



THE SHINGWAUK TRUST: A SUMMARY OF TITLE

Don Jackson  
The Shingwauk Project  
June 1988



The School has just entered a new phase of its development. It should be given a chance to carry on the work it started.

Dan Pine Sr.  
Shingwauk Reunion '81

### THE SHINGWAUK TRUST: A TITLE SUMMARY

This short summary of transactions of title regarding the property known as the Shingwauk, or the Shingwauk Trust, has been undertaken as a partial contribution to the body of information required to for an accurate assessment of the past management of the Trust, of its present state, and of its possibilities for the future.

The summary may also be regarded as an appendix to a larger study which attempts to provide a general account of the foundation and history of the Trust and School, and its influence on Native development in the local and wider community. Since Native development remains a formidable challenge, the lessons to be learned from the Shingwauk and to be developed and applied in its context and elsewhere, are also important issues for the study.

The summary itself should be read in conjunction with the table of documents provided (ie. Instruments of transfer from 1874 to present), the site plan (appended), and the historical review which details and documents the foundation of the Trust and the changing context of its activities over the years.

Don Jackson  
Mississauga, June 1988

SHINGWAUK TRUST: TITLE SUMMARY

1874	June 26	Inst. #248	\$250
	Hamilton to Wilson: East half, Lot 2 (41 acres)		
	June 26	Inst. #249	\$250
	Stratton to Wilson: West half, Lot 1 (49.5 acres)		
1875	Feb 8	Inst. #TP263 1/2 (or #125)	\$5
	Wilson to Bishop Fauquier (in Trust) (90.5 acres) from the River to what is now Wellington St. 'in trust ... strictly to the use of the said "Shingwauk Industrial Home"'		
1876	June 2	Inst. #306	\$5
	Stratton to Fauquier (in Trust) ("Old" Cemetery)		
1910	Jan 19	Inst. #16444	\$1
	Wilson to Algoma Synod (Quit Claim of Trust); "in order to facilitate the carrying on of the work of the Indian Industrial Institution known as the Shingwauk Home, the said Grantor has consented and agreed to convey said lands to the Synod in fee simple, and release same from all restrictions, trusts and conditions in said deed dated 8 February 1875".		

It may appear at first sight that technically Wilson has lifted the trust. However, it must be remembered that he acted as trustee on behalf of his Garden River Indian partners. In part this was because discriminatory legislation of the day denied them the right to act on their own behalf. In any case, he acted for them on a basis of mutual respect and mutual understanding of the nature of their common project, one to which each contributed as best he could.

Within the context of his trust with the Indians, which was the foundation of his actions, Wilson was in no position to deny the trust unilaterally. Clearly, he understood this. And therefore, he did the only thing reason, morality, and circumstances permitted. He lifted the trust insofar as its substance rested upon the Synod's personal relationship with himself, and placed it upon the judgement and conscience of the Synod itself. And thus also upon its relationship with the Indians themselves. In short, he offered the trust to the Synod, and the Synod accepted.

The Synod has been, and remains, free to decide for itself what ought to be done "in order to facilitate the carrying on of the work of the Indian Industrial Institution known as the Shingwauk Home" or, simply put, to develop the spirituality and education of Indians.

[A review of the circumstances which led to the Synod's making such a request of Wilson, and the nature of their representation to him, so soon after his rather unexpected and premature 'resignation', is revealing.]

- 1935 May 29 Inst. #T-58477  
 Algoma Synod to Crown (Indian Affairs);  
 whole property (90.5 acres) with exception of Chapel  
 (.44 acre), Chapel parking lot (.56 acre), New Cemetery  
 (.2 acre), and right of way from Chapel to Old Cemetery  
 (.08 acre), to Crown on condition that Crown construct  
 a new "Shingwauk Indian Residential School" to be  
 administered by the Synod. In the event of closure  
 of the School, the property or fair value to be returned  
 to Synod. [Not registered until 1963].
- 1953 May 27 Inst. #C-1807 \$6,000  
 Algoma Synod to Crown (.56 acre), Chapel parking  
 lot, above. Crown was using the riverfront portion  
 of the property on the south side of Queen opposite the  
 Chapel as a landfill site for dredging the St. Mary's.  
 By 1956 landfill extending to the Shingwauk's island  
 added approximately 8 acres of unpatented Crown land  
 to the original 10.5 acres south of Queen St.
- 1956 Apr 20 Inst. #T-4893 \$25,000  
 Crown (Indian Affairs) to SSM Board of Education,  
 the northwest corner of Shingwauk site (22 acres).  
 Indian Affairs school integration policy requires  
 public school accomodation for Shingwauk students.  
 Indian Affairs provides capital construction and  
 operating grants to the Board for Anna McCrea and  
 other area schools. In addition, area non-Native  
 students attend integrated classes at Shingwauk Hall.  
 By 1961 the Hall is a residence for 148 Native  
 students attending classes at five public schools,  
 travelling by bus where necessary.
- 1961 July 11 Inst. #T-39866 \$1  
 Algoma Synod to St. Matthew's Church, the northeast  
 corner of Shingwauk site (13.74 acres). Limitations  
 of the Fauquier Chapel for area resident use requires  
 new church construction. (Note: the original intention  
 in 1881 was that the Chapel be built for use "by the  
 inmates of the Institution and the settlers in the  
 neighbourhood".) [Crown still has unregistered  
 underlying title].
- 1965 May 5 Inst. #T-77377 \$1  
 St. Matthew's Church to Algoma Synod, the northeast  
 corner (13.74 acres) as above. Reversion back to  
 Algoma Synod after church construction completed.  
 [Registration delayed until Crown to Synod, below].  
 [Part sizes on City plans and surveys seem odd].
- 1965 Dec 28 Inst. #T-77290  
 Crown to Algoma Synod, the northeast corner of Shingwauk  
 site (13.74 acres) as above, and a parcel south of Anna  
 McCrea School (4.998 acres) as below.

1966 Feb 15 Inst. #T-77736 \$10,000  
Algoma Synod to SSM Board of Education, (4.998 acres)  
playground south of Anna McCrea School.

1967 July 10 Inst. #T-87667  
Crown to Algoma Synod, (.406 acre) the southeast corner  
of the Shingwauk. The Synod constructed a Deanery.

1971 Oct 22 Inst. #T-123782  
Crown to Synod, (50.056 acres). Indian Affairs closes  
"Shingwauk Indian Residential School" as part of its  
policy of integration and phasing out of the residential  
schools system. The remainder of Shingwauk site is  
returned to the Synod on the understanding that it would  
continue to be used in ways consistent with its Indian  
tradition:

"I am most anxious to ensure that, in the disposal  
of this property (Shingwauk Hall), a future use is  
found which would permit the facilities to be accessible  
to the Indian people to some extent. Ideally, it would  
continue to be used for an education-oriented purpose  
and it was with this in mind that I was prepared to  
favourably consider the transfer of the facilities  
to the Algoma Synod." (Hon. Jean Chretien, Minister  
of Indian Affairs and Northern Development, Letter  
of November 25, 1970).

In the event, the Keewatinung Anishnabek Institute  
representing the local Native communities including  
Garden River; the Algoma College Association;  
the Department of Indian Affairs; and the Algoma Synod,  
agreed on the principle of shared Native/non-Native  
cross-cultural institutional use before the title  
was released. The College entered into an agreement  
with the Indians to share the use of the site:  
"Principles of Association Between the Keewatinung  
Anishnabek Institute and the Algoma College  
Association", 1970. Indian Affairs returned the site  
to the Synod. And the Synod leased the site to the  
College specifying in the lease that the tradition  
of Indian education must be continued:

"In recognition of the traditional concern  
which the Anglican Church has had for the Indian people,  
the Lessee will attempt to develop in co-operation with  
responsible Indian people, programs designed to develop  
Indian lore and culture." (Article X, Lease Between  
the Algoma College Association and the Anglican Synod  
of Algoma, 1971).

The unpatented Crown land created as a  
consequence of landfilling the riverfront was  
excluded in the transfer.

1973 Inst. #T-133647 \$36,590  
Algoma Synod to SSM Board of Education, the south  
part (7.993 acres) of the northeast corner of the

original site, as above (1961).

- 1973 Dec 7-17 Insts. #T-144296 to 308; 323; (17 x) \$588  
343; 458; and T-167028  
SSM Board of Education to 17 Florwin Park residents,  
a 100' buffer zone along the east side of the south  
part of the northeast corner (as above), from Mark St.  
to St. Matthew's part of the northeast corner.
- 1975 April 28 Inst. #T-155891 \$600,000  
Algoma Synod to Algoma College Association,  
(35.704 acres) the remainder of the site north  
of Queen St, excepting the few acres of the south  
east corner containing Chapel, Deanery, Vicarage,  
Cemetery, and right of way to Cemetery.  
[Was any of this amount forgiven?]
- 1981 Jan 26 Insts. #T-217230 and 231  
By-Laws 81-19 and 81-20, declaring Chapel and Cemetery  
as historic sites.
- 1984 Nov 7 Inst. #T-249941  
Amendment to By-Law 81-20 above.
- 1985 Feb 12 Inst. #T-252194 [\$1]  
Algoma Synod to City of Sault Ste. Marie. Re: Parts  
10, 11, 12, and 13, Ref. Plan 1R-6087. [Not yet  
examined].
- 1985 Feb 12 Inst. #T-252215 [\$225,000?]  
Algoma Synod to Algoma College Association, few  
remaining acres of southeast corner north of  
Queen St. less Deanery, Chapel, Cemetery, R of W.  
[Not yet examined].
- 1985 Feb 28 Inst. #T-252572 \$1  
Algoma College Association to Algoma Synod, right of  
way. [Not yet examined].
- 1985 Feb 14 Inst. #T-252281 \$1  
Algoma Synod to Algoma College Association, Quit  
Claim re: Part 5, 1R-1222; and Part 2 1R-2206.  
[Not yet examined].

Note: It appears that all the above transfers involving the Shingwauk offer the possibility of remaining consistent with the Shingwauk Trust. Whether they do indeed meet its conditions would seem to have to be determined by one or both of two criteria: firstly, that the parties enjoying the use of the site (presently, the Algoma Synod, the SSM Board of Education, and the Algoma College Association) continue "the carrying on of the work of the Indian Industrial Institution" at the site; and secondly,

that the parties benefitting by any sale, lease, or mortgage of the site or its assets (hitherto, the above parties and the Crown) expend any benefits so acquired similarly on "the carrying on of the work". In the contemporary context "the work of the Indian Industrial Institution" would reasonably be regarded as the provision of opportunities for the spiritual and educational development of aboriginal people.

As the descendants of Shingwauk (The Pine) and his people, the original founders of the Trust, have maintained their ancestral commitment to "the work" and remain available to assist, and as they are no longer to be treated as "wards" by either the Church or the State, it would seem most appropriate that they be invited to be involved in determining such issues, and indeed, in the general management of the Shingwauk Trust. The Synod, the Board, and the College, given their general concern for serving the needs of the Native population in addition to any requirement of the Trust, would no doubt welcome their guidance and support.

And wouldn't the Crown be pleased at a similarly worthy and consistent suggestion for the use of the unpatented riverfront?



WELLINGTON STREET EAST

WELLINGTON STREET EAST

WELLINGTON STREET EAST

LOT 1  
(Plan No 58161)

PART 2  
Area: 2.876 Ac.

HUGILL STREET  
MARK STREET

PARK LOT 2  
PARK LOT 1

Inst. #T-4893 (1956)  
Crown to SSM Board of Ed.  
22 acres

Inst. #T-77290 (1965)  
Crown to Synod  
13.74 acres

Inst. #T-133647 (1973)  
Synod to SSM Bd. of Ed.  
7.993 acres

Insts. #T-144296-308; 323;  
343; 456; and T-19228 (1973)  
343 B. and T. Florwin Residents  
100' Buffer Zone

MARK STREET

Inst. #T-77290 (1965)  
Crown to Synod  
4.998 acres

Inst. #T-77736 (1966)  
Synod to SSM Bd. of Ed.  
4.998 acres

MARKETTA SUBDIVISION  
(REGISTERED PLAN N° H-408)

Inst. #125 (1875)  
Wilson to Fauquier (Synod)  
90.5 acres (in Trust)

Inst. #T-58477 (1935)  
Synod to Crown (Indian Affairs)  
89.2 acres (for new Shingwauk School)

CONCESSION I

Inst. #T-123782 (1971)  
Crown to Synod  
50.056 acres

PART I  
AREA 35.704 Acs.

Inst. #T-155891 (1975)  
Synod to Algoma College  
35.704 acres

Inst. #T-252215 (1985)  
Synod to Algoma College  
5.58 acres

Inst. #C-1807 (1953)  
Synod to Crown  
0.56 acres

PART 10  
Area: 4.98 Act

PART 11  
Area: 5.58 Act

WATER LOT  
(PATENT - A-1342)  
PARCEL 49 A.W.S

Unpatented Crown Land  
(landfill site, 1950s)

"OUR" ISLAND

ST. MARYS RIVER



5.28° 42' E  
(PATENT 49831)  
316.6'

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