

Report on Indian Reserves  
in New Brunswick

B. Dewar - 1978

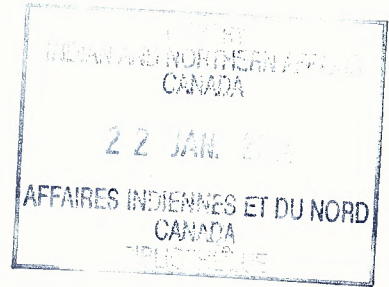
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Indian Reserves, Northumberland County, N.B.

Introduction - Early History to 1808

B. Dewar  
Indian Lands,  
February, 1977.

revised 1978



There are presently eight Indian Reserves in Northumberland County,

New Brunswick:

	<u>estimated original<sup>1</sup> acreage</u>	<u>estimated acreage<sup>2</sup> 1972</u>
Indian Point #1	750	600
Eel Ground #2	3033	2651
Red Bank #4	6100	3600
Red Bank #7	4914	2500
Big Hole Tract #8	8700	7750
Tabusintac #9	9035	8077
Renous #12	40 (24?)	25
Burnt Church #14	1640	2052
	<u>33198</u>	<u>27255</u>

Together these Reserves constitute more than half the total acreage of all Indian Reserve lands in the Province.

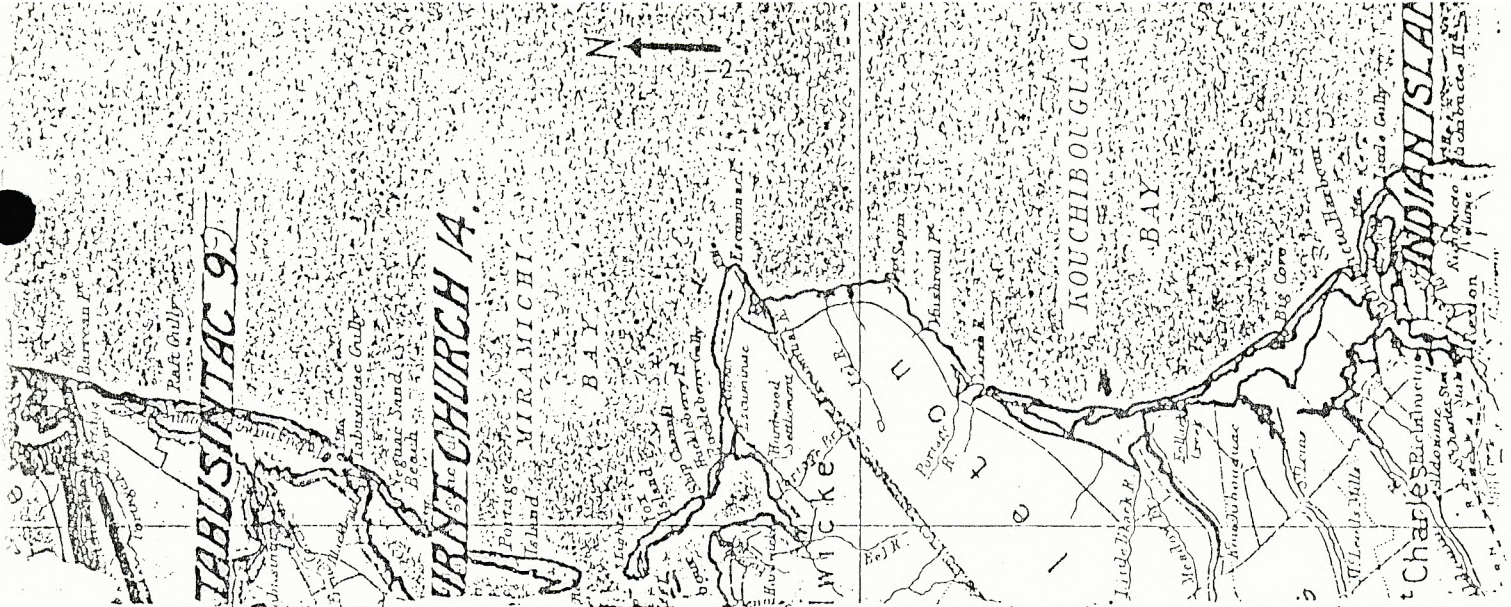
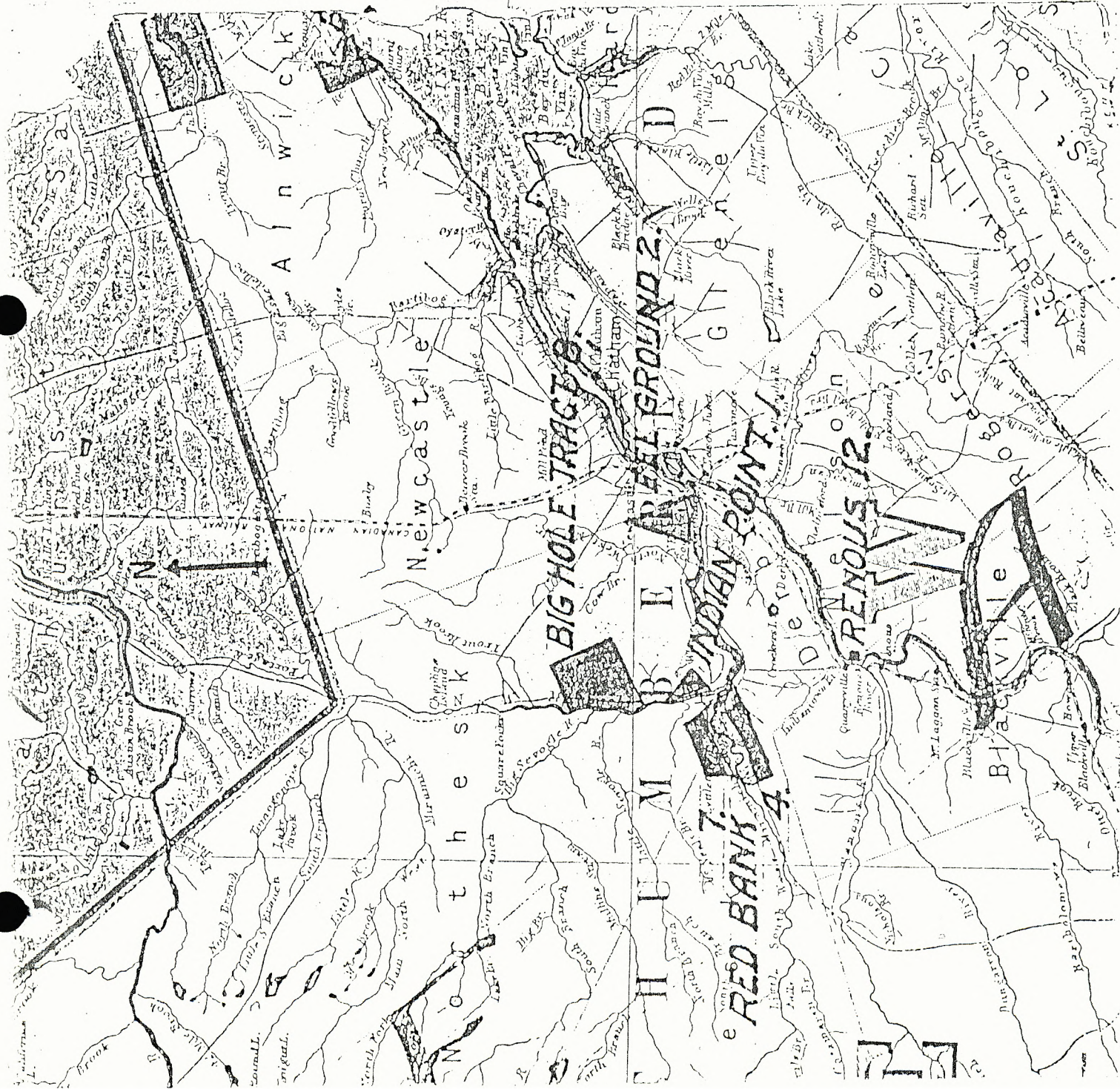
#### Early Indian Occupation

Northumberland County, along with Gloucester and Restigouche Counties, falls within an area traditionally occupied by the Micmac Indians and known by them as Gespengog or "the last land". According to Micmac legend, this area is the most recently acquired section of Micmac lands. It was apparently wrested from the Kwedech or Canadian Iroquois sometimes between 1500 and 1600. Gespengog was the most extensive and one of the most important of the Micmac districts. The Miramichi drainage is the largest within Micmac territory and in the 1600's it was reportedly the most heavily populated of all the Micmac river basins.<sup>3</sup>

#### French Settlement on the Miramichi

Early French settlement on the Miramichi was not extensive; however, it did have an important impact on the Indians of the area in terms of religion and allegiances in subsequent Anglo-French conflicts.







The first significant French incursion into the Miramichi area was made by Nicholas Denys and his son Richard Denys de Fronsac. In 1653 Nicholas Denys bought from the Company of New Franche the grant of all the territory comprising the coasts and islands of the Gulf of St. Lawrence from Canso to Gaspé. In the following year, the King of France appointed him Governor and Lieutenant General of the area and granted him a monopoly to establish fixed fisheries.<sup>4</sup>

Initially Denys located at St. Peters on Cape Breton Island where he had previously prosecuted the fisheries and fur trade. However, in 1669 fire totally destroyed his station there. On the verge of financial ruin, he was forced to move to a post he had established at Nepisiguit in 1652. In 1671 Denys went to France leaving his son Richard in command in Acadia. Denys remained in France until 1685. He then returned to Nepisiguit where he died in 1688 at the age of ninety.

During his father's absence in France, Richard Denys, who had married an Indian woman named Anne Parabego, established his principal residence on the Miramichi near the junction of the Northwest and South west branches on the shore north of Beaubears Island.

In 1688 he was reported as having there a small wooden fort of four bastions with eight cannon, a storehouse and a residence. The establishment was manned by 13 men year round, three of whom were married with families at Miramichi. In the summers additional men were employed there in the cod fishery. According to Denys's report, he had also located a village of 500 Indians near his fort.<sup>5</sup>



In 1685 and 1686, Richard Denys negotiated a sale of his station at Miramichi to the Recollet Order with a grant of three leagues square for the purpose of establishing a mission. The Recollets, however, failed to fulfill the terms of sale. No permanent mission was established and in 1690 the sale was cancelled.<sup>6</sup>

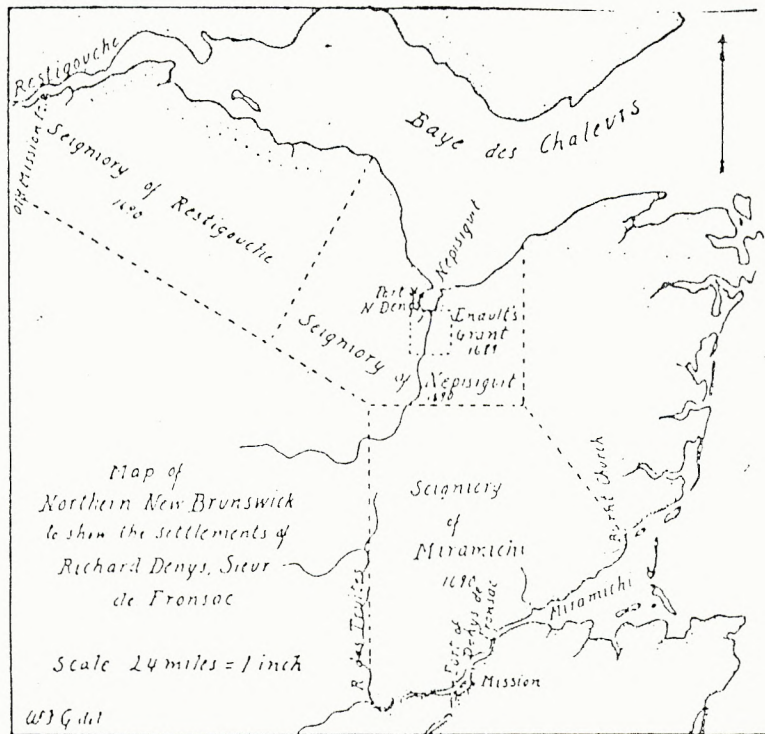
By 1690 the extensive grant made to Nicholas Denys had been revoked due to his failure to fulfill settlement conditions. Through the 1670's and 1680's portions of his grant were parcelled out to others despite Deny's protest. Finally in 1687 an edict was issued revoking the rights of the Denys to all lands not granted or cleared by them. However, in compensation Nicholas Denys was given a seigneurie at Miramichi 15 leagues square where his son Richard had established his post. As Nicholas Denys died in 1688, the location of the seigneurie was not finally established until 1691 when the grant was confirmed to Richard Denys.<sup>7</sup> (The extent of this grant is shown on the map on the following page. The exact boundaries of the seigneurie are uncertain; however, it would appear that it included all the lands in and around the present Indian Reserves at Big Hole, Indian Point, Eel Ground and possibly part of Burnt Church).

In addition to his seigneurie at Miramichi, Richard Denys proceeded to purchase two seigneuries at Nepisiquit and Restigouche. However, he died in 1691. In 1694 his estate passed to his second wife, a French woman whom he had married in 1690. Subsequently the lands passed to her children by a second marriage.



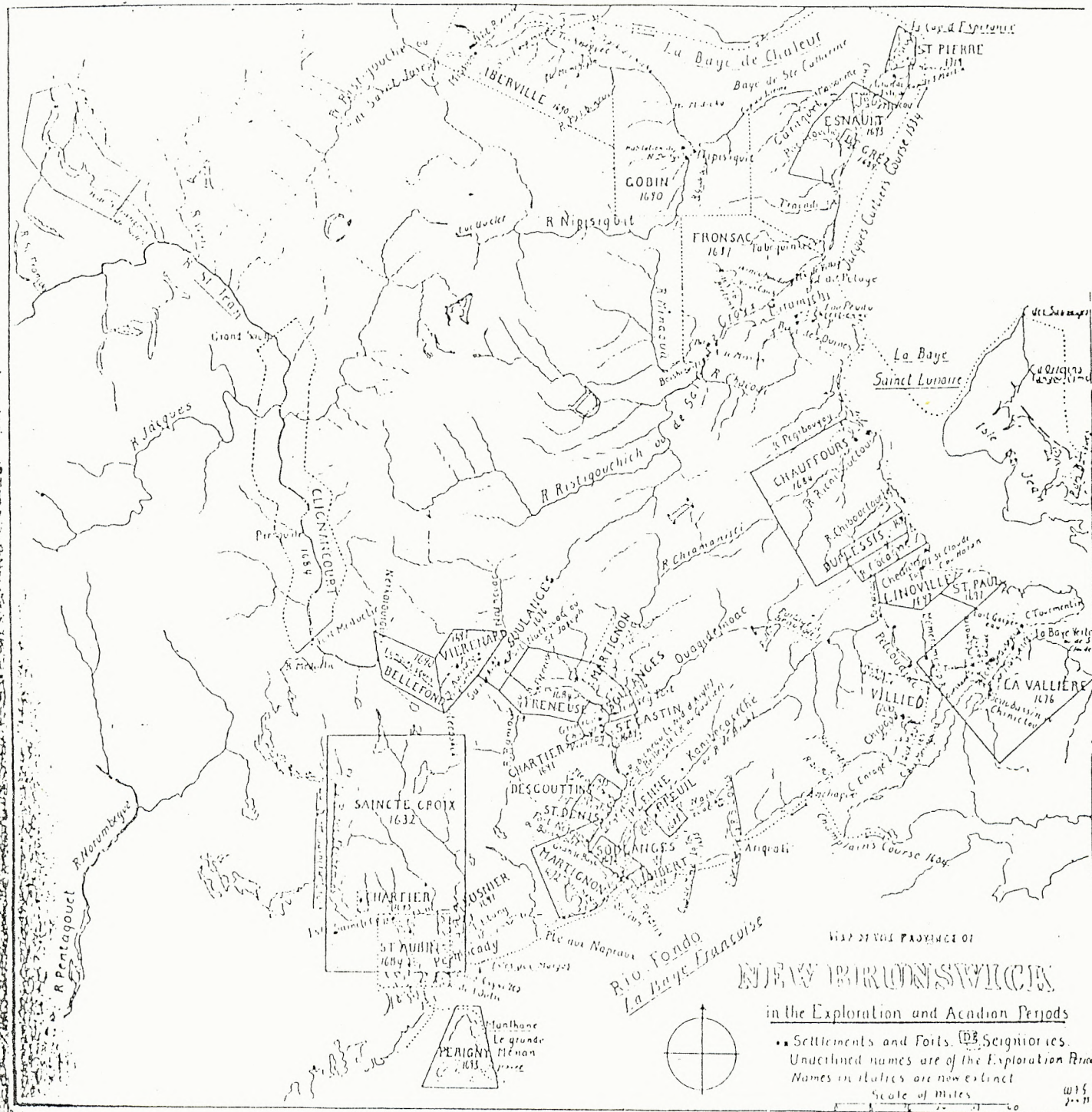
Map taken from:

W.F. Ganong (ed.), "Historical-Geographical Documents relating to New Brunswick", Collections of the New Brunswick Historical Society No. 7, Saint John 1907, p. 10



Map taken from:

W.F. Ganong, "A Monograph of Historic Sites in the Province of New Brunswick", Transactions of the Royal Society of Canada, 1899, Second Series, Vol. 5, Section II.



MAP No. 39. - MAP OF NEW BRUNSWICK IN THE EXPLORATION AND ACADIAN PERIODS.



In 1753 the seigneurie at Miramichi was the property of a Mademoiselle Rey - Gaillard who later sold it to a Mr. Bondfield of Quebec. In 1764 he attempted to claim the lands from the Government of Nova Scotia but was informed that all French titles had been extinguished by a Nova Scotia law of 1759.<sup>8</sup>

Following the death of Richard Denys, the French settlement at Miramichi languished. In 1724 there was reportedly only a single French trader on the river.<sup>9</sup> From then until the expulsion of the Acadians, there is virtually no record of French settlement in the area.

"After the fall of Beausejour in 1755 and the deportation of the Acadians from Annapolis, Minas and the settlements at the head of the Bay of Fundy, the Governor of Canada, Marquis de Vaudreuil, encouraged the Acadian exiles to gather on the St. John, where the Sieur de Boishebert was attempting to maintain the districts north of the Bay of Fundy as French territory. When the numbers of refugees on the St. John grew too large for Boishebert to provide for, the governor directed him to send the families to the Miramichi, where about 3,500 Acadians were soon gathered."<sup>10</sup>

In destitute circumstances, the Acadians settled at various points along the Miramichi: at Neguac, Burnt Church and Bay du Vin near the mouth of the river and also further upstream at Canadian Point and Beaubears Island near Denys' original settlement.

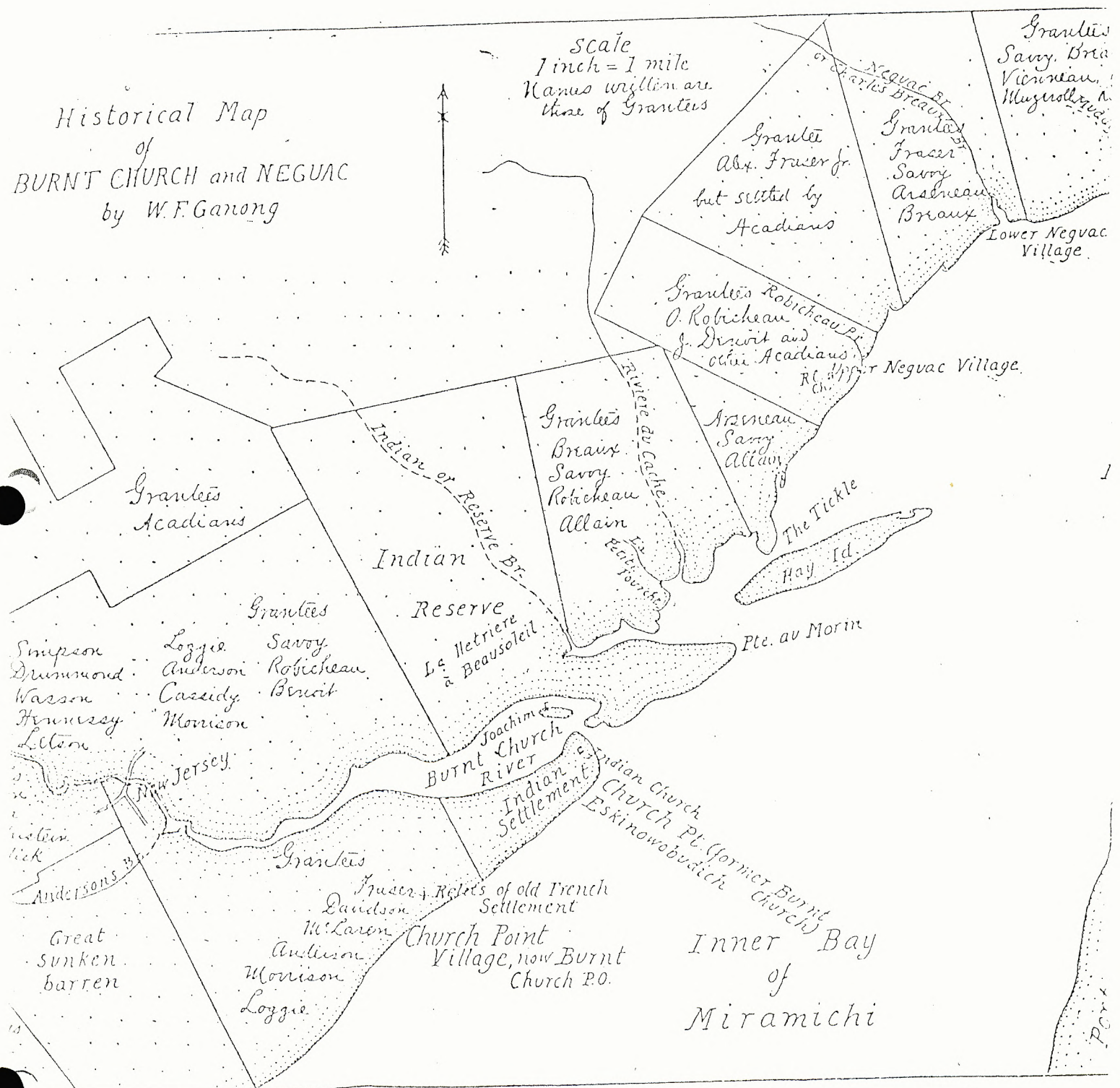
After the capture of Louisburg in July of 1758, Colonel James Murray was sent to destroy the French settlements on the Gulf of St. Lawrence. In

Map taken from:

W.F. Ganong, "The History of Tabusintac, Neguac and  
Burnt Church," Acadiensis Vol. VIII, 1908.

Historical Map  
of  
BURNT CHURCH and NEGUAC  
by W.F. Ganong

scale  
1 inch = 1 mile  
Names written are  
those of Grantés





September of that year, Murray entered Miramichi Bay. Finding that the Indians and Acadians had dispersed, he ordered the destruction of their houses, wigwams and provisions at Bay du Vin and the village and church at a site which has ever since been called Burnt Church Point.<sup>11</sup>

Despite the destruction of their habitations some of the Acadian refugees returned. Late in 1759, they prepared to make their peace with the English. In November 1759 and again in January of 1760, the roughly 700 French settlers at Miramichi, Richibucto, Buctouche and Memramcook sent deputies to Fort Cumberland at Chignecto to submit to the English Commander. With the French came certain of the Indian Chiefs who were sent to Halifax to conclude treaties of submission.<sup>12</sup>

In June 1761, Joseph Sabecholouct (Shabecholouest) Chief of the Miramichi Tribe signed a Treaty of Peace and Friendship at Halifax acknowledging the "jurisdiction and Dominion of His Majesty King George the third over the Territories of Nova Scotia or Acadia" and promising "not to molest any of His Majestys' subjects ... in their Settlements already made or to be hereafter made."<sup>13</sup>

#### The Beginnings of English Settlement

The end of the Seven Years War between Britain and France in 1763 opened the way for English settlement on the Miramichi and the other formerly disputed parts of Acadia. In 1765 two Scottish immigrants, William Davidson and John Cort, petitioned the Nova Scotia Government for a grant of the salmon fishery on the Miramichi. Their application was approved but with an extensive land grant and settlement obligations attached.

On October 31, 1765 a grant was issued to Davidson and Cort for a township of 100,000 acres on the Miramichi with possession of the salmon fishery. (The Indian fishing rights were however to be observed). This grant was made in the proportions of two-thirds to Davidson and one-third to Cort, with the following conditions. After the first five years they were to pay an annual quit rent of £50 to be increased to £100 per year after ten years. In addition they were to cultivate or improve one-third of the grant within ten years and the remainder within the next twenty years and to settle approximately 500 settlers within the first four years.<sup>14</sup>

The extent of the Davidson and Cort grant is shown on the map on the following page. This grant covered the land included in the present Eel Ground and Indian Point Reserves, all or part of the Red Bank Reserve and possibly part of the Big Hole Reserve.

In the years prior to the outbreak of the American Revolution Davidson and Cort laid the rudiments of settlement. Tradesmen and fishermen were recruited in New England and a number of settlers brought from Scotland. A few other settlers also came to the Miramichi and located downstream from the Davidson and Cort grant. Davidson and Cort engaged in the fishery, shipbuilding and trade with Britain and the Mediterranean; however, their enterprises were hampered by losses at sea. With the outbreak of the American Revolution, their problems were compounded by Indian raids and the activities of privateers.



Map taken from:

W.H. Davidson, An Account of the Life of William Davidson ...,

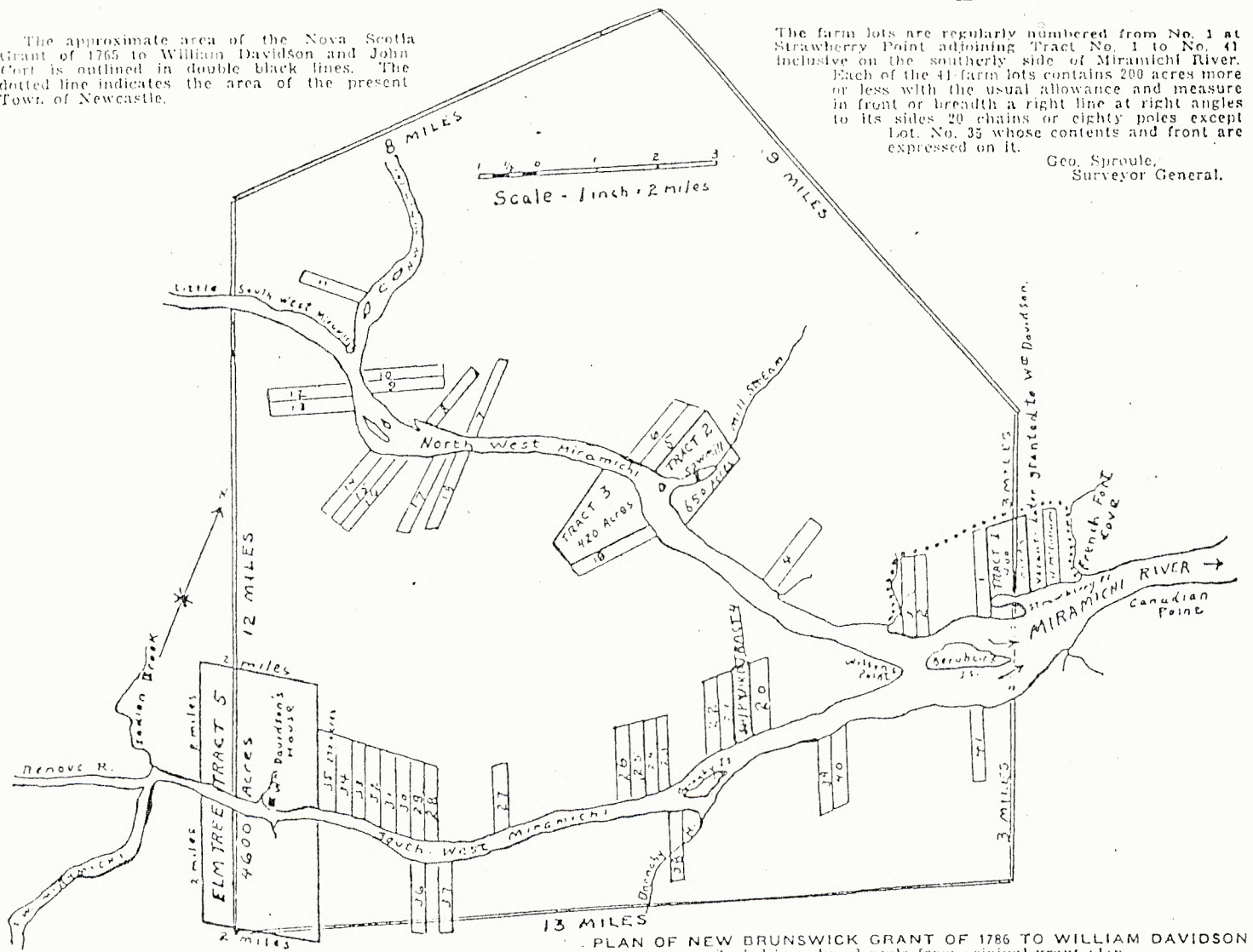
Publications of the New Brunswick Museum,

Historical Studies No. 6 Saint John, N.B. 1947.

The approximate area of the Nova Scotia Grant of 1765 to William Davidson and John Cort is outlined in double black lines. The dotted line indicates the area of the present Town of Newcastle.

The farm lots are regularly numbered from No. 1 at Strawberry Point adjoining Tract No. 1 to No. 41 inclusive on the southerly side of Miramichi River. Each of the 41 farm lots contains 200 acres more or less with the usual allowance and measure in front or breadth a right line at right angles to its sides 20 chains of eighty poles except Lot. No. 35 whose contents and front are expressed on it.

Geo. Sproule,  
Surveyor General.



PLAN OF NEW BRUNSWICK GRANT OF 1786 TO WILLIAM DAVIDSON  
Copied in reduced scale from original grant plan.



Indian Activities during the American Revolution - Treaties 1779

The American Revolution sparked unrest among the Miramichi Indians. Rebel leaders John Allan and Jonathan Eddy attempted to enlist the Malecites and the Micmacs in the American cause and encouraged attacks on British settlers. Raids by the Miramichi Indians began in 1775. Some houses were burned and cattle stolen. Rumour spread of impending massacre. In 1777 William Davidson with his family and workmen and a number of settlers removed to Maugerville on the St. John River where they remained for the duration of the war.<sup>15</sup>

At Miramichi, the Indians continued to harass the remaining settlers. In June of 1778, Michael Franklin, the Indian Superintendant for Nova Scotia, reported that at least 200 canoes of Micmacs had assembled there and he expressed fears of open warfare. On September 24, 1778 at Fort Howe on the St. John, Franklin concluded a treaty of peace with the Malecites and representatives of some of the Micmac Bands including the Miramichi Indians.<sup>16</sup> However, the accord with the Micmacs at Miramichi was only temporary. Raids on settlers' property continued and it was feared that the Indians gathered at the Bartibog River were planning a full scale attack.

In June of 1779, Captain Hervey of the H.M.S. "VIPER", a British naval vessel then cruising in the Gulf of St. Lawrence, was informed of the Indian activities at Miramichi and proceeded there to protect the settlers. Sixteen of the Indian leaders were seized and twelve of them were taken to Quebec as hostages along with a Mr. O'Brien who was apparently an American agitator. Following the taking of the Indian hostages, Hervey is reported to have entered a treaty of peace on July 28, 1779 with John Julian whom he appointed chief.<sup>17</sup> A letter from

one of the settlers at Miramichi indicates that but for the Julian family and another Indian family called Renew's (Renous) the other Indians would have killed every English settler.<sup>18</sup> It would thus appear that Hervey made John Julian Chief in recognition of his loyalty and moderating influence over the other Indians. No copy of the informal treaty between Hervey and John Julian has yet been located; however, Moses Perley, in an 1848 report on Indian Affairs, stated that he then had the original treaty in his possession.<sup>19</sup>

Following the incident at Miramichi, ten Micmac Chiefs from the Gulf Shore proceeded to Windsor, Nova Scotia to ask Michael Franklin for relief for the families of the prisoners. On September 22, 1779 at Windsor, Franklin ratified a formal treaty with the Micmacs of Miramichi, Shediac, Richibucto and Restigouche.<sup>20</sup> The Indians promised to carry out the terms of their previous treaty with Governor Lawrence. In return Franklin promised on behalf of the Government that the Indians should remain in their districts quiet and free from any molestation of His Majesty's troops or his other subjects in their hunting and fishing.

In the interim, nine of the Indian hostages taken to Quebec were sent to Halifax. Seven of them were released in October 1779 - the other two being detailed in Halifax as hostages for the good behavior of their tribe.<sup>21</sup>

In late September of 1779, the English inhabitants of Miramichi petitioned the Nova Scotia Government for a military or naval presence to protect them from Indians and privateers; however, the Executive Council decided that as the Indians had been brought to



peace, military protection would not be needed.<sup>22</sup> For the remainder of the war, there are no reports of any significant Indian disturbances at Miramichi.

1783 Licence of Occupation

In August of 1783 Governor John Parr of Nova Scotia confirmed John Julian's appointment as Chief Sachem over the Indians of the Miramichi and its tributaries.<sup>23</sup> He also issued a licence to John Julian and his tribe:

"to occupy during pleasure a tract of land ... beginning below the point by the River called by the Indians Little Southwest River and the northwest branch of the River Merimichy and thence to extend up that northwest branch 20 miles measuring the several courses of the river and back on each side the said northwest branch one mile equidistant from the River containing 20,000 acres more or less, hereby warning all persons whatever not to molest or interrupt the said John Julien or his said tribe in the quiet and peaceful possession thereof. (30 August 1783)".<sup>24</sup>

An 1848 Report by Moses Perley indicates that this 20,000 acres was the origin of the Red Bank Reserve.<sup>25</sup> However, according to the wording of the license, the lands extended up the Northwest Miramichi not the Little Southwest Miramichi. The licence would therefore seem to cover only a portion of the present Red Bank Reserve (i.e. an area extending one mile up the Little Southwest from its junction with the Northwest Miramichi as opposed to the

Estimate of area covered by the 1783 Licence of Occupation





subsequent Red Bank Reserve which extended over four miles up the Little Southwest River.)

This 1783 licence of occupation would also appear to include a portion of the subsequent Big Hole Tract Reserve further up the Northwest Miramichi and all or most of the Indian Point Reserve.

In reality the bounds of the 1783 licence were never clearly established and the Miramichi Indians were never to enjoy undisturbed occupation of the 20,000 acres given to them. A considerable portion of the lands fell within the area already granted to Davidson and Cort in 1765.

William Davidson returned to Miramichi in 1783. His partner John Cort had died during the war years and only three of Davidson's settlers had remained on the Miramichi during the hostilities. Davidson renewed his efforts in the fishery, shipbuilding and farming. By 1785, he had some thirty families settled within the grant with roughly 110 acres under cultivation. A shipyard and a sawmill were operating and he had approximately fifty men in his employ.<sup>26</sup>

Despite this progress, Davidson was not to retain his large holdings. The pressure of settling Loyalist refugees forced the Governments of Nova Scotia and the new colony of New Brunswick to institute escheat proceedings against the large unimproved grants issued before the American Revolution. In August of 1785 an enquiry was conducted into the state of the Davidson and Cort grant. A jury headed by Benjamin Marston, the first sheriff of the newly created County of Northumberland, inspected the area and confirmed that the conditions of the grant had not been performed.<sup>27</sup> The grant was therefore escheated. However, on

June 7, 1786 the New Brunswick Government compensated Davidson with a grant of five tracts of land and 41 farm lots totalling some 14,540 acres within his previous grant along the Northwest and Southwest Miramichi (see map on page 11).<sup>28</sup>

Indian Claims 1783 to 1789

During the escheat proceedings against the Davidson and Cort Grant, the Miramichi Indians laid claim to the lands licenced to them by Governor Parr in 1783. In response to a representation from Chief John Julian, the New Brunswick Government in July of 1785 directed Benjamin Marston to report on the state of Indian settlement within the Davidson and Cort Grant.<sup>29</sup> In the following month, Marston reported that Chiefs John Julian and Francis Julian had been to see him about the lands claimed under their 1783 licence of occupation. The Indians stated that they received no more blankets or aid from Halifax and that they had been told that, in lieu of relief, they must make the English settlers pay for hay and wood cut from Indian lands. As a considerable section of the Indian licence overlapped with the Davidson and Cort Grant, the Indians had been demanding payment from some of the Davidson tenants for hay cut from meadows within their 20,000 acre licence.<sup>30</sup>

The Indians were disturbed by the information that a portion of their land was covered by a previous grant. To appease them, Marston advised Chief Julian that the Davidson and Cort grant would likely be revoked and that Governor Carleton would probably confirm all of their grant to them with the exception of the lands occupied by the Davidson and Cort tenants. The Indians seemed satisfied with this assurance.



However, in his report to the Provincial Secretary, Marston recommended that the unoccupied hay meadows within the Davidson and Cort grant be retained for settlers.<sup>31</sup>

Marston capsulized the Indian claims within the Davidson and Cort grant as follows:

(1) "By virtue of a Licence of occupation from Governor Parr in 1783 they claim a Tract of Country up the North West Branch extending one mile from the River on each side and running with the River 20 miles. It begins at a creek which falls into the River from the west - little more than one mile below a considerable Branch called in Mirchaud's Plan the South West River. Six miles and a half of this Tract is within the Grant aforesaid measuring by the course of the River."

(2) "a piece of cleared ground on the North West Branch about six miles below the above mentioned tract containing 4, 5 or 6 acres only ..."

(3) "a small piece of about one acre on the South West on the South side below Davidson's House." (This is probably the location of the present Renous Reserve).

These, according to Marston, were all the places claimed within the Davidson and Cort Grant.<sup>32</sup>

1789 Licence of Occupation - Eel Ground I.R.

Despite Marston's assurance to Chiefs John and Francis Julian, the New Brunswick Government took no action to confirm the Indians 1783 licence of occupation. In the next few years considerable settlement was made along the Miramichi and within the former Davidson and Cort grant. Although the Government took note of Indian land claims, no lands were officially set apart for the Miramichi Indians until 1789.

On January 10, 1789, the Government issued a licence of occupation to Chief John Julian and his tribe for 3033 acres land (with an allowance of 10% for roads and waste) at Eel Ground on the Northwest Miramichi.<sup>33</sup> This tract probably included the four to six acre parcel claimed by the Indians in Marston's report. This Licence of Occupation contains a metes and bounds description and constitutes the original title documentation for the present Eel Ground Reserve. This Reserve was not part of the area covered by the 1783 Licence of Occupation.

Surveys Indian Point and Burnt Church 1789-90

No further lands were officially assigned to the Miramichi Indians for over a decade; however, the Government did recognize their occupancy of certain locations. In ordering a survey for settlers near the present Indian Point Reserve in 1789, the Government felt it incumbent to designate some land around the Indian village on the Point for the use of the Indians. The survey was completed in 1790, leaving a triangular reserve on the Point.<sup>34</sup>

Similarly in ordering surveys at Burnt Church Point in 1790, the Surveyor General instructed Deputy Surveyor Arthur Nicholson not to interfere with the Indians' allotment at Church Point when laying out lands for settlers



in the area.<sup>35</sup> Neither location was officially set apart for the Indians until after 1800.

#### Lands Policy 1789-1802

By 1789 the attitude of the New Brunswick Government towards Indian land claims had become quite explicit. When and where the pressure of white settlement dictated, the Indians would be reduced to limited reserves within the areas they traditionally occupied and claimed. The creation of the Eel Ground Reserve was the first official step in a piecemeal process of confining the Indians of Northumberland County to specified reserves. In May of that year, the Government informed the Micmacs at Buctouche that it would no longer leave large tracts of land uncultivated and unsettled for the use of the Indians.<sup>36</sup>

While the Government's position on Indian land claims was obvious, circumstances in the next decade mitigated against further official action to limit or confirm Indian holdings. In 1790 the British Government passed an order restraining any further grants of Crown Land in the colony.<sup>37</sup> It was apparently the intent of the imperial authorities that Crown lands should in future be sold to raise colonial revenues. This order remained in effect until 1802. In the intervening twelve years, the New Brunswick Government was unable to officially confirm the holdings of either settlers or Indians. While settlers continued to take up lands with the unofficial sanction of the New Brunswick authorities, the restriction on land grants discouraged immigration and settlement. This decline in immigration and settlement was further compounded by the outbreak of war between Britain and the French Republic in 1793. The settlement pressure on Indian lands was thus considerably reduced. Moreover,

in  
military considerations made it<sup>v</sup>expedient to take any concerted  
action to limit Indians to reserves. From 1789 to 1802 land matters  
remained in a state of flux and no official steps were taken to define  
the limits of Indians and settlers among the Miramichi.

Alleged Treaty - 1794

The outbreak of war between Britain and France in 1793 raised fears in  
New Brunswick of a French attack by sea and renewed Indian outrages  
instigated by French or American agents. In the decade following the  
American Revolution the New Brunswick Government had studiously avoided  
incurring any public expense on behalf of the Indians with the  
exception<sup>of</sup> occasional relief supplies. During this period, the  
Miramichi Indians appear to have existed precariously on the border  
of destitution. In the winter of 1787, they were forced to send a  
deputation to the Lieutenant Governor soliciting aid.<sup>38</sup> The New England  
Company, an English - chartered missionary society which had moved its  
operations from New England to New Brunswick and Nova Scotia following  
the American Revolution, viewed this as an opportune time to establish  
an Indian mission at Miramichi. In 1787 the Reverend James Fraser,  
a Presbyterian minister was appointed as missionary and instructor to  
the Miramichi Indians.<sup>39</sup> The mission was not successful. Fraser  
reported that the Indians feared they would be forced to become soldiers  
and sailors and declined to send their children for instruction. In  
1791 Fraser's appointment was cancelled and the society's activities at  
Miramichi ended. Thus neither the secular nor the spiritual authorities  
had cemented any firm ties with the Micmacs on the Miramichi .

With the outbreak of the Anglo-French conflict, the New Brunswick  
Government, haunted by the spectre of Indian raids, manifested a renewed



interest in the Indians of the Province. In 1794, Lieutenant Governor Carleton secured the services of Father Ciguard, a missionary from Gaspe, to satisfy Indian requests for a priest and to woo their allegiance. In justifying this expense to the Colonial Office Carleton wrote:

"I have hitherto, not without some embarrassment, avoided the incurring of any public expense on account of the savages in this Province but in the present posture of affairs it is certainly requisite to guard against their disaffection."<sup>40</sup>

There is very little information regarding the activities of the Miramichi Indians during the period of Anglo-French conflict from 1793 to 1801. According to Robert Cooney's 1832 History of New Brunswick, certain of Miramichi Indians, at the instigation of an American agitator named McLean, renewed raids on the settlers and assembled at Burnt Church to plot a wholesale attack. This conspiracy was allegedly stopped by the arrival of a Roman Catholic priest from Gaspe. Cooney also reports that the Julian tribe frequently interposed with the other Indians on behalf of the settlers during these disturbances.<sup>41</sup>

The accuracy of Cooney's account is somewhat suspect. His history was based largely on local oral tradition and the events are subject to certain distortions and embellishment. It would seem that certain of the alleged happenings of 1793 may have been confused with the earlier Indian troubles of 1779. No official records have been discovered confirming his account of Indian raids in 1793.

References do exist, however, to an alleged treaty of 1794 between Chief John Julian and a Governor William Milan. In 1931, a local paper in

Newcastle, N.B. printed a translation of a document, purported to be an original treaty, written in Micmac in the possession of one Peter Julian aged 80 of the Eel Ground Reserve.<sup>42</sup> A copy of this treaty also appears in Native Rights in Canada (Cumming and Mickenberg, editors: Toronto, 1972) but no source is quoted. The document reads as follows:

"Treaty Made with Micmacs on Miramichi, 1794"<sup>43</sup>

By Governor William Milan and Micmac King John Julian on June 17th, 1794.

The following copy of the Treaty made with the Micmac Indians of the Miramichi and the representative of King George III was translated from the original treaty written in Micmac.

The Treaty made with the Micmac Indians and the representative of King George III of England on June 17, 1794.

Thus was agreed between the two Kings - The English King George III and the Indian King John Julian in the presence of the Governor, William Milan of New Brunswick, and Francis Julian (Governor) the brother of said John Julian, on board His Majesty's ship, that henceforth to have no quarrel between them.

And the English King said to the Indian King 'Henceforth you will teach your children to maintain peace and I give you this paper upon which are written many promises which will never be effaced.'

Then the Indian King, John Julian with his brother Francis Julian begged His Majesty to grant them a portion of land for their own use and for the future generations. His Majesty granted their request. A distance of six miles was granted from Little South West on both sides and six miles at North West on both sides of the rivers. Then His Majesty promised King John Julian and his brother Francis Julian 'Henceforth I will provide for you and for the future generation so long as the sun rises and river flows.'

(Sgd) KING JOHN JULIAN  
KING GEORGE III per  
GOVERNOR WM. MILAN"

The land description is vague. However, if the original document is in reality a treaty, it would appear to constitute the first

complete grant of the present Red Bank Reserve to the Indians as well as certain lands along the Northwest Miramichi. However, the treaty has never been officially authenticated. Attempts were made to secure the document in 1931 but Peter Julian refused to part with it.<sup>44</sup> Its present whereabouts is unknown. The authenticity of the original document or at least the accuracy of the translation is suspect on several grounds. There has never been a Governor William Milan in New Brunswick, Nova Scotia, or Quebec. Moreover, the British Admiralty records contain no reference to a William Milan commanding any British naval vessel in the region around 1794. No official copy of a 1794 treaty with the Miramichi Indians has been located and no reference has been located to such a treaty in the Colonial Office Papers, the New Brunswick Executive Council Papers or any of the other contemporaneous sources consulted.

The first documented reference to the existence of a 1794 grant surfaced in 1895 during a dispute between the Red Bank Band and the Eel Ground Band over the ownership of the Big Hole Tract Reserve. In support of their claim to the Big Hole Tract the Red Bank Band asked the Indian Agent to send the Department a copy of a document which they claimed to be an old grant of the Big Hole Tract from King George to John Julian. This grant was allegedly handed by John Julian to Francis Julian in 1794 and afterwards to Barnaby Julian. (Francis Julian and Barnaby Julian were respectively the second and third chiefs of Red Bank). The Indian Agent asked the Indians to forward the original document to the Department but they were reluctant to send it.<sup>45</sup>



The copy of the document received from the Red Bank Band is rather confusing. It does not correspond in any way with the 1794 treaty recorded in Native Rights in Canada. The first part of the document appears to be a petition from Barnaby Julian, the third Chief of the Red Bank Band, to Lieutenant Governor Sir Edmund Ward (sic) dated August 20, 1849. In this section Barnaby Julian states that King George gave his father John Julian, in trust, land on the Little Southwest Branch of the Miramichi which was confirmed by Governor Carleton and the Surveyor General for the benefit of John Julian and his heirs, the Julian Tribe of Indians.

The second part of the document is a very profuse declaration of the loyalty of John Julian attested to by one William Milan "Master of the Brunswick" and reaffirmed by Barnaby Julian. It bears the notation "June 11, 1794 - John Julian his given to his son to the river Northwest".<sup>46</sup>

The exact nature and origin of the original document is obscure. In forwarding the copy to the Department in 1895, W.D. Carter, the Indian Agent, stated that it appeared to be a petition rather than a grant. The Indians, however, insisted that it was a grant.<sup>47</sup>

Without the original document or a photocopy, it is impossible to make any definite statement regarding the alleged treaty of 1794. However all indications are that no treaty was concluded with the Miramichi Indians at that time. The wording of the 1794 treaty in Native Rights in Canada suggests that the document is an informal record of verbal promises rather than a formal treaty. The document received from the

Red Bank Band in 1895 indicates that 1794 was not the date of the alleged treaty with William Milan but rather the date on which John Julian assigned the lands on the Northwest Miramichi to Francis Julian.<sup>48</sup> The treaty itself would thus seem to predate 1794. The only record of any treaty concluded on board a British vessel at Miramichi is the informal treaty made on the "VIPER" in 1779. No copy of that treaty has yet been located but Moses Perley had the original in his possession in 1848. Apparently he had received that document and several others from the Miramichi Indians.<sup>49</sup> Perley, however, makes no reference to any 1794 treaty.

It is possible that the alleged treaty of 1794 is really a copy of the informal treaty between John Julian and Captain Hervey of the "VIPER" and that the 1794 date is part of a later notation added to the document when John Julian transferred certain lands to Francis Julian. However, until copies of the unofficial treaty of 1779 and the alleged treaty of 1794 are obtained, any suggestion that the two may really be the same document can be regarded only as speculation. Moreover, to satisfactorily explain matters some information will have to be found regarding the identity of William Milan.

As the Red Bank Reserve is confirmed to the Indians by subsequent Minutes of the New Brunswick Executive Council, the alleged 1794 treaty is not essential title documentation for the Reserve.

#### Establishment of Reserves

The prohibition on land grants and the unsettling atmosphere of Anglo-French conflict continued to have a retarding effect on settlement and Indian policy in New Brunswick for the remainder

of the 1790's. However, with the dawn of the new century circumstances changed. In 1801 Britain and France concluded a temporary peace before the onslaught of the Napoleonic wars. In the following year, colonial authorities were informed that the restraining order of 1790 would be revoked.<sup>50</sup> With the return of peace and the lifting of land grant restrictions, settlement pressures were renewed. In addition, settlers who had taken up lands in the previous decade began to petition for legal grants. In preparation for the issuing of grants to settlers, some official accommodation with Indian land claims again became necessary.

Tabusintac and Burnt Church - 1801-1802

In September 1801, the Indians living on the Tabusintac, displaced by the encroachment of settlers on the lower part of the river, petitioned Lieutenant Governor Carleton for a grant or a licence of occupation to certain lands above Cowassagets Brook. The request was approved by the Surveyor General in the following month.<sup>51</sup> According to Moses Perley's 1848 report, the New Brunswick Government (by Minute of Council) dated February 18, 1802) granted a licence of occupation to the Indians of the Tabusintac district to occupy 1,640 acres at Burnt Church and 9,035 acres on the Tabusintac river.<sup>52</sup> This Minute of Council and the Licence of Occupation have not yet been located; however, the 1838 Schedule of Indian Reserves prepared by the New Brunswick Crown Lands Office also indicates that the reserves were set apart on February 18, 1802.<sup>53</sup> According to the schedule, the 9,035 acres at Tabusintac extended five miles up the Tabusintac river from Cowasseget's Creek and one and one-half miles back on each side along with (and including) 10 acres at McGra's Point and 25 acres at Ferry Point.



Several other tracts of land were set apart for Indians in the Province in 1802. In January of that year, a total of roughly 72 square miles were reserved for the Indians at Richibucto and Buctouche.<sup>54</sup>

Lot at Red Bank - 1802

On other parts of the Miramichi, much more extensive settlement necessitated surveys of non-Indian holdings before lands could be officially assigned to settlers and Indians. In September of 1803 extensive surveys were ordered on the Miramichi.<sup>55</sup> In the interim, the Indians continued to press their claim to traditional tribal lands covered by the 1783 Licence of Occupation from Governor Parr.

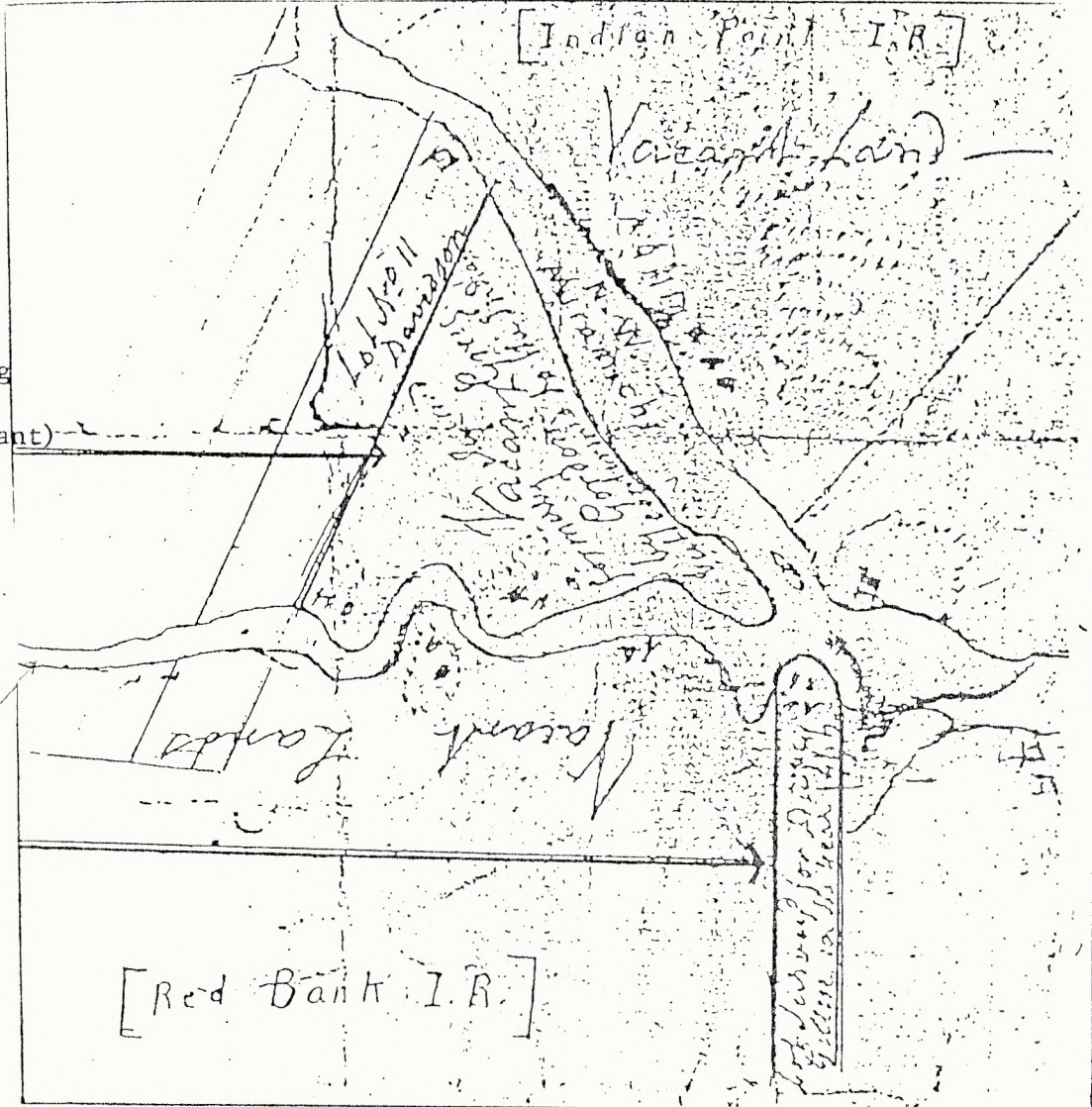
In 1802, Francis Julian, Chief of the Indians on the Little Southwest Miramichi complained to the Government that a settler named Duffy Gillace (Gillass) had occupied a point of land on the Little Southwest called Old Indian Town where a number of Indians were buried. Gillace had taken possession of this lot in 1792 and had it surveyed.<sup>56</sup> He further antagonized the Indians by setting a net across the river which adversely affected their fishing further upstream. In 1801, the Provincial Secretary instructed Gillace to vacate the part of the lot claimed by the Indians and to remove his fish net.<sup>57</sup> Finally in 1802, in response to Chief Julian's complaints, the Executive Council ordered that the lot be reserved for the Indians.<sup>58</sup> The location of this lot is shown on the map on the following page. The Point referred to is now part of Red Bank Indian Reserve No. 4. It would appear to include the land where the church is shown on most survey plans.

Map attached to a letter to Duffy Gillas dated 20 July, 1801  
from Harriet Irving Library Archives U.N.B., Fredericton, N.B.

Note reads:  
formerly claimed  
by Gordon & Greig  
but confirmed to  
the Indians (Vacant)

Little Southwest  
Miramichi

Note reads:  
Lot surveyed for  
Duffy Gillise in  
the year 1792.



[Red Bank I.R.]

The Map also shows a portion of the Red Bank Reserve claimed by James Gordon and Alexander Greig (Grey?) in 1791. Counterclaims were raised by the Indians and by Duffy Gillace. The dispute apparently ended when the lands were confirmed to the Indians.<sup>59</sup> No record has yet been found setting this land apart from the Indians. However, the point was included in the subsequent Red Bank Reserve.

Licence of Occupation Indian Point and Big Hole Tract - 1805

Further lands were set apart for the Miramichi Indians early in 1805. On March 5 of that year, a licence of occupation was issued to Chief John Julian for himself and the Micmac Tribe of Indians "to occupy and possess during pleasure, the several lots and tracts of land on the Northwest Branch of the Miramichi River surveyed for them by Dugald Campbell, Esquire in the month of September last....".<sup>60</sup>

According to Perley's report of 1848 this licence covered 750 acres at Indian Point and 8,700 acres at Big Hole.<sup>61</sup> Campbell's surveys of 1804 have not yet been located to verify which lands were set apart.

Survey at Red Bank - 1804

In September 1804, Dugald Campbell also surveyed for Chief Francis Julian and the Indians of the Little Southwest River a tract of land beginning at the mouth of the Little Southwest and extending five miles up that branch. It appears that Francis Julian paid the costs of survey.<sup>62</sup>

In September of the following year, Surveyor General George Sproule signed a certificate specifying that this tract of land was not to be encroached upon or applied for by any person until the allotment proposed for the Indians was made and confirmed by the Executive Council.<sup>63</sup>



On July 13, 1806, Chief Francis Julian apparently took copies of Campbell's certificate of survey and Sproule's certificate to Alexander Taylor, a Justice of the Peace at Newcastle. There he signed a declaration providing that in the event of his death or disability to make a proper will, his two sons Mitchel and Barnaby Julian should be entitled to hold the specified tract of land. On July 15, 1806, all three documents were registered in the Northumberland County Land Registry.<sup>64</sup>

No confirmed copy of Campbell's 1804 survey has yet been located; however, there is an undated survey plan of the Little Southwest Miramichi by Dugald Campbell in the New Brunswick Department of Natural Resources (copy attached). This map may be the plan referred to. It shows an area extending roughly five miles up the Little Southwest Miramichi from its mouth (following the course of the river) marked "Lands claimed by the tribe of Indians of which Francis Julian is the head." The rear boundaries and the length of the side boundaries are not marked.<sup>65</sup>

It appears that Campbell undertook a subsequent and more detailed survey of holdings on the Little Southwest, possibly in 1806.<sup>66</sup> However, the survey plan has yet to be located.

1807 Minute in Council - Red Bank

On February 28, 1807, the Executive Council considered a survey of the Little Southwest Miramichi by Dugald Campbell and confirmed the allotments shown. Council also ordered that the portion of Lot 11 on the Northwest Miramichi which extended into the Indian location on the Little Southwest by conveyed to the Indians.<sup>67</sup> The plan confirmed by Council has not yet been located, however, the reference to the encroachment of Lot 11 on the Indian location indicates that the survey showed all or most of the Indian allotment as laid out by Campbell in 1804. A list of the allotments confirmed by the Minute,

Lands claimed by

Little Southwest branch of Miramichi River

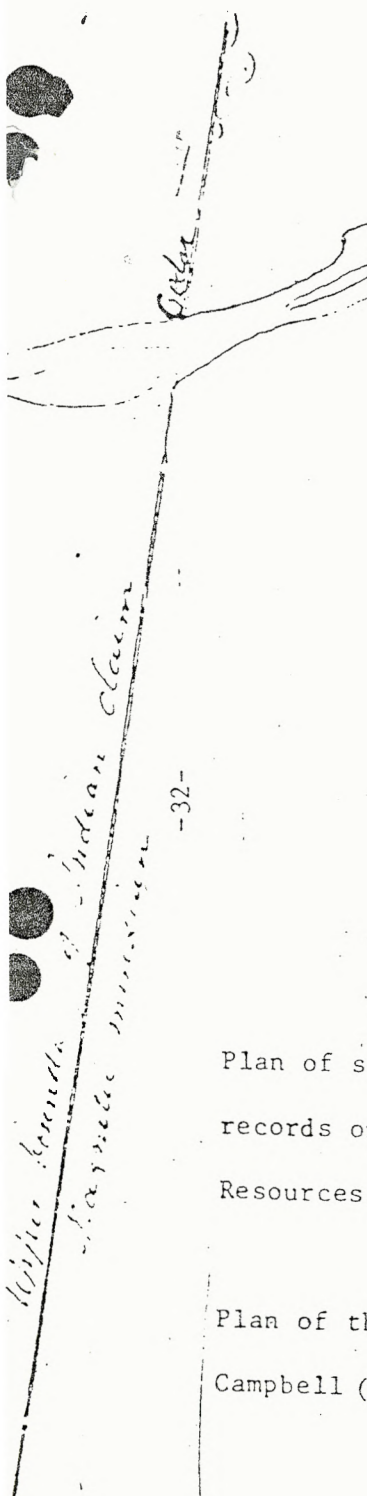
The Tribe of Indians of which Francois Julien is the head

Plan of survey recorded in Book 1, Page 13 of Northumberland County records on file in the Lands Branch of the Department of Natural Resources, Fredericton, N.B.

Plan of the Little Southwest Branch of Miramichi River by Dugald Campbell (no date) probably 1806-1807.

Upper bounds of Indian claim  
Miramichi river

-32-



however, lists only the allotments surveyed to settlers; it does not mention the Indian claim.<sup>68</sup> The settlers lands covered by the Minute were officially granted in 1808. A grant plan in the New Brunswick Crown Lands Office shows the lots granted, but merely shows the upper bounds of the Indian allotment.<sup>69</sup>

With regards to Lot 11 on the Northwest Miramichi, it appears that the western extremity of that Lot originally extended across the Little Southwest River to include part of a meadow claimed by the Indians (see map following).<sup>70</sup>

#### 1807 Minute in Council - Big Hole Tract

On February 28, 1807, the same date on which Council confirmed the allotments on the Little Southwest, they also approved Dugald Campbell's survey on the Northwest Miramichi and the Sevogle "comprehending a reserve of five miles for the Indians commencing at Wild Cat Brook."<sup>71</sup> This minute apparently reconfirmed Campbell's 1804 survey of the Indian location at Big Hole Tract and the 1805 Licence of Occupation which reportedly covered 8,700 acres at Big Hole.

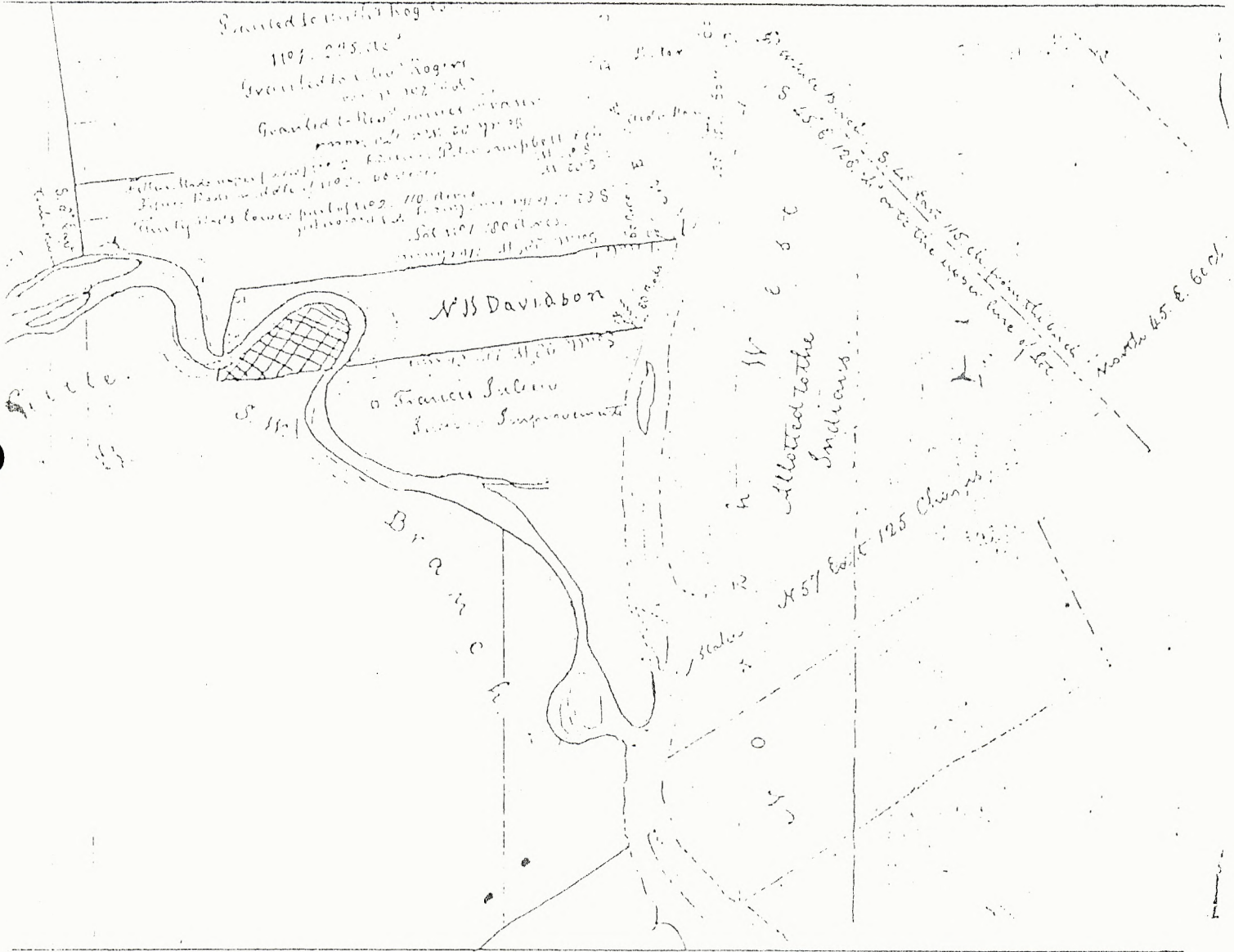
#### Finalizing of Reserve Locations 1807-1808


By the end of 1807 Indian Reserves had been established at Eel Ground (1789), Tabusintac and Burnt Church (1802), Indian Point (1805), Big Hole (1805 and 1807) and Red Bank (1807). With the creation of these Reserves the New Brunswick Government had essentially completed the process of accommodation with Indian land claims in Northumberland County. In the following year measures were taken to finalize the locations and confirm boundaries.



Copied from a map received from the New Brunswick Museum, Archives Section in August 1971. (See file 271/30-10 vol. 3)

The map is undated but would appear to have been made circa 1807.




 Lot 11  
 area in dispute  
 Indian Meadow

In February 1808, Deputy Surveyor Lewis Dennis resurveyed the lands at Big Hole set apart for Andrew Julian and other Indians.<sup>72</sup> (His plan shows the north and south boundaries and the frontage along the Northwest Miramichi but not the rear boundary).

Problems continued regarding the encroachment of Lot 11 into the Little Southwest Reserve. In August 1808, John Stewart, the occupant of the lot was instructed not to interfere with the meadow claimed by the Indians as the Government intended to send an investigator to settle the problem.<sup>73</sup> In the same month, the Surveyor General directed William F. Odell to survey Lot 11 and report on Indian holdings in the Miramichi district.<sup>74</sup> Odell apparently recommended that Stewart be given alternate lands on the Northwest Miramichi in exchange for the Indian meadow. Council approved the recommendation but trouble persisted between the Indians and the occupants of Lot 11 for several years.<sup>75</sup> The meadow however, was included as part of the Red Bank Indian Reserve.

#### 1808 Minute in Council

While at Miramichi, Odell met with the several Indian groups in the area and showed them on plans the boundaries of the lands allotted to them and advised them not to expect or claim anything more. According to Odell, the Indians "expressed themselves satisfied."<sup>76</sup> In consultation with them Odell prepared lists of the Indians who were to have rights to the various reserves. The Indians expressed a wish that the Eel Ground and Burnt Church reserves together with the Indian landings on the lower Tabusintac be reserved for all the Miramichi Indians in common. For the other reserves on the Northwest and Little Southwest Miramichi and the Tabusintac, separate lists were prepared designating the Indians entitled to occupy or use each reserve.<sup>77</sup>

On September 24, 1808, the Surveyor General's report on Indian lands at Miramichi was read and approved by the Executive Council. Council ordered that:

"Licence of occupation be given to the Indians agreeably to the said Report for the Tracts on the northwest, the Little Southwest and the Tabusintac above Cowassaget's Brook and that the Tract at Church Point, the Tract opposite thereto, the public landing and the Point allotted for them on the lower part of the River Tabusintac, together with the Eel Ground on the northwest be reserved for the use of the Indians of the County of Northumberland in General."<sup>78</sup>

This order confirmed to the Indians all the lands set apart for them from 1789 to 1807. It covers all the present Northumberland County Reserves with the apparent exception of Renous. Certain other lands were granted to individual Indians subsequent to this minute. Pierre Julian was allotted 200 acres including some islands and a meadow at Sevogle Point opposite the Big Hole Tract Reserve in 1808.<sup>79</sup> In 1811 another Indian Andrew Julian Nicholas was granted a licence of occupation for 50 acres on the Bartibog River.<sup>80</sup> However, despite these minor grants, the 1808 Minute in Council, essentially marks the end of the Reserve establishing process in Northumberland County and the New Brunswick Government's final concession to Indian land claims along the Miramichi and Tabusintac.



1. The original acreages listed here are only estimates and may be subject to error. The figures for Indian Point, Eel Ground, Big Hole Tract, Tabusintac and Burnt Church are taken from a "Schedule of Indian Reserves in the Province of N.B., Dept. of Crown Lands and Forests, Fredericton, January 31, 1838", Journal of the House of Assembly of N.B. 1838.
  - The acreages for Red Bank Nos. 4 and 7 are taken from the Reserve General Registry Abstracts for those Reserves in the Indian Land Registry, Dept. of Indian Affairs.
  - With regard to Renous Reserve, certain schedules compiled in 1902, 1913 and 1928 list the reserve area as 100 acres. The schedule provided by New Brunswick at Confederation gives an area of 40 acres. However surveys indicate that the area is 24.6 acres. As no evidence has been found to indicate any change in boundaries, it has been concluded that the larger figures are incorrect. See Reserve General Registry Abstract for Renous in the Indian Land Registry.
2. The list of 1972 acreages is taken from Schedule of Indian Reserves and Settlements, Indian and Northern Affairs, Ottawa: Information Canada, 1972.
3. Bernard G. Hoffman, The Historical Ethnography of the Micmacs of the Sixteenth and Seventeenth Centuries, (unpublished PHD Thesis Anthropology) University of California, 1955.

4. W.F. Ganong, (ed.), Introduction to The Description and Natural History of the Coast of North America by Nicholas Denys, Champlain Society, 1908 - and W.F. Ganong, "Historical-Geographical Documents relating to New Brunswick" Collections of the New Brunswick Historical Society (hereafter Coll. N.B.H.S.) No. 7 Saint John, 1907, p. 8
5. W.F. Ganong, "Historical-Geographical Documents relating to New Brunswick" Coll. N.B.H.S. No. 7, Saint John, 1907, p. 38-39.
6. Ibid. p. 24, 48
7. Ibid. p. 44, 45  
also W.F. Ganong, "A Monograph of Historic Sites in the Province of New Brunswick", Transactions of the Royal Society of Canada, 1899 Second Series, Vol. 5, Section II.
8. W.F. Ganong, "Historical-Geographical Documents relating to New Brunswick" Coll. N.B.H.S. No. 7; Ganong lists some primary and secondary sources.
9. Ibid. p. 53
10. Esther Clark Wright, The Miramichi, Sackville: Tribune Press, 1944. p. 14 see also W.O. Raymond, "The North Shore: Incidents in the Early History of Eastern and Northern N.B." Coll. N.B.H.S. No. 4, 1899, p. 91.

11. Ganong, "Historical-Geographical Documents relating to New Brunswick"  
Coll. N.B.H.S. No. 9, Saint John, 1914. p. 301-307, See also  
W.F. Ganong, "The History of Tabusintac, Neguac and Burnt Church",  
Acadiensis, VIII, 1908.
  
12. Beamish Murdock, History of Nova Scotia or Acadie. Vol. II Halifax,  
1867 p.p. 376 to 396 (in particular see letter of Colonel Frye,  
Fort Cumberland, 7 March, 1760 on p. 396).
  
13. Copy of 1761 treaty is found in W.D. Hamilton and W.A. Spray (eds.),  
Source Materials relating to the New Brunswick Indian Fredericton,  
1976, p. 36.
  
14. W.H. Davidson, An Account of the Life of William Davidson...,  
Historical Studies No. 6, Publications of the New Brunswick  
Museum, Saint John, 1947 pp. 15-16.  
  
For further information regarding Davidson's Settlement at Miramichi  
also see W.F. Ganong "Historical-Geographical Documents relating to  
New Brunswick" Coll. N.B.H.S. No. 9, pp. 307-340.
  
15. Ibid.
  
16. Franklin's report of June 1778 and his report on the treaty of  
September 1778 are mentioned in B. Murdoch, History of Nova Scotia...,  
Vol. II pp. 592, 594-596. The Micmacs of Miramichi were represented  
by Antoine Arnou, Captain and J.B. Heart, a principal Indian. For  
details of the treaty and names of the Indians who signed see:



- PAC MG23 D1 Chipman Papers Vol. 7 pp. 1-8

also - W.O. Raymond ed. "Selections from the Papers of James White Esquire", Coll. N.B.H.S., No. 3, pp. 314-317.

- For a discussion of the Treaty and the historical context see Ivan J. Saunders "The Nova Scotia Indian Treaty, 1778" (unpublished) Historical Sites and Monuments Board of Canada, Agenda Paper 1971-29.

17. No copy of this unofficial treaty from Captain Hervey has been located. However in 1848 Moses Perley, claimed to have the original in his possession. PAC CO 188/106 microfilm B-1213 Dispatch No. 78, Sir Edmund Head to Earl Grey, August 17, 1848 with Report by M.H. Perley. (also found in RG7 G8 B Vol. 57).

There are several accounts of the VIPER'S activities at Miramichi:

- the above report by Perley.
- Robert Cooney, A Compendious History of the Northern Part of the Province of New Brunswick..., Halifax, 1832, pp. 44-47
- PAC MG21 21810 Haldimand Papers, letter August 30, 1779 Haldimand to Lt. Governor Richard Hughes, Halifax.
- PAC MG21 21809 Haldimand Papers, letter Lt. Governor Hughes to Haldimand September 11, 1779 and September 26, 1779.
- B. Murdoch, History of Nova Scotia, Vol. II p. 601.

18. W.O. Raymond "The North Shore...", Coll. N.B.H.S. No. 4, 1899,  
p. 94.
19. See footnote 17
20. B. Murdoch, History of Nova Scotia, Vol. II, p. 601 reports that  
ten chiefs from the Gulf Shore visited Franklin and concluded a  
treaty on 22 September 1779. Perley's Memo of 1848 referred to  
in footnote 17 above gives further details of this official  
treaty. A copy of the treaty is attached to the UNBI brief on  
fishing rights to the N.B. Legislative Select Committee on fisheries  
24 March 1978. Original is in Public Archives of N.S. RG1 Vol. 99 (?)
21. PAC CO 217/55 microfilm B-1040 Minutes of Council, Nova Scotia,  
14 October, 1779. (also 25 February 1780).
22. PAC CO 217/55 microfilm B-1040 Minutes of Council, Nova Scotia  
24 September, 1779. See also PAC Colonial Corr N.S. Vol. 13, p. 252  
26 September 1779 Franklin to Germain.
23. PAC RG10 Vol. 2522 file 107222-2 copy of letter from Lt. Governor  
John Parr to John Julian August 1783 appointing him Chief.
24. Hamilton and Spray (eds) Source Materials relating to the  
New Brunswick Indian, p. 59 - original in PANS RG20 Series C Vol. 95  
or Crown Lands Papers Book 7 p. 107.
25. PAC CO 188/106 microfilm B-1213 Dispatch 78, Sir Edmund Head to  
Earl Grey August 17, 1848 with report by M.H. Perley. Perley  
indicates that this 20,000 acres was on the Northwest Miramichi

at the Little Southwest. He states that in 1808 it "would seem" that this 20,000 acres at the Little Southwest was reduced to 10,000 acres (i.e. the original area of the present Red Bank Reserve). However, he made no definite statement on the matter.

26. Ganong, "Historical-Geographical Documents relating to New Brunswick" Coll. N.B.H.S. No. 9, pp. 309-320.
27. Ibid. p. 316  
also Raymond, "The North Shore" Coll. N.B.H.S. No. 4, p. 99
28. W.H. Davidson, An Account of the Life of Wm. Davidson, p. 42.  
Survey instructions for the new grant to Davidson are found in PAC MG9 A4 Vol. 2 p. 158 Surveyor General Sproule to Israel Perley 24 April, 1786.
29. PAC MG9 A1 Draft Minutes of N.B. Executive Council Vol. 1, p. 153  
8 July, 1785.
30. Ganong, "Historical-Geographical Documents relating to New Brunswick" Coll. N.B.H.S. No. 9 p. 336-337.
31. Ibid. p. 336-337
32. N.B. Archives Rex/pa Indians I. Benjamin Marston, 29 August 1785.



33. Hamilton and Spray (eds) Source Materials relating to the New Brunswick Indian, p. 71 Licence of Occupation to the Miramichi Indians 10 January, 1789. Original in N.B. Archives, R.N.A., Land Petitions, Northumberland Co., No. 204.

The abridged document in Hamilton and Spray does not give metes and bounds description. However a metes and bounds description is included in the copy of the Licence found in PAC RG10 Vol. 2522 File 10722/2 and in the Return of Survey No. 223 by George Sproule Surveyor General January, 1789 (copy in our research files "Eel Ground Boundaries", original source in N.B. Archives see file 271/30-10 Vol. 3 letter from N.B. Archives 29 June, 1971).

No Minute in Council has been located ordering the Licence of Occupation.

34. N.B. Archives RG10 RNA/c/3/1/2 Surveyor General's Letterbook 1789-1800 pp. 31, 55, 77-78.
35. Ibid p. 42
36. Hamilton and Spray (eds) Source Material relating to the New Brunswick Indian p. 71. Letter Jonathan Odell (Provincial Secretary) to Gervas Say, 11 May, 1789 Original in N.B. Archives Rex/pa Indians I.
37. PAC RG7 G8B Vol. I Restraining Order March 10, 1790. Also W.S. MacNutt, New Brunswick, A History: 1784-1867 Toronto: 1963, pp. 70-72, 97, 120-123.

38. Raymond, "The North Shore..." Coll. N.B.H.S. No. 4, p. 117.
39. Ibid. pp. 117-122, also PAC MG23 D1 Chipman Papers Vol. 15, pp. 8, 606.
40. PAC CO 188/5 microfilm B-1120 p. 184 Carleton to Secretary of State 14 June, 1794. See also RG7 G8B Dispatches sent Vol. 1 (also called Vol. 47) Carleton to Duke of Portland 19 December 1794.
41. Robert Cooney, A Compendious History of the Northern Part of the Province of New Brunswick..., Halifax, 1832.
42. A copy of this newspaper clipping is in our research files "Case file Red Bank Lot 6, Vol. 2" with an accompanying letter from David Richie, Newcastle, N.B. to J.C. Webster, Shediac, N.B. dated April 23, 1931. The name of the newspaper is not known.
43. Peter A. Cumming and Neil H. Mickenberg (eds.), Native Rights in Canada Second Edition Toronto; 1972, pp. 308-309. See file 271/34-10 Vol. 6. Mr. Cumming was contacted regarding his source for this treaty. He stated it may have been the 1931 newspaper clipping. He could provide no other source of reference. Letter Anderson to Troop August 20, 1976).
44. See letter in footnote 40.

45. The correspondence regarding the conflicting claims of the Red Bank and Eel Ground Bands is located in PAC RG10 Vol. 2522 file 107222-2. The copy of the alleged Grant to the Red Bank Band is enclosed with a letter from W.D. Carter to the Department 19 April, 1895 on this file.
46. Ibid.
47. Ibid.
48. Ibid.
49. See footnote 17
50. McNutt, New Brunswick, A History 1784-1867, p. 120-123  
See also PAC RG7 G8B Vol. 3
  - letter 6 June 1801
  - Minute in Council 8 April, 1802
  - Instructions re land grants 4 Sept., 1802
  - Instructions to be revised 6 Jan. 1803
  - Additional Instructions 7 April 1803
  - Revised land grant Instructions 31 Aug. 1807
51. Harriet Irving Library Archives, U.N.B., Fredericton. MGH54,  
Petition from Indians of the Tabusintac to Lieutenant Governor Carleton 26 Sept. 1801, approved by Surveyor General 30 Sept. 1801. There are 14 names on the petition.

52. PAC CO 188/106 Dispatch No. 78 Sir Edmund Head to Earl Grey  
17 Aug. 1848 with report by M.H. Perley.
53. "Schedule of Indian Reserves in New Brunswick", Crown Lands  
Office 31 January 1838 Journal of Legislative Assembly N.B.,  
Appendix
54. Harriet Irving Library Archives, U.N.B., MGH 54, Memos J. Odell,  
Provincial Secretary 29 January 1802.  
Vol. 2 pg. 1053
55. PAC MG9 A1 Draft Minutes of N.B. Executive Council, 2 September 1803
56. Raymond, "The North Shore" Coll. N.B.H.S. No. 4, p. 95
57. Ibid. (original letter from the Provincial Secretary to Gillass,  
20 July, 1801 from Harriet Irving Library Archives, U.N.B.,  
Fredericton MG H54)
58. PAC MG9 A1 Vol. 2 Minutes of N.B. Executive Council 5 February, 1802.  
Most survey plans of Red Bank Indian Reserve show a Church located  
on this Point.
59. PAC MG9 A5 Vol. 11 Abstracts of Petitions Northumberland County  
No. 206 (1789) James Gordon and Alex Gregg petition for meadow land  
on Southwest Miramichi claimed by Indian.  
No. 298 (1791) Letter of Magistrates Northumberland re lots claimed  
by Indians and applied for by Alex Gregg.  
Also N.B. Archives RG10 RNA c/3/1/2 Surveyor General's Letterbook  
p.p. 77-78, 132-133  
See also map p. 29 of this report.



60. Copy of Licence of Occupation March 5, 1805 is located in PAC RG10 Vol. 2522 file 107222-2.  
See also PAC MG9 A1 Minutes of N.B. Executive Council 5 March 1805.
61. PAC CO 188/106 Dispatch No. 78, Sir Edmund Head to Earl Grey, August 17, 1848 with report by M.H. Perley. (Also found in RG7 G8B Vol. 57).
62. Harriet Irving Library Archives, U.N.B., MGH54 Francis Julian and others to J. Odell 4 April, 1811.  
See footnote 63.
63. In our research files "Red Bank Historical Papers" there is a copy of a document registered by Alex Taylor, J.P. Newcastle Northumberland 15 July, 1806, in Book No. 7, pp. 155-156 and numbered 51 in the Book. The document may be from the Northumberland Co. Registry. The first part of this document is a certificate from Dugald Campbell:  
  
"Miramichi 27 September 1804, I certify that I surveyed for Francis Julian and the Indians of the Little South West River, a tract of land commencing at the mouth of the (said?) River and extending five miles up that stream. It is not to include any land formerly granted."

This is accompanied by a certificate from Geo. Sproule, Surveyor General:

"The tract of land above described is not be encroached on or applied for by any person until the allotment proposed for the Indians is made and confirmed in Council - 10 September, 1805."

64. Ibid.

65. Northumberland County Surveys Book 1 page 13 in the Lands Branch of the New Brunswick Department of Natural Resources.

In addition to this map, there is another undated survey plan in the New Brunswick Museum Archives estimated circa 1807 which shows the bounds of the lands allotted to the Indians on both the Little Southwest and the Northwest Miramichi. This survey is more complete showing rear boundaries as well as the river frontage. It also gives the estimated lengths of boundary lines.

(copy in Lands Branch research files under "Red Bank - Maps and Surveys" received from the N.B. Museum in 1971. See letter from N.B. Museum 18 August 1971 on file 271/30-10 Vol. 3).

66. N.B. Archives RG10 RNA c/2/1/4

67. PAC MG9 A1 Vol. 3 Draft Minutes, N.B. Executive Council. 28 February 1807

68. N.B. Archives RG10 RS107 RNA/c/9/3/5 Register of Lots 1804-1807 includes a list of persons holding lots in Dugald Campbell's survey of the Little Southwest Miramichi confirmed in Council 28 February 1807.

69. Northumberland County Grant Book No. 2 Plan 43 in the Crown Lands Office, N.B. Dept. of Natural Resources, Fredericton.
70. See map on page 34 of this report
71. PAC MG9 A1 Vol. 3 Draft Minutes, N.B. Executive Council, 28 February, 1807.
72. Northumberland County Survey Book N1, Plan 18 1/2 Survey of Big Hole Indian Reserve by Lewis Dennis, February 1808 from Lands Branch, N.B. Dept. of Natural Resources, Fredericton.
73. Harriet Irving Library Archives, U.N.B. MGH 54 letter J. Odell to John Stewart 9 August 1808.
74. Harriet Irving Library Archives, U.N.B., MGH 54 letter W.F. Odell to G. Sproule 16 September 1808.
75. Harriet Irving Library Archives U.N.B. MGH 54 letter Francis Julian to J. Odell 4 April 1811 and reply 15 April 1811.  
  
Also PAC MG9 A1 Draft Minutes of N.B. Executive Council 24 September 1808.
76. Harriet Irving Library Archives, U.N.B. Fredericton, MGH 54 Report Odell to Sproule 16 September 1808.
77. Ibid. The lists prepared by Odell of the Indians to reside on each reserve are also located in MGH 54 in the Harriet Irving Library. The lists, however, are not attached to Odell's report. They are listed separately in the finding aid as undated lists and are not clearly identified as part of Odell's report.

78. PAC MG9 A1 Vol. 3 Draft Minutes of N.B. Executive Council,  
24 September 1808.
79. Ibid
80. PAC MG9 A1 Draft Minutes of N.B. Executive Council 25 February  
1811.



Indian Point

Indian Point Indian Reserve No. 1  
Northumberland County, N.B.

B. Dewar,  
Indian Lands.  
April 1977.

Indian Point I.R. #1, N.B.

Location and Size

The Indian Point Reserve is situated roughly 13 miles from Newcastle, N.B. on the east bank of the Northwest Miramichi. It lies opposite the mouth of the Little Southwest Miramichi and the Red Bank Indian Reserve. The Reserve originally contained approximately 750 acres; however, only an estimated 101 acres remain reserved for the use of the Indians.<sup>1</sup> The Indian Point Reserve falls under the control of the Red Bank Band.

Historical Origins

According to a statement made by Moses Perley in 1847, Indian Point had been a favourite resort of the Micmacs of the Miramichi for over two centuries.<sup>2</sup> All or most of the original reserve lay within the area covered by the 1783 Licence of Occupation granted to John Julian and his tribe by Governor Parr of Nova Scotia. However, as indicated in the introduction to Northumberland County Reserves, the 1783 Licence was never officially confirmed by the New Brunswick Government.<sup>3</sup> Moreover, the lands comprising the Indian Point Reserve were covered by the previous grant to Davidson and Cort in 1765. It is therefore questionable whether the 1783 Licence could be considered as valid title documentation. ~~As the Reserve was defined by a subsequent Licence of Occupation from the New Brunswick Government, the question is academic.~~

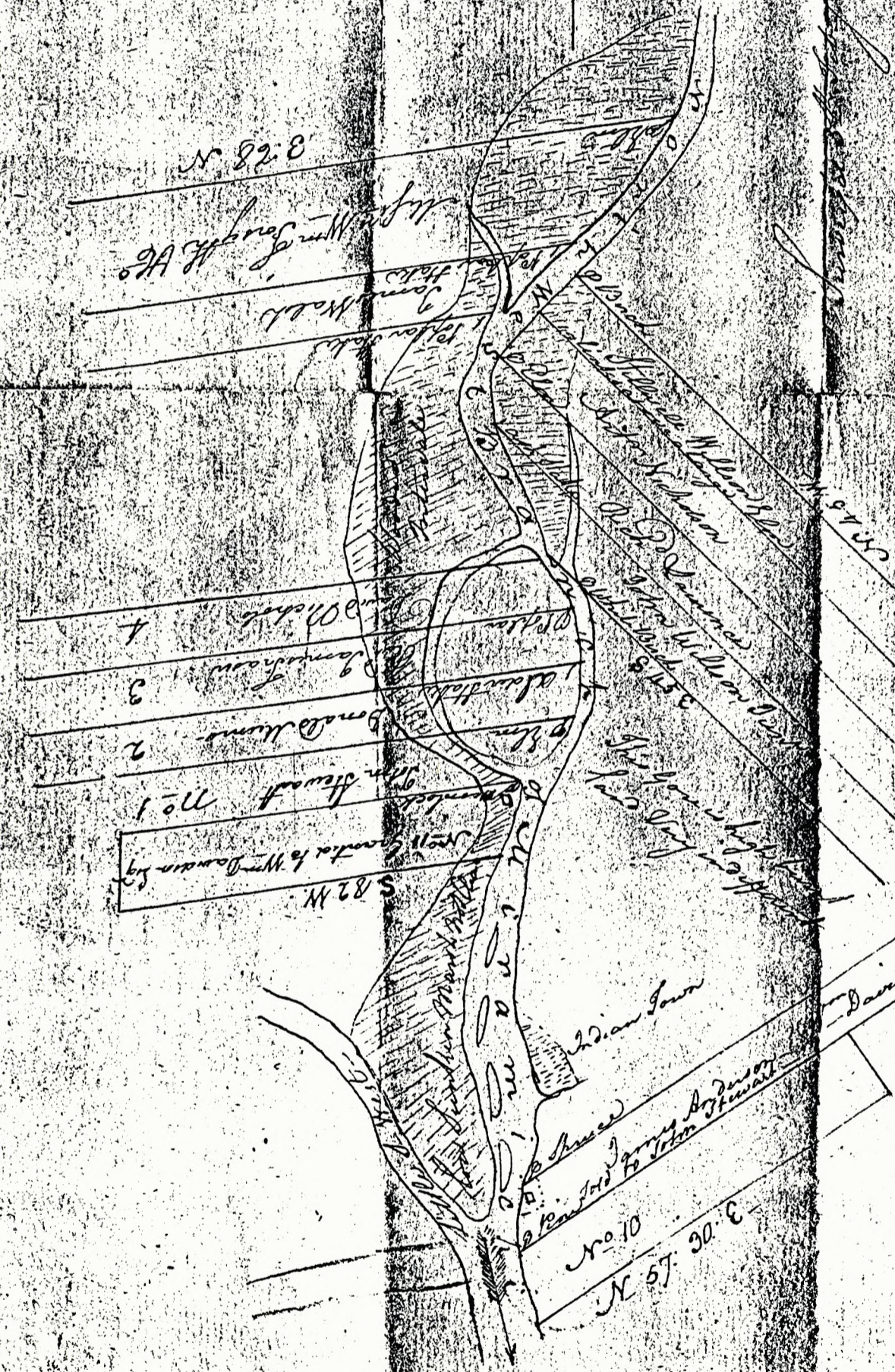


Nevertheless, while the New Brunswick Government did not confirm the 1783 Treaty of Occupation, they did recognize Indian claims and camping sites on the Miramichi. In September, 1789 ~~the~~ the Surveyor General instructed Deputy Surveyor Arthur Nicholson to lay out certain lots for settlers on the Northwest Miramichi near the present Indian Point Reserve. At the same time he cautioned Nicholson not to approach the Indian Town on the point too closely "as a sufficient space for their accommodation must be reserved. The extent of which reserve please to ascertain and return with survey hereby ordered together with due report". The instructions to return a survey of the reserve for the Indian Village on the Northwest Miramichi were repeated in February 1790 and Nicholson's survey was forwarded later that year. (see copy on following page).

(sources NB Archives RG 10 RNA/C/3/1/2  
Surveyor General's Letterbook 1789-1800  
pp 31, 55, 77, 78.



from  
Harriet Dwyer Library  
Archives U.N.B.  
M.G.H. 54



Arthur Nicholson  
Dwyer Library

from Harriet  
Library Arch  
UNB M.G.H.



1805 Licence of Occupation

The Indian Point Reserve was officially established, it seems, by a Licence of Occupation issued to Chief John Julian and the Micmac Indians on March 5, 1805. That Licence authorized the Indians to "occupy and possess during pleasure, the several tracts of land on the Northwest Branch of the Miramichi River surveyed for them by Dugald Campbell, Esquire in the month of September last ...."<sup>4</sup> According to Moses Perley, this licence covered 750 acres at Indian Point and 8,700 acres at Big Hole Tract.<sup>5</sup> The 1838 Schedule of Indian lands prepared by the New Brunswick Crown Lands Office, corroborates Perley's statement.<sup>6</sup> (However, to verify exactly what lands were covered by this licence, it will be necessary to obtain a copy of Campbell's survey of September, 1804.)

The Indian Point Reserve was apparently confirmed (along with the other Northumberland County Reserves) by the Executive Council Minute of September 24, 1808 which ordered, among other things, that licences of occupation be given to the Indians for the tracts on the Northwest Miramichi.<sup>7</sup> As a Licence had already been issued in 1805, it appears that no new Licence was granted in 1808.

The Indian Point Reserve, like most of the Northumberland County Reserves, was originally set apart for the general use of the Micmacs of the Miramichi area rather than for any specific band.<sup>?</sup> In 1836, when Barnaby Julian, Chief of the Little Southwest Miramichi, was chosen as principal chief of the Miramichi Indians, he secured a commission from the Government which affirmed his jurisdiction over all the Micmacs of the area.

*See  
Big Hole  
Report*

Under this commission, he apparently assumed control over the Indian Point and Big Hole Tract reserves in addition to the lands at Red Bank on the Little Southwest.<sup>8</sup> Although he was deposed as principal chief in 1841, he remained Chief at Red Bank and continued to exercise jurisdiction over the Indian Point and Big Hole Reserves. This arrangement was reportedly confirmed at a meeting of the various Miramichi Bands in 1845.<sup>9</sup> The Indian Point Reserve has been controlled by the Red Bank Chief and Band since that time.

Trespass Problems 1840 to 1847

The land on the Indian Point Reserve was arable for the mostpart and the location at the head of the tide opposite the junction of the Little Southwest River made it a desirable location to settlers. When Moses Perley inspected the Reserve in 1841, he reported 18 squatters living there. They occupied the whole of the Reserve with the exception of 3 acres on the river which the Indians had fenced. One or two of these squatters appear to have taken up land under some arrangement with the Indians but the others, according to Perley, had occupied the Reserve without any pretence of title.<sup>10</sup>

With the passage of the 1844 legislation for the management and disposal of Indian Reserve lands, surveys were made of several of the Northumberland County Reserves in preparation for sales. In June and July 1845, Deputy Surveyor David Sadler surveyed the Indian Point Reserve into 15 lots. All of these except Lot 13 were intended for sale to their non-Indian occupants. Lot 13 was occupied by the Indians. According to Sadler's report, there were three wigwams located on it and most of the 10½ acre lot was under cultivation.<sup>11</sup>

NATIVE TRAIL

For alterations in Col. May 14/4, Genl. recurrence

Survey by David Saddler  
June & July 1845  
from N.B. Crown Lands Office



12 = 3a. 7213  
Peter Hyland  
7214  
lot 14 39 ac.  
Charles Dolan  
15 = 15a. 7215  
Cha. Dolan

Scale 25 Chains to One Mile



When Moses Perley met with the Miramichi Indians in September 1845 to discuss the proposed sales of Reserve lands, the Indians of Indian Point expressed a wish to retain four of the lots occupied by squatters:

Lot 11 occupied by Mary Fitzgerald, an Indian woman who had married a settler but was then a widow;

Lot 12 occupied by Peter Hyland;

Lot 14 occupied by William Stewart;

Lot 15 occupied by Charles Dooling.

These lots, according to Perley, were to be amalgamated with Lot 13 to form an adequate area for an Indian settlement. <sup>12</sup>

William Salter, the Indian Commissioner for Northumberland County, opposed the Indian request for these four lots. The Executive Council apparently formulated a compromise in May 1847, ordering that a triangular portion of the back of the Reserve be surveyed out of the settlers allotments to be retained by the Indians as a woodlot (Lot 16). It also appears that the size of Lot 13 occupied by the Indians was increased from 10½ acres to 15 acres by taking 4½ acres from the adjacent Lot 14. In addition a road was reserved out of Lot 12 to connect Lot 16 with Lot 13 and the river. <sup>13</sup>

Land Sales 1847 and 1850

In June 1847, the 14 lots surveyed for squatters were advertised for sale in the Royal Gazette:

<u>Lot</u>	<u>Area</u>	<u>Occupant</u>
1	61 acres	Stephen Bullock
2	10	John Cain
3	23½	Richard McMahon

<u>Lot</u>	<u>Area</u>	<u>Occupant</u>
4	10 $\frac{1}{2}$	John McCarty
5	92	James Ledden
6	57	John Ryan
7	47	James Kehoe
8	83	Michael McKew
9	50	Terance Kelly
10	43 $\frac{1}{2}$	Dominicus Hanson
11	25	Mary Fitzgerald
12	36	Peter Hyland (a road is reserved along the south-east line of this lot which further reduces its extent to this quantity)
14	39	William Stewart
15	15	Charles Dooling

A note preceding the list indicated that several of the original acreages had been reduced due to the setting apart of Lot 16 as a woodlot for the Indians. Auction was to be held at Newcastle on August 18, 1847, all the lots being offered at an upset price of 4 shillings per acre.<sup>14</sup>

Moses Perley immediately protested against the proposed sale of Lots 11, 12, 14 and 15 which the Indians had indicated a desire to retain.<sup>15</sup> As a result, the ~~sale of these four lots was apparently deferred.~~ *four lots were withdrawn from sale. 22* Sales on the other ten lots (numbers 1 to 10) proceeded as scheduled. All ten were apparently purchased on the day of auction.<sup>16</sup>

~~With regard to Lots 11, 12, 14 and 15, William Salter, the Indian Commissioner for Northumberland, countered Perley's objections to sale. The Indians, he argued, had been given Lot 16 in place of those lots and were reportedly satisfied with the arrangement. The settlers could not be removed without compensation for improvements. As their applications for sale of the lots had already been approved by the Lieutenant Governor, he suggested that sale should proceed.<sup>17</sup>~~



~~In October 1847 Lots 11, 12, 14 and 15 were again offered for sale in the following month~~

In October of 1847 Lots 11, 12, 14 and 15 were again advertised for sale. Auction was to be held at Newcastle on December 22, 1847. Several lots on the Little South West Reserve and Big Hole Reserve were scheduled for sale ~~at~~ on the same date. On November 19, the Surveyor General advised Salter that the agreement made between Perley, Salter and the Indians in September 1845 "must be considered binding" ~~and~~ ~~that the Indian~~ as the Indians had ~~expressed~~ ~~expressed~~ expressly requested that the four lots be reserved for them. The only remedy was to consult the Indians to learn whether they would agree to surrender the lots and accept an equivalent elsewhere on one of the other reserves.

Salter replied that he had not accepted the Indian demands made ~~in 1845~~ in 1845. The Indians, he argued, had been given Lot 16 in place of the four disputed lots and were reportedly satisfied with the arrangement. The settlers could not be removed without compensation for improvements. As their applications to purchase had already been approved by the Lieutenant Governor he recommended that the sales proceed.

Due, however, to protests from both Indians and settlers regarding the proposed sales on the Red Bank Reserve, Lieutenant Governor Colbrooke suspended all the ~~lots~~ scheduled ~~for~~ sales.



at Red Bank, Big Hole and Indian Point.

NB Archives RG 10 RNA/C/3/2/  
Sewagey General Ledger

The four lots were again advertised in October 1847. Auction was to be held at Newcastle on December 22, 1847. However, it appears that the sales were deferred, this time due to complications with sales of Red Bank Reserve lands which were scheduled for the same day.<sup>18</sup>

The lots were not again offered for sale until after new sales regulations were introduced by Lieutenant Governor Head in 1849. In December, 1849, Lots 11, 12, 14 and 15 were advertised. The auction was held at Newcastle on January 30, 1850. Lots 12, 14 and 15 were purchased at that time.<sup>19</sup> Lot 11 remained unsold.

State of Reserve at Confederation

When the Indian Point Reserve was transferred to Canada in 1867, only Lots 13 and 16 remained for the use of the Indians. Lot 11 was still unsold but was occupied by a settler. All the other lots had been sold and granted by the New Brunswick Government:

<u>Lot</u>	<u>Area</u>	<u>Sale</u>	<u>Purchaser</u>	<u>Price</u>	<u>Date of Grant</u> <sup>20</sup>
1	61	6621	Michael Hogan	\$12.4	4 June 1849
2	10	6622	John Cain	2.0	14 August 1848
3	23½	6623	Richard McMahon	4.14	17 " "
4	10½	6624	Alex McCarty	2.2	17 " "
5	92	6625	James Ledden Jr.	18.8	16 " "
6	57	6626	John Ryan	11.8	17 " "
7	47	6627	James Kehoe	9.8	16 " "
8	83	6628	Michael McKew	16.12	17 " "
9	50	6629	Terance Kelly	10.0	16 " "
10	43½	6630	John Mackie	8.14	16 " "
12	36	7213	Peter Hyland	7.4	17 March 1854
14	39	7214	Charles Dolan	7.16	8 August 1850
15	15	7215	Charles Dolan	3.0	8 " "
Total: 567½ acres				\$113.10.0	

The 1867 return of Indian Lands from the New Brunswick Crown Lands Office lists the remaining area of the Indian Point Reserve as 135 acres while the 1870 return lists the area as 130 acres.<sup>21</sup> These figures are estimates only and there is no explanation for the discrepancy. Including the unsold Lot 11 (25 acres), Lot 13 (15 acres) and Lot 16 (101 acres), the area in 1867 would seem to have been roughly 140 acres.



1. The 1838 Schedule of Indian Reserves in New Brunswick lists the area as 750 acres. (Journal of the Legislative Assembly 1838, Appendix.) It would appear that the actual area may have been slightly less. C.L.S.R. 57800 by W.D. McLellan, shows the present acreage of the Reserve as 101.7 acres.
2. N.B. Archives Rex/pa Records transferred to Indian Papers from the Surveyor General's Office. Moses Perley to John Saunders, Provincial Secretary 22 July, 1847.
3. See Introduction to Northumberland County Reserves, B. Dewar for a discussion of the 1783 Licence of Occupation and the Davidson and Cort Grant.
4. Copy of Licence of Occupation March 5, 1805 is located in PAC RG. 10, Vol. 2522 file 107222-2.  
  
See also PAC MG. 9 A 1 Minutes of N.B. Executive Council 5 March, 1805.
5. PAC CO 188/106 Despatch No. 78, Sir Edmund Head to Earl Grey Aug. 17, 1848 with report by M.H. Perley (also found in RG. 7, G8B Vol. 57)
6. "Schedule of Indian Reserves in New Brunswick" Crown Lands Office, January 31, 1838 from Journal of Legislative Assembly 1838, Appendix
7. PAC MG9 A1 Vol. 3, Draft Minutes N.B. Executive Council, 24 September 1808.
8. Reference to Barnaby Julian's Commission of 1836 and his removal as principal chief in 1841 is found in "Extracts from Mr. Perley's Report on the Micmacs" December 11, 1841. JLA 1842 Appendix.  
  
Reference to Barnaby Julian's assumption of control of the Big Hole and Indian Point Reserves is found in PAC RG 10 Vol. 2522 File 107222-2 letter J. Ramsay to W.D. Carter 22 July, 1895.
9. PAC RG. 10 Vol. 2522 File 107222-2 T. Loggie to H. Reed 25 November, 1895 (?) to verify this report it will be necessary to obtain a copy of the Minutes of Perley's 1845 conference with the Miramichi Indians.
10. "Extracts from Mr. Perley's Report on the Micmacs" December 11, 1841, JLA 1842 Appendix.
11. Survey Plan with fieldnotes, David Sadler June and July 1845 from New Brunswick Crown Lands Office.

12. N.B. Archives Rex/pa Records transferred to Indian Papers from the Surveyor General's Office. Moses Perley to John Saunders, Provincial Secretary, 22 July 1847.
13. No record of this adjustment of lot boundaries and the creation of Lot 16 has been found in the Executive Council Minutes. However, the alterations are marked in on Sadler's 1845 survey plan from the New Brunswick Crown Lands Office with a notation "for alterations see approval in Col. May 14/47 on Surveyor General's recommendation". The changes are also noted in the advertisement for sale in the Royal Gazette June 16, 1847 PAC CO 192.
14. PAC CO 192 N.B. Royal Gazette June 16, 1847.
15. N.B. Archives, Rex/pa, Records transferred to Indian Papers from the Surveyor General's Office. Moses Perley to John Saunders, Provincial Secretary, 22 July 1847.
16. No official record has been found to show that the sale of Lots 11, 12, 14 and 15 were cancelled in August 1847. However William Salter's report of November 30, 1847 (Rex/pa records transferred to Indian Papers from the Surveyor General's Office) suggests that the sales must have been postponed.

The sale of Lots 1 to 10 is recorded in the JLA 1849 Appendix P. xxxiv "Return of Land sold within the Indian Reserves".

17. N.B. Archives Rex/pa records transferred to Indian Papers from the Surveyor General's Office, report by William Salter, 30 Nov. 1847.
18. PAC CO 192 N.B. Royal Gazette October, 1847.

Again there is no record that the auction was cancelled. However, the settlers at Red Bank had pleaded inability to pay for their lots and there is no record of any sales made on December 22, 1847.

19. PAC CO 192 N.B. Royal Gazette December 26, 1849.

The sales are listed in Rex/pa Indians Vol. 1 "Recorded sales of Indian Reserves to 14 March 1867 (imperfect)" enclosed in Letter from Crown Lands Office to Mr. Langevin Dec. 2, 1867.

20. The acreages listed in this table are taken from the 1847 advertisement for sale. The sales numbers, purchasers and prices are listed in the 1867 return of recorded sales noted in footnote 19. The dates of Grants are taken from PAC RG. 10 Vol. 2522 file 107222-Memo re lots granted before Confederation dated June 15, 1898.
21. PAC RG. 10 Vol. 1945 File 4252 Schedule of Indian Lands Nov. 12, 1867.

PAC RG 10 Vol. 329 Corr. No. C. 814 schedule of Indian Lands in N.B. May 19, 1870.

22 NB Archives RG 10 RMA/c/3/2/10 Surveyor General's Letterbook N, p. 422 Baillie to Wm Salter 27 July 1847



Renous



Renous Indian Reserve No. 12  
Northumberland County, N.B.

B. Dewar,  
Indian Lands.  
April, 1977



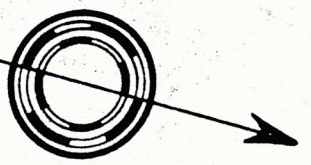
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KVILLE

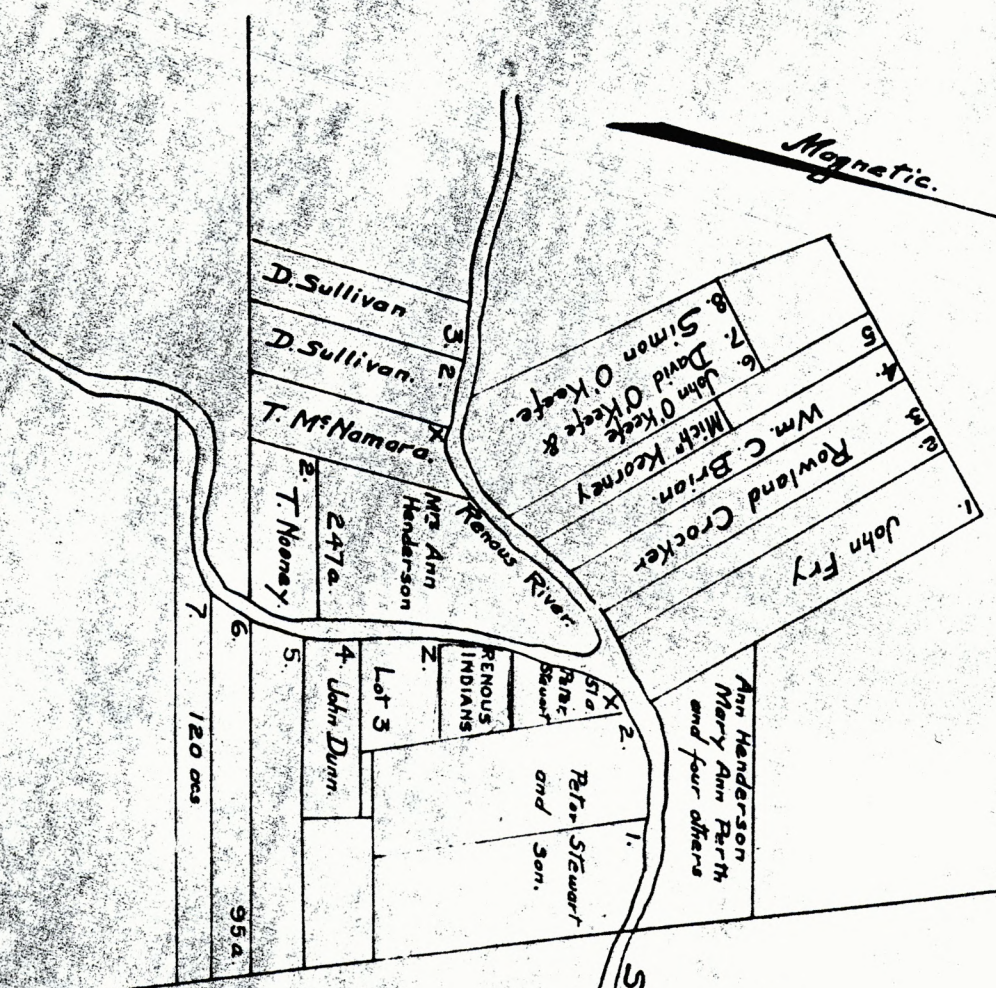
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Magnetic.



CLSR. T 2529

Surveyed by Beverly Powell

1828

529



Location and Size

The Renous Indian Reserve is situated in the parish of Blackville, Northumberland County, N.B. on the south bank of the Southwest Miramichi approximately one-half mile upstream from the point where the Renous River flows into the Southwest Miramichi. The Reserve presently contains 24.6 acres and is under the control of the Eel Ground Band.<sup>1</sup>

Historical Origins

The Renous Reserve is located on or near the site of an early Indian encampment. Its name derives from an Indian family who apparently lived in the locality. The Renewes (Renous) family along with the Julian family were reported to have protected the settlers on the Miramichi during the Indian disturbances in 1779.<sup>2</sup> It appears that the Renous River and the Reserve acquired their name from the Renous family.

In reporting on the lands claimed by the Miramichi Indians in 1785, Benjamin Marston, the sheriff of Northumberland County, listed a lot of one acre on the south side of the Southwest Miramichi below William Davidson's house.<sup>3</sup> The Indians wanted the lot for an encampment. This one-acre lot may be the origin of the present Renous Reserve which is only a short distance upstream from the farm then occupied by William Davidson.



No documentation has been located setting this Reserve apart for the Indians. The earliest official reference to the Renous Reserve is an 1828 survey by Beverly Jouett.<sup>4</sup> *This plan shows the Reserve*  
~~The parcel~~ as part of Lot 3 which is subdivided into three parts:

- (1) Lot X - 51 acres which was granted to George A. Stewart;<sup>5</sup> *in 1874*
- (2) Parcel labelled "Renous Indians". This parcel is referred to as Lot Y in subsequent correspondence;
- (3) Lot Z - According to later reports Lot Z contained 75 acres and was granted by the New Brunswick Government to Daniel McDonald.<sup>6</sup> *in 1887*

~~lots 1 & 2~~

The plan gives no acreage for the Indian parcel.

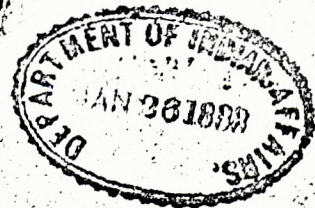
*Lots 1 & 2 behind the Renous Reserve were granted to Peter Stewart and son in 1808. A plan in the Northumberland Co. Grant Book No 1 p. 12 in the N.B. Dept of Natural Resources indicates that the land in the present Renous Reserve was at that time part of a large Crown Reserve spanning*

There is considerable doubt regarding the original area of the Renous Reserve. The Reserve is not listed in any of the New Brunswick Schedules of Indian Reserves until 1858. The schedule issued by the Crown Lands Office in that year lists Lot Y Southwest of Renous - 40 acres, 3 of which were cleared by the Indians.<sup>7</sup> *both sides of the SW. Meramish*  
The schedules provided by the New Brunswick Crown Land Office in 1867 and 1870 also list the Reserve as 40 acres.<sup>8</sup>

An undated survey plan sent to the Department in 1888 shows Lot Y as 44 acres.<sup>9</sup> However, a survey of the Reserve in 1965 indicates that there are presently only 24.6 acres in the Renous Reserve. No explanation has been found for this discrepancy in the area of the Reserve. No lands have been officially alienated from the Reserve. It has therefore been assumed that the area shown in the New Brunswick Schedules was only an

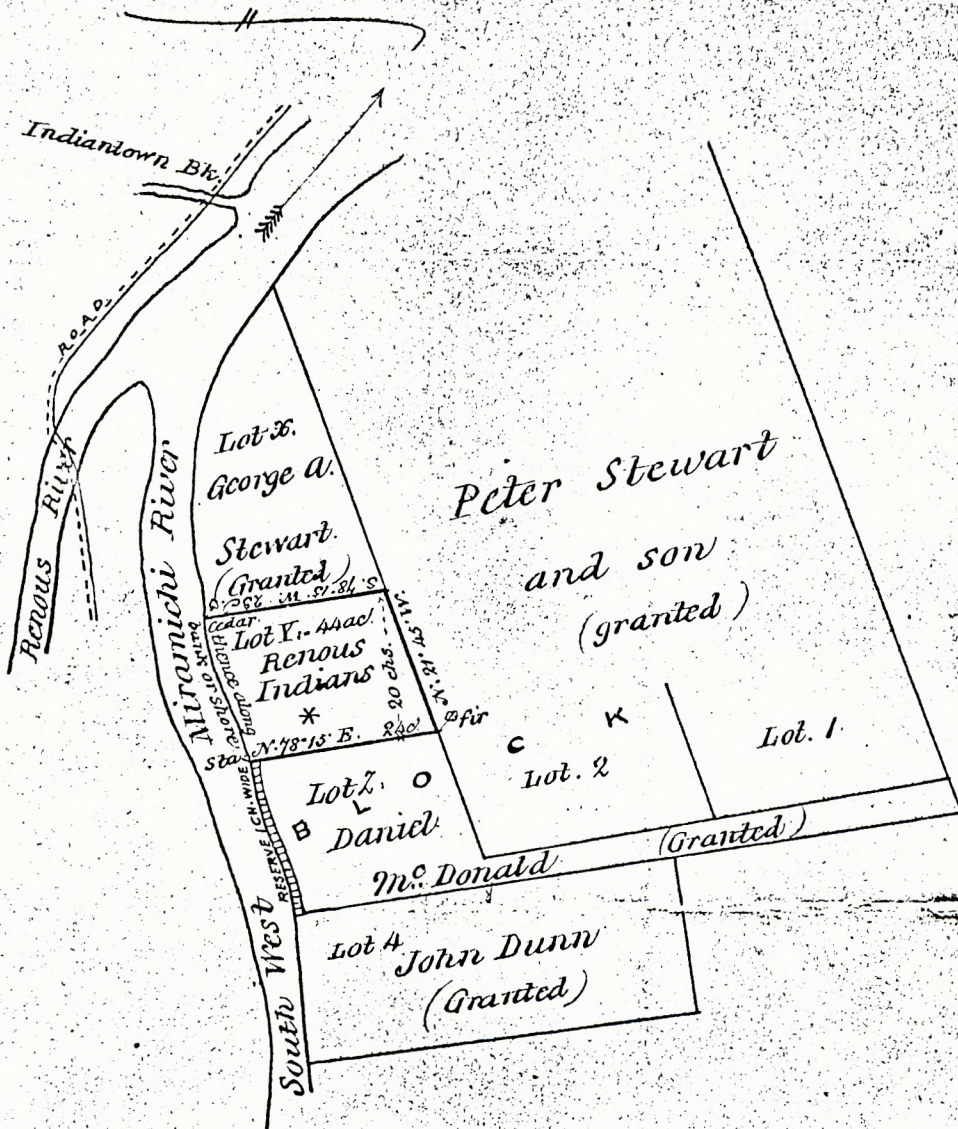


45378



Parishes of Nelson & Blackville  
County of Northumb<sup>d</sup>

Scale 25 chs. = 1 inch.



\* The Schedule sent to Ottawa  
after Confederation has the  
contents of this lot 40 acres.

From PAC RG10  
Vol 2208 file 41954

Mag. Men of 1883.



inaccurate estimate and that the original area was roughly 25 acres rather than 40 acres.

The Departmental schedules of 1913 and 1928 list the area of the Renous Reserve as 100 acres.<sup>10</sup> However, that figure would appear to be a definite error. It seems that the area was calculated from the 1828 survey plan and that Lot Z (75 acres) was erroneously included as part of the Reserve.

*(see files 271/30-6-12 vols 1 & 2 re acreage problem)*  
State of the Reserve circa 1840

When Moses Perley visited the Indian encampment at Renous in August 1841 there were 43 Indians living there: 26 adults and 17 children.<sup>11</sup> It is not stated whether the Indians resided there year round or only seasonally.

In September 1841 Perley issued a commission to Mitchel Sock naming him chief of the tribe at Renous.<sup>12</sup> William Salter, the Indian Commissioner for Northumberland County, subsequently applied to have the commission renewed in 1848.<sup>13</sup> However, while the Indians at Renous had their own chief, there appears to have been a close affiliation with the Eel Ground Band. There are indications that the Miramichi Indians agreed in 1845 that the Renous Reserve would come under control of the Eel Ground Band. More research is needed to clarify the relationship between the two Reserves; however, there is evidence of a close connection. In 1847, a lot of 48½ acres was surveyed in the Eel Ground Reserve for one Mitchel Sock, an Indian.<sup>14</sup> This was apparently Mitchel Sock, Chief of the Renous Reserve. In 1860 Deputy Surveyor Parker reported that the Reserve at Renous was of little use to the Indians, that they did not live on any part of it, their principal encampment being at Eel Ground.<sup>15</sup>



Proposed sale 1859-1861

Despite its small size, the Renous Reserve like the other Reserves in Northumberland County was subject to trespass by non-Indian squatters. In 1833 or 1834 one John McDonald built a log house on the upper portion of the Renous Reserve. McDonald died around 1847; however, his wife continued to occupy the property. She subsequently married one Peter McGrigor who made further improvements on the lot - bringing roughly seven acres under cultivation.<sup>16</sup>

In 1859 Deputy Surveyor Parker surveyed the Indian claim at Renous including the seven acres occupied by McGrigor.<sup>17</sup> Following the survey McGrigor attempted to confirm his possession with the Indians. Due to previous bad relations between McGrigor and the Indians, Newel Brio, acting spokesman for the Indians at Renous, insisted that McGrigor vacate the land. At the suggestion of Edward Williston, the local Indian Commissioner, Brio agreed to consult Chief Mitchel Sock and to meet McGrigor at Williston's Office in Newcastle to further discuss the matter. The Indians, however, failed to appear on the date set for the meeting.<sup>18</sup>

On October 24, 1859, McGrigor petitioned the Lieutenant Governor requesting that he be allowed to purchase the seven acres he occupied (or a larger parcel of 15 acres) at the usual upset price.<sup>19</sup> The Surveyor General referred the petition to Deputy Surveyor Parker for a report. As there were no Indians permanently resident on the Reserve, Parker recommended that McGrigor's petition be granted in view of his long occupation.<sup>20</sup>

In March 1861, a lot of  $6\frac{1}{2}$  acres, "part of the Indian Reserve at Indian Town" on the Southwest Miramichi, was advertised for sale in the Royal Gazette at an upset price of 15 shillings per acre.<sup>21</sup> The sale was to take place at Newcastle on May 29, 1861. In response to the advertisement, Mitchel Sock, Newell (Noel) Brio and six other Indians petitioned the Government to postpone sale pending consideration of their claim to the land. According to the Indian petition, the Reserve contained 47 acres and was occupied by eight families totalling 35 persons. Its primary value to the Indian appears to have been as a seasonal fishing site. The petition was signed for Mitchel Sock, Noel Brio, Louis Renous, Dominick Hermou, Peter Renous, Thom Hermou, Peter Deedam and Bernard Paul. It was apparently written and certified by Mr. Egan, the Indian priest at Burnt Church.<sup>22</sup>

As a result of the Indian petition the sale of the  $6\frac{1}{2}$  acre lot was postponed for further enquiry.<sup>23</sup> There is no record of subsequent sale.

In 1867, the Renous Reserve was included among the Indian lands transferred to Federal control. As previously mentioned, the schedule provided by the New Brunswick Government at that time listed the Reserve area as 40 acres.

Notes

1. C.L.S.R. 52301 by W.D. McLellan - recorded 30 March 1965.
2. Collections New Brunswick Historical Society No. 4, 1899, p. 94.
3. N.B. Archives Rex/pa Indians Vol. I. Benjamin Marston, 29 August 1785.
4. C.L.S.R. T2529 Survey by Beverly Jouett January 1828.
5. The 1828 Survey shows Parcel X occupied by Peter Stewart; however C.L.S.R. 52301 (1965) indicates the parcel was granted to George A. Stewart. *according to The Lands Branch of The N.B. Dept of Natural Resources, this 50 acre lot was granted to George A. Stewart in April 1874 Northumberland Co. Grant Book 6 p. 162*
6. C.L.S.R. 52301 McLellan (1965). *according to The Lands Branch of The N.B. Dept. of Natural Resources, Lot 20, 77 acres, was granted to Daniel Mc Donald in Oct 1897 Northumberland Co. Grant Book 12*
7. "Schedule of Reserved Indian Lands, Crown Lands Office, March 19, 1858" JLA 1858-59, p. 121.
8. PAC Rg. 10 Vol. 1945 file 4252 Schedule of Indian Lands Nov. 12, 1867; PAC Rg. 10 Vol. 329 Corr. No. C814 Schedule of Indian Lands in N.B. May 19, 1870.
9. PAC RG. 10 Vol. 2208 file 41954 Memo Charles Sargeant to Dept. 20 Jan. 1888 with survey plan. The plan was apparently made after 1883.
10. Schedule of Indian Reserves in the Dominion, Supplement to Annual Report of the Dept. of Indian Affairs, Ottawa: "Gov't. Printing Bureau, 1913, p. 8. | Dept. of Indian Affairs, Surveys Branch, Schedule of Indian Reserves in the Dominion of Canada Part 1 Ottawa, 1928, p. 21
11. "Extracts from Mr. Perley's Report on the Micmacs" December 11, 1841. JLA 1842, Appendix.
12. PAC MG 9 A1 Vol. 40 (microfilm M-1439) p. 21 Commission to Mitchell Sock 6 September 1841.
13. PAC MG9 A1 Vol. 40 (microfilm M-1439) p. 20. William Salter to Provincial Secretary (undated but from related correspondence it would appear to have been written in 1848).
14. Survey Plan by David Sadler, January 1847 from N.B. Crown Lands Office, note on plan reads "Return of survey to order of William Salter...of 48½ acres of land surveyed for Mitchell Sock, an Indian."
15. Letter 17 March 1860 Deputy Surveyor Parker to James Brown, Surveyor General, Fredericton (apparently from N.B. Archives) copy in our research files under Renous-sales.
16. Ibid.
17. Ibid. (no copy of this survey has been obtained)



18. Ibid.
19. Petition Peter McGrigor (Griger?) to Lieutenant Governor John Manners - Sutton 24 October, 1859 (apparently from N.B. Archives, Rex/pa) copy in our research files under Renous-sales.
20. same as footnote 15
21. PAC CO 192 N.B. Royal Gazette, March 27, 1861.
22. Petition of Michel Sock and others to Lt. Governor John Manners-Sutton No. 3747 May 2, 1861. Bears notation "sale postponed by advertisement in Gazette 8 May, 1861", "In Council 1, July 1861, Land not to be sold without further enquiry". (probably from N.B. Archives, copy in our research files under Renous-sales).
23. Ibid.  
See also PAC CO 192 N.B. Royal Gazette, 8 May, 1861.

Red Bank

Red Bank Indian Reserves Nos. 4 and 7

B. Dewar  
Indian Lands

May , 1977.



Red Bank I.R. #4 and #7, N.B.

Location and Size

Red Bank Indian Reserves 4 and 7 are located along the Little Southwest Miramichi River near its confluence with the Northwest Miramichi, approximately thirteen to fifteen miles from Newcastle, N.B. As originally established, these two Reserves formed a single block of land stretching along both sides of the Little Southwest Miramichi for a distance of over four miles from its junction with the Northwest and extending back from the river bank roughly two miles on either side. The 1838 schedule of Indian Reserves in New Brunswick lists the combined area as 10,000 acres.<sup>1</sup>

As a result of sales to non-Indians, most of the Reserve land fronting on the river has been alienated. The remaining part of the Reserve on the north side of the river now constitutes Red Bank I.R. No. 7, while the unsold portion of the Reserve south of the river now constitutes Red Bank I.R. No. 4. Both Reserves belong to the Red Bank Band. The separate description numbers are merely an administrative convenience adopted after Confederation. In dealing with the pre-Confederation history, these separate designations will be largely ignored and the Red Bank Indian lands will be treated for the mostpart as a single tract.

Historical Origins

1783 Licence of Occupation

The junction of the Northwest and Little Southwest Miramichi Rivers appears to have been traditional camping site of Micmac Indians prior to European settlement. In 1783, Lieutenant Governor Parr of Nova Scotia issued a licence of occupation to Chief John Julian and his tribe to occupy a

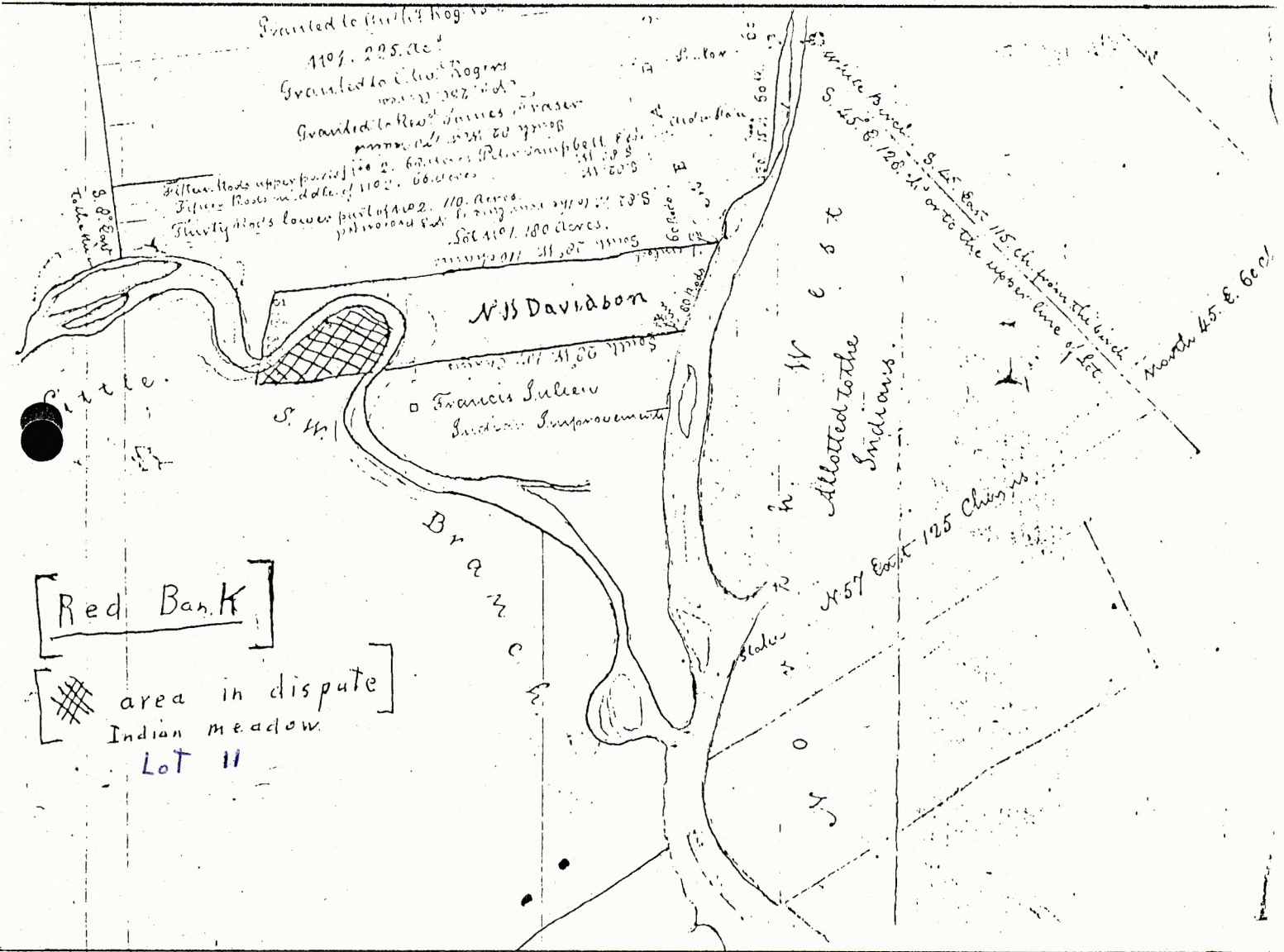
tract of land beginning below the junction of the Little Southwest and the Northwest Miramichi and extending up the Northwest Branch twenty miles, stretching back one mile on either side of the river.<sup>2</sup> This licence covering roughly 20,000 acres was regarded by Moses Perley (and apparently by the New Brunswick Crown Lands Office) as the origin of the Little Southwest or Red Bank Reserve.<sup>3</sup> The licence, however, extended up the Northwest Miramichi rather than the Little Southwest. It would therefore appear to cover only a fraction of the later Red Bank Reserve (i.e. an area extending one mile up the Little Southwest from its junction with the Northwest Branch. The subsequent Red Bank Reserve extended over four miles up the Little Southwest Miramichi.)

The validity of this 1783 Licence of Occupation is questionable as much of the land at the junction of the Northwest and Little Southwest Miramichi Rivers was covered by a previous grant issued to William Davidson and John Cort in 1765.<sup>4</sup> While the New Brunswick Government was willing to recognize certain Indian rights in the area, it never officially confirmed the 1783 Licence to the Indians from Governor Parr of Nova Scotia.

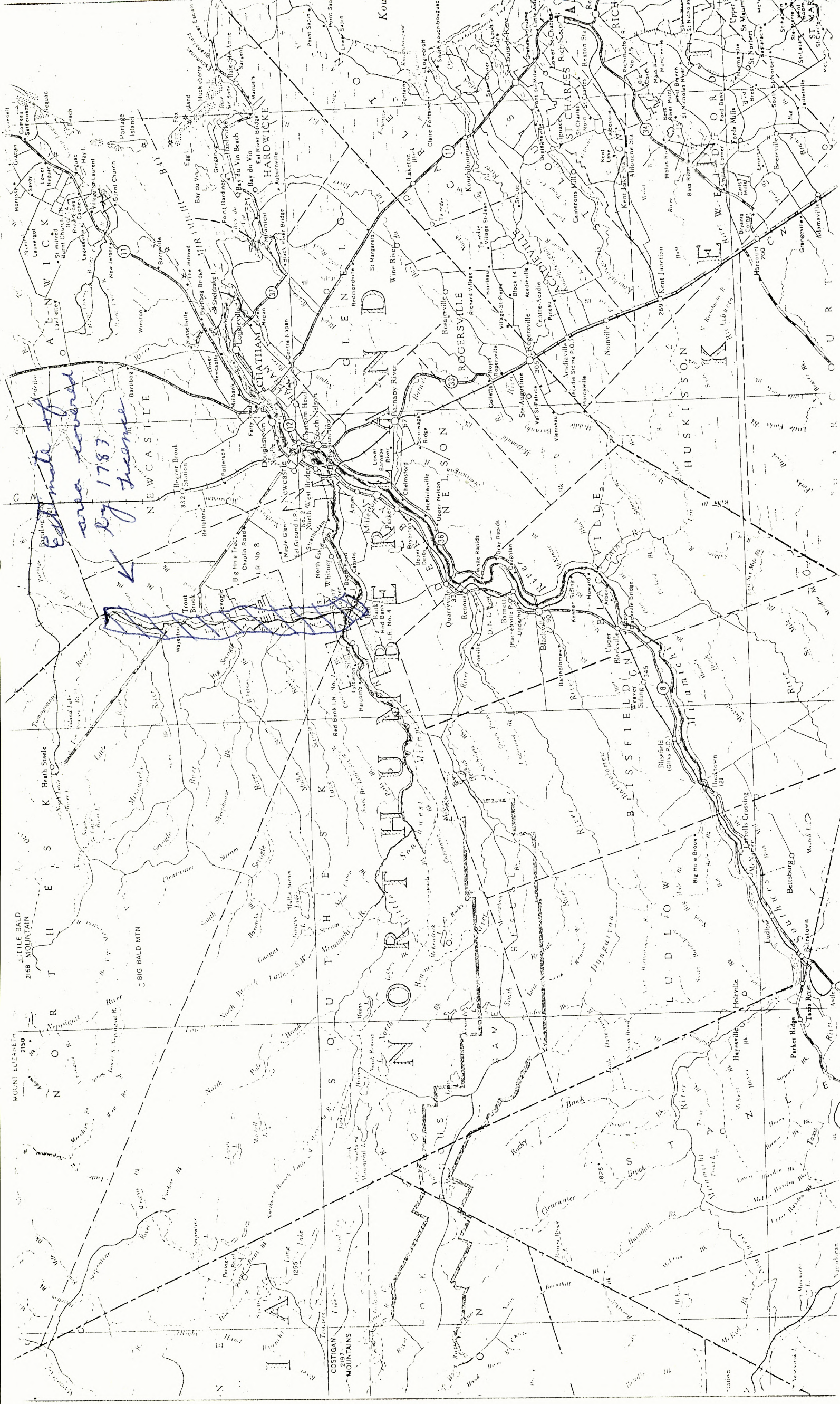
In 1785, Chiefs John Julian and Francis Julian laid claim to the area described in their licence and attempted to exact payment from Davidson and Cort tenants for hay and timber cut within the 20,000 acres. Benjamin Marston, the sheriff for Northumberland County, who was then conducting escheat proceedings against the Davidson and Cort grant, advised the Indians that their licence would probably be confirmed with the exception of the lands then occupied by settlers.<sup>5</sup> However, when the Davidson and Cort grant was revoked later that year, no action was taken to confirm the Indian claim.

Copied from a map received from the New Brunswick Museum, Archives Section in August 1971. (See file 271/30-10 vol. 3)

The map is undated but would appear to have been made circa 1807.





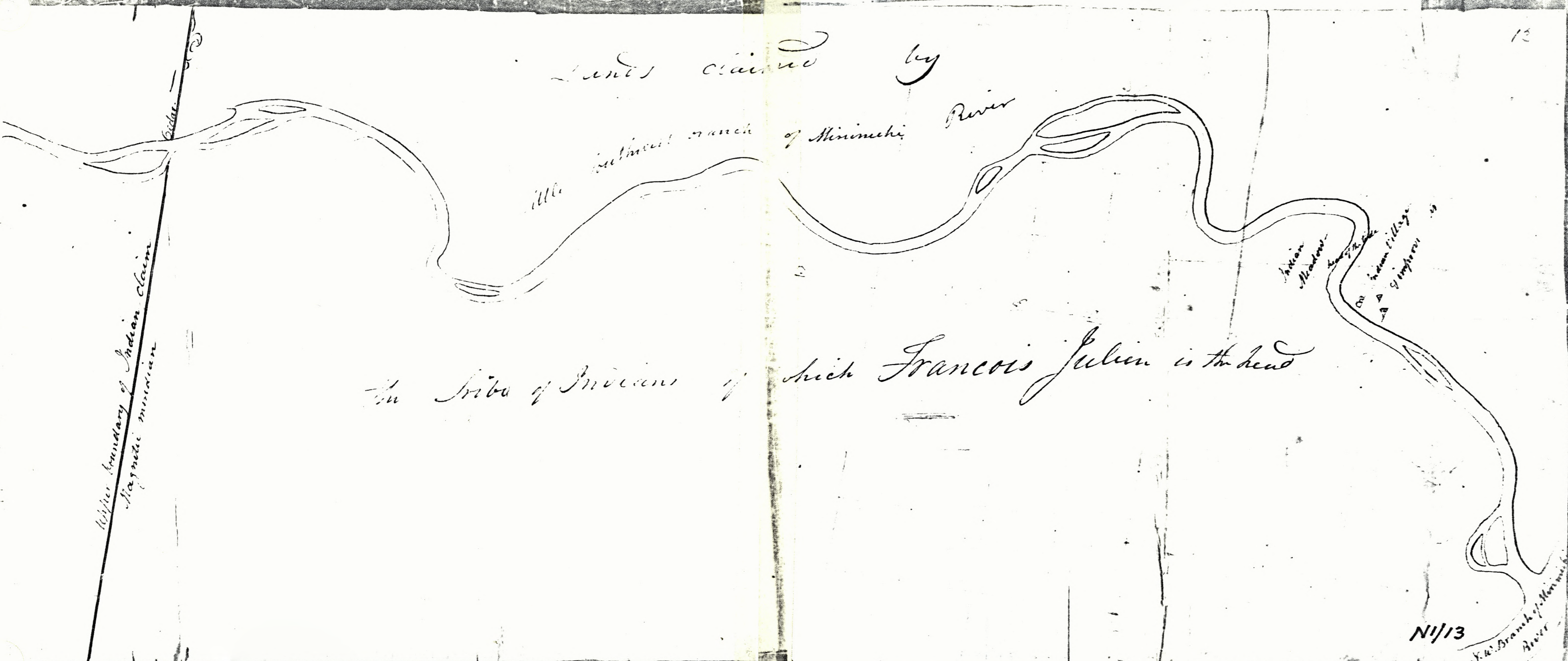




Lands claimed by

the southern branch of Minnehaha River

the tribe of Indians of which Francois Julien is the head



Upper boundary of Indian claim  
Magpie mission

Cedar

Indian Meadows

Indian Village  
of Indians

N/13

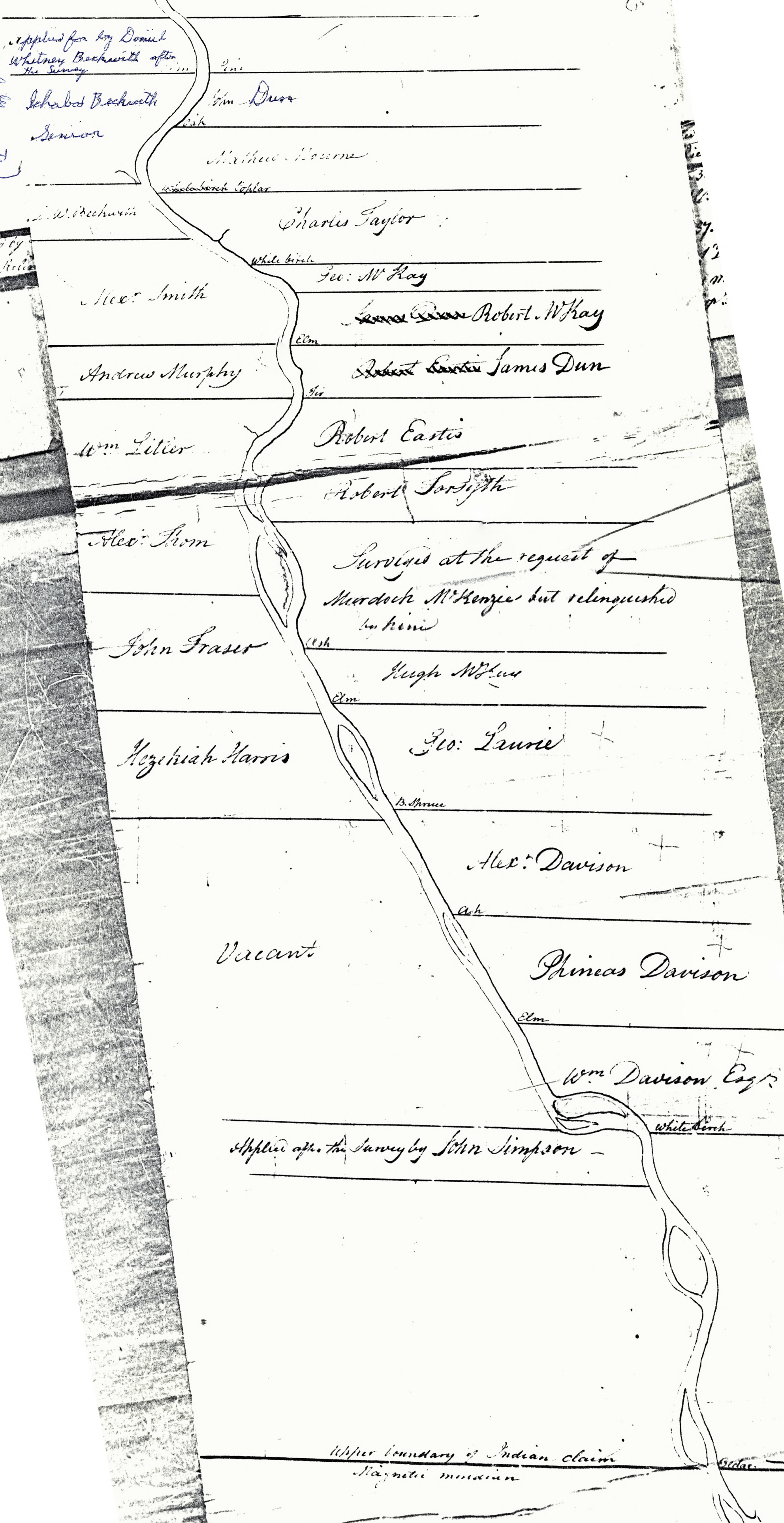
N.W. Branch of Minnehaha River



Plan of the Little Southwest branch of Meramec River  
 with locations of Land Surveyed thereon according to Instructions  
 from Geo: Eyre Esq: Surveyor General by  
 Reginald Campbell  
 Surveyor

Scale  
 20 Chains to one Inch

(From our records & documents  
 in the Red Book Court recorded in  
 Plan of page 13 of Northumberland  
 Book 1 page 13 of the full  
 County records on file in  
 Book of the N.B. Dept. of  
 Natural Resources)



Applied for by Daniel Whitney Beckwith after the Survey

Robert Beckwith Senior

James Dues

Matthew Moore

Charles Taylor

Geo: M'Ray

Robert W'Ray

Alex: Smith

Andrew Murphy

Robert Easton James Dun

Wm Litter

Robert Easton

Robert Lortz

Alex: Thom

Surveyed at the request of Murdock M'Kenzie but relinquished to him

John Fraser

Hugh M'Lean

Hezekiah Harris

Geo: Laurie

Alex: Davison

Vacant

Phineas Davison

Wm Davison Esq

Applied after the Survey by John Simpson

Upper boundary of Indian claim  
 Magnetic meridian

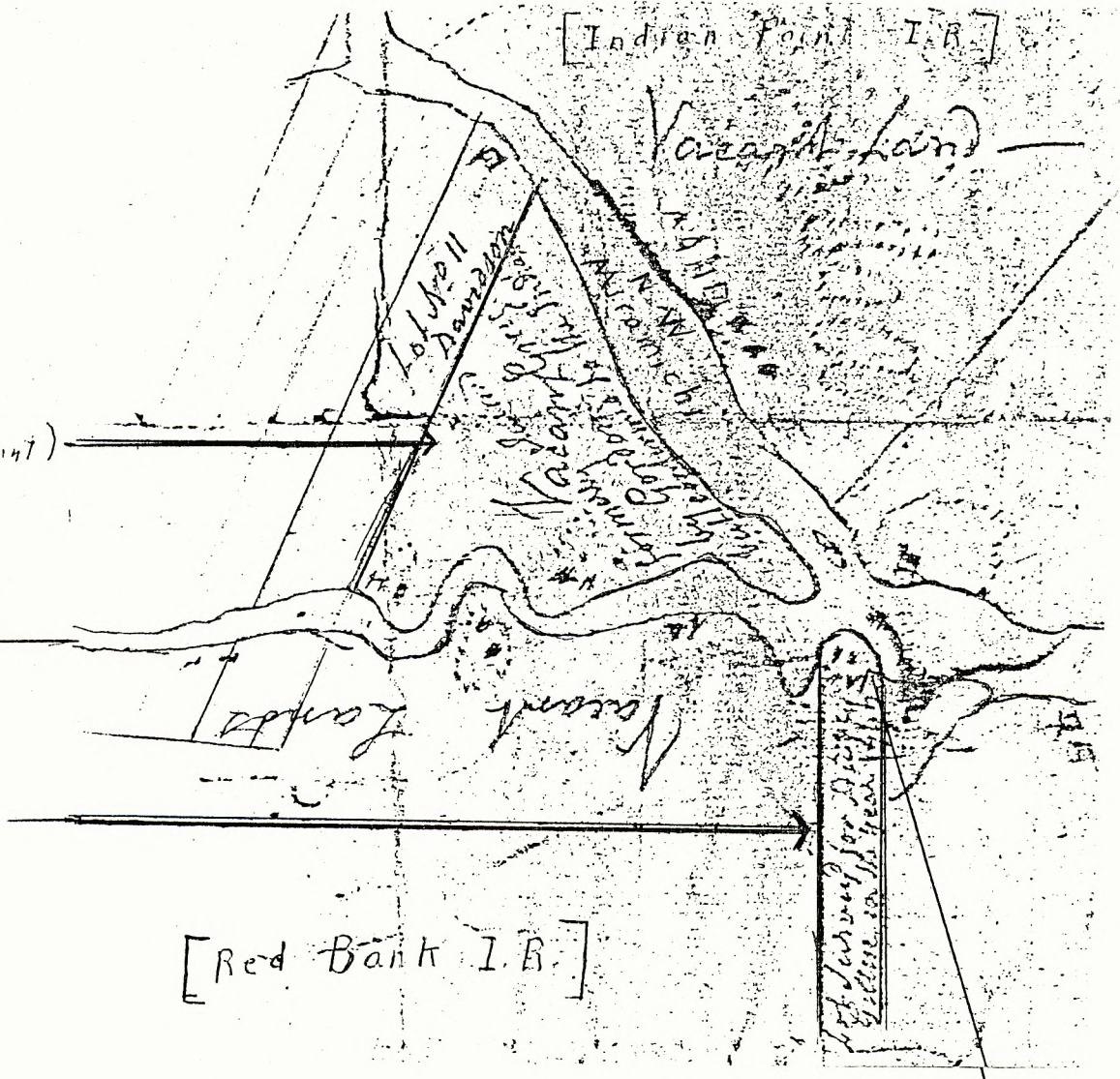


Map attached to a letter to Duffy Gillas dated 20 July, 1801  
 from Harriet Irving Library Archives U.N.B., Fredericton,  
 N.B. (copy in our 'Research files under' "Red Bank - Historical  
 Documents")

Note reads:  
 formerly claimed  
 by Gordon & Greig  
 but confirmed to  
 the Indians (Vacant)

Little Southwest  
 Miramichi

Note reads:  
 Lot surveyed for  
 Duffy Gillise in  
 the year 1792



Point reserved  
 for Indians, 1802

Map taken from:

W.H. Davidson, An Account of the Life of William Davidson ...,

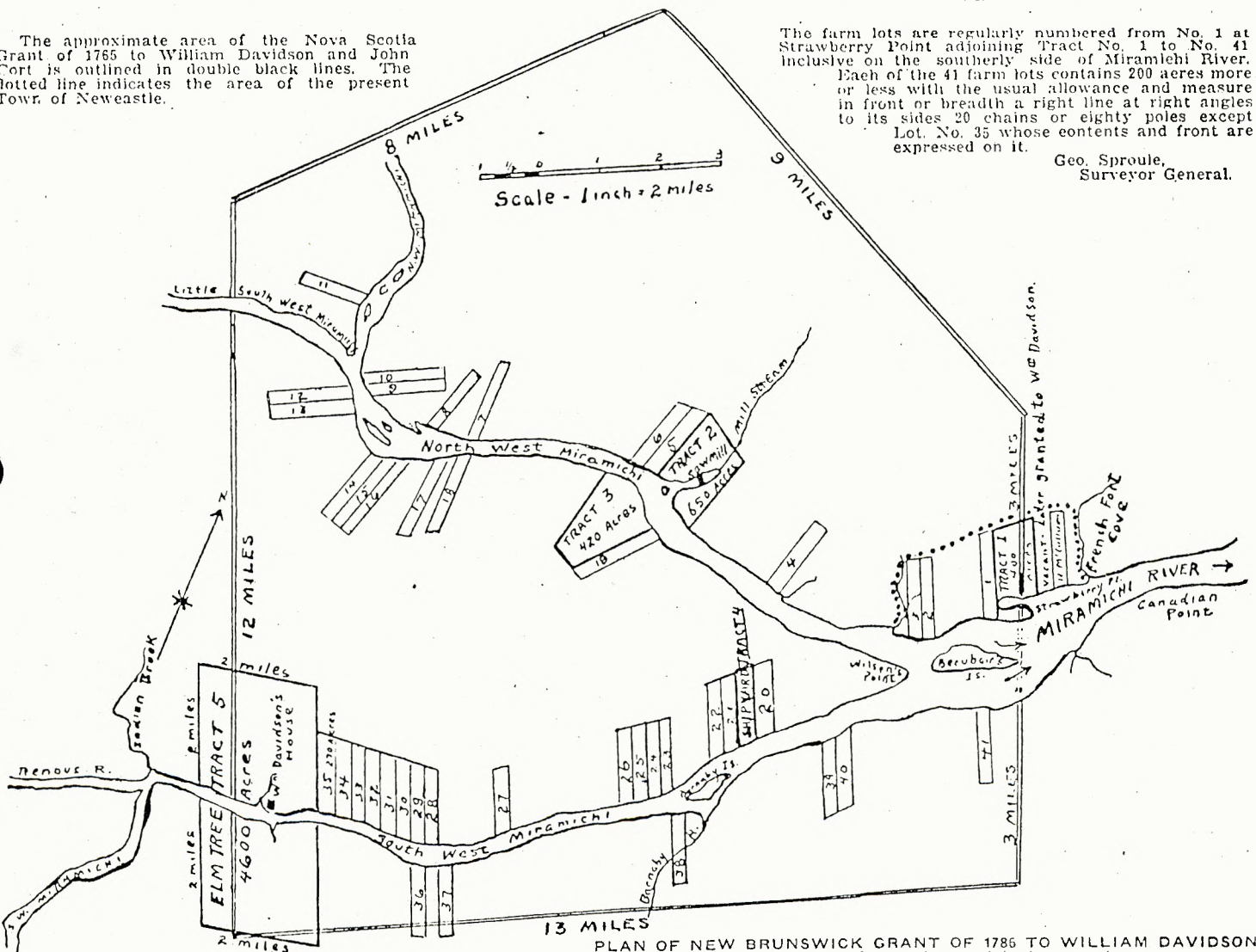
Publications of the New Brunswick Museum,

Historical Studies No. 6 Saint John, N.B. 1947.

The approximate area of the Nova Scotia Grant of 1765 to William Davidson and John Cort is outlined in double black lines. The dotted line indicates the area of the present Town of Newcastle.

The farm lots are regularly numbered from No. 1 at Strawberry Point adjoining Tract No. 1 to No. 41 inclusive on the southerly side of Miramichi River. Each of the 41 farm lots contains 200 acres more or less with the usual allowance and measure in front or breadth a right line at right angles to its sides 20 chains or eighty poles except Lot. No. 35 whose contents and front are expressed on it.

Geo. Sproule,  
Surveyor General.



PLAN OF NEW BRUNSWICK GRANT OF 1765 TO WILLIAM DAVIDSON  
Copied in reduced scale from original grant plan.



1794 Treaty

As discussed in the "Introduction to Northumberland County Reserves", references do exist to a 1794 treaty between Chief John Julian and a Governor William Milan on behalf of King George III. This treaty allegedly granted the Indians "a distance of six miles from Little South West on both sides and six miles at North West on both sides of the rivers."<sup>6</sup> The land description is vague. The grant, if authentic would apparently cover all of the Red Bank Reserves as well as lands on the Northwest Miramichi. Neither the original document nor a certified copy have ever been examined or authenticated. As indicated in the introduction, there are numerous reasons to doubt the existence and authenticity of any 1794 treaty. The version printed in Native Rights in Canada is therefore of dubious value as title documentation for the Red Bank Indian Reserve.

Lot Reserved 1802

While the 1783 Licence of Occupation was never officially honoured by the New Brunswick Government, the Indians continued to occupy and claim lands at Red Bank at the mouth of the Little Southwest Miramichi. The name Red Bank derived from a high bank of red sand and loam at that point.

*From 1790 to 1801, the N.B. Govt was unable to grant lands to either Indians or settlers due to an Imperial order restraining land grants in the colony. The order was lifted in 1802 & grants resumed.*

In 1802, the Executive Council reserved for the Indians a point of land on the Little Southwest River called old Indian Town where a number of Indians were buried.<sup>7</sup> This point was on the south side of the Little Southwest and probably included the church lot and the Augustine mound burial site within the present Red Bank I.R. #4. (See map <sup>on</sup> ~~of~~ following page ~~2~~). The Executive Councils action in reserving this lot for the Indians ended nearly ten years of dispute between the Indians and a



settler named Duffy Gillace who had occupied the lot in 1792.

The map ~~on the following page~~ also indicates that the point on the opposite side of the river claimed by James Gordon and Alexander Greig (Grey?) in 1791, was also confirmed to the Indians sometime <sup>in or</sup> prior to 1802.<sup>8</sup> No record has been found setting this land apart for the Indians during that period. However, the point, was included the subsequent Red Bank Indian Reserves.

Survey 1804

In <sup>Sept</sup> 1804, Deputy Surveyor Dugald Campbell surveyed for Chief Francis Julian and the Indians of the Little Southwest River a tract of land beginning at the mouth of that river and extending five miles upstream.<sup>9</sup> In September of the following year, Surveyor General George Sproule signed a certificate specifying that this tract of land was not to be encroached upon or applied for by any person until the allotment proposed for the Indians was made and confirmed by the Executive Council.<sup>10</sup>

*It appears that Francis Julian paid the costs of Survey  
( H 12 M G H 57 Francis Julian with Dr. J. Odell. 4 April 1811 )*

On July 13, 1806, Chief Francis Julian apparently took copies of Sproule's certificate and Campbell's certificate of survey to Alexander Taylor, a Justice of the Peace at Newcastle. There he signed a declaration providing that, in the event of his death or disability to make a proper will, his two sons Mitchel Julian and Barnaby Julian should be entitled to hold the specified tract of land. On July 15, 1806 all three documents were registered in the Northumberland County Land Registry.<sup>11</sup>

No confirmed copy of Campbell's 1804 survey has yet been located. However, an undated survey plan of the Little Southwest Miramichi by Dugald Campbell was obtained from the New Brunswick Department of Natural Resources in 1973.<sup>12</sup>

M

1805 The Govt issued a Lic. of Occupancy & fullm for the Tract on the N.W. Miramichi surveyed by Campbell in Sept 1804-5- While the L.S.W. Reserve was surveyed at that time, it appears that it was not covered by the 1805 License - according to Party's & NB Crown Lands Office covered by Big Hole Indian Reservation not the Red Bank DR.

This map may be the plan referred to. It shows an area extending roughly five miles up the Little Southwest River from its mouth. (following the course of the river) marked "Lands claimed by the Tribe of Indians of which Francois Julien is the head." (see map on the ~~following~~ <sup>previous</sup> page). This map merely shows the frontage along the river. The rear boundaries and the length of the side boundaries are not marked. This plan may or may not be

the 1804 survey. It appears that Campbell made a subsequent survey in 1806 of settlers allotments above the Indian allotment

From the limited evidence available, it would appear that a five mile tract at Red Bank was surveyed for the Indians in 1804 and tentatively held for them until confirmed by the Executive Council in 1807.

1807 Minute in Council

It appears that Campbell surveyed the settlers allotments on the L.S.W. in 1806 (RWA C/2/1/4)

On February 28, 1807, the Executive Council considered a survey of the Little Southwest Miramichi by Dugald Campbell and confirmed the allotments shown.<sup>13</sup> Council also ordered that the portion of Lot 11 on the Northwest Miramichi which extended into the Indian location on the Little Southwest be conveyed to the Indians.<sup>14</sup> No copy of the plan confirmed by Council has yet been obtained, however, the reference to the encroachment of Lot 11 on the Indian location indicates that the survey showed all or part of the Red Bank Reserve. In all probability, the plan showed the whole of the five mile Indian allotment survey by Campbell in 1804. (It is not known

whether Campbell resurveyed the area between 1804 and 1807.) However a list of the allotments confirmed on the Little Southwest only the allotments surveyed to settlers. It does not list the Indian claim. The allotments confirmed by this minute It would appear that this 1807 Minute in Council constitutes the earliest complete

title documentation to the present Red Bank Reserve. However, a copy of the survey plan approved by Council is required to determine whether or not the Minute covered the whole of the Reserve.

I've also see the map from NB Museum indicated

dests list

with more complete boundaries than the previous noted plan were officially granted in 1808. Northumberland Co. Grant Book No 2 in NB Crown Lands Office Fredericton has a grand plan of these lots. However it merely shows upper bounds of Indian allotment.



With regard to Lot 11, it appears that the western extremity of that lot originally extended across the Little Southwest river to include part of a meadow claimed by the Indians. (See the map on the following page).

This matter was further adjusted in 1808 when the Government offered to grant the owners of Lot 11 other lands on the Northwest Miramichi in exchange for the Indian meadow.<sup>15</sup> The meadow was subsequently included

as part of the Red Bank Reserve.

1808 Minute in Council

In August 1808, the Surveyor General directed William F. Odell to survey and report on the Indian holdings in the Miramichi District. In his return of survey and accompanying report dated September 16, 1808, Odell listed the names of all the Indians whom it was desirable to apportion lands. Odell also pointed out to the Indians, on plans, the boundaries of the several tracts allotted to them that they were not to expect or claim anything more. According to Odell, the Indians "expressed themselves satisfied."<sup>16</sup>

On September 24, 1808 the Surveyor General's report on Indian lands at Miramichi was read and approved by the Executive Council. Council then ordered that Licences of occupation be given to the Indians for the various Northumberland County Reserves including the tract on the Little Southwest Miramichi.<sup>17</sup>

This order essentially confirms to the Indians all the lands set apart for them along the Miramichi and Tabusintac rivers. To determine which lands

were set apart at Red Bank, it will be necessary to obtain copies of

Odell's report and the Surveyor General's report of 1808. More research is

Odell's report gives little information regarding the boundaries of the Indian lands. (see Report, Odell to Spruille 16 Sept. 1808 Harriet Irving Library, UNB MCH 54) ...7

*Following the Order in Council of 1807 was followed by correspondence & investigation the following year. In August 1808 Odell advised John St. Louis the occupant of Lot 11 not to interfere with the meadow claimed by the Indians. The matter was to be sent an investigator to inspect the case.*

*the Govt he states and report on the Indian claim & arrange the case.*

*the Little SW.*

*particulars to Lot 11 on*

*with regard to Lot 11 on*

*the Govt offers to send the NW Miramichi in exchange for the Indian meadow.*

*unfortunately no copies of the Surveyor General's report or any maps have been located to establish with any certainty the bounds agreed upon with the Indian*

*over*



CHEL MCH 54

In 1811 Francis John Campbell & Co  
of the same & Co<sup>rs</sup> were entitled  
to cut logs from the disputed  
meadow area. The ~~land~~ Co later  
this complaint & cut out has  
been defeated. My wife appeal &  
I did for. protect of their  
lands.

I did assure the Indian that  
the State would by purchase of the  
of the contents & value of the  
and. against which & that the law  
provision in the mind in town  
would be made at the & die.

~~also needed to determine whether or not licences of occupation were issued in accordance with the Council Minute.~~

In brief, the following facts emerge regarding the establishment of the Red Bank Indian Reserve. A five mile tract along the Little Southwest Miramichi was surveyed for the Indians in 1804. Under orders from the Surveyor General, this tract was tentatively held for their use until the allotment was officially approved by the Executive Council in 1807. The boundaries were then apparently further adjusted and confirmed in 1808. The area was roughly 10,000 acres.

#### Chiefship at Red Bank

The reserve at Red Bank was initially claimed by and surveyed for Chief Francis Julian and the Indians of the Little Southwest Miramichi. The ~~1808 Minute in Council, however, seems to indicate that all the Miramichi reserves were to be set apart for the general use of the Indians of Northumberland County.~~

*Under the 1808 Minute & the list prepared by Odell*  
Regardless of the ~~1808 Minute~~, The lands at Red Bank continued to be considered more or less the exclusive property of Chief Francis Julian and the Indians normally resident on the Little Southwest Miramichi. Francis Julian was apparently succeeded as chief by his son Barnaby Julian who was listed Chief of the Little Southwest in 1832.<sup>18</sup>

In 1836 Barnaby Julian succeeded Chief Andrew Julian of the Northwest Miramichi as principal chief of all the Miramichi Indians. Pursuant to his appointment, he obtained a Commission from the Lieutenant Governor

under which he apparently claimed complete jurisdiction over the Reserves at Red Bank, Indian Point and Big Hole.<sup>19</sup>

The position of Chief carried with it considerable authority over Reserve lands. Although the Chiefs were not legally allowed to sell reserve lands, a large number of sales and leases were concluded between the Chiefs and non-Indian settlers. The Government took little action to discourage these illegal sales or to prevent trespass. Until the introduction of Indian lands legislation in the 1840's, the management of reserve lands at Red Bank was left almost exclusively to the Indians themselves and particularly to the Chief.

Government intervention and sales proposals  
1822 and 1832

On occasion Government Officials intervened in the management of the Northumberland County Reserves when specific problems arose.

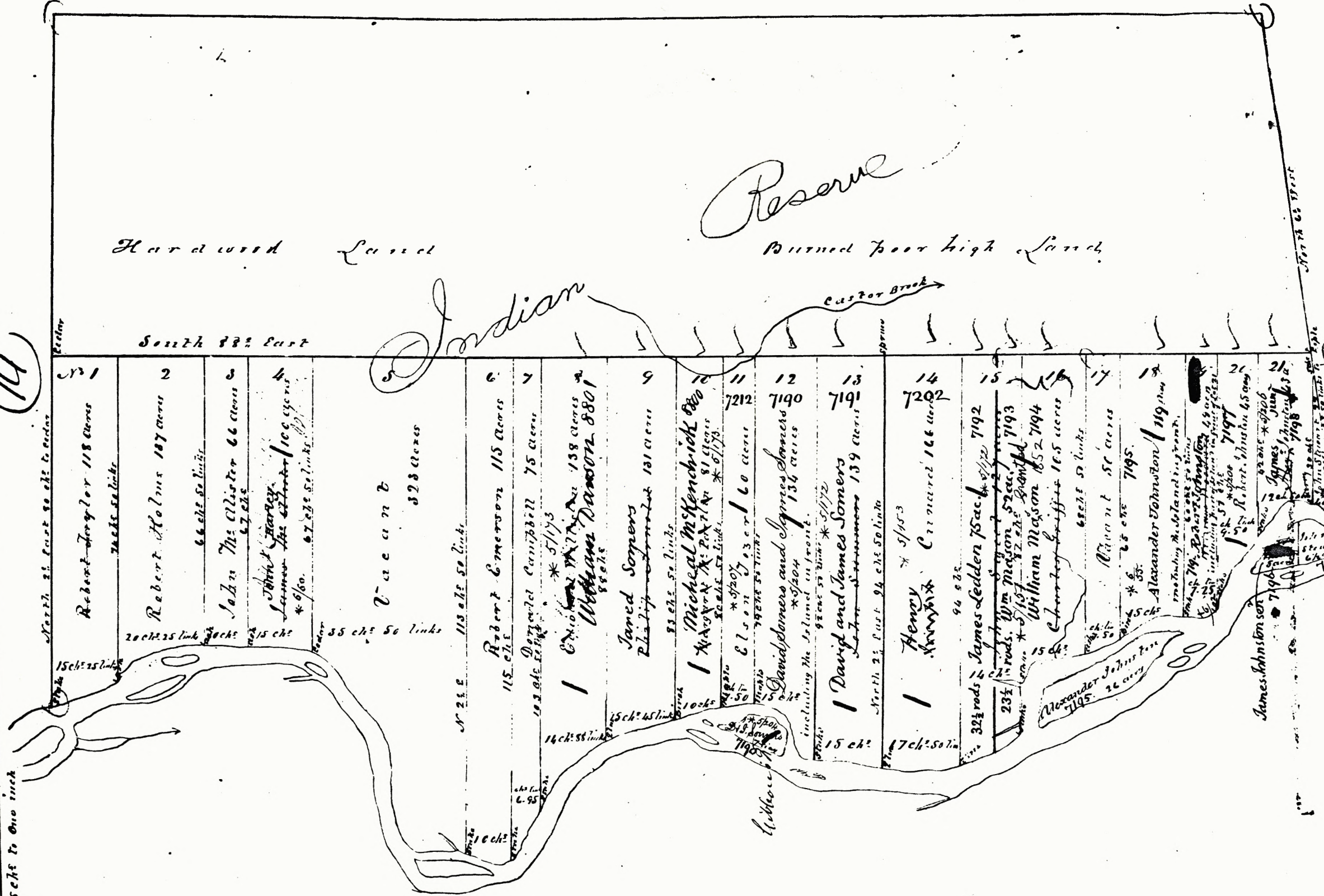
In 1822 Barnaby Julian and several other Indians living at Red Bank appealed to Attorney General Thomas Wetmore to extricate them from financial difficulties. These Indians had accumulated substantial debts with several local merchants. To pay their accounts, the Indians had sold their cattle and their creditors were threatening to seize the band's crops. The Indians were bordering on destitution.

To cover the Indian debts, Wetmore proposed to sell a mill site at Oxford's Cove on the Eel Ground Reserve. The proposal was endorsed by Barnaby Julian with the assent of the other Indians involved. The agreement was provisional upon Government assurance to protect Indian lands from other claimants.<sup>20</sup> The Government was apparently <sup>unprepared</sup> upregarded



Magnetic Meridian  
Scale 25 cts to one inch  
8/24  
4/57

(14)



Hardwood Land

Reserve

Plowed poor high Land

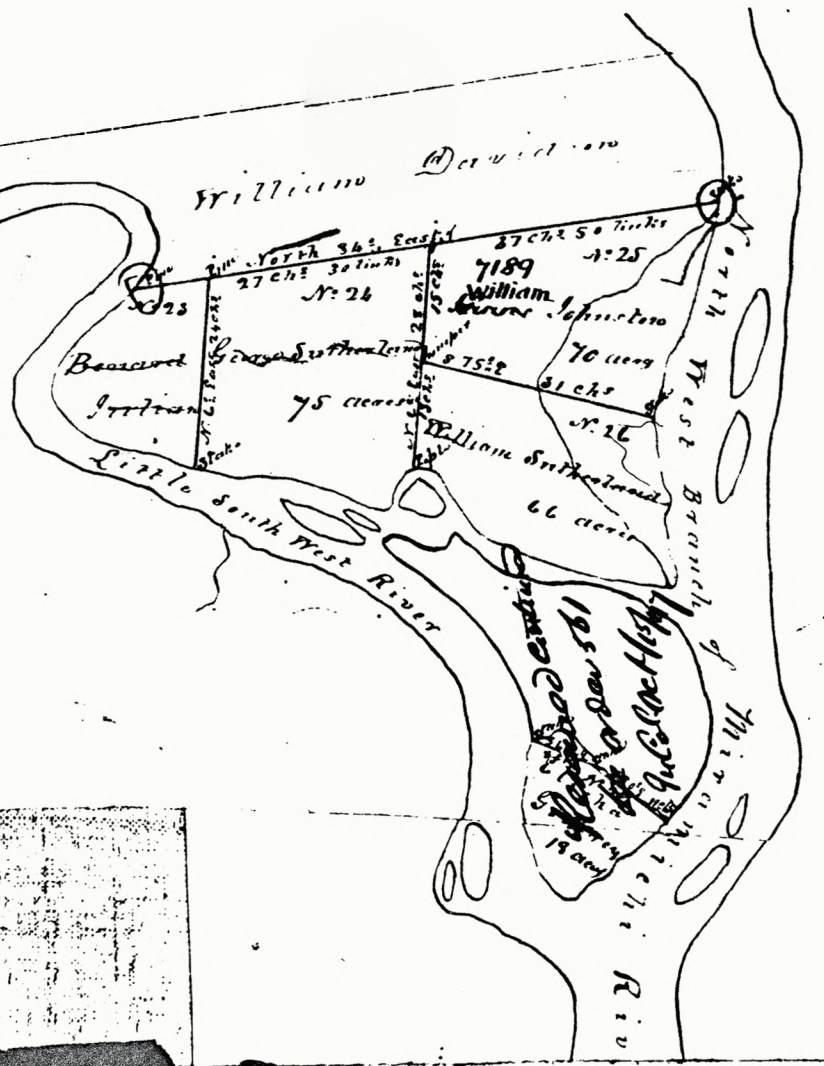
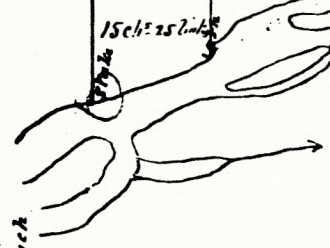
Indian

Castor Creek

South 88° East

Bl. 22. Rec 7211

Rec. 60x14  
Survey by  
David Sadler 1845 & 1847  
from N.B. Crown Lands Office  
see also fieldnotes with original  
listing occupants & improvements





to make such assurances or to take the necessary steps to implement the proposed sale. As a result the sale did not proceed and the management and protection of Indian lands was left to the Indians.

Ten years later, in 1832, in response to pressure for the sale of the mill site at Eel Ground, the Deputy Commissioner of Crown Lands secured an agreement from Barnaby Julian, Chief on the Little Southwest River, and from Deny Julian, Chief on the Northwest Miramichi, to relinquish all of their reserves with the exception of a lot for each family to reside upon.<sup>21</sup> The lands given up by the Indians were to be sold and the revenues placed in a fund to support the aged and inform. The Burnt Church Indians were also reported to be agreeable to such an arrangement. The agreement signed by Barnaby Julian, Mitchel Julian and Deny Julian listed 16 Indians on the Little Southwest and 23 Indians on the Northwest Miramichi who were to receive individual allotments. Again, the Government failed to take any action regarding Indian lands and the agreement remained inoperative.

#### Illegal Sales and Leases by Barnaby Julian

Apart from these abortive Government initiatives, the management of the Northumberland County Reserves during this period was left largely to the Chiefs. As settlers began to actively seek lands along the Little Southwest River, Barnaby Julian, along with his brother, Mitchel Julian, assumed the right of selling and leasing large portions of the Red Bank Reserve. When Moses Perley inspected the Reserve in 1841 he reported 49 squatters occupying reserve lands mostly under lease or sale from Barnaby Julian. The Chief had reportedly received nearly \$2,000 in money and goods from the settlers and his annual rent roll was estimated at roughly \$300.<sup>22</sup> These

revenues, according to Perley, went almost exclusively to Bernard Julian's own family and despite this considerable income he was still deeply in debt to local merchants.

As a result of his mismanagement of the lands and revenues, Barnaby Julian was deposed as principal chief of the Miramichi Indians in 1841.<sup>23</sup> However, he apparently continued to act as chief of the Red Bank Reserve.

#### Indian Population 1841

In 1841, Perley reported 50 Indians living at Red Bank: 26 adults and 24 children. Barnaby Julian had a house and a barn near the mouth of the Little Southwest River on the south bank. There was also a small chapel located there. Perley recommended the site as a location for a village.<sup>24</sup>

#### Lease Proposals 1841 to 1843

During his inspection of the Red Bank Reserve in 1841, Perley visited each of the squatters issuing copies of a Government proclamation against trespass on Indian lands. However, in view of the amounts paid by the settlers to the Indians for deeds and leases, Perley recommended that the Government give the settlers at Red Bank an opportunity to legalize their occupation of reserve lands.<sup>25</sup>

To deal with the extensive squatter problem detailed in Perley's report, the Executive Council in 1842 decided to offer settlers a chance to lease the lands they occupied.<sup>26</sup> Those who wished to do so were advised to petition the Lieutenant Governor through the Surveyor General's office; survey would then be made at the applicants expense and leases would be negotiated. In addition, the Executive Council ordered that surveys be



made of the Northumberland County Reserves and that Indian Commissioners Egan and Gilmour be requested to report on suitable terms for lease.<sup>27</sup>

The proposed lease arrangements met with little success. Settlers were unwilling to pay the cost of survey for mere leasehold tenure.<sup>28</sup> Moreover, the Assembly was pressing for sales legislation which held more appeal to settlers than lease proposals.

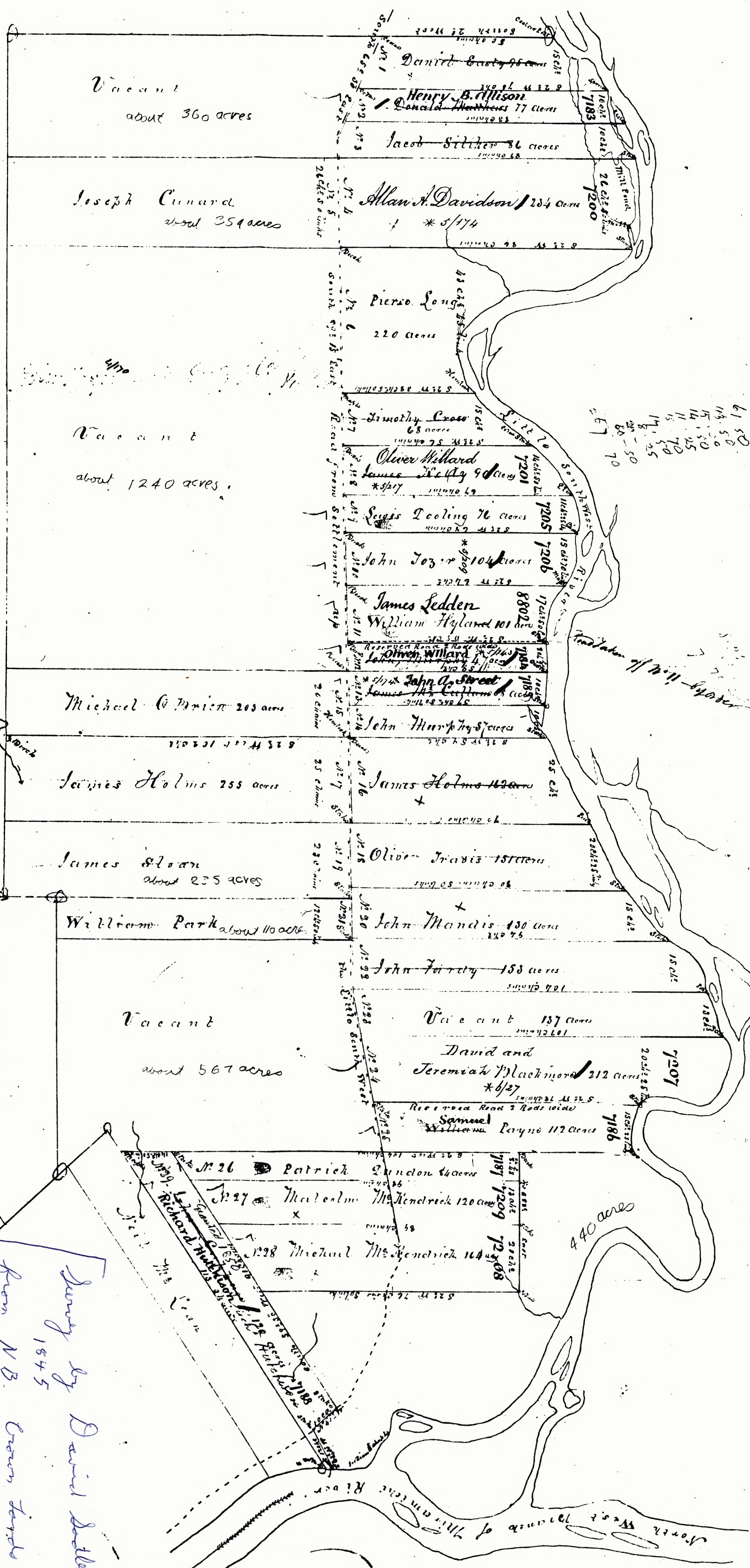
Land Sales Proposals and Indian Opposition  
1844 to 1848

With the passage of the 1844 Act for the management and disposal of Indian Reserve lands, steps were taken to prepare for sales on the Red Bank Reserve. In August and September of 1845, Deputy Surveyor David Sadler surveyed the reserve and the boundaries of the lots occupied by squatters.<sup>29</sup> However, before the survey was completed, the Executive Council had resolved to defer all proposed sales with the exception of the town plot at Madawaska.<sup>30</sup>

In late September of 1845, Moses Perley met with the several Miramichi bands to ascertain which portions of the Reserves the Indians wished to retain and which portions they were willing to relinquish for sale.<sup>31</sup> Perley favoured sale of certain Indian lands; however, he was opposed to the provisions of the 1844 sales legislation. Under that Bill, the money received from the sale of Indian lands was to be paid into a fund for the use of the Indians. It was Perley's conviction that the sale of Indian lands at low prices to encourage settlement would never raise a sufficient fund for the needs of the Indians.<sup>32</sup> He, therefore, favoured a system whereby the Indians would be granted a fixed annuity by the Legislature



Meridian of 1845  
at 34 Chains to One Inch



Vacant  
about 360 acres

Joseph Cunard  
about 354 acres

Vacant  
about 1240 acres

Michael O'Brien 203 acres

James Holmes 255 acres

James Sloan  
about 235 acres

William Park about 110 acres

Vacant  
about 567 acres

Vacant 137 acres  
David and Jeremiah Mackinnon 212 acres  
\*6/27  
Samuel Williams Rayno 112 acres

No. 26 Patrick Dundon 84 acres  
No. 27 Malcolm McHendrick 120 acres  
No. 28 Michael McHendrick 164 acres

Survey by David Sedden  
1845  
from N.B. Crown lands  
see original for details  
relating to surveys &  
improvements

440 acres

61  
50  
14  
50  
15  
50  
14  
50  
11  
70  
15  
50  
14  
50  
11  
70

10



in exchange for the release of certain lands to the Crown. These surrendered lands could then be sold as Crown lands at low prices without prejudicing the welfare of the Indians.

The Agreement reached by Perley and the Indians apparently reflected Perley's views on the 1844 sales legislation. Moreover, the Indians wished to retain certain lots occupied by squatters on the Indian Point and Eel Ground Reserves. - a fact which raised criticism from William Salter, the Indian Commissioner for Northumberland County.<sup>33</sup> Thus, despite repeated urgings by Perley, the agreement he negotiated with the Indians in 1845 was never adhered to by the Government.

Perley's negative opinion of the 1844 sales legislation was shared by Lieutenant Governor William Colebrooke who showed considerable reluctance to implement the sales provisions. Finally in 1847, under pressure from the Legislature, the Executive Council allowed portions of several of the Northumberland County Reserves to be advertised for sale.

In September 1847, Deputy Surveyor <sup>Sadler</sup> ~~Setler~~ made some adjustments to his 1845 survey of the Red Bank Reserve. The revised plans were apparently considered by the Committee of the Executive Council on Land Petitions in mid October. According to a notation on the plan, Council ordered that the island at the mouth of the Little Southwest River on the north side including Lot 27 continue to be reserved for the Indians.<sup>34</sup> However, it was apparently decided that all the other lots occupied by non-Indians should be offered for sale.



On October 18, 1847 Thomas Baillie, the Surveyor General placed an advertisement in the Royal Gazette offering 51 lots for sale on the Little South West (Red Bank) Reserve. The advertised lands totalled nearly 6,000 acres.

LITTLE SOUTH WEST RESERVE.  
(South Side.)

Lot.	Acres.	Name.	Upset Price
1	95	D. Estey,	5s. per acre.
2	77	D. Matthews	--
3	86	J. Silliker,	--
4	234	J. Cunard,	--
5	259	Do.	--
6	220	P. Long,	--
7	68	T. Crowe,	--
8	90	J. Kelly,	--
9	76	L. Dooling,	--
10	104	J. Tozer,	--
11	101	W. Hyland,	--
12	47	J. Murphy,	--
13	58	J. McCullum,	--
14	57	J. Jurphy,	--
15	203	M. O'Brien,	--
16	162	J. Holmes,	--
17	255	Do.	--
18	151	O. Travis,	--
19	235	J. Sloan,	--
20	130	J. Mendis,	--
21	110	W. Park,	--
22	153	J. Fardy,	--
24	212	T. Blackmore,	--
25	112	W. Payne,	--
26	84	P. Dundon,	--
27	120	M. McKendrick,	--
28	164	Do.	--
29	120	J. Cuppage,	--

Total 28 Lots 3,782 acres.

(North Side.)

Lot.	Acres.	Name.	Upset Price.
1	118	R. Taylor,	5s. per acre.
2	137	R. Holmes,	--
3	66	J. McClister,	--
4	100	Do.	--
24	75	G. Sutherland,	--
25	70	J. Johnston	--
26	66	W. Sutherland,	--
Note.-No. 27 continues reserved for the Indians.			
6	115	R. Emmerson,	6s. per acre
7	75	D. Campbell,	--
8	138	E. Williston,	--
9	131	P. Arnold,	--
10	81	M. Partland,	--
11	60	E. Tozer,	--
12	134	J. Gibbon,	--
13	139	J. Summers,	--
14	166	J. Cunard,	--
15	127	J. Sweet,	--
16	105	C. Griffiths,	--
18	119	T. Johnston,	--
19	49	W. Woodward,	--
20	45	R. Johnston,	--
21	43	A. Johnston,	--
22	<del>121</del> 12 1/2	J. Stewart,	--

Total 23 Lots 2171 1/2 acres.

Auction was to be held at Newcastle and December 22, 1847.<sup>35</sup>

In response to the advertisement, thirty-two of the settlers living on the Reserve petitioned the Government for a reduction of the upset price. They maintained that the lands had been appraised too highly and that they had already paid considerable sums to the Indians (in excess of \$1700).<sup>36</sup>

*Th. Gen. Colbrooke*

~~The Executive Council responded that the upset price could not be reduced without defeating the intent of the legislation to create an effective Indian fund from the proceeds of land sales. However, if the settlers could not meet the purchase price, the sales could be postponed until the whole question could be submitted to the Legislature.<sup>37</sup> Apparently the sales were postponed.~~

*include but rearrange*

*In addition Colbrooke insisted that the sales be made on a cash down basis rather than by installment see Gen Lib 15*

The petition from the settlers at Red Bank coincided with the arrival of petitions from the Miramichi Bands protesting against the proposed sales. In December 1847, Chiefs John Gomishe and Noel Briat of Burnt Church, Chief Nicolah Julian of the Northwest Band and Barnaby Julian from Red Bank all forwarded petitions requesting the Lieutenant Governor not to allow their lands or improvements to be sold.<sup>38</sup>

*In response to the petition from both settlers and Indian, Lieutenant Gov Colebrooke directed that the sales be ~~deferred~~ deferred. (NBA archive RNA C/3/2) 10*

In January 1848, Barnaby Julian again petitioned the Lieutenant Governor on behalf of the Indians on the Little South West River expressing regret at the breaking up of their grant and asking to have their lands confirmed to them with all their original privileges and immunities. In return, the Indians promised not to solicit further Government aid.<sup>39</sup>

The Indian petitions had a limited impact. Lieutenant Governor Colebrooke, in one of his last acts in office, recommended to the Colonial Office that all sales of Indian lands be deferred in hope that the Legislature could be induced to guarantee a fund for the Indians.<sup>40</sup> However, the deferral of sales proved to be only temporary.

The Legislature was determined to implement the 1844 legislation without revision. Lieutenant Governor Edmund Head, who succeeded Colebrooke in 1848 decided to put the sales provisions into effect. New sales regulations were issued in July 1849 to make the legislation operative and sales proceeded.<sup>41</sup>

By this point Moses Perley's one-man campaign against the 1844 Act had been completely undermined. Without Colebrooke's support, Perley's political influence was limited. His opposition to land sales had aggravated both



insert  
on page 16

With Perley's influence curtailed and Tolbrooke's term expired, Indian opposition to land sales became less vocal and less effective. In September 1848 the Micmac Tribe assembled in general council at Burnt Church and presented Lieutenant Governor Head with a petition requesting him to withhold his assent to any sales or alienation of Indian Reserve lands. The petition written in Micmac and English was signed by seventeen Chiefs of the Tribe from the Meromachi and other areas.

However, the Indians could not combat the pressure from the Legislature to enact the 1844 sales legislation. Head had already indicated his intent to make the act operative. In July of 1849 new sales regulations were issued and sales of Indian lands resumed.

1 Petition of Micmacs to E. Head 5 Sept 1848  
N. B. Museum, Papers of N. B. Historical  
Society re Indians shelf 27 Pack. 6

the Assembly and the Executive Council. As a result, Lieutenant Governor Head felt he could no longer employ him in any capacity in the management of Indian Affairs.<sup>42</sup> Moreover, William Salter, the Indian Commissioner for Northumberland had convinced the Provincial Secretary that Perley's activities among the Indians of this County was the major source of Indian discontent and opposition to the sales legislation.

In June of 1848, Salter engineered a Conference of the various Miramichi Bands at Eel Ground. Under Salter's influence, the several chiefs including Barnaby Julian of Red Bank) expressed their total trust in the Government and the local commissioner and stated that they had no desire to consult Perley on any Indian matters. Salter was elected as their great chief and spokesman and the Indians agreed to abide by the law of the land - apparently a reference to the land sales legislation.<sup>43</sup> In the following month, the Provincial Secretary advised Perley that his unauthorized interference in the Indian Affairs of Northumberland County was no longer acceptable.<sup>44</sup>

*insert*

~~With Perley's influence removed, there were no further recorded protests against sales from the Red Bank Band prior to Confederation.~~ It is difficult to judge to what extent Indian protests and petitions had been engendered by Perley's actions and to what degree they were a genuine expression of Indian opposition to land sales. The lack of protest after 1848 suggests that Perley may have stimulated and directed much of the Indian protest as Salter claimed. On the other hand, the lack of protest may stem from the fact that, without Perley's presence, the Indian had no one to effectively voice their dissatisfaction.

Land Sales 1849 to 1867

In July 1849, the 51 lots on the Little Southwest Reserve which had been advertised in 1847 were again listed for sale in the Royal Gazette. The lots were to be auctioned at Newcastle on September 12, 1849.<sup>45</sup>

John Gibbons, one of the settlers who had petitioned for a reduction of the upset price in 1847, again petitioned the Government - this time requesting a postponement of sale. Many of the settlers, he claimed, would be unable to purchase the lots due to crop failures in recent years.<sup>46</sup> The Executive Council responded by providing that the purchase price could be paid in five installments rather than three as required by the 1849 sales regulations.<sup>47</sup> The auction was held as scheduled and records indicate that 18 lots were purchased in the September sales (Lots 2, 4, 8, 12, 13, 25, 26 and 29 on the south side of the river and Lots 12, 13, 14, 15, 16, 18, 19, 20, 21 and 25 on the north side).<sup>48</sup>

In December 1849, the advertised lots which remained unsold were again offered for sale on the same terms.<sup>49</sup> Auction was to be held at Newcastle on January 30, 1850. The advertisement stated that occupants unable to purchase their lots at that time would be allowed to lease their lands for a term of three years. Persons refusing or neglecting to purchase or lease would face immediate prosecution for trespass. Only 8 more lots were purchased in the January auction (Lots 9, 10, 21, 24 and 27 on the south side of the river and Lots 9, 11 and 22 on the north side).<sup>50</sup> There is no record that any lots were leased and it appears that the threat of trespass proceedings was not enforced.



Three more lots were apparently purchased in 1851 or 1852: (Lot 11 on the south side of the river and Lots 8 and 10 on the north side).<sup>51</sup>

Lot 4 north of the river was advertised for sale once more in 1859 and was apparently purchased at that time.<sup>52</sup>

In 1860 a 100 acre lot on the south side of the river behind Percy Long's property was offered for sale. (Percy Long occupied Lot 6).<sup>53</sup> This unnumbered lot was not sold and is presently part of Red Bank I.R. #4.

Lot 14 south of the river was again advertised for sale in 1863 but there is no record of purchase.<sup>54</sup>

There is no record of any further sales or advertisements for sale of Red Bank Reserve lands.

Of the 52 lots advertised for sale on the Red Bank Reserve, only 30 were purchased. Twenty of the purchased lots were paid for in full and were granted by the New Brunswick Government prior to Confederation (see table). An additional lot was paid for in full in 1868 and was granted by the New Brunswick Government at that time (Lot 19 north).<sup>55</sup> The other nine sales were still incomplete in 1868 (see table).

Resumé of sales and advertisements by the New Brunswick Governments:

Lots advertised, sold and granted by N.B. Government: (total 21 lots)

- South of River (Red Bank #4) Lots 2, 4, 8, 10, 12, 13, 24 and 29
- North of River (Red Bank #7) Lots 4, 8, 10, 11, 12 and island, 13, 14, 15, 16, 18 and island, 19 and part of island, 20 and 21.

Lots advertised and sold by N.B. Government but sales incomplete at Confederation: (total 9 lots)

- South of River (Red Bank #4) Lots 9, 11, 25, 26, 27 and 28.
- North of River (Red Bank #7) Lots 9, 25 and 22 including part of island in front.

Lots advertised but not sold: (total 22 lots)

- South of River (Red Bank #4) Lots 1, 3, 5, 6, 7, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 100 acre lot behind Lot 6.
- North of River (Red Bank #7) Lots 1, 2, 3, 6, 7, 24 and 26.

Lots purchased, paid in full, and granted by the New Brunswick Government (for information sources see footnote 56).

South Side of River (Red Bank #4)

Lot	Acres	Date of Sale	Sales No.	Price	Grantee	Date of Grant	Notes
2	77	Sept. 1849	7183	\$19.5.0	H.B. Allison	9 Aug. 1850	
4	234	Sept. 1849	7200	58.10.0	A.A. Davidson	18 Jan. 1854	original purchaser Henry Cunard
8	90			22.10.0	Oliver Willard	27 Mar. 1856	it appears that this lot was originally purchased by E. Ward Sales No. 7201 Sept. 1849.
10	104	Jan. 1850	7206	26.0.0	John Tozer	8 Aug. 1855	
12	47	Sept. 1849	7184	11.5.0	Oliver Willard	9 Aug. 1850	
13	58	Sept. 1849	7185	14.10.0	John A. Street	18 Jan. 1854	
24	212	Jan. 1850	7207	53.0.0	David and Jeremiah Blackmore	9 Mar. 1860	
29	120	Sept. 1849	7188	30.0.0	Richard Hutchison	9 Aug. 1850	



North Side of River (Red Bank #7)

Lot	Acres	Date of Sales	Sales No.	Price	Grantee	Date of Grant	Notes
4	100	1859?			John Harley	2 Apr. 1863	advertised for sale in 1859
8	138	1851-52?	8801	\$41.8.0	Wm. Dawson	23 Mar. 1854	
10	81	1851-52	8800	24.6.0	M. McKendrick	22 Mar. 1854	
11	60	Jan. 1850	7212	18.0.0	Elson Tozer	8 Aug. 1855	
12 & Island	134	Sept. 1849	7190	40.4.0	James and David Somers	23 Mar. 1854	original purchaser John Gibbons lot included island in front about 7 acres
13	139	Sept. 1849	7191	41.14.0	James & David Somers	7 Aug. 1855	
14	166	Sept. 1849	7202	49.16.0	Henry Cunard	15 Apr. 1853	
West part 15	75	Sept. 1849	7192	22.10.0	James Ledden	23 Mar. 1854	
East part 15	52	Sept. 1849	7193	15.12.0	Wm. Mason	9 Aug. 1850	
16	105	Sept. 1849	7194	31.10.0	Wm. Mason	9 Aug. 1850	
18 & Island	119	Sept. 1849	7195	35.14.0	Alex Johnson	27 Aug. 1862	originally purchased by James Johnson Sr. sales No. 7195. Sale crossed out in 1867 return. Lot includes 26 acres island in front.
19 & Island	49	Sept. 1849	7196	14.14.0	Robert Johnson		originally purchased by James Johnson Sr. sales No. 7196. Sale completed in December 1868. Lot includes 5 acres of the island in front of lot 21.
20	45	Sept. 1849	7197	13.10.0	Robert Johnson	7 Aug. 1855	
21	43	Sept. 1849	7198	12.18.0	James Johnson Jr.	7 Aug. 1855	

Lots sold by N.B. Government but not fully paid for or granted at Confederation. (See footnote 56)

South Side of River (Red Bank #4)

Lot	acres	Sales No.	Date of Sale	Purchaser	Price	Amount Paid	Remarks
9	76	7205	Jan. 1850	Lewis Dooling	\$76.00	\$15.20	
25	112	7186	Sept. 1849	Samuel Payne	\$112.00	\$22.40	
26	84	7187	Sept. 1849	Patrick Dundon	\$ 84.00	\$16.80	on 1898 report indicates \$50.40 paid.
28	164	7208	Jan. 1850	Malcolm McKendrick	<del>\$120.00</del> \$164.00	<del>24.00</del> 32.80	
11	101	8802	1851-52?	James Ledden	101.00	20.20	
27	120	7209	Jan. 1850	Malcolm McKendrick	\$120.00	\$ 24.00	

North Side of River (Red Bank #7)

Lot	Acres	Sales No.	Date of Sale	Purchaser	Price	Amount Paid	Remarks
25	70	7189	Sept. 1849	Wm. Johnson	\$70.00	\$14.00	
9	131	7210	Jan. 1850	Jared Somers	157.20	31.45	
part of 22 & of Island	12½	7211	Jan. 1850	John Stewart	15.00	6.00	includes 6½ acres of island in front of Lot 21.



Notes

1. "Schedules of Indian Reserves in New Brunswick" January 31, 1838, Journal of Legislative Assembly 1838, Appendix.
2. W.D. Hamilton and W.A. Spray (eds.), Source Materials relating to the New Brunswick Indian, Fredericton 1976, p. 59. Licence of Occupation, 30 August 1783.
3. The 1838 Schedule of Indian Reserves and Moses Perleys 1848 report (PAC CO 188/106 Despatch No. 78 Head to Grey, August 17, 1848 with report by M.H. Perley) indicate that the 1783 Licence was the origin of the Red Bank Reserve.
4. for details regarding the Davidson and Cort Grant see "Introduction to Northumberland County Reserves" pp. 9 to 11 or W.H. Davidson, An Account of the Life of William Davidson ..., Historical Studies No. 6, Publications of the New Brunswick Museum, Saint John, 1847.
5. N.B. Archives Rex/pa Indians I: Benjamin Marston, 29 August 1785 also see Ganong, "Historical Geographical Documents relating to New Brunswick" Coll. N.B. H.S. No. 9, p. 336-337
6. for copy of treaty see Peter A. Cumming and Neil H. Mickenberg (eds), Native Rights in Canada Second Edition, Toronto; 1972, pp 308-309 for discussion see Introduction to Northumberland County Reserves, by B. Dewar; Indian Lands, 1977.
7. PAC MG9A1 vol. 2 Minutes of N.B. Executive Council 5, Feb. 1802.
  - for correspondence see Introduction to Northumberland County Reserves, B. Dewar Indian Lands, 1977 p. 29.
  - Reference to the Augustine Mound is found on file 201/32-1.
8. see map.
  - also PAC MG 9A5 Vol. 11 Abstract of Petitions for Northumberland County No. 206 (1789) James Gordon and Alex Gregg petition for meadow land on southwest Miramichi claimed by Indian.
  - No. 298 (1791) Letter of Magistrates Northumberland re lots claimed by Indians and applied for by Alex Gregg.
9. See document in our research files under "Red Bank - Historical Papers" document registered by Andrew Reid, County Registrar, Newcastle, Northumberland County in Book No. 7 pp. 155-156 and numbered 51 date 15 July 1806.

*also N.B. Archives RG10 RNA C/3/1/2 Surveyor ...2  
General's Letterbook pp. 77-78 Sproule to  
Deputy Surveyor Arthur Nicholson 15 Feb 1790  
- Instructions to survey the point for Gordon  
and Gregg and to report on same.  
p. 132-133 Sproule to Nicholson 4 Aug 1791 to  
report on Gordon & Gregg lot and Indian claim  
to it.  
also Rex/pa Sur. Gen records Vol I a Nicholson to Sproule 10 Jun 1790  
Indian claim Gordon & Gregg lot*

10. Ibid.
11. Ibid.
12. Plan of survey recorded in Book 1 page 13, Northumberland County Records on file in the Lands Branch of the Dept. of Natural Resources, Fredericton, N.B.
  - certified copy in our research files under "Red Bank - Court Documents";
  - see also footnote 56 in Introduction to Northumberland County Reserves.
13. PAC MG9 A1 Vol. 3 Draft Minutes of N.B. Executive Council, 28 Feb. 1807.
14. Ibid.
15. PAC MG9 A1 Vol. 3 Draft Minutes of N.B. Executive Council, 24, Sept., 1808.
16. PAC CO 188/106 microfilm B-1213 Despatch No. 78 Head to Grey Aug. 17, 1848 with report by M.H. Perley. ~~No copy of Odell's report has yet been obtained.~~ *also Odell's Report to Spruille 18 Sept 1808 from Harriet Irving Library U.N.B. MG #54.*
17. PAC MG9 A1 Vol. 3 Draft Minutes of N.B. Executive Council, 24 Sept. 1808.
18. letter Richard McLaughlin to Thomas Baillie from Harriet Irving Library, U.N.B.? (copy in our Research files on "Richibucto case file")
19. Hamilton and Spray (eds), Source Materials Relating to the N.B. Indian P. 78 Document 48 (election)
  - "Extracts from Mr. Perley's Report on the Micmacs" Dec. 11, 1841 in JLA 1842 appendix p. xcvi.
  - PAC RG10 Vol. *2522* file 107222/2 see correspondence 1896 re ownership of Big Hole Reserve and division of reserves between Bands.
20. PAC MG9 A1 Vol. 40 pp. 245-254 see also L.F.S. Upton, "Indian Affairs in Colonial New Brunswick" Acadiensis, 1974, pp. 8-9.
21. Letters Richard McLaughlin to Thomas Baillie, 6 Aug. 1832 and 25 Aug. 1832 with enclosed agreement with the Indians from Harriet Irving Library, U.N.B. (copy on Richibucto case file).

22. (a) "extracts from Mr. Perley's Report on the Micmacs" Dec. 11, 1841  
JLA 1842 Appendix pp. CXI.
- (b) also "Return of the Number of Persons who have settled upon  
and occupy portions of Indian Reserves 1841" JLA 1842 Appendix  
p. CXXVII
- (c) also N.B. Archives Rex/pa Records transferred to Indian papers  
from the Surveyor General's Office, letter Perley re Indian  
Petitions Dec. 30, 1847.
- (d) PAC MG 9 A1 Vol. 40 pp. 7-9.
23. Ibid. a and c
24. Ibid. a
25. Ibid. a pp. CXI., CXIV, CXXIII more research is needed to locate  
Perley's recommendations re petitions from settlers for lands.  
(see also Upton "Indian Affairs in Colonial N.B." Acadiensis 1973?  
p. 15). also *PAC Co 188/106 Despatch Head to Grey  
Aug 17, 1848*
26. PAC MG9 A1 Vol. 11 N.B. Executive Council Draft Minutes 4 May, 1842  
and 5 May 1842 PAC Co 192/1 (microfilm B-1507) N.B. Royal Gazette  
May 11, 1842 - advertisement re leases p. 127. PAC MG9 A1 Vol. 40  
p. 109 Baillie to Colebrooke 2 Aug. 1843.; p. 112 Perley to Baillie  
29 July, 1843; pp. 241-42 Draft Order re Indian lands 10 June 1843.  
  
- PAC MG9 A1 Vol. 11 N.B. Executive Council Draft Minutes 26 Aug. 1843.
27. PAC MG9 A1 Vol. 11, N.B. Executive Council Draft Minutes 5 May 1842.
28. see sources in footnote 26 also see L.F.S. Upton "Indian Affairs in  
Colonial New Brunswick" Acadiensis 1974? p. 16.
29. Survey Plan and field notes Red Bank Reserve, David Sadler 1845 from  
N.B. Crown Lands Office, Fredericton.
30. PAC MG9 A1 Vol. 12 N.B. Executive Council 27 August, 1845.
31. The Minutes of this meeting have not been obtained; however several  
references do exist to the conference.  
N.B. Archives Rex/pa Records transferred to Indian Papers from  
Surveyor Generals Office. "Perley to Saunders" 22 July 1847  
"Perley to Baillie" 30 Dec. 1847  
"Salter to Baillie" 30 Nov. 1847.
32. See Hamilton and Spray eds. Source Materials Relating to the N.B.  
Indians p. 119-120 Document 61 Perley to Saunders 14 Feb. 1846.



33. N.B. Archives Rex/pa Records transferred to Indian Papers from Surveyor Generals Office Perley to Saunders 22 July, 1847, Salter to Baillie 30 Nov. 1847.
34. Survey Plan Red Bank Reserve by David Sadler August and September 1845 and September 1847 from N.B. Crown Lands Office. p.p. 13 & 14.
35. PAC C0/192 New Brunswick  
Royal Gazette, October 1847.
36. N.B. Archives Rex/pa Records transferred to Indian Papers from Surveyor General's Office, Petition from John Gibbons and others to Lt. Gov. Colebrooke in Council Dec. 11, 1847.
37. Ibid. see notations on petition.
38. N.B. Archives Rex/pa Records transferred to Indian Papers from Surveyor General's Office. Perley to Baillie 30 Dec. 1847. Copies of petitions not obtained.
39. PAC MG9 A1 Vol. 40 p. 169 Petition Barnaby Julian and others to Lt. Gov. Colebrooke 31 Jan., 1848.
40. PAC MG9 A1 Vol. 40 pp. 243-244 Draft Minute by Lt. Gov. Colebrooke 3 April 1848.  
  
PAC MG9 A1 Vol. 13 Draft Minutes N.B. Executive Council 4 April 1848.
41. PAC C0 188/106 Despatch No. 78 Head to Grey Aug. 17, 1848.  
  
The regulations are found in C0 192 N.B. Royal Gazette July 11, 1849
42. PAC C0 188/106, Despatch 78, Head to Grey Aug. 17, 1848.
43. PAC MG9 A1 Vol. 40, pp. 58-62 Wm. Salter Minutes of Indian Conference at Eel Ground June 20, 1848. also p. 15 Salter to Saunders 29 June 1848.
44. Hamilton and Spray eds. Source Materials re the N.B. Indian p. 125 Document 65 Saunders to Perley 8 July 1848.
45. PAC C0 192/4 N.B. Royal Gazette July 11, 1849
46. PAC MG9 A1 Vol. 40 pp. 188-191 Petition of John Gibbons 28 July, 1849.

47. PAC MG9 A1 Vol. 14 N.B. Executive Council Draft Minutes 31 July 1849 see also CO 192 Royal Gazette advertisements of August 1849 re: sales of lands on Little Southwest Reserve.
48. N.B. Archives Rex/pa Indians I "Recorded sales of Indian Reserves to March 1867 (Imperfect)" enclosed is letter Crown Lands Office to Langevin December 2, 1867.

This schedule does not list the date of Sale; however sales 7183 to 7202 were all lots auctioned for sale on September 12, 1849. Sales 7203 and 7204 were for lots auctioned for sale in October 1849. Sales 7204 to 7212 would appear to have been made after the October sales i.e. in January 1850.

49. PAC CO 192/4 N.B. Royal Gazette advertisement dated 22 Dec. 1849.
50. see footnote 48.
51. See schedule cited in footnote 48 sales 8800, 8801 and 8802.
52. PAC CO 192 N.B. Royal Gazette ad dated 16 Sept. 1859 date of sale is uncertain; however a list in PAC RG 10 vol. 2522 file 10722-2 Aug. 24, 1898 indicates that Lot 4 North was granted to John Harley 2 April, 1863.
53. PAC CO 192 N.B. Royal Gazette ad dated 1 Nov. 1860.
54. PAC CO 192 N.B. Royal Gazette ad dated 22 Sept. 1863.
55. Lot 19 north was apparently purchased by James Johnston Sr. in September 1849 sale 7196 (see N.B. Archives Rex/pa Indians Vol. I "Recorded sales of Indian Reserves to 14 March 1867,"). Only one installment (i.e. one-fifth of the purchase price) was paid at that time. In the 1867 return of lands sold but not granted Lot 19 is still listed with only one installment paid (N.B. Archives Rex/pa Indians Vol. I "Return of Indian Lands in N.B. sold by Government but not yet granted" 2 Dec. 1867). However, a notation on the "Recorded sales of Indian Reserves to 14 March 1867" above-noted states "paid December 1868." The 1870 schedule of incomplete sales does not list Lot 19 north which indicates that the lot was paid for between 1867 and 1870. (PAC RG 10 Vol. 329 No. C814 Return of lands sold but not granted May 19, 1870.)  
No copy of the Provincial grant has been obtained.
56. The information in the tables is taken from the following sources:
  - The lot numbers and acreages are taken from the advertisements for sale in the N.B. Royal Gazette PAC CO 192 July 1849.

- The sales numbers, date of sale, sales price and original purchaser are taken or calculated from the "Recorded Sales of Indian Reserves to 14 March 1867" enclosed in letter Crown Lands Office to Langevin December 2, 1867 N.B. Archives Rex/pa Indians Vol. I.
- The grantees and dates of grants are taken from PAC RG 10 Vol. 2522 file 107222-2 letter McLean to Carter 16, Sept, 1898.
- Information regarding the Islands is found on Sadler's survey plans of 1845 and 1847 from the N.B. Crown Lands Office.
- The ungranted lots and amounts <sup>paid</sup> ~~paid~~ on those lots are taken from PAC RG 10 Vol. 329 No. C814 "Return of lands sold but not granted May 19, 1970).





Burnt Church

Burnt Church I.R. #14

Location and Size

The Burnt Church Indian Reserve is located at the mouth of the Burnt Church River on Miramichi Bay in the Parish of Alnwick, Northumberland County, N.B. The Reserve consists of two sections: an area of 225 acres on Burnt Church Point and an area of roughly 1830 acres extending north, from the Burnt Church River.<sup>1</sup>

Historical Origins

Burnt Church Point is the site of one of the oldest and most important Micmac settlements on the Miramichi. Some of the earliest records of the area from the late 1600's indicate that the Indians had a village on the point called Eskinowobudich.<sup>2</sup> Following the deportation of the Acadians along the Bay of Fundy in 1755, many of those who escaped took refuge along the Miramichi. A number of Acadians apparently located near the Indian village on the point, forming a small settlement. After the capture of Louisburg in July 1758, Colonel James Murray was dispatched to destroy French settlements on the Gulf of St. Lawrence. In September, Murray entered Miramichi Bay and razed several French settlements and set fire to the Indian village and church at Eskinowobudich.<sup>3</sup> Since then the site has been called Church Point or Burnt Church Point.

The Indians apparently returned to the Point shortly after Murray's departure. In 1761, the Miramichi Indians entered a Treaty of Peace and Friendship with the English.<sup>4</sup> When Gabriel Smethurst passed through the area later that year he reported roughly 50 fighting men living in the vicinity of Burnt Church Point under Chief Louis Francis.<sup>5</sup> The Point continued to be a favourite hunting and fishing resort for the Micmacs of the Miramichi and Tabusintac during the early period of English settlement.

The Indian claims to the point received at least some official recognition. In 1790 Deputy Surveyor ...2 over

Orther Nicholson was instructed to ~~log out~~  
not to interfere with the Indian Reserve or the  
allotment at Church Point when  
logging out lands for settlers in the area.

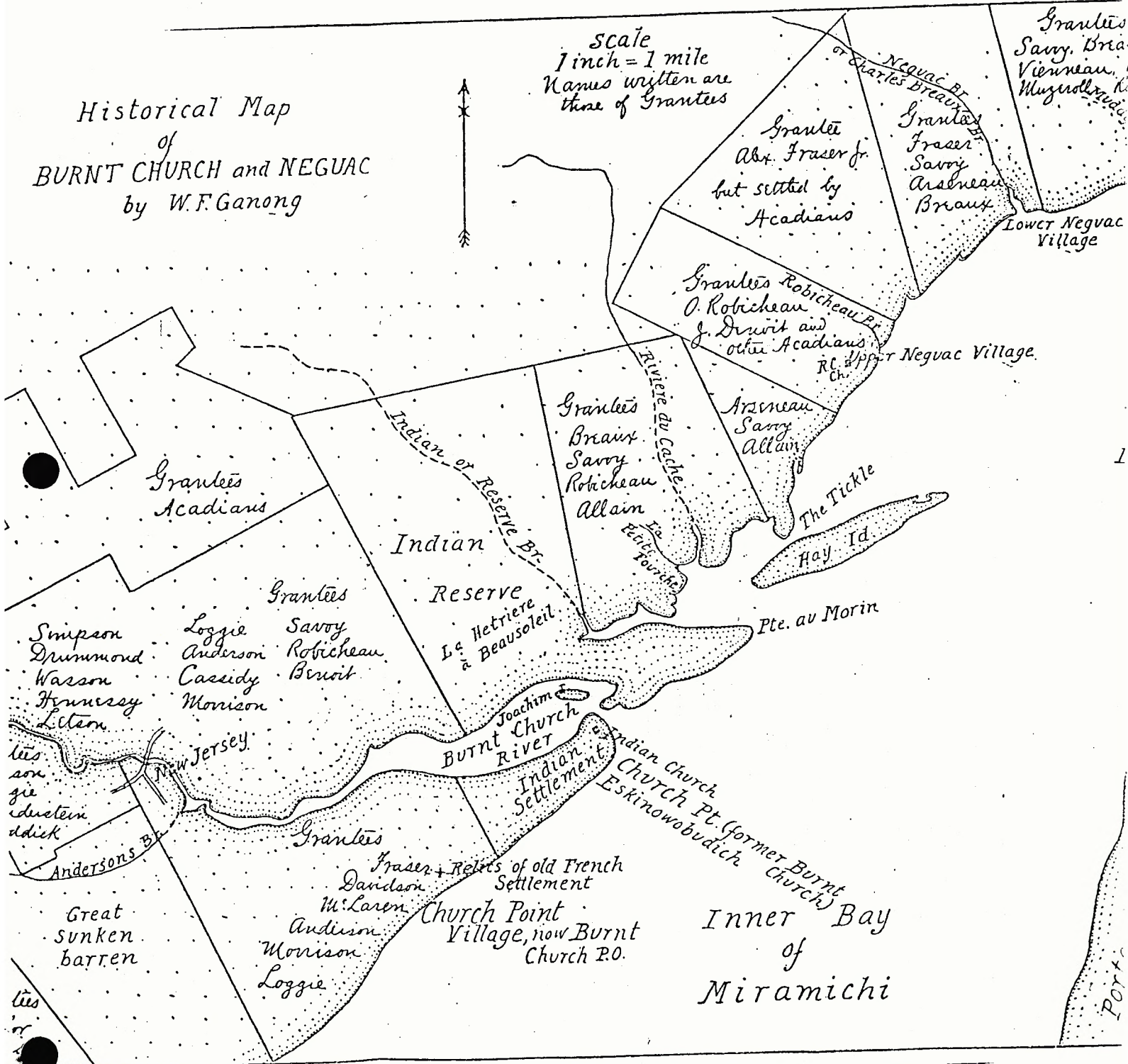
CMB Archives RNA/C/3/1/2 p. 42



Map taken from:

W.F. Ganong, "The History of Tabusintac, Neguac and  
Burnt Church," Acadiensis Vol. VIII, 1908.

Historical Map  
of  
BURNT CHURCH and NEGUAC  
by W.F. Ganong

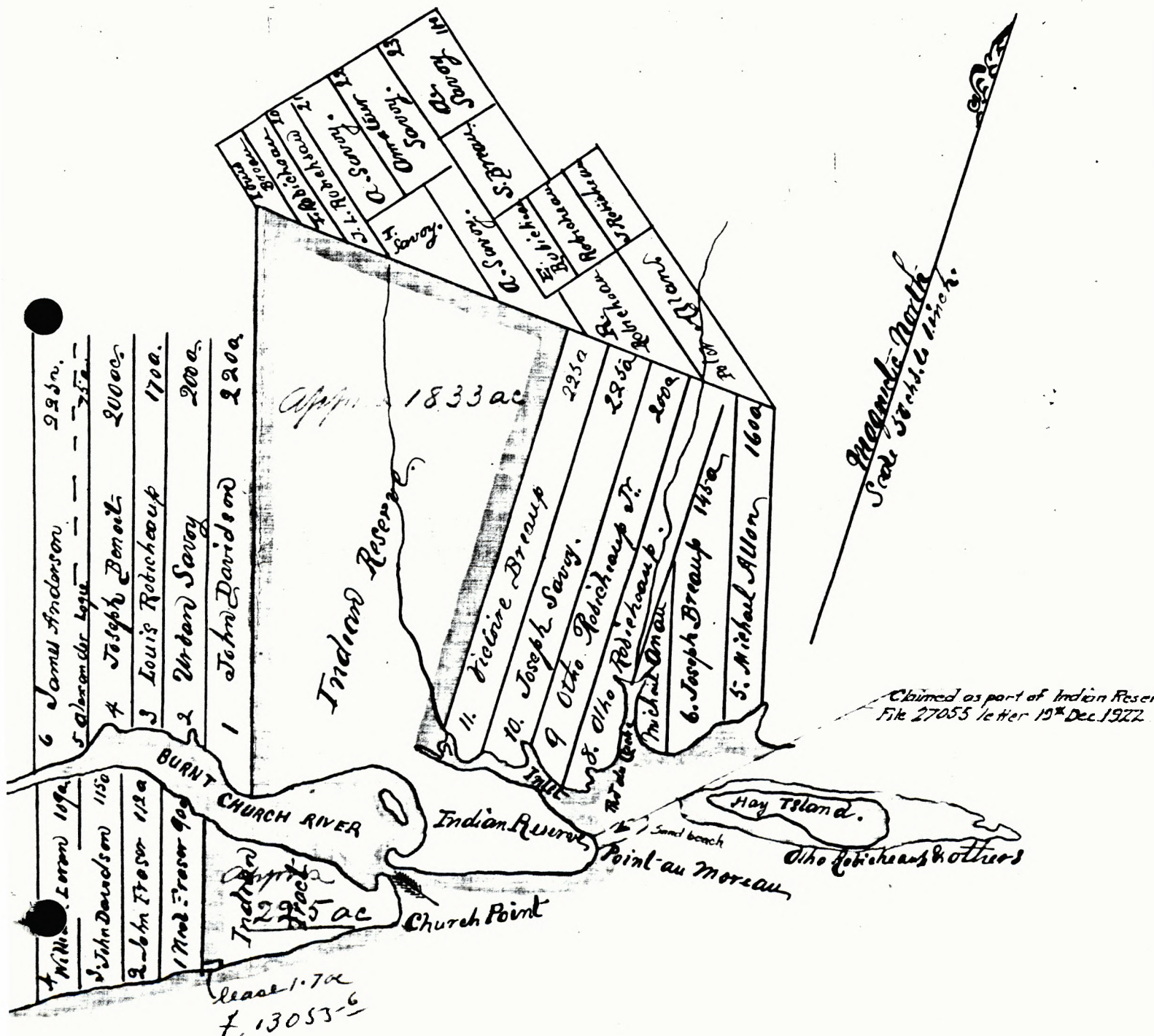


Plan No. 14.

INDIAN AFFAIRS SURVEY RECORDS  
No. 4813.

Parish of Alnwick.  
County of Northumberland.

Survey by  
M. Carruthers  
Sept 1842





~~1804~~ Survey  
1804

In the Towns Branch of the New Brunswick Department of Natural Resources Northumberland County Survey Book 1 p. 52 contains a survey plan in the vicinity of Brent Church Point by Dugald Campbell. The survey was confirmed and registered in Council May 25, 1804. On the plan Brent Church Point is marked "Indian Reserve". The portion north of Brent Church River is marked "a tract of land claimed by the Indians of 'Munawicki' with a pencil notation "claim rejected".



In 1801, The Indians of the Burnt Church Tabusintac district petitioned for lands -2- on the Tabusintac River. However, there is no record that they requested lands at Burnt Church.

Licence of Occupation 1802

The lands at Burnt Church were not officially set apart as an Indian Reserve until 1802. According to the New Brunswick Schedule of Indian Lands for 1838 and Moses Perley's report on Indian Reserves in 1848, the New Brunswick Executive Council on February 18, 1802 ordered that a licence of occupation be granted to the Indians of the Tabusintac district to occupy 240 acres at Burnt Church Point, 1400 acres on the north side of the Burnt Church River and 9035 acres on the Tabusintac River.<sup>6</sup> Neither the Minute in Council nor the licence of occupation have been located.

An 1842 survey of the Reserve by Matthew Carruthers shows the Reserve area as 2058 acres rather than 1640 acres.<sup>7</sup> Carruthers' estimate is supported by subsequent surveys.

1808 Minute in Council

On September 24, 1808, the New Brunswick Executive Council confirmed the locations of the various tracts of land set apart for the Indians along the Miramichi. At that time Council ordered that the tract at Church Point and the tract opposite be reserved for the use of the Indians of

Northumberland<sup>County</sup> in general.<sup>8</sup> The Indians had requested that the lands at Burnt Church be held for the Indian generally rather than a not being granted to any specific Indians. (HIL WFO dell to Sproule 10 Sept 1808)

Indian Occupation of the Reserve: While the Reserve was ordered for the common use of the Micmacs of Northumberland County, the lands were primarily used by the Indians of the Burnt Church and Tabusintac area. These Indians essentially formed a single band occupying both reserves. Moses Perley reported that the Burnt Church Indians resided at the Point only in the summer, resorting to the Tabusintac Reserve and other camp sites in the winter.<sup>9</sup> In 1845 John Gonshe, one of the Chiefs of the Burnt Church Indians, expressed some

anxiety to have the Burnt Church and Tabusintac Reserves secured for the exclusive use of his tribe.<sup>10</sup> This arrangement was apparently confirmed during a conference between Moses Perley and the various Miramichi bands in September of that year.

While the Burnt Church Reserve was more or less occupied and controlled by the Indians of the Burnt Church and Tabusintac region, Burnt Church Point continued to be the primary meeting place of all the Indians of the Miramichi area. The various Miramichi Bands (frequently joined by other Micmac Bands from the Gulf shore) gathered at Burnt Church in July of each year for their St. Anne's Day Festival. Their missionaries met them for the occasion and usually remained with them for a fortnight. Most marriages were solemnized during the gathering. Disputes and public business were normally settled at that time. Chiefs and Captains were elected and arrangements made for the coming year. A chapel and a residence for the missionaries were erected on the Point with the aid of legislative grants.<sup>11</sup> The Burnt Church Reserve thus served as a ceremonial centre for the Micmacs of Northumberland and adjacent areas.

When Perley visited the Burnt Church Reserve in the September of 1841, he reported 201 Indians encamped there.<sup>12</sup> In addition to the Chapel, there were four wood frame houses and seventeen wigwams. Some land was cleared and planted with oats, Indian corn and potatoes. An 1858 return indicates that the Indians had 100 acres cleared and partly cultivated.<sup>13</sup> However, fishing and fowling (rather than agriculture) were the primary source of livelihood among the Indians.

Land Problems 1840 to Confederation

Unlike most of the other reserves in Northumberland County, the Burnt Church Reserve had no significant problem with non-Indian squatters. Most of the land north of Burnt Church River was woodland and swamp unsuitable for settlement. Perley reported no squatters on the Reserve in 1841. An 1842 return from the Crown Lands Office lists only one non-Indian occupying land on the Reserve.<sup>14</sup>

*Sar Gen Lbrs A survey of the Reserve was ordered in 1843*

*In 1842 Wm. Morrison petitioned for a grant of 100 acres in Burnt Church I.R. (Rex/pa Sar. General's Records Vol 30 Vol 31)*

While the Reserve lands were not actively sought by settlers, the valuable salmon fishery at the point was an object of speculation by non-Indians.

In 1842 Chief John Gonishe leased the fishing privileges to one William Loggie for a term of five years at £10 per annum with an option to extend the lease for an additional five years. In 1843 the Government offered Loggie an opportunity to have his lease officially confirmed; however, no terms were arranged.<sup>15</sup>

In 1845, John Gonishe signed a new lease with a Mr. Morrison to take effect in 1848 - thus interfering with Loggie's option for renewal.<sup>16</sup>

*Morrison had apparently leased the fishery once before prior to Loggie's lease of 1842 Rex/pa Sar. Gen. Records Vol 31 (file 1 (a) 3, 1843)*

John Gonishe's leasing of the salmon fishery precipitated a dispute with the other two chiefs of the Burnt Church Band, Noel Briot and Etienne (Cain) Gonishe over leasing revenues. The dispute was exacerbated by the involvement of Moses Perley and William Salter, the Indian Commissioner for Northumberland County. Perley had been using his influence among the Northumberland County Indians to encourage opposition to the 1844 legislation for the disposal of Indian lands. In January, 1848 Chief John Gonishe forwarded a petition to the Lieutenant Governor on behalf of 51 families at Burnt Church asking that the Indian lands not be broken up for sale.<sup>17</sup> Salter resented Perley's interference and favoured the implementation of the land



sales legislation. In conjunction with Noel Briot and Etienne Gonishe, Salter attempted to have John Gonishe dismissed as chief for misconduct.<sup>18</sup>

The dispute reached a climax in June of 1848. Two months earlier Perley had written to Nicolah Julien the Chief at Eel Ground, offering to meet the Indians at Burnt Church on St. Annis Day to discuss the land sales legislation.<sup>19</sup> On June 14, 1848, Chief John Gonishe wrote to Lieutenant Governor Head requesting that Perley be sent to meet the Indians at Burnt Church to help resolve the dispute over the chiefship of the Burnt Church Band and to advise on other matters.<sup>20</sup> Salter subsequently charged that the letter had been written for Gonishe by one of Perley's friends.

In an effort to forestall Perley's interference, Salter apparently engineered a council of the various Miramichi bands at Eel Ground on June 20, 1848. Salter's hand in the proceedings is obvious. The Council recommended that Noel Briot (Breho) be head chief at Burnt Church and that John Gonishe be dismissed for misconduct. The minutes further stated that the Indians had no wish to see Mr. Perley and that they had every confidence in the local Commissioner. As a sign of their trust, the Council unanimously elected William Salter as their Great Chief over all the tribe in Northumberland County with the authority to act as their spokesman. In addition, they expressed their willingness to abide by the law of the land (presumably this meant the land sales legislation of 1844). The minutes were signed for five chiefs, six captains, seven councillors and sixty-five members of the tribe.<sup>21</sup>

insert

With Perley's influence curtailed and Colbrooke's term expired, Indian opposition to land sales became less vocal and less effective. In September, 1848 the Menominee Tribe assembled in general council at Burnt Thicket and presented Lieutenant Governor Head with a petition requesting him to withhold his assent to any sales or alienation of Indian Reserve lands. The petition, written in Menominee and English was signed by seventeen Chiefs of the Tribe from the Menominee and other areas.<sup>1</sup> However, the Indians could not combat the pressure from the Legislature to enact the 1844 sales legislation. Head had already indicated his intent to make the act operative. <sup>(see footnote 241)</sup> In July of 1849 new sales regulations were issued and sales of Indian lands resumed.

<sup>1</sup> Petition of Menominee to E. Head 5 Sept. 1848  
N. B. Museum, Papers of N. B. Historical  
Society on Indian Shelf 27 Pack. 6

On ~~June 29, 1848~~, Salter forwarded the record of the meeting to the Provincial Secretary strongly condemning Perley's opposition to the Indian land sales legislation and his interference in local Indian matters.<sup>22</sup> At this point Perley's political influence was waning. Lieutenant Governor Colebrooke, who had shared Perley's negative views on the 1844 Indian Lands Bill, had been succeeded in office by Lieutenant Governor Edmund Head. Head favoured implementation of the legislation to appease the Assembly. On July 8, 1848, J.S. Saunders, the Provincial Secretary informed Perley that his unauthorized interference in Indian Affairs in Northumberland County was producing dissatisfaction among the Indians and was embarrassing the Executive in its endeavours to carry out the wishes of the Legislature.<sup>23</sup> In the following month, Lieutenant Governor Head advised the Colonial Office that Perley could no longer be employed in the management of Indian Affairs as his opposition to the 1844 Indian Bill had provoked jealousy and mistrust in both the Legislature and the Executive Council.<sup>24</sup>

(insert)

~~With Perley's influence among the Northumberland County Indians effectively removed there is no further record of~~ <sup>was little further</sup> opposition to the land sales legislation from the ~~Burnt Church Band~~. Between 1849 and 1867, some 22 lots were advertised for sale on the Band's reserve at Tabusintac. However, no lands on the Burnt Church Reserve were advertised or sold by the New Brunswick Government.

~~However in Sept 1848 a general Council of Mississippis Tribe assembled at Burnt Church petitioned the Lieutenant Governor to withhold his assent to any sale~~

The dispute over the chiefship of the Burnt Church Band continued on through 1848 as John Gonishe attempted to secure new commission from the Government despite Salters opposition.<sup>25</sup> Gonishe was apparently unsuccessful in his bid to become principal chief of the Band. Noel Briot, who had been elected as the principal chief in 1841, continued to hold the post until his death in



1858. In August of 1858 Joseph Gonishe was elected to the position over John Gonishe by a small majority.<sup>26</sup> John Gonishe contested the election complaining of interference by the Indians' priest and local Justice of the Peace. Following investigation the election was upheld. Joseph Gonishe assumed the chiefship, a position which he apparently held until after confederation.<sup>27</sup>

The Schedules of Indian Reserve lands sent to the Dominion Government by the Provincial Crown Lands Office in 1867 and 1870 both list the Burnt Church Reserve with a total area of 1640 acres. 240 acres on Burnt Church Point and 1400 acres north of the River.<sup>28</sup> These figures are the same as those listed in the 1838 return. As previously mentioned, surveys indicate that the actual area was roughly 2058 acres, over 400 acres more than estimated in the Provincial Schedules.

Notes

1. The various Provincial Schedules of Indian lands from 1838 to 1870, list the total area of the Burnt Church Reserve as 1640 acres: 240 acres on the Point and 1400 acres north of the River. However, the 1842 survey plan (C.L.S.R. 4813) indicates the total area by scale as 2058 acres: 225 acres on the Point and 1833 acres north of the River. This estimate (2058 acres) is supported by subsequent surveys.
2. W.F. Ganong "A Monograph of Historic Sites in the Province of N.B." Transactions of the Royal Society of Canada, 1899, Second Series, Vol. 5, p. 232.
3. W.F. Ganong, "Historical-Geographical Documents relating to New Brunswick" Coll. N.B. H.S. No. 9, Saint John, 1914, pp. 301-307.
4. Copy of 1761 Treaty is found in W.D. Hamilton and W.A. Spray (eds.), Source Materials Relating to the New Brunswick Indian, Fredericton, 1976, p. 36.
5. W.F. Ganong (ed.) "Historical-Geographical Documents relating to New Brunswick" Coll. N.B. H.S. No. 6 pp. 379-383.
6. PAC CO 188/106 Dispatch No. 78, Sir Edmund Head to Earl Grey, Aug. 17, 1848 with report by M.H. Perley (also in RG 7 G 8 B Vol. 57). Schedule of Indian Reserve in New Brunswick" Crown Lands and Office January 31, 1838 Journals of Legislative Assembly 1838, Appendix. *Note The Tobusintac Indians had petitioned for grant on Tobusintac in Sept 1801*
7. C.L.S.R. 4813 Survey M. Carruthers September 1842. *(HIL, UNB Petition 26 Sept 1801)*
8. PAC MG 9 A1 Vol. 3, Draft Minutes of N.B. Executive Council, 24 September, 1808.
9. "Extracts from Mr. Perley's Report on the Micmacs" December 11, 1841, JLA 1842, Appendix, p. XCIX to C.
10. N.B. Archives. Rex/pa Indians Vol. II Memorandum Provincial Secretary's Office 8 July, 1845 re Louis Julian, Eel Ground and John Gonishe, Burnt Church.

More research is needed to discover how and when the Reserves were divided among the Bands. It may have evolved slowly through usage or the division may have been formally ratified by the various Bands in 1845 as some later reports indicate (RG 10 Vol. 2522 File 107222-2)

11. "Extracts from Mr. Perley's Report on the Micmacs" December 11, 1841, JLA, 1842, Appendix  
One of the Legislative Grants was passed in February 1841 see JLA 1841 pp. 69, 139.
12. "Extracts from Perleys Report..." Dec. 11, 1841, JLA, 1842, Appendix.

...2

*also note (HIL, UNB, Report W.F. Odell & Spruce 10 Sept 1808. The Indians stated that the tract north of Burnt Church River had been surveyed for them by Mr. Millidge*

13. "Schedule of Reserved Indian Lands, Crown Lands Office, March 19, 1858" JLA 1858-59, p. 121.
14. JLA, 1843. Appendix p. XCVI.
15. N.B. Archives. Rex/pa Surveyor General's records Vol. 31 (file I(a)2, 1843) Doc. 6 pp. 1-4. William Loggie to Thomas Baillie 14 August 1843.
16. PAC MG9 A1 Vol. 40 pp. 27, 180.
17. PAC MG9 A1 Vol. 40 pp. 167-168 Petition Burnt Church Indians 19 January, 1848.
18. In 1841, Noel Briot had been elected Principal Chief of the Burnt Church Band. John Gonishe and Etienne (Cain) Gonishe were elected as second chiefs. PAC MG 9 A1 Vol. 40 pp. 1-3.

The various pieces of correspondence regarding the dispute over the Chiefship in 1848 and 1849 are found in PAC MG9 A1 Vol. 40 pp. 1 to 68.

19. PAC MG9 A1 Vol. 40 pp. 66-68 Perley to Nicolah Julien 11 April 1848.
20. PAC MG9 A1 Vol. 40 pp. 11-12 Petition John Gonishe 12 June, 1848.
21. PAC MG 9 A1 Vol. 40 pp. 58-62 Wm. Salter enclosing Minutes of Council of Chiefs held at Eel Ground June 20, 1848.
22. PAC MG9 A1 Vol. 40 pp. 15-16. Wm. Salter to Provincial Secretary 29 June 1848.
23. W.D. Hamilton and W.A. Spray (eds). Sources Materials Relating to the New Brunswick Indian, Fredericton, 1976 p. 125.
24. PAC. CO 188/106 Dispatch No. 78, Sir Edmund Head to Earl Grey, Aug. 17, 1848.
25. PAC MG9 A1 Vol. 40 pp. 17-33.
26. PAC MG9 A1 Vol. 40 pp. 36-48.
27. PAC RG 10 Vol. 370 File N100 re arrears in allowance due to Chief Joseph Gonishe, 1871.
28. PAC RG. 10 Vol. 1945 file 4252 schedule of Indian Lands Nov. 12, 1867.

PAC RG 10 Vol. 329 Corr. No. C814 Schedule of Indian Lands in N.B., May 19, 1870.





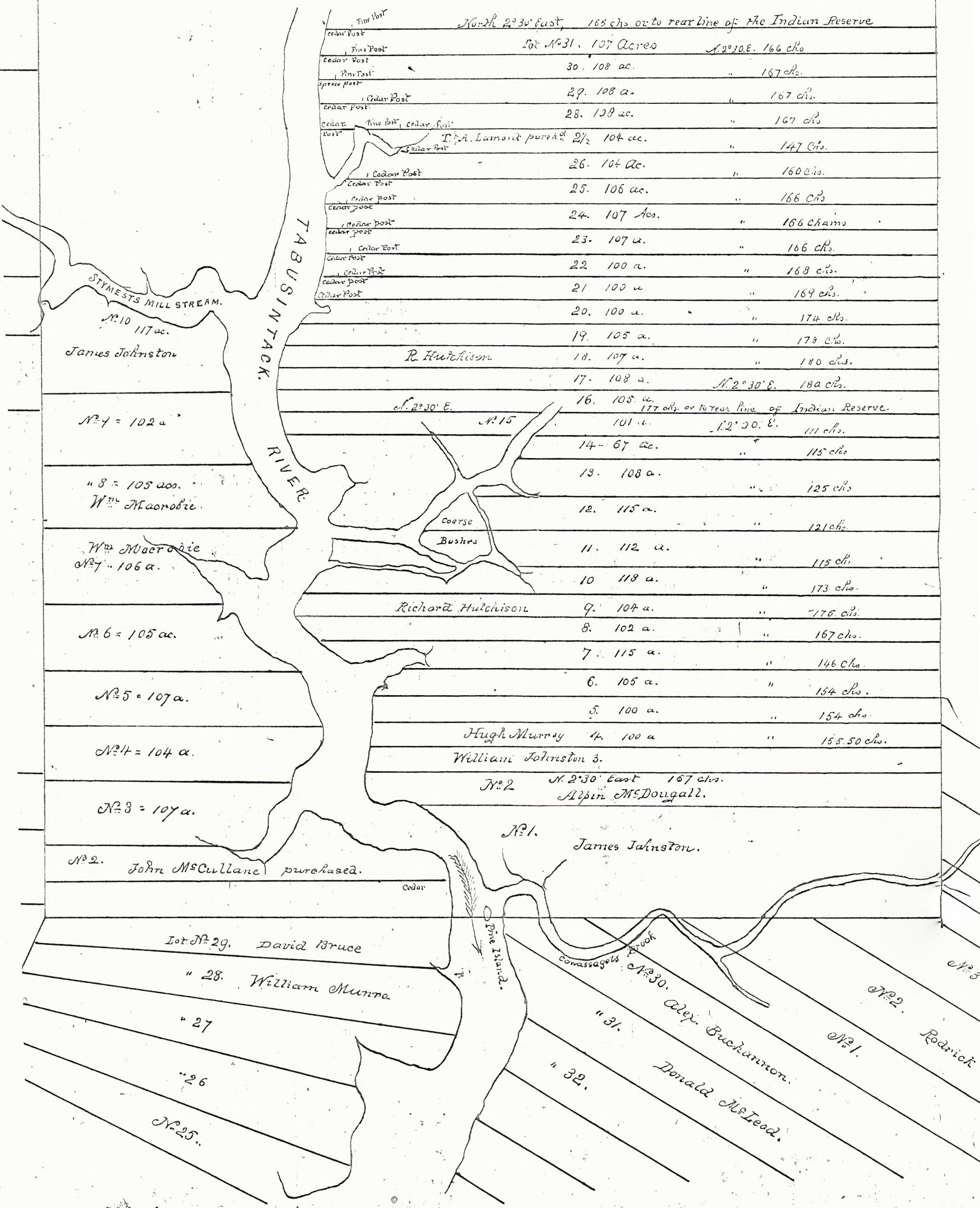
Tabasintac



C L S R. T 185

The course of the river is marked  
 by the  
 position of Indian  
 Reservation  
 in  
 the  
 year  
 1847

Magnetic Meridian in 1847.  
 Scale 25 chs to an Inch.





## TABUSINTAC I.R. NO. 9

### Location and Size

The Tabusintac Indian Reserve is located in the Parish of Alnwick Northumberland County, N.B. The Reserve is situated approximately seven miles upstream from the mouth of the Tabusintac River and originally comprised a block of land on both sides of the river totalling roughly 9000 acres along with two points further downstream totalling 35 acres. The area has been reduced through sales to approximately 6000 acres.<sup>1</sup> The reserve is the property of the Burnt Church Band. There are no Indians permanently residing on the reserve and the land is ~~used~~<sup>used</sup> mainly as a timber reserve by the Burnt Church Band.

### Historical Origins

The Tabusintac and Burnt Church Reserves have a long historical connection. Both were created at the same time for the Indians of the Lower Miramichi - Tabusintac area. In September 1801, the Micmacs living on the Tabusintac, displaced by the encroachment of settlers on the lower part of the river, petitioned Lieutenant Governor Carleton for a grant on permanent licence of occupation. They requested a tract of land extending five miles up the river from Cowasegits Brook and 1½ miles back on each side to secure their eeling ground. The request was approved by the Surveyor General who stated that the grant would not interfere with the new



insert

1804 Survey

The Indian lands on the Tabusintac were surveyed by Dugold Campbell in 1804 as part of a larger survey of the Tabusintac River and Lagoon. Campbell's survey plan (which was confirmed in Council on May 25, 1804) is located in Northumberland County Survey Book No. 1, page 3A in the Lands Branch of the N.B. Department of Natural Resources. This plan shows the main Reserve marked "surveyed for Indians Thomas Gowish, Louis Gowish, Etienne Gowish, Francois Gowish, Thomas Gowish Jr., Noel Gowish, Pierre Cloud, Old Matthew and son Francois Cloud, Jeanot Cloud, Brea, Joseph Molly and Francois Migadot." It also shows Ferry Point marked reserved for the Indians and for a public landing and Wishart's Point reserved for the Indians.

settlement at the entrance to the river. A notation on the petition reads "The tract petitioned for to be reserved for the use of the tribe, 9 October 1801."<sup>2</sup>

According to an 1848 report by Moses Perley, the New Brunswick Government (by Minute of Council dated February 18, 1802) granted a licence of occupation to the Indians of the Tabusintac district to occupy 1640 acres at Burnt Church and 9035 acres on the Tabusintac River.<sup>3</sup> This minute in Council and the licence of occupation have not yet been located; however, Perley's report is confirmed by the 1838 Schedule of Indian Reserves prepared by the New Brunswick Crown Lands Office. According to that schedule, the Tabusintac Reserve consisted of 9,035 acres extending five miles up the Tabusintac River from Cowaseget's Creek and 1½ miles back on each side including 10 acres at McGra's (Wishart's) Point and 25 acres at Ferry (Indian) Point.<sup>4</sup>

*-1804 Survey Insert*

1808  
O. in C

On September 24, 1808, the Executive Council ordered that licences of occupation be given to the Indians for several reserves in Northumberland County including the tract on the Tabusintac above Cowassaget's (Cowaseget's) Brook. Council also order that the tract at Church Point and the public landing and point allotted to them on the lower part of the Tabusintac be reserved for the use of the Indians of the County in general.<sup>5</sup>

#### Indian habitation

As indicated, the Tabusintac Reserve has been closely linked with the Burnt Church Reserve and the Indians of the Tabusintac - Burnt Church

area have traditionally constituted a single band. When Moses Perley visited the Reserves in 1841, he reported that the Indians lived at Burnt Church in the summer and resorted to Tabusintac for lumbering and eel fishing in the winter.<sup>6</sup> It appears that the chiefship of both Reserves initially fell to the Gonishe family. Luis Gonishe was chief of the Tabusintac district in 1815 and he apparently held the position until 1840.<sup>7</sup> In 1841 Etienne (Cain) Gonishe and John Gonishe were elected second chiefs of the Burnt Church Band under Chief Noel Briot.<sup>8</sup> The office of Chief at Burnt Church, according to Perley, also carried with it control of the Tabusintac Reserve.<sup>9</sup>

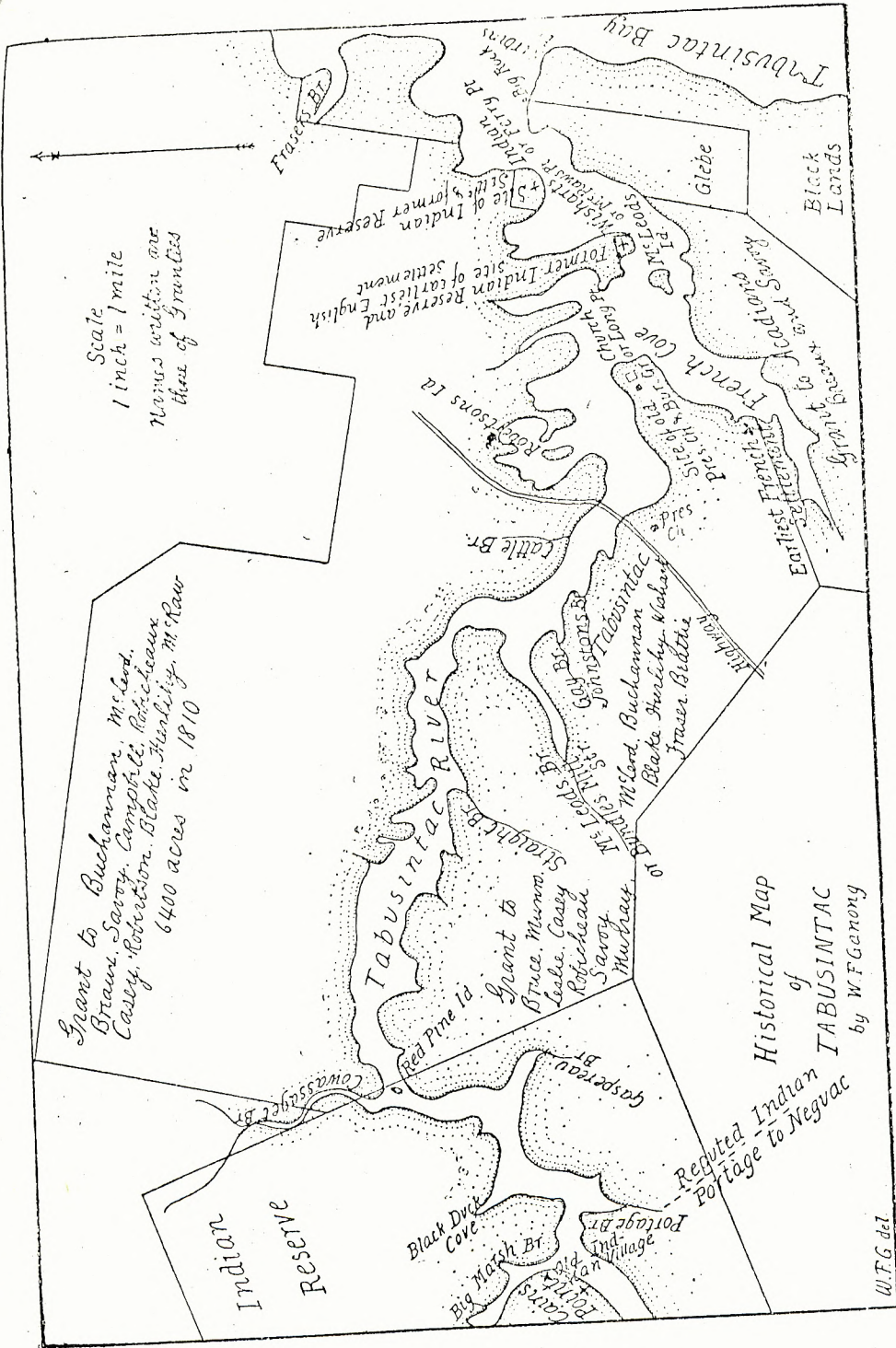
In the early 1800's the Micmacs apparently had several more or less permanent encampments on the Tabusintac. A map dating circa 1811 shows an Indian village located within the main Tabusintac Reserve at Cain's or Etienne's Point just west of Big Marsh Creek. The point, it would seem, was named after Etienne Gonishe (also called Cain) who had made some improvements there. (An important Indian portage extended from Cain's Point to Neguac and Burnt Church.) The map also shows other Indian huts and improvements owned by Noel and Toma Gonishe and Noel Alhanasas near Big Marsh Creek. Further downstream there were villages or Indian camp at Wishart's Point and Indian Point. The latter was the site of the only known Indian burial ground on the Tabusintac.<sup>10</sup>

#### European settlement

European settlement on the Tabusintac occurred later than settlement on the neighbouring Miramichi. The first settlers were Acadians who



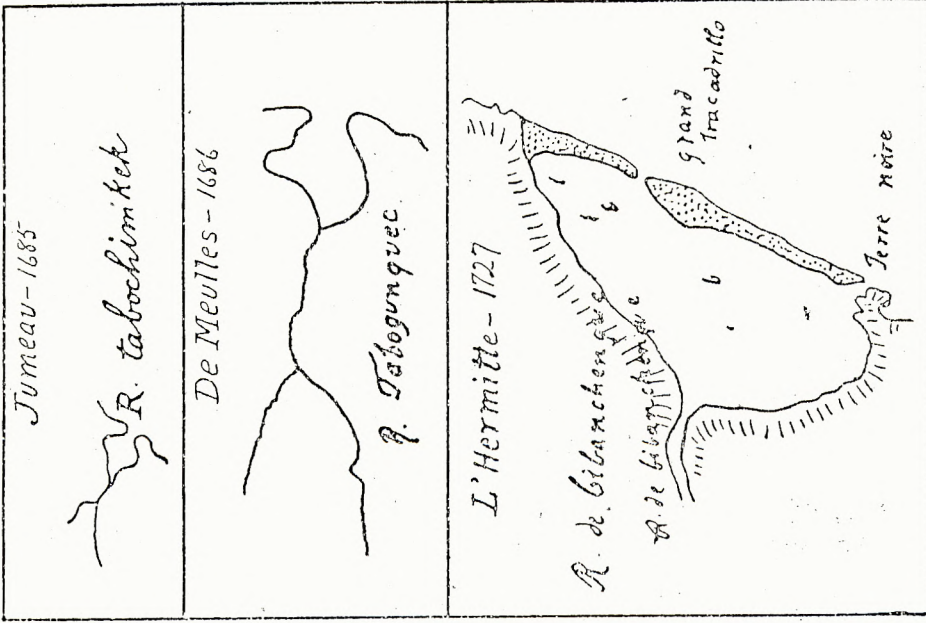
from Academics VII, 1907



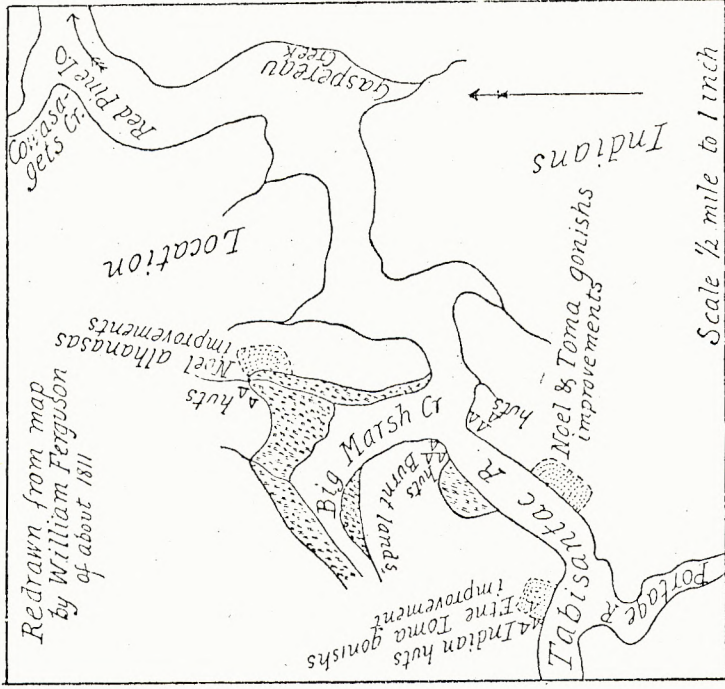
W.F.G. del.



from Académie VII, 1907



EARLY MAPS OF TABUSINTAC.  
(Original Size.)



EARLY PLAN SHOWING INDIAN SETTLEMENTS ON TABUSINTAC.



took up lands at French Cove around 1790. Between 1800 and 1811 they were joined by several other Acadian families from the Neguac area at the mouth of the Miramichi. The first English settlers arrived in 1798 and settled near Wishart's Point and French Cove. An 1804 survey plan by Dugald Campbell shows their location and also the lands reserved for the Indians at Wishart's (McRaw's or McGra's) Point and Indian (Ferry) Point. In 1810 an area of 6400 acres beginning at the lower boundary of the Indian Reserve and extending downstream to the mouth of the Tabusintac River was granted to various settlers.<sup>11</sup> Other lands at French Cove were granted around the same time. Thus by 1810 virtually all the lands below the Indian Reserve had been granted.

In 1810 George Prince, a prospective settler, requested a grant of 200 acres within the Indian location on the Tabusintac.<sup>12</sup> Around 1817 James Johnston took up lands in the Reserve near Cowassaget's Brook. In 1839 he petitioned for a grant; the Executive Council refused the request but offered him a licence of occupation for 100 acres to last during his lifetime.<sup>13</sup> The lot was surveyed for him in 1845. He subsequently purchased <sup>381</sup>~~326~~ acres in 1847 and received a grant in the following year.

#### Land Sales 1840 - 1867

When Moses Perley visited the Tabusintac Reserve in 1841, there<sup>13</sup> <sup>were</sup> squatters living on Indian lands. The Reserve was stated to be good agricultural land and Perley lamented that it had been allowed to



remain in a state of wilderness forming a barrier to settlement along the river. He recommended that the Reserve be divided into small allotments to be offered for settlement on liberal terms. The Indian land at Wishart's Point was occupied at that time by William Wishart who had it fenced and under cultivation. Indian (or Ferry) Point, however, was unoccupied.<sup>14</sup>

In 1843 the Surveyor General ordered James Davidson to complete a survey of the Tabusintac Reserve.<sup>37</sup>

With the passage of the 1844 legislation for the management and disposal of Indian Reserve lands, the Government was in a position to prepare for sale of Indian lands at Tabusintac. In the following year Deputy Surveyor David Sadler surveyed two lots in the Reserve for non-Indians:

Lot 1 north side of the River (381 acres occupied by James Johnston)

Lot 2 north side of the River (141 acres occupied by Alpine McDougald)

In addition he surveyed the lands reserved for the Indians at Wishart's Point and Indian Point. The former consisted of 7 acres occupied by William Wishart. The latter was surveyed as 35 acres.<sup>15</sup>

The reaction of Burnt Church and Tabusintac Indians to the sales legislation is difficult to gauge. The available records seem to reflect the attitudes of Perley and the local Indian Commissioner,

William Salter, more than the opinion of the Indians. In 1832, the Deputy Commissioner for Crown Lands had indicated that the Burnt Church Indians would be willing to relinquish all of their reserves with the exception of a lot for each family provided the revenues from sale of surrendered lands were placed in a fund to support the aged and infirm.<sup>16</sup> In contrast a letter to the Provincial Secretary in July 1845 stated that Chief John Gonishe was anxious to have Indian Commissioner William Salter secure the Burnt Church and Tabusintac Reserves for the exclusive use of his tribe.<sup>17</sup>

In late September 1845, Moses Perley met with the various Northumberland County Bands to determine which lands the Indians wished to retain and which tracts they were willing to relinquish for sale. An agreement was reached regarding the various reserves, including Tabusintac. The Indians it appears also agreed that the Tabusintac Reserve (or what would remain after sale) would be for the exclusive use of the Burnt Church Band. However, the agreement negotiated by Perley was never officially endorsed by the Government.<sup>18</sup> William Salter, the Indian Commissioner for Northumberland apparently disagreed with the Indian requests. In particular he objected to Indian demands to retain certain lands on the Indian Point and Eel Ground Reserves on the Miramichi.<sup>19</sup>

By 1847, settlers had applied for 2000 acres of the Tabusintac Reserve. In response, the New Brunswick Legislature recommended that 3000 acres be surveyed and offered for sale at 4 shillings per acre.<sup>20</sup> The







occupied lots already surveyed in 1845 were auctioned for sale in August 1847.<sup>21</sup> Lot 1 north was purchased by James Johnston. [This lot originally totalled 381 acres; however, when offered for sale, the Gore on the left bank of Cowassagetts Brook was not included in the lot. That area was apparently not part of the Reserve. ↩

The reduced area advertised was thus only 336 acres (see advertisement footnote 21). However Johnston petitioned the Government to purchase the whole 381 acres surveyed for him. The Surveyor General complied and Johnston purchased the 381 acres (see footnote 38 and footnote 22).] The 7 acres at Wishart's Point was purchased by Richard Hutchison.<sup>22</sup> Lot 2 north remained unsold until 1849.

In October 1847 Deputy Surveyor John Davidson surveyed an additional 40 lots for sale on the eastern portion of the Reserve: ten lots on the south bank of the Tabusintac River (Lots 1 to 10 south) and 30 lots on the north bank (Lots 3 to 31 north and Lot A at Big Marsh Creek). The newly-surveyed lots were all unoccupied and unimproved with the exception of 15 acres on Lots 9 and 10 north and 10 acres on Lots 18 and 19 north which had been cleared by the Indians.<sup>23</sup>

Although the lands were surveyed for sale in 1847, no lots were offered for sale until 1849. In the interim, there was considerable discord in the Burnt Church Band. In October 1847 Moses Perley reported that the Indians were disputing among themselves about the Reserve in Tabusintac.<sup>24</sup> This discord, he stated, could only be settled by a final resolution of land matters and the establishment of fixed Indian settlements.

In December 1847 and again in January 1848, the Burnt Church Band petitioned to Lieutenant-Governor Colebrooke requesting that their lands not be broken up for sale. Colebrooke, like Perley, felt that the sales provisions of the 1844 legislation would not raise a sufficient fund for the Indians. Instead, they favoured the granting of a fixed legislative annuity to the Indians in exchange for a surrender of portions of their reserves to the Crown for sale. In April, 1848, shortly before his retirement, Colebrooke recommended to the Colonial Office that all sales of Indian lands be deferred until the 1844 legislation was revised.<sup>25</sup>

The legislature, however, was determined to implement the sales provisions of the 1844 act. To appease the Assembly, Colebrooke's successor, Lieutenant Governor <sup>Edmund</sup> Edmund Head, was willing to put the legislation into effect with new sales regulations.<sup>26</sup>

By that time, Perley's influence among the Northumberland County Indians had been undermined by the local Indian Commissioner, William Salter. A dispute had erupted in the Burnt Church Band between Chief John Gonishe and the other two Chiefs, Noel Briot and Etienne (Cain) Gonishe, over the revenues from the leasing of the salmon fishery at Burnt Church Point. John Gonishe had leased the fishery to two individuals and had apparently kept the money for his own use.<sup>27</sup> Supporting Chiefs Noel Briot and Cain Gonishe, Salter summoned a Council of all the Miramichi Bands to demand removal of John Gonishe as chief. At the same time, Salter secured

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With Perley's influence curtailed and Colebrooke's term expired, Indian opposition to land sales became less vocal and less effective. In September 1848 the Micmac Tribe assembled in general council at Burnt Church and presented Lieutenant Governor Head with a petition requesting him to withhold his assent to any sales or alienation of Indian Reserve lands. The petition written in Micmac and English was signed by seventeen Chiefs of the Tribe from the Miramichi and other areas. However, the Indians could not combat the pressure from the Legislature to enact the 1844 sales legislation. Head had already indicated his intent to make the act operative. In July of 1849 new sales regulations were issued and sales of Indian lands resumed.

' Petition of Micmac Chiefs at Burnt Church  
to E. Head 5 Sept 1848 New Brunswick  
Museum, Papers of the New Brunswick Historical  
Society re Indian Affairs Shelf 27 Pack 6



a statement from the Indians, expressing <sup>their</sup> this trust in the Government and the local commissioner and their willingness to abide by the law of the land (a covert acceptance of the land sales measures). The Indians also elected Salter as their Chief spokesman and stated that they had no desire to consult Perley on Indian matters.<sup>28</sup>

According to Salter, Perley had been the main cause of Indian discontent and opposition to the land sales legislation.<sup>29</sup> In July 1848, on the basis of Salter's complaints, the Provincial Secretary advised Perley that his interference in local Indian matters was unacceptable.<sup>30</sup> In the following month, Lieutenant Governor Head informed the Colonial Office that Perley could no longer be employed in the management of Indian Affairs as his opposition to the 1844 Indian Bill had provoked jealousy and mistrust in both the Assembly and the Executive Council.<sup>31</sup> *insert*

~~In July 1849, the Government issued new regulations for the sale of Indian lands and sales resumed.~~<sup>32</sup>

Between 1849 and 1867, twenty-two lots were advertised for sale on the Tabusintac Reserve (see Table):

14 lots on the north side of the River: Lots 2, 3, 4, 7, 8, 9, 13, 14, 16, 17, 18, 26, 27, A.

7 lots on the south side of the River: Lots 2, 5, 6, 7, 8, 9 and 10.

1 lot 35 acres at Indian (Ferry) Point.

1 lot ? In 1861 Lot 6 on the Tabusintac Reserve was advertised for sale. The advertisement does not indicate whether the lot was north or south of the River. Lot 6 south had already been advertised in 1859 but was not sold. The lot advertised in 1861 was probably Lot 6 north.

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total 22 lots (possibly 23 lots) advertised between 1849 and 1867.

In addition Lots 1 north and Wishart's Point had been advertised and sold in 1847, making a total of 24 lots (possibly 25) advertised for sale by the N.B. Government (see tables)

Although Lots 13, 14 and A north were advertised in 1853, they were withdrawn from sale prior to the date of auction due to a petition from Chief Noel Briot. It appears that the Indians wished to retain the wild hay meadows around Big Marsh Creek. Following investigation and a report by the Honourable James Davidson, Lots 10, 11, 12, 13, 14, 15 and A (i.e. all the lots bordering on Big Marsh Creek totalling some 724 acres were reserved for the Indians in May 1854. In addition, the Surveyor General advised Davidson that the Indians could also select any suitable lot on the south side of the river to retain as a camping ground.<sup>33</sup>

Of the 24 or possibly 25 lots advertised for sale by the New Brunswick Government on the Tabusintac Reserve, only 13 were purchased. Two of those sales remained incomplete at Confederation: Lot 27 north and

Lot 2 south. The other eleven purchased lots were paid for in full and were granted by the New Brunswick Government:

Lots 1, 2, 3, 4, 9 and 18 North (see note below regarding Lot 3)

Lots 7, 8 and 10 South

Wishart's Point

Indian Point

The total acreage of the 11 granted lots was approximately 1260 acres.

Note: The 1807 Schedule of recorded sales of Indian Reserves lists two different sales records for Lot 3 North. The first record 7871 indicates that only part of the purchase price was paid. However, the second record 8804 indicates that the lot was paid for in full. The 1867 return of incomplete sales also lists Lot 3 North but the 1870 return of incomplete sales does not.<sup>34</sup> According to the New Brunswick Crown Lands Office Lot 3 North was granted to William Johnston in 1855.

The 1867 and 1870 Schedule of Indian Reserves from the New Brunswick Crown Lands Office list the remaining area of the Tabusintac Reserve as 8,308 acres.<sup>35</sup>

For sources regarding advertisements, sales and grants see footnote 36.



Lots advertised for sale by the New Brunswick Government. Status of lots at Confederation.

Lot	Acres	Dates Auctioned	Sales Record	Purchaser	Price	Amount Paid	Date of Grant by N.B.	Notes
Wishart's Point	7	18 Aug. 1847	6632	Richard Hutchinson	f 10	a11	1848	In the 1838 Schedule the area was listed as 10 acres. 1845 Survey shows area as 7 acres.
Indian Point	35	7 Jan. 1852	7895	Roderick McLeod	f 10	a11	1852	In the 1838 Schedule the area was listed as 25 acres. However the 1845 Survey shows the area as 35 acres.

South of Tabusintac River

2	100	28 Sept 1859 1865	18113	John McCallum	\$80	\$20		name sometimes given as McCullam Map from N.B. Crown Lands Office gives sales record as 18554.
5	107	28 Sept 1859		unsold				
6	105	21 Sept 1859 26 Dec. 1861		unsold				note the 1861 advertisement does not indicate whether it refers to Lot 6 South or Lot 6 North.
7	106	14 Sept 1853 22 Dec. 1858	13921	Wm. Macrobie	f 21.4.0	a11	28 March 1859	
8	105	30 Mar. 1859	14115	Wm. Macrobie	f 21.(?)	a11	22 July 1860	

(continued)

Lot	Acres	Dates Auctioned	<i>sales</i> Record	Purchaser	Price	Amount Paid	Date of Grant by N.B.	Notes
9	102	28 Jan. 1863		unsold				The ad does not state whether it refers to lot 9 north or lot 9 south. However it states the lot applied for by John Johnston Jr. 102 acres. The map from the N.B. Crown Lands Office has Johnston's name on Lot 9 south. Lot 9 north is 104 acres not 102.
10	117	29 Dec. 1852	8806	James Johnston	f 23.80	all	8 Aug. 1855	
<u>North of Tabusintac River</u>								
1	381	18 Aug. 1847	6631	James Johnston	f 57.3.0	all	15 Aug. 1848	Only 336 acres advertised. However Johnston petitioned for 381 acres and the Government complied. <sup>38</sup>
2	141	18 Aug. 1847 17 Oct. 1849	7204	James Johnston Jr.	f 28.4.0	all	8 Aug. 1850	
3	100	26 Nov. 1851	8804 7871	Wm. Johnston Wm. Johnson	f 20.0.0 f 20.0.0	all f 5	Aug. 1855	The 1867 Schedule of recorded sales gives two sales records for this lot (see note on page of this report)

(continued)

Lot	Acres	Dates Auctioned	Record	Purchaser	Price	Amount Paid	Date of Grant by N.B.	Notes
4	100	1 July 1851	8803	Hugh Murray	f 20	a11	25 Mar. 1857	
7	115	11 Aug. 1853 Feb. 1861		unsold				
8	102	24 Aug. 1853 1859		unsold				
9	104	24 Aug. 1853		Richard Hutchison			8 July 1863	
13	108	11 Aug. 1853		not sold.				Lots 10, 11, 12, 13, 14, 15 and A were ordered reserved for the Indians by the N.B. Executive Council in May 1854.
14	67	11 Aug. 1853						
A	100	11 Aug. 1853						
16	105	28 Jan. 1863 1 July 1863		unsold				
17	108	12 Sept. 1860		unsold				
18	107	22 Dec. 1858	13920	R. Hutchison	f 20.8.0	a11	28 Mar. 1859	
26	104	12 July 1854		unsold				
27	104	10 Nov. 1858	13919	Thomas & Robert Lamont	f 20.16.0	f 5.4.0		
? 6	105	26 Dec. 1861		unsold.				This advertisement does not indicate whether it refers to Lot 6 North or Lot 6 South.



## NOTES

- 1 - Original area taken from "Schedule of Indian Reserves in New Brunswick" Crown Lands Office, January 31, 1838, Journal of Legislative Assembly (hereafter JLA) 1838, Appendix.
  - The present area of the Reserve has been estimated by scale on the basis of Survey Plan C.L.S.R. 51161 by Wm. McLellan dated 1961.
- 2 - Harriet Irving Library Archives, U.N.B., Fredericton. Petition from Indians of the Tabusintac to Lieutenant Governor Carlton, 26 September 1801, approved by Surveyor General 30 Sept. 1801. There are 14 Indian names on the petition.
- 3 - PAC CO 188/106 Dispatch No. 78 Sir Edmund Head to Earl Grey Aug. 17, 1848 with report by M.H. Perley.
- 4 - See 1838 Schedule noted in footnote 1.
- 5 - PAC MG9 A1 Vol. 3 Draft Minutes of N.B. Executive Council 24 Sept. 1808
  - Note in his report of September 16, 1808, W.F. Odell stated that the public landing on the Tabusintac (i.e. Wishart's Point) was claimed by Widow Charlotte Hierlihy who had a house and some improvements on the site. (Harriet Irving Library Archives, U.N.B., MGH54. Letter W.F. Odell to Sproule 16 Sept. 1808).
- 6 - "Extracts from Mr. Perley's Report on the Micmacs" December 11, 1841, JLA 1842 Appendix p. C.
- 7 - Luis Gonish is listed as Chief of the District of Tubushantick in an 1815 petition and again in an 1836 petition both found in W.D. Hamilton and W.A. Spray (eds.) Source Materials Relating to the New Brunswick Indian Fredericton, 1976. I assume that he held office for the whole of the intervening period and also from 1836 to 1841 when Noel Briot was chosen Chief.
- 8 - PAC MG9 A1 Vol. 40 N.B. Executive Council, Indians - Burnt Church Band pp. 1-3 and p. 7-9
- 9 - Ibid. p. 7-9.
- 10 - The 1811 map and related information are found in W.F. Ganong, "The History of Tabusintac" Acadensis VII, 1907 pp. 314-332.
- 11 - Ibid. see map following p. 326 re grant of 1810.

- 12 - PAC MG9 A5 Vol. 11 Abstracts of Petitions Northumberland Co. N.B., Petition 596, George Prince, 1810.
- 13 - Ganong Op. cit p. 327 James Johnston took up lands at mouth of Cowassagett's Brook about 1817. He apparently purchased the land in 1827 see N.B. Archives Rex/pa Indians Box II (included in Nasons list in our research files under "Research References - General, N.B.).  
*from the Indians*
- Johnston's petition was considered by the Executive Council in 1839 PAC MG9 A1 Vol. 10 N.B. Executive Council Draft Minutes 3 April 1839.
  - see also N.B. Archives Rex/pa Indians I lease between Indians at Taboujantic and Benjamin Stymest Jr. for timber rights 2 March 1812.
- 14 - "Extracts from Mr. Perley's Report on the Micmacs" Dec. 11, 1841 JLA 1842 Appendix pp CXii - CXiii and p. CXXvii for return of persons who have settled on Indian Reserves.
- 15 - see map from New Brunswick Crown Lands Office in our research files David Sadler July, 1845 with field notes. Note Indian Point had been originally estimated at 25 acres and Wishart's Point as 10 acres.
- 16 - H. Irving Library, U.N.B. Fredericton (?) letter 6 Aug. 1832 Richard McLaughlin, Deputy Commissioner of Crown Lands, to Thomas Ballie re agreement with Miramichi Indians to relinquish Reserves (copy of letter in our research files on Richibucto case file).
- 17 - N.B. Archives Rex/pa Indians Vol. II *Alena* Mirma. Provincial Secretary's Office 8 July 1845 re Louis Julian, Eel Ground and John Gonishe, Burnt Church.
- 18 - N.B. Archives Rex/pa Records transferred to Indian Papers from the Surveyor General's Office. Moses Perley to John Saunders, Provincial Secretary, 22 July 1847. The terms of the agreement have yet to be obtained. Similarly more information is needed to determine whether or not it was agreed that the Tabusintac Reserve should be for the exclusive use of the Burnt Church Band.
- 19 - N.B. Archives Rex/pa Records transferred to Indian Papers from the Surveyor General's Office, William Salter's report of November 30, 1847.
- 20 - New Brunswick JLA, 1847 p. 357, "Report of Select Committee on Indian Affairs" 12 April 1847.
- Survey ordered 30 Aug. 1847 N.B. Archives RG10 RNA/C/3/2/10 Surveyor General's Letterbook N, p. 439.

- 21 - PAC C0192 N.B. Royal Gazette, advertisement dated June 11, 1847
- 22 - N.B. Archives Rex/pa Indians Vol. I "Recorded Sales of Indian Reserves to 14 March 1867, (Imperfect)" enclosed with letter from N.B. Crown Lands Office to H.L. Langevin Dec. 2, 1867, sales no. 6632.  
- Sales also listed in N.B. JLA 1849 Appendix p. XXXiv.
- 23 - see map and field notes from New Brunswick Crown Lands Office by James Davidson October 27, 1847.
- 24 - Hamilton and Spray (eds.), op. cit. p. 121-122 Document 63, M.H. Perley to J.S. Saunders 27, October, 1847.
- 25 - PAC MG9 A1 Vol. 40 pp. 243-244 Lieutenant Governor Colebrooke's Minutes 3 April 1848.  
PAC MG9 A1 Vol. 13 N.B. Executive Council draft Minutes 4 April 1848. For Perley's opinion see Hamilton and Spray Op. cit p. 119 Document 61 Perley to Saunders, 14 February, 1846.  
- See also L.F.S. Upton "Indian Affairs in Colonial New Brunswick" Acadiensis 1974 (2) pp. 1-26.
- 26 - PAC C0 118/106 Dispatch No. 78 Sir Edmund Head to Earl Grey, Aug. 17, 1848. See also Upton, op.cit. p.20.
- 27 - PAC MG9 A1 Vol. 40 pp. 1-68 contains considerable correspondence regarding the dispute over chiefship of the Burnt Church Band and the lease of the Salmon fishery. In particular see p.27 Salter to Saunders.
- 28 - PAC MG9 A1 Vol. 40 pp. 58-62 Salter enclosing Minutes of Council of Chiefs held at Eel Ground June 20, 1848.
- 29 - PAC MG9 A1 Vol. 40 pp. 15-16 Salter to Provincial Secretary 29 June 1848.
- 30 - Hamilton and Spray (eds.), op.cit p. 125 Document 65 Saunders to Perley 8 July, 1848.
- 31 - PAC C0 188/106 Dispatch No. 78. Head to Grey, A vg 17, 1848.
- 32 - PAC C0 192 N.B. Royal Gazette July 11, 1849.
- 33 - N.B. Archives RG10 RNA/C/3/2/13 Surveyor General's Letterbook Q 1853-1855, p. 47 Wilmot to Williston 9 August 1853, p. 234, Wilmot to Davidson 5 May 1854, p. 402 Inches to Lieutenant Governor 20 April 1855. Also a note on the 1847 Survey of the Tabusintac Reserve by James Davidson from the N.B. Crown Lands Office shows Lots 10 to 15 and Lot A marked "to be reserved for the Indians - Council May 3, 1854". The Executive Council Minute reserving the lots has not yet been located.



- 34 - N.B. Archives Rex/pa Indians vol. I "Recorded Sales of Indian Reserves 14 March 1867, (Imperfect)" and "Indian Lands in N.B. sold but not yet granted" both enclosed in letter from N.B. Crown Lands Office to H. Langevin Dec. 2, 1867 and PAC RG10 Vol. 329 Correspondence No. C814 "Return of Indian Lands in N.B. sold by Government but not yet granted" May 19, 1870.
- 35 - PAC RG10 Vol. 1945 file 4252 Schedule of Indian Lands Nov. 12 1867  
PAC RG10 Vol. 329 Corr. No. C814 Schedule of Indian Lands, N.B. May 19, 1870.
- 36 - Lot numbers, acreages and dates of auction are all taken from the advertisements in the N.B. Royal Gazette PAC C0 192. The acreages have been confirmed with the 1847 Survey by Davidson from the N.B. Crown Lands Office.
- The Sales records, purchaser, price and amount paid are taken from the schedules and returns listed in footnote 34 above.
  - The date of grant by the N.B. Government is taken from the card index to land sales books in this Branch.
- 37 - N.B. Archives RG10 RNA/C/3/2/7 Surveyor Generals Letterbook K 1841-43, p. 174 Baillie to James Davidson 12 April 1843.
- 38 - Lot 1 North was advertised as 336 acres. However, Johnston petitioned to purchase 381 acres rather than the 336 advertised. The Surveyor General complied with Johnston's request. N.B. Archives RG10 RNA C/3/2/10 Surveyor General's Letterbook N 1846-47, p. 436 Baillie to Salter 28 August 1847.

Big Hole Tract

Big Hole Tract Indian Reserve No. 8  
Northumberland County, New Brunswick

Indian Lands  
July 1977  
B. Dewar



DRAFT

Big Hole Tract I.R. No. 8, New Brunswick

Location and Size

The Big Hole Tract Indian Reserve is located in the Parish of Northesk, Northumberland County. As originally established, it consisted of roughly 8700 acres on the east side of the Northwest Miramichi River opposite the mouth of the Big Sevogle River.<sup>1</sup> The reserve is situated about four to five miles upstream from the Red Bank and Indian Point Reserves. It is presently divided into two sections - the northern portion falling under the control of the Red Bank Band and the southern portion falling under the control of the Eel Ground Band.

Historical Origins

It would seem that a portion of the Big Hole Tract Reserve would lay within the bounds of the 1783 licence of occupation granted to Chief John Julian and his tribe by Governor Parr of Nova Scotia. That licence authorized the Indians to occupy during pleasure an area of roughly 20,000 acres beginning below the Little Southwest Miramichi and extending up the Northwest Miromichi for a distance of 20 miles and back from the river bank a distance of one mile on either side.<sup>2</sup> The licence would thus seem to cover that portion of the Big Hole Tract fronting on the river and extending one mile back. The present Reserve extends approximately three to four miles back from the river.

The 1783 licence of occupation, however, was never officially honoured by the New Brunswick Government. The southerly reaches of the licence near the Little Southwest Miramichi lay within a previous grant to William Davidson and John Cort. When the Indians pressed their claim to the 20,000 acres in 1785 the Northumberland County Sheriff assured them that their licence would probably be confirmed when the Davidson and Cort grant was escheated; however, no confirmation was ever granted.<sup>3</sup> As the Big Hole Tract was created by a subsequent Licence of Occupation from the New Brunswick Government, the 1783 licence is not essential title documentation.

#### 1805 Licence of Occupation

On March 5, 1805, the New Brunswick Executive Council ordered that a licence of occupation be issued to John Julien and the other Chiefs of the Micmac Tribe to hold a tract of land laid out for them by Dugald Campbell on the Northwest Miramichi.<sup>4</sup> Pursuant to this order, a Licence of Occupation was issued the same day to John Julian "for himself and the Micmac Tribe of Indians to occupy and possess during pleasure the several tracts of land on the Northwest Branch of the Miramichi surveyed for them by Dugald Campbell, Esquire in the month of September last ..."<sup>5</sup>

According to Moses Perley, this licence covered 8700 acres at Big Hole and 760 acres at Indian Point.<sup>6</sup> The 1838 Schedule of Indian Lands prepared

by the New Brunswick Crown Lands Office also indicates that these two Reserves were set apart on March 5, 1805.<sup>7</sup> A copy of Campbells surveys of September 1804 is needed to verify exactly which lands were covered by the Licence. Research to date has failed to locate any 1804 surveys of the Big Hole or Indian Point Reserves by Campbell.

#### 1807 Minute in Council

On February 28, 1807 the Executive Council approved a survey by Dugald Campbell of the Northwest Miramichi and the Sevogle Rivers "comprehending a reserve of five miles for the Indians commencing at Wild Cat Brook."<sup>8</sup> This minute apparently confirmed the bounds of the Indian location at Big Hole assigned to them by the 1805 Licence of Occupation.

#### 1808 Survey and Minute in Council

In February of 1808, the Big Hole Tract was resurveyed by Deputy Surveyor Lewis Dennis. On his return of survey, the tract is marked "surveyed for Andrew Julian and other Indians."<sup>9</sup> Andrew Julian was, it appears, a son of King John Julian. He succeeded his father as chief and king of the Indians on the Northwest Miramichi. Dennis experienced some difficulty in determining the southern boundary of the Reserve due to conflicting information from the two of the Julian Indians; however, he eventually settled the matter.

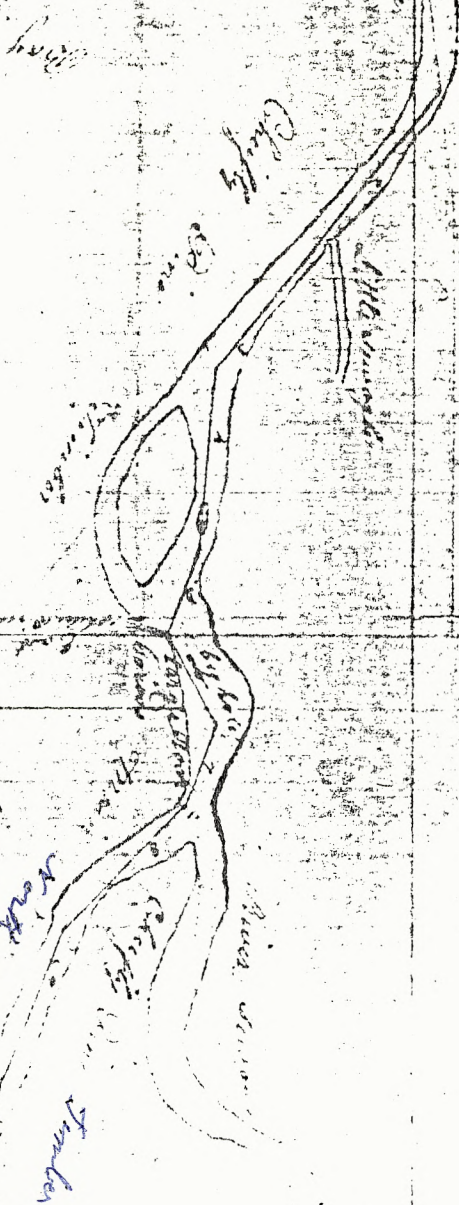


of a river as wide as the distance from the  
 and having on one side a high bank, the  
 and on the other a low bank, the water  
 was found by the first discovery to be  
 the water was not deep, and the banks  
 part of the river was not deep, and the  
 good piece of ground, but the banks  
 of the river were not deep, and the  
 part of the river was not deep, and the  
 good piece of ground, but the banks  
 of the river were not deep, and the

That is in the distance of about 100  
 miles from the mouth of the river  
 and is a good piece of ground, but the

Surveyed by Lewis & Clark  
 in the month of February 1805

Surveyed by Lewis & Clark  
 in the month of February 1805  
 by Lewis & Clark  
 Lewis & Clark  
 Surveyed by Lewis & Clark  
 in the month of February 1805



Scale of 1000 feet  
 Map of the Missouri River

on the west side of the river  
 about 100 miles from the mouth

10	12.00
11	11.00
12	10.00
13	9.00
14	8.00
15	7.00
16	6.00
17	5.00
18	4.00
19	3.00
20	2.00
21	1.00
22	0.00
23	0.00
24	0.00
25	0.00
26	0.00
27	0.00
28	0.00
29	0.00
30	0.00

N 1/8 1/2

see footnote 9



In August of 1808, William F. Odell was sent to the Miramichi district to settle boundary problems on the Little Southwest Reserve. While at Miramichi, he met with the several bands in the area and showed them on plans the boundaries of the lands allotted to them and informed them not to expect or claim anything more. In conjunction with the Indians he prepared lists of the Indians who were to have rights to the various reserves. The Indians expressed the wish that the Eel Ground, and Burnt Church Reserves and the Indian landings on the lower Tabasintac be reserved for all of the Indians in common. For the other Reserves on the Northwest and Little Southwest Miramichi and the Tabasintac, separate lists were prepared designating the Indians entitled to occupy the different Reserves. The Northwest Reserves (i.e. Big Hole and Indian Point) were to be reserved almost exclusively for members of the Julian family.<sup>10</sup>

On September 24, 1808, the Executive Council ordered that licences of occupation be given to the Indians for the tracts on the Northwest, the Little Southwest and the Tabasintac. The tracts at Church Point and Eel Ground and the points on the Lower Tabasintac were ordered to be reserved for the Indians of Northumberland County in general.<sup>11</sup> As a licence of occupation had already been issued for Big Hole Tract in 1805, it appears that none were issued in 1808.

Sevogle Point and Islands (Lot B)

On the same date as the Northumberland County Reserves were confirmed (September 24, 1808) the Executive Council also approved an allotment of 200 acres at Sevogle Point to Pierre Julian.<sup>12</sup> Pierre Julian it seems was another son of Chief John Julian. The lot was surveyed for Julian in 1810. It included a meadow on the point between the Big Sevogle River and the Northwest Miramichi and the small islands off the Point.<sup>13</sup>

The status of this lot is somewhat problematic. It would seem that the parcel was originally given as an individual allotment rather than as part of the Big Hole Reserve; however, there is no record that a grant was ever issued to Pierre Julian.

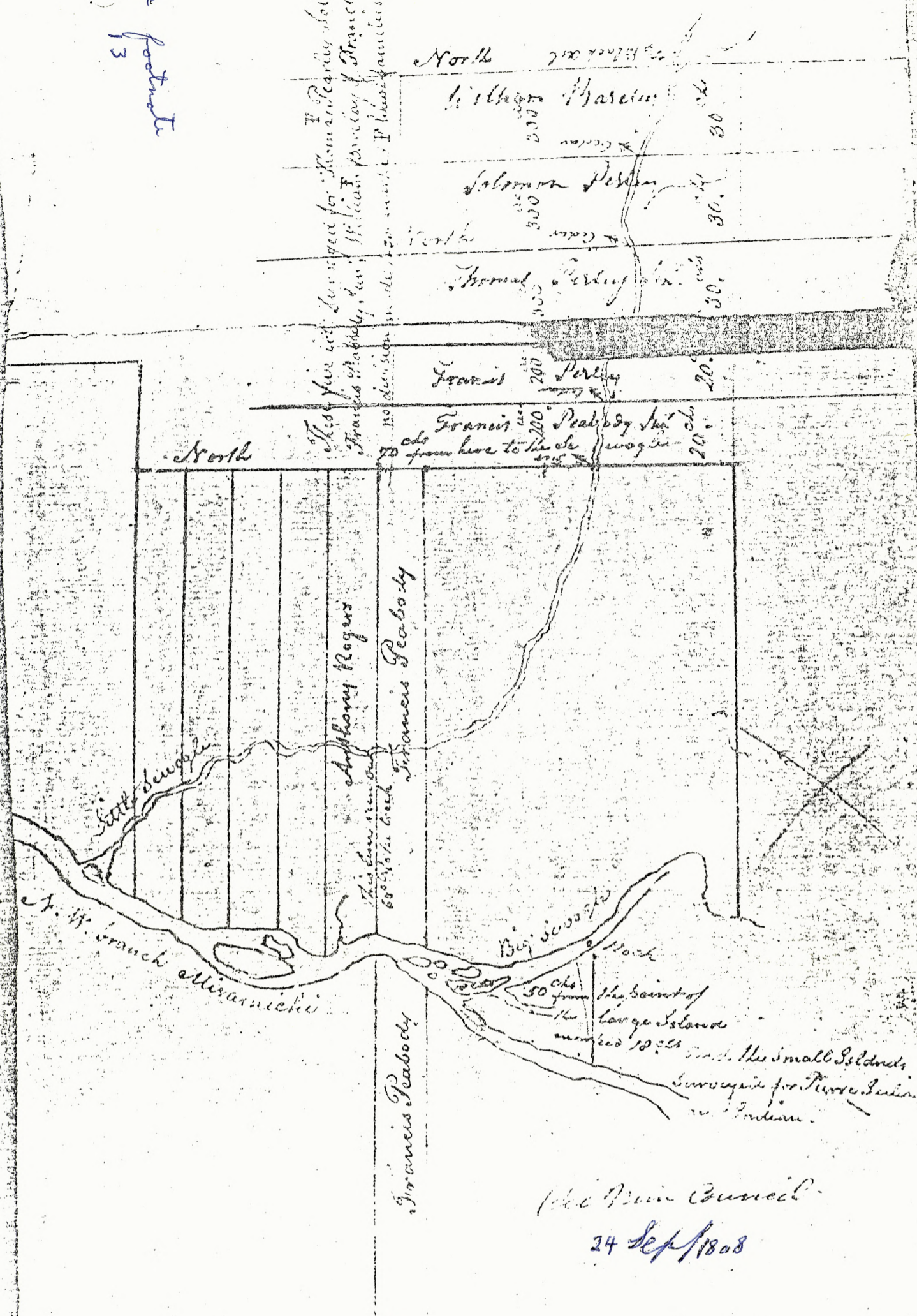
In 1835, the two islands in front of the Point were surveyed for Henry Oldfield whose improvements were valued at £ 15.<sup>14</sup> On the return of survey, the point itself is marked Paul Julian, Indian Chief. In the following year the Honourable Joseph Cunard purchased 36 acres on the Point including the two Islands in front from the Government for £ 195.10. In addition Cunard agreed to pay Henry Oldfield £ 20 for his improvements on the islands.<sup>15</sup>

In 1841, the Indians of the Northwest Miramichi complained to the Lieutenant Governor that they were entitled to the Point and islands at the mouth of the Big Sevogle which had been sold to Cunard. The Crown Lands Office concluded that "it does seem that these parcels of land were at one time considered



see footnote  
13

This five acre Survey for Thomas Peabody belongs to Francis Peabody, son of Thomas Peabody & Francis Peabody  
no division in the 20 numbered Plots

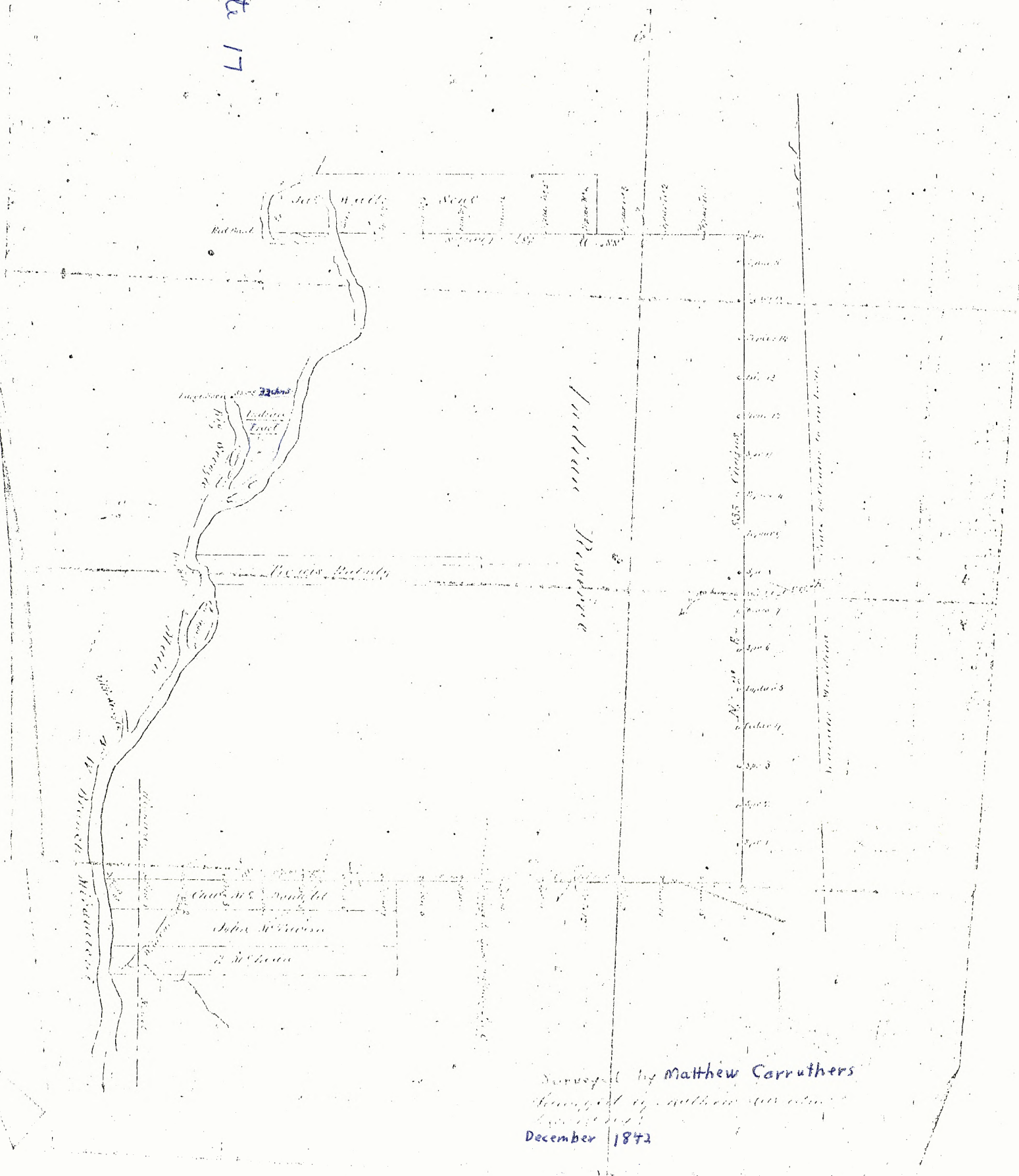


1st of June Council  
24 Sep 1808

17<sup>th</sup> Oct 1810  
Anderson



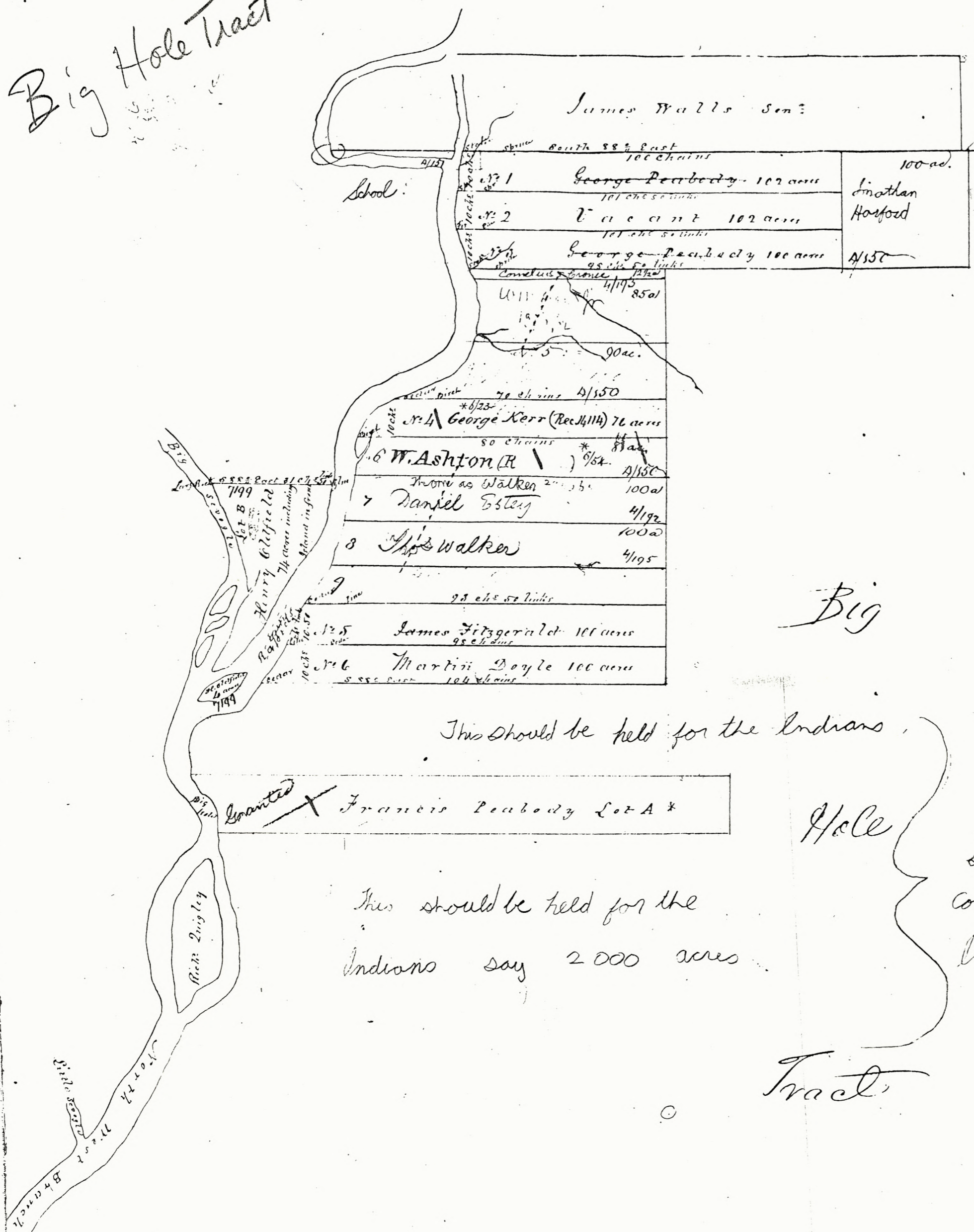
See footnote 17



Surveyed by Matthew Carruthers  
 Arranged by Matthew Carruthers  
 December 1872



# Big Hole Tract



James Wallis Sen:		
100 ac.	George Peabody 102 acres	Jonathan
	101 ch 50 links	Hosford
	102 acres	
	101 ch 50 links	
	George Peabody 100 acres	A/150
	95 ch 50 links	
	111 1/2	850
	90 ac.	
	90 ch 50 links	A/150
	George Kerr (Rec 1/11/14) 76 acres	
	80 ch 50 links	
	W. Ashton (R)	A/150
	100 ac	
	Daniel Estey	4/192
	100 ac	
	John Walker	4/195
	95 ch 50 links	
	James Fitzgerald 100 acres	
	95 ch 50 links	
	Martin Doyle 100 acres	
	104 ch 50 links	

This should be held for the Indians

Francis Peabody Lot A \*

This should be held for the Indians say 2000 acres

Big Hole Tract

see minutes of conference with the Indians in 1845

John	7203
William Cook Stewart	100 acres
John Summitt	7217 1/2 50 acres
Mr Donald	No 16
John Mc Jarvis	" 17
Alex Mc Lennan	" 18

copy of David Sadler's Survey  
 Sept 1847  
 from NB Crown Lands Office  
 see also field notes attached  
 to original plan.  
 B Dewar 1977

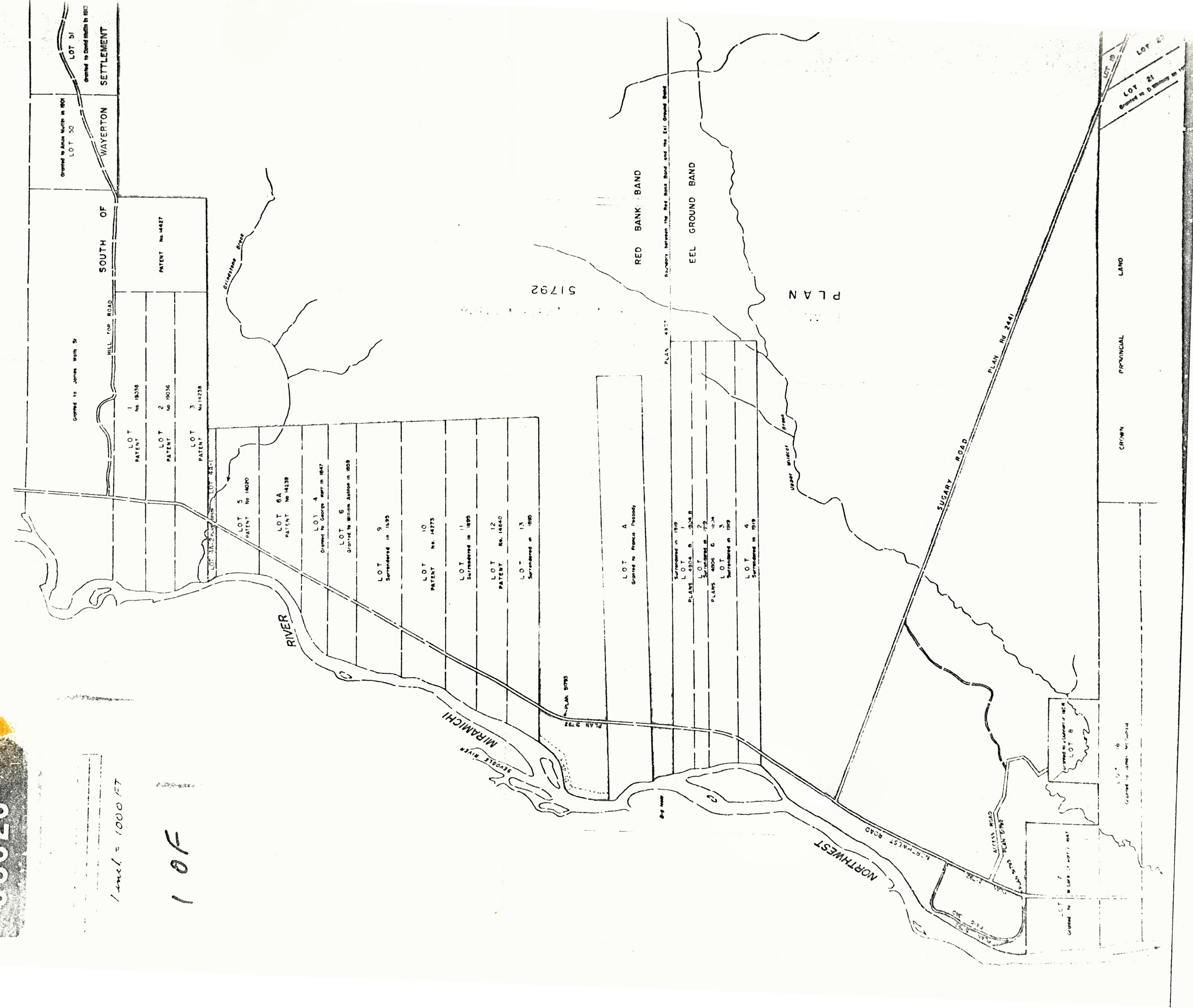
Photo July 1977



58525

1 acre = 1000 FT

1 OF



GLSR 58525



as being reserved and allotted for the use of the Indians."<sup>16</sup> The matter was therefore referred to the Executive Council and the grant to Cunard was cancelled.

An 1842 survey of the Big Hole Reserve by Matthew Carruthers shows the Point marked "Indian Tract."<sup>17</sup> When David Sadler resurveyed the Reserve in 1847, the Point and the main island in front totalling 74 acres were surveyed with the Reserve under the designation of Lot B. The lot was then occupied by Henry Oldfield who had 13 acres under cultivation and a camp and barn on it. The high land on the lot was reported to be burned over and unfit for cultivation.<sup>18</sup>

Later that year, the New Brunswick Government advertised Lot B for sale under the 1844 Indian lands legislation at an upset price of 6 shillings per acre. However the sale was postponed due to opposition to sales at Red Bank scheduled for the same day.<sup>19</sup> The lot was reoffered for sale in 1849 and was purchased by Henry Oldfield a sale price of £ 22.4.0 (or \$88.80). Oldfield, however, paid only one instalment of £ 4.9.0 (\$17.80).<sup>20</sup> As a result the lot was still ungranted at Confederation.

The sale was subsequently completed by Michael Oldfield and Letters Patent were issued by the Federal Government in 1907.<sup>21</sup> It should be noted that Lot B was not included in the 1895 Surrender which opened other lots for sale on the Big Hole Reserve.

The lot was subsequently purchased from its owners by J.L. O'Brien, the Lieutenant Governor of New Brunswick. In 1958, he applied for and received new letters Patent from the Federal Government including fishing privileges.<sup>22</sup>

The Status of Lot B is a matter that raises some questions. Was the Lot part of the Big Hole Indian Reserve? The 1808 Minute in Council seems to indicate that the Lot was an individual allotment to Pierre Julian rather than part of the Reserve. However, subsequent actions by the New Brunswick Government (e.g. the cancellation of the grant to Cunard, the surveys of 1842 and 1847 and the advertisements for sale as Indian land) indicate that the Provincial Government seemed to regard the lot as Indian Reserve land. If the lot is regarded as Indian Reserve land the Federal Government patented the land without surrender. However, it could be argued that the federal authorities were merely completing a transaction initiated by the Province and that the Province's sale of the land rendered a surrender necessary. Apart from these questions, there is a problem of determining acreage. The Executive Council ordered 200 acres for Pierre Julian, only 74 acres were surveyed and sold to the Oldfield family.

#### Band Control and Chiefship of the Big Hole Reserve

The Big Hole Indian Reserve, as mentioned, is presently divided into two sections: the northerly portion falling under the jurisdiction of the Red Bank Band and the southerly portion falling under the jurisdiction of the Eel Ground Band. This division was made in 1895 as a result of a dispute



between the two Bands over the ownership of the Reserve.<sup>23</sup>

Under the 1805 Licence of Occupation the reserve was set apart for the use of John Julian and the Micmac Tribe. While John Julian was Chief over all the Miramichi Indians, the Indians on the Little Southwest Miramichi had their own Chief, Francis Julian. John Julian, therefore appears to have acted primarily a Chief over the Indians on the Northwest Miramichi and the Big Hole and Indian Point Reserves would seem to have been created primarily for the Indians of the Northwest.

When the Reserve was resurveyed in 1808, Lewis Dennis labelled it as lands surveyed for Andrew Julian and other Indians. Andrew Julian was a son of John Julian. After his father's death, he apparently assumed the dual position as Chief of the Northwest Miramichi and King of all the Miramichi Indians. In his capacity as Chief of the Northwest Miramichi he apparently exercised jurisdiction over the Eel Ground, Indian Point and Big Hole Reserves but not the Red Bank Reserve which was claimed by Chief Francis Julian and his sons Barnaby and Mitchell Julian.<sup>24</sup>

When William F. Odell met with the Indians in 1808 to finalize the Reserve boundaries and apportion them among the different groups or bands of Indians, one list was drawn up for the Indians entitled to occupy the Big Hole and Indian Point Reserves and another list for the Indians entitled to occupy the Little Southwest (Red Bank) Reserve. The Eel Ground Reserve was to be

for the use of all the Miramichi Indians in common.<sup>25</sup> It thus appears that initially the Red Bank Indians had no claim to the Big Hole Reserve although in practice band structure and land use was probably quite fluid. It also appears that most of the Northwest band lived mainly at Eel Ground even though that Reserve was for the use of all the Miramichi Indians in common. Due to this fact, the Eel Ground Band could be considered as the historical claimants of the Big Hole Reserve.

In 1836, however, Andrew Julian resigned as King over the Miramichi Indians and was replaced by Barnaby Julian, Chief of the Little Southwest Reserve.<sup>26</sup> The Chiefship of the Northwest or Eel Ground Indians had already fallen, it appears, to Denny Julian. Following his election as King, Barnaby Julian obtained a commission from the Government which affirmed his authority over all the Miramichi Indians.<sup>27</sup> Under this commission he apparently assumed some control over the Big Hole and Indian Point Reserves.

In 1841 Barnaby Julian was deposed as King or supreme Chief for misconduct in selling large portions of the Red Bank Reserve. He was succeeded by Nicolah (Nicholas) Julian, the Chief at Eel Ground.<sup>28</sup> However, Barnaby Julian continued to act as Chief at Red Bank and it appears that he and the Red Bank Band continued to exercise some rights in the Big Hole Reserve.

The Eel Ground Indians also continued to exercise claim to the Big Hole Reserve. In July 1845, Louis Julian, son of the Eel Ground Chief, asked the

Government to confirm the whole of the Eel Ground Reserve and a portion of the upper Reserve on the Northwest Miramichi (i.e. Big Hole Tract) for the exclusive use and occupation of his tribe.<sup>29</sup> According to the hearsay information gathered in the 1890's, the ownership of the Reserves was settled in 1845 at a Conference of the various bands with Moses Perley. At the Conference it was supposedly agreed that the Big Hole and Indian Point Reserves would belong to the Red Bank Band while the Eel Ground Band would control the Eel Ground and Renous Reserves.<sup>30</sup> This alleged division was apparently respected until the dispute in 1895. More research is needed to clarify the alleged division in 1845 and the band structure and succession of Chiefs.

#### Trespass and Land Sales (Pre-Confederation)

When the Big Hole Indian Reserve was established there was already one settler claiming land within the tract, Francis Peabody. It appears that Peabody's claim predated the establishment of the Reserve and Lot A was officially granted to him in 1808.<sup>31</sup>

Due to its distance up the Northwest Miramichi, the Big Hole Reserve did not experience settlement pressures to the same degree as the Red Bank and Indian Point Reserves which were more favourably located for settlers. In addition, most of the lower portion of the reserve was burnt over in the fire that swept through the Miramichi area in 1825 leaving much of the land barren and unfit for cultivation.



There is no record of any permanent Indian encampment on the Big Hole Reserve. The Indians apparently resorted there seasonally for fishing and in later times for logging. In 1832 the Chiefs of Red Bank and Eel Ground entered an agreement negotiated by the Deputy Commissioner of Crown Lands to relinquish their Reserves in exchange for individual allotments and a fund to support the aged and infirm.<sup>32</sup> Although the agreement was negotiated primarily as a result of pressure to open lands for settlement on the lower Reserve, it would also have applied to the Big Hole Tract. The agreement was never formally accepted or implemented by the Government and no measures were adopted for the sale of Indian lands until the Indian Bill of 1844.

In the interim, settlers purchased lands illegally from the Indians or settled on the Reserves without any pretence to title. When Moses Perley visited the Big Hole Tract in 1841, he reported three squatters on the Reserve.<sup>33</sup> Six years later, Deputy Surveyor David Sadler surveyed lots for eight non-Indians living on the Reserve:<sup>34</sup> (see table on next page).

The names of the 1847 occupants are taken from Sadlers notes attached to the Survey Plan. The names on the Plan itself appear to have been changed at a later date when the lots were purchased by other settlers. Other lots surveyed at a later date have also been marked on the plan.

(note the lot numbers assigned by Sadler are different from the numbers on more recent plans)

Lot No. Sadler's Plan	Lot No. C.L.S.R. <i>58525</i>	Acres	Occupant in 1847	Improvements 1847
1	1 North	102	George Peabody	2 acres cleared, no buildings
2	2 North	102	Vacant	
3	3 North	100	George Peabody	3 acres cleared
4	4 North	76	John Matchett	2 acres clear, house and barn
5	12 North	100	James Fitzgerald	2 acres in crop
6	13 North	100	Martin Doyle	camp and $\frac{1}{2}$ acre clear <i>(see footnote 48)</i>
7	7 South	100	Richard Quigley	13 acres clear, house and 2 barns
8	8 South	50	Elisha Godfrey	2 acres clear
B, Sevogle Point and Island in front	not marked	74	Henry Oldfield	13 acres clear, camp and barn

Sales advertisements 1847

In October 1847, Lots 1, 3, 4, 5, 6, 7 and B were advertised for sale by the New Brunswick Government under the 1844 Indian lands legislation.<sup>35</sup> A note in the advertisement indicated that Lot 7 was to be withheld from sale for the present. Auction was to take place at Newcastle on December 22, 1847. The upset price for the lots was set at 5 shillings per acre with the exception of Lot B which was set at 6 shillings per acre. Due, however, to protests from both settlers and Indians regarding proposed sales at Red Bank scheduled for the same day, Lieutenant Governor Colebrooke ordered that all sales be suspended.<sup>36</sup> (see Red Bank summary for information regarding Indian opposition to land sales and the political pressures leading to a renewal of sales in 1849).

Advertisements and sales 1849-50

The lots advertised for sale at Big Hole in 1847 were not offered again until new sales regulations were introduced by Lieutenant Governor Head in July 1849.<sup>37</sup>

In that month the same seven lots were advertised for sale.<sup>38</sup> Auction was to be held at Newcastle on September 12, 1849, along with sales of lots on the Red Bank Reserve. The settlers at Red Bank again complained that they could not pay the upset price. The Executive Council therefore offered to allow the settlers to purchase their lots in five instalments rather than three as stipulated in the new sales regulations. The auction proceeded as scheduled; however, the only lot sold on the Big Hole Reserve was Lot B purchased by Henry Oldfield.<sup>39</sup> As previously mentioned Oldfield apparently paid only one instalment (i.e. one-fifth of the purchase price) and the lot remained ungranted at Confederation.

On October 17, 1849, Lot 7 on the Big Hold Reserve occupied by Richard Quigley (i.e. Lot 7 South) was auctioned for sale. Quigley apparently purchased the 100 acre lot for £25. The lot was subsequently granted by the New Brunswick Government to William Loch Stewart in 1863.<sup>40</sup>

In December of 1849, the lots at Big Hole and Red Bank which had not been purchased in the September sales were again advertised for sale - auction to be held at Newcastle on January 30, 1850. The advertisement stated that



occupants who could not afford to purchase their lots would be allowed to lease their land from the government for a term of three years. Persons refusing or failing to either purchase or lease were to be prosecuted for trespass.<sup>41</sup> It appears that only one of the Big Hole settlers responded to the ultimatum. Lot 8 (8 South) was apparently purchased by Elisha Godfrey for £12. It seems that Godfrey subsequently sold his interest in the lot to John Dunnett who obtained a grant from the New Brunswick Government in 1858.<sup>42</sup>

Advertisements and Sales 1850 to 1867

Between 1850 and 1867, several additional lots were surveyed for settlers and advertised for sale.<sup>43</sup> In addition some of the unsold lots were advertised again. (See the attached table for a list of the lots advertised. Only two more lots were sold (Lot 4 North and Lot 6 North, the William Ashton lot). Thus in all, only 5 lots were sold on the Big Hole Reserve prior to Confederation:

C.L.S.R.

58525

100 acres Lot 7 south purchased by Richard Quigley in 1849 and granted to William Loch Stewart in 1863.

50 acres Lot 8 south purchased by Elisha Godfrey in 1850 and granted to John Dannett in 1858.

78 acres Lot 4 north (the John Matchett Lot) purchased and granted to George Kerr in 1859.

81 acres Lot 6 north (the William Ashton Lot on Sadlers Plan) granted to William Ashton in 1862.

74 acres Lot B Sevogle Point including island in front sold to Henry Oldfield in 1849. Sale incomplete at Confederation.

381 acres total (for details re above lots see table attached).

According to the 1838 schedule of Indian Lands, the Big Hole Reserve contained approximately 8700 acres. The 1858 Schedule lists the Reserve (including Sevagle Point) as only 7,788 acres - ten of which were partially cleared and cultivated by the Indians.<sup>44</sup> However, the Schedules of 1867 and 1870 estimate the remaining area of the Reserve at 8,188 acres.<sup>45</sup>

Lots advertised for sale by the New Brunswick Government  
Big Hole Indian Reserve No. 8 (See footnote 47 regarding sources)

Lot No. on Sadler's Plan of 1847	Lot No. C.L.S.R. 58525	Occupant according to Sadler's Plan or advertisement	Date of Auction	Sales Records	date of Purchase	Price	Amount Paid	Receipt of N.B. Grant	Date of Grant by N.B.
1	1 north	George Peabody	Dec. 1847 cancelled Sept. 1849 Jan. 1850						
3	3 north	George Peabody	Dec. 1847 cancelled Sept. 1849 Jan. 1850						
4	4 north	John Matchett (purchased by George Kerr)	Dec. 1847 cancelled Sept. 1849 Jan. 1850 May 1859	14114	1859 by George Kerr	£19	£19	George Kerr	Oct. 1859
5 James Fitzgerald	12 north	James Fitzgerald	Dec. 1847 cancelled Sept. 1849 Jan. 1850						
5 next to Lot 4 name illegible	6A north	no name Lot was surveyed for Thomas Smith in 1859	June 1859						
6 Martin Doyle	13 north	Martin Doyle	Dec. 1847 cancelled Sept. 1849 Jan. 1850						
6 W. Ashton	6 north	W. Ashton lot was surveyed for Richard Walsh in 1859	June 1859 Dec. 1861		1861 by William Ashton			Wm. Ashton	June 1862



ording to

Sadler's Plan of 1847	Lot No. C.L.S.R. 58525	Acres	Sadlers Plan or advertise- ment	Date of Auction	Sales Records	date of Purchase	Price	Amount Paid	Receipt of N.B. Grant	Date of Grant by N.B.
7 Daniel Estey	9 north	100	Daniel Estey	June 1859 July 1863						
8 Thomas Walker	10 north	100	Thomas Walker	July 1863 Oct. 1866						
unnumbered Wm. McLean Jr. written on it next to Cornelius Crowe Lot	5 north	85	Wm. McLean surveyed in 1862	1862 (ad- vertised in November) July 1863						
unnumbered Cornelius Crowe	4A-1 north 4A-2 north	12½	Cornelius Crowe surveyed in 1862	1862 (ad- vertised in November) July 1863						
7 William Loch Stewart	7 south	100	Richard Quigley (granted to W.L. Stewart)	Oct. 1849	7203	Oct. 1849 by Richard Quigley	£25	£25	William Loch Stewart	July 1863
8 John Dunnett	8 south	50	Elisha Godfrey granted to John Dunnett	Dec. 1847 cancelled Sept. 1849 Jan. 1850	7217	Jan. 1850 by Elisha Godfrey	£12	£12	John Dunnett	Jan. 1858
Lot M John McMahon next to Lot 7 Stewart	no lot marked area where Craig Road is located next to Lot 7 South.	50	John McMahon	Dec. 1864						

Occupant according to Sadlers Plan or advertisement	Date of Auction	Sale Records	date of Purchase	Price	Amount Paid	Receipt of N.B. Grant	Date of Grant by N.B.
Lot No. C.L.S.R. 58525 not shown as part of Reserve	Dec. 1847 cancelled Sept. 1849	7199	Sept. 1849 by Henry Oldfield	£22.4.0	£4.9.0	ungranted at confederation	
Lot B Sevogle Point including island							

another Lot was surveyed for Jonathan Harford (Hosford) in 1859 but was apparently never offered for sale by the N.B. Government. This 100 acre lot was located behind Lots 1, 2 and 3 North. It was subsequently sold and patented by the Federal Government after Confederation.

Lot 2 north was apparently never advertised for sale.

1. "Schedule of Indian Reserves in New Brunswick" Crown Lands Office. January 31, 1838 Journal of Legislative Assembly (hereafter JLA) 1838, Appendix.
2. W.D. Hamilton and W.A. Spray (eds.), Source Materials Relating to the New Brunswick Indian, Fredericton, 1976 p 59  
Document 26, Licence of Occupation, 30 August 1783.
3. N.B. Archives Rex/pa Indians I: Benjamin Marston, 29 August 1785. also Ganong "Historical Geographical Documents relating to New Brunswick" Collections N.B.H.S.No. 9, p 336-337 also for information re Davidson and Cort Grant see B. Dewar "Indian Reserves in Northumberland County, N.B. Introduction - Early History to 1808".
4. PAC MG9 A1 Minutes of N.B. Executive Council March 5, 1805.
5. Copy of Licence of Occupation is found in PAC RG10 Vol 2522 file 107222-2 and in our research files under "Big Hole - boundaries".
6. PAC C0188/106 Despatch No. 78 Sir Edmund Head to Earl Grey 17 August 1848 with report by M.H. Perley.
7. See footnote 1
8. PAC MG9 A1 Vol. 3 Draft Minutes N.B. Executive Council 28 February 1807.
9. Lands Branch, Dept. of Natural Resources, Fredericton, N.B. Northumberland County Survey Book N1 plan 18 $\frac{1}{2}$  Survey of Big Hole Indian Reserve by Lewis Dennis February 1808. (Copy on Big Hole Case file No. 2 with memo from W.D. McLellan 4 December 1974) *on file 271/30-6-8 vol 3*
10. Harriet Irving Library Archives, U.N.B., MGH 54, Report, Odell to Sproule 16 September 1808. The lists prepared by Odell of the Indians to reside in each Reserve including the Northwest Reserves are also located in MGH 54 at the Harriett Irving Library. However, they are not attached to Odell's report. They are listed separately in the finding aid as undated lists. n.d. Indian list Gore at Indian Town (i.e. Indian Point I.R.) and upper Tract (i.e. Big Hole)  
There are also other lists in MGH 54 for the Little Southwest and Tabasinta Reserves and for Andrew Julians Tribe at Indian Town and Eel Ground n.d.
11. PAC MG9 A1 Vol. 3 Draft Minutes of N.B. Executive Council, 24 September 1808.
12. Ibid.
13. Lands Branch, N.B. Dept. Natural Resources, Fredericton, Northumberland County Survey Book N1 plan 19. Survey of Sevogle Point for an Indian by Anderson 1810 (copy on Big Hole Case file No. 2, see footnote 9).



14. Lands Branch, N.B. Dept. of Natural Resources, Fredericton Northumberland County Survey Book N2 plan 89 survey of Sevogle Point by Charles J. Peters 17 December 1835 with notes, also plans N2/76 and N3/80 $\frac{1}{2}$ .
15. N.B. Archives RG10 RNA/C/3/2/4 Surveyor Generals Letterbook F. p. 393 A. Inches to Cunard 20 February, 1841 p. 392 A. Inches to Indian Commissioners, Northumberland 20 February, 1841.
16. Ibid.
17. see Plan by Matthew Carruthers, December 1842 on Big Hole Case file No. 2 with letter from W.D. McLellan 4 December, 1974. *in file 271/30-6-8 vol 3*
18. see Plan by David Sadler September 1847 with fieldnotes from Indian Book, N.B. Crown Lands Office.
19. N.B. Archives RG10 RNA/C/3/2/10 Surveyor Generals Letterbook N p. 502 and p 503, Baillie to John Gibbons 18 December 1847 and Baillie to Perley 18 December 1847 (see also Red Bank Report re cancellation of sale) Advertisement for sale is in PAC CO 92 N.B. Royal Gazette November 1847.
20. N.B. Archives Rex/pa Indian I. "Indian Lands in N.B. Sold but not yet Granted, Crown Land Dept. Fredericton 2 December 1867" enclosed in letter to H.L. Langevin 2 December 1867.
21. see Land Sales Book 89 in Indian Land Registry.
22. Ibid. (I have not yet checked the actual correspondence and files on this matter for the details).
23. PAC RG10 Vol. 2522 file 107222/2.
24. see B. Dewar's historical report on Red Bank, May 1977.
25. Harriet Irving Library, U. NB., MGH 54. Report by W.F. Odell 16 September 1808 and lists see footnote 10. also PAC MG9 A1 Vol. 3 Draft. Minutes of N.B. Executive Council 24 September 1808.
26. Hamilton and Spray (eds) Op. cit. p 78 Document 48. Election of Barnaby Julian 5 August 1836.
27. Harriet Irving Library U. NB; MGH 54 "Memo for Barnaby Julian n.d." also his Commission 20 September 1836. also some reference to Barnaby Julian's position and control of Reserve in PAC RG10 Vol. 2522 file 107222/2 correspondence 1894 to 1896 re dispute over title to Big Hole Reserve.
28. "Extracts from Mr. Perley's Report on the Micmacs December 11, 1841" in JLA 1842 Appendix p XC1X and HIL MGH 54 Election of Nicklaw Julian August 29, 1843.

*in Harriet Irving Library*

29. NB Archives Rex/pa Indians vol. 2 Memo Provincial Secretary's Office 8 July 1845 re Louis Julian, Eel Ground (listed in our research files in the list of documents in Rex/pa Indians under "NB Research Sources").
30. see correspondence in PAC RG10 vol. 2522 file 107222/2 regarding the dispute between the Red Bank and Eel Ground Bands re the ownership of the Big Hole and Indian Point Reserves 1895-1896.
31. The grant of Lot A to Francis Peabody was registered August 1, 1808. Information obtained from Lands Branch, N.B. Dept. of Natural Resources, Fredericton.
32. Letters Richard McLaughlin to Thomas Baillie, 6 August 1832 and 25 August 1832 with enclosed agreement signed by the Indian. Harriet Irving Library Archives, U.N.B., MGH 54 (copies in Eel Ground - Historical Papers)
33. JLA 1842 Appendix p. CXXVIII "Return of Number of Persons who have settled upon ... the Indian Reserves ... 1841.
34. Survey Plan by David Sadler September 1847 with fieldnotes from Indian Book in N.B. Crown Lands Office.
35. PAC C0192 N.B. Royal Gazette October 1847.
36. N.B. Archives RG10 RNA/C/3/2/10 Surveyor General's Letterbook N p. 502 Baillie to J. Gibbons 18 December 1847. p. 503 Baillie to Perley 18 December 1847. see also Red Bank Report by B. Dewar. for details re petitions against sale at Red Bank.
37. PAC C0192 N.B. Royal Gazette 11 July 1849.
38. PAC C0192 N.B. Royal Gazette 18 July 1849.
39. N.B. Archives Rex/pa Indians Vol. I "Recorded Sales of Indian Reserves to 14 March 1867" enclosed in letter from N.B. Crown Lands Office to H.L. Langevin December 2, 1867.
40. Sale is recorded to Richard Quigley sales No. 7203 in the Schedule of recorded sales noted in footnote 39. However, the Lands Branch of the N.B. Dept. of Natural Resources indicates that the lot was granted to William Loch Stewart by grant registered July 9, 1863.
41. PAC C0192 N.B. Royal Gazette December 26, 1849.
42. Sale is recorded to Elisha Godfrey sales No. 7217 in the Schedule of Recorded Sales noted in footnote 39. However, the Lands Branch of the New Brunswick Department of Natural Resources indicates that the lot was granted to John Dunnett by grant registered January 15, 1858.

43. See advertisements in C0192 N.B. Royal Gazette (see table for dates of auction.  
 Several lots were surveyed on the Big Hole Reserve in 1859 and in 1862 by Deputy Surveyor Parker: The lot now known as 6A north (90 acres) was surveyed for Thomas Smith? in 1859. The lot now known as 6 north (81 acres) was surveyed for Richard Walsh in 1859. The 100 acre lot behind Lots 1, 2 and 3 North was surveyed for John Hosford (Harford?) in 1859. The lots now known as 4A-1 and 4A-2 north were surveyed for Cornelius Crowe in 1862. The lot now known as 5 north was surveyed for William McLean in 1862. The lot now known as Lot 10 north was surveyed for Thomas Walker in 1862. See Surveys in Lands Branch, N.B. Dept. of Natural Resources. Northumberland County Survey Book N4 Plans 150, 151, 193 and 195.
44. "Schedule of Reserved Indian Lands, Crown Lands Office, March 19, 1858" JLA 1858-59, p. 121.
45. PAC RG10 Vol. 1945 file 4252 Schedule of Indian Lands November 12, 1867  
 PAC RG10 Vol. 329 Corr. No. C 814 Schedule of Indian Lands in N.B. May 19, 1870.

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47. The acreages and names of the occupants are taken either from Saddlers 1847 survey plan or from the advertisements for sale in the N.B. Royal Gazette C0192. (Note that the names in Sadler's field notes do not always match the names on his survey plan. It appears that the names on the plan were changed in later years when the lots were purchased by other persons. Sadler's Survey from N.B. Crown Lands Office Indian Book). The dates of auction are taken from the N.B. Royal Gazette. The sales record, date of purchase, price, amount paid and name of purchaser are taken from the "Recorded Sales of Indian Reserves to March 14, 1867 (imperfect)" from N.B. Archives Rex/pa Indians enclosed in letter from N.B. Crown Lands Office to H.L. Langevin December 2, 1867. The names of the grantees and the dates of grants were obtained from the Lands Branch of the N.B. Department of Natural Resources.

48 NB Archives Rex/pa Surveyor General's  
 records vol 31 file 1(a)2 1843  
 Zwigley offered to lease his property  
 from the Government in August 1843  
 Zwigley to Baillie 9/8/1843

