

# Chapter 1- Conditions Prior to Settlement

## Preparing Rupert's Land for Settlement

First Nations people had used Good Spirit Lake and surrounding area for many generations for hunting, fishing and collecting berries. As a result the region became a major transportation hub for First Nations people and attracted the fur traders.<sup>1</sup> Among the very early fur traders in the area was Joseph Smith, an employee of the Hudson's Bay Company, who is believed to have spent the winter of 1757 in the region.<sup>2</sup> Another employee of the Hudson's Bay Company, Matthew Cocking, spent the winter of 1774 at Witch Lake, which is now believed to have been Good Spirit Lake.<sup>3</sup>

Further evidence of Europeans coming to the Theodore area occurred in the late summer of 1923, when the following item appeared in the "Theodore" news column of *The Yorkton Enterprise*.

While working on his farm on the banks of Cussed Creek a few days ago, Mr. Wallace Anderson unearthed the remains of an old flint lock rifle that has probably lain there for from fifty to a hundred years. Only the end of the barrel protruded from the ground, and all the stock and other wooden parts had long since rotted away. Several holes rusted through the heavy steel barrel testify to the length of time the old gun has weathered the storms. Some small sharp pieces of flint securely locked in the hammer, and the steel powder pan, showed the great advance that has been made in firearms as in all else since the days when this old relic was treasured by its owner. Thirty years ago that particular spot was covered by heavy green timber, and no doubt a quarter of a century before that time the whole Beaverdale district was well within the "big bush." Today the land is growing wheat. One wonders if the owner of the old gun may have lost his way and perished of cold on the spot where his weapon was found, or was the victim of timber wolves? Or possibly of some treacherous red men of that time. Anyway one may be forgiven for building up a little tragedy over an ancient relic of this kind.<sup>4</sup>

In the spring of 1941, Alex Fernie, who farmed just north of Theodore, reported finding the metal parts of another old flintlock rifle embedded in the sands of the little lake on his property.<sup>5</sup> It

should be noted that the use of flint lock rifles began to diminish after the 1820's as they were replaced with other more reliable technology.



“Rupert’s Land,” *Wikimedia Commons, the free media repository.*

Before the Canadian governments could open the newly acquired territory of Rupert’s Land to settlement on a large scale five important factors had to be considered and steps had to be

taken to address them. First, there was the fact that Rupert's Land was already occupied. The First Nations People had lived in Rupert's land for centuries and only a few very adventurous settlers were operating ranches in the west at that time. Second, the land had not been surveyed, which meant that those living there had no clear title to their property. Third, there was no convenient way to get from eastern and central Canada to the newly acquired Rupert's land. Fourth, because anyone wishing to travel to western Canada had to travel through the United States to get there, a great many Canadians who might have been attracted to the Canadian prairies simply took up homesteads in the United States instead of proceeding to western Canada. Finally, Canada's new frontier needed to be secured against any encroachment by American interests and made safe for settlement. The Canadian government began preparing the land for settlement almost immediately after acquiring it.

### **The Treaties**

In 1871 the Canadian government began negotiating a series of treaties with the First Nations peoples who lived on the prairies. Because the Hudson's Bay Company had established its settlement at Fort Gary, near Winnipeg, in 1821, it made sense to begin the process in that area. Treaties one, two and three covered most of southern Manitoba and a portion of north western Ontario. Treaty number four covered the large portion of south eastern Saskatchewan, including the areas around Yorkton and Theodore, as well as a small portion of western Manitoba. It was signed over the three-year period between 1874 and 1877 as each different group of First Nations people became convinced of the advantages of signing it.

## **The Dominion Land Survey**

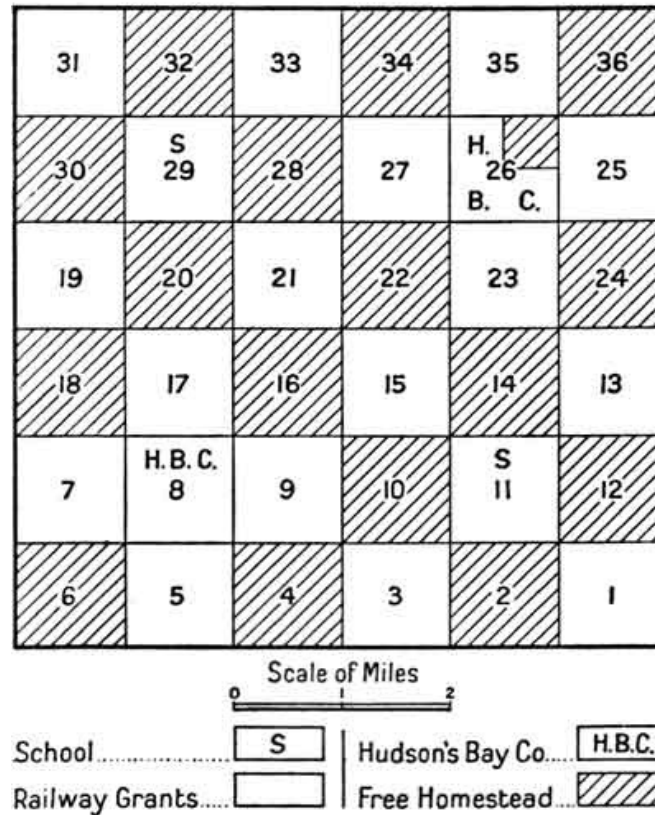
The second step in preparing the land for settlement was the Dominion Land Survey. The survey began in 1871 in Manitoba and was gradually completed over the remaining years of the nineteenth century. The method chosen for identifying the various units of land was based on a system introduced in the western and mid-western parts of the United States in the 1860's.

Readers who have not lived on the Canadian prairies, or are not descended from those who settled there, may be unfamiliar with the system of describing land using section, township, and range numbers established by the survey. There are several excellent descriptions of how the land was divided into parcels by the Dominion Survey on the internet, but a brief synopsis of the material in the Encyclopaedia of Saskatchewan is included here as a convenience to the reader.<sup>6</sup>

The first step was to establish meridian lines running north and south. The first or prime meridian was located just west of Winnipeg at 97 degrees 27' 28.4" west longitude.<sup>7</sup> The second meridian was located at 102° west longitude, and the subsequent meridians every four degrees of longitude to the west. The land was then divided into square townships that were roughly six miles on each side. The township lines ran parallel to the lines of latitude and the range lines paralleling the lines of longitude, forming a grid. Townships were given consecutive numbers running northward from the American boarder, and the ranges were numbered from east to west from each meridian.

Each township was subdivided into sections of one square mile or 640 acres. Townships were slightly more than six miles on each side because room had to be left between the sections for roads. These road allowances were about 100 feet wide.<sup>8</sup>

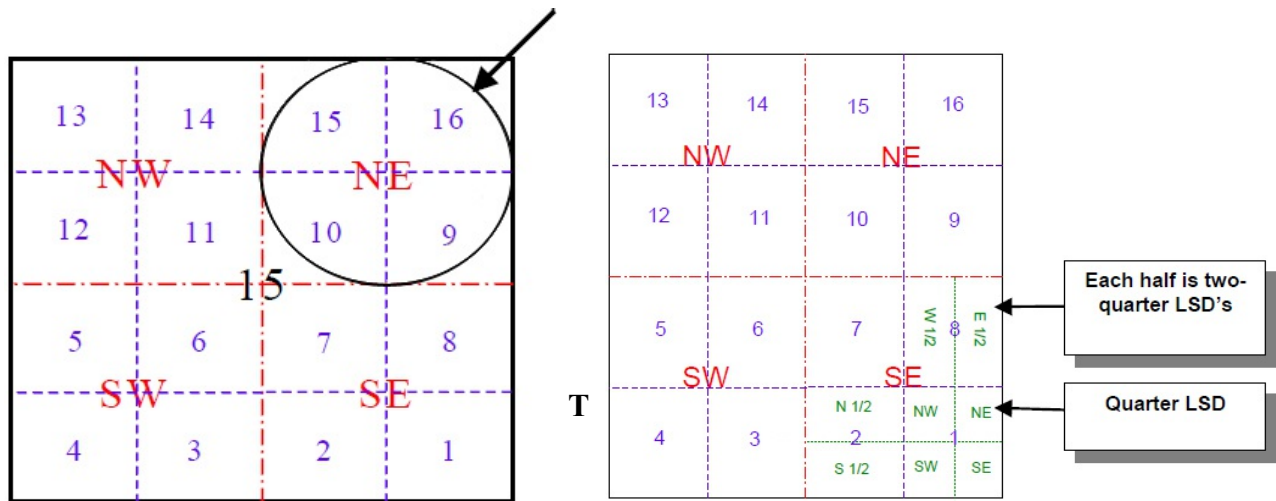
SHOWING ALLOCATION OF 36 SECTIONS  
IN A TYPICAL PRAIRIE TOWNSHIP



Each section was further divided into quarters, identified as North West (NW), North East (NE), South East (SE), and South West (SW). Each parcel of land could then be identified by a legal land description. For example, a parcel of land with the designation NW-27-9-25-W2 would mean that it was the North West quarter of section 27 in township 9 of range 25 west of the second meridian. Finally, in order for the settlers to find their land, marker pegs containing the land identification information were set out on the corners of each quarter section.

If the need arose, it was possible to further divide each quarter section into even smaller units called legal subdivisions of about 10 acres each. The legal subdivisions could then be further divided into quarters, if necessary. The diagrams in illustrations and photographs section show

how a quarter section could be divided into legal subdivisions, and how the legal subdivisions could be further divided into quarter legal subdivision.



The Manitoba Historical Society, used with permission  
This plan is based on material from the Manitoba Archives

### The Dominion Lands Act

The third step in preparing the prairie lands for settlement was the passage of the Dominion Lands Act in 1872. This act was similar to the United States Homestead Act in that it allowed for the granting of 160 acres of land to those who were willing to live on the land for a minimum length of time, make improvements on it, and, in short, make their homes there.

Under the Dominion Lands Act less than half of the land was open to homesteading. The odd-numbered sections were reserved for the building and establishment of railway lines, sections 8 and 36 were kept by the Hudson Bay company as compensation for giving up their charter, and sections 11 and 20 were reserved for school use. The idea was that these lands would be sold to settlers and the money used to pay the construction costs of the railways and schools, or in the

case of the Hudson Bay Company, as the directors saw fit. The plan of a township also shows how the individual sections were numbered, and where land reserved for the railways, school, and the Hudson Bay Company lay in relationship to the land that was available for homesteading.

There are several cases in which government land was sold to private land companies whose responsibility it was to find settlers and establish communities on their land. Only a few of these ventures were successful. One land company that was successful was the York Farmers Colonization Company which in 1882 established a settlement at Yorkton. This venture proved to be essential to the later development of the surrounding districts because without it there would have been little to attract settlers to the area in the 1890's. Among the land companies that do not appear to have been successful was the American Land Investment Company that in 1902 sent two representatives to Theodore to look over the company's lands.<sup>9</sup>

Finally, under the provisions of The Dominion Lands Act all natural resources were kept under the ownership and control of the federal government. In 1930, when the Dominion Lands Act was repealed, the natural resources were transferred to the four western provinces. By keeping the natural resources and the settlement of the land under its control, the federal government was able to discourage encroachment by the United States into Canadian territory.

### **The North West Mounted Police**

Shortly after Canada acquired Rupert's Land from the Hudson's Bay Company two major events occurred that convinced the government that it must not only assert its sovereignty over the area but maintain law and order. The first of these events was the Red River Rebellion that occurred immediately after the Hudson's Bay Company ceded control of the land to the

Canadian government. The second event was massacre of indigenous people by a group of American whiskey traders at Cypress Hills.

It was apparent to the Canadian government that it must not only assert its sovereignty over its newly acquired territories but also establish law and order in them. Consequently, it was proposed that a paramilitary force to be called the North West Mounted Rifles be established. The idea was that this force of between 100 and 150 men would not only bring law and order to Canada's newly acquired territories, but also assert Canadian sovereignty in the region and thereby discourage further American encroachment into Canada.<sup>10</sup>

The proposed force caused some grave concern for the American government because it feared a military buildup in the area, and it was renamed the North-West Mounted Police (NWMP) when formed in 1873.<sup>11</sup> Addressing the concerns of the American government was absolutely essential because in order for the force to reach the west it had to travel through the United States. Special arrangements were made with the American government which allowed the NWMP to travel through the USA with their guns and uniforms packed.<sup>12</sup>

The presence of the NWMP in the Canadian west symbolized a significant difference between Canada and the United States. In Canada the arrival of the police before the arrival of the settlers ensured that there was law and order and a system of justice. In the United States, on the other hand, the settlers arrived before there were any police, and the image of a lawless "Wild West" still remains.



## The Railways

The building of the Canadian Pacific Railway (CPR) from coast to coast was a key element in the Canadian government's National Policy in the two or three decades following Confederation. Built as an inducement to secure British Columbia's entry into Confederation, the CPR was also an important element in securing the prairies for Canada and transporting people and goods into the region.

In order to facilitate the building of the railway the Government of Canada gave a land grant of some twenty-five million acres of land in Western Canada to the CPR, and similar arrangements were made with other railways operating in Western Canada. In 1880 a railway was incorporated under the name of The Westbourn & Northwestern Railway. It changed its name in 1883 to the Manitoba and North Western Railway (M&NWR).<sup>13</sup> The M&NWR received a federal charter and a land grant of 2,752,000 acres, most of which was located in present day Saskatchewan, to build a railway line from Portage La Prairie to the Saskatchewan River near Prince Albert.<sup>14</sup> Although the Manitoba and North Western Railway (M&NWR) never extended its line any farther west than Yorkton, its existence was essential to the development of the Theodore region. In November 1885 *The Times* of London reported the opening of the M&NWR and stated that it had 51 miles of track heading west from Portage La Prairie. A year later when the M&NWR printed its first guidebook, the railway line extended from Portage La Prairie to Solsgirth, just north of Birtle, Manitoba, a distance of 130 miles. Two years later, in 1888, the railway had reached as far west as Saltcoats, located just west of the Manitoba Boarder where The Commercial Colonization Company settled a number of families from England on the lands it had bought from the railway<sup>15</sup>

Work on the M&NWR continued the following year and a report in *The Regina Leader* dated November 1889 stated that, “Grading is now completed on the M&NWR extension and the [Yorkton] town site has been definitely located on Sec 35, Tp. 25, R. 4.”<sup>16</sup> The original site of Yorkton had been several miles north on the banks of the Whitesand River, and the village was forced to move to the new site. By 1891 the M&NWR finally reached Yorkton. There was no further construction on the railway line until the early twentieth century after the M&NWR had ceased operation and the line from Portage la Prairie to Yorkton had been leased to the CPR for a period of 999 years.

Like many other railways in North America the M&NWR experienced severe financial difficulties in the last two decades of the nineteenth century. On 5 March, 1890 the *Manitoba Free Press* confirmed that the M&NWR was experiencing financial difficulties. During the 1890's rumours that the CPR would buy the Manitoba & Northwestern were frequently circulated and just as frequently denied by all parties concerned. Between the years 1887 and 1898 newspapers in both Canada and England carried numerous announcements of the M&NWR's many bond offerings. Because so little new construction was taking place at that time, it is very likely that the money raised by selling bonds was being used to finance the operation of the railway.

A chronic shortage of cash would certainly help to explain why construction of the railway took so long to reach Yorkton and why it stopped there in 1891. It would also explain why the company was willing to sell off large portions of its land grant at prices that appear to be much lower than the \$3 per acre frequently asked by the CPR and many of the land companies.

One example of the M&NWR selling off its lands at prices below market value was reported on 21 July 1887 when *The London Times* announced that the Commercial Colonization

Company of Manitoba had been formed specifically to acquire a large portion of the lands owned by M&NWR. Under the terms of purchase the company was allowed to buy 50,000 acres of land in Manitoba and another 96,000 acres of land in the North West Territories at a fixed price of 11s., or about \$1.87 per acre. A second large sale of M&NWR lands took place in 1892 when Richard Seeman, a wealthy German whose business was finding immigrants for several South American countries, purchased 80,000 acres of land from the M&NWR for \$80,000.<sup>17</sup> This land deal had a direct and positive impact on the community that would soon be known as Theodore.

According to an article in the Yorkton Enterprise on 30 December 1909, it was curiosity, as much as anything else, that initially caused Seeman to go to Winnipeg in 1892. Then, when he wanted to travel further west to Yorkton on the Manitoba & North West Railway, he was told that no train was available. According to his great granddaughter Tessa Fergusson the train was unavailable because the railway was experiencing a severe cash shortage and some of the railway employees were on strike.<sup>18</sup> Seeman, who was a man of vision and willing to take every available opportunity to make money, turned the situation to his advantage. Of the 80,000 acres or 125 square miles Seeman purchased, he only kept three sections for his own use, and over a period of several years, sold the rest of the land, 122 sections, at prices that were several times the purchase price. As soon as he acquired the land Seeman established a farm or ranch headquartered on section 1 of township 28, range 7, west of the 2<sup>nd</sup> meridian near a new community that was then frequently called New Denmark and was later renamed, Theodore.

The \$80,000 the railway received from Seeman allowed the M&NWR to continue operating for a few months, but by the spring of the following year the railway was short of cash again. On 26 May, 1893 *The Winnipeg Tribune* reported that the M&NWR had defaulted on its

financial obligation to its investors in England and on 9 June 1893 *The Manitoba Morning Free Press* reported that a receiver had been appointed for the M&NWR. By December of 1893 there were rumours that the M&NWR line to Yorkton would be closed, causing great concern to everyone dependent on the existence of that line. However, on 13 March, 1893 *The Manitoba Morning Free Press* announced that the rumours were absolutely without foundation.

It is difficult to describe the exact nature of the relationship that existed between the M&NWR and the CPR, but as early as 3 September, 1887 *The Manitoba Free Press* was referring to the M&NWR as a branch of the CPR and calling for its independence from the larger company. This close relationship seems to have begun in 1890 when the M&NWR was allowed to run its trains over the CPR tracks between Portage la Prairie and Winnipeg. The arrangement benefited the M&NWR by eliminating the construction costs of building trackage to Winnipeg its eastern terminus. The CPR, knowing that all freight and passenger traffic between central Canada and the prairies had to travel on its line, realized that any settlement along the M&NWR would only create more customers and more profits in the future. *The Manitoba Free Press* heralded this agreement and stated that the new arrangement would be a great convenience to travellers, first, because they would not have to change trains at Portage la Prairie, and second, because the timetable would allow for east connections with the CPR trains going both east and east on the CPR main line at Winnipeg.<sup>19</sup> What this arrangement meant for the Theodore district was that when the M&NWR finally reached Yorkton in 1891, immigrants from the USA and Europe could take advantage of the low rates offered to settlers by the CPR as far as Winnipeg and then travel on to Yorkton, Theodore and points west with relatively little additional expense or difficulty.

## Notes:

1. *Good Spirit Lake Provincial Park*, Retrieved 8 March 2015 from <http://www.saskparks.net/Default.aspx>
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3. "Matthew Cocking," *Dictionary of Canadian Biography*. Retrieved 17 February, 2016 from [http://www.biographi.ca/en/bio/cocking\\_matthew\\_4E.html](http://www.biographi.ca/en/bio/cocking_matthew_4E.html)
4. "Theodore," *The Yorkton Enterprise*. 31 August, 1923.
5. "Theodore," *The Yorkton Enterprise*. 29 May, 1941.
6. "Legal Land Survey," *The Encyclopedia of Saskatchewan*, Retrieved 10 December 2014 from: [http://esask.uregina.ca/entry/legal\\_land\\_survey.html](http://esask.uregina.ca/entry/legal_land_survey.html)
7. "Western Canada's Meridians," *Information Services Corporation*. Retrieved 17 February, 2016 from: <https://www.isc.ca/About/History/LandSurveys/MeasuringLandSask/Pages/Meridians>.
8. "Dominion Land Survey," *Wikipedia, the free encyclopedia* , Retrieved 6 March 2015 from: [http://en.wikipedia.org/wiki/Dominion\\_Land\\_Survey](http://en.wikipedia.org/wiki/Dominion_Land_Survey).
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10. North-West Mounted Police," *Wikipedia, the free encyclopedia* [https://en.wikipedia.org/wiki/North-West\\_Mounted\\_Police](https://en.wikipedia.org/wiki/North-West_Mounted_Police)
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12. North-West Mounted Police," *Wikipedia, the free encyclopedia* [https://en.wikipedia.org/wiki/North-West\\_Mounted\\_Police](https://en.wikipedia.org/wiki/North-West_Mounted_Police)
13. "Manitoba & Northwestern Railway," *The Winnipeg Tribune*. Winnipeg, Manitoba, Canada. 1 August. 1891. p. 14. Downloaded on 24 September, 2014.
14. *Guide Book to The Lands of the Manitoba and North Western Railway*. 1886. p.3
15. Martin-McGuire, Peggy, *First Nation Land Surrender on the prairies 1896-1911* Indian Claims Commission, Ottawa 1998. p 32. Retrieved 20 Sept 2014 from: [www.google.com](http://www.google.com)
16. "Yorkton," *The Regina Leader*. 26 November, 1889.

17. McVey, Gladys C., "Chronicles of Theodore and District," *The Yorkton Enterprise*, Yorkton Saskatchewan, Canada. 8 August, 1941.
18. Ferguson, Tessa. Personal correspondence to Neil Gregory
19. "Coming Into the City," *Manitoba Free Press*. 21 February, 1890. p. 8.