

## *The Records of the Hudson's Bay Company Land Department, 1879-1963*

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Under the terms of the Deed of Surrender of 1870, the Hudson's Bay Company (HBC) was granted one-twentieth of all of the lands in the "Fertile Belt" as well as fifty thousand acres around the company's posts. The Fertile Belt was defined as the area bounded on the south by the American boundary; on the west by the Rocky Mountains; on the north by the Northern Branch of the Saskatchewan River; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.<sup>1</sup> Altogether, this grant amounted to almost seven million acres of land. It was soon recognized that the company's administrative machinery in Canada would have to be reorganized so that these lands could be managed effectively. Accordingly, in July 1873, a decision was made to separate the business of the fur trade from the management of the company's lands. Donald Smith, later Lord Strathcona, was instructed to relinquish his duties as Chief Commissioner on 1 June 1874 and to assume responsibility for the company's land business and "all matters unconnected with the Fur Trade and commercial business of the company."<sup>2</sup> Smith was given the title of Land Commissioner and was directed to establish an office in Montreal to manage the company's land business.

Smith resigned as Land Commissioner in 1879 and was replaced by C.J. Brydges. During Brydges's ten-year term as Land Commissioner, the Hudson's Bay Company transferred the Land Department office to Winnipeg and initiated a systematic land sales programme. Since very little land was sold and very few records were generated during Smith's tenure as Land Commissioner, virtually all of the Land Department records date from 1879. Apart from a brief period of extremely intense activity in 1882, sales of company lands were relatively moderate until after the turn of the century. By 1900 only three thousand sales of farmland, primarily in Manitoba, had been made by the company. In the early part of the twentieth century prior to World War I, the company adopted a more aggressive approach to selling its lands. As a result, the bulk of the company's lands had been disposed of by 1950 and the significance of the Land Department gradually diminished until July 1961 when it was brought under the management of the Rupert's Land Trading Company, a wholly owned subsidiary of the Hudson's Bay Company which had been established in order to hold title to all company real estate in Canada.

1 *Charters, Statutes, Orders in Council Relating to the Hudson's Bay Company* (London, 1931), p. 197.

2 Hudson's Bay Company Archives, Provincial Archives of Manitoba, A.1/149, fos. 169, 170.

Although the Hudson's Bay Company had been involved in land sales since the early part of the nineteenth century, particularly in the Red River Settlement, this initial activity is poorly documented. In his book, *The Hudson's Bay Company's Land Tenures* (1898), Archer Martin wrote of certain rumours surrounding the fate of a number of the company's early land records:

While on the subject of lost documents, it may be well to mention the fact that it has long been a matter of current report that several bags of the Company's books and documents were lowered into the well in Old Fort Garry by the late J.H. McTavish, and never got out again; this during the taking of Fort Garry in 1869. The well is lined with stone, and about fifty-five feet deep, dry most of the year. It has since been filled up, and probably the volumes would yet be in a good state of preservation. It might be worth while for the local antiquaries to look into the matter, for though it does not do to give credit to every idle rumour, yet stranger things have happened to Red River books, to the writer's own knowledge.<sup>3</sup>

While the loss of these early land records is to be lamented, the company was considerably more successful in preserving the records which were generated by the Land Department.

The surviving documentation amounts to some one hundred and forty metres of records which have been organized into a record group (RG 1) consisting of eighty-six series. The majority of these records are primarily legal or financial in nature and fall into three general categories. Series 6 to 20 provide a record of the company's acquisition of the land under the Deed of Surrender and subsequent agreements with the Dominion Government. Series 21 to 78 (the most voluminous category) document the company's management and disposition of its lands. The third major category, Series 1 to 5 and 79 to 86, includes both general administrative records and material which deals with the various ancillary activities of the department.

With one significant exception, Series 9, which contains the Registers of Crown Patents and Notifications, the various series of records relating to the company's acquisition of lands in the Fertile Belt are somewhat fragmentary. According to the terms laid down in the Deed of Surrender and the Dominion Lands Act, the company was to obtain its one-twentieth as the townships were surveyed and the surveys were confirmed. This one-twentieth was to be met by allotting the company two complete sections, 8 and 26, in every fifth township. In all other townships, the company's allotment was to consist of all of Section 8 and three-quarters of Section 26. The Dominion Lands Act specified that the company would receive title to these particular lands by notification by the Surveyor-General. The Act also provided that the company lands in fractional townships or those broken by lakes would be "set apart by lot."<sup>4</sup> In these instances, title would be vested in the company by patent.

The first step in the transfer of specific lands to the company was the surveying of the townships in the Fertile Belt. Regrettably, there is little documentation regarding surveying in the Land Department records. Only one volume of HBC Survey Office correspondence covering the period 1880-1884 (Series 5) has survived. Several volumes of surveyors' field notes for the period 1871-1873 are available in Series 6. Included in the

<sup>3</sup> Archer Martin, *The Hudson's Bay Company's Land Tenures* (London, 1898), p. 130.

<sup>4</sup> *Charters, Statutes*, p. 143.

surveyors' descriptions are details concerning the class of land, the quality of the soil, the topography of the land, and comments regarding vegetation.

The actual transfer of land in the Fertile Belt to the company is documented by four series of records in RG 1. The Notifications of Surveys of HBC Land (Series 7) consist of a copy of a covering letter from the Dominion Surveyor-General to the HBC Land Commissioner, a copy of the schedule indicating the surveys which had been confirmed, as well as information regarding the registration of the Notifications in Land Titles Offices. This particular series covers the period 1873-1927 but has many gaps. The material is complemented by Series 8, which contains the Schedules Indicating Allotments of Land, and by Series 10, the Dominion Government Advices of Land Patents and Grants. Additional documentation regarding the transfer of land to the company can be found in Series A.12 L of the company's London office records.

The Deed of Surrender specified that the Hudson's Bay Company would be permitted to claim its one-twentieth of the land in the Fertile Belt within fifty years of the acceptance of the surrender. By the time the fifty-year period expired in 1920, the company had acquired approximately 6.5 million acres. For a variety of reasons, the actual selection of the company's one-twentieth proved to be more complicated than either the company or the Dominion Government had anticipated in 1870. A number of questions had arisen concerning the interpretation of the various terms of the Deed of Surrender and regarding the calculation of the one-twentieth to which the company was entitled. Among the areas of difficulty were militia lands, forest reserves, Indian reserves, and Dominion parks. In order to resolve them, the company entered into negotiations with the Dominion government in 1924. On 23 December 1924 an agreement was signed with the Dominion government which laid the basis for the resolution of the issues in dispute. This agreement provided for the acquisition, exchange, and surrender of thousands of acres of land by the company.

The settling of the land account with the Dominion government is described in several series of Land Department records. Series 12, the Land Account Working Papers, covering the period from 1879 to about 1930, consists essentially of lists of lands which were received, exchanged, or surrendered. Series 13 contains blueprints of forest reserves which were originally produced by the Forestry Branch of the Department of the Interior and were used in the determination of the company lands to be surrendered in exchange for other lands. The correspondence on the land account issue between the Land Department and officials of the Department of the Interior during the 1912-1930 period is contained in Series 14. Land surrenders for the period 1880-1939 are listed and described in considerable detail in Series 16 and 17.

The vast majority of the surviving records of the Land Department relate to the Hudson's Bay Company's disposition of its lands, both rural and urban, through farmland sales and townsite sales. Details of the sale of the approximately seven million acres of farmland and fifty thousand acres of townsite lots in large and small urban communities are recorded in some forty series of records. In spite of the fact that very few of these series are complete, it is possible to obtain basic information regarding virtually every sale, including the date of the sale, the description of the property, the name of the purchaser, and the price of the parcel of land.

In order to use the various series relating to the more than 36,500 individual farmland sales, it is necessary to refer to the Record of HBC Land (Series 21), which provides a

comprehensive listing of all lands in the Fertile Belt allotted to the company. Although this key series contains information dating from as early as 1873, this record was undoubtedly created retrospectively from sources which no longer exist. Since all entries in this particular series are organized by section, township, and range, a researcher must already have a precise description of the quarter section of land in which he or she is interested. Apart from the identification of the parcel of land, each entry indicates the number of acres, the date and number of the grant from the Crown, the sales agreement number (the key information for most research in the Land Department records), certificates of title numbers, conveyance numbers and dates, as well as the location of the Land Titles Office where the title had been registered. It should be noted that this information covers sales of both surface and mineral rights. Additional information in the remarks columns describes any unusual circumstances regarding the parcel of land, such as the existence of a right of way, the fact that the land had been surrendered or that title to the land had been forfeited by the company. After obtaining the required information (that is, the sales agreement number or conveyance number) from the Record of HBC Lands, the researcher can proceed to other major series including the Farm Land Register of Sales (Series 25), the Farm Land Agreements (Series 26), and the Farm Lands Registers of Transfers (Series 29).

Series 26 contains approximately 27,000 individual farmland agreements covering the period 1879-1961. For each sale of farmland, an agreement was prepared in duplicate. Each agreement contains the name, address, and occupation of the purchaser as well as the date and number of the sale. Also included are the description of the parcel of land and the price and the terms of the sale. In spite of the fact that the format of the agreements varies, all agreements contain the same categories of information. Various types of enclosures including receipts, quit claim deeds, sheriffs' certificates, abstracts of titles, transfers, declarations, and assignments are filed with many of the agreements.

The Farm Lands Registers of Sales (Series 25), the Farm Lands Registers of Transfers (Series 29), and the Farm Land Sales Ledger Cards (Series 58A) contain extremely detailed information regarding the financial aspects of each sale, including the price per acre as well as payments of principal and interest. These three series are somewhat more valuable than the Farm Land Agreements in that they tend to provide a fuller picture of the particular circumstances surrounding a given sale of land.

Many other related series are quite fragmentary but do serve to illustrate the particular problems which purchasers of farmland encountered as well as the company's responses to these issues. The company's efforts to cooperate with farmers who were in difficult circumstances are reflected in the Farm Land Extensions (Series 34), Concessions (Series 35), and the files relating to the Farmers' Creditors' Arrangement Act (Series 36). Other examples of the company's flexibility and imagination in dealing with purchasers of land are documented in the records dealing with Crop Leases (Series 67C) and Lease-Options (Series 68) which were introduced during the depression in the early 1930s.

Unhappily, virtually none of the extensive correspondence between the company and purchasers of farmlands has been preserved. These "history files," as they were commonly called, would have provided a wealth of background information regarding each sale of farmland and would have greatly enhanced the research value of the legal and financial data which is contained in the surviving records series described above. This material was apparently destroyed because of its extremely large volume, and because it

had no operational or legal value to the company once the sales transactions had been completed in full.

The fourteen series of records which deal with the sales of townsite lots in urban communities are organized along the same lines as the farmland sales documentation. As is the case with the farmlands material, access to the townsite sales records is via one key series, the Townsite Sales Register — Record of Town Lots (Series 38), which covers the period 1873-1935. Entries in this single volume are arranged numerically by lot number within the respective townsites which are organized alphabetically. Apart from the townsite lot sale number, many entries also include the price paid for the lot in question. Over half of the townsite records relate to sales of lots in the cities of Winnipeg, Edmonton, and Victoria. Although this material is much less extensive than that relating to farmland sales, and in spite of the fact that these series tend to contain less financial detail, historians will find these sources profitable for the study of urban development in Western Canada.

The Hudson's Bay Company exhibited great foresight in the early part of the twentieth century when it commenced reserving the mineral rights on all of the farmlands which it sold. Although the company's interest embraced many categories of minerals including coal, precious metals, petroleum, gravel, and potash, it was only in the realm of oil and gas exploration that mineral rights proved to be of great significance. During the period from 1920 to 1925, the company negotiated with the Whitehall Petroleum Company Limited for the investigation of company farmlands for oil. Although these negotiations did not result in the signing of an agreement with Whitehall Petroleum, an agreement was concluded in 1926 with the Marland Oil Company. Under the terms of this agreement, the Hudson's Bay Marland Oil Company (later Hudson's Bay Oil and Gas Company Ltd.) was formed and was granted the exclusive right to prospect and drill for oil and gas under any company lands to which the company owned the mineral rights. Three series of Land Department records (Series 73 to 75) deal exclusively with the company's handling of its mineral rights and provide detailed information on the sales of its mines and mineral rights.

Another ancillary activity of the Land Department was its participation in the unsuccessful HBC Farm Settlement Scheme. In 1928, the Hudson's Bay Company and the Canadian Pacific Railway Company entered into an agreement with the Dominion government to cooperate in a plan to settle British families on farms in Western Canada. The original agreement was subsequently modified by a series of supplementary agreements. In practice, the scheme involved the settlement of one hundred British families on farms in the Vermilion area in Alberta. Unfortunately, the undertaking was a failure, largely due to the unsuitability of the majority of the families that were recruited and to the onset of drought conditions in the settlement area during the early 1930s. After faltering for some fifteen years, the scheme was finally terminated in January 1943. Three series of Land Department records (76 to 78) provide considerable detail regarding the planning and execution of this venture. The most significant category of the Farm Settlement Scheme records are the contracts with settlers (Series 78) which include correspondence, chattel mortgages, sales agreements, and cropping leases. Some additional information can be found in the records of Hudson's Bay Company Overseas Settlement Limited (a joint venture involving the Hudson's Bay Company and Cunard Steamships Limited) which are also available in the company archives.

Apart from the annual reports (Series 1) for the period 1912-1963 and the correspondence of the Land Commissioners Office (Series 3 and 4) for the period 1879-1895,

there is relatively little material in Record Group 1 which provides much background for the development of the Land Department's policies. Fortunately, however, there are several other categories of records available in the archives which do contain substantial information regarding the administration of the department. In the company's London Office records, there are three series of files (A.10, A.12L, and A.92) which contain correspondence between the Land Commissioners and the London Board which provide extensive information on the evolution of the company's land operations. Equally valuable are the minutes of the Canadian Committee (RG 2, Series 1) and the Canadian Committee correspondence files, particularly Series 5, 7, and 8 which cover the period from 1920 to about 1950. The attention of researchers is also directed to the surviving records of other subsidiary companies which were involved in Hudson's Bay Company land activities. These include the Rupert's Land Trading Company, Central Lands Limited, and Puget's Sound Agricultural Society.

To date, the Land Department records have received very little attention from researchers. Apart from some genealogical and local history research, along with a few inquiries into the ownership of surface and mineral rights, this material remains largely unused. Since, however, these records document a significant chapter in the development of the Canadian West, they are a valuable source for studies of settlement, urban history, agricultural economics, business history, and, given the 2,100 Land Department maps in the map collection of the HBC Archives, historical geography.