

# The Story of Tiny Island: The Importance of Research

## (Or, The Nuisance of Miscommunication)

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The varying water levels of the Great Lakes have posed many interesting problems for surveyors and all those with an interest in shoreline properties.

Monthly Mean water levels, as determined by the Canadian Hydrographic Service, vary regularly from month to month, but irregularly over periods of years.<sup>1</sup> There are, basically, three types of water level fluctuation; short-term, seasonal, and long-term.

The most common short-term fluctuations generally result from storm surge. These occurrences are relatively local experiences where a strong weather event will cause wind set-up, raising the water on a shore for the duration of the storm—sometimes less than an hour. The extent of the surge will depend on the size of the storm. Less common is the seiche effect, also considered to be short-term fluctuation, which is caused by larger weather patterns. For example, high and low pressure zones over a lake will push water up on shore, or draw water away from a shore, moving in and out as standing waves work back to a state of equilibrium. The seiche effect, sometimes triggered by large storms, will last as long as the weather pattern sustains the effect, which can be days to over a week.

Seasonal changes are due to the amount of water experienced in the annual hydrologic cycle, and are therefore usually regular, as illustrated in Figure 1. The highest levels every year occur in summer (usually July), while the lowest levels are always experienced in winter (usually February); the range of monthly means in any one year aver-

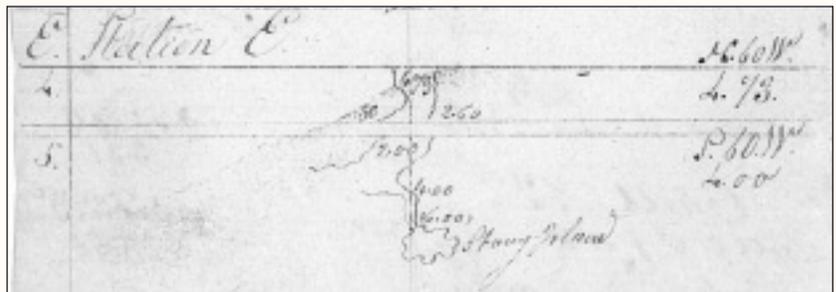
ages about 0.4 metre.<sup>2</sup>

Long-term changes, which occur over periods of years, are irregular and demonstrate the largest fluctuation ranges. In Lake Michigan/Huron, for example, the range between the lowest (January 2013) and highest (October 1986) recorded monthly means (since 1918) is 1.93 metres (6.3 feet). As a result, some lands that are part of the mainland when water levels are low become islands when water levels are high. Tiny Island is a prime example.

The effect of variance in water levels is not commonly understood. The potential for resulting confusion, compounded by lack of accurate information—and miscommunication—is well illustrated by *The Story of Tiny Island*.

### The Beginning

In 1815, the Chippewas of Lake Huron and Lake Simcoe surrendered to the Crown all of the mainland portion of Tiny Township as part of a large tract north of Lake Simcoe comprising about 250,000 acres.<sup>3</sup> The islands in Georgian Bay were not included in that surrender. The surrendered lands were subsequently subdivided into geographic town-



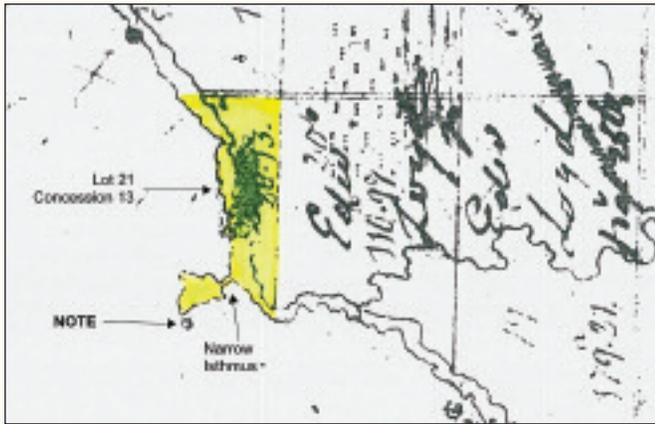


Figure 3. Portion of original plan of Tiny Township

the Canada Company on November 12th, 1846, and has been in private hands ever since.

In 1856, the Chippewas of Lake Huron and Lake Simcoe surrendered all the islands in the same vicinity of Georgian Bay except the three islands forming the Christian Island group. The surrendered islands were to be sold by the Department of Indian Affairs for the benefit of the Band.

### The Elusive "Island"<sup>5</sup>

In 1912, through Member of Parliament Mr. Bennett, Alexander<sup>6</sup> Brunelle requested an Indian Land Grant for Tiny Island as unsold surrendered land; the request included a sketch showing "Tiny Island" separated from the mainland (Figure 4). Having no record of the island, the Department of Indian Affairs (DIA) sent Mr. Picotte, the Indian Agent at Christian Island, to inspect the island. Mr. Picotte reported that an island "known as Tiny Island, containing about 2 acres" was situated "opposite Concession XII". The "2 acres" later became an important estimated figure.

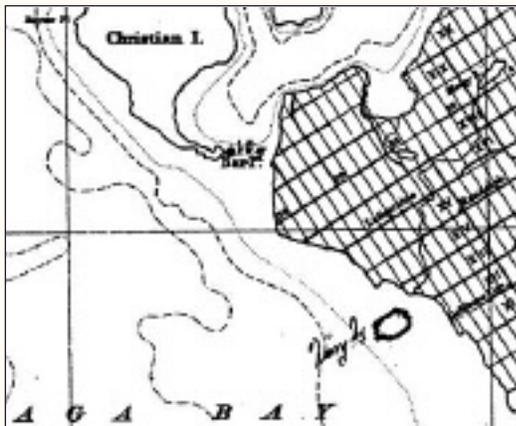


Figure 4. Portion of sketch accompanying 1912 correspondence

Having noted (from viewing a copy of the original Tiny Township plan) that the island "apparently has been taken in as a part of the main land", the DIA asked the Ontario Department of Lands and Forests (DLF) for information on the matter. The DLF replied that there was no record of "Tiny Island", the peninsula being joined to the mainland on

the original plan of the Township of Tiny.

The DIA advised M.P. Bennett that Tiny Island formed part of the mainland Lot 21, Concession 13, and was therefore not available for sale by the DIA. Consequently, Mr. Emery<sup>7</sup> Brunelle, a relative of Alexander Brunelle, then bought the southerly 200 feet of Lot 21, Concession 13, for the sole purpose of acquiring title to Tiny Island. Almost immediately he sold the land he bought, except for the parcel "detached from the Main land, known locally as Tiny Island" that he observed was separated from the mainland (Figure 5) by a channel of water.

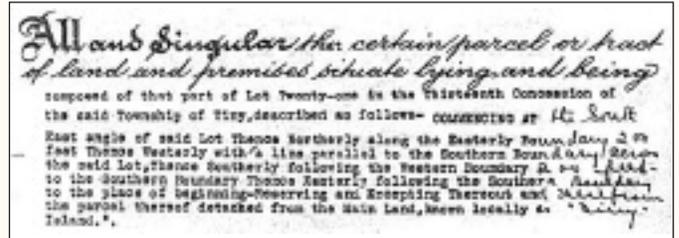


Figure 5. Portion of 1913 Instrument 9264 (the transfer from Brunelle)

### The Commercial Fisherman

In 1914, another application was made to the DIA for a grant of Tiny Island. This time the applicant was a Captain Bowie of Owen Sound, a fisherman represented by his Member of Parliament, Mr. Currie. Captain Bowie had, apparently, constructed some sheds and a wharf on the island as part of his commercial operations. The DIA responded that the DLF had earlier advised that the "island" was a "peninsula", and was already patented and therefore not available from the DIA.

Both Captain Bowie and M.P. Currie pressed the matter, with Mr. Currie's correspondence enclosing a "rough sketch" (Figure 6) showing the island to be south of the peninsula that was shown on the original plan of Tiny Township. In fact, there never was an island at that location. While there is something that looks like an island on the original plan, the Goessman field notes do not show an island in that location; and, in fact, the water is quite deep at that spot.



Figure 6. Portion of sketch accompanying 1914 correspondence (compare with Figure 3)

### Island or Not?

On the basis of the sketch supplied by M.P. Currie, the

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<sup>5</sup> The following various referred-to maps and correspondence are found at Library and Archives Canada, RG10, Records Relating to Indian Affairs, Vol. 3168, File 397,664, Penetanguishene, Correspondence Regarding Sale of Tiny Island..., 1912-1935.

<sup>6</sup> Sometimes spelled "Alexandre".

<sup>7</sup> Sometimes spelled "Emerie".

DIA asked Mr. Picotte, the Indian Agent, to attend the site again and confirm whether or not there was in fact an island at that location. At the same time, M.P. Currie asked the DLF to supply a copy of the Township Plan. In the meantime, Mr. Bennett (Mr. Brunelle's M.P.) had heard that the DIA was investigating the matter again and asked that Mr. Brunelle be given first consideration.

The resulting DLF copy (tracing) of the original plan prepared by L.V. Rorke<sup>8</sup> (Figure 7) and accompanying letter confirmed the "rough sketch" by Currie, indicating that a small island was located just south of the peninsula that was part of Lot 21, Concession 13.

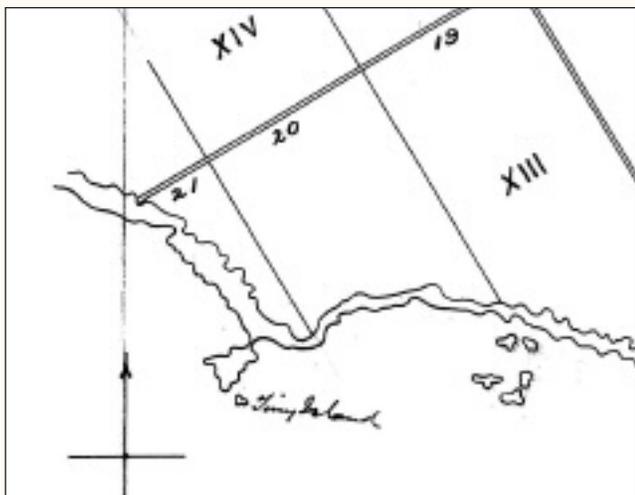


Figure 7. Portion of 1914 tracing of original township plan by L.V. Rorke

Without knowledge of the sketches, Mr. Picotte (the Indian Agent at Christian Island) reported that the water was 3 to 4 feet deep in the channel between Tiny Island and the mainland, and that he was certain that it was always an island. Of course, Mr. Picotte did not know that another "Tiny Island" had been identified by Mr. Rorke (Figure 7).

A survey to determine the location and size of the island was not done. Officers of both the federal Crown and provincial Crown relied entirely on the sketch prepared by Mr. Rorke (Figure 7) for location of the island, and relied on the Indian Agent's first report for the 2-acre size.

From that point on, except for Mr. Picotte, Mr. Brunelle and Captain Bowie, all of the parties involved in the correspondence believed that Tiny Island was the small island shown on the original plan as the spot that was located immediately south of the peninsula—an "island" that in fact never existed.

Mr. Picotte, Mr. Brunelle and Captain Bowie were the only parties that actually attended at the site—but none of them saw the Rorke tracing. Water levels in Lake Huron were sufficiently high through that period of time for the isthmus of the peninsula to be continually inundated. Accordingly, Mr. Picotte, Mr. Brunelle and Captain Bowie all believed that the subject of the correspondence was the portion of the peninsula west of the inundated isthmus—the actual "Tiny Island".

The contest continued, with both Mr. Brunelle and Captain Bowie pursuing a grant from the DIA.

## The Outcome

The matter was finally settled by a call for tenders, to which only Mr. Brunelle responded (Figure 8). Note that Mr. Brunelle's tender was submitted "without prejudice to [his] rights as owner" of the island.

In the end, Mr. Brunelle paid \$100.00 to the DIA, and

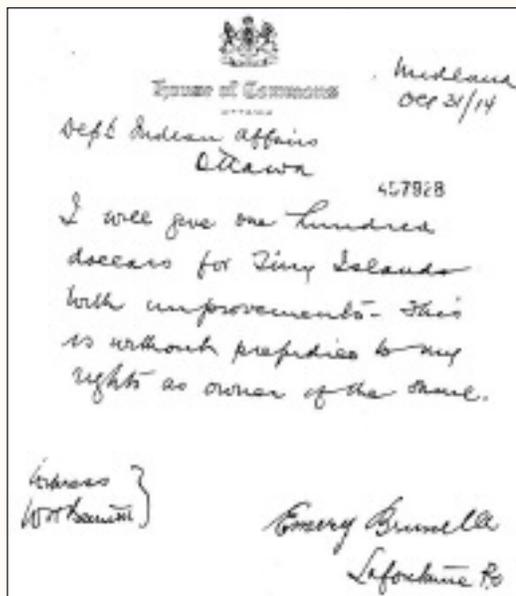


Figure 8. 1914 Tender Letter from Emery Brunelle

\$5.00 to Captain Bowie (for "improvements"), for land that he already owned by virtue of his earlier acquisition of the southerly 200 feet of Lot 21, Concession 13.

Letters Patent were then issued by the DIA for a parcel "Containing about Two Acres ... Composed of Tiny Island situate to the south of a peninsular [sic] in the Southerly part of Lot Twenty-one, in Concession Thirteen (13)", following the tracing by Mr. Rorke (Figure 7).

## Lessons

The *Story of Tiny Island* is a perfect example of the need for accurate mapping in any type of land administration, not just unalienated Crown land. Of course, available technology makes this scenario seem almost impossible today. But the story also illustrates the need for precise communication—no matter how good the underlying technology.

The story also demonstrates the importance of thorough research. Specifically for surveyors, it is necessary to consult more than just a plan, especially when questions arise. For example, Surveyors' Instructions, field notes, diaries, contemporary correspondence, and sometimes even Orders in Council authorizing survey work will paint a much more detailed picture of events surrounding historical surveys. Nothing should be left to assumption. 

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<sup>8</sup> L.V. Rorke was to become the Director of Surveys for the Department of Lands and Forests in 1918, and Surveyor General in 1928.