



The Friends of Chippewa Park

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100th Anniversary 1921 to 2021

The History of Chippewa Park

Acquisition of the Land

Prepared by The Friends of Chippewa Park

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The History of Chippewa Park

The Process of Acquiring Land

As Chippewa Park approaches its 100th anniversary it is important that we all understand its extensive history. The acquisition of the land for the park from the Fort William First nation is not just a historical fact but is a matter of current discussion between the First Nation and Thunder Bay City Council and in the community.

Acquisition Background

In 1911, W.A. Dowler, the Chairman of the Fort William Board of Parks Management, presented a vision for a large park along the shore of Lake Superior adjacent to the Thunder Bay. With the support of the Board, he would often canoe out to the area for discussions with Band members of Reserve No. 52 (aka The Fort William First Nation.)¹

“In early 1911 the City of Fort William approached Indian Affairs with a request to purchase 1,080 acres of land on the Indian Reserve in order to develop a large park.² Indian Affairs made it clear that the land could not be sold to the City because it had not been” approved by the Band.. “Indian Affairs also indicated that it was opposed to the sale of the land in any case.”

Over the next 6 years the City of Fort William tried to convince the Band to sell them portions of the Reserve to be used for Park purposes. According to an Essay prepared by Eugenio Padovese for the Thunder Bay Museum “... the location of a “worthy” park would be reserve land was determined by geography, The City of Fort William was built on flat, originally swampy land, which did provide a number of small parks. But the neighbouring reserve offered far more expansive and scenic possibilities for the creation of a parks centerpiece in its shoreline and Mount McKay.”³ The potential park was referred to as Mission Park.

The paper continued noting that even before Dowler’s initiative “Throughout the 1900’s a group of local businesspeople.... unsuccessfully plied the band and the Department of Indian Affairs (DIA) for a land concession to build an incline railway and resort hotel on Mt. McKay.” Not only did the Band leadership rebuff the attempts to carve out portions of the reserve but the DIA as well. “...the Fort William Band members showed their will to protect the reserve. Attempts to establish a resort on Mt. McKay in the 1900’s were frustrated directly by the band’s refusal to cede land.”⁴

¹ History of Chippewa Park, Jackie Cleveland, August 1982, Thunder Bay Parks and Recreation Department, www.chippewapark.ca

² From Summary list of resolutions and bylaws City of Fort William

³ Page 5, Essay Fort William Parks Development and Reserve Land, 1909-1917, Eugenio Padovese for Doctor Tory Tronrud, Thunder Bay Museum

⁴ IBID

However, the band was a very poor community and came to see land transfers as a way to improve the standard of living. This was done with the disposition of the proceeds [50% paid directly to Band members after 1906] which the band was to demand as condition of the Mission park” sale.

There were a handful of other removals of Band land prior to the Chippewa Park purchase that included a number of verbal agreements of benefits promised to Band members⁵. Those verbal promises were never fulfilled and that informed the negotiations surrounding any proposed purchase of a portion of Reserve land by the City of Fort William.

An initial agreement for the sale of a larger parcel (350) acres of land for the price of \$18,000 was reached in 1916. “However, the written agreement that the meeting produced was not legally binding under the Indian Act and the department took no action on it.”⁶ Negotiations then resumed.

It wasn’t until 1917 when, as a result of changes to the Indian Act, the City of Fort William began the expropriation process for certain portions of the Reserve. “But the conflict was not resolved on the city’s terms according to the expropriation bylaw, but by a negotiative process which forced concessions....The price offered by the city was considered insufficient by the band.”⁷

This triggered new negotiations with the Band resulting in a mutually agreeable, legally binding agreement for the sale of 270.1 acres⁸. Expropriation was not proceeded with.

The men of the Band, who were the individuals empowered under the Indian Act of the time to make decisions on behalf of the band demanded that a formal binding, legal agreement be produced and signed by both parties. They weren’t going to trust the word of the City or any of its agents again.!

This agreement was finalized during World War I when a number of the younger men were in the armed forces. However, as the negotiations commenced 4 years before any of the younger male Band members had enlisted or were conscripted, their input would have influenced the final decision made by the older males and elders of the community. In fact, Padovese notes that “The negotiations of 1916-17 were likely affected when many of those favourable [to land sales] left to join the army”⁹ and later that, in quoting Dowler, that he “doubted that the same agreement could be reached again in binding form because many of its supporters had joined the army.”

Acquisition of Land from Fort William First Nation

⁵ Page 9, 14,20,22 Padovese IBID

⁶⁶ Page 18 to 21; IBID

⁷ IBID

⁸ Smaller than the City had originally requested

⁹Page 15, 17, Padovese IBID

Purchase of Road Allowances

According to correspondence from City Archives¹⁰, the first land purchased was the road system [Bylaw 616-1909](#) for the purpose of purchasing land from the Dominion Government” for a road 100 feet wide covering 56.08 acres (mainly City Road) from the production of Yonge Street all the way to where Point Place begins (as highlighted in cyan blue below). The amount paid was \$6000 for land & expenses This was transferred to the City by Land Registry Office Patent PFW1998 on February 4, 1909. [It should be noted that the eventual road shown on the map below did not follow



the original ROW from City Road to the Park but was used as the route for the above-ground seasonal water line providing potable water to Chippewa Park. The actual road was opened for road purposes as Park Ave (instrument or deed number FWE8620.)¹¹

Land Composition

There are two separate parcels of land constituting Chippewa Park; a 217.1-acre parcel purchased with the permission of the Band and a smaller 27.7-acre parcel initially leased from the Grand Trunk Pacific then purchased from the successor Canadian National Railway.

Purchase of Park Land from Fort William First Nation

¹⁰ Email from Susan Henton, May 24, 2017 to Iain Angus, Secretary, The Friends of Chippewa Park

¹¹ Email from Susan Henton, May 25, 2017 to Iain Angus, Secretary, The Friends of Chippewa Park

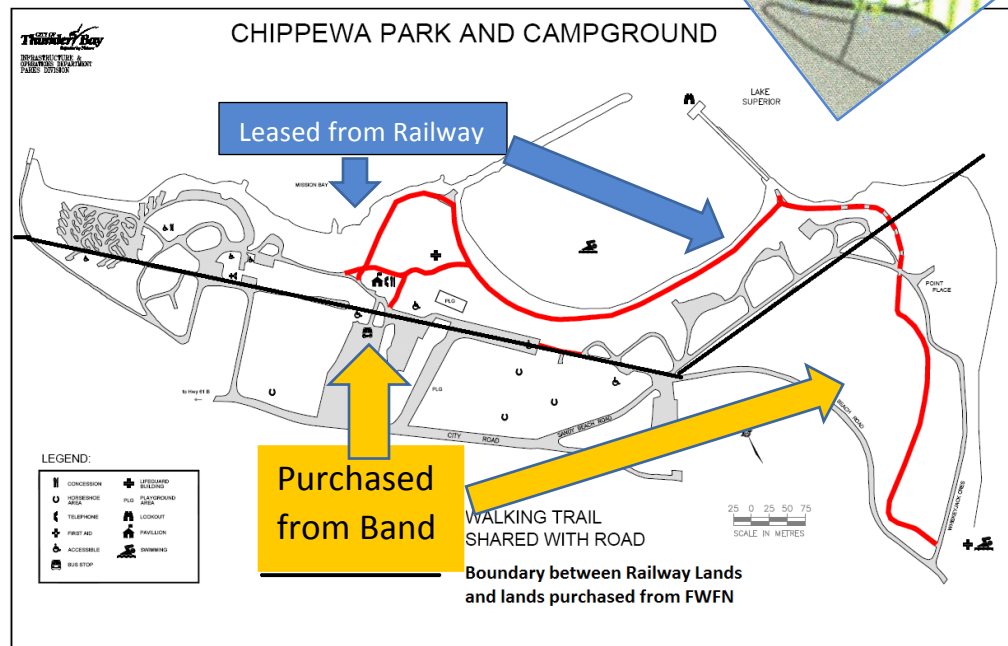
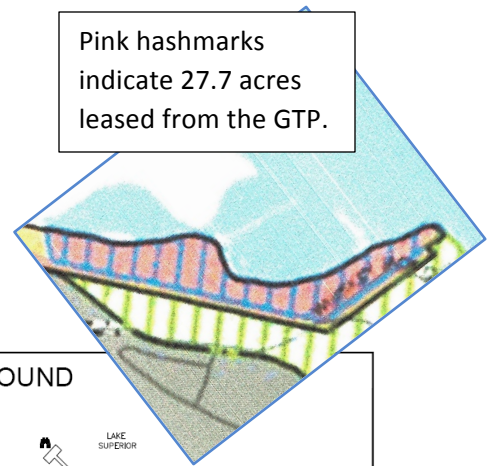
of the First Nation seeking additional benefits from the sale of its land and in being in full control of the process.

The 270.1 acres purchased constitutes 91% of the total land occupied by Chippewa Park. The large picnic fields, the main parking lot, the entrance to the beach parking lot, amusement ride area, the area where the now dormant wildlife exhibit is located, the maintenance yard and all of the city portion of Sandy Beach are located within these 270.1 acres. In addition, there is a section of land on the north and west side of Brule Bay that is part of the park. The boundaries of these areas are shown in green on the map on the previous page.

This parcel of land was to be used for park purposes only. This included the use of the property for amusement, play and recreational grounds, summer hotels, boarding houses, cottages, and cabins. One restriction was that no alcohol should be sold on those lands.¹⁵

Lease of Land from Railway

The remaining 9% of the park is located along the shoreline and includes the Tourist Camp, Pavilion, main swimming beach and docks, the family picnic area that once was the location for the Chippewa summer cottages and the former toboggan slide area. The solid black boundary on the above map separates the two parcels, with the 9% located between the black line and the shoreline. The inset map is a subset of the map shown on page 4.



¹⁵ IBID

This 27.7-acre parcel was first leased from the Grand Trunk Pacific Railway¹⁶ as of June 29, 1931 (which by then was a crown corporation of the Government of Canada¹⁷) for \$1 per year and ultimately purchased from the CNR in 1961 at a cost of \$10,000¹⁸ .(\$87,600 today)¹⁹ .

It is important to note that this parcel of land was part of 1600 acres of land taken from Reserve 52 by the Government of Canada, at the request of the City of Fort William in order to enable the creation of a major rail and marine terminal to serve the City.

Eleven hundred²⁰ of the 1600 acres taken from the Reserve was the subject of a successful land claim initiated by the Fort William First Nation and approved by both parties in 2017 with the Band compensated in the amount of \$98,933,310.

CNR transferred those 1,100 acres to the Band prior to the successful completion of the land claim. Lands within the boundaries of the 1,100 acres owned by third parties such as Abitibi were not transferred to the Band but remained with the current owner.

There is no record of any land claim submitted regarding the 27.7-acre parcel located along the shoreline.

The 27,7-acre waterfront parcel was the first to be developed for the park. Although the lease with the Railway was not signed until 1931 and there is no record in the City Archives related to permission to enter and improve these lands, it is obvious that such approval was provided as in 1920, the “Fort William Board of Park Management began clearing out the park land, which was now known as the Mission Park site. By July 6, 1921, the park had been sufficiently developed to receive an official name. It was given the title “Chippewa Park” in perpetuation of the original ownership of the property by the Indian tribe of that name”²¹ .

Nine days later, on July 15, 1921 the new park was officially opened with a picnic and a Christening.

Fort William First Nation Position and Actions

The Fort William First Nation has made it clear that they want the lands that Chippewa Park occupies returned to their ownership and control. In a Band presentation to

¹⁶ TBA 4139-180 Agreement #166 Grant Trunk Pacific, Chippewa Park Lease

¹⁷ Grand Trunk Pacific Railway went bankrupt and was taken over by the Canadian Government in 1920.

¹⁸ TBA 0095 06284 Purchase of the leased lands from Canadian National Railways the successor to Grand Trunk Pacific

¹⁹ Bank of Canada Inflation Calculator calculation

²⁰ 1,132.67 acres FWFN Membership Notification March 31, 2016

²¹ History of Chippewa Park, Jackie Cleveland, August 1982, Thunder Bay Parks and Recreation Department, www.chippewapark.ca

Thunder Bay City Council on March 27, 2017 the following was stated “The Fort William First Nation is interested in acquiring the Chippewa lands from the City of Thunder Bay for return to their reserve lands. Any consideration that would normally be payable for these lands will be encompassed in the set off claims as discussed above [reference to other matters in negotiation between the Band and the City]. The City would consent to the Chippewa lands being returned to reserve status.”²²

The Government of Canada records that a separate land claim regarding the 270.1 acres purchased from the Band initiated in 2000 was “not accepted for negotiations” in 2008 and noted as the reason was that “No Lawful Obligation Found.”²³ For some reason the Band’s application referred these as railway lands yet none of the 270.1 acres was part of the 1,600 railway lands taken in 1905.

Fort William First Nation has submitted a total of a total of 9 claims for compensation, with 6 of the claims settled in favour of the Band.

In public statements made to the local media Fort William First Nation Chief Peter Collins, said the park was part of 1,600 acres of reserve land wrongly expropriated by the federal government in 1905 to serve as a railway terminus, which forced community members to relocate. He also told TBNewswatch that “We've never relinquished that Chippewa Park property,”²⁴

There is no record of any specific land claim submitted to Canada for the 27.7 acres that were part of the original 1600-acre railroad expropriation. Even if there was to be such a claim and it was successful, the Band would not see the land returned to them but financially compensated by the Government of Canada. The Government does not take land from third parties to return to the reserve in the case of a specific land claim. The exception is when the owner of the land agrees to transfer ownership back – as was the case for CN transferring the railway lands and the Ontario Government transferring ownership of Pie Island to the Fort William First Nation.

The Band is very aware of the community’s interest in the future of Chippewa Park. Chief Collins stated on the media that “Even the Friends of Chippewa have raised their concerns. We can work with the Friends of Chippewa if that's what has to happen. We're not about to just go in there and 'we're taking over and that's it.' We want to work through the whole system so at the end of the day, each of our communities will have what we want without any financial repercussions to our communities.”²⁵

A Possible Resolve

²² Deputation to City Council by FWFN, March 27, 2017

²³ Specific Claims Branch, Status Report on Specific Claims https://services.aadnc-aandc.gc.ca/SCBRI_E/Main/ReportingCentre/External/externalreporting.aspx

²⁴ TBNewswatch, Nov 24, 2020

²⁵ TBNewswatch Mar 29, 2017

When the City of Thunder Bay decided to end the land leases at Sandy Beach it had no plan for the lands other than return them to some form of public access. The most recent master plan for Chippewa Park (2000) makes no mention of any plans for Sandy Beach other than a small reference to the public beach. A more recent attempt at a plan for the overall park was suspended when the Fort William First Nation declined to participate in the public consultation.,

There are approximately 168 or so acres of land that do not form part of the active area of Chippewa Park. This includes approximately 94 acres south of the Sandy Beach Park and swimming beach (noted in blue on the attached map) and 74 acres of land in the vicinity of Brule Bay (outlined in red at the bottom of the map) that is not physically connected to Chippewa Park. There are also well as over 10 acres of road right-of-way in the same area. There is a total of 1.6 kilometers of shoreline on these two parcels, ideal for some form of tourism or residential development. These 168 acres are between 1.3 km and 3 km from the main part of the park and realistically are not needed for park purposes in the near or distant future. However, any tourism development on these 'surplus' lands would have a positive impact on the functionality of Chippewa Park and would likely increase its revenue stream.



The remainder of the Sandy Beach lots, including the swimming beach are part of the active area of the park and should be retained.

The transfer of these 168 acres to the Fort William First Nation would be appropriate compensation for the 27.7 acres taken in 1905 through the action of the City of Fort William and ultimately sold to Fort William Board of Parks Management by the CNR in 1961. That would leave the formal part of Chippewa Park intact (130 acres) and available to all residents of the area, including Band Members, as a place for recreation.

While there are a number of issues in discussions between the Fort William First Nation and the City of Thunder Bay should any settlement relate to the transfer of land from the

City to the Band, there is a requirement that City Council must first declare the lands in question “surplus to its needs” and follow its policies regarding notification and public input, prior to the disposition of any lands.