

VAUGHAN'S SURVEY IN 1875

OATH

I.A.H. Vaughan, of Province of Manitoba, a Deputy Surveyor make oath and say that the foregoing "Field Notes" are correct and true in all their various particulars to the best of my knowledge and belief. So Help me God - Sworn before me at the Stone Fort 13th day of Feb. 1875.

EASTERLY SIDE OF RED RIVER (Taken from Vaughan's Field Book).

A.

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Gunn, John	167
Gunn, John	165
Gunn, John	147
Gunn, John	163 (n)
Gunn, Alex	146
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Linklater, Mrs.	101
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Vacant

Lots: 71, 72, 73, 74, 116, 117, 118, 119, 120, 186, 208, and 274.

ST. PETERS INDIAN RESERVE NO. I Surrender, Land Dispute, and Hay Marsh A Chronology of Events

submitted by slh

In 1817 a Treaty was negotiated with the Salteaux Indians and they were granted land running north from Sugar Point. This became the site of St. Peters Reserve. There were also many Cree Indians who made their home in this community. Soon, Anglican Missionaries took an interest in the affairs of the Indians and this settlement. The missionary who became the most involved was Reverend Wm. Cockran after 1825. In 1832, he began the first permanent Indian Agricultural Settlement at "Netley Creek" and by 1834 he moved south to the mouth of Cook's Creek, where the main settlement was finally established and where, with the help of the St. Peters community, an Indian Church, schools, along with farms, were established.

Rev. John Smithhurst arrived in 1839 and continued to work with the Indians. Rev. Cockran returned to the settlement and remained till 1857. Following Cockran, St. Peter's was taken over by the Rev. Abraham Cowley, who, until his death in 1887, continued the work of the "Mission" assisted by Indian Clergymen, teachers and catechists. Cowley, it has been stated, was a staunch supporter and defender of the St. Peter's people.

During the 1860's the Indians began to fear for the security of their land titles because of the pressure of others for cheap land for settlement. Much of the St. Peter's district lay unused and it wasn't long until the Indian's were being enticed to sell their land at bargain

prices, by one method or another, and others started settling on Reserve land.

After the 1869/70 "Resistance" and the treaty agreements of 1871, an even larger non-Indian population started moving into the vicinity of St. Peter's Reserve lands. It has also been said that the Indian Administration was not as it should be and very little guidance or concern for their plight was in evidence during this period. The Indians were constantly being tempted by an encroaching society they could not withstand or understand. During the 1870's the Indians amidst all this confusing influence proceeded to sell their land at an even greater pace.

The Salteaux and Crees became openly antagonistic toward one another during the 1870's and the parish, by 1876, was divided in two. The formal split caused the Reserve to alter in appearance with the southern half (Dynevour) occupied by the Cree's basically with the northern half (Peguis) housing the Salteaux. The years following 1876 the Indian population of the St. Peter's Reserve steadily declined and more and more non-Indian settlers were evident.

The Federal Gov't during this period appeared not to provide adequate legal guidance or administrative assistance in connection with this wholesale erosion of Indian land. It would appear that adequate educational facilities for the St. Peter's children were being ignored during this time, as well.

The non-Indian people were an unsettling influence on the Reserve and this soon caused the Indian people to drift away for longer periods of hunting and fishing time. They were also working at many manual labor jobs and accepting occupations outside of the reserve setting.

During the period from 1880 to 1884 was much experimentation in municipal gov't and local administration. The Town of Selkirk legally incorporated in 1882, the Town of East Selkirk in 1883, and by 1884 the Municipality of St. Andrews and St. Clements split their shared boundary into two corporate units running up each side of the Red River. The Reserve was eventually almost surrounded by corporate authority all competing for settlers, business and industry.

Mr. E. McColl, Inspector of Indian Agencies, and responsible for the St. Peter's land, died in Oct. 1902, and was, it appeared, replaced by S.J. Jackson, who paid his first official visit to St. Peter's the following Feb. 1903. However, by early April, 1903 an announcement cited the Rev. John Semmens as McColl's replacement with HQ to be in Selkirk. The Rev. Mr. Semmens filled the post for about 2 years and was replaced by Mr. J.O. Lewis.

During 1903 when changes were being made in the Indian Agency administration, the St. Peter's local gov't unit was undergoing a stormy session, also. In 1902 the election of Chief and Councillors for St. Peter's had resulted in William Prince being the successful candidate for Chief and the Councillors chosen were: W.D. Harper, Alex Cochrane and William Green. However, all was not running well. Charges of frequent intoxication and wrong doing resulted in an Order-in-Council from Ottawa (No. 1903) dismissing William Prince from the office of Chief of the St. Peter's Band of Indians. It was

reported at the time that two Councillors also narrowly escaped dismissal.

In late Dec. 1903 the Indian Dept. had legally installed John Prince into the office of Chief. Mr. Prince was a life Councillor of the Band.

In 1905, the Archbishop of Rupert's Land visited the Parish of St. Peter's and presided over the "Dynevour Church Jubilee" service on Sunday March 26, 1905. They intended to hold jubilee service in Dec. 1904 but decided to wait till the new "tower" was completed. The Archbishop dedicated the new tower on March 26, 1905. Then in April 1905, the St. Peter's Indians were putting up many miles of wire fencing on their east side river property to prevent trespassers from intruding and to protect their haylands. A great many of the kids at St. Peter's were suffering from whooping cough in June 1905, and early in July 1905 during "treaty payment" days, mounted policemen and special constables were evident and on hand to run in transgressors of the law. Interest in treaty, compared to earlier years, appeared to be on the wane but the elections were hotly contested. William Prince got in as Chief while W.D. Harper and W.H. Prince were elected Councillors. Close behind, but not successful were: James Williams, Charles Trindle, William Cook, John T. Stevenson and Peter George.

In late Jan. of 1906, the Chief and Council asked the Indian Commissioner that a new "Industrial School" be built on the reserve. They offered a free site and land for a farm.

Meanwhile the St. Andrews Munc. had been doing negotiating for a road between Selkirk and Clandeboye, through the reserve and had agreed to pay \$15.00 per acre. Councillor Leask and the Reeve Sutherland were not too successful with their bid and St. Peter's Chief and Council Band were not too receptive. Finally in late Jan. 1906 the long standing difficulty between St. Andrews and St. Peter's Council's regarding the Road Allowance was partially settled. They met at the South St. Peter's school and the subject was thoroughly discussed. The big pressure was put on by Commissioner McKenno, Indian Agent Lewis, Reeve Sutherland and Leask from St. Andrews Munc. also Mayor McKenzie of Selkirk, M. O'Donohoe, MPP. As an inducement for the Indians to relinquish more of their land, the Dept. of Indian Affairs had promised that the sum realized would be expended to build other roads and bridges within the reserve. The terms were \$20/acre for about 35 acres for a total of about \$700.00 for right of way. The road was to run paralleled to the CPR railway line, and would be about 8 miles long across the reserve.

By late 1906, the beginning of the surrender was well underway. The "Commission" to inquire into the right of white settlers to own lands within the St. Peter's reserve, had been in session for some time and by early Feb. 1907 a large amount of evidence had already been gathered. The Hon. Chief Justice, Howell was conducting the enquiry.

Chief Justice Howell had expressed himself in favor to claims for patents on lots on the west side of the river which were resided upon in 1870 and seemed to agree that a sale of such occupied land by a Treaty Indian was valid if the sale took place before the year 1876. This ruling

gave great satisfaction to a number of claimants such as Murdoch McIvor, whose claims were disallowed by the Whitcher and McColl Commission in 1885, on account of having been bought from a Treaty Indian.

The "Howell" Commission disallowed several claims for what were commonly known as "Wood Lots" on the east side of the river on account of same not being actually resided upon at the time of transfer in 1870. Justice Howell ruled that deeds held at the time of transfer are not sufficient without proof of residence on the lot at that date. This ruling did bar out a considerable number of claims, and consequently caused considerable disappointment and dissatisfaction. However, it was said that many "Wood Lot" claims for patents were allowed in the Parishes of St. Andrews and St. Clements.

According to Howell's ruling, where a person owned and resided upon a lot at the time of the 1870 transfer and did not sell before the year 1876, and he or (in the case of death) his heirs continued in treaty after that date, the private title became extinguished and vested in the "Crown" for the use of the "Band" as part of the Reserve.

As the enquiry continued it was obvious that the preceding ruling caused hardships to many persons who were ignorant of the legal consequences arising from continuing treaty. If they had been aware of the consequences they would have avoided it by getting out of treaty rather than lose a valuable private holding.

Notwithstanding the Commissioner's expressed views as mentioned, Peter Smith and other treaty Indians, in the hope of a reconsideration, came forward and applied for their patents, proving that they had bought them before 1870 and had resided on them ever since. They also stated they had never been warned that they would lose their lands by taking "treaty". It was probable many more similar claims were presented by other treaty Indians.

The big thing seemed to be the proof by each applicant that they were really living on the Lot in question at the time of transfer.

By mid-July 1907, the Howell Enquiry had disposed of quite a number of cases and by the third week in Sept. 1907 a Treaty was conducted by which the St. Peters Band of Indians "surrendered" their rights to the St. Peters reserve and it was said they had been allotted a new reserve on Lake Winnipeg. The conditions of surrender were that they got 2100 acres, which was to be divided among the members of the band, at the rate of 80 acres to a family of 5. This new land would be surveyed and allotted by representatives of the Chief and Council and the Federal Gov't. For this they would get patents on making application for same, and then they could dispose of the property or not as they desired. They also got 3000 acres of haylands, which would be held by the gov't. in trust, for the use of the band. As the Indians sold their patented land the hay reserve would be reduced from time to time. The balance of the reserve, 2400 acres, would be re-surveyed and sold by the gov't. by Public Auction. The Indians were to get half of the principal of sale, and the balance funded and put at interest for their benefit. They would also receive Treaty payments and rations same as usual, which would be always paid on the

old Peguis Treaty Grounds, they were advised.

A new reserve of 75,000 acres was to be selected on the shores of Lake Winnipeg not to be more than 10 miles of lake frontage. Another 200 or 300 acres were to be given at another point for fishing station. The Indians were to receive assistance in removing to the new reserve plus certain materials for those building houses.

The Indians would also receive a grant of \$430 for each person. And this was paid over to them (\$5000) toward the end of Sept. 1907. This amount was to be refunded to the gov't out of the first payment of the proceeds of the sale of lands. The terms of the Treaty were signed by: Chief William Henry Prince, Councillors W.D. Harper, Henry Prince, James Williams and John Prince, and witnessed by: Frank Pedley of Ottawa, Rev. John Semmens, Dr. O.I. Grain and E. Raynor.

The steamer "Chieftan" left Selkirk (Sat. Oct. 5, 1907) with a group on board to select a new reserve on Lake Winnipeg for the St. Peters Band of Indians. The selection was made in tp. 26-2W, 26-1W, and parts of 27-2W, 27-1W, and 28-1W, making a total of some 75,000 acres. A fishing station was chosen on the West side of Moose Island, The new reserve was on the west side of Lake Winnipeg on the Fisher River, about 128 miles from Selkirk. The selection was subject to confirmation by the Dominion Gov't. The party who had gone out on the Chieftan were Inspector Rev. J. Semmens, R.D. Foley of the Dominion Land Office, Dr. O.I. Grain, E. Raynor, Chief Prince and 2 Councillors.

It is interesting to note in the Annual Report of the Dominion Indian Affairs Dept. for the year ending March 31, 1907 that Rev. John Semmens had reported: "St. Peters is too close to Selkirk and a very bad influence to all Re: intoxication - everyone is delighted to learn that the Commission of Enquiry appointed by the Dominion Gov't is settling the long dispute existing between the Indians, the settlers, and munc. Chief Justice H.M. Howell assisted by 2 lawyers, Indian Commissioner and the writer, J. Semmens. Satisfactory settlement will be reached, it is thought, but indications are that St. Peters Reserve may be broken up. Such solutions may in the long run be best for all concerned."

Finally, in April 1908, it appeared that St. Peters land claims were settled. Chief Justice Howell had made his report and recommendations.

Then late Dec. 1908, the sale of lands in the St. Peters Indian Reserve (by the Indian Dept.) was held. About 100 people attended the sale and sharp bidding was in evidence. Several blocks near St. Louis Station were sold at \$10 to \$14 per acre, other places along the river were in demand and prices ranged from \$4 to \$20 an acre. The principal buyers from outside points were H.L. Emmerett of Kansas, J. Hyland of Winnipeg and G.H. Funk of Iowa and W. Frank from Winnipeg. Local buyers were: E.F. Comber and F.E. Holloway. Taken together, it was estimated that about \$100,000 worth of land was disposed of. Mr. Mollard of Stonewall was the auctioneer.

Then the whole surrender question became very political. Geo. H. Bradbury, the M.P. for Selkirk, entered into debate by mid-Feb. 1909 in the House of Commons, about the "Surrender of the St. Peters

Reserve". He had a petition from the Indians objecting to the land they had been placed on at Fisher River and besides, Bradbury contended "the land (St. Peters) should not have passed into the hands of speculators and friends of gov't. at low cost" some 25,000 acres being disposed of.

Hon. Frank Oliver readily admitted that the surrender was surrounded with peculiar conditions, "there had never been one like it before, and he hoped there would never be one like it again."

Early in March 1909 changes in the Dept. of Indian Affairs by order-in-council decided to virtually close the branch offices and decentralize the Dept. in Ottawa. Some staff were transferred (S.J. Jackson went to Lake Manitoba and John Semmens to north Lake Winnipeg) while others were moved to Ottawa or given 3 months notice and dismissed.

During an adjourned final Court of Revision meeting in the Munc. of St. Clements in May 1909, the Court ordered that the rate of assessment on all lands in the St. Peters Indian Reserve be reduced to the same rate as adjoining parcels of land. Therefore, Tp. 13-5E was assessed at \$4 per acre, 14-5E at \$3.50 per acre, 15-5E and 15-6E at \$3.00 an acre. The river lots from 117 to 140 inclusive were listed at \$4.00 per acre while Lots 141 to 233 inclusive were assessed at \$4.50 an acre. Lots 234 to 246 were the highest rate at \$5.00 per acre.

Chief William Prince of St. Peters left for Fisher River toward the end of July 1909 to take charge of the new reserve there. The final duties of Chiefship at St. Peters was being looked after by W.D. Harper.

It is to be noted that the voters list for the Munc. of St. Andrews for 1909 had a big increase listed for the St. Peters division. No doubt this was owing to the opening up of the reserve, which gave many of the Indian population the privilege of municipal franchise.

Early in Feb. 1910, the St. Peters Reserve question was raised again on the floor of the House of Commons by Geo. H. Bradbury. The Minister of the Interior, the Hon. Mr. Oliver entered into debate with Bradbury. Bradbury's questions centered around an investigation into the surrender of lands and the rules of surrender that was followed.

Later, in April of the same year, G.H. Bradbury in a 4 hour speech, moved a vote of censure (gov't) for alleged bribery and wrong doing on the part of the officials of the Indian Dept. with the sale of the St. Peters Indian Reserve. He called the sale a "barefaced swindle" the whole method of alienation of the lands which had enriched those who land grabbed was "illegal from start to finish" the transaction was a "breach of trust" on part of the gov't and those who had "engineered the sale" were guilty of "plain bribery". Bradbury maintained that by this sale of about 48,000 acres of valuable lands had been "filched" from the Indians of St. Peters Reserve and their properties had been gathered in by "inside friends" of the gov't at a "fraction of their actual value".

The Minister of the Interior, the Hon. Mr. Oliver, in reply to Bradbury spoke for 3 hours and during the vote on Bradbury's motion, it was soundly rejected.

In the meantime, the District Registrar of the

Manitoba Land Title Office, in connection with several applications for Torrens Title to lands in the St. Peters Reserve (purchased from treaty Indians since the surrender, but prior to the issue of patent). The Registrar had, after careful consideration of the law on the subject, announced a ruling to the effect that such "deeds are void" notwithstanding the fact of the deeds being made and delivered prior to the issue of the patent.

In the Town of Selkirk the Board of Trade passed a resolution and widely distributed it:

"This Board earnestly deprecates the present agitation regarding recent St. Peters Indian Reserve surrender and sale, as being extremely detrimental to this town and neighborhood, and strongly urges both the Dominion Gov't and Province authorities to do at once whatever may be necessary for a speedy termination of the long delayed matter in order that settlement of these vacant lands and the building up of this district so essential as a business tributary of this town, may proceed without delay".

A reply from the Indian Dept. stated that the Federal Dept. had issued the patents to the Indians, and the issuing of Torrens Titles for any sales after that were entirely in the hands of the Provincial authorities.

During Treaty payments in the summer of 1910 at St. Peters, a number of Indians from Fisher Bay Reservation refused to accept their treaty money, as they expected to be paid the full sum realized on the sales of lands disposed of.

Rev. John McDougall, representing the Dept. of the Interior, at the end of Oct. 1910 met with the Chief men of the St. Peters Band of Indians on the "Old Treaty Grounds" and heard their complaints and charges in an effort to settle the "Indian trouble and land question".

Rev. John Semmens, by the first week in Nov. 1910, had paid the St. Peter's Indians the third instalment on the "half of the money" due them for their property.

In the meantime, Rev. McDougall, who was representing the Dept. of the Interior, Ottawa, claimed the investigation (of the charges made by the Indians of the St. Peters Reserve) revealed that the "Surrender of the St. Peters Indian Reserve had been brought about by illegal means" and that the Band had been "robbed in the transfer of land".

Rev. McDougall had held the meeting in the schoolhouse on the reserve, nearly half of the male members of the band were present at the time. Mr. McDougall would make a full report at an early date. However, the report was not made public and Geo. H. Bradbury, M.P. of Selkirk, in the House of Commons toward the end of the year (Dec. 1910) demanded that the term of reference of McDougall's "secret verbal instructions" be made public.

Finally, in the spring of 1911, the Manitoba Gov't finding that the Federal Gov't would do nothing towards "throwing the light of day" upon the "illegal surrender" of St. Peters Reserve, had ordered an enquiry by "Royal Commission" and some startling evidence was expected.

The members of the Royal Commission appointed by the Manitoba Gov't to inquire into the "alleged illegal surrender of this St. Peters Reserve" met on April 6, 1911 to make arrangements for the opening of the inquiry. H.

Whitla had been appointed lawyer for the Commission and the members were made up of Judges: Locke, Prud'homme and Myers. The first meeting was in the Court Room in Winnipeg on June 30, 1911, and was basically organizational while the first "hearing" would be scheduled later.

Meanwhile, about 100 Indians attended a meeting at the Gilolo schoolhouse on April 18, 1911, called by John Watson, Indian Agent, for the purpose of considering the matter of "transferring the remainder of the Band to the new reserve on Fisher River this summer". The Ottawa authorities, it was stated, were anxious that the whole of the Band should migrate to the new reserve. However, from the sentiments expressed at the meeting it was evident that the Indians did not intend to move until after the Commission appointed by the Provincial Gov't had brought in its final report and conclusions.

The Council of the Town of Selkirk during their regular meeting (April 24) passed a resolution "this council requests the Provincial Gov't to have transfer of title from the Dominion Gov't and also Provincial to make survey now re: The Great Hwy. through St. Peters." The Munc. of St. Andrews passed a similar motion.

On June 5, 1911 the Selkirk Board of Trade passed a resolution urging upon the Dominion Gov't "to remedy present affairs and conditions Re St. Peters Indian Reserve", and "remove certain doubts said to exist regarding the validity of the Surrender" by passing the necessary legislation at the next session of Dominion Parliament.

These resolutions mentioned were presented to the Hon. Frank Oliver, Minister of the Interior when he opened his Western "Reciprocity" tour with meeting in Pearson's Hall in Selkirk on Wed. June 7, 1911. He arrived in the afternoon and was met by several Joint delegations and a conference took place RE: St. Peters, Hon. Mr. Oliver said, "the Dominion Gov't had already done its part in full and he could not see any more action was called for" -- he also said, "the Dominion Gov't in deciding to transfer the Indians to Fisher River had acted in the best interests of the Indians and the conditions, and he could only ask the Board of Trade to look for the remedy to those who had caused the trouble". That evening, before one hundred or so people in Pearson's Hall, Mr. Oliver, although his speech was to be basically on reciprocity, devoted most all of his time re: St. Peters land questions and only fleetingly on reciprocity.

The Royal Commission held its first meeting toward the end of July 1911, in the schoolhouse at St. Peters and then transferred to the Town Hall in Selkirk by Aug. 1911. where a heated discussion erupted as to the "Jurisdiction of the Commission", and much argument over the printing of a letter dated July 5, 1908 written by J.O. Lewis of Ottawa. Capt. Howell, it appears thought the letter contained information pertinent to the hearings, so had it printed in the Selkirk Weekly Record. The article caused quite a stir and almost brought the hearings to a halt.

Toward the last week in Oct. 1911, the Commission questioned Frank Pedley, Deputy Supt. General of Indian Affairs, on the question of his authority to accept

the surrender. He claimed he had the power and was instructed by Hon. Frank Oliver, Minister of Interior, to proceed after Chief Justice Howell had it all arranged, to meet the Indians and take Surrender. Other witnesses examined during Oct. 1911 were: Rev. John Semmens, John Watson and J.O. Lewis, all Indian Agents.

The hearing was continued and finally the news media were able to report by Jan. 12, 1912 "The Surrender not Valid".

The decision of Judges Locke and Prud'homme, 2 members of the commission, was that the surrender was "not binding or valid". Judge Myers, 3rd member of the commission took issue with his colleagues stating:

"The members of your Commission have laboured together faithfully and with great harmony and the report signed by my colleague is, to some extent, the unanimous report of the Commissioners. We disagree chiefly upon the question of whether the "Statutory formalities" described in Sec. 49 were complied with".

In May 1912, the Selkirk Board of Trade were coordinating and circulating the distribution of petitions "an adoption of a memorial to the Dominion Gov't asking that St. Peters Reserve matter be finally settled in order that land now tied up be thrown open for settlement". It was being widely circulated and largely signed by the Town of Selkirk and was causing a controversy in town. Some interpreted the petition as asking the gov't to validate or legalize the surrender and the Board of Trade answered by saying it "asks that the question be settled in whatever manner the gov't thinks best". By June 1912 Dr. Grain had presented the petition to Hon. Robt. Rogers, Minister of Interior. It contained the signatures of the Selkirk Board of Trade, Town of Selkirk Council and the Councils of the Municipalities of St. Andrews and St. Clements plus several hundred individuals "praying for a speedy settlement of the St. Peters Reserve Case."

Selkirk citizens were claiming that this surrender that had been held up a number of years, owing to charges that the Indians were unfairly dealt with, was retarding development in the Selkirk district, and handicapping its future.

The Hon. Robt. Rogers in his reply to the delegation pointed out the gravity of his position as executor (executive guardian) for the gov't of the Indians, who are the wards of the gov't. There were over 50 in the delegation and he promised to make an effort to settle without further recourse to the courts.

Things appeared to have died down during the summer of 1912, but it was an uneasy quietness around Selkirk. By Sept. the residents were well organized into another large deputation and were ready to meet Dr. W.J. Roche, Minister of the Interior, who was due to arrive in Winnipeg about mid-Sept. 1912.

The Dominion Gov't assigned the task to the Hon. C.H. Doherty (Justice Minister) and by Sept. 1913 when he and the Minister of Interior headed west, another large deputation from Selkirk waited upon them. Mayor Ross of Selkirk and the Selkirk Board of Trade spoke at length and Dr. Roche listened patiently and replied in conclusion: "It appears there are 3 courses of action open to the Gov't, 1. To appoint another Commission, 2.

Cancellation of the Surrender or 3. Passing of an Act of Parliament next session legalizing the transfer”.

By Oct. 1913, an order-in-council had been passed by the Dominion Gov't transferring the St. Peters road allowance to the Province of Manitoba (prior to 1870 known as the Great Highway). The transfer was made under the agreement between Dom./Prov. when the province entered confederation, and which provided for the “turning over of highways to Manitoba when the province desired same”.

During the spring of 1914 there were many rumors to the effect that Judge Robson had been appointed Commissioner to Enquire into the “individual titles of the St. Peters Indian Reserve,” lands in the vicinity of Selkirk. Also, action was being taken through the Manitoba Courts to “annul the surrender of the Reserve”. The newspapers promised “the most spectacular legal battle known in Canadian Judiciary” while an editorial from the Selkirk Weekly Record said, “the people of this district are no longer in a mood to be trifled with” and “the poor Indians are not the only ones to be considered.”

Dispatches from Ottawa in early June 1914, reported that the St. Peters Reserve Case would be in the hands of the Dept. of Justice and be considered by Dept. officials before submitting to the Exchequer Court for trial. The sittings were to be presided over by Mr. Justice Cassels and held in Winnipeg.

By late Nov. 1914, subpoenas were issued to key witnesses and all holders of titles, calling upon them to defend their claims in the Courts of the Province.

In Dec. 1914, there were many cases of small pox in the St. Peters settlement. The Indian Dept. took measures to prevent the spread of disease and a patrol of about 20 men was placed on the road and river between Selkirk and St. Peters to stop anyone from that place coming into town. That Christmas everything was closed in Selkirk, most concerts postponed indefinitely. There was about 30 cases of small pox at the reserve and about 7 reported cases in Selkirk. The disease had spread up to Grand Marais, Moose Creek and Snake Island. The whole area was being rigidly quarantined and Dr. O.I. Grain warned that a penalty of \$50.00 would be enforced if any person broke the quarantine rules by going in or out of the infected areas. Guards were placed outside of the doors to ensure strict adherence.

During Jan. and Feb. 1915 there were several editorials urging a “speedy settlement” of the St. Peters Land Dispute, “united action”, “public meetings urged” and more loyal gov't involvement.

Early in March 1915, the St. Clements Munc. were considering closing down the St. Peters school “due to the unsettled condition of the St. Peters lands and until the question was settled” however, they decided to wait on the Minister of Education to get his opinion on the matter. They decided that Patapun S.D. receive only what was due them and no more advances until the land question dispute was over.

It was the Council of the Munc. of St. Clements in Feb. 1915 that finally took the initiative and worded a strong resolution in their corporate capacity that stated, in part, “re: non-settlement of the St. Peters Indian Reserve

Question: “great injury to the Munc. of St. Clements in its corporate capacity: steadily becoming more acute and now almost intolerable”. “Land is less occupied, less cultivated, all roads, ferries, schools, taxes and herd by-law etc. all suspended until dispute is settled.”

By this resolution the Munc. of St. Clements in its corporate capacity hereby “urges and demands” the quickest and most equitable and satisfactory mode of settlement of the question, without further delay, and that a memorial in accordance with this resolution be prepared and executed on behalf of Reeve and Sec.-Treas. of Municipality under the corporate seal and that it be sent to Selkirk, Munc. of St. Andrews with a view to their concurrences and agreement and that this resolution or joint memorial be communicated to the Hon. Minister of the Interior for Canada, G.H. Bradbury, M.P., Minister of Public Works for Manitoba, D.A. Ross, M.P. with a request for immediate action and reply. Also copies to be sent to the Selkirk Record, which paper this Council heartily commends for its non-partizanship, and public spirited course and attitude upon this question.”

The Selkirk Board of Trade “concurred” and the Town of Selkirk council “thoroughly endorsed and was fully in sympathy with sentiments expressed therein”, while St. Andrews endorsed the St. Clements resolution. The Selkirk Weekly Record said, “we will continue to agitate for a settlement of St. Peters land question until something is done”.

On March 1, 1915, it was unanimously decided, by a standing vote, that a mass meeting of all citizens, to discuss the “St. Peters Reserve Land Question”, be held.

The public generally had but a faint conception of what the St. Peters land dispute hold-up had cost the district in dollars and cents. An investigation of the treasury reports of the three local gov'ts revealed the following interesting figures: St. Andrews: tax levied on reserve lands from 1909 to 1914 (1907 and 1908 not included) totalled some \$20,918. The amount collected by St. Andrews was \$9,148. Outstanding to date was (exclusive of penalties) about \$11,770. The munc. of St. Andrews had redeemed from tax sale to the amount of about \$2,400 at an expense of 20% plus many thousands of dollars in legal costs. During the above period St. Andrews had expended on reserve lands \$4,272 on schools, \$4,040 on roads and about \$1433 on ferries for a total of about \$9,745.

The Town of Selkirk had Lots 1 to 15, within the town limits. The taxes on these properties had been paid until about 1912 and by 1915 were in arrears in the amount of about \$4,343. The Council claimed that they were put to an added expense of some \$35,000 because the Rolling Mills, which were to locate at the north end (St. Peters) were forced to situate in the south end of town. According to town authorities the district had suffered 8 years of stagnation, loss in development, loss in existing taxes levied as well as loss in anticipated settlement growth.

St. Clements Munc. had levied tax on the reserve land from 1909 to 1914 in the amount of \$32,000 but only collected about \$3,000. However, St. Clements had been systematically paying out monies for the school districts, composed of reserve lands, for many years. They had

been maintaining the ferries and had done road work and other services.

During Council meetings the landowners of the St. Peters land would come forward in growing numbers and plead their case (arrears of taxes) saying the failure to pay had been due to the Dominion Gov't cancelling the titles and therefore delinquency was fully justified. They wanted Council to allow them discounts and compromise. Certain lands in the St. Peters Reserve had been sold for taxes in the years 1911, 1912, and 1913 and afterwards they were redeemed owing to the unsettled condition of the titles. St. Clements by July 1915, resolved "that the amount paid to redeem the land from tax sales be now recharged in the tax books. William Frank had purchased several parcels as did A.C. Miller and Mr. Rosenfield. By Sept. 1915, St. Clements were making concessions and compromises regarding the arrears of taxes on the St. Peters land.

On March 29, 1915, there was a Public Meeting in Pearson's Hall "protesting against any further delays in the Settlement of the St. Peters Reserve surrender" and was largely attended. Every phase of the St. Peter's land question was discussed and many were given a chance to express views. The meeting was of the unanimous opinion that "it is not only expedient but right and urgently necessary that the suit now entered in the Exchequer Court be withdrawn, and patents forthwith issued for the lands".

St. Andrews Munc. had a similar meeting to a packed house at Dunara School on April 3, 1915, and resolutions were adopted. April 5, saw the Peguis Schoolhouse full to overflowing. Within a "stones throw" of the old treaty grounds where the surrender was consummated, every phase of the question was discussed by vitally interested people, within the St. Peters parish. They also passed a motion of "speedy settlement". On April 9, 1915, a delegation of 75 people from Selkirk journeyed to Stonewall by special W.S. and L.W. Railway car to discuss the "St. Peters Question" and at the conclusion of the "hall meeting", Ira Stratton moved a resolution which was carried unanimously, urging the "immediate confirmation of the surrender".

This was a planned campaign by the Selkirk Board of Trade. Copies of all the resolutions from all the meetings were sent to the House of Commons and by April 19, about 40 to 50 replies had been received. One reply from Geo. H. Bradbury stated "that the matter would be settled if the Purchaser of the lands agreed to pay an additional \$1 per acre payment." However, this caused some debate and according to the news releases, the gov't were negotiating about the time frame of the \$1 per acre payment from 10 years retro-active to 5 annual payments. This compromise took some time and it wasn't until late in Feb. 1916 that Selkirk received news that:

On Feb. 18, 1916 by resolution placed on the order paper by Hon. Dr. Roche, holders of St. Peters lands, purchased at the time of the sale will pay \$1 per acre more than at the price they secured them. On the payment of this extra money patents will be issued to the purchaser. This agreement was reached by negotiation between the parties concerned, the purchasers and the Dominion Gov't. It means many thousand dollars more for the

original holder of the property and a secure valid title for the purchaser. It was reported that about \$40,000 more should be paid into the fund for the benefit of the members of the St. Peters Band, as a result of this \$1 extra payment per acre.

In the House of Commons, during the introduction of the motion, Dr. Roche mentioned, "while he had no doubt that the Surrender was illegal and fraudulent, the proposition now is about best terms possible to obtain at this late date without injuring innocent parties". The Hon. Arthur Meighen was of the opinion that, "settlement was necessary in interests of the individual who had acquired land from those who had secured them at the first sale" and that "gov't still of the opinion that lands were illegally obtained in 1906/07 but compromise settlement preferable to long and expensive litigation which would end in the privy council". He concluded by saying, "a commission of Judges in Manitoba had investigated the Surrender and the final report ruled that the sale was illegal and no titles should be given the owners who had obtained the land. Present action would in a measure do justice to the Indians without hardship to innocent parties who have since become interested in the land".

By March 18, 1916, the "St. Peters Bill" had received 3rd reading in the Senate. The only procedure needed now was the assent of the Governor-General. Some confusion had existed earlier when the clause "\$1 per acre additional should be paid" was struck out. This meant that the whole question practically reverted back to its former position of unsettlement. The Bill was corrected by adding the \$1 clause back in, and again introduced, and then it was give 3rd reading by the House.

The Munc. of St. Clements had been working and compromising with the St. Peters landowners for several years on their arrears of taxes and had granted them rebates as well as a small percentage per annum rather than allow the statutory penalties on the arrears to mount ever-higher. By Dec. 1916 they granted another 10% rebate if the arrears could be cleared off before the end of Feb. 1917 and the Sec.-Treas. was accepting the 1916 taxes regardless of the arrears.

Eventually, the land was being subdivided into smaller parcels and ownership changed hands many times.

An advertisement by the spring of 1918, placed in the newspaper by Mr. G.H. Fox of Selkirk, stated that he was commissioned to sell 2000 acres in St. Peters (parcels of 40 acres up to 200 acres). The ad went on to read that preference would be given to bonafide settlers, as it was the wish of the owners to have as much land as possible under cultivation that season.

Another notice was placed in the Selkirk Weekly Record dated April 5, 1918 advertising Tenders to be in by Noon April 24, 1918. "For grazing Privileges" and a 5 year lease of haylands and swamp situated on the St. Peters Indian Reserve (about 10,000 acres) (portions flooded). The successful tender had to put up a satisfactory fence for the protection of the land leased. They would also have to furnish (free of charge) enough hay to the Indians still residing in the reserve and who were entitled to same for their own use. The notice came

from Ottawa and Mr. F.W.R. Colcleugh and Duncan Scott were responsible for the tender.

This particular notice caused quite a stir in St. Clements and they wrote to the Hon. A. Meighan with copies to their own Tom Hay (MP) pointing out that they would be creating a monopoly by leasing all of the lands to one interest. Further, many ratepayers in the past had been largely dependent for their supply of hay from the Indians on these lands. If the supply was cut off it would cause serious hardship. St. Clements council believed the gov't should have adopted a plan in the best interests of the Indians and yet consider the settlers, as well. If one interest were to receive the hay privilege it would be an injustice to local people and profits would go to private concern instead of our Indians. Because of the war demands for increased food, and stock production, council believed the gov't should have encouraged concerns to meet these demands. Council urged the gov't of Canada to find other means of disposing of the hay and grazing privileges on the St. Peters land, so that settlers may obtain permits for hay and grazing to meet their requirements or that gov't should sell the land in small parcels to actual residents and farmers in the area.

Benson Bros. of Selkirk shortly after (June 1918) advertised for tenders on "putting up hay in the St. Peters Reserve" and on the basis of 35 tons for them (Bensons) for every 100 tons put up by the haymaker. These advertisements appeared regularly for the next few years covering the term of the 5 year lease.

Then in Jan. 1923, St. Clements adopted the "UFM" resolution which urged the Dominion Gov't to purchase that part of the Indian Reserve that was leased to Benson Bros. (lease was to expire on May 5, 1923). They suggested that this land be sold only to resident farmers of the district to increase their livestock production and encourage the fullest development which was at that time decreasing at an alarming rate during the 5 year lease to private speculators. Council urged the Gov't to survey the land and sell by auction to resident settlers, only, on extended terms of payment.

The controversy over the St. Peters Hay Lands was on-going and not really settled for many years. Letters to the Dominion Gov't and the Dept. of Indian Affairs flew back and forward between St. Clements and Ottawa with frequent regularity. Petitions were presented to Council annually requesting the sale of the hay marsh and just as many petitions requesting gov't not to sell.

On Feb. 14, 1939 Council sent a resolution to the Dominion Gov't requesting that the St. Peters Hay Marsh be "not sold" and that the gov't continue to give hay permits to the residents as they had done in the past. St. Clements wanted the permits to allow about 25 tons to each farmer. This would allow small land owners who were unable to obtain enough hay for their cattle to manage during a time when it was hard to remain off the municipal relief rolls of St. Clements. In 1939, a certain business man still had a large grazing lease on the St. Peters Marsh and was marketing several hundreds of tons of hay and at least one other farmer was receiving a permit for about 480 acres of hayland and was pasturing about 400 head of cattle on the Marsh all year. The two samples cited caused hardships to others who needed the

hay and grazing space and were not shy in voicing their complaints to council.

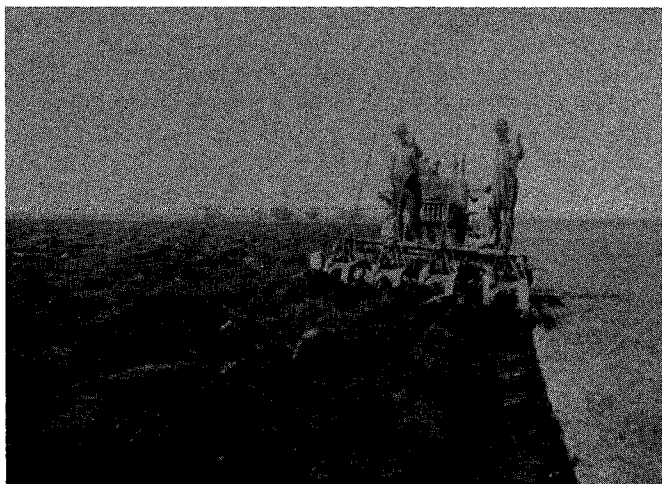
By 1945, it appeared the Federal Gov't were seriously considering the sale of the St. Peters Indian Reserve land (Hay Marsh) in small parcels. St. Clements Council urged the Dept. of Indian Affairs to survey carefully because roads could not be built along the Dominion Gov't Road Allowances due to low lying swamp and marsh blocking same at numerous points. The existing trails across the marsh followed high ground without regard for the actual Road Allowances. They warned Ottawa that any sale of property carried out before providing adequate ingress and egress would be certain to breed nothing but more discontent. Correspondence in this regard was frequent and in July 1947, the Lands Branch of the Dept. of Natural Resources advised the Council of St. Clements that they were considering the question of offering for sale about five quarter sections of the St. Peters hay lands located at the south end. St. Clements, by resolution, reminded them "that council petition the Provincial Gov't that when provincial lands known as the St. Peters Marsh are sold that provision for road allowances be made for access to each parcel on the highest portion of the lands".

The province assured Council that all sale lands would provide regular road allowance and, as a general rule, would be passable during haying season, thus enabling farmers from the south to reach haylands to the north. Furthermore, the province promised to survey the existing trail which passed from south to north through SE 16-15-5E. With this trail surveyed and the existing road allowance which entered the haylands to the north, the province felt this would take care of the situation.

On Sept. 27, 1947 at the Libau Hall in Libau, Man. the following lands situated in the St. Peters Indian Reserve No. 1 were offered for sale by public auction at upset prices that were made known at the time of the sale. (It is interesting to note that St. Clements had arrived at a price toward the end of May 1947 that listed Parcels 1-7 at \$15.00 Per acre, Parcels 8-21 at \$5.00 per acre and parcels 22-26 at \$10.00 per acre).

Parcel 1	W 1/2 of NW 1/4 of 19-15-6E (80 acres).
Parcel 2	E 1/2 of NW 1/4 of 19-15-6E (except a 2 acre parcel, 78 acres).
Parcel 3	Pt. of SW 1/4 of 19-15-6E (125 acres).
Parcel 4	W 1/2 of NW 1/4 of 18-15-6E (80 acres).
Parcel 5	W 40 acres of the E 1/2 of NW 1/4 of 18-15-6E (40 acres)
Parcel 6	W 1/2 of SW 1/4 of 18-15-6E (80 acres)
Parcel 7	W 55.5 acres of E 1/2 of SW 1/4 of 18-15-6E (55 1/2 acres)
Parcel 8	LSD 15, Sec. 36-14-5E (40 acres)
Parcel 9	LSD 9, Sec. 36-14-5E (40 acres)
Parcel 10	LSD 13, Sec. 31-14-6E (40 acres)
Parcel 11	LSD 11, Sec. 31-14-6E (40 acres)
Parcel 12	LSD 9, Sec. 31-14-6E (40 acres)
Parcel 13	LSD 7, Sec. 31-14-6E (40 acres)
Parcel 14	LSD 16, (fri) 23-14-5E (10 acres)
Parcel 15	LSD 9 and 10 Sec. 13-14-5E (80 acres)
Parcel 16	LSD 11 and 12 Sec. 13-14-5E (80 acres)
Parcel 17	LSD 13 and 14 Sec. 13-14-5E (80 acres)
Parcel 18	LSD 15 and 16 Sec. 13-14-5E (80 acres)

- Parcel 19 LSD 5 Sec. 18-14-6E (40 acres)
- Parcel 20 LSD 4 Sec. 18-14-6E (8 acres)
- Parcel 21 Part LSD 12, Sec. 17-14-6E (30 acres)
- Parcel 22 River Lot 159 except 5 acre parcel (20 1/2 acres)
- Parcel 23 River Lot 167 except Northerly 3 chains and 46 links in width (42.84 acres)
- Parcel 24 River Lot 168 except the most southerly 3 chains and 34 links in width (41.68 acres)
- Parcel 25 River Lot 169 (44.33 acres)
- Parcel 26 River Lot 170 except those parcels at the west end shown on plan in name Jacob Cook and the School Lot (32.34 acres).



Hugh and Jacob Jonasson manually adjusting the 8 Bottom Plows. Plowing virgin soil St. Peters Marsh.

The terms of sale were cash or one-fifth cash and the balance in four equal, consecutive annual payments at 5% interest. Mr. R.A. Hoey was the Director in charge of the Indian Affairs Branch, Ottawa, at the time of the sale.

St. Clements added the names of the new owners to their assessment rolls and taxes commenced effective Jan. 1, 1948.

BROKENHEAD INDIAN RESERVE NO. 4

submitted by Felix Keuhn/slh

Those of you that suspect the name "Brokenhead" has something to do with an Indian Legend are correct. Even the ring of the name suggests this. Not only does the origin of the name of this stream have a most interesting connection with an ancient fragment of Indian lore, but this legend is, in itself, really part of a much larger story. This story takes us back to some of the best known events and some of the most famous personalities in the history of this part of Canada. Since we are indebted to our Indian neighbours on the Brokenhead Reserve for the passing down of this legend to the present time, it is only fitting that this tale be presented as it might be told by an Indian storyteller from this reserve.

First I will tell you how the Brokenhead River got its

name. Many, many years ago, when the Indian people first came into this land, they camped at the mouth of this river. Before it was dark they looked out across the waters of the lake. As they stood there they could see a huge shape rising out of the water. They could see that it was a monstrous head with horns and covered with long black hair. To them it looked like a mighty Mis-ko-tay-pis-a-ka, that is a giant bull buffalo. The most fearless of the band snatched up his bow and quiver and ran down to the edge of the lake. In an instant he let fly at the head with one of his arrows. Its flint tip struck the fearful monster in the center of the forehead so hard that the head split completely in two. Then with a mighty splash the head disappeared beneath the waters of the lake. Never again was it seen, but since then this river has been called Pas-ka-ta-bay Cee-pee, the River of the Brokenhead.

Now I shall tell you how the first Indian people came to live at the mouth of this river. Many, many years ago, all of this land was the hunting grounds of the Cree and Assiniboine nation. Then the white people started to come here to trade furs. They brought with them many sicknesses that no medicine man had ever seen, and many, many Cree and Assiniboines died.

About this time a young brave of the Ojibway nation - the French people gave us the same 'Saulteaux' - led a band of his tribe to the Red River. The name of this Ojibway was Peguis and later he became a very famous chief. When Peguis and his people arrived at the Red River they found many camps of the Assiniboines in which all the people were dead with smallpox. The Assiniboines who had not died with this sickness had left their hunting grounds here and gone far to the west where they hoped they would never see another white man. Peguis and his people made their camp where the Netley Creek flows into the Red River.

Later many white people came to live at the Red River. They built forts where they traded with the Indians for furs. Others came to farm. The Indians called the leader of these farmers the Silver Chief. When the Silver Chief came to the Red River to visit his people, he became a close friend of Chief Peguis who had helped the white people many, many times. The Silver Chief brought Peguis much tobacco and many gifts. Chief Peguis and four other chiefs then gave the Silver Chief some land for the settlers to use. They told the Silver Chief that it was as much land back from the riverbank as far as daylight could be seen under the body of a pony standing on the level prairie.

In later years many other Ojibway people came from the land where the waters of the mighty Lake Superior flow down into Lake Huron. Finally two brothers said they too would go to this land where there were more buffalo than any man could count and the rivers were filled with the finest beavers. So they set out with their wives and children. One of the brothers had seven sons and a number of daughters. The other brother had five sons and some daughters. They made this trip in their birch bark canoes.

First they paddled along the north shore of Lake Superior. Then they came to the mouth of a river. When they had paddled up this river, they came to a lake that