH MCARRISTER.
E. ALICE ARCHIBALD.
HENRI BOUTHILLIER.

WEMYSS M. SIMPSON, [LS]
Indian Commissioner.

MIS-KOO-KEE-NEW, or RED EAGLE
(HENRY PRINCE), X

KA-KE-KA-PENNAIS, or BIRD FOR EVER,
his mark

WILLIAM PENNEFATHER, X

NA-SHA-KE-PENNAIS, or FLYING DOWN BIRD,
his mark

NA-HA-WA-NANAN, or CENTRE OF BIRD'S TAIL,
his mark

KE-WE-TAY-ASH, or FLYINGGROUND, X
mark

Wa-ko-wush, or WHIP-POOR-WILL, X
mark

OO-ZA-WE-KWUN, or YELLOW QUILL, X
mark

Memorandum of things outside of the Treaty which were promised at the Treaty at the Lower Fort, signed the third day of August, A.D. 1871.

Fur each Chief who signed the treaty, a dress distinguishing him as Chief.
For braves and for councillors of each Chief a dress; it being supposed that the braves and councillors will be two for each Chief.
For each Chief, except Yellow Quill, a buggy.
For the braves and councillors of each Chief, except Yellow Quill, a buggy.

In lieu of a yoke of oxen for each reserve, a bull for each, and a cow for each Chief; a boar for each reserve and a sow for each Chief, and a male and female of each kind of animal raised by farmers, these when the Indians are prepared to receive them.

A plough and a harrow for each settler cultivating the ground.
These animals and their issue to be Government property, but to be allowed for the use of the Indians, under the superintendence and control of the Indian Commissioner.

The buggies to be the property of the Indians to whom they are given.

The above contains an inventory of the terms concluded with the Indians.

WEMYSS M. SIMPSON,
MOLYNEUX ST. JOHN,
A. G. ARCHIBALD,
J AS. McKAY.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 30th April, 1875.

On a memorandum dated 27th April, 1875, from the Honourable the Minister of the Interior, bringing under consideration the very unsatisfactory state of affairs arising out of the so-called "outside promises" in connection with the Indian Treaties Nos. 1 and 2, Manitoba and North-west Territories, concluded, the former on the 3rd August, 1871, and the latter on 21st of the same month, and recommending for the reasons stated:—

1st. That the written memorandum attached to Treaty No. 1 be considered as part of that Treaty and of Treaty No. 2, and that the Indian Commissioner be instructed to carry out the promises therein contained, in so far as they have not yet been carried out, and that the Commission be advised to inform the Indians that he has been authorized so to do.

2nd. That the Indian Commissioner be instructed to inform the Indians, parties to Treaties Nos. 1 and 2, that, while the Government cannot admit their claim to anything which is not set forth in the treaty, and in the memorandum attached thereto, which treaty is binding alike upon the Government and upon the Indians, yet, as there seems to have been some misunderstanding between the Indian Commissioner and the Indians in the matter of Treaties Nos. 1 and 2, the Government, out of good feeling to the Indians and as a matter of benevolence, is willing to raise the annual payment to each Indian under Treaties Nos. 1 and 2, from $3 to $5 per annum, and make payment over and above such sum of $5, of $20 each and every year to each Chief, and a suit of clothing every three years to each Chief and each Headman, allowing two Headmen to each band, on the express understanding, however, that each Chief or other Indian who shall receive such increased annuity or annual payment shall be held to abandon all claim whatever against the Government in connection with the so-called "outside promises," other than those contained in the memorandum attached to the treaty.

The Committee submit the foregoing recommendation for Your Excellency's approval:

W. A. HIMSWORTH,
Clerk Privy Council

Certified,
W. A. HIMSWORTH,
Clerk Privy Council.
We, the undersigned Chiefs and Headmen of Indian bands, representing bands of Indians who were parties to the Treaties Nos. 1 and 2, mentioned in the report of the Committee of the Queen's Privy Council of Canada, above printed, having had communication thereof, and fully understanding the same assent thereto and accept the increase of annuities therein mentioned, on the condition therein stated, and with the assent and approval of their several bands, it being agreed, however, with the Queen's Commissioners, that the number of braves and councillors for each Chief shall be four, as at present, instead of two, as printed 1875.

TREATY No. 2, 23rd August, 1875.

In the presence of the following:

ALEX. MORRIS, L.G. [L.S.]
JAMES MCKAY,
JAMES F. GRAHAM,
ISAAC COWIE,
FRANCIS FIELD,
JOHN A. DAVIDSON,
CHARLES WOOD.

Representing East-Manitoba or Elm Point:

SON-SONSE, x Chief,
mark
NA-KA-NA-WA-TANG, x
mark
PA-PA-WE-GUN-WA-TAK, x
mark

Councillors.

Representing Fairford Prairie:

MA-SAH-KEE-YASH, x Chief,
mark

DAVID MARSDEN, x Councillor,
mark

JOSEPH SUMNER, x Councillor.
mark

Fairford Mission:

RICHARD WOODHOUSE, Chief,
JONN ANDERSON, Councillor,
JOHN THOMPSON, Councillor.
mark

Formerly Crane River and now Ebb and Flow Lake:

PENAISE, x Chief
mark

BAPTISTE, x Councillor,
mark

KAH-NEE-QUA-NASH, x Councillor,
mark

Representing Water Hen Band:

KA-TAH-KAK-WA-NA-YAAS, x Chief,
mark
We, the undersigned Chiefs and Headmen of Indian bands representing bands of Indians who were parties to the Treaties Nos. 1 and 2, mentioned in the report of a Committee of the Queen's Privy Council of Canada, "as printed on the other side of this parchment," having had communication thereof and fully understanding the same, assent thereto and accept the increase of annuities therein mentioned on the condition therein stated, and with the assent and approval of their several bands, it being agreed, however, with the Queen's Commissioners, that the number of braves and councillors for each Chief shall be four, as at present, instead of two, as printed 1875.

Signed near Fort Alexander, on the Indian Reserve, the twenty-third day of August in the year of Our Lord one thousand eight hundred and seventy-five. 

(William Pennefather),
Witnesses:
  J. A. N. PROVENCHER,  
  Indian Commissioner.  
  J. DUBUC,  
  A. DUBUC,  
  JOSEPH MONKMAN, Interpreter,  
  WM. LOUNT,  
  H. L. REYNOLDS.  

Signed at Broken Head River, the twenty-eighth day of August, in the year of our Lord one thousand eight hundred and seventy-five.

Witnesses:
  J. A. N. PROVENCHER,  
  Indian Commissioner.  
  J. DUBUC,  
  H. L. REYNOLDS,  
  DANIEL DEVLIN,  
  HENRY COOK.

We the undersigned Chiefs and Headmen of Indian bands representing bands of Indians who were parties to the Treaties Nos. 1 and 2 mentioned in the report of a Committee of the Queen's Privy Council of Canada, as printed on the other side of this sheet, having had communication thereof and full understanding of the same, assent thereto and accept the increase of annuities therein mentioned, on the condition therein stated, and with the assent and approval of their several bands, it being agreed, however, with the Queen's Commissioners, that the number of braves and councillors for each Chief shall be four, as at present, instead of two, as printed.

Signed on the reserve at Rosseau River, 8th day of September, 1875
  J. A. N. PROVENCHER,  
  Indian Commissioner

Witness:
  JAS. F. GRAHAM.
Treaty No. 2

ARTICLES OF TREATY made and concluded this twenty-first day of August, in the year of Our Lord one thousand eight hundred and seventy-one, between Her Most Gracious Majesty the Queen of Great Britain and Ireland, by Her Commissioner Wemyss M. Simpson, Esquire, of the one part, and the Chippewa Tribe of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs chosen and named as hereinafter mentioned, of the other part.

Whereas, all the Indians inhabiting the said country have, pursuant to an appointment made by the said Commissioner, been convened at a meeting at Manitoba Post to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and to the said Indians of the other; and whereas the said Indians have been notified and informed by Her Majesty's said Commissioner that it is the desire of Her Majesty to open up to settlement and immigration a tract of country bounded and described as hereinafter mentioned and to obtain the consent thereto of her Indian subjects inhabiting the said tract, and to make a treaty and arrangement with them, so that there may be peace and good will between them and Her Majesty and that they may know and be assured of what allowance they are to count upon and receive from Her Majesty's bounty and benevolence.

And whereas the Indians of the said tract, duly convened in council as aforesaid, and being requested by Her Majesty's said Commissioner to name
certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as shall be assumed by them, the said Indians have thereupon named the following persons for that purpose, that is to say:

For the Swan Creek and Lake Manitoba Indians, Sou-sonse or Little Long Ears; for the Indians of Fairford and the neighboring localities, Ma-sah-kee-yash or "He who flies to the bottom" and Richard Woodhouse, whose Indian name is Ke-see-tah-quun-na-yash or "He who flies round the feathers;" for the Indians of Waterhen River and Crane River and the neighboring localities, Francois, or Broken Fingers; and for the Indians of Riding Mountains and Dauphin Lake and the remainder of the territory hereby ceded, Mekis (the Eagle), or Giroux.

And, thereupon, in open council the different bands have presented their respective Chiefs to His Excellency the Lieutenant Governor of Manitoba and of the North-west Territory being present at such council and to the said Commissioner, as the Chiefs and Headmen, for the purposes aforesaid, of the respective bands of Indians inhabiting the said district hereinafter described; and whereas the said Lieutenant Governor and the said Commissioner then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described; and whereas the said Commissioner has proceeded to negotiate a treaty with the said Indians, and the same has finally been agreed upon and concluded, as follows, that is to say:-

The Chippewa Tribe of Indians and all other the Indians inhabiting the district hereinafter described and defined do hereby cede, release, surrender and yield up to Her Majesty the Queen, and Her successors forever, all the lands included within the following limits, that is to say:-

All that tract of country lying partly to the north and partly to the west of a tract of land ceded to Her Majesty the Queen by the Indians inhabiting the Province of Manitoba, and certain adjacent localities, under the terms of a treaty made at Lower Fort Garry on the third day of August last past, the land now intended to be ceded and surrendered being particularly described as follows, that is to say: Beginning at the mouth of Winnipeg River, on the north line of the lands ceded by said treaty; thence running along the eastern shore of Lake Winnipeg northwardly as far as the mouth of Beren's River; thence across said lake to its western shore, at the north bank of the mouth of the Little Saskatchewan or Dauphin River; thence up said stream and along the northern and western shores thereof, and of St. Martin's Lake, and along the north bank of the stream flowing into St. Martin's Lake from Lake Manitoba by the general course of such stream to such last-mentioned lake; thence by the eastern and northern shores of Lake Manitoba to the mouth of the Waterhen River; thence by the eastern and northern shores of said river up stream to the northernmost extremity of a small lake known as Waterhen Lake; thence in a line due west to and across lake Winnipegosis; thence in a straight line to the most northerly waters forming the source of the Shell River; thence to a point west of the same two miles distant from the river, measuring at right angles thereto; thence by a line parallel with the Shell River to its mouth, and thence crossing the Assiniboine River and running parallel thereto and two miles distant therefrom, and to the westward thereof, to a point opposite Fort Ellice; thence in a south-westwardly course to the north-western point of the Moose Mountains; thence by a line due south to the United States frontier; thence by the frontier eastwardly to the westward line of said tract ceded by treaty as aforesaid; thence bounded thereby by the west, northwest and north lines of said tract, to the place of beginning, at the mouth of Winnipeg River. To have and to hold the same to Her Majesty the Queen and Her successors forever; and Her
Majesty the Queen hereby agrees and undertakes to lay aside and reserve for the sole and exclusive use of the Indians inhabiting the said tract the following lots of land, that is to say:-

For the use of the Indians belonging to the band of which Mekis is Chief, so much land between Turtle River and Valley River, on the south side of Lake Dauphin, as will make one hundred and sixty acres for each family of five persons, or in the same proportion for a greater or smaller number of persons. And for the use of the Indians belonging to the band of which François, or Broken Fingers, is Chief, so much land on Crane River, running into Lake Manitoba, as will make one hundred and sixty acres for each family of five persons, or in the same proportion for a greater or smaller number of persons. And for the use of the band of Indians belonging to the bands of which Ma-sah-kee-yash and Richard Woodhouse are Chiefs, so much land on the river between Lake Manitoba and St. Martin's Lake, known as "Fairford River," and including the present Indian mission grounds, as will make one hundred and sixty acres for each family of five persons, or in the same proportion for a greater or smaller number of persons.

And for the use of the Indians of whom Sou-sonce is Chief, so much land on the east side of Lake Manitoba, to be laid off north of the creek near which a fallen elm tree now lies, and about half way between Oak Point and Manitoba Post, so much land as will make one hundred and sixty acres for each family of five persons, or in the same proportion for a greater or smaller number of persons. Saving, nevertheless, the rights of any white or other settler now in occupation of any lands within the lines of any such reserve.

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians, parties to this treaty, She hereby, through Her Commissioner, makes them a present of three dollars for each Indian man, woman and child belonging to the band here represented.

And further, Her Majesty agrees to maintain a school in each reserve hereby made, whenever the Indians of the reserve shall desire it.

Her Majesty further agrees with Her said Indians that within the boundary of Indian reserves, until otherwise enacted by the proper legislative authority, no intoxicating liquor shall be allowed to be introduced or sold, and all laws now in force or hereafter to be enacted to preserve Her Indian subjects inhabiting the reserves or living elsewhere within Her North-West Territories, from the evil influence of the use of intoxicating liquors, shall be strictly enforced.

And further, that Her Majesty's Commissioner shall, as soon as possible after the execution of this treaty, cause to be taken an accurate census of all the Indians inhabiting the tract above described, distributing them in families, and shall in every year ensuing the date hereof, at some period during the month of August in each year to be duly notified to the Indians, and at or near their respective reserves, pay to each Indian family of five persons the sum of fifteen dollars, Canadian currency, or in like proportion for a larger or smaller family, such payment to be made in such articles as the Indians shall require of blankets, clothing, prints (assorted colours), twine or traps, at the current cash price in Montreal, or otherwise, if Her Majesty shall deem the same desirable in the interest of Her Indian people, in cash.

And the undersigned Chiefs, on their own behalf and on behalf of all other Indians inhabiting the tract within ceded, do hereby solemnly promise and engage to strictly observe this treaty, and also to conduct and behave themselves as good and loyal subjects of Her Majesty the Queen. They promise and engage that they will in all respects obey and abide by the law; that they will maintain peace and good order between each other, and also between themselves and other tribes of Indians, and between themselves and others of Her Majesty's subjects, whether Indians or whites, now inhabiting or hereafter to inhabit any part of
the said ceded tract, and that they will not molest the person or property of any inhabitants of such ceded tract, or the property of Her Majesty the Queen, or interfere with or trouble any person, passing or travelling through the said tract, or any part thereof, and that they will aid and assist the officers of Her Majesty in bringing to justice and punishment any Indian offending against the stipulations of this treaty, or infringing the laws in force in the country so ceded.

IN WITNESS WHEREOF, Her Majesty's said Commissioner and the said Indian Chiefs have hereunto subscribed and set their hands at Manitoba Post this day and year herein first above named.

Signed by the Chiefs within named, in presence of the following witnesses, the same having been first read and explained:

ADAMS G. ARCHIBALD,
   Lieut. Gov. of Manitoba and the N.-W. Territories,
JAMES MCKAY, P.L.C.,
MOLYNEUX ST. JOHN,
E. A. ARCHIBALD,
LILY ARCHIBALD,
HENRI BOUTHILLIER,
PABE DE LARONDE,
DONALD MCDONALD,
ELIZA MCDONALD,
ALEXANDER MUIR, Sr.

WEMYSS M. SIMPSON, [L.S.]
   Indian Commissioner,
   his
MEKIS, x
   his
SOU-SONCE, x
   mark
MA-SAH-KEE-YASH, his
   mark
FRANÇOIS, x
   mark
RICHARD WOODHOUSE.