

CHAP. III.

AN ACT, the better to protect the Mississaga Tribes living on the Indian Reserve of the River Credit, in their exclusive right of Fishing and Hunting therein.

[*Passed 20th March, 1829.*]

WHEREAS heretofore the principal Chiefs and Warriors of the Mississaga Indians, that is to say, Chechalk, Osenega, Acheton, and others of the said Chiefs, for themselves and their people, did sell, make over, and surrender, by several Deeds registered in the Office of the Secretary of the Province, to His Majesty King George the Third, His Heirs and Successors, divers large Tracts of Land lying between the River Etobicoke and the head of the Lake Ontario, reserving to themselves, their people, and their posterity forever, amongst other portions of the said Tracts, a certain parcel thereof on the River Credit, called in the Indian language the River Mazonahkasepa, with the sole right to the Fisheries therein, which parcel of Land so reserved is in the Office of the Surveyor General, described as follows, that is to say, commencing in the Southern Boundary of the said Reserve, at a large white Oak squared post, planted by Mr. Wilmot, Deputy Surveyor, in the year one thousand eight hundred and six, standing on the bank of Lake Ontario, one mile South-Westerly from the said River; thence North sixty-nine degrees West, sixty-three chains, thirty-one links, more or less, to where the said boundary line forms the first angle; thence South sixty-four degrees West, one hundred and ninety-one chains, more or less, to where the said boundary line forms the second angle; thence North, forty-five degrees West, twenty chains, more or less, to within the distance of fifty chains of the Eastern limit of Dundas Street; thence North, thirty-eight degrees East, parallel to Dundas Street, three hundred chains, more or less to the intersection of the said line with the Northern boundary line of the said Reserve, produced on a course North sixty-nine degrees West, from a squared white Oak post, planted in the year one thousand eight hundred and six, by the said Deputy Surveyor, piled with stone near the bank of Lake Ontario, one mile from the River Credit at right angles from the general course to the first bend of the said River, which is North sixty-nine degrees West; thence along the said Northern boundary line on a course South sixty-nine degrees East, one hundred and eighty-five chains more or less, to Lake Ontario, at the last mentioned squared post; thence along the water's edge of the said Lake to the place of beginning, containing four thousand Acres, more or less.

Preamble.

Reserve made for the Mississaga Indians on the River Credit, with a right of fishery.

Boundaries of such reservation.

Petition of the said
Indians.

And whereas the Tribe of the said Mississagas living on the said River Mazonahkasepa, or Credit, have by Petition to His Excellency Sir John Colborne, complained of many unwarrantable disturbances, trespases and vexations, practised by divers idle and dissolute Fishermen, and others, upon the said reserved parcel of Land and Fishery aforesaid, thereby unjustly diminishing the source of their subsistence, wantonly destroying Fish and Game, and setting evil examples by their rudeness and ill manners towards the said worthy and unoffending people; and it is necessary to prohibit such unwarrantable disturbances, trespases, vexations and evil example, in order to preserve to the said Mississaga people the quiet and peaceable enjoyment of their said Land and Fishery, and the rights and privileges thereunto belonging.

Persons restrained
from hunting or fish-
ing on the said reser-
vation, without con-
sent from the Indians.

Penalty.

Mode of conviction.

Imprisonment of of-
fenders.

Forfeiture of utensils
used in hunting or
fishing.

How to be disposed
of.

Be it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that if after the passing of this Act, any person or persons whatsoever, against the will of the said Mississaga people, or without the consent of three or more of their principal men or Chiefs, shall Hunt or fish in any way, mode or manner, whatsoever, for Fish or Game, or Fur of any kind upon the said reserved Parcel of Land and Waters thereof, such person or persons so offending shall be liable to be taken by one of the principal men of the said Indian people, and one of the sworn Constables of the said District, before any one of His Majesty's Justices of the Peace, convenient to the said reserved Parcel of Land, and being convicted by the Oath of one or more creditable witness or witnesses, before such Justice of the Peace, shall be committed to prison in the next Gaol, there to remain for a space of time not less than one, nor more than three days; and the Fish, Flesh, Game and Fur, taken with the offender, shall be deemed to belong to the Indians arresting and taking such offender, and the Boat, Skiff, Canoe, Net, Spears, Light-jacks, Traps, Springs, or other Craft or Implements in the possession of the offender at the time of the offence, or set, placed, laid, moved, or otherwise used by him in Hunting or Fishing on the said reserved Land, and the waters thereof, against the provision of this Law, shall be liable to be seized and taken by the said Indian people, and held and taken to be public property of the said Indian Tribe, disposable at the discretion of their principal men or Chiefs, for the public benefit of the said Tribe.

II. *And whereas*, It may be necessary to obviate all doubt or ignorance of the extent of the said right of fishing so necessary to the existence and support of the said Indian Tribe living on the said River Mazenahe-kasepa, or Credit: *Be it therefore enacted by the authority aforesaid*, That the said right to the sole fishery aforesaid, shall be held and taken to extend through the entire stream from Racey's line down its course, to its mouth, and from thence one mile into Lake Ontario, occupying such a space thereon as may be supposed to be included in the segment of a circle, having the middle of the said River at its mouth as the centre, and the distance thence to the Eastern Boundary where it touches the shore as its Radius, whereby to describe the said segment from the East to West Boundaries thereof on the shore as aforesaid.

Limits defined within which such exclusive privilege is to be enjoyed by the Indians.

Provided always, nevertheless, That nothing herein contained shall extend or be construed to extend, to take away or in anywise diminish, the common law rights and remedies, which the said Indian people may at any time be desirous of availing themselves as other subjects or His Majesty within this Province, in protection of their Lands from trespass, waste, or other damage whatsoever: neither shall any thing herein contained extend, or be construed to extend, to prevent or in any wise to obstruct any of His Majesty's Subjects, in travelling, passing and repassing by themselves, their Teams and Carriages, by and along, any Public Highway or Road now or hereafter laid out by lawful authority, in or over any part of the said reserved Land, nor to prevent or in anywise to obstruct any of His Majesty's Subjects with their Vessels, Boats and Rafts, to Navigate freely the said River and Waters for the purposes of Trade or other lawful occasion.

This Act not to take away any Common Law remedy for offences committed against the Indians.

The privileges hereby granted not to obstruct travellers on public Highways, or the free Navigation of the River.

III. *And be it further enacted by the authority aforesaid*, That this Act shall continue in force for four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.



CHAP IV.

AN ACT to afford greater facility in procuring testimony upon claims to Lands in this Province, by the Heirs or Devisees of the original nominees of the Crown, or their Assignees.

[Passed 20th March, 1829.]

WHEREAS under the several Acts now in force in this Province to afford relief to those persons who may be entitled to claim Lands in this

Preamble.

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