

Life's Embarrassing Moments — Right Treaty, Wrong Adhesion: John Semmens and the Split Lake Indians

by DAVID HUME

The Reverend John Semmens, of Methodist persuasion, was born 9 January 1850, in Penzance, England — not one of the Pirates of Penzance — although this story has a Gilbert and Sullivan twist.¹ It is not clear when he arrived in Canada, but he joined the Indian Department in April 1901 as Agent for the Berens River Agency, Manitoba. He was no novice at this time regarding Indian matters or Northern travels. He had lived at Nelson House in 1874 and 1875 and later had been Superintendent of Methodist Missions in the North for a period of seven years. He had command of the Cree language.

In May 1903, John Semmens was transferred from the Berens River Agency to the position of Indian Agent, Clandeboye Agency, Manitoba. He was conscientious and hard-working and his promotion was reasonably rapid. In April 1905 he was appointed Inspector of Indian Agencies for the Lake Winnipeg and Rat Portage Inspectorate at Stonewall, Manitoba, which not long thereafter was renamed the Lake Winnipeg and Kenora Inspectorate. By Order-in-Council of 12 May 1908, he was appointed Commissioner to take "adhesions" to Treaty 5 and Treaty 10 and to investigate half-breed scrip claims, in addition to his duties as Inspector of Indian Agencies. Indian Bands which had not signed the original treaty for their area would, it was hoped, after appropriate negotiations, agree to be included under the applicable treaty. At that time, they would then sign short statements or adhesions confirming their adherence to the treaty and the terms under which they adhered.

A letter of instructions of 29 May 1908 to Inspector Semmens, signed by Duncan Campbell Scott acting on behalf of the Deputy Superintendent General of Indian Affairs, enclosed the Inspector's commission together with two separate adhesions, one to be signed by the Indians of Split Lake and Nelson House and the other by the non-treaty Indians at Cross Lake, Norway House, and Fisher River. Also enclosed were two silver and four bronze medals and four flags for issue to the chiefs and headmen at Split Lake and Nelson House. As the adherents to treaty at the other points would become members of bands already organized and under treaty, it was not necessary to issue flags or medals to them. Inspector Semmens was requested to

1 The main sources of information for this short article are Public Archives of Canada, Indian Affairs Records, RG10, vol. 4009, Black Series File 249462-1 (available on microfilm reel C-10171); vol. 9180 (applicable Establishment Book); and vol. 1852, Treaty Adhesions No. 577 and No. 597.

take careful measurements for triennial clothing allowances and also to take a census of the Indians. With regard to the Split Lake and Nelson House Indians, the letter of instructions to the Inspector emphasized that the adhesion provided for a three dollar gratuity once and for all, but stated that if considered absolutely necessary during the negotiations this could be increased to five dollars and the change should then be made and initialled on the document by the Inspector.

On 13 June 1908, possibly not an auspicious date, Commissioner Semmens gathered together the members of the treaty party and proceeded to Selkirk, Manitoba, where the party boarded the steamer *Fisherman*. In addition to the commissioner, the party was composed of W.J. Grant, M.D., medical officer, R.J. Spencer, clerk, Henry McKay, commissary, and G.J. Wardner, constable. The steamer left Selkirk early on 15 June and reached Norway House at midday on 17 June. On 18 June the party left Norway House by canoe and proceeded north to Split Lake, a distance of approximately 250 miles, arriving there on 26 June.

Commissioner Semmens in his official report of 30 August 1908 concerning the trip, refers to the enthusiastic welcome which the treaty party received at Split Lake. A royal salute of many guns was fired in honour of the visit and there was much cheering. Negotiations were satisfactory and, at the request of the Chief, the gratuity was raised to five dollars per head. The chief and councillors were elected by acclamation and the adhesion was signed and witnessed on 26 June, the day of the treaty party's arrival. The remainder of the treaty trip through Nelson House, Cross Lake, Norway House, and Fisher River took almost two months to complete. The treaty party arrived back at Selkirk on 26 August.

On 3 September, Semmens forwarded the signed and witnessed treaty adhesions to J.D. McLean, the Secretary of the Department of Indian Affairs in Ottawa. On 9 September, McLean acknowledged receipt of the documents. On 27 November 1908, the adhesions were forwarded from Indian Affairs for approval by Order-in-Council which was granted by P.C. 2662 of 5 December 1908. The original adhesions were then returned to Indian Affairs and a signed copy was retained by the Privy Council Office. On 11 December, the original adhesions were forwarded from the office of the Secretary of the Department of Indian Affairs to the Under-Secretary of State to be "enrolled in the usual manner in the Office of the Registrar General and returned to this Department with a certificate of registration endorsed thereon". On 18 December, the documents duly recorded and with the required certificate of registration were returned to the Secretary, Department of Indian Affairs.

All was complete and verified. All was well. The treaty trip appeared to have been a great success. The report of the medical officer, W.J. Grant, dated 3 September 1908, was one of accomplishment. In a list of drugs left at Spit Lake for the Indians of that area, items appear such as one-half gallon of castor oil, one dozen worm powders, 250 Quinine capsules and also Hydrogen Peroxide and Listerine.

On 12 May 1909, however, the bomb fell. In a letter of that date to Inspector Semmens, the Secretary of the Department, J.D. McLean, stated:

I have to inform you that a serious error has been discovered in the Adhesions to Treaty No. 5 which you negotiated last summer.... It was only today discovered that the Split Lake Indians had signed the

And his Majesty further hereby agrees to provide a grant proportionate to that mentioned in the original treaty to be yearly and every year expended by His Majesty in the purchase of ammunition and twine for nets for the use of the said Indians; and to further increase this annual grant in lieu of other supplies provided by the said treaty when this action is shown to be in the interests of the Indians.

75- And his Majesty further agrees to pay to each Indian a gratuity of ^{Five} Three Dollars in cash, once for all, in addition to the Five Dollars annuity promised by the Treaty in order to show the satisfaction of His Majesty with the behaviour and good conduct of his Indians and in extinguishment of all their past claims.

85-

IN WITNESS WHEREOF, His Majesty's Special Commissioner and the Chiefs and Councilors of the Bands hereby giving their adhesion to the said treaty have hereunto subscribed and set their hands at Split Lake this Twenty-sixth day of June — in the year of our Lord one thousand nine hundred and eight.

Signed by the parties hereto in the presence of the undersigned witnesses, the same having been first explained to the Indians by

} A. C. J. }
} W. M. Keche Keek }
} Charles Morris }

John Sammens
Commissioner

43 }
} Albert Spence }

W. J. Grant M.D.
Medical Officer
Officer Clerk
A. M. Sta. Commissioner
G. W. Ardun Constable

"Corrected" Adhesion of the Split Lake Band. In the left hand margin, the top J.S. initials confirm the gratuity change from Three to Five Dollars. The lower J.S. initials are across the line on which the signed portion has been pasted to the upper portion. Just below the second J.S. and immediately below the line starting "IN WITNESS WHEREOF" is the line of sewing machine thread where the top and bottom portions have been stitched together (C-104583).

document prepared for the Adhesions of the Fisher River, Norway House and Cross Lake Indians instead of the document prepared for them, which involved the cession of large additional territory. This is a serious error, and it is hardly understood how it could have occurred if you had examined the Surrenders or read your instructions with ordinary care. I have now to ask whether in dealing with the Split Lake Indians, you explained to them the contents of the Treaty which they should have signed and by which they gave up their right to 133,400 square miles of territory. If you did so, it may be possible to repair the error, but if not the only course free to the Department would be to open anew negotiations with the Split Lake Band. It is also noticed that you made no alteration in the amount of gratuity to be paid although you agreed to pay the Split Lake Indians and did pay them, a gratuity at the rate of \$5.00. You should therefore have made an alteration in the text of the Treaty and initialed it.

To Inspector Semmens this letter must have seemed like a bolt from the blue. In his most apologetic reply of 17 May 1909, he said:

No one can tell how much I regret the mistake referred to in your letter by which the Split Lake Indians were led to sign the Adhesion intended for the Indians of Fisher River, Norway House and Cross Lake. I am so anxious to do my work well that I feel keenly the unfortunate situation. It could only have occurred by my Clerk handing me the wrong one of the two Adhesions sent.

However, the intention was to sign the other copy. I read the treaty first and translated it thoroughly. I then read the proper Adhesion and all said they understood and declared their willingness to sign. At that juncture the wrong paper must have been submitted. The Indians signing understood perfectly what they were doing and what they were accepting. There can be no doubt about that for many witnesses were present. I asked these witnesses if they were satisfied that all had been made plain and they all agreed and after that the signing was publicly done. It was an error only in submitting the wrong sheet.

I will come to Ottawa at my own expense and change the \$3.00 to \$5.00 and initial it if so requested. A transfer of the names to the proper sheet will then be all that is required.

I will go to Split Lake if necessary at my own expense and put matters right. I cannot think that anything is more necessary than to meet the intention of those who signed.

Kindly let me know immediately and every thing desired shall be done at no expense to the Department but I am confident that the whole question is as represented here.

With very deep regret for the mistake made I await your further orders.

McLean replied reasonably on 26 May:

In reply to your letter of the 17th instant, I beg to say that it is desired that you will kindly come to Ottawa, without delay, to confer with the Department in regard to the adjustment of matters connected with the Split Lake Treaty, and also in order that arrangements may be made with respect to carrying out necessary work this season.

Although the error which occurred is much to be regretted, the Department does not propose to ask you to defray your own travelling expenses. I therefore enclose herewith an accountable cheque, No. 552 for \$100.00, in your favour.

In the final analysis, the necessary changes were made and initialled and, with the use of scissors and paste and a sewing machine, the proper portions of the adhesions were attached to each other and the incident was considered closed. The unravelling of the mystery behind these documents with the curious stitches and dangling threads certainly reinforces, however, recent clarion calls that archivists must be "historians of the record" in order to render their collections intelligible to researchers.²

2 See Tom Nesmith, "Archives from the Bottom Up: Social History and Archival Scholarship," *Archivaria* 14 (Summer 1982), pp. 5-26; George Bolotenko, "Archivists and Historians: Keepers of the Well," *Archivaria* 16 (Summer 1983), pp. 5-25.