

MATACHEWAN FIRST NATION

NEWSLETTER

A TREATY LAND ENTITLEMENT CLAIM

The Matachewan First Nation has a historic land claim that has been accepted by Canada and Ontario for negotiations. The treaty land entitlement (TLE) claim concerns the size of the reserve: how big it ought to have been when our ancestors signed the James Bay Treaty (Treaty 9) in 1906.

The claim was under research by Nishnawbe Aski Nation (NAN) over the last decade, along with other Treaty Nine First Nation TLEs. The Matachewan TLE was submitted to Canada and Ontario in 2008. Following the review of the claim by the Specific Claims Branch of Aboriginal Affairs, Canada and further discussions with NAN, the claim was formally accepted for negotiation by Canada in August 2011.

Canada has accepted to negotiate a shortfall of 5.74 square miles of land (3,676 acres) for the Matachewan First Nation (MFN). This calculation is based on the inclusion of certain categories of people on the MFNs payroll after treaty was made. Canada also agrees to provide monetary compensation for the loss of use of this land since 1906 to the present. Ontario will provide the land that makes up the shortfall, which Canada will then turn into reserve lands.

WHAT IS A TREATY LAND ENTITLEMENT CLAIM?

The James Bay Treaty signed by our ancestors on June 20 1906 provided for reserves to be set aside for each First Nation according to a formula of certain number of people to an area of land:

"And his Majesty the King hereby agrees and undertakes to lay aside reserves for each band, the same to not exceed in all one square mile for each family of five, or in that proportion for larger or smaller families, and the location of the said reserves having been arranged between his Majesty's commissioners and the chiefs and headmen, as described in the schedule of reserves hereto attached, the boundaries thereof to be hereafter surveyed and defined, the said reserves when confirmed shall be held and administered by His Majesty for the benefit of the Indians free of all claims, liens or trusts by Ontario"

The TLE claim arises when members were missed and not counted when determining the size of the reserve. The number of members missed determines the size of the shortfall. The shortfall is the number of acres of reserve land that the First Nation is owed today.

The treaty 9 reserve formula is as described in the treaty:

1 square mile for five people or 128 acres a person (there are 640 acres in a square mile).



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HOW WAS MATACHEWAN'S SHORTFALL DETERMINED? WHO IS ELIGIBLE TO BE COUNTED TO DETERMINE THE SIZE OF THE RESERVE?

Canada's 1998 TLE Policy Guidelines identifies several categories of people that were used to establish Matachewan's shortfall.

79 PEOPLE COUNTED ON THE BASE PAYLIST OF 1906. In Treaty No. 9 during the adhesions of 1905 and 1906, the Commissioners attempted to fix the size of the reserve based on the population at date of treaty (DOT). The first payroll for Matachewan in 1906 shows 79 people counted

14 "ABSENTEES" those who were absent at the DOT but were identified on the first payroll and then counted in subsequent years.

The First Paylist from 1906 had the names of several people listed with no family members showing and no one was paid or counted:

- At Ticket No 6 Michel Boxer was listed with no people paid or counted.
- At ticket No 14 a Moses was also listed again with no people paid or counted.
- At ticket number 15, an "Angelique" was listed again with no family members paid or counted.
- At ticket number 23, a Peter Albany was listed with no family members paid or counted.

By 1908 the missing people at these tickets had been added: Michel Boxer, one man. Moses, one man. Angelique a woman and a boy, and Peter Albany a family of eight: a man, a woman, four boys and two girls. **Altogether 12 people.**

In addition two children under ticket No 17, William Cromarty were added in 1908 and the Indian Agent remarked that they had been left off the list since 1906.

William Cromarty's two sons and the missing families total **14 Absentees**

TWO(2) LATE ADDITIONS: women who married into the Matachewan Band who have been identified as aboriginal women and whose fathers' were never admitted to treaty elsewhere or counted elsewhere for a land entitlement, or appear as members of any other First Nation. The first woman was Annie McLeod who married Henry Batise at ticket No 32 in 1916. The second woman was Bertha Micmac, who married John George Wincikaby at Ticket No 19 in 1936. Research has determined that both women were of aboriginal descent and that their fathers did not adhere to treaty anywhere else. **Two late additions.**

- **4 LATE ADHERENTS:** In 1922 15 people from the Friday Family adhered to Treaty Nine at Matachewan. Research has uncovered that the Friday family were the descendants of James Friday, who was from James Bay, and had left that place before Treaty 9 was signed at Moose Factory in 1905. James had moved into the Temagami area sometime in the late 19th Century and his descendants continued to live in the Robinson Huron area. The family asked to adhere to the Temagami Band, however upon investigation the Department of Indian Affairs decided to include them in the membership of the Moose Factory Band in 1917 because James Friday was originally from the James Bay Coast. The family continued to reside in the south and in 1922 the Friday family asked to become to become members of the Matachewan First Nation. The Department agreed and upon receipt of a Band Council Resolution from Matachewan the Fridays were admitted as members of the Matachewan First Nation and paid annuities there. They appear at Ticket numbers 35 through 40 on the Matachewan Paylist for 1922. The descendants of this family continued to be paid as members of Matachewan until past 1951. Canada has agreed with the Matachewan First Nation's TLE submission that the Friday family is best counted as late adherents to Treaty 9 at Matachewan because of their continuity as members of that band.

Although 15 people adhered at Matachewan in 1922, one person was removed from the TLE shortfall count, Mrs Joseph Friday, Ticket No 39, on the grounds that she was not an aboriginal. The couple's marriage record identifies her as Eva Vanderlip, resident of Buffalo, NY. She was born in Wilmington, Delaware. Her parents were named Charles Vanderlip and Rebecca Kensinger, both of whom were white and American by birth. As a 'white' woman, Eva is not eligible to be included in the Matachewan entitlement calculation.

Therefore the total number of late adherents is 14.

Keep In Touch

A ratification vote by all members 18 years of age or older will be required to settle this claim. Mail in voting will be included. The vote will likely take place in about 3 years, but we want to make sure every member has the opportunity to vote so please make sure that we have your address and phone number on file and that you notify us when you move!

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MATACHEWAN HISTORY AND TREATY 9 - The James Bay Treaty concluded in 1905 and 1906 was made between Canada and the Ojibway, Cree and other Indians of the territory within the boundaries of Ontario at the time, north of the height of land; bounded in the west by the Albany River, in the east by the Province of Quebec, in the north by James Bay and in the south by the Robinson Superior and Huron Treaties. Our ancestors signed the treaty at Fort Matachewan, the Hudson's Bay Company (HBC) Post on the Montreal River on June 20 1906. The signatories on our behalf were: Michel Batise, Round Eyes, Thomas Fox and Jimmy Pierce. The Treaty Commissioners representing Canada were Duncan C. Scott and S. Stewart of the Department of Indian Affairs and D.G. MacMartin of the Province of Ontario.

The treaty commissioners paid 26 heads of families for a total of 79 persons on the first payroll. In 1904 while preparing for the treaty Canada had asked for the help of the Hudson's Bay Company to determine how many Ojibway or Cree were trading at the various posts. In 1904 it was estimated that 102 Indians were trading at the post. The reserve location of the reserve was chosen by the Chief and head man and the Commissioners agreed. The reserve was described in the Schedule of Reserves appended to the treaty:

"In the province of Ontario, inland and north from Fort Matachewan, beginning at the creek connecting a small lagoon with the northwest shore of Turtle lake, thence south on the west shore of said lake a sufficient distance to give an area of sixteen square miles"

Under Treaty Nine, the Matachewan First Nation was granted a reserve of sixteen square miles, sufficient for 80 people according to the Treaty Nine Reserve provision formula. **(16 square miles multiplied by 5 = 80)**. According to a Treaty 9 report, a sketch plan of the location of the reserve was provided to the Commissioners. No sketch plan was located on the files. In 1908, James Dobie, officially appointed Dominion land surveyor, surveyed the reserve and in his report he mentioned that the point of departure as described in the treaty schedule could not be located, so he made some adjustments using Turtle Lake as the centre of the reserve, to protect the Indian village site. This was done with the consent of Chief Michel Batise. The location of the present day reserve was the site surveyed by Dobie in 1908. Although there may be some questions regarding the location of the reserve, the present TLE claim for Matachewan First Nation concerns only the size of the reserve and not where it is located.

For a number of years up to 1920 the Province of Ontario had two objections to the location of the reserve: First, it was located just south of the height of land in the Robinson Huron treaty territory and not in Treaty 9 territory. Second, it was believed that the timber on the reserve was included in a large timber concession to the Booth Pulp and Paper Company. The last objection caused both governments, Ontario and Canada, to consider moving the reserve elsewhere. This decision was never acted upon nor discussed with the First Nation. Both issues were withdrawn by Ontario by 1920. In the mid 1950's the timber on Matachewan IR 72 was sold for the benefit of our First Nation.

During the 20th Century many Matachewan members lived off reserve in the town of Matachewan and in 1973 the possibility of creating a reserve at the town was raised, however like the previous two matters no action was taken. Our reserve, Matachewan Indian reserve No 72, remained intact and many of our members returned and developed the reserve with support from Ontario and Canada in the mid 1970's and 1980's. No reserve exchange took place and no other lands were granted to us under any other process. Indian Reserve # 72 remains our sole land base today consisting of 16.06 square miles today.

THE TLE SHORTFALL - The TLE shortfall is based on the above 30 individuals who were admitted to Treaty 9 as members of Matachewan First Nation after the date of treaty in 1906. 79 people were counted on the First Paylist in 1906 and a reserve of 16.06 square miles was surveyed in 1908, enough land for 80 individuals according to the treaty formula.

Therefore of the 30 individuals who were admitted after 1906, **29 people make up the shortfall. The total eligible population according to the 1998 Treaty Land Entitlement Policy guidelines is 109 people (80 + 29)**

Total Eligible Population	109
Land entitlement (109 persons x 128 acres)	13,952 acres
Land received	10,276 acres
Shortfall	3,676 acres

NEXT STEPS - While we were waiting for Ontario's acceptance of the claim we have met twice with Canada. Canada has agreed to provide MFN with compensation (money) for the fact that we have not had use of the 5.74 square miles of reserve land for the past 106 years since Treaty in 1906. We need to put a value on the loss of use. To assist us in putting a dollar figure on the loss of use MFN will be hiring an Economist and a Land Appraiser. Canada has agreed to pay for the costs of these two individuals.

We can also start our land selection decision making. We believe that MFN may be able to look at establishing at least one "Urban Reserve" as part of the claim settlement if that is the decision of the membership. That means we could look at creating a reserve in an urban setting, such as New Liskeard, Kirkland Lake or Timmins. The Economist can assist us in making a good decision that will benefit MFN for generations to come.

It is highly unlikely an "Urban Reserve" would be 5.74 square miles in size, nor would it be likely desirable for MFN to use all of its additional lands for this purpose. Therefore, other lands that are closer to or adjacent to the existing reserve should be considered. There are a number of factors that need to be considered such as what the land will be used for (residential, recreation, green space, exclusive hunting territory, etc.).

Also, because MFN straddles two treaties but is signatory to Treaty 9, land selection in to the south of the existing reserve may be problematic, particularly if it significantly farther south.

In preparation for negotiations preliminary discussions have begun with some neighbouring First Nations and municipalities.

It is important to note that at the end of the day it will be the membership that ratifies any land selection or financial compensation. Therefore your input is important to ensure a positive outcome to the negotiated settlement.

OUR NEGOTIATION TEAM - Chief and Council feel that this is such an important issue for MFN that they will all be part of the negotiation team. In addition **Shawn Batise**, the Executive Director of the Wabun Tribal Council and a MFN member, has agreed to work with us on this negotiation. Shawn brings a wealth of knowledge regarding negotiations with him and has worked on two other TLEs in the Wabun area. We have already hired a lawyer, **Kim Alexander Fullerton**, who has 30 years of experience and 14 settled land claims to his credit. **Christine Dornol** is the researcher that did the original research for this claim with the Nishnawbe Aski Nation (NAN). She will do additional research as required by MFN during negotiations. Other professionals will be brought in as required, such as the Economist and Land Appraiser.

TIME FRAMES - It is now Canada's Policy to negotiate land claim settlements within 3 years of the date of the acceptance of the claim, which was August 2011. That means that we should have completed negotiations with Canada by August of 2014.

MEMBERSHIP MEETINGS - We have had two membership meetings to discuss this claim so far, November 2, 2011 and April 14, 2012, both on reserve. We will be having many more membership meetings, including off reserve locations where enough members live, such as Timmins or Kirkland Lake if necessary. Look for notice of upcoming meetings in our Newsletters. In fact the next meeting will be held in conjunction with Matachewan's Powwow. The meeting will commence at 3:00 pm at the c community hall in Matachewan First Nation and will be followed by community feast.

