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Miscellaneous Papers on Indian Issues

1. *Leases Indian Reserves 1863*
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Indian Reserves; Register of Department Files; Map Index; Held files
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6. *Historic Sketches on Indian Affairs by G.M. Matheson, Registrar
of the Department of Indian Affairs 1934-35*

***THE ORIGINAL OF THIS BOOK IS OVERSIZED. THIS
COPY HAS BEEN SLIGHTLY REDUCED TO FIT ONTO
THIS SIZE PAPER.***

Seas Indian Reserve

1863

Chris Indenlaxe made the
 Twentieth day of September AD 1862
 Between E Graham Alston J D Pemberton
 and C F Pemberton Commissioners for the
 management of the Indian Reserve duly appointed
 under the Public Seal of the Colony
 of Vancouver Island
 of the one part and P Jewel

of Victoria Vancouver Island
 of the other part ~~Chris Indenlaxe~~
 set it that in consideration of the Rents and Covenants
 hereinafter contained and reserved on the part of
 the said P. Jewel

his executors administrators and
 assigns to be paid and performed they the said
 Commissioners
 do by these presents demise and Lease unto the
 said P. Jewel

his executors administrators and
 assigns All that piece or parcel of Land Bounded
 by a line at right angles with shore and thirty
 four (34) feet Eastwardly from Centre of Mill on Brick
 Yard One hundred and Twenty (120) feet deep
 thence at right angles Westwardly One hundred and
 Twenty (120) feet Thence at right angles Northwardly
 one hundred and Twenty (120) feet to water
 more or less to water

Together with all ways, rights easements and appurtenances to the same belonging To Have and To Hold the said piece of ground hereby demised with the appurtenances unto the said P. Jewell

~~his executors~~
administrators and assigns from the first day of September 1862

for and during and to the full end and term of Five (5) Years

thence next ensuing yielding and paying therefor yearly during the said term the clear rent of Fifty dollars (\$50.00) per Year

in equal quarterly payments in the first day of September December March and June And the said P. Jewell

for himself his heirs executors and administrators hereby covenants with the said Commissioners and their Successors that he the said P. Jewell

his executor or administrators will pay or cause to be paid unto the said Commissioners and their

Successors the yearly rent of Fifty dollars (\$50.00)

hereinbefore reserved on the days and in the manner hereinbefore mentioned Provided Always that if the rent hereby reserved or any part thereof shall remain unpaid for the space of fourteen days

after any of the days when the same ought to be paid as aforesaid or if any of the Covenants and agreements herein contained on the part of the said P. Jewell.

shall not be by him his executors administrators and assigns well and truly observed and performed according to the meaning of these presents then it shall be lawful for the said Compaigners or their Successors

to enter in and upon the premises or any part thereof and the same to have again reposed and enjoy as if this indenture had never been made or executed anything hereinbefore contained to the contrary thereof in anywise notwithstanding In Witness whereof the said parties have hereunto set their hands and Seals the day and year first above written.

E. Graham Allen

Signed Sealed and delivered in the

presence of

John J. Johnson

Isaac W. Pemberton

Aug. J. Pemberton

Lean Indian Power

Power

This Indenture made the second
day of February ——— In the year of our
Lord one thousand eight hundred and sixty
three Between Edward Graham Alston and
Augustus F. Pemberton ———

Commissioners for the
management of the Indian Reserve, at Victoria,
only appointed under the public seal of the colony
of Vancouver Island of the one part and
Alexander Geddes ——— of
Victoria Vancouver Island ——— of the
other part Witnesseth that in consideration of the
Rents and covenants hereinafter contained and
reserved on the part of the said Alexander
Geddes ——— his Executor
administrator and assigns to be paid and
performed by the said Commissioners do
by these presents demise and lease unto the
said Alexander Geddes ———
his Executor administrator and assigns All that
portion of the said Reserve bounded and described
as follows, Commencing at a point on the
line of the original boundary separating the
Indian Burial Ground therefrom, thence westerly
one hundred and twenty feet (180 ft) and
at right angles to the line from either
point to the water ———

Together with all ways
rights Easements and appurtenances to the same
belonging To Have and to Hold the said piece
of Ground hereby demised with the appurtenan-
ces unto the said Alexander Geddes —

his Executors administra-
tors and assigns from the 1st.
day of February — And during
and to the full end and term of one
Year — Thence

forth Ensuing Yielding and paying therefor
Yearly — during the said term
the clear Rent of Fifty Dollars (\$50.00)
— In Equal Quarterly payments
on the 1st (1st) — day of each Quarter
And the said Alexander Geddes —

for himself his heirs
Executors and administrators hereby covenants
with the said commissioners and each of
them that he the said Alexander Geddes
— his Executors or adminis-
trators will pay or cause to be paid unto the

said Commissioners & into each other person
aforesaid as may be duly appointed & receive the
same the yearly sum of fifty dollars (\$50.00).

hereinbefore reserved
on the days and in the manner hereinbefore
mentioned. Provided Always that if the rent
hereby reserved or any part thereof shall remain
unpaid for the space of fourteen days after
any of the days whereon the same ought to
have been paid as aforesaid or if any of
the covenants and agreements herein contained
on the part of the said Alexander Geddes

shall not be by him
his Executors administrators or assigns well and
truly observed and performed according to
the meaning of these presents then it shall be
lawful for the said Commissioners & such person
or persons as may be duly appointed as
aforesaid to enter into and upon the premises
or any part thereof and the same to have and
repossess and enjoy as if this Indenture had
never been made or executed anything herein

before contained to the contrary thereof notwithstanding.
In Witness whereof the said parties to these presents
have hereunto set their hands and seals the
day and year first above written.

Alexander Geddes

Graham Bell

Signed Seal and delivery of

In presence of W. H. Wright

Geodes

Memorandum

John and Lease issued to them, drawn by
J.P. Mc Dougall Mr. D. Fraser, for 200 feet square,
 unsurveyed, - term 10 years from
 15th June 1859 - Rented 1st 3
 years \$100 per annum, remaining
 7 years to be arbitrated - Copy
 of Lease in Colonial Office -
 Transaction previous to the appoint-
 - ment of Commissioners - The
 Arbitration should have taken place
 in 1862 since which date \$100 a
 year only has been collected, on
 the supposition, that the Estate
 has not increased in value, Rent
 now in arrear has been sued
 for several times

W. Bolton

No Lease, nor writing of any kind,
 Verbal permission given to him
 by ----- to occupy a tract of
 land not defined, for \$200 a year

from 1st August 1862, no time arranged, Rent has been collected but is now in arrear and has been sued for several times -

A grant of a large tract of land Bishop of Acres for 21 years, at a nominal rental, for church and Columbian School purposes 1st April 1864 -

Lease dated 1st June 1863 Term J. Ash 21 Years yearly rental \$262.50, Payable quarterly -

All the remaining Leases are for 21 Years dated as stated in the Return, the Rental of the first 14 years, differing from the Rental of the last 7 Years both rentals however are fixed - No quantities are specified in the leases; The Leases are referred to the Official Map; No

Schedule of quantities is marked on the Official Map; but the lots leased with two exceptions have been staked out, and the quantities can be ascertained nearly by scale from the Map -

The Reserve contains 120 Acres accounted for thus. -

Area of the portion surveyed of which less than half is leased	Ares 68.5.
Roads and Public square	12.0
Remainder unsurveyed	39.5
Total	<u>120.0</u>

The Leases are not registered but the Map is -

The foregoing information was obtained this morning from Mr. J. J. Cochran

J. Pemberton

Surveyor General

23rd Septem^r 1864

Lot 6	4.90 acres ✓	}	Mrs. Balle	5.46
" 7	0.56 "			
" 4 th	1.20 " ✓	}	P. Everett	3.55
" 5 "	2.35 " ✓			
Surplus	0.75 "			0.75

Rent Roll of Longhues Reserve Lots

		acres
Mrs. Bales	per annum	45.005.46
P. Everett	"	102.003.55
W. Purpel	"	50.000.75

Resquait Lucas look at Sea
Gent. does not hold itself responsible
for such expenses. 108. July 14/86.

Following Indian Reserve
 documents in the hands
 of the Res. Commr.

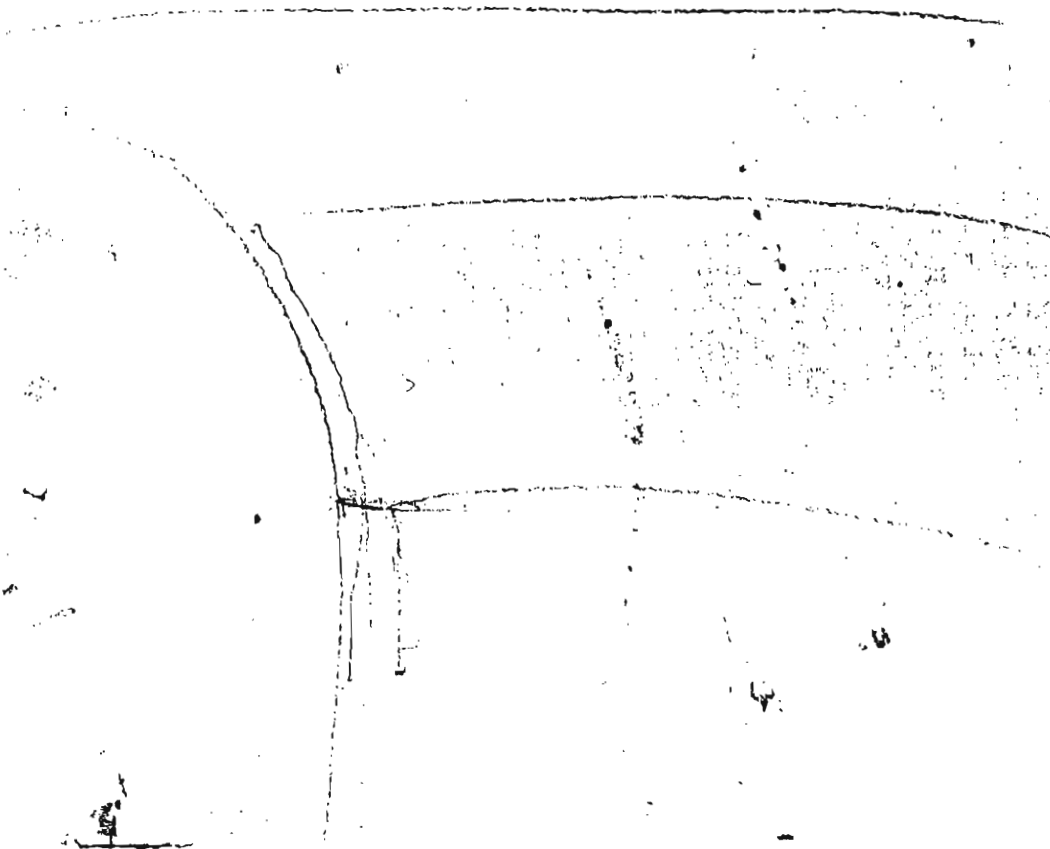
Department letter re Iron Pacts & Quins
 Mr. Perre's letter with tracing
 Mr. Perre's letter concerning Co-
 key expenses of survey -

British Columbia,

Indian Office,

Victoria, *Feb* 14th 1893

15. E. 2



A. H. Towell *Nov 18th* 189*3*
P 1157

To Canadian Pacific Navigation Company's (Limited).

STEAMER **YOSEMITE**

For Freight and Charges from NEW WESTMINSTER TO VICTORIA.

MARKS.	NO. PACKAGES.	DESCRIPTION.	WEIGHT.	FEET.	DOLLARS.	CENTS.
	1	<i>Pcl Books 2 2/4</i>		3	<i>Paid</i>	
<i>Advanced Charges,</i>			-	-	-	-
<i>Wharfage,</i>			-	-	-	-
<i>Total,</i>			-	-	-	-



Received Payment for the Company.

Date, _____ 189

Form 72

A.W. Vaillet *Viet*

TRIP *0/8*

NOV 17 1893

To Canadian Pacific Navigation Company's (Limited)

STEAMER **WM. IRVING,**

For Freight and Charges from *C. H. Smith*

TO NEW WESTMINSTER

MARKS	NO. PACKAGES	DESCRIPTION	WEIGHT	FEET	DOLLARS	CENTS
		<i>1 bel. Book</i>			<i>2</i>	<i>50</i>
		<i>, 25 apply</i>				
Shipper						

Received Payment for the Company,

W. H. Smith

ate, 189

This Indenture made the Twentieth
 day of November — AD 1860 Between
 Donald Fraser of Victoria V.I. Esquire
 Trustee or Commissioner for the Management
 of the Indian Reserve herein after called
 the said lessors of the one part and John
 Dougal and Thomas Patterson Dougal
 of Hope Point Victoria Founders of the
 other part and herein after called the
 said lessees. Witnesseth that in
 consideration of the Rent and Covenants
 hereinafter mentioned received & contained
 and in the part of the said Lessees their
 Executors administrators & assigns to be
 paid observed and performed They
 the said lessors do by these presents
 demise and lease Unto the said
 John Dougal and Thomas Patterson Dougal &
 Lessees their Executors administrators
 and assigns All that piece or parcel
 of land situate in Victoria aforesaid and
 being part of the Songish Reservation and
 containing Two hundred feet square
 and having the right of frontage on
 Victoria Harbor of two hundred feet
 subject nevertheless as hereinafter is
 mentioned upon which Two hundred
 feet square of land the said Lessees
 have erected a Warehouse & other building
 Together with all waters frontage
 ways wharves easements and
 appurtenances thereto belonging

All which premises are more particularly defined on the Map or plan attached to these presents. The said Two hundred feet square of land being Colored Red and contained within the letters a, b, c, d, on the said plan and the use and Right of ^{water} frontage being also in such Map colored Red and indicated by the letters b, c, E, & F such grant of frontage being nevertheless hereby specially declared to be subject to the construction and free public use of a Road way of sixty feet in width proposed to be hereafter carried through the spot on the said map annexed hereto indicated by the letters b, c, E, & F To & From the same with the appurtenances unto and to the use of the said John Dougal and Thomas Patterson Dougal their Executors administrators and assigns for the term of Ten Years from the fifteenth day of June A.D. 1859. Yielding and paying therefore yearly and every year during the said term unto the said Repor and his Successors the clear Rent of One hundred dollars per annum (United States Currency) as to the first three years of the said term and at the end of such period of three years such rent during the succeeding three years and one half as shall be determined by arbitration and at the end of such period of six years and one half such rent during the succeeding three years and one half as shall be determined by Arbitration.

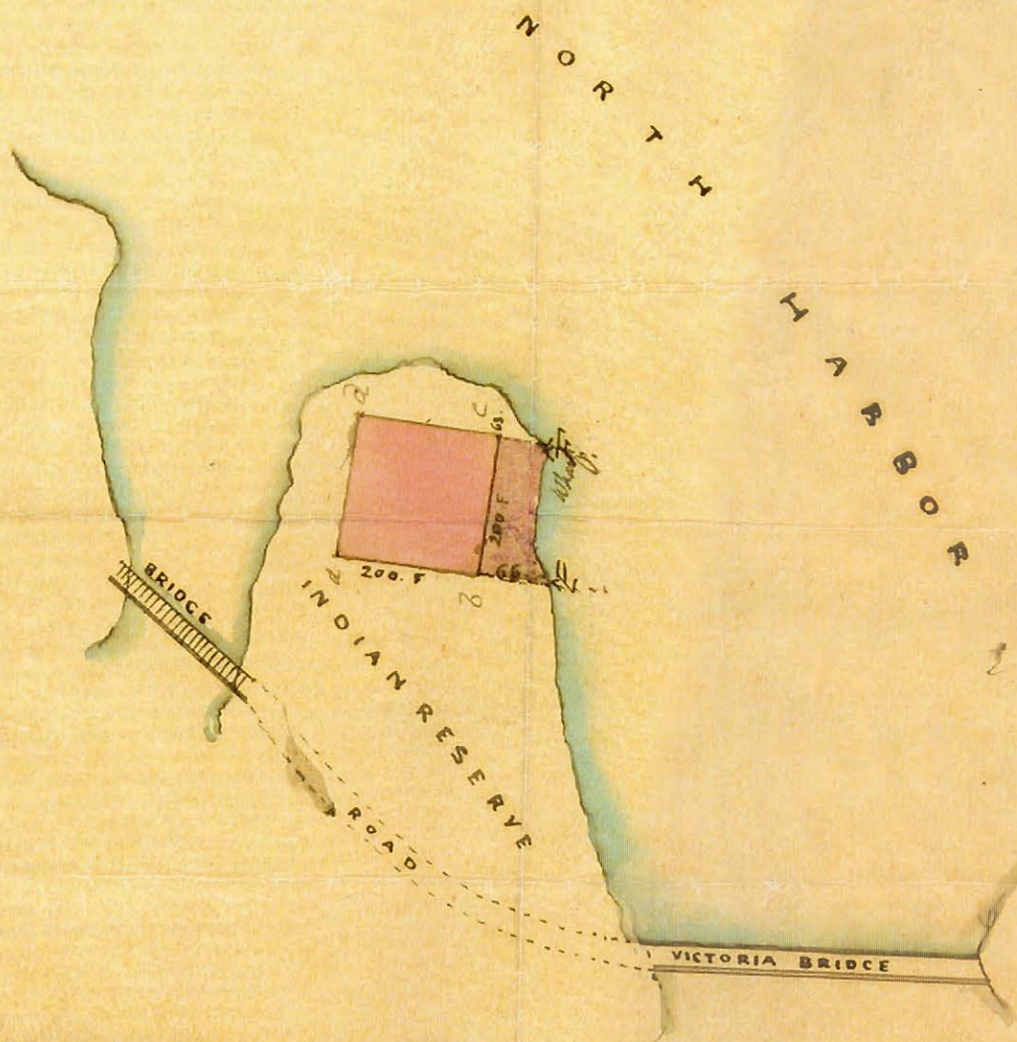
free and clear from all outgoings AND
 the said Lessee, do hereby for themselves
 their and each of their heirs, executors,
 administrators and assigns, COVENANT
 with the said Lessor and his assigns,
 that they the said Lessee, their executors,
 administrators and assigns will from time
 to time during the said term pay unto the
 said Lessor and his assigns the said rent
 herein before mentioned half yearly
 on the fifteenth day of December
 and the fifteenth day of June in every
 year in equal portions, and also pay
 and discharge all present & future rates,
 taxes and charges AND that they the
 said Lessee their executors administrators
 and assigns will not assign or underlet
 the said premises hereby demised without
 the consent in writing of the said Lessor
 who ~~the~~ successors first had & obtained
 Provided always and it is hereby
 declared that if the said yearly rent
 be unpaid or any part thereof within
 twenty one days after the same is payable
 as aforesaid or if the covenants herein
 contained be not observed and performed
 then it shall be lawful for the said
 Lessor and his successors into & upon
 the said demised premises to re-enter
 and the same to have again repossess
 and enjoy. And it is hereby agreed
 and declared between the said parties
 to these presents that in case at the expiration
 or then sooner determination of the said term
 hereby granted the said Lessor or ~~his~~ ^{his} assigns
 shall be desirous at any time within one
 calendar month before such end or expiration
 of taking possession of the land and the
 improvements then existing thereon, they shall
 be at liberty so to do upon giving 60 days

with notice of such valuation and paying to
 the said lessors their executors administrators
 and assigns the value of such improvement
 which value in case of dispute or difference
 shall be settled by arbitration And the said
 lessors their executors administrators and
 assigns shall at the expiration or other sooner
 determination of the term hereby granted
 have full power to remove all buildings
 and other improvements at that time
 subsisting on the premises hereby demised
 which shall not have been purchased
 under by the said lessors or their executors
 under the lastly hereinbefore mentioned
 provision And it is hereby declared that in
 order to carry out the arbitration or arbitrators
 above mentioned two arbitrators shall be
 appointed one by the said lessors ^{or their executors} and the other by the said lessors ^{or their executors}
 and the said lessors their executors
 administrators and assigns shall upon the
 business of the said arbitration who shall
 act in case of disagreement between the
 two arbitrators as umpire (as the case
 may be) shall be final and may be made
 a rule of court by an ex parte application
 of either of the said parties hereto
 In witness whereof the said parties have
 hereunto set their hands and seals the
 day and year first above written
 The underlineations initialed by the attesting
 witness having been made previous to execution
 Signed sealed & delivered
 by the within named
 Donald Warr in the
 presence of
 Henry S. Patten (seal)
 Barrister at Law Victoria B. C. John Dougall

Signed sealed & delivered
 by the within named John
 Dougall & Henry S. Patten
 Dougall in the presence of
 Henry S. Patten (seal)
 H. S. Patten

J. P. Dougall

The map a sketch to which the annexed *Endowment*
of 1878 refers.



Sawto A Chumons. No. 12. 1878.

1878

Dated 22 Nov 1860

Trustee for Indians }
to
John & J. P. Douglas }

Lease of Hope Point
Forestry, Victoria

Term 10 years from
15 June 1859.

7
 These Indentures made the first
 day of April in the year of
 Our Lord One thousand Eight hundred and Sixty
~~Four~~ Between Edward Graham Abelin and
 Augustus & Pemberton Commissioners for the
 management of the Indian Reserve at
 Victoria duly appointed under the Public Seal
 of the Colony of Vancouver Island of the one part
 and John Symond Titcomb
 — of Victoria Vancouver Island
 of the other part Witnesseth that in
 Consideration of the rents and covenants
 hereinafter contained and reserved and
 on the part of the said John Symond
 Titcomb — his Executors administrators
 and assigns to be paid and performed they the
 said Commissioners as by these presents demise and
 lease unto the said John Symond
 Titcomb his Executors administrators and
 assigns All that portion of the said Reserve
 known and described upon the
 Map of the said Reserve as
 Lot Number Thirty six (36)

Together with all ways, rights, easements, and appurtenances to the same belonging to have and to hold the said piece of ground hereby demised with the appurtenances thereunto belonging unto the said John Symond Titcomb

his Executors administrators and assigns from the First day of April A.D. 1864 for and to the full end and term of fourteen years thence Next ensuing Yielding and paying therefor Yearly during the said term the clear rent of Fifty Dollars (\$50)

In Equal Quarterly payments on the First day of each quarter in advance and the said John Symond Titcomb for himself his heirs Executors and administrators hereby covenants with the said commissioners and each of them that the said John Symond Titcomb

his Executors or administrators will pay or cause to be paid unto the said commissioners or unto such other persons aforesaid as may be duly appointed to receive the said sum or yearly rent of Fifty Dollars (\$50) herebefore reserved on the days and in the manner herebefore provided always that if the rent hereby reserved or any part thereof shall remain unpaid for the space of one month after any of the days wherein the same ought to be paid as aforesaid

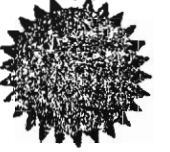
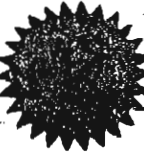
or if any of the aforesaid Covenants clauses and Arguments herein contained on the part of the said —
 John Symond Titcomb Shall not be
 by him in his Executors administrators or Assigns well and
 truly observed and performed according to the meaning
 of these presents then it shall be lawful for the
 said Commissioners or such person or persons as may
 be duly appointed as aforesaid to enter into and upon
 the premises or any part thereof and the same to have
 again Repossess and Enjoy as if this Indenture had
 never been made or Executed anything hereinbefore
 Contained to the contrary Notwithstanding, **Provided**
Always, that if the said Lessee, his executors
 administrators or assigns, shall be desirous
 of a renewal of the present term for a
 further period of seven years, the said
 Commissioners, or other the persons duly
 appointed in that behalf will execute
 such Lease upon similar terms and conditions
 as are contained herein, save and except
 that the yearly rent payable thereunto
 shall be at the rate of seventy five
 Dollars (\$75) per annum —
 In Witness, whereof the said parties
 to these presents have hereunto set
 their hands and seals, the day
 and year first above written —

Signed, sealed and
Delivered in presence
of

Graham Allen

Attest

John S. Titcomb



21

This Indenture made the Eleventh day of May for the year of our Lord One thousand eight hundred and sixty three Between Edward Graham Alston & Augustus C. Chamberlain

Commissioners for the management of the Indian Reserve at Victoria duly appointed under the Public Seal of the Colony of Vancouver Island of the one part and Alexander Gindlay Brann of Victoria Vancouver Island Commissioner Agent of the other part Witnesseth that in consideration of the rents and covenants hereinafter contained and reserved and on the part of the said Alexander Gindlay Brann his Executors administrators and assigns to be paid and performed by the said Commissioners do by these presents demise and lease unto the said Alexander Gindlay Brann his Executors administrators and assigns All that portion of the said Reserve bounded and described as follows From and described upon the Map of the said Reserve as Sh Chamberlain (1) Containing 1/4 of the Acre more or less —

Together with all ways right easements and appurtenances to the same belonging To Have and To Hold the said piece of ground hereby demised with the appurtenances unto the said Alexander Gindlay Brann his Executors administrators and assigns from the first (1st) day of June A.D. 1863. for and during and to the full end and term of Fourteen (14) Years Thence next ensuing yielding and paying therefor Yearly during the said term the clear rent of Twenty Five (\$25.00) Dollars for equal Quarterly payments on the 1st first day of June September December & March and the said Alexander Gindlay Brann for himself his Executors and administrators hereby covenants with the said Commissioners and each of them that he the said Alexander Gindlay Brann his Executors or administrators will pay or cause to be paid unto the said Commissioners or unto such other person aforesaid as may be duly appointed to receive the same the yearly rent of Twenty Five (\$25.00) Dollars

heretofore reserved on the days and in the manner heretofore appointed Provided Always that if the rent hereby reserved or any part thereof shall remain unpaid for the space of one month after any of the days whereon the same ought to have been paid as aforesaid or if any of the covenants and agreements herein contained on the part of the said Alexander Gindlay Brann

shall not be by him his executors administrators or assigns well and truly observed and performed according to the meaning of these presents then it shall be lawful for the Commissioner or such person or persons as may be duly appointed as aforesaid to enter into and upon the premises or any part thereof and the same to have again repossess and enjoy as if this indenture had never been made or executed. Anything hereinbefore contained to the contrary notwithstanding. In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written. Or Else at the option of the said Lessee the said Lessee shall grant a renewal of this present term for a further period of seven (7) years from the expiration of the term hereby granted with all such conditions as are contained in this present demise or so many thereof as shall be applicable except as to the amount of rent and the amount of rent in such renewal lease shall be at the rate of one hundred dollars (\$100.00) per annum payable and paid on the First (1st) day of each Quarter in advance the whole to be of the essence of the present contract. In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and
delivered in presence

of John Beckman

Ephraim Hester

A. J. Hamilton

A. J. Main

the

This Indenture made the Twenty First (21st) day of May _____
 in the year of our Lord One thousand eight hundred and sixty three ~~between~~ Edward
 Graham Clerk and Augustus J. Pemberton _____

Commissioners for the management of
 the Indian Reserve at Victoria duly appointed under the public seal of the Colony of
 Vancouver Island of the one part and Charles Graham Wyllie, Government Assessor of V.I.
 of the other part Witnesseth that in consideration of the rents and covenants hereinafter
 contained and reserved and on the part of the said Charles Graham Wyllie
 his Executors administrators and assigns to be paid and
 performed by the said Commissioners do by these presents demise and lease unto the
 said Charles Graham Wyllie _____ his Executors administrators and
 assigns All that portion of the said Reserve bounded and described as follows known
 and described upon the Map of the said Reserve as Lot Number Two (2)
 containing one (1) acre more or less _____

Together with all ways rights ease-
 ments and appurtenances to the same belonging To Have and To Hold the said
 piece of Ground hereby demised with the appurtenances unto the said Charles Graham
 Wyllie _____ his Executors
 administrators and assigns from the 1st (First) _____ day of
 June A.D. 1863 _____ for and during and to the full end and term
 of Fourteen Years (14 yrs) _____ thence next ensueing yielding
 and paying therefor Yearly _____ during the said term the clear
 rent of Twenty Five Dollars (\$25.00) _____ in equal Quarterly payments
 on the 1st (First) _____ day of June September December & March
 And the said Charles Graham Wyllie _____
 for himself his heirs Executors and administrators hereby covenant
 with the said Commissioners and each of them that he the said Charles
 Graham Wyllie _____ his heirs Executors
 or administrators will pay or cause to be paid unto the said Commissioners
 or unto such other person aforesaid as may be duly appointed to receive the
 same the yearly rent of Twenty Five Dollars (\$25.00) _____
 hereinbefore reserved on the days and in the manner hereinbefore appointed
Provided Always that if the rent hereby reserved on any part thereof shall
 remain unpaid for the space of one month after any of the days whereon

the same ought to have been paid as aforesaid or if any of the covenants and agreements herein contained on the part of the said Charles Graham Mylly.

shall not be by him his Executors administrators or assigns well and truly observed and performed according to the meaning of these presents there it shall be lawful for the Commissioners or such person or persons as may be duly appointed as aforesaid to enter and upon the premises or any part thereof and the same to have again repossess and enjoy as if this indenture had never been made or executed. Anything heretofore contained to the contrary notwithstanding Or Else at the option of the said Lessee the said Lessor shall grant a renewal of this present term for a further period of seven (7) years

from the expiration of the term hereby granted with all such conditions as are contained in this present demise or so many thereof as shall be applicable except as to the amount of rent and the amount of rent in such renewal shall be at the rate of one hundred dollars per annum

payable and paid on the first (1st) day of each Quarter in advance the whole to be of the essence of the present contract In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed Sealed and
Delivered in the presence

of John J. Leckman

E. Graham Mylly

A. Henderson

Chas G. Mylly

163. This Indenture made the Twelfth (12th) day of May in the year of Our Lord One thousand Eight hundred and sixty Three Between Edward Graham Allen and Augustus J. Pemberton

Commissioners for the management of the Indian Reserve at Victoria duly appointed under the Public Seal of the Colony of Vancouver Island of the one part and William Brooke Taylor of Victoria Vancouver Island Sheriff of the other part Witnesseth that in consideration of the rents and covenants hereinafter contained and reserved and on the part of the said William Brooke Taylor his Executors administrators and assigns to be paid and performed they the said Commissioners do by these presents demise and Lease unto the said William Brooke Taylor his Executors administrators and assigns All that portion of the said Reserve bounded and described as follows *PC* ~~Portion~~ ^{being} ~~one~~ ^{being} described upon the Map of the said Reserve as Lot Number Three (3). Containing One (1) acre more or less

Together with all ways rights easements and appurtenances to the same belonging To Have and To Hold the said piece of ground hereby demised with the appurtenances unto the said William Brooke Taylor his Executors administrators and assigns from the First (1st) day of June A.D. 1863 for and during and to the full end and term of Fourteen (14) Years thence out ensuing Building and paying therefore Yearly during the said term the clear rent of Twenty Five Dollars in Equal Quarterly payments on the First (1st) day of June September December March and the said William Brooke Taylor for himself his heirs Executors and administrators hereby covenants with the said Commissioners and each of them that he the said William Brooke Taylor his Executors or administrators will pay or cause to be paid unto the said Commissioners or unto such other persons as may be duly appointed to receive the same the yearly rent of Twenty Five Dollars (\$25.00) hereinafter reserved in the days and in the manner hereinafter appointed Provided Always that if the rents hereby reserved or any part thereof shall remain unpaid for the space of one month after any of the days whereon the same ought to be paid as aforesaid or if any of the covenants and agreements herein contained on the part of the said William Brooke Taylor

shall not be by him his Execution administrators or assigns well and truly observed and performed according to the meaning of these presents then it shall then it shall be lawful for the commissioners or such person or persons as may be duly appointed as aforesaid to enter into and upon the premises or any part thereof and the same to have again repairs (and enjoy as if this indenture had never been made or executed) Anythin hereinbefore contained to the contrary notwithstanding Or Else at the option of the said Lessee the said Lessor shall grant a renewal of this present term for a further term of Seven (7) years from the expiration of the term hereby granted with all such conditions as are contained in this present demise or so many thereof as shall be applicable except as to the amount of rent and the amount of rent in such renewed lease shall be at the rate of One hundred Dollars per Annum payable and paid on the 1st of March day of each Quarter in advance ~~to be paid to the~~ ~~Lessee of the premises~~ ~~Contract~~ In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written

Given Dated and
Delivered in presence.

John Richardson
Proctor in Law

E. Graham Allen

A. P. K. K. K.

W. W. W.

4th

This Indenture made the Twelvth (12th) — day of May
in the year of Our Lord One thousand eight hundred and sixty three Between Edward
Braham Alton and Augustus S. Pemberton

of

Commissioners for the management of
the Indian Reserve at Victoria duly appointed under the Public Seal of the Colony of
Vancouver Island of the one part and Edward Stephens of Victoria Vancouver Island
B.C. and George ————— of the other part Witnesseth that in consideration
of the rents and covenants hereinafter contained and reserved and on the part
of the said Edward Stephens ————— his Executors adminis-
trators and assigns to be paid and performed they the said Commissioners do
by these presents demise and lease unto the said Edward Stephens
his Executors administrators and assigns All that portion of the said Reserve bounded
and divided as follows: Approx and described upon the map of the said Reserve as
Lot Number Four (4) Containing Two (2) Acres more or less

J.C.

Together with all ways rights and appur-
tenances to the same belonging To Have and To Hold the said piece of ground
herby demise with the appurtenances unto the said Edward Stephens
his Executors administrators
and assigns from the Twelvth (12th) — day of June A.D. 1863
for and during and to the full end and term of Fourteen (14)
Years ————— thence next ensuing Yielding and paying therefor
Yearly ————— during the said term the clear rent of Twenty
Two (22) Dollars In Equal Quarterly payments on the 1st, 1st, 1st, 1st
day of June September December & March. And the said
Edward Stephens ————— for himself his heirs Executors and
administrators herby covenants with the said Commissioners and each
of them that he the said Edward Stephens —————
his Executors or administrators will pay or cause to be paid unto the said
Commissioners or unto such other person or persons as may be duly appointed
to receive the same the yearly rent of Twenty Two (22) Dollars hereinafter reserved
hereinbefore reserved on the days and in the manner hereinbefore appointed
Provided always that if the rent hereby reserved or any part thereof shall
remain unpaid for the space of one Month after any of the days wherein

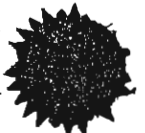
J.C.


J.C.


the same ought to be paid as aforesaid or if any of the covenants and agreements herein contained on the part of the said Edward Stephens shall not be by him his executor administration or assigns well and truly observed and performed according to the meaning of these presents then it shall be lawful for the commissioners or such person or persons as may be duly appointed as aforesaid to enter into and upon the premises or any part thereof And the same to have again possession and enjoy as if this indenture had never been made or executed anything heretofore contained to the contrary notwithstanding Or Else at the option of the said Lessee the said Lessee shall grant a renewal of the present term for a further period of Seven (7) years from the expiration of the term hereby granted with all such conditions as are contained in this present demise or so many thereof as shall be applicable except as to the amount of rent and the amount of rent in such renewed lease shall be at the rate of (\$150.00) one hundred and fifty Dollars payable and paid on the 1st day of each Quarter

in advance the whole to be of the tenor of the present contract In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written

Signed Sealed and
Delivered in presence
of John Lockman

Graham Blinn 

Abner Blinn 

Edward Stephens 

his.

This Indenture made the Twenty First (21st) day of May
 the year of our Lord one thousand eight hundred and Sixty Three between Edward
 Graham Allen and Augustus G. Penhryn

JSC

Commissioners for the Management of
 the Indian Reserve duty at Victoria duly appointed under the public Seal of Colony
 of Vancouver Island of the one part and Jeremiah Eagle

of the other part Witnesseth that in consideration
 of the merits and covenants hereinafter contained and reserved And on
 the part of the said Jeremiah Eagle

his Executors administrators and assigns to be paid and performed they the
 said Commissioners do by these presents demise and lease unto the
 said Jeremiah Eagle

JSC

his Executors administrators and assigns all that portion of the said Reserve bounded and described as
 follows Situate and described upon the Map of the said Reserve as lot
 Number One (1) containing Acre (2) more or less

Together with all ways rights easements
 and appurtenances to the same belonging To Have and To Hold
 the said piece of ground hereby demise with the appurtenances unto
 the said Jeremiah Eagle

his Executors administrators
 and assigns from the First 1st day of June 1863
 for and during and to the full end and term of Forty Years

Thence next ensuing Yielding and
 paying therefor Yearly

the sum of One hundred Dollars (\$100.00) In Equal Quarterly
 payments on the First 1st day of June Septemb.

x March

JSC

And the said Jeremiah Eagle
 and administrators hereby covenants with the said Commissioners and each
 of them that he the said Jeremiah Eagle

his Executors administrators and assigns will pay or cause to be paid unto the said Commissioners
 now or unto such other person or persons appointed as may be duly appointed
 to receive the same on yearly rent of One hundred Dollars

hereinafter reserved on the days and in the manner hereinafter specified
 Provided Always that if the rent hereby reserved or any part thereof shall remain

repairs for the space of one month after any of the days whereon the
 same ought to have been paid as aforesaid and if any of the covenants
 and agreements herein contained in the part of the said Jeremiah
 Magle shall not be by him his Executors administrators
 or assigns well and truly observed and performed according to the
 meaning of these presents then it shall be lawful for the Commission
 or such person or persons as may be duly appointed as aforesaid to
 enter into and upon the premises or any part thereof and the
 same to have again repossessed and enjoy as if this Indenture had
 never been made or executed anything heretofore contained to the contrary
 notwithstanding Or Else at the option of the said Lessee the said Lessee
 shall grant a renewal of this present term for a further period of
 Seven (7) years from the expiration of the term hereby
 granted with all such conditions as are contained in this present
 term or so many thereof as shall be applicable except as to
 the manner of rent and the amount of rent in such renewal
 there shall be at the rate of One hundred and fifty Dollars (\$150.00) per annum
 for months payable and paid on the first day
 day of each Quarter in advance ~~the whole of the~~
~~term of the present contract~~ In Witness whereof the said
 parties to these presents have hereunto set their hands and seals the
 day and year first above written

Ephraim Weston

Signed Sealed and
 Delivered in presence

John Richmond

W. P. Livingston

W. P. Livingston

This Indenture made the Twenty First (21st) day of May
 In the Year of our Lord one thousand Eight hundred and Forty Three Between Edward
 Graham Albin and Augustus S. Pemberton

Commissioners for the Management of the
 Indian Reserve at Victoria duly appointed under the Public Seal of the Colony of Vancouver
 Island of the one part and William Irving

of the other part Witnesseth that in consideration of the sums
 and covenants hereinafter contained and preserved And on the part of the said
 William Irving to be paid observed and performed they
 the said Commissioners do by these presents demise and lease unto the said
 William Irving in fee simple administration and assigns
 all that portion of the said Reserve bounded and described as follows
 known and described upon the Map of the said Reserve Act Chamber
 viz (b) Containing three and a half Acres (3 1/2 acres) more or less

Together with all ways rights easements and
 appurtenances to the same belonging do Give and do Sell the said piece of
 Ground hereby demised with the appurtenances unto the said William
 Irving his Executors administrators and assigns from the
 First (1st) day of June 1863 for and during
 and to the full end and term of Twenty Years (20)

thence next ensuing offering and paying therefor during the said
 term the Rent of \$262.50 of \$262.50

the Equal Quarterly Payments on the first day of June ~~and~~ September December
 and the said William Irving for himself his heirs Executors

and administrators hereby covenants with the said Commissioners and each
 of them that he the said William Irving his Executors

or administrators will pay or cause to be paid unto the said Commissioners
 or unto such other person appointed as may or may be appointed to receive

the same the yearly Rent of One hundred and Sixty Two Dollars
 hereinafter received in the aforesaid and in the manner hereinafter appointed

Provided Always that if the Rent hereby reserved or any part thereof shall
 remain unpaid for the space of one Month after any of the days
 wherein the same ought to have been paid as aforesaid or if any of the covenants or
 agreements herein contained on the part of the said William Irving

shall not be by him his Executors administrators or assigns well
and truly observed and performed according to the meaning of these presents
then it shall be lawful for the said Commissioners or such person or persons
as may be duly appointed as aforesaid to enter into and upon the premises or
any part thereof and the same to have again possession and enjoy as if this Act had
never been made or executed anything heretofore contained to the contrary notwithstanding
In Witness whereof Or Else at the option of the said Lessee the said Lessee shall
grant a renewal of this present term for a further period of seven (7) years
from the expiration of the term hereby granted
with all such conditions as are contained in this present agreement as in any
thing as shall be applicable except as to the amount of rent any the
amount of rent in such agreement shall be at the rate of Three pounds per
acre yearly three (3) pounds per acre payable and paid on the first
day of each quarter
in advance the whole to be of the lessee of the present contract In Witness
whereof the said parties to these presents have hereunto set their hands and seals
the day and year first above written

Rymer Galea and
Delivered in the Presence of

4

John Fleckman

Graham Allen

Alfred L. L. L.

William Loring

vide Page 140

MISSING PAGES 13 - 14

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

No. 7 This Indenture made the Twenty First (21st) day of May —
 In the year of our Lord One thousand Eight hundred and Sixty Three Between
 Edward Graham Allen and Augustus W. Kimberlin Commissioners for the Management of
 the Indian Affairs at Victoria duly appointed under the public Seal of the Colony of
 Vancouver Island of the one part and James McIsaac of the other part Witnesses
 that in consideration of the covenants hereinafter contained and reserved and
 in the part of the said James McIsaac his Executors administrators and assigns
 to be paid and performed by the said Commissioners — do by these presents demise
 and Lease unto the said James McIsaac his Executors administrators and assigns All that
 portion of the said Reserve known and described upon the Map of the said Reserve as at
 Chamber Seven (7) and containing One half of One Acre (1/2 acre) more or less together
 with all ways rights easements and appurtenances to the same belonging To Have and To
 Hold the said piece of Ground hereby demised unto the appurtenances unto the said
 James McIsaac his Executors administrators and assigns from the first (1st) day of May
 A.D. 1863 for and during and to the full end and term of fourteen (14) years Next
 ensuing Beginning and paying therefor during the said term the clear Rent of Fifty Dollars per
 Annum Equal Quarterly payments on the First (1st) day of June September December & March And
 the said James McIsaac for himself his heirs Executors and administrators hereby
 covenants with the said Commissioners and each of them that he the said James McIsaac his
 Executors or administrators will pay or cause to be paid unto the said Commissioners
 or unto such other person aforesaid as may be duly appointed to receive the same the
 clear Rent of Fifty Dollars (\$50.00) herebefore reserved on the days and in the
 manner hereinafter appointed Provided Always that if the rent hereby reserved or
 any part thereof shall remain unpaid for the space of One Month after any of the
 days whereon the same ought to be paid as aforesaid or if any of the covenants and
 agreements herein contained on the part of the said James McIsaac shall not be by him
 his Executors administrators or assigns well and truly observed and performed according to the
 meaning of these presents then it shall be lawful for the Commissioners or such person
 or persons as may be duly appointed as aforesaid to enter into and upon the
 premises or any part thereof and the same to have again possession and enjoy as if the
 Indenture had never been made or executed Anything heretofore contained to the contrary
 notwithstanding Or Else at the option of the said Lessee the said Lessee shall grant a
 renewal of the present term for a further period of Five Years (5 years) from the expiration
 of the term hereby granted with all such conditions as are contained in this present
 demise or so many thereof as shall be applicable except as to the amount of Rent and the
 amount of Rent in such renewed lease shall be at the rate of twenty Five (\$25.00)
 Dollars per Annum payable and paid on the first day of each Quarter in advance
 the whole to be of the Essence of the present Contract

In Witness whereof the said parties to these presents have hereunto set their hands
and seals the day and year first above written

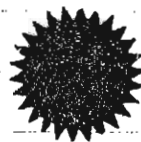
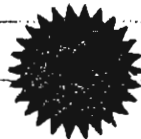
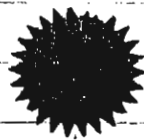
Laura Gates and
Delucis in Presence

of John Lockman

Ephraim Weston

St. Paul, Minn.

James H. Drake



MISSING PAGES 17 - 18

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

This Indenture made the 8th (Eight) day of June
 in the Year of our Lord One thousand eight hundred and Sixty Three Between
 Edward Graham Allen and Augustus P. Smith the Commissioners for the Management
 of the Indian Reserve at Victoria duly appointed under the Public Seal of the Colony of
 Vancouver Island of the one part and John Ash Doctor of Medicine of Victoria
 of the other part Witnesseth that for and in consideration
 of the sum and covenants hereinafter contained and reserved and on the part of the said
 John Ash his Executor administrator and assigns
 to be paid and performed by the said Commissioners as by these presents permit
 and lease unto the said John Ash
 his Executor administrator and assigns all that portion of the said
 Reserve Run and described upon the Map of the said Reserve as the number Eight
 and containing three and a half Acres more or less

Together with all ways rights easements and appurtenances
 to the same belonging To Have and To Hold the said piece of Ground hereby demised
 with the appurtenances thereto belonging unto the said John Ash
 his Executor administrator and assigns from the first (1st) day of June 1863
 for and during and to the full end and term of Twenty One Years (21 y^{rs})
 Thence such leasing yielding and paying therefor
 Yearly during the said term the clear Rent of Two hundred
 and Sixty Two Pounds and fifty Cents (\$262.50) for equal
 Quarterly payments on the first day of each Quarter
 And the said John Ash for himself his Executors
 and administrators hereby covenants with the said Commissioners and each of them
 that he the said John Ash

his Executor or administrator will pay or cause to be paid unto the
 said Commissioners or unto such other person aforesaid as may be duly appointed
 receiving the same the said sum or yearly sum of Two hundred and Sixty Two
 50
 100 Dollars herebefore reserved on the days and
 in the manner herebefore appointed Provided Always that if the rent hereby reserved
 or any part thereof shall remain unpaid for the space of one month after any of the
 days upon the same ought to be paid as aforesaid or if any of the covenants
 and agreements herein contained on the part of the said John Ash

shall not be by him his Executors adminis-
 trators or assigns well and truly observed and performed according to the meaning of these

presents them it shall be lawful for the Commissioners or such person or persons as may be duly appointed as aforesaid to enter into and upon the premises at any part thereof and the same then again depose and enjoy. As if this Indenture had never been made or executed anything hereinbefore contained to the contrary notwithstanding In Witness whereof said parties whose presents have hereunto set their hands and seals the said year first above written

Abraham Boston

Ignacio Isales and
Dionisia ni Mesena

A. P. Henderson

John Jackson
Victorin de

Wm Ash.

MISSING PAGES 21 - 30

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

15 This Indenture made the Twenty ninth day of March
 in the Year of our Lord One thousand eight hundred and ^{four} ~~thirty~~ four between Edward Graham Allen
and Augustus C. Kimberlin Commissioners for the Management of the Indian Reserve at Victoria City,
 appointed under the Public Seal of the Colony of Vancouver Island of the one part and
John Reid of the said Colony of the other part
 Witnesseth that for and in consideration of the sums and covenants hereinafter contained and
 performed and on the part of the said John Reid
 his Executor administrators and assigns to be paid and
 performed by the said Commissioners do by these presents Demise and lease unto the said
John Reid his Executor administrators
 and assigns All that portion of the said Reserve known and described
 upon the Map of the said Reserve as Lot Number
Twenty one (21)

Together with all ways rights easements
 and appurtenances to the same adjoining to Home and St. John the said piece of ground
 hereby demise with the appurtenances thereto belonging unto the said

John Reid his Executor adminis-
 trators and assigns from the First day of April next
 for and during and to the full end and term of Fourteen Years

Thence with ensuing Full day and
 passing therefor Yearly during the said term
 the clear rent of Fifty Dollars (\$50)

In Equal Quarterly payments on the First
 day of each Quarter And the said John
Reid for himself his heirs Executors

and administrators hereby covenants with the said Commissioners and each of them that he the
 said John Reid

his Executors administrators and assigns shall to be paid unto the said Commissioners or
 unto such other person appointed as may be duly appointed to receive the same the said sum
 or yearly rent of Fifty Dollars (\$50)

hereinbefore reserved on the days and in the manner hereinbefore appointed
 Provided always that if the rent hereby reserved or any part thereof shall remain

impaired for the space of one month after any of the days wherein the same ought to be paid as
 specified or if any of the above conditions or agreements herein after contained on the part of
 the said

John Reid

shall not be by him his Executors administrators or assigns well and truly observed and
 performed according to the meaning of these presents then it shall be lawful for the
 said Commissioners or such person or persons as may be duly appointed as
 aforesaid to enter into and upon the premises or any part thereof and the same
 to have again Repossessed and taking as if the Indenture heretofore made or
 executed anything heretofore contained to the contrary notwithstanding
Provided always that if the said Lessee his Executors administrators and assigns shall
 be desirous of a renewal of this present demise for a further period of seven years the
 said Commissioners or other the persons duly appointed in that behalf will execute such Lease
 upon similar terms and conditions as are contained same and except that the yearly Rent
 payable thereunder shall be at the rate of seventy five dollars (\$75)
per Annum in Money whereof the said parties
 to these presents to these presents have hereunto set their hands and seals the day and year
 first above written

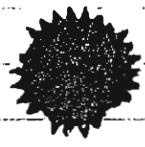
Elephant Hotel



Signs Given and
 delivered in presence of

John Reid
Witness

Attendant



John Reid

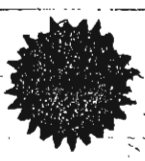


No 16 This Indenture made the Twentieth fifth day of March —
 In the year of our Lord one thousand eight hundred and Sixty ^{Two} Between Edward
 Graham Nelson and Myself J. Rindler Commissioners for the Management of the
 Indian Reserve and Nelson duly appointed under the Public Seal of the Colony of Vancouver Island
 of the one part and James Carswell ~~of the other part~~
 of the other part Witnesseth that in consideration of the debt and covenants
 hereinafter contained and Recited and on the part of the said James Carswell
 his Executor administrators
 and Assigns he has and performed they the said Commissioners as by these presents
 bears and does unto the said James Carswell
 his Executor administrators and Assigns all that portion
 of the said Reserve known and described upon the Map of
 the said Reserve as Lot Number Fifteen 15

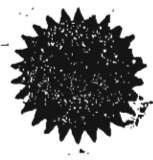
Together with all ways rights easements and
 appurtenances to the same belonging To Have and to Hold the said piece of Ground
 hereby annexed with the appurtenances thereto belonging unto the said
James Carswell his Executor
 administrators and Assigns unto the First day of April next
 for and during and to the full end and term of Fourteen Years
 thence next ensuing Fixing and
 paying therefor Yearly during the said term
 the clear Rent of Fifty Dollars (\$50)
 in equal Quarterly payments on the First
 day of each Quarter And the said James Carswell
 for himself his Executor and administrators hereby covenants with the said Commissioners
 and each of them that he the said James Carswell
 his Executor or administrators will pay or cause to be paid unto
 the said Commissioners or unto such other person appointed as may be duly appointed to Receive
 the same the said sum or yearly rent of Fifty Dollars (\$50)
 hereinafter provided on the days and in the manner hereinafter

appointed provided always that if the said hereby named or any part thereof shall remain unpaid for the space of ten months after any of the days whereon the same ought to be paid as aforesaid or if any of the covenants or agreements herein contained on the part of the said James Carswell shall not be by him his legal administrators and assigns well and truly observed and performed according to the meaning of these presents then it shall be lawful for the said Commissioners or such person or persons as may be duly appointed to enter into and upon the premises or any part thereof and the same to have again possession and being as if the Indenture had never been made and executed anything heretofore contained to the contrary notwithstanding provided always that if the said James his legal administrators or assigns shall be desirous of a renewal of his present demise for a further period of seven years the said Commissioners or other the persons duly appointed in that behalf will execute such Lease upon similar terms and conditions as are contained herein save and except that the yearly Rent payable thereunder shall be at the rate of Seventy five Dollars (\$75) per Annum which whosoever the said parties to these presents have hereunto set their hands and seals the day and year first above written

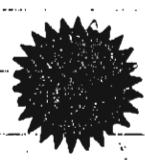
Ephraim Weston



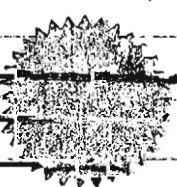
St. Andrew



James Carswell



J. C. By his attorney in fact James Carswell



Witness Given and returned in presence of John Hochman Victor L. S.

My This Indenture made the Twenty fifth day of March
 A.D. 1868 between John A. Howard Eight hundred and Eighty ~~four~~ ^{four} William Edwin Graham
 Alton and Augustus W. Pinkster Commissioners for the Management of the Indian Reserve
 at Victoria and appointed under the Public Seal of the Colony of Vancouver Island of the
 one part and Thomas N. Hibben of the said Colony
 of the other part Witnesseth that in consideration of the Rents and Services hereinafter
 contained and Reserved and on the faith of the said Thomas N.
 Hibben his Executors administrators and assigns to
 be paid and performed by the said Commissioners upon the present Survey and Lease
 unto the said Thomas N. Hibben
 his Executors administrators and assigns All that portion of the said Reserve
 known and described upon the Map of the said Reserve
 as Lot Number sixteen (16)

Together with all ways rights easements and
 appurtenances to the same belonging To Have and To Hold the said piece of Ground hereby
 demised with the appurtenances hereunto belonging unto the said Thomas
 N. Hibben his Executors administrators
 and assigns from the First day of April next
 for and during and to the full end and term of Fourteen Years
 Thence not exceeding Building and
 paying therefor Yearly during the said term the
 amount of Fifty Dollars (\$50)

In Equal Quarterly payments on the First
 day of each Quarter And the said Thomas
 N. Hibben for himself his Executors
 and administrators hereby covenants with the said Commissioners and each of them that he the said
 Thomas N. Hibben his Executors or administrators will pay
 or cause to be paid unto the said Commissioners a sum such as is herein above said a sum to be duly applied
 to receive the same the said sum or sums of Fifty Dollars (\$50)

nevertheless reserved on the days and in the
 manner hereinafter appointed Provided always that if the rent hereby reserved or any part
 thereof shall remain unpaid for the space of one month after any of the days whereon the same ought
 to have been paid as aforesaid or if any of the covenants clauses and agreements herein contained

on the part of the said Thomas N. Hibben
 shall not be by him his executor administrators or assigns well and truly observed and
 performed according to the meaning of these presents then it shall be lawful for the commis-
 sioners or such person as may be duly appointed as aforesaid to enter into and upon
 the premises or any part thereof and the same to have again repossess and enjoy
 as if this indenture had never been made or made anything heretofore contained
 to the contrary notwithstanding Approved Always that if the said lessee his
 executor administrators or assigns shall be desirous of a renewal of this
 present demise for a further period of seven years the said commissioners or any
 other the persons duly appointed in that behalf may grant such lease upon similar
 terms and conditions as are contained herein save in a lease that the Yearly
 Rent payable thereunder shall be the sum of Seventy five Dollars
 (\$75) per annum. In Witness whereof
 said parties to these presents have hereunto set their hands and seals the day
 and year first above written

Ephraim Blum

Lynia Green and
 Delmar in presence

of

John H. Hoffman
Victoria J. J.

Thomas N. Hibben

Thos N Hibben
 By his attorney in fact
James E. Arnold

vide Page 1070.

MISSING PAGES 37 - 48

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

This Indenture made the Twenty Third day of March —
 in the year of our Lord one thousand Eight hundred and
 ninety — Between Edward Graham Allen and
 Augustus St. Pemberton Commissioners for the management
 of the Indian Reserve at Victoria duly appointed under the public
 seal of the Colony of Vancouver Island of the one part and John
 Bagnall — of the

the Colony — of the
 other part Witnesseth that in consideration of the rents and
 covenants hereinafter contained and reserved and on the
 part of the said John Bagnall —
 his Executors, administrators, ^{or assigns} to be paid and performed by
 the said Commissioners or by their assigns devised and
 passed unto the said John Bagnall —

his Executors administrators and Assigns
 all that portion of the said Reserve known and described upon
 the Map of the said Reserve as Lot Number six (6) —

Together with all ways rights
 Easements and appurtenances to the same both belonging
 to have and to hold the said piece of ground hereby devised
 with the appurtenances thereto belonging unto the said John
 Bagnall his Executors administrators and Assigns from the first
 day of April next for and during unto the full End and term
 of Fourteen Years thence next ensuing Yielding and paying therefor
 yearly during the said term the Clear Rent of Fifty Dollars (\$50.00)
 in Equal Quarterly payments on the first day of each Quarter And
 the said John Bagnall for himself his Executors and adminis-
 trators covenants with the said Commissioners and each of them
 that he the said John Bagnall his Executors or administrators will
 pay or cause to be paid unto the said Commissioners or unto
 such other persons as may be duly appointed to receive the same
 the said term or yearly rent of Fifty Dollars (\$50.00) herebefore
 reserved on the days and in the manner herebefore appointed Provided

Means that if the next hereby received or any part thereof shall remain unpaid for the space of one month after any of the days wherein the same ought to have been paid as aforesaid or if any of the above said clauses and agreements herein contained on the part of the said John Bagwall shall not be by him his Executors administrators or assigns well and truly observed and performed according to the meaning of their presents then it shall be lawful for the ^{said} Commissioners or such person or persons as may be duly appointed as aforesaid to enter into and upon the premises or any part thereof and to have a quiet repossession and Enjoy as if this Indenture had never been made or executed Any thing herein before contained to the contrary notwithstanding Provided Always that if the said Lessee his Executors administrators or Assigns shall be desirous of a renewal of this present lease for a further period of seven years the said Commissioners or other the person duly appointed in their behalf will execute and lease upon similar terms and conditions as are contained herein save and except that the yearly rent payable thereunder shall be at the rate of Seventy Five (£75.00) Pounds per Annum NOW-THUS-whereof the said parties to their presents have hereunto set their hands and seals the day and year first above written

Signed Sealed and
Delivered in presence

of *John Lochane*
Witness &c

John Bagwall

John Bagwall

John Bagwall

vide Page 190

MISSING PAGES 51 - 54

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

This Indenture made the Thirtieth day of March
in the year of Our Lord One thousand Eight hundred and
eighty five Between Edward Graham Alston and Augustus L.
Montfort Commissioners for the management of the Indian Affairs
at Helena duly appointed under the public Seal of the Colony of
Sancisco Island of the one part and Henry Statham

of the other part Witnesseth that
in consideration of the rents and covenants hereinafter contained and
reserved and on the part of the said Henry Statham

his Executors administrators and
assigns to be paid observed and performed they the said
Commissioners Do by these presents demise and Lease unto
the said Henry Statham

his Executors administrators and assigns All that portion of the said
Reserved Ground and described upon the Map of the said Reserve as Lot
Number 111 (10)

Together with all ways rights
easements and appurtenances to the same belonging to Have and
To Hold the said piece of Ground hereby demised with the appurte-
nances therunto belonging unto the said Henry Statham

his Executors administrators
and assigns from the first 11th day of April 1885
for and during and to the full end and term of Twenty
Years (20 Years)

thence next ensuing Full day and
paying therefor yearly — during the said term
the clear rent of One hundred and fifty Dollars (\$150.00)

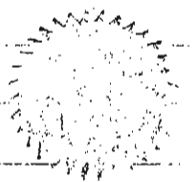
In Equal Quarterly payments on the first day of each Quarter
in advance And the said Henry Statham

for himself his heirs Executors and
administrators hereby covenants with the said Commissioners
and each of them that he the said Henry Statham

his Executors or administrators will pay
or cause to be paid unto the said Commissioners or unto such other
persons appointed as may be duly appointed to receive the same the
said sum or yearly rent of One hundred and fifty Dollars (\$150.00)
herebefore reserved on the days and in the manner herebefore

appoints. ^{It} Provided Always that if the sum hereby reserved or any part thereof shall remain unpaid for the space of two months after any of the days wherein the same ought to be paid as aforesaid or if any of the covenants clauses and agreements herein contained in the part of the said Henry, Nathan shall not be by him his Executors administrators or assigns well and truly observed and performed according to the tenor of these presents then it shall be lawful for the said Commissioners or such person or persons as may be duly appointed as aforesaid to enter into and upon the premises or any part thereof and the same to have again possession and enjoy as if this instrument had never been made or executed. Unlawful he is before contained to the contrary notwithstanding. Provided Always that if the said Lessee his Executors administrators or assigns shall be deemed of a period of this present demise for a further period of seven years the said Commissioners or other the persons duly appointed in that behalf with Execut such Lessee upon similar terms and conditions as are contained herein save and except that the yearly rent payable hereunder shall be at the rate of Six Hundred Dollars (\$600.00) per annum. In Witness whereof the said parties to these presents have hereunto set their hands and seals the day and date first above written.

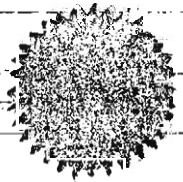
Witness



Signed Sealed and
Delivered in the
presence of

John Jackson

Witness



Witness



Vide Page 190

MISSING PAGES 57 - 60

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

This Indenture made the Second day of May
in the 4th year of our Lord the thousand Eight hundred
and twenty four Between Edward Gra. and John and
Cuthbert S. Kitchin, Commissioners for the management
of the Indian Reserve at present said and on the one part and
the other party of Thomas Golden, of the one part and

Thomas Golden ————— of Victoria
Vancouver Island of the other part Witnesseth that in consideration
of the rents and covenants hereinafter contained and reserved and
on the part of the said Thomas Golden

————— his Executors administrators and assigns to
be paid and performed they the said Commissioners do by
these presents demise and Lease unto the said

Thomas Golden ————— his Executors
administrators and assigns All that portion of the said
Indian Reserve was described upon the Map of the said
Reserve as Lot number (53) Fifty three —

Together with all ways, rights,
covenants and appurtenances to the same belonging to
have and to hold the said piece of land hereby demised
with the appurtenances therunto belonging unto the said

Thomas Golden ————— his Executors
administrators and assigns from the first day of May
for the term of years and to the full End and term of 99 years
therein most ensuing yielding and paying, every year during
the said term the clear rent of Fifty Dollars

————— in Equal Quarterly payments on
the first day of each Quarter And the said Thomas
Golden ————— for himself his heirs
Executors and administrators hereby covenants with the
Commissioners and each of them that he the said

Thomas Golden ————— his Executors
or administrators will pay or cause to be paid unto the
said Commissioners or unto such other person as may be
duly appointed to receive the same the said sum or yearly rent
of Fifty Dollars ————— account for
reserved on the day and in the manner heretofore appointed

Provided always that if the rent hereby reserved or any part or any part thereof shall remain unpaid for the space of one month after any of the days whereon the same ought to be paid as aforesaid or if any of the covenants clauses and agreements herein contained on the part of the said Thomas Golden shall not be by him his Executors or assigns well and truly observed and performed according to the meaning of these presents then it shall be lawful for the said Commissioners

or such person or persons aforesaid as may be duly appointed as aforesaid to enter into and upon the premises or any part thereof and the same to have again repossess and Enjoy as if this Indenture had never been made or executed Any thing heretofore contained to the contrary notwithstanding Provided always that if the said Lessee his Executor his Executors administrators or assigns shall be desirous of a renewal of this present demise for a further period of seven years the said Commissioners or other the person duly appointed in that behalf will execute such Lease upon similar terms and conditions as are herein contained save and except that the yearly rent payable thereunder shall be at the rate of Seventy five dollars — per annum £70.00.00 whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed Sealed and
delivered in presence

of John Lockman
Victoria B.C.

E. Graham Nelson

J. P. Pemberton

W. H. Jones

See Page 196
108888

MISSING PAGES 63 - 68

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

This Indenture made the Twenty-fifth day of April
 in the year of Our Lord One thousand Eight hundred and
 Fifty Nine Between Edward Graham Esq. Augustus
 M. Deaubertou and Joseph Despard Deaubertou Commissioners
 for the management of the Indian Reserve at Victoria duly
 appointed under the Public Seal of the Colony of Vancouver Island
 of the one part and George Hills Esq. Lord Bishop of British
 Columbia of the other part. Witnesseth that in consideration
 of the rent and Covenants hereinafter contained and
 reserved and on the part of the said George Hills &
 his Successors to be paid and performed they the said
 Commissioners do by these presents demise and
 Lease unto the said George Hills and his Successors All
 that portion of the said Reserve known and described
 upon the Map of the said Reserve as Lot number Fifty one
 (51) together with all ways rights easements and appur-
 tenances to the same belonging To Have and to Hold the
 said piece of Ground hereby demised with the appurtenan-
 ces thereunto belonging unto the said George Hills and his
 Successors upon trust that the same may be used for
 religious and Educational purposes in connection with the United
 Churches of England and Ireland and for the benefit as far
 as may be practicable of the Indians from the first (1st)
 day of April A.D. 1854 for and during and to the full
 end and term of Twenty one (21) years Thence and Ensuing
 Holding and paying therefor yearly during the said term
 the Clear rent of Five dollars (\$5.00) on the first day of each
 and Every Year in advance And the said George Hills for
 himself and his Successors hereby covenants with the
 said Commissioners and Each of them that he the said
 George Hills and his Successors will pay or cause to
 be paid unto the said Commissioners or unto such
 other person aforesaid as may be duly appointed to receive
 the same the said sum or yearly rent of Five dollars (\$5.00)
 hereinafter reserved on the days and in the manner hereinafter
 appointed Provided Always that if the rent hereby reserved
 or any part thereof shall remain unpaid for the space of
 one month after any of the days whereon the same ought
 to have been paid as aforesaid or if any of the Covenants
 and agreements herein contained on the part of the said

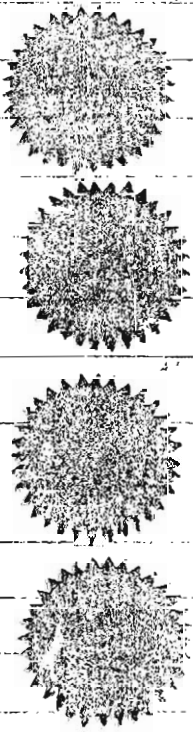
George Niles shall not be by him and his Successors well and
truly observed and performed according to the Manning
of the presents then it shall be lawful for the said Commission-
ers or such person or persons as may be duly appointed
as aforesaid to Enter into and when the premises or any part thereof
of and the same to have again repossess and Enjoy as if this
Indenture had never been made or executed anything heretofore
contained to the contrary notwithstanding In Witness
whereof the said parties to these presents have hereunto set
their hands and seals the day and year first above
written

Signed Sealed and
Delivered in presence
of

Stephen Weston

A. Huntington

J. D. Pemberton



This Indenture made the First
 day of March In the year of Our Lord one
 thousand eight hundred and Sixty Six Between
 Edward Graham Esq. Augustus A. Pemberton and Joseph
 Despard Pemberton Commissioners for the Management
 of an Indian Reserve at Victoria date appointed under the
 Public Seal of the Colony of Vancouver Island of the one part
 and John Symond Titcomb
 of Victoria, Vancouver Island
 of the other part Witnesseth that for and in consideration
 of the rents and covenants hereinafter contained and Renewed
 and on the part of the said John Symond Titcomb
 his Executors administrators and assigns
 to be paid observed and performed by the said
 Commissioners do by these presents demise and Lease
 unto the said John Symond Titcomb
 his Executors administrators and assigns
 All That portion of the said Reserve known and described
 upon the Map of the said Reserve as lot number
 Thirty Six (36) Together
 with all right easements and appurtenances to the same
 belonging to Have and to Hold the said piece of Ground
 hereby demise with the Appurtenances thereto belonging
 unto the said John Symond Titcomb
 his Executors administrators and assigns from the First
 day of April A.D. 1864 for and during and to the
 full end and term of Fourteen Years
 a shilling per acre yielding
 and paying therefor yearly during the said term the
 clear rent of Fifty dollars (\$50) per annum
 In Equal Quarterly payments on the First
 day of each Quarter in advance and the said
 John Symond Titcomb for himself
 his heirs Executors and administrators hereby covenants with the
 said Commissioners and Each of them that he the said
 John Symond Titcomb his
 Executors or administrators will pay or cause to be paid unto the
 said Commissioners or unto such other person as may be
 duly appointed as aforesaid to receive the same the said sum
 or yearly Rent of Fifty Dollars (\$50)

heretofore reserved on the days and in the manner herein
 before appointed. Provided always that if the rent
 hereby reserved or any part thereof shall remain unpaid for
 the space of One Month after any of the days whereon the
 same ought to have been paid as aforesaid or if any
 of the covenants clauses and agreements herein contained
 on the part of the said John Symond Titcomb
 shall not be by him his Executors
 administrators or assigns well and truly observed
 and performed according to the meaning of these presents
 then it shall be lawful for the Commissioners or such
 person or persons as may be duly appointed as aforesaid
 to enter into and upon the premises or any part
 thereof and the same to have again repossess and
 Enjoy as if this Indenture had never been made or
 executed anything heretofore contained to the contrary
 notwithstanding. Provided always that if the
 said Lessee his Executors administrators or assigns shall
 be desirous of a renewal of this present term for a
 further period of Seven Years (7 Yrs) the said Commissioners
 or other persons duly appointed in that behalf will
 execute such Lease upon similar terms and conditions as
 are contained herein save and except that the yearly
 rent payable thereunder shall be at the rate of —
 Twenty five Dollars (\$25) — per Annum
 IN WITNESS whereof the said parties to these presents have
 hereunto set their hands and seals the day and year first
 above written

Abraham Bolton

Signa Sealed and

Delivered in presence

of

Vide Page 190
 margin

John S. Titcomb

MISSING PAGES 73 - 78

***THESE PAGES HAVE BEEN CUT OUT OF THE
ORIGINAL BOOK. CONTENTS OF PAGES UNKNOWN.***

This Indenture made the First day of
 October in the year of Our Lord One thousand
 eight hundred and sixty three Between
 Edward Graham Alston, and Augustus T. Pemberton
 Commissioners for the Management of the Indian
 Reserve at Victoria duly appointed under the
 Public Seal of the Colony of Vancouver Island of
 the one part and Peter Jewell, of Victoria
 Vancouver Island of the other part Witnesseth
 that in consideration of the rents and covenants
 hereinafter contained and reserved, and on the
 part of the said Peter Jewell, his Executors
 Administrators and Assigns to be paid and
 performed, they the said Commissioners do by
 these presents demise and lease unto the said
 Peter Jewell his Executors Administrators and
 Assigns All that portion of the said Reserve
 known and described upon the Map of the
 said Reserve as Lot Number Thirteen 13
 Together with all ways, rights easements and
 appurtenances to the same belonging To Have
 and To Hold the said piece of Ground hereby
 demised with the appurtenances therunto
 belonging unto the said Peter Jewell
 his Executors Administrators and Assigns from
 the First Day of October A. D. 1863 for and
 during, and to the full end and term of
 Fourteen Years (14) thence next ensuing
 Yielding and paying therefor yearly, during
 the said term the clear Rent of Seventy five
 Dollars (\$75) in equal quarterly payments on
 the First day of each quarter in advance
 and the said Peter Jewell for himself, his heirs
 Executors and Administrators hereby covenants
 with the said Commissioners and each of them
 that he the said Peter Jewell, his Executors or
 Administrators will pay or cause to be paid
 unto the said Commissioners, or unto such
 other person aforesaid, as may be duly appointed
 to receive the same, the said Sum or Yearly Rent

of Twenty five dollars (\$25) heretofore reserved on the days and in the manner heretofore appointed, Provided Always, that if the rents hereby reserved or any part thereof shall remain unpaid for the space of One Month after any of the days, whereon the same ought to have been paid as aforesaid, or if any of the Covenants, Conditions or Agreements herein contained on the part of the said Peter Jewell shall not be by him, his Executors, Administrators or Assigns, well and truly observed and performed according to the meaning of these presents, then it shall be lawful for the said Commissioners or such person or persons as may be duly appointed as aforesaid to enter into and upon the premises or any part thereof, and the same to have again, repossess and enjoy as if this Indenture had never been made or executed anything heretofore contained to the contrary notwithstanding. Provided always that if the said Lessee, his Executors, Administrators or Assigns shall be desirous of a renewal of this present demise for a further period of Seven Years. The said Commissioners or other of the persons duly appointed in that behalf will execute such Lease upon similar terms and conditions as are contained herein, Save and Except, that the yearly rent payable thereunder shall be at the rate of One hundred Dollars \$100 per annum. In Witness whereof the said parties to these presents have herunto set their hands and seals, the day and year first above written

Signed, Sealed and
delivered in the presence

of

Peter Jewell

This Indenture made the 6th day of July
 A.D. 1871 — Between Benjamin William
 Pearce Surveyor General — acting on behalf of the
 Government of British Columbia hereinafter
 called the said lessor of the one part and
 William Dalby — of Victoria British Columbia
 hereinafter called "the said lessee" of the other
 part — Whereas the Government of British
 Columbia has agreed to lease the hereditaments
 and premises hereafter more particularly
 described to the said lessee subject to the
 covenants conditions and agreements hereinafter
 contained and on the part of the said
 lessee his executors administrators and
 assigns to be observed and performed —
Now this Indenture witnesseth that in
 consideration of the rents covenants and
 agreements hereinafter reserved and contained
 and on the part of the said lessee his executors
 administrators and assigns to be paid
 observed and performed. He the said Benjamin
 William Pearce acting on behalf of the
 Government aforesaid and so far as the Crown
 hath power in such behalf but not further
 or otherwise doth hereby demise unto the
 said lessee his executors administrators and
 assigns — All that piece or parcel of land
 situate on the Victoria Indian Reserve and
 shown on the Plan thereof now lying in the
 Land Office as lot number (13) thirteen
 and containing $1\frac{52}{100}$ acres more or less as
 the same is more particularly described on
 the plan herewith annexed and thereon
 colored red — Together with the appurtenances
 thereunto belonging — To hold the said here-
 ditaments and premises unto the said lessee
 his executors administrators and assigns
 for the term of seven years from the date
 hereof yielding and paying therefor yearly and
 every

his executors administrators or assigns shall be desirous of having the said hereditaments and premises hereby demised, or intended so to be demised to him for a further term of seven years, he the said lessor or the Surveyor General for the time being or other the person appointed in that capacity as aforesaid if he shall have power and authority so to do shall and will upon the request, and at the cost and charges of the said lessee - his executors administrators and assigns execute a lease of the same hereditaments and premises to the said lessee - his executors administrators and assigns for a further term of seven years and at the end of such term for a second period of seven years (if the said lessor or the Surveyor General for the time being or other the person so appointed as aforesaid shall have power or authority to execute such lease) and no longer at a rent to be fixed prior to such renewal and for each such term as hereinafter provided - And it is hereby agreed and declared by and between the parties to these presents that in case the said lessee his executors administrators or assigns shall be desirous of purchasing the hereditaments and premises herein comprised at any time before the determination of the lease hereby granted and in case it shall be in the power and within the authority of the said lessor or the Surveyor General for the time being or other person - appointed in that behalf by the Government as aforesaid to sell the same then the said lessee his executors administrators or assigns shall be entitled on the fulfilment of all the terms and conditions herein contained and on the part of the said lessee his executors administrators

administrators or assigns to be observed and performed to receive a conveyance or Grant thereof from the said Government, at a price or sum to be fixed in case of dispute by arbitration as hereinafter provided -

Provided, always and it is hereby agreed and declared that if the rent hereby reserved or any part thereof shall be unpaid for twenty one days next after any of the said days of payment, whether the same shall have been demanded or not or if breach shall be made in any of the covenants herein contained and on the part of the said lessee his executors administrators and assigns to be observed and performed or if the said lessee his executors administrators or assigns shall at any time during the term hereby granted suffer a judgment to be obtained against him or them in any Court of Record and not pay the debt and costs recovered or shall become bankrupt or insolvent or make any arrangement or composition with his creditors then and in any of the said cases it shall be lawful for the said lessor or the Surveyor General for the time being or such other person as may be appointed in that behalf as aforesaid on behalf of the Government into and upon the hereby demised premises or any part thereof in the name of the whole to reenter and the same premises to have again repossess and enjoy - Provided, always that in order to determine the rent which shall in the case of any renewal of the present lease as hereinbefore mentioned be paid and payable by the said lessee his executors administrators and assigns and also in order to determine the price which

which shall be payable in the case of a purchase of the premises as herein before mentioned the said rent and purchase money shall be paid in case of dispute by arbitration as follows: each of the parties hereto shall appoint an arbitrator within one calendar month after a requisition in writing to that effect shall have been made by one party to the other party and the two persons so chosen shall within one calendar month after the last of them shall have been chosen appoint an umpire but if either of the parties in difference shall refuse or neglect to appoint an arbitrator for the space of ten days after being requested so to do by the other party or shall appoint an arbitrator who shall refuse or neglect to act as such arbitrator then the arbitrator chosen by the party making such request shall appoint an arbitrator on behalf of the party who or the arbitrator named by whom shall refuse or neglect as aforesaid - And the award of the said two arbitrators or of their umpire as the case may be shall be final and conclusive between the parties but all the expenses of and incident to such arbitration shall be borne by the said lessee his executors administrators or assigns - Provided always and it is hereby expressly agreed and declared that this demise is granted only so far as the Government of British Columbia has or shall have power to grant the same and not further or otherwise and on this express condition that the said lessee his executors administrators or assigns shall accept the same without any covenant for title or quiet enjoyment or otherwise

otherwise from or on behalf of the said Government, —

In Witness whereof the parties hereunto have set their hands and seals the day and year first above written —

Signed sealed and delivered	}	(S ^d) B.W. Pease	✓
by the above named			
Benjamin William Pease	}	(S ^d) W. Dalby	✓
and			
(S ^d) William Dalby	}	(S ^d) W. Dalby	✓
in the presence of			
(S ^d) Tho ^s Westgush	}		

This Indenture made the 6th day of July A.D. 1871.
Between Benjamin William Pearse Surveyor General
acting on behalf of the Government of British Columbia
hereinafter called the said lessor of the one part,
and Jane Sophia Bates _____ of Victoria British
Columbia hereinafter called "the said lessee" of
the other part. — Whereas the Government of
British Columbia has agreed to lease the
hereditaments and premises hereafter more
particularly described to the said lessee
subject to the covenants conditions and agreements
hereinafter contained and on the part of the
said lessee his executors administrators and
assigns to be observed and performed —
Now this Indenture witnesseth that in
consideration of the rents covenants and
agreements hereinafter reserved and contained
and on the part of the said lessee his executors
administrators and assigns to be paid observed
and performed — He the said Benjamin
William Pearse acting on behalf of the Govern-
ment aforesaid and so far as the Crown hath
power in such behalf but not further or
otherwise doth hereby demise unto the said
lessee his executors administrators and assigns
All that piece or parcel of land situate on the
Victoria Indian Reserve and known and described
on the Plan thereof now lying in the Land Office
at Victoria as lots numbered (6) six and (7)
seven and containing five $\frac{34}{100}$ — acres more or
less as the same is more particularly described
on the plan hereunto annexed and thereon colored
red. — Together with the appurtenances thereunto
belonging. — To Hold the said hereditaments and
premises unto the said lessee his executors ad-
ministrators and assigns for the term of seven
years from the date hereof yielding and paying
therefor yearly and every year the rent or sum
of Seventy five (\$75) dollars and all such rent
due

due shall be paid without demand to the said lessor or to the Surveyor General for the time being for the time being or to such person as shall be appointed in that behalf by the Government at the Lands and Works Office in Victoria by two equal half yearly payments on the first day of January and the first day of July in each year and that free and clear from all taxes charges rates and outgoings of what nature or kind soever. And the said lessee for himself his executors administrators and assigns doth hereby covenant with the said lessor and the Surveyor General for the time being and with such other person as shall be appointed from time to time in that or a similar capacity by the Government pay the aforesaid rent herein before reserved at the times and in the manner hereinbefore mentioned and that free and clear of all outgoings and that he or they will not assign these presents or underlet the premises hereinbefore mentioned or any part thereof without the consent in writing of the said lessor or the Surveyor General for the time being or such other person who shall be appointed in that capacity as aforesaid being first had and obtained.

And also shall and will at the end or other sooner determination of the said term which shall first happen peaceably leave and yield up possession of the said hereditaments and premises unto the said lessor or the Surveyor General for the time being or other the person appointed in that capacity as aforesaid.

Provided also and it is hereby declared and agreed that if on the expiration of the said term hereby granted the said lessee his executors administrators or assigns shall be desirous of having the said hereditaments and premises hereby demise or intended so to be demise to him for a further term of seven years he

the

the said lessor or the Surveyor General for the time being or other the person appointed in that capacity as aforesaid if he shall have power and authority so to do shall and will upon the request and at the cost and charges of the said lessee his executors administrators and assigns execute a lease of the same hereditaments and premises to the said lessee his executors administrators and assigns for a further term of seven years and at the end of such term for a second period of seven years (if the said lessee or the Surveyor General for the time being or other the person so appointed as aforesaid shall have power or authority to execute such lease) and no longer at a rent to be fixed prior to such renewal and for each such term as hereinafter provided.

And it is hereby agreed and declared by and between the parties to these presents that in case the said lessee his executors administrators or assigns shall be desirous of purchasing the hereditaments and premises herein comprised at any time before the determination of the lease hereby granted and in case it shall be in the power and within the authority of the said lessor or the Surveyor General for the time being or other the person appointed in that behalf by the Government as aforesaid to sell the same then the said lessee his executors administrators or assigns shall be entitled on the fulfilment of all the terms and conditions herein contained and on the part of the said lessee his executors administrators or assigns to be observed and performed to receive a grant or conveyance thereof from the said Government at a price or sum to be fixed in case of dispute by arbitration as hereinafter provided.

Provided always and it is hereby agreed and declared that if the rent hereby reserved on any part

part thereof shall be unpaid for twenty one days
 next after any of the said days of payment, whether
 the same shall have been demanded or not or if
 breach shall be made in any of the covenants
 herein contained and on the part of the said lessee
 his executors administrators and assigns to be
 observed and performed or if the said lessee
 his executors administrators or assigns shall
 at any time during the term hereby granted
 suffer a judgement to be obtained against
 him or them in any Court of Record and not
 pay the debt and costs recovered or shall become
 bankrupt or insolvent or make any arrangement
 or composition with his creditors then and in
 any of the said cases it shall be lawful for
 the said lessor or the Surveyor General for
 the time being or such other person as may be
 appointed in that behalf as aforesaid on behalf
 of the Government into and upon the hereby
 demised premises or any part thereof in the
 name of the whole to re-enter and the same
 premises to have again repossess and enjoy.
 Provided always that in order to determine
 the rent which shall in the case of any renewal
 of the present lease as hereinbefore mentioned
 be paid and payable by the said lessee his
 executors administrators and assigns and also
 in order to determine the price which shall be
 payable in the case of a purchase of the
 premises as hereinbefore mentioned the said
 rent and purchase money shall be fixed in
 case of dispute by arbitration as follows:
 each of the parties hereto shall appoint an
 arbitrator within one calendar month after a
 requisition in writing to that effect shall have
 been made by one party to the other party and
 the two persons so chosen shall within one
 calendar month after the last of them shall
 have been chosen appoint an umpire, but if
 either

either of the parties in difference shall refuse or neglect to appoint an arbitrator for the space of ten days after being requested so to do by the other party, or shall appoint an arbitrator who shall refuse or neglect to act as such arbitrator then the arbitrator chosen by the party making such request shall appoint an arbitrator on behalf of the party who or the arbitrator named by whom shall refuse or neglect as aforesaid -

And the award of the said two arbitrators or of their umpire as the case may be shall be final and conclusive between the parties but all the expenses of and incident to such arbitration shall be borne by the said lessee his executors administrators or assigns - Provided always and it is hereby expressly agreed and declared that this demise is granted only so far as the Government of British Columbia has or shall have power to grant the same and not further or otherwise and on this express condition that the said lessee his executors administrators or assigns shall accept the same without any covenant for title or quiet enjoyment or otherwise from or on behalf of the said Government.

In Witness whereof the parties herunto have set their hands and seals the day and year first above written.

Signed sealed and delivered
by the above named Benjamin
William Pearse and Jane
Sophia Bales
in presence of

(S^d) B.W. Pearse Esq

(S^d) Jane S. Bales Esq

(S^d) Thos Westgarth

Copy

This Indenture made the thirtieth day
 of June A. D. 1871 — Between Benjamin William
 Pearse Surveyor General acting on behalf of the
 Government of British Columbia hereinafter
 called the said lessor of the one part and
 Patrick R. Everett — of Victoria British Columbia
 hereinafter called "the said lessee" of the other
 part — Whereas the Government of British
 Columbia has agreed to lease the hereditaments
 and premises hereinafter more particularly
 described to the said lessee subject to the
 covenants conditions and agreements hereinafter
 contained and on the part of the said Lessee
 his executors administrators and assigns to
 be observed and performed. Now this
 Indenture witnesseth that in consideration
 of the rents covenants and agreements herein-
 after reserved and contained and on the
 part of the said Lessee his executors adminis-
 trators and assigns to be paid observed and
 performed — He the said Benjamin William
 Pearse acting on behalf of the Government
 aforesaid and so far as the Crown hath
 power in such behalf but not further or
 otherwise doth hereby demise unto the said
 Lessee his executors administrators and
 assigns — All that piece of parcel of land
 situate on the Victoria Indian Reserve
 and shown on the plan of same now lying in
 the Land Office at Victoria as Lot (4. A) ^{Foot A}
 and containing One (1) acre more or less
 as the same is more particularly described
 on the plan hereunto annexed and thereon
 colored red — Together with the appurtenances
 thereunto belonging — To Hold the said here-
 ditaments and premises unto the said lessee
 his executors administrators and assigns
 for the term of seven years from the date
 hereof yielding and paying therefor yearly
 and

and every year the rent, or sum of Twenty five dollars and all such rent, due shall be paid without demand to the said lessor or to the Surveyor General for the time being or to such person as shall be appointed in that behalf by the Government at the Lands and Works Office in Victoria by two equal half-yearly payments on the 1st day of January and the first day of July in each year and that free and clear from all taxes charges rates and outgoings of what nature or kind soever. And the said lessee for himself his executors administrators and assigns doth hereby covenant with the said lessor and the Surveyor General for the time being and with such other person as shall be appointed from time to time in that or a similar capacity by the Government pay the aforesaid rent hereinbefore reserved at the times and in the manner hereinbefore mentioned and that free and clear of all outgoings and that he or they will not assign these presents or underlet the premises hereinbefore mentioned or any part thereof without the consent in writing of the said lessor or the Surveyor General for the time being or such other person who shall be appointed in that capacity as aforesaid being first had and obtained. And also shall and will at the end or other sooner determination of the said term which shall first happen peaceably leave and yield up possession of the said hereditaments and premises unto the said lessor or the Surveyor General for the time being or other the person appointed in that capacity as aforesaid. Provided also and it is hereby declared and agreed that if on the expiration of the said term hereby granted the said lessee his executors administrators or assigns shall be

be desirous of having the said hereditaments and premises hereby demised or intended so to be demised to him for a further term of seven years he the said lessor or the Surveyor General for the time being or other the person appointed in that capacity as aforesaid if he shall have power and authority so to do shall and will upon the request and at the cost and charges of the said Lessee his executors administrators and assigns execute a lease of the same hereditaments and premises to the said Lessee his executors administrators and assigns for a further term of seven years and at the end of such term for a second period of seven years (if the said lessor or the Surveyor General for the time being or other the person so appointed as aforesaid shall have power or authority to execute such lease) and no longer at a rent to be fixed prior to such renewal and for each such term as hereinafter provided. And it is hereby agreed and declared by and between the parties to these presents that in case the said Lessee his executors administrators or assigns shall be desirous of purchasing the hereditaments and premises herein comprised at any time before the determination of the lease hereby granted and in case it shall be in the power and within the authority of the said lessor or the Surveyor General for the time being or other the person appointed in that behalf by the Government as aforesaid to sell the same then the said Lessee his executors administrators or assigns shall be entitled on the fulfilment of all the terms and conditions herein contained and on the part of the said Lessee his executors administrators or assigns to be observed and performed to receive a conveyance or Grant thereof from the said Government at

at a price or sum to be fixed in case of dispute by arbitration as hereinafter provided.

Provided always and it is hereby agreed and declared that if the rent hereby reserved or any part thereof shall be unpaid for twenty or ^{with} days after any of the said days of payment, whether the same shall have been demanded or not or if breach shall be made in any of the covenants herein contained and on the part of the said Lessee his executors administrators and assigns to be observed and performed or if the said Lessee his executors administrators and assigns shall at any time during the term hereby granted suffer a judgment to be obtained against him or them in any Court of Record and not pay the debt and costs recovered or shall become bankrupt or insolvent or make any arrangement or composition with his creditors then and in any of the said cases it shall be lawful for the said lessor or the Surveyor General for the time being or such other person as may be appointed in that behalf as aforesaid on behalf of the Government into and upon the hereby demised premises or any part thereof in the name of the whole to re-enter and the same premises to have again repossess and enjoy.

Provided always that in order to determine the rent which shall in the case of any renewal of the present lease as hereinbefore mentioned be paid and payable by the said Lessee his executors administrators and assigns and also in order to determine the price which shall be payable in the case of a purchase of the premises as hereinbefore mentioned the said rent and purchase money shall be fixed in case of dispute by arbitration as follows: each of the parties hereto shall appoint an arbitrator within one

calendar

calendar month after a requisition in writing to that effect, shall have been made by one party to the other party, and the two persons so chosen shall within one calendar month after the last of them shall have been chosen appoint an umpire, but if either parties in difference shall refuse or neglect to appoint an arbitrator for the space of ten days after being requested so to do by the other party or shall appoint an arbitrator who shall refuse or neglect to act as such arbitrator then the arbitrator chosen by the party making such request shall appoint an arbitrator on behalf of the party who or the arbitrator named by whom shall refuse or neglect as aforesaid.

And the award of the said two arbitrators or of their umpire as the case may be shall be final and conclusive between the parties. But all the expenses of and incidental to such arbitration shall be borne by the said lessee his executors administrators or assigns. Provided always and it is hereby expressly agreed and declared that demise is granted only so far as the Government of British Columbia has or shall have power to grant the same and not further or otherwise and on this express condition that the said lessee his executors administrators or assigns shall accept the same without any covenant for title or quiet enjoyment or otherwise from or on behalf of the said Government.

In witness whereunto the parties hereunto have set their hands and seals the day and year first above written.

Signed sealed and delivered } (J^d)
by the above named Benjamin } B.W. Pearce } seal
William Pearce and Patrick }
Everett in the presence of } P. Everett } seal

(J^d) Thos Westgarth

This Indenture made the thirtieth day of June A.D. 1871 - Between Benjamin William Pearse Surveyor General acting on behalf of the Government of British Columbia hereinafter called the said lessor of the one part and Jeremiah Nagle of Victoria British Columbia hereinafter called "the said lessee" of the other part - Whereas the Government of British Columbia has agreed to lease the hereditaments and premises hereafter more particularly described to the said lessee subject to the covenants conditions and agreements hereinafter contained and on the part of the said lessee his executors administrators and assigns to be observed and performed.

Now this Indenture witnesseth that in consideration of the rents covenants and agreements hereinafter reserved and contained and on the part of the said lessee his executors administrators and assigns to be paid observed and performed - He the said Benjamin William Pearse acting on behalf of the Government aforesaid and so far as the Crown hath power in such behalf but not further or otherwise doth hereby demise unto the said lessee his executors administrators and assigns All that piece or parcel of land situate on the Victoria Indian Reserve known as the Songhees Indian Reserve and shown on the Plan of said Reserve as lot number (5) five and containing 3.08 - acres more or less as the same is more particularly described on the plan hereto annexed and thereon colored red - Together with the appurtenances therunto belonging - To Hold the said hereditaments and premises unto the said lessee his executors administrators and assigns for the term of seven years from the date hereof yielding and paying therefor yearly and every year the rent or sum of seventy seven dollars and all such

rent,

rent, due shall be paid without demand to the said lessor or to the Surveyor General for the time being or to such person as shall be appointed in that behalf by the Government, at the Lands and Works Office in Victoria by two equal half yearly payments on the first day of July and the first day of January in each year and that free and clear from all taxes charges rates and outgoings of what nature or kind so ever.

And the said lessee for himself his executors administrators and assigns doth hereby covenant with the said lessor and the Surveyor General for the time being and with such other person as shall be appointed from time to time in that or a similar capacity by the Government pay the aforesaid rent hereinbefore reserved at the times and in the manner hereinbefore mentioned and that free and clear of all outgoings and that he or they will not assign these presents or underlet the premises hereinbefore mentioned or any part thereof without the consent in writing of the said lessor or the Surveyor General for the time being or such other person who shall be appointed in that capacity as aforesaid being first had and obtained.

And also shall and will at the end or other sooner determination of the said term which shall first happen peaceably leave and yield up possession of the said hereditaments and premises unto the said lessor or the Surveyor General for the time being or other the person ~~or other the person~~ appointed in that capacity as aforesaid.

Provided also and it is hereby declared and agreed that if on the expiration of the said term hereby granted the said lessee his executors administrators or assigns shall be desirous of having the said hereditaments and premises hereby

hereby demised or intended so to be demised to him
 for a further term of seven years he the said lessor
 or the Surveyor General for the time being or other
 the person appointed in that capacity, as aforesaid
 if he shall have power and authority so to do
 shall and will upon the request and at the cost
 and charges of the said lessee his executors
 administrators and assigns execute a lease
 of the same hereditaments and premises to the
 said lessee his executors administrators and
 assigns for a further term of seven years and
 at the end of such term for a second period of
 seven years (if the said lessor or the Surveyor
 General for the time being or other the person so
 appointed as aforesaid shall have power or
 authority to execute such lease) and no longer
 at a rent to be fixed prior to such renewal and
 for each such term as hereinafter provided -
And it is hereby agreed and declared by
and between the parties to these presents that
 in case the said lessee his executors adminis-
 trators or assigns shall be desirous of purchasing
 the hereditaments and premises herein com-
 prised at any time before the determination
 of the lease hereby granted and in case it
 shall be in the power and within the authority
 of the said lessor or the Surveyor General for
 the time being or other the person appointed
 in that behalf by the Government, as aforesaid
 to sell the same then the said lessee his ex-
 ecutors administrators or assigns shall be
 entitled on the fulfilment of all the terms
 and conditions herein contained and on the part
 of the said lessee his executors administrators
 or assigns to be observed and performed to
 receive a conveyance or Grant thereof from the
 said Government at a price or sum to be fixed
 in case of dispute by arbitration as hereinafter
 provided. Provided always and it is hereby
 agreed

within one calendar month after the last of them shall have been chosen appoint an umpire, but if either the parties in difference shall refuse or neglect to appoint an arbitrator for the space of ten days after being requested so to do by the other party or shall appoint an arbitrator who shall refuse or neglect to act as such arbitrator then the arbitrator chosen by the party making such request shall appoint an arbitrator on behalf of the party who or the arbitrator named by whom shall refuse or neglect as aforesaid.

And the award of the said two arbitrators or of their umpire (as the case may be) shall be final and conclusive between the parties but all expenses of and incident to such arbitration shall be borne by the said lessee his executors administrators or assigns.

Provided always and it is hereby expressly agreed and declared that this demise is granted only so far as the Government of British Columbia has or shall have power to grant the same and not further or otherwise and on this express condition that the said lessee his executors administrators or assigns shall accept the same without any covenant for title or quiet enjoyment or otherwise from or on behalf of the said Government. In witness whereof the parties herunto have set their hands & seals the day and year first above mentioned.



Signed, sealed and Delivered (S^d)
 by the above named Benjamin } B. W. Pearse ☒
 William Pearse and Jeremiah }
 Nagle in the presence of (S^d)
 J. W. Nagle ☒

(S^d) Geo. J. Austin

within one calendar month after the last of them shall have been chosen appoint an umpire, but if either the parties in difference shall refuse or neglect to appoint an arbitrator for the space of ten days after being requested so to do by the other party or shall appoint an arbitrator who shall refuse or neglect to act as such arbitrator then the arbitrator chosen by the party making such request shall appoint an arbitrator on behalf of the party who or the arbitrator named by whom shall refuse or neglect as aforesaid.

And the award of the said two arbitrators or of their umpire (as the case may be) shall be final and conclusive between the parties but all expenses of and incident to such arbitration shall be borne by the said lessee his executors administrators or assigns.

Provided always and it is hereby expressly agreed and declared that this demise is granted only so far as the Government of British Columbia has or shall have power to grant the same and not further or otherwise and on this express condition that the said lessee his executors administrators or assigns shall accept the same without any covenant for title or quiet enjoyment or otherwise from or on behalf of the said Government. In witness whereof the parties herunto have set their hands & seals the day and year first above mentioned.

Signed sealed and Delivered } (S^d)
 by the above named Benjamin } B. W. Pearce 
 William Pearce and Jeremiah }
 Nagle in the presence of } (S^d)
 } J. W. Nagle 
 (S^d) }
 } Geo. I. Austin

PAGES 102 - 189

IN ORIGINAL, PAGES 102 TO 189 ARE BLANK

Remarks.

Pages Numbers 13 & 14
17 & 18

21, 22, 23, 24, 25, 26, 27, 28, 29 & 30.

37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48

51, 52, 53, 54

57, 58, 59, 60.

63, 64, 65, 66, 67, 68

73, 74, 75, 76, 77 & 78.

Containing uncompleted leases, have been cut out.
Those retained are the leases now in force.

John J. Lockman
Secy.

PAGES 191 - 194

IN ORIGINAL, PAGES 191 TO 194 ARE BLANK

REFERENCE

*List of Indian Reserves
in the Railway Belt
B. C.*

*The original of this list furnished by the Department of Ind. Affairs
is on File 262398 (I. R.'s in B. C.). It was sent with a letter
of 17th January 1894 from Hayter Reed, Dep. Sup. Gen. of Ind. Affairs
Sufficient information to describe the land where marked by red cross*

1029

6929

835211

J.R.

What about ~~Concession~~ p
no 23 E.C.

What about ~~Concession~~ no? \ p
Is it abandoned
no 11212 E.C.

Rev J.R. Ashcroft 9104 P 48 2p 20/24/4
Make memo to Swille asking for O in COJ
10 Oct 1904

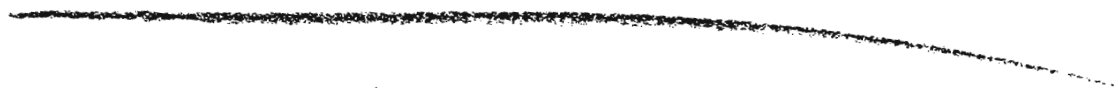
List of Indian Reserves
in the Railway Belt

B.C.

For original list see 788 in B. 20

Sufficient information to describe the land where marked by red cross.

Index



Index to group names
in
Dir of Indian Reserves. B.C.

Adams Lake	37	Pavillion	36
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Cheam	10	Skawaleeks	11
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Kanaka Bar	18		
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Nicomien	26-28		
Nicola (Lower)	29.		
Neskainlith	37		
Okanagan	10		
Okanagan	40		
Oregon Jack Ch.	33		
Oliver Lake	40		

Indian Reserves in the Railway Belt.

Burrard Inlet

Inlailamatash

(^h ~~Squamish I.R. No. 4~~ Inlailamatash 33

at head of North arm, Burrard Inlet - Plan T_p. 6 R. 7 W. th ~~th~~ -

Tracing No. 43 - "Plan of I.Rs. Burrard Inlet" - Scale 40 chs - Surveyed by Wm. S. Gemmett 1880-81 - Evidently a compiled plan -

No bearings to boundaries, no distance on one. No notes

Semishmoos

Semishmoos Reserve

Semishmoos I.R. 392a

X Sec. 25, 26, 27 + 36 Block 1 N. R. 1 W. - T_p. 1 W. C. M. - File 148024

Musqueam Indians

Small lot opposite New West-
minster

Musqueam I.R. No. 1 516a

X Part of Lot 1 G. 2 in T_p. 38 W. C. M. - Tracing 40 (called Suburban lot No. 1 New Westminster) "Plan of the Mus-kec-ehm I.Rs." and Tracing 46 "Plan of New Westminster I.Rs." Surveyed by E. Melvin 1881 - Notes T_p. 38 page 145

Langley

Whorock Res. No. 1

No. 1 Whorock 92a

X also spelt Ooamuck - in T_ps. 14 + 15 E. C. M. - Tracing No. 5 - notes T_p. 14 pages 73 + 97. ~~T_p 15~~

Langley (continued)

Whonock Res. No. 2 X
I. No 2. (no name) 127a

in T_p. 15, Sec. 3 - called Oanuck Stone River - Tracing 5 - notes T_p. 15
page 25

" " No. 3 X
2. No 3. (no name) 122a

Lot 444 in T_ps. 14 + 15 - Tracing 5 - notes T_p 14 page 84 + T_p. 15 page 41
Road 50 lks wide shown in notes crosses reserve (T_p. 15 p. 42)

" " No. 4 X
I. No 4 (no name) 239a

Lot 445 in T_p. 14 - Tracing 5 - notes T_p. 15 page 41

" " No. 5 X
I. No 5. (no name)

called Langley Stone River No. 1 - Tracing 5 - notes T_p. 15 page 33

" " No. 6

called Old Langley - T_ps. 11 + 12 - Tracing 5 - notes T_p. 12 page 99 - notes do
not agree with plot & bearings are unintelligible. Tracing 5 not enough -
in T_ps. 11 + 12 - Tracing 5 - notes T_p. 11 page 103 + T_p. 12 page 81

Macmillan Island No. 7 X
I. No 6. Macmillan's Island 447a

40 ac. in Sec. 21, }
Bl. 5 N. R. 2 W. } No. 8 X
No 7 (40a in Sec. 21.)

in T_p. 38 - Tracing - notes T_p. 38 page 151 - notes page 153

Small lot off New Westminster X
(part of L. 162 + 68a)

part of Lot 1 G. 2 in T_p. 38 - Tracing 40 + 46 - notes T_p. 38 page 145

Cogitlam

No. 1
Cogitlam No. 1 6.5a

X

Village near mouth of Cogitlam River - Tp. 38 - Tracing 38 - Notes Tp. 38 page 132

No. 2
Cogitlam No. 2 202.5a

X

called Main Reserve - at forks of Cogitlam River in Tp. 38 - Tracing 38 - Notes Tp. 38 page 134

Matsqui Matsqui

Main Reserve

X

Matsqui Main L.R. 353.85

in Tp. 17 Sec. 7 Tracing 41 - Notes Tp. 17 page 103

Island No. 1 - small island
adjacent to No. 3 "Three Islands"

Tp. 17 - Tracing 41 - Notes Tp. 17 page 115 - which is small island 3
(See field notes No. 7 for notes & plan of Islands.)

Island No. 2

Tp. 17 - Tracing 41 - Notes Tp. 17 page 121 - How about other small islands coloured on Tracing 41?

Sahacum

X

No. 1 Sahacum 52.5a

called Sah-hah-cum - Lot 358 Tp. 16 - Tracing 41 - Notes Tp. 16 page 125

Reserve - S.E. 1/4 Sec. 6, Tp. 13

X

Tracing 41 - Notes Tp. 13 page 95

M. No. 2

60a

W

No 1, 2, 3, & 5, in Twp 9. E.C. No 4. in Twp 4 & 5, R5, W2TH Antcliffe says these are correct 4
as shown on tracings in 2072. L. 2 (old indexing)

Katzie No 1. Katzie 109a allotment not completed (see field notes No 3 for notes of Reserves.
No 2 (No Name) 579
No 3. Barnstowry Isd. 135a
No 4. Pitt Lake.
No 5. Graveyard. 135a
There are three Reserves allotted to the above Indians, ~~named~~ called Katzie on the
W side of Fraser, 2nd Katzie on S. side of Fraser River & Katzie on Barnstowry Island,
all on Twp 9. East of Coast. Field notes in Twp 3. B.C. tracing in Plates of Twp 9 - E.C.

Sumas Sumass
X called Upper Sumas - Twp. 19 NW 1/4 Sec. 6 - Tracing 45. Notes Twp. 19
S. No 7. Sumass 160a page 85

Upper Sumas X called main Upper Sumas - Twp. 19 - Tracing 45 - Notes Twp. 19 page 75
No 6 Upper Sumass 610.8a

Aylechootlook X Twp. 20 Sec. 13 - Tracing 45 - Notes Twp. 20 page 55
No 5. Aylechootlook 49a

Papekwatchin X Twp. 20 - Tracings 39 & 45 - no notes - Plan of correction attached to No. 45
No 4. Papekwatchin 235a no bearings or distances for E or W sides. (See field notes No 10 for notes of plan.)
DR File B No 10

Yaalstrick Island X Twp. 23 - Tracings 39 & 45 Notes Twp. 24 page 171
No 1 Yaalstrick 283.9a

Lackaway X called Lackaway - about Sec. 20 Twp. 23 - Tracing 45 - Notes Twp. 24 page 177
No 2 Lackaway 39a

^{S.}
Sumass (continued)

Timber Reserve

Sumass N^o 3 - Timber Reserve - 10a

X T_p. 23 - small square reserve in Secs. 21 & 28 - Tracing 45 - Notes
T_p. 24 page 184

Sumass (con)

Lakahamen (or Micramen)

Holachten

S. N^o 8 - Holachten

X T_p. 24 - Tracings 10 & 39 - Notes T_p. 24 page 15
300a

Lakahamen

S. N^o 11 - Lakahahmen

X T_p. 24 called Lak-kah-ah-men - Tracing 39 - Notes T_p. 24 page 31
941a

Skweam

S. N^o 10. Skweahm

X T_ps. 23 & 24 - called Skwe-ahm - Tracings 39 & 45 - Notes T_p. 24
183a page 43

Timber Reserve

S. N^o 9 - Timber Reserve

X T_p. 24, Sec. 4 - called Zaitsemllach - Tracing 39. Notes T_p. 24 page 26
59a

Chilliwack
Chillukweyuk

Skumalasph
 No 16 Skumalasph

1/55a

Ip. 24 - Tracing 39 - Notes Ip. 24 page 55 - Horn about small islands - some colored in tracing - (See field notes 1/11 page 12 for plan showing islands included in Res.).

Skway
 No 5. Skway

X

538a

Ips. 23 + 24 + 3-30-6 - Tracings 3 + 42 - Notes Ip. 24 page 103

At mouth of Chillukweyuk
 River, S. Bank

No 8. (No Name)

115a

Ip. 23 - Det. 290 g. 2 - Tracings 3 + 42 - Notes Ip. 24 pages 155 + 167 55 + 167

Skwali

No 3. Skwali

X

295a

Ip 3 R 30 W 6th - Tracings 3 + 42 - Notes Ip. 24 page 79

Skwah

No 4 Skwah

X

313a

Ips. 23 + 24 + 3-30-6 - Tracings 3 + 42 - Notes Ip. 24 page 91

Kwaw-kwaw-ah-pilt

No 6 Kwaw-kwaw-a-pilt

X

155a

called Kwaw-kway-ah-pilt, Ko-qua-pilt or Co-co-op-felt - Ip. 23 - Tracing 3 + 42 + Ip. 23 - Notes Ip. 24 page 121.

Chilliwick con.

Aitch-elitch
 No 9. Aitchelitch 52a

spelt various ways - Ip. 23 - on Chilliwick River - Tracings 3 + 42 + Ip. 23
 Notes Ip. 24 page 147 - see S. body part + 09 R. 5

Squiala (includes lot 289, X
 g. 2)
 No 7. Squi-a-ala 209a

Ip. 23 - spelt also Squiella or Squialta - Tracings 3 + 42 + Ip. 23 -
 Notes Ip. 24 page 129 - see N.E. corner lot 289 in plot with notes

Skulkayn No. 1
 No 10. Skul-kayn 139a

Ip. 26, about Sec. 19 - Tracings 3 + 42 - Notes Ip. 26 page 129 -

Skulkayn No. 2
 No 11. Skul-kayn 30a

called Skow-kale - Ip. 26 - Tracings 3 + 42 - Notes Ip. 26 page 119

Ya-kwea-kwioose
 No 12. Ya-kwe-a-kwi-oose 48a

Ip. 26, about Sec. 20 - Tracings 3 + 42 - Notes Ip. 26 page 115

Tzeachten
 No 13. Tzeachten 69a

Ip. 26 - Tracings 3 + 42 - See Tracing 821 near survey of S. body. Notes
 Ip. 26 page 135

Chilliwack con. Soowahlie N ^o 14 Soowahlie	X 1,140a	Tps. ²² 23, 25, 26 - Tracing 3 + 42. Notes T _p 26 page 161
Skwahla N ^o 2. Skwahla	X 29a	T _p . 3-30-6 on Hope Slough - Tracing 42 Notes T _p . 27 page 105
Sheldwat N ^o 1. Schelowat	X 213.	called Schelowat - Tps. 26 + 27 - Tracing 3, 21 + 42 - Notes T _p . 27 page 110
Grass Reserve N ^o 15. Grass Reserve	X 160a	T _p . 26, NW $\frac{1}{4}$ Sec. 22 - Tracing 3 + 42. Notes T _p . 26 page 111
Commonage Reserve (Part Surrendered) For part not surrendered See Ref. 943576 File 292302 Harrison Harrison River.	X [?]	T _p . 23 - Tracing 3 + 42 - Notes T _p . 24 page 160.
Scowlitz No. 1 H.R. N ^o 1. Scowlitz	616a	T _p . 3-30-6 - Tracing 10 - Notes T _p . 27 page 121 - 30 small island in Fraser R. included? Original notes do not include it in Reserve. <i>Jans</i>

X

Harrison River

Harrison continued

Burial Ground	No. 2	X	Tp. 3-30-6 - Part of Security Res. S. of river - Tracing 10 - notes Tp. 27 page 121
Harrison River No 2 Burial Ground.		24	
No. 3	X	Tp. 3-30-6 + Tp. 24 - Tracing 10 - no notes - no bearings on ledges -	
H.R. No 3 Squaw Kum Creek.	392a	Slidy. doubtful - See field notes No 19 page 28 for plan & notes - Jan 3	
Chehalis	No. 4	✓	Tp. 4-30-6 + 4-29-6 - Tracing 10 - no notes - no bearings on ledges.
H.R. No 4 Chehalis	635a	(No notes given in original field notes.)	IR File B No 79
H.R. No 5 Chehalis	No. 5	X	(Chehalis) Tps. 4-29 + 30-6 - Tracing 10 - no notes - no bearings on ledges.
H.R. No 5 Chehalis	compiling	136	See field notes No 19 page 3 for plan & notes - IR File B No 19
H. River No 5A. Chehalis	136	Was underdunk claim - now IR by Dec 11-8-96	See memo compiling 3 Ed. of 4-25-6
No. 6	X	Tp. 4-29-6, (Chehalis) Tracing 10 - no notes - no bearings on ledges.	
No 6 - Chehalis	63a	Perhaps sufficiently located. Section of river & Discol	IR File B No 79
		See field notes No 19 page 21 for notes; plan is on page 1	Jan

12/11/06

Cheam

⑧ Cheam

Cheam I.R. N^o 1 - Cheam

883 a

Yps. 3-28+29-6 - Tracing, 21, ^{Rec'd No. 5479}~~5479~~ - Notes Yp. 30 page 39 & 55.

⑧ Treatah

Cheam N^o 2 - Tse - á - tah

390 a

Yp. 3-28-6 - Tracing, 21, ^{Rec'd No. 5479}~~5479~~ - Notes Yp. 30 page 57.Popkum

⑧ Popkum

Popkum I.R.

381 a

Yp. 3-28-6 - Tracing, 20, 21, ^{Rec'd No. 5479}~~5479~~ - Notes Yp. 30 page 75.

⑧ Skowakul, or Seabird Island

Seabird Island Ind. Res. 4,511.5 a

(for Skowaklook, Ohamil, popkum, Squawtit, Hope, Union Bar, & Yale Indians, in common)

Ohamil

Ohamil

Ohamil I.R. N^o 1. Ohamil

458 a

Yps. 3+4-28-6 - Tracing 22 - Notes Vol. 1 page 141

not Popkum - name is "Seabird Island Indian Res."

It is about small islands - some coloured, some not.

See field notes No 22 page 20)

Yp. 4-27-6 - Tracing 6, 22, 23, 34 - Notes Vol 1 page 197

(See field notes No 24 page 4 for notes & plan -)

Ohameil continued

⊗ Wahleach Island X
N^o 2. Wahleach Island 171a

Y. 4-27-6 Tracing 23, 34 - ~~no notes~~ See field notes N^o 24 for plan + notes. Jan

⊗ Skawahlook
No. 1
Skawahlook N^o 1. - Skawahlook 151a

Y. 5-27-6 - Tracing 23 - notes Vol 1 page 225 - notes differ from tracing + make creek west bdy. (Tracing + plan in field notes N^o 25 agree -)

⊗ No. 2
SK. No. 2. Ruby Creek. 45.5a

Y. 5-27-6 - Tracings 23 & 34 - notes Vol 1 page 225

Squatits

⊗ Squatits, westerly portion of island N. of Squatits, + small adjacent island Squawwits I.R. N^o 1. 335a

Y. 4-28-6 - Tracing 22 - notes Vol 1 page 181

Squawwits I.R. N^o 2. 98a

⊗ For reserves marked this file 26896.9

Hope I.R. N^o 1. 10.5a

G. M. P. 257. Fall.

⊗ Hope Town Reserve
Hope I.R. N^o 1 - Hope 10.5a

Y. 5-26-6 - Tracing 33 - ~~no notes~~ - This is said to be disallowed by Prov^t Gov^t - no dimensions - Tracing 33 not signed by Indian com^r.
(Plan + notes in field notes N^o 26.) Jan

Hope continued

⊗ Schkam
N^o 2 - Schkam

X 193a T_f. 5-26-6 Tracing 33 & 35 - Notes Vol. 1 page 239 - said
to be disallowed by Prov. Govt. ^{on tracing with field notes.}
{ Not disallowed, See letters from Sec. 5 Dept. Int. to Surveyor General 29th Jan 1900 on file 544188
according to Indian Superintendent at Victoria

⊗ Greenwood Island
N^o 3. Greenwood Island.

X 10a T_f. 5-26-6 in middle of river opposite Hope. Tracing 33 - Acc. notes
Plan + notes in field book N^o 26 page 19 gas Note - P. 251 Vol. 1.

⊗ Chawuthen
N^o 4. Chawuthen

X 1,387a T_f. 5-27-6 - Tracing 33 - Notes Vol. 1 page 261 - one distance 17.72
- notes (- see field notes N^o 26 + 27 for notes + plan)

⊗ Fishing Stations Nos. 1, 2, 3
and 4. Not yet surveyed

Not surveyed

(no number) ^{Hope Reserve} Seabird Isd

Union Bar Yale

⊗ Kawkawa Lake
Yale N^o 16. Kawkawa. 16a

X T_f. 5-26-6 - Tracing 35 - Notes Vol. 1 page 357

Yale (Con)

Union Bar continued

⊗ Aywawwis X Yp. 5-26-6 - Tracing 35 - Notes Vol 1 Page 347 - Island included
Y. N° 15. Aywawwis 229.4a

⊗ Klaklacum X Yp. 5-26-6 - Tracing 35 - Notes Vol 1 page 317
Y. N° 12. Klaklacum 71.75a

⊗ Trafalgar Flat X Yp. 5-26-6 - Tracing 35 - Notes Vol 1 page 325 -
Y. N° 13 Trafalgar Flat 172a

⊗ Timber Reserve (N. & adja- Yp. 5-26-6 - Tracing 35 - Notes Vol 1 page 325 - There do not seem
cent to Trafalgar Flat) X to be bearings for line 30 chs. long & three lines 10 chs. each on N. bdy. & no posts to mark these
Y N° 14. Timber Reserve 22 (see field notes N° 29 page 16 for notes.) - Lines could not be run on N Bdy on a/c
of steep rocky mountain, a traverse was made at the base of M^{tn} & probably the lines were
placed afterwards by calculation

⊗ Puckathole-tchin X Yps. 5+6-26-6 - Tracing 35 - Notes Vol 1 page 301
Y. N° 11. Puckathole-tchin 566.5

⊗ Skawahlum X Yp. 6-26-6 - Tracing 35 Notes Vol 1 page 295
Y. N° 10 Skawahlum 14.8a

Yale Yale

- Yale Town Reserve No. 1 X T_p. 7-26-6 (Plan not printed) Tracing 6 - No notes - no dimensions
 N^o 1. Yale Town 175a or bearings - cannot locate exactly (See field notes N^o 30 for plan & notes) Jars
- Four and half mile Res. No. 2 X T_p. 7-26-6 (Plan not printed) Tracing 6 - No notes - no bearings.
 N^o 2. 4½ Mile Reserve 15a no means of locating reserve (See field note N^o 31 for note & tie-line) Jars
- Kuth-lath No. 3 X T_p. 7-26-6 (Plan not printed) Tracing 6 - No notes - no bearings.
 N^o 3 Kuthlath 362a no means of locating (See field note N^o 30 page 24 for plan & notes for reserve and
 {addition Jars})
- Qualark No. 4 X T_p 6-26-6. Tracing 6 - No notes - no bearings - no means of
 N^o 4. Qualark 27a locating (See field note N^o 31 page 26 for plan & notes) Jars
- Albert Flat No. 5 X T_p. 7-26-6 (Plan not printed). Tracing 6 - No notes - no bearings -
 N^o 5. Albert Flat 15-0a no means of locating (See field note N^o 31 page 31 for tie-line between Qualark
 and Albert Flat Res -) Jars
- Squeash No. 6 X T_p 6-26-6 - Tracing 6 - No notes - no bearings - no means of
 N^o 6 Squeash locating (See field notes N^o 31, page 13 for plan & notes) Jars
- Kaykaip No. 7 X T_p 6-26-6. Tracing 6 - No notes - no bearings - no means of locating
 N^o 7. Kaykaip (See field notes N^o 31 page 3 for plan & notes.) Jars

Yale continued

Stulla-wheets X No. 8 X Tr. 6-26-6 - Tracing 6 + 35 - Notes Vol. 1 page 287
 X No. 8 Stulla-wheets 1345a Field notes in Books 28 + 30 B.C. (2 Copies) - L.G.

Q Lukseetsissum No. 9 X Tr. 4+5-27-6 - at Ruby Creek - Tracing 6, 23 + 34 - No notes -
 No. 9 Lukseetsis-sum 157a a distance on tracing 6 differs from 24 - no bearing (see field notes No. 30 page 15 -
 for notes of reserve; no plan.) Jan

Spuzzum

X Spuzzum (including Game Plot) No. 1 Tr. 8-26-6 (Plan not printed) - Tracing 13 - No notes - no bearing -
 Where is "Game Plot"? (see field notes No. 33 page 1 for plan + notes.) Jan

Small Grasses are shown on tracing 33. B.C. + Tracing 13 - They are inside of Lot 4. G.I. (No papers recorded)
 extent of Game plot is not known - ?

Papsilqua No. 2 X Tr. 8-26-6 (Plan not printed) - Tracing 13 - No notes - no bearing -
 E & W tidies not defined - no means of locating (see field notes No. 32 page 17 for
 plan + notes + page 22 for tie-line.)

Teequaloose No. 3 X Tr. 9-26-6 (Plan not printed) Tracing 13 - No notes - called Tee-qua-
 loose - no bearings - S bdy. not defined - no means of locating (see field notes
 No. 32 page 4 for notes + plan) Jan See also tie-line between reserve and Alex's Bridge page 9

Yelakin No. 4 X Tr. 9-26-6 (Plan not printed) Tracing 13 - No notes - no bearings -
 See field notes No. 32 page 36 for plan + notes) Jan

Spruzzum continued

(Plan not printed)

No. 5
or Jacks Reserve -X about Secs. 2 or 11 T_p. 9-26-6 - Tracing 13 - No notes - no bearings -
no means of locating (See Jack's Res - in field notes 32 page 11. for plan + notes.)Fishing Reserve No. 6
+ addition -X T_p 8-26-6 (Plan not printed) Tracing 13 - No notes - no bearings -
no means of locating (See field notes of 32 page 26 for notes; plan on page 16.)
See also tie-line from N. Bdy. of reserve to Suspension Bridge. (page 30 -)Grave Plot on Lot 2 Group 1
Chapman's Bar I. R.X no record of this reserve. see Tracing 13 - Reserve not defined (No Notes).
This Reserve is not mentioned on our tracing No. 13, But it is shown in Book 32. T. C. Pages 43 to 46. It appears to be situated near the Suspension Bridge or Alex Bridge on T_p 9-26-6. near 14 mile post? is it to be shown on our plans, not being on list? -Boston Bar

Tuck-kwi-owh-um No. 1

X (Plan not printed) being printed Nov. 60
T_p 10-26-6 Tracing 18 - No notes - Tracing not agreed by I.R. Com.
limits not defined (See field notes No. 34 page 4 for plan + notes) Jan

Kopchitchin No. 2

X T_p. 10 + 11 - 26-6 - (Plans not printed) ^{printed} - Tracings 18 + D - No notes - no bearings -
no means of locating (See field notes No. 35 page 4 for plan + notes.) Jan
also Fitzpatrick's Book A'95

Austin's Flat No. 3

X T_p. 9-26-6 - (Plan not printed) Tracing 18 - No notes - no bearings -
no means of locating (See field notes No. 34 page 40 for plan + notes.)
(See also tie-line between 20 mile post + Austin's flat, page 45.)

Boston Bar continued

- Buctum No. 4 X T_p 11-26-6 (Plan not printed) - called Butcher's Flat. Tracings 15 & 18 - no notes. Tracings not signed by J.R. Com? - no bearings - no means of locating (see field notes No 35 page 18 for plan & notes) Jax (see tie-line page 24-)
- Seaney No. 5 X T_p 10-26-6 (Plan not printed) Tracing 18 - no notes - no bearings - no means of locating (see field note No 34 page 30 for plan & notes -) Jax see also tie-line between this reserve and Shrypt-tahook Res. - page 36 -)
- Pauls Res. No. 6 X T_p 10-26-6 (Plan not printed) Tracing 18 - no notes - no bearings - no means of locating (see field notes No 34 page 27 for notes & plan) Jax
- Shrypt-tahook No. 7 X T_p 10-26-6 (Plan not printed) Tracing 18 - no notes - no bearings - no means of locating (see field notes No 34 page 16 for plan & notes) Jax
- Indian Graves, about 1/2 mile S. of Seaney T_p 10-26-6 (Plan not printed) no record of this reserve. Graves marked on tracing 18 - no limits defined. (see tie-line between Pauls reserve & 22 mile post page 47. field notes No 34.)
- Broothroyd
- Isa-wan-muck No. 1 X T_p 11-26-6 (Plan not printed) Tracing 15 - no notes - no bearings - no means of locating (see field notes No 36 page 30 for notes - Plan showing No 1, 2, 3, 4 & 5 Res. is at end of field notes.) Jax

Boothroyd (continued)

- Isin-takl-tl No. 2 ✓ Tp. 11-26-6 (Plan not printed) Tracing 15 - No notes - no bearings -
 X No means of locating (see field notes No 36 page 3 for notes; plan at end of book.)
 (see also tie-line between Nos 1 + 2 Rev. page 9.) Jan
- Spey-um No. 3 ✓ Tp. 11-26-6 (Plan not printed) Tracings 15 + D - No notes - No bearings
 X No means of locating (see field notes No 36 page 13 for notes; plan at end of book.)
- Kahmorse No. 4 ✓ Tp. 12-26-6 (Plan not printed) Tracing 15 - No notes - No bearings -
 X No means of locating (see field notes No 37, page 8 for notes; plan at end of
 field note No 36.) Jan see also tie-line from No 4 Rev. to grave yard - page 15.)
- Sho-ook No. 5 ✓ Tp. 12-26-6 (Plan not printed) Tracing 15 - No notes - No bearings
 X No means of locating (see field notes No 36 page 42, No 37 page 3, No 38 page 30,
 see also tie-line between reserves No 2 + 4 + 5 Rev. page 37.)
- X Inkahtsaph No. 6 ✓ Tp. 12-26-6 (Plan not printed) Tracing 15 - No notes - No bearings
 X No means of locating (see field notes No 37 page 17; plan is at end of book -)
 see also page 46 for more notes.
- Chunk-cheet No. 7 ✓ Tp. 12-26-6 (Plan not printed) Tracing 15 - No notes - No bearings -
 X No means of locating (see field notes No 37 page 40; plan is at end of book.)

See page 49 printed Schedule
 by Indian Department for
 proper spelling of this name

Boothroyd continued

Sta-iga-haring No. 8 ✓

X

Tp. 12-26-6 (Plan not printed) Tracing 15. No notes - No bearings -
 No means of locating (See field notes No 38 page 4 for notes & plan.) Jan
 See also tie-line between Res. No 8 + 10 page 16.) Jan

(Stuck-a-meent) No. 9. ✓

X

For proper spelling of this name
 see page 49 printed schedule of 3. Res.
 by Indian Department

Tp. 12-26-6 (Plan not printed) Tracing 15. No notes - No bearings -
 No means of locating (See field notes No 38 page 20 for notes; plan is at begin-
 ning of book) See also tie-line between Res. No 9 + No 8 + C.P. Riv. page 26.)

Dufferin No. 10. ✓

X

Tp. 12-26-6 (Plan not printed) Tracing 15. No notes - No bearings -
 No means of locating (See field notes No 38 page 11 for notes; plan is at
 beginning of book.) Jan

Fishing Station (R. bank of
 Fraser R., about 1/4 mile
 S.E. from Res. No. 9

Tp. 12-26-6 (Plan not printed) No record of this reserve.

Kanaka Bar

No. 1 X

Tps. 13-26+27-6 (Plans not printed) Tracing 8. No notes. Tracing not
 signed by S.R. Corn? - No bearings - No means of locating (See field notes No 39 page 2 for notes
 and plan)

No. 2 ✓

X

Tp. 13-27-6 (Plan not printed) Tracings 8 + 12. No notes. Tracings not
 signed by S.R. Corn? - No bearings. No means of locating (See field notes No 39 page 37
 for notes; plan is at beginning of book.) See also tie-lines pages 17. & 49. Jan

Kanaka Bar continued

No. 3
For name see page 52 of
Printed Schedule of J. Res.
S.P.R.S.

X Tp. 13-26-6 (Plan not printed) Tracing 8 + 12 - No notes - no bearings -
no means of locating (see field notes No. 39 page 13 for notes; plan is at beginning of book.
see tie-line between No. 1 + 3 Reserves, page 7--

Why-cek

No. 4

X Tp. 13-27-6 (Plan not printed) Tracing 8 - No notes - no bearings -
no means of locating (see field notes No. 39 page 20 for notes; plan is at beginning of book.

Siska Flat

Kuy-chy-malth

No. 1

X Tp. 13-26-6 (Plan not printed) Tracing 8 + 12 - No notes - no bearings -
no means of locating (see field notes No. 40 page 38 for notes; plan is at end of
(see also tie-line between this Res. and tie-line between No. 2 + 3 Res.)

No. 2

X Tp. 13-26⁺²⁷-6 (Plan not printed) Tracing 8 + 12 - No notes - no bearings -
no means of locating (see field notes No. 40 page 4 for notes; plan is at end of
(see also tie-line between this Reserve + Res. No. 2 Kanaka Bar, page 49 book No. 39.)

Main Reserve

No. 3

X Tp. 13-27-6 (Plan not printed). Tracing 12 - No notes - no bearings -
no means of locating (see field notes No. 40 page 10 for notes; plan at end of book.)
see also tie-line between No. 2 + 3 Res. - page 14; and tie-line between No. 3 + 5 field notes No. 41 page 16

Indian Granes

No. 4

X Tp. 13-27-6 (Plan not printed) Tracing 12 - No notes - no bearings -
no means of locating (see field notes No. 41 page 10 for notes & sketch.)

Siska Flat continued

- Zacht No. 5 ✓ T_p. 14-27-6 (Plan not printed) Tracing 12 - No notes - No bearings -
 X no means of locating (see field notes No 40 page 46 for notes; plan is at end of notes.)
 (see also field notes No 41 page 3 for tie-line between Nos 5 + 6 Res.) Jan
- Humm-kampf No. 6 ✓ T_p. 14-27-6 (Plan not printed) Tracing 12 - No notes
 X no bearings. no means of locating. (see field notes No 40 page 34 for notes; plan is at end
 of book.)
- No. 7 ✓ T_p. 13-27-6 (Plan not printed) Tracing 12 - No notes - No bearings -
 X no means of locating. (see field notes No 40 page 21 for notes; plan is end of book.) Jan

Skuppah

- No. 1 ✓ T_p. 14-27-6 (Plan not printed) Tracing 9 - No notes - tracing not signed
 X by J.R. Corn? - no bearings - no means of locating (see field notes No 42 page 4.
 for notes + plan.) Jan (see also tie-line between main Reserve at No 1. page 8.)
- No. 2 ✓ T_p. 14-27-6 (Plan not printed) Tracing 9 - No notes - no bearings -
 X no means of locating (see field notes No 42 page 14 for notes + plan) Jan
 (see also tie-line between No 2 + main Res - page 23.)
- Poo-ey-elth No. 3 ✓ T_p. 14-27-6 (Plan not printed) Tracing 9 - No notes - No bearings -
 X no means of locating. (see field notes No 42 page 26 for notes; plan at beginning
 see also tie-line page 27.)

Skuffah continued

Skuffah No. 4
(Main Reserve).

✓ Tr. 14-27-6 (Plan not printed) Tracing 9 - No notes - no bearing -
X No means of locating (See field notes No. 42 page 11. for notes; plan at beginning of book)

Lyttou

na-na-na-hout No. 1

✓ Tr. 17-26-6 (Plan not printed) Tracing 11 - No notes - no bearings -
X No means of locating (See field notes No. 45 page 26 for notes; plan is at beginning of book.)

No. 2

✓ Tr. 15-27-6 (Plan not printed) Tracing 1A - No notes - no bearings -
X No means of locating (See field notes No. 48 page 10 for notes; plan at beginning. See also tie-line between Nos. 2 + 24. page 39. notes No. 47. See tie-line to head of ditch. book No. 48 p. 36.)

Spiritum Flat No. 3

✓ Tr. 16-27-6 (Plan not printed) Tracing 1A - No notes - no bearings -
X No means of locating (See field notes No. 46 page 43 for notes; plan is at page 27.)

Nickel Palm No. 4

✓ Tr. 17-27-6 (Plan not printed) Tracing 11 - No notes - no bearings -
X No means of locating (See field notes No. 44 page 46 for notes & plan.) (Note tracing is not complete on page 47.)

Seah

No. 5

✓ Tr. 17-27-6 (Plan not printed) Tracing 11 - No notes - no bearings -
X No means of locating (See field notes No. 43 page 38 for notes & plan.) (See also tie-line between No. 5 Res + Grandyard. page 46.)

Lytton continued

- Nesikep No. 6 X Tp. 18-28-6 (Plan not printed) Tracing 11 - No notes - No bearings - No means
 of locating. (See field notes No. 43 page 12 for notes & plan.)
 See also tie-line between No. 6 & 5 Res. - page 31.)
 (Spelt. Stu-ouck)
 On Stuck Creek, near
 Nesikep No. 7 X Tp. 18-^{28?}28-6 (Plan not printed) Tracing 11 - No notes - No bearings -
 no means of locating (See field notes No. 43 page 3 for notes & plan -
 See also tie-line, page 8, between Mountain Res. No. 6 and this reserve.)
 (Chief Jacob) Fishing station -
 (Probably outside of Belt -)
 No. 8 X Tp. 15-26-6 - Tracing 1A - ~~No notes~~ - ~~No bearings~~ - ~~No means of~~
~~locating~~ (See field notes No. 48 page 29 for notes & sketch.) See also tie-
 line between Res. No. 8 & 16 page 33.)
 For name of reserve see
 printed Schedule S.C. 12-2
 Strugen No. 9 X Tp. 15-27-6 (Plan not printed) Tracing 1A - No notes - No bearings -
 no means of locating (See field notes No. 47 page 6 for notes & plan - (See also
 tie-line between Res. No. 10 and old Strugen Res. - page 5.) No. Notes for Old Strugen.
 Bearings of Old Strugen taken
 from Ind Dept maps -
 Re-puchuen No. 10 X Tp. 16-27-6 (Plan not printed) Tracing 1A - No notes - No bearings
 no means of locating (See field notes No. 46 page 33 for notes & plan - is at page 36
 See also page 19 for River bdy. bounding Res. -)
 Gawa-ancht No. 11 X Tp. 16-27-6 (Plan not printed) Tracing 1A - No notes - No bearings
 no means of locating (See field notes No. 46 page 28 for notes & plan.)

Lyttton continued

No. 12

✓ Tps. 16-27-6 (Plan not printed) Tracing 11 - No notes - No hearings -
 X no means of locating (see field notes No 46 page 13 for notes; plan is at
 beginning of book. (See also tie-line between Res. No 12 + 11 page 19.)

X

No. 13

✓ Tps. 16-27-6 (Plan not printed) Tracing 11 - No notes - no hearings
 X no means of locating (see field notes No 46 page 3 for notes + plan -
 (See also tie-line between Res. + No 13 + 12. page 9.)

No. 14

✓ Tps. 15-27-6 (Plan not printed) Tracing 1A - No notes - no hearings
 X no means of locating (see field notes No 47 page 15 for notes + plan.)

Broothamie

No. 15

Spelt Bostahmie in printed schedule
 2. L. R. L.

✓ Tps. 16 + 17 - 26 + 27 - 6 (Plans not printed) Tracing 11 - No notes - no
 X hearings - no means of locating (see field notes No 45 page 3 for notes + plan.
 See also tie-line between E. Bdy of No 15 Res. + head of proposed ditch. page 39.

For name of reserve
 Suprintend Schedule
 2. L. R. L.

No. 16

✓ Tps. 15-26-6 - Tracing 1A - No notes - no hearings - no means
 X of locating - tracing + minute of decision on file 225155 ref. 261731
 (see field notes No 47 page 3 for notes + plan.)

Klahka-mich

No. 17

✓ Tps. 15-26-6 + 14-27-6 (15-26 printed) Tracing 1A - ~~no notes~~ (see field notes No 44
 X page 27 for notes; plan is at beginning of notes.)
 See also tie-line between Res. No 16 + 17. page 26.)

Lipton continued

- Klick-kum-cheen No. 18 X
 (See field notes No. 44 page 36 for notes & plan -) See also tie-line, page 44
 between Res. No. 18 + 17)
 Addition to Klick-kum-cheen No. 18
 No. 19 ✓
 See Oin C. 13th May 1903 file 260486 No. 1, ^{copy IV} Plan of Reserve by H. H. Green Surveyed 1901 on file
 Tp. 15-26-6 - Tracing 1A - No notes - no bearings - no means
 of locating - tracing & minute of decision on file 225755 ref. 261731 (See field notes No. 48 page 47 for notes & plan at end of notes.)
- Kitsovit No. 20 X
 Tp. 14-27-6 (Plan not printed) Tracing 1A - No notes - no bearings -
 no means of locating (See field notes No. 44 page 3 for notes & plan -
 See also tie-line page 21.)
- Inkluck-cheen No. 21 X
 called Kickluck-cheen Tp. 15-27-6 (not printed) Tracing 1A - No notes
 no bearings - no means of locating (See field notes No. 48 page 20 for notes
 plan is at page 1.)
- Klette-kut No. 22 X
 Tp. 15-27-6 (Plan not printed) Tracing 1A - No notes - no bearings -
 no means of locating (See field notes No. 48 page 3 for notes & plan -
 26?)
- No-ho-meen No. 23 X
 Tp. 15-27-6 (Plan not printed) Tracing 1A - No notes - no bearings -
 one distance missing - no means of locating (See field notes No. 47 page
 43 for notes & plan; see also tie-line between Res. No. 9 + 23. page 20; also
 tie-line, page 45, to Res. No. 24.)

Lyttton continued

- Incko-zap No. 24 ✓ ^{1826¹²} Tp. 15-27-6 (Plan not printed) Tracing 1A - No notes - In fork of Thompson & Fraser. No bearing to rear bdy. & no means of locating it. (See field notes N° 47 page 25 for notes & plan.) X
- Nick-eye-yah No. 25 ✓ Tp. 14-27-6 (Plan not printed) Tracings 1A + 9⁷ - No notes - no bearing to rear line & no means of locating it (See field notes N° 44 page 8 for notes. These notes comprise Res. N° 25 & 26.) X
- Skway-ay-nope No. 26 ✓ Tp. 14-27-6 (Plan not printed) Tracings 1A + 9 - No notes - no bearings - no means of locating (See field notes N° 44 page 11 for notes & plan.) X
- Pap-y-um No. 27 ✓ Tp. 15-27-6 (Plan not printed) Tracing 1A - No notes - no bearings - no means of locating (See field notes N° 49, page 1 for notes; plan page 5.) X
- Graveyard on Lot 9 Gr. 1 ✓ no record of this reserve - Graves marked on Tracing 1A - no area defined. (See field notes N° 44 page 33 for notes of J. L. Ford & tie-line from Res. N° 25.)
- Graveyard on Kium Sing's pre-emption north of Papeguin ✓ no record of this reserve - Graves marked on Tracing 1A - no area defined. (See field notes N° 49 page 4 for notes of graveyard on Ahui-Chung's land north of Pap-y-um.)

Fountain

Reserve No. 4

Reserve No. 5

Reserve No. 6

Outside of Belt

No record of Fountain Reservoir except one on Tracing 11 (Tr. 18-28-6) ^{unrecorded}
 W S Jewett 1884, 85 in Ind. Geol. Surv.
 Outside of Ry Belt.

do

do D.

do

- D. -

Nicomien

Shoshone No. 7

Unpublished No. 8

Nicomien No. 1

X Tr. 15-25-6. Tracings 31, 47 + D - No notes - no bearings -
 no means of locating. (See field notes No 50 page 64 for notes +
 plan.) See also tie-line page 69.)

X Tr. 15-25-6. Tracings 31, 47 + D. No notes - no bearings -
 no means of locating. (See field notes No 50 page 72 for notes;
 plan page 70.) See also tie-line to B. No. 1, page 75.)

X Tr. 15-25-6. Tracings 31, 47 + D. No notes - no bearings
 Perhaps located by Gaden (see field notes No 50 page 1 for notes + plan)

Mcmen continued
Kyzimalko N° 4

✓ T_p. 15-25-6 - Tracings 31, 47 + D - No notes - No bearings - No.
X means of locating (see field notes N° 50 page 14 for notes & plan)

Skhpowitz N° 4

✓ T_p. 15-25-6 - Tracing 31 - No notes - No bearings - No means
of locating (see field notes N° 50 page 36 for notes & plan.)

Sackum + Grangerd South

3 ✓ T_p. 15-25-6 - Tracings ^{31 +} 47 - No notes - No bearings - No means
X of locating (see field notes N° 50 page 29; plan on pages 33.)

Kluhkowit N° 5

✓ called Klahkowit - T_p. 16-25-6 Tracing 31 + 47 - No notes - No
X bearings - No means of locating (see field notes N° 50 page 42 for plan
& notes.)

Sleetsis N° 6

✓ T_p. 16-25-6 Tracings 31 + 47 - No notes - No bearings - No
X means of locating (see field notes N° 50 page 58 for notes & plan)

Skaynaneichst N° 12

✓ T_p. 16-24-6 (Plan not printed) Tracings 31 + 47 - No notes - No bearings
X No means of locating (see field notes N° 51 page 23 for notes & plan)

Nicomien continued
 X Naykikoulth No 13

X Tps. 16-23-6 (Plan not printed) Tracings 31+D - no notes - no bearings -
 no means of locating - (see field notes No 51 page 28 for notes & plan -

Puthkwa
 For number of reserve see printed Schedule
 E.L.R.-2 X

Tp. 15-26-6 Tracing - no notes (see field notes No 52 page 4
 for notes; plan at page 7.) See page 10 for connection survey between
 this reserve & Shu-ouch-ten.

Shu-ouch-ten
 For number of reserve see printed Schedule
 E.L.R.-2 X

X Tps. 15-26-6 Tracing no notes (see field notes No 52 page 3 for
 plan & notes)

Lytton & Nicomen
Squiamy No 10

✓ Tps. 16-24+25-6 (16-25 printed) Tracings 31+47 - no notes - no bearings
 X no means of locating (see field notes No 51 page 1 for plan & notes.)
 See also tie-line between Res. No 10 & 11, page 14.)

Enhalts No 11

✓ Tps. 16-25-6 Tracing 31+47 - no notes - no bearings - no
 X means of locating - (see field notes No 51 page 15 for notes & plan)

Skeikut No 9

✓ called Skeikut - Tps. 15-24-6 (Plan not printed) Tracing 31+47
 X no notes - no bearings - no means of locating (see field notes No 50
 page 77 for plan & notes.)

Lower Nicola

X Shackan Main Reserve
(Chaquiest) No. 1

✓ Tps. 15+16-23+24-6 (Plans not printed) Tracing 31, 47 + D - No notes
no distances or bearings - no means of locating (see field notes p. 1253
X page 1 for notes + plan.)

X Novaitch

✓ Tps. 14+15-22-6 + 15-23-6 (Plans not printed) Tracings 30, 47 + D - No notes
X no bearings - no means of locating Field Notes in Bk 55, B.C.
P. 1540

X Novaitch Grass Reserve
(Tarpoolah)

✓ Tps. 14+15-22-6 (Plans not printed) Tracing 30, 47 + D - No notes
X no bearings - no means of locating (see field notes p. 1254 page 11 for
notes + plan.)

X Papsilqua Grass Reserve No. 1

✓ Tps. 16-22+23-6 (Plans not printed) Tracing 29, 47 + D - No notes
X no bearings - no means of locating (see field notes p. 1253 page 35 for
notes, plan at beginning of book.)

X Soldatqua Grass Reserve No. 1

✓ Tps. 16-23-6 (Plan not printed) Tracings 29, 47 + D - No notes
X no bearings - no means of locating (see field notes p. 1254 page 1 for notes
and plan)

X Pipsicul Reserve

Cooks Ferry

Kumicheen No. 1

✓ Tps. 17-21-6. Plan on file 262398, Surveyed in 1880 by Edward Brothman C.E.
This S.R. is not on list furnished by Indian Dept. Plan accompanied letter from Secty Ind. Dept
of the 5th November 1900, 596319 on file 262398
X Tps. 17-25-6 - Tracing 36 + D - No notes - no bearing for section line
Field Note. P. 154 Bk 57, B.C.
Tracing 36 not shown on map?

⊗

Cook's Ferry continued

Skoonkoon	No. 2	✓	Yr. 16-25-6 - Tracing 36 - No notes - No bearings - No means of locating - See file 225155 for description & tracing (ref. 261731) Of. Note. P. 1 to 6 Bk 60. B.C.
Shawneken	No. 3	X	Yr. 17-25-6 - Tracings 36 & D - No notes - No bearings - One distance missing - No means of locating - Of. Note. P. 5 to 14 Bk 57 B.C.
	No. 4	X	Yr. 17-25-6 - Tracings 36 & D - No notes - No bearings Of. Note. P. 15 to 18 Bk 57. B.C.
	No. 4a	X	Yr. 17-25-6 - See O. & C. 31/10/90 Ref. 225155 - tracing & description in file 225155 ref. 261226
	No. 5	✓	Yr. 17-25-6 - Tracing 36 - No notes - No bearings - No means of locating -
		X	Of. Note. P. 25 to 27 Bk 57. B.C.
	No. 5a	✓	Yr. 17-25-6 - Tracing 36 - No notes - No bearings - No means of locating -
		X	Of. Note. P. 29 to 31 Bk 57. B.C.

no apostrophe
OAC
23/9/04

Cook's Ferry continued

Nicoletton	No. 6	X	<p>⁺¹⁸ Tr. 17^A 25-6 Tracing 36+37 - No notes - no bearings - Some distances missing - no means of locating - Plan 18-25-6 not printed - <i>G. Notes</i> P. 32 to 42 Bk 57, B.C. & P. 1 to 30 Bk 58, B.C.</p>
Kloklowack	No 7	X	<p>Tr. 16-24-6 - Tracing 36, 47 + D. - No notes - no bearings - no means of locating <i>G. Notes</i> P 31 to 38 Bk 60, B.C. & Bk 61, B.C.</p>
Isinkahlt	No. 8	X	<p>Tr. 18-24-6 - Tracing 37 - No notes - no bearings - one distance missing - no means of locating - <i>G. Notes</i> P. 19 to 24 Bk 57, B.C.</p>
	No. 8 a	X	<p>Tr. 18-24-6 Tracing 37 - No notes - no bearings - no means of locating <i>G. Notes</i> P. 33 to 34, Bk 58, B.C.</p>
Pemynooos	No. 9	X	<p>Trs. 17+18-24-6 Tracing 37 - No notes - no bearings - some distances missing <i>G. Notes</i> P. 13 to 43 Bk 59, B.C. & P. 25 to 29 Bk 60, B.C.</p>
Pokheitsk	No. 10	X	<p>Tr. 18-24-6 - Tracing 37 - No notes - no bearings - see odd files Book Vol. 2 pg. 152 (<i>G. Notes</i> P. 44 to 49 Bk 59, B.C.) the northern part of this reserve is relinquished & included in Lot 66 of 1 see file 381985 - Tracing See tracing 1317 on Ind. Res. File A'</p>

no apostrophes
PAC 23/9/04
Cook's Ferry continued

Spaptsum No. 11

Y. 18-24-6 tracing 14 - no notes - no bearing - no distance -
J. Notes. P. 1 to 6 Bk 59 B.C. See tracing 1317 on Ind. Res. File A

No. 11a

Yp 18²¹⁹-24-6 no tracing ^{except on file} - no notes - See O.C. of 31/10/90 Ref. 225155
with description.

X Chilthinn No. 12

Yp. 18-23-6 See I.R. File B
not yet surveyed - tracing + description on file 225155 ref. 261226
approved by O.C. of 31/10/90 - Yp 18 Pgs 23-6 Approved.

X Quiltanton No. 13
(QUILTANTON)

Yp 18-22423-6 approx. See I.R. File B
not yet surveyed - tracing + description as above - approved by O.C.
of 31/10/90 Yp 18 Pgs 22 & 23 Approved
Tied in by Ross 1904

X Enqueto No. 14

Yp 18-22-6 approx. See I.R. File B
not yet surveyed - tracing + description as above - approved by O.C.
of 31/10/90 Yp 18-22-6 Approved -
Tied in by Ross 1904

X Squetan kuhats No. 15

Yp 18-22-6 approx. See I.R. File B.
not yet surveyed - tracing + description as above - approved by O.C. of
31/10/90 Yp 18-22-6 Approved -
Tied in by Ross 1904

ENQUETO
(PAC 1/6/05)

L. M. S. G.

no aphanthrophe
PAC
23/9/04
Cook's Terry continued
Graveyard on Preemption 212 near
Kimball (? Shepperson) Railway Dept

Oregon Jack Creek

No. 1

X Tr. 19-25-6 - Tracing 14 - no notes - no bearings - no means
of locating Gr. Notes - P 28 to 29 Bk 62. B.C.

✓ No. 2

X Tr. 19-25-6 - Tracing 14 - no notes - no bearings - no means
of locating Gr. Notes P. 19 to 23 Bk 62. B.C.

Gr. Note of Island P. 31 to 33 Bk 62. B.C.

No. 3

X Tr. 19-24-6 Tracing 14 - no notes - no bearings - one distance -
an island is apparently included (Island is included) Full notes P. 1 to 5 Bk 62. B.C.
Gr. Note of Island P. 31 to 33 Bk 62. B.C. h. h.

Mepd (Surrendered) No. 4

See letter of
19th June 1905

from J. D. McLean Secty Dept Ind. Affairs
to Secty. Dept Ind.

Not yet on a file 22/6/05

No. 5

X Tr. 19-24-6 - Tracing 14 - no notes - no bearings
Gr. Notes - P. 44 to 48 Bk 62. B.C.

X Trs. 19-24+25-6 Tracing 14 - no notes - no bearings - Perhaps suffi-
ciently located by other means. Gr. Notes P. 6 to 13 Bk 62. B.C.

Oregon Jack Creek cont.

No. 6

Yps. 19⁺²⁰ - 24 - 6 Tracing 14. No notes. no hearings
 X J. Notes P. 14 to 18 Bk 64. B.C.

No. 7

X Yps. 19 - 24 - 6 - Tracing 14 - No notes - no hearings - no means
 of locating. J. Notes P. 14 to 18 Bk 64. B.C.

Ashcroft Ashcroft

No. 1

N^o 1. Cheatum's Farm. X Yps. 20 - 24 + 25 - 6 - Tracing 16 - No notes - no hearings
 J. Notes P. 70 to 81 Bk 65. B.C.

Full notes & survey of
 by E. H. Skinner Vol 1
 pg 444
 P.A.C.
 3/10/05

Ashcroft

No. 2

X Yps. 20 + 21 - 24 + 25 - 6 - Tracing 16 - Notes Vol 1 Page 428
 N^o 2. 105 Mile Post. 3,470a

McLean Lake

No. 3

X Yps. 21 - 25 - 6 - Tracing 16 - No notes - no hearings - no means of
 locating J. Notes P. 15 to 31 Bk 66. B.C.
 N^o 3. McLean's Lake 1,003a

Bonaparte BonaparteN^o 4 Upper Hat Creek

2,057a

~~N^o 4 Bonaparte~~

X Yps. 21 - 26 + 27 - 6 - Tracing 7 - No notes
 J. Notes P. 21 to 47 Bk 67 B.C. + P. 1 to 20 Bk 68. B.C.

Left off Sat. Dec 5th

Bonaparte continued

- | | | |
|--|--------|--|
| No. 2 | X | Tr. 22 ²⁵ -26-6 - Tracing 7 - no notes - bearings & dists given - see Garden 187 - G. Mole P. 216-47 Bk 67. B.C. & P. 1620 |
| No. 2. Mauvais Rocher 998a | | |
| No. 5. Lower Hat Creek | 2,073 | Bk 68. B.C. |
| No. 3 | X | Tr. 21+22-25-6 - Tracing 7 - no notes - Smalleriggina G. Mole P. 10 to 18 Bk 67. B.C. |
| No. 3. Loon Lake | | |
| No. 1. Bonaparte | 927a | Tr. 21+22-25-6 is called No. 34 A in file 672533 Ref 967050 but No. 1 + 1A in Printed Schedule of S. R. at Loon Lake - probably not in Ry. Belt } Probably on No. 24 Ry 23-6 but comes outside the Ry Belt. L.G. |
| No. 4. Upper Hat Creek | X | See G. Mole. Bk 67. B.C. P. 1 to 7 also Tracing 67. B.C. |
| No. 3. Loon Lake | | |
| Mauvais Rocher | No. 5 | Tr. 21-23-6 - Tracing 17 - no notes - no bearings - well preserved |
| No. 2. Mauvais Rocher | X 998a | by D.L. surveys G. Mole P. 1 to 5 Bk 69. B.C. |
| This should be No. 3A See file 672533 Ref 967050 | X | Not yet surveyed - See br. 232781 Ref. 225288 + tracing on IR. file no. 1 Description & Tracing on above file (225155). |
| No. 1. Bonaparte | 1,343a | file 225155 - not yet surveyed |
| (Extension of No. 3) | | |

Pavillion

Reserve No. 3

- ✓ Tps. 21-27-6 - Tracing 7 - No notes - Some bearings given - No means of locating.

Deadman's Creek

X Deadman's Creek Reserve

- ✓ Tps. 20+21 R 21 and 20, 21+22 R. 22 W 6th - Tracings 1+19 - No notes
 Some bearings given - some points located by Q.L. surveys near north end of reserve.
 X Notes P 16 47 Bk 70. B C 7 P. 48 to 46 Bk 76. B C.
 (See error on Closing of survey).

Kamloops

X Kamloops Reserve

- ✓ Tps. 20-15, 16+17 and 21-16+17+6 - Tracings 1+24 - ~~Section Vol 4 page 370~~
 X No notes - no bearings on tracings - some of the limits are perhaps Provincial section lines
 Notes on Books 73, 74, 75 & 7/2. B C

X Heffley's Creek Fishing Station

- ✓ Tps. 22-16-6 - Tracing 1+25 - No notes - no bearings or distance -
 X no means of locating
 Notes P 105 to 118 Bk 74. B C

X Campbell's Crk. Fishing Station No. 1

- ✓ Tps. 17-17-6 Tracing 25 - Notes Vol 4 page 370 (Lot 553) also tracing 73P
 Q. Note P 166 to 169 Bk 75 B C. addition P. 174 Bk 75. B C
 on S.R. File A, apparently a copy of same plan as Tracing 25 - The addition to include weeds comes into Lot 552^o

X " " " " No. 2

- ✓ Tps. 17-17-6 - Tracing 25 - Notes Vol 4 page 370 (Lot 554) also tracing 738 as for last mentioned. Q. Note P 169 to 173 Bk 75. B C.

Kamloops cont.

X Timber Reserve & Gilead Island
on the M. Thompson

apparently not in Ry. Belt
Probably not in Ry. Belt - sketched in on "Reference map" on tracing 25
plan of reserve on same tracing - no bearings, some distances - no means
of locating G. Notes. P. 75 Book 73, B.C. & P. 96 to 105 Bk 74 B.C.

Neskamlieth

X Neskamlieth No. 1

Apr. 20 + 21 - 13 - 6 Tracings 1, 28 + 32 - no notes - no bearings
probably on means of locat., - see Gordon's survey -
G. Notes. P. 1589. Book 88 + 89, B.C.

X No. 2

Apr. 20 + 21 - 13 - 6 - Tracings 1, 28 + 32. No notes - no bearings -
perhaps located by D.I. survey - see Gordon's
G. Notes. P. 1589 Book 88 + 89, B.C.

Adam's Lake Adams Lake

X Hustalen No. 1

No. 1. Hustalen 2, 178a

Tr. 23 - ¹²~~12~~ - 6 - Plan not printed - Tracings ⁵⁰~~12~~ ⁵⁰~~12~~ 604 No notes -
no means of locating Books 80 + 81 for field notes - P.
L.G.

X Squa-am No. 2

No. 2. Squaam 80a

Tr. 24 - 13 - 6 - Tracings 1 + ⁵⁰~~604~~ ⁵⁰~~12~~ No notes - no bearings - no
means of locating Books 80 + 81 - for field notes - L.G.

X To-ops No. 3

No. 3 Toops 25a

Tr. 23 - ¹²~~12~~ - 6 - Plan not printed - Tracings 1 + ⁵⁰~~604~~ ⁵⁰~~12~~ - no notes - no
bearings - no means of locating Books 80 + 81 - for field notes - L.G.

Adam's Lake continued

x Sahhaltkum No. 4

N^o 4. Sahhaltkum 3,204

x Adam's Lake I.R. No. 4A.

N^o 4A. Sahhaltkum 334

x Ste-qum-whul-pa No. 5

N^o 5- Stequmwhulpa 250

(see next page)

Little Shuswap

x Qua-aout (or Knaut) No. 1

X

x Clum Creek Res - No. 2

X

x Meadow Reserve - No. 3

X

x Scotch Creek Res - No. 4

X

Tr. 21-13-6 Tracing 1228 - No notes - no bearings - no means of

locating

Notes Bk 83 B.C.

Tr. 21-13-6. See tracing on file 386279.

Trs. 21+22-12-6 - Tracing 12604⁵⁰(~~115~~) - No notes - no bearings

Vic 192

Notes Bk 82 B.C.

Tr. 22-12-6 - Tracings 1 + 604⁵⁰(~~115~~) - No notes - no bearings - no

distances - no means of locating

Notes on Bk 79 B.C.

Tr. 22-12-6 - Tracing 1 + 604⁵⁰(~~115~~) - No notes - no bearings - no

distances - see Vic 192

Notes Bk 78 B.C.

Tr. 21-12-6 See Vics - not on I.R. tracings (See tracings 52 &

82 B.C.) Notes on Bk 77 B.C.

Trs. 22+23-11-6 probably Scotch Creek reserve - Tracings 1 + 243²⁴⁵ - No notes

See tracing by Higginson on file 27450 (scale is wrong, & copy very rough) copied in Indian Office Victoria. Notes on Bk 76 B.C.

Adams Lake and (Lion)
Hutajin Lake Hglant

Salmon River Reserve

Switsemalph ~~Two~~ ~~Switsemalph~~
No. 3 Switsemalph
Adams Lake { A - E Switsemalph X
A - 7 Little Shuswap Lake No. 5
North Bay ~~Switsemalph~~ X

Ups. 20 ~~XXI~~ - 10 - 6 Tracings 1 + 27 - no notes
Pl. Notes Pls 80, B.C.

325a

Ups. 21 - 10 - 6 - Tracings 1 + 27 - no notes
Pl. Notes Pls 80, B.C.

Spellamcheen

Reserve on Fortune Creek +
Spellamcheen River X

Ups. 18 - 8 + 9 - 6 - Tracings 2 + 26 - no notes
Pl. Notes in Books 85, 86 + 87, B.C.

Reserve on Salmon River O X

Ups. 17 + 18 - 10 - 6 - Plans not printed - Tracing 26 - no notes
Pl. Notes Pls 85, 86 + 87, B.C.

Sicamous No. 3 X

? no tracings, no notes - see File 262398 Pls 21-8-6
Sketch & Description on above file - L.G.

Graveyard - Mrs. Fortune's field

no record of this reserve

59335

WALKER'S
"DOCUMENT"
INDIVIDUAL FILE.

No. 24.

J. W. & Co., Ltd.

British Manufacture.

LONDON.

Reference Directory

Index of Interim Reports

Confirmation of Indian Reserves

Register of Department Files

Map Index

Held files of Department

of Indian Affairs:

A

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.

I N T E R I M R E P O R T S .

No.	Date	Summary of Contents.	Dept. File.	Remarks.
	1913			
1	May 21st.	Re. C. N. P. Rly., right of entry Cowichan Lake I. R. and Skutz Reserve #8. Re C. N.P. Rly., right of entry, Spuzzum I. R. #4. Re C. N. P. Rly., right of entry, Mohillston I. R. #2. Re G. T. P. Rly. right of entry, Moon-Law I. R. #6. Re. G. T. P. Rly., right of entry, Se-as-Planket I. R. #2 and Stellaquo I. R. #5. Re C. N. P. right of entry Bonaparte I. R. #2.	426740 414911 413568 415570 593009 410256	Files returned to Ottawa June 9th. 1913.
	July 7th.	Re G. T. P. Rly., right of entry Salquo I. R. #4.	-----	-----
3	" 7th.	Re acquirement by Dept. of Marine & Fisheries of Semanus Island I. R. #10 of the Sannich Tribe for Lighthouse purposes, under special conditions.	413560) 453735)	Special provision to be made for protection of Indian graveyard and the exclusion of Japanese or other fishermen, not Indians, when using this Island as a camping place.
4	" 18th.	Re P. G. E. Rly. right of entry Capilano I. R. #5 of Squamish Tribe;	-----	-----
5	" 22nd.	Re. P. G. E. Rly., right of entry Mission I. R. #1 of Squamish Tribe.	410911	Returned to Ottawa, July 22.
6	" 22nd.	Re granting to C. P. Rly., Co., lands required for highway change in Salmon Arm I. R.	82073	Papers on this mixed file referring to matters covered by I. R. #6, returned July 22. Papers referring to other matters held for further consideration.

INTERIM REPORTS (Continued)

No.	Date.	Summary of Contents.	Dept. File.	Remarks.
15	Nov. 14th.	Granting application of B. C. E. Rly., Co., for land required for railway purposes in New Westminster City I. R. of New Westminster City Tribe.	324521	File returned November 14th.
16	" 19th.	Confirming I. R. #3 of the Okanagan Band.	-----	Letter in connection here with accompanied by copy of Interim Report sent Supt.- Genl. Nov. 20th with resolution of Commission that the reserve be conveyed to Isaac Harris and that his other interests in land or monies of his band be protected.
17	Nov. 19th.	Re. V. V. E. R. & N. Co., right of entry in Upper Sumas I. R. of Sumas Tribe.	-----	-----
18	" 20th.	Re. P. G. E. right of entry on I. R's. Nos. 1 and 2 Clinton Tribe.	-----	-----
19	Dec. 4th.	Confirming East Saanich I. R. #2 of the Saanich Tribe.	448418	This report made in connection with application of the Canada Explosives Co., Ltd., for right of way through I. R. #2 East Saanich in order that the Dept. of Indian Affairs may deal expeditiously with said application

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ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.

I N T E R I M R E P O R T S .

No.	Date	Summary of contents.	Dept. File.
	1914		
20	January	6th. Re flume across Little Shuswap Lake by Adams River Lumber Co.	422164
21	"	30th. Re. G. T. P. Rly., Co., right of entry through Squin-lix-stat I. R. - Babine Agency.	444200
22	"	30th. Re. C. N. P. Rly., Co., right of entry through Okanagan I. R. No. 1 - Okanagan Agency.	-----
23	"	31st. Confirming Chuchuwayha I. R. Nos. 2, 2a, 2b & 2c, Okanagan Agency.	444144
24	February	10th. Confirming Nekahilliston and North Thompson I. R's. - also in re prospecting for coal by Croft, Ashby & John Cunliffe & associates - Kamloops Agency.	-----
25	"	12th. Experimental farm at Penticton I. R. No. 1 - Okanagan agency.	362466
26	"	20th. Re granting of the application of the G. T. P. Rly., Co., for right of entry through Charles I. R. No. 1 and Tibbets I. R. No. 2.	438855
27	March	,17th. Re application of G. T. P. Rly., Co., for right of entry through Chigin-kalt I. R. No. 8 - Babine and Upper Skeena Agencies.	455689
28	"	25rd. Re application of Kootenay Central Rly., Co., for right of entry on Shuswap I.R. - Kootenay Agency.	293755
29	"	23rd. Re application of the C. P. R. Co., for right of entry on North Bay I. R. No. 5 (or Tappen's Siding) - Kamloops Agy.	82073
30	May"	1st. Re Dyking on Barnston Island I. R. No. 3 - New Westminster Agency.	55733) 115294)
31	"	1st. Confirming Tsawwassen I. R., New Westminster Agency.	-----
32	"	4th. Re application of Pacific & Hudson Bay Rly., Co., for right of entry through Bella Coola I.R. No. 1 - Bella Coola Agency.	407682
33	"	9th. Re application of Western Canada Power Co., to construct a spur through Langley I. R. No. 2.- New Westminster Agency.	365600

I N T E R I M R E P O R T S (Continued.)

No.	Date	Summary of Contents.	Dept. File.
1914			
(34, June (35, (36, (37 & (38	18th.	Re applications of P. G. E. Rly., Co., for right of entry upon Anderson Lake I. R.'s. Nos. 1, 2, & 4; Seton Lake I. R.'s. Nos. 1, 2 & 6. - Williams Lake Agency.	417064
39	July 6th.	Re application of the City of Duncan to acquire a portion of Cowichan I. R. NO. 1 - Cowichan Agency.	-----
40, 41 & 42	" 6th.	Re application of the P. G. E. Rly., Co., for right of entry through Quesnel I. R. No 1; Rich Bar I. R. No. 4 and Alexandria I. R. No. 1. - Williams Lake Agency.	-----
43	" 8th.	Re application of the City of North Vancouver for a front street on Mission reserve - also wharf at North Vancouver. New Westminster Agency.	398438) 368380)
44 <i>44a.</i>	" 11th.	Re application of P. G. E. Rly., Co., for right of way through Slesh or Sha-lalth I. R. No. 1 - Lytton Agency.	417064
45	August 15th.	Re application of P. G. E. Rly., Co., for right of entry through Soda Creek I. R. No. 1. - Williams Lake Agency.	463886
46	" 14th.	Re exchange of Semach I. R. No.2, Sea Otter Cove - Kwawkwalth Agy.	413706
47 & 48	" 15th.	Re application of the City of Kamloops for right of entry upon Kamloops I. R. No. 1 - also - confirmation of Fishery I. R. No.5	465541
49	" 24th.	Re application of G. T. P. Rly., Co., for right of entry through Fort George I. R. No. 2. - Stuart Lake Agency.	327496/2
50	" 31	Confirmation of Mayne Island I. R. No. 6. - Cowichan Agency.	455568

I N T E R I M R E P O R T S (Continued).

No.	Date.	Summary of Contents.	Dept. File.
51	October 5th.	Re. application of the Pacific Great Eastern Railway Company for right-of-way through Williams Lake I. R. No. 1 - Williams Lake Agency. -----	468389
52	" 20th.	Re. application by the Customs Department for a parcel of land in the Tobacco Plains I. R. No. 2 of the Kootenay Tribe of Indians - Kootenay Agency. -----	467756
53	" 22nd.	Re. application of the Canadian Northern Pacific Railway Company for right-of-way through Chuchumaisapo I. R. No. 15 - West Coast Agency. -----	-----
54	November 26th.	Re. application by the British Columbia Electric Railway Company Limited for right-of-way upon New Westminster City I. R. - New Westminster Agency. -----	470184
55	" 26th.	Re. application of the Public Works Department to change route of the Fairview-Penticton Road, Similkameen District - Okanagan Agency. -----	-----
56	" 26th.	Re. application of the Canadian Pacific Railway Company for right-of-way through Holachten I. R. No. 8 - New Westminster Agency. -----	22945
57	" 26th.	Re. application of the Canadian Northern Pacific Railway Company for right-of-way through Cheam I. R. No. 1 - Lytton Agency. -----	371550
58	" 27th.	Re. application of the Kettle Valley Railway Company for right-of-way through Penticton I. R. No. 14 - Okanagan Agency. -----	367962
59 to 68	to December 3rd.	Confirmation of additional reserves for bands in the Lytton Agency. -----	386420
69	" 22nd.	Confirmation of Boothroyd I. R. No. 5 A.	

I N T E R I M R E P O R T S (Continued).

No.	Date.	Summary of Contents.	Dept. File.
70 & 71	January 20th./15.	Re. application of the Vancouver Power Company for right-of-way through Sumass I. R. No. 7, New Westminster Agency: also through Sahhacum I. R. No. 1 and Matsqui Main I. R. No. 2, New Westminster Agency. -----	
72 & 73	" 26th	Re. application of the Pacific Great Eastern Rly., Co., for additional land required for ballast supply purposes in connection with right-of-way through Seton Lake I. R. No. 2 (Silicon) Lillooet Dist. also application for additional land required for ballast purposes and widening of cuts through Sloss (Shalalth) I. R. No. 1, Lillooet District. -----	
74	" 28th.	Re. confirmation of Nooaitch I. R. No. 10, of the Lower Nicola Tribe, Kamloops, Agency. -----	
75 76 & 77	February 2nd.	Re. confirmation of Nicola Lake I.R. No. 1, Chapperon Creek Fishery I.R. No. 5 and Logans I. R. No. 6 (Application of the Douglas Lake Cattle Co.) Kamloops Agency. -----	
78	March 2nd.	Re. application of the Comox Logging and Railway Company for right-of-way through Pentledge Indian Reserve No. 2, Cowichan Agency. -----	
79 & 80	March 25th.	Relative to lands allotted as reserves for the Indians of the Lower Kootenay tribe and additional lands proposed to be added thereto. -----	
81	May 3rd.	Re. application of the Public Works Department for right-of-way for a public road through Cayoosh Creek I. R. No. 1, Lytton Agency. -----	

I N T E R I M R E P O R T S (Continued).

No.	Date	Summary of Contents.
82	August 12th, 1915.	Re. application of the Vancouver Harbour Commissioners to acquire the Kitsilano I. R. No. 6, New Westminster Agency.
83	August 12th, 1915.	Re. land at Kut-Co-us Point, Flores Island, Clayuquot Sound, <u>constituted a Reserve</u> for the use and benefit of the Ahousaht Band of Indians of the West Coast Agency.
84	August 12th, 1915.	Re. land contiguous to Aupe I. R. No. 6, containing an area of 29.7 acres, <u>constituted a Reserve</u> for the use and purposes of the Homalco Tribe of Indians, New Westminster Agency.
85	November 1st, 1915.	Re. application by the Public Works Department for right-of-way for a public road through Sumass I. R. No. 9 and Skumalasph I. R. No. 16.
86 and 87	November 19th, 1915.	Re. application by the Public Works Department for right-of-way required for a public road through Holachten I. R. No. 8 of the Sumass Lakahahnen Band, New Westminster Agency.
88	December 29th, 1915.	Re. application by the Public Works Department for land required for right-of-way for a public road through Gitzault (Kitsaulk) I. R. No. 24, of the Naas Agency.
89	January, 3rd, 1916.	Re. confirmation of that portion of Boothroyd I. R. No. 5 B not included in the Frederick Corral (Jamieson Estate) Pre-emption.

ROYAL COMMISSION ON INDIAN AFFAIRS FOR B. C.

DISPOSITION OF RESERVES BY CONFIRMATIONS OR OTHERWISE

Agency	Tribe or Band	Reserve	No.	Acreage	Page in Schedule	Confirmed	Reduced	Added To	Remarks
Cowichan	Saanich	Bare Isld.	9	26	62				Granted July 23, '13, by I.R. No. 7, to be es- tablished and maintained by the Government of B.C. as a permanent sanctuary for wild sea birds.
"	Cowichan	Cowichan	1	5723	60	July 23, '13			
"	"	Teik	2	75	61	"			
"	"	Kilpahlis	3	51	61	"			
"	"	Rogers Lk.	4	75	61	"			
"	"	Tzartlam	5	16	61	"			
"	"	Kakalatza	6	24	61	"			
"	"	Skutz (a)	7	18	61	"			
"	"	Skutz (b)	8	40	61	"			
"	"	Cowichan	9	48.66	61	"			
"	Cowichan Lk.	Cowichan Lk.		107.5	61	July 28, '13			
"	Nanaimo	Nano. City	1	47	61	July 23, '13			
"	"	Nano. River	2	128	61	"			
"	"	"	3	260	61	"			
"	"	"	4	200	61	"			
"	"	Fishing Stn	5	2 1/2	61	"			
"	"	Cemetery	6	undefined	61	"			
"	Nanosee	Nanosee		209	61	July 24, '13			
"	Qualicum	Qualicum		197	61	"			
"	Comox	Comox	1	155	60	July 28, '13			
"	"	Pentledge	2	209	60			Cut off July 24, '13	
"	Chemainus	Halalt Isld.	1	140	59	July 28, '13			
"	(Halalt Band)	Halalt	2	287	59	"			
"	Chemainus	Iyacksun	3	1756	59	"			
"	(Iyacksun Band)	Shingle Pt.	4	79	59	"			
"	"	Portier Pass	5	5	59	"			
"	Chemainus	Tsussie	6	33	59	"			
"	(Penelake ut Band)	Kuper Isld.	7	2138	60	"			
"	"	Tent Isld.	8	85	60	"			
"	"	Fishing Stn (Portier P.)	9	76	60	"			
"	Chemainus	Fishg. Stn.	10	15	60	"			
"	(Sickas- mean Bd)	"	11	81	60	"			
"	"	On W. shore Oyster Hbr.	12	296	60			Cut off July 28, '13	

Bella Coala

Kemsquit

Eighty (80) ac. marked
on plan of B.C. Lands
Dept. "I.R." and shewn
as extending on either
side of Skowquiltz Ri-
ver about the head of
Skowquiltz Bay, being
unalienated Crown land

Bella Bella

Bella Bella
Burial ground

1 1625 56
1a 17 56
2 21 56
3 32 56
4 16 56

Sept. 26, 13

Hoonoes
Quartcha

5 222 56
6 80 56
7 13 56
8 610 56
9 95 56

Noota
Clatse

10 16 56
11 63 56
12 161 56

Elcho
Kisameet

1 278 56
2 33 56
3 71 56
4 323 56

Howest
Kunsoot

1 3848 57
2 1.10 57
3 184 57
4 5 57

Kajustus
Werkinellek

5 112 57
5a 126 57
6 15 57
7 27 57

Yellertlee
Kitkahta

8 52 58
9 36 58
10 6 58
11 4 58

Burial ground
Quaal

12 13 58
13 15 58
14 27 58
15 39 58

Kulkaya (Hartly Bay)
Dolphin Island

16 12 58
17 21 58
18 95 58
1 185 58

Grassy Islet
Kumewdah

2 75 58
3 1.25 58
4 11 59
5 32 59

Sand Island
Klapthlen

6 95 59
1 467 57
2 386 57
3 41 57

Pas-aat
Tsintack

4 12 57
5 92 57
6 180 57

Toowartz
Citeyats

Kitlawaco
Keecha

Kooryet
Clowell

Sheganny
Tsimlairen

Keswar
Keyarka

Kul
Kokyot

Grief Island
Kyarta

Meekas
Tankeah

Koqui
Kitimeat

Wawelth
Tahla

Tsingoise
Bish

Sept. 29, 13

Added Sept. 29, '13

Subject to the
right of the B.C.
Govt. or any lic-
ensee thereof or
any person claiming
under such Govt. the
right to drive logs
on Skowquiltz river
or to construct and
operate booms at its
mouth.

Sept. 29, 13

As defined by former
Comr. "Vowell."

16.12.13 apply vacant

Bella Coala

Kitimaat

Kitisa 7 10 57
Kildala Arm 8 57

A tract of
land at the
mouth of Kil-
dala River.

Kitasoo

Westweeam 1 5
Paul 2 5
Kadadweesh 3 5
Dilmasow 4 5
Old village 5 5
Katalsut 9 5
Uthlakoush 11 5
Inmygosh 12 5
Joe Dam 13 5

Kitlope

Quckwa 6 5
Gooewe 8 5
Kitasoo 1 812 57
Canoona 2 542 57
Weekellala 1 215 58
Kitlope 2 112 58
Kemano 3 25 58
Masset 1 729 107
Hiellen 2 70 107
Yagun 3 86 107
Janas 4 192 107
Satunguin 5 9 107
Ain 6 164 107
Yan 7 264 107
Meagwan 8 49 107
Kose 9 9 107
Naden 10 27 107
Kung 11 71 107
Daningay 12 21 107
Yatze 13 45 107
Jalun 14 17 107
Kaicoosta 15 101 107
Tatense 16 16 107

Masset

Susk 100
Saughten 29
North Isld.,
in 4 locat-
ions, viz:
One at Eger-
ia Bay, one
at Cohoe Pt.,
and 2 on the
N.W. coast of
the Island.

Tiahn

7 3/4
100

Sept. 29, '13

Nov. 13, 1913

Nov. 14, 1913

16.12.13 apparently within lot 910, Range 4
Coast Dist. Crown Lp. W.D. Langdon lot 12-1904

acreage un-
defined.

Subject to the right of
the B. C. Govt. or any
licensee thereof or any
person claiming under
such Govt. the right to
run logs on Kildala Riv-
er or to construct and
operate booms at its
mouth.

(Which said locations are
marked and numbered as
herein described on a map
of that district in the
Dept. of Lands of B. C.)

apply Patent 16.12.13

applied covered by lot 988 G. or I. D. purchase
which applied for by James W. A. but was
not Crown granted
applied covered by expired coal license 7968-
7992

In respect to Cohoe Pt.
the reservation to be sub-
ject to Provl. Coal Lic.
No. 8239.

Reserved from King
at least 1912

(These two reservations to
be subject respectively to
Provl. Coal Lic. 752 & 8396

***IN ORIGINAL, THIS NOTE IS ON A SMALL PIECE OF
PAPER AND AFFIXED TO THE TOP RIGHT HAND
CORNER OF THE NEXT LONG PAGE.***

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE
PROVINCE OF BRITISH COLUMBIA

HON. E. L. WETMORE, CHAIRMAN
NATHANIEL W. WHITE, K. C.
JAMES A. J. MCKENNA, LL. D.
JAMES P. SHAW, M. L. A.
DAY H. MACDOWALL
J. G. H. BERGERON, K. C.,
SECRETARY AND SOLICITOR



ADDRESS OFFICIAL COMMUNICATIONS
TO THE SECRETARY

VICTORIA, B. C. 6th: Jan. 1914

N O T E

Eastern portion of Lot 6061, Range 5, Coast District (55 acres)
Apparently vacant December 16th. 1913 and noted by Prov. Government as
specified for a Reserve for the Kitimaat Tribe; this tract being
situate on the West bank of Kitimaat river about 8 miles from its
mouth and including the old Indian village of Klak-ak-siouks.

Okanagan

Skidegate	1	854	107
"	2	62	107
"	3	119	107
"	4	210	107
"	5	40	108
"	6	38	108
"	7	56	108
"	8	169	108
"	9	65	108

Spallumcheen	Enderby	2	5625	106
--------------	---------	---	------	-----

17	Sicamous	3	201	107
17	Salmon R.	1	3853	106
17	Graveyard		³ / ₄	106
	in Mr For-			
	tune's			
	field			

Okanagan	1	160	103
Otter Rk.	2	62	103
Swan Rk.	4	68	103
Long Rk.	5	128	103
Priests V.	6	83	103
Mission Ck.	8	55	104
Duck Rk.	7	457	103
Tsinstikeptum	10	800	104
Okanagan	1	25539	103
Penticton	1	47829	104

"	Timber Reserves	2	321	104
"		2a	194	"
"	Nicola Prairie	3a	360	104
"	"	3		104
Osoyoos	Osoyoos	1	32097	"
"	Dog Lk.	2	71	"
L. Similkameen		12	150	
		12a	1130	105

Nov. 13, 1913

Nov. 17, 1913

" 18, '13

" 21. "

" 22, '13

A strip of 1600 ac. running along the W. boundary of the Reserve and parallel therewith cut off Nov. 17, 1913.
Cut off Nov. 17, 1913

Cut off Nov. 18, 1913

14060 ac. cut off Nov. 21, 1913, being the N.E. portion of the Reserve, commencing at a point on the W. bank of Okanagan River due W. of the S.W. corner of Sec. 32, Tp. 87, and running W. therefrom 400 chains, thence N. 380 chs. thence E. to Trout Ck., thence following said creek easterly to Okanagan Lk., and thence S. along the shore of said lake and Okanagan River to the point of commencement.

Cut off Nov. 21, 1913

Cut off Nov. 21, 1913

Okanagan

I. Similkameen

Blind Ck.	6	400	105
Skemeosku- ankin	7	3800	105
	2	208	105
	3	1750	105
Narcisse	4	1854	105
J. Nahump- cheens	5	1278	105
Alexis	9	429	105
Ashnola	10	4153	105
"	10a	3360	105
"	10b	350	105

U.

Vermillion			
Fks.	1	26	105
Chuchwayha	2	4493	106
"	2a	1013	106
"	2b	160	106
"	2c	300	106
Wolf Ck.	3	308	106
9 Ml. Ck.	4	198	106
Lulu	5	50	106
	6	10	106
Itcoola	7	42	106
Neskainlith	1	3245	67
"	2	2456	67
Switsemalph	3	1273	68

Kamloops

Neskainlith-
Halaut

Adams Ik.

Sahhhahltkum	4	3206	
	4a	334	63
Stegumwhulpa	5	250	63
Hustalen	1	2178	63
Hoops	3	25	63
Squaam	2	80	63
Quaout	1	4265	69
Chum Ck.	2	600	69
North Bay (Tappens)	5	786.59	69
Meadow	3	60	69
Scotch Ck.	4	2105	69
N. Thomp.	1	3220	68
Nekallis-			
ten	2	5	68
Barriere	3	5	68
Louis Ck.	4	8	68
Deadmans			
Ck.	1	20134	66
Bonaparte	3	477	64
"	3a	1283	64

N. Thompson
& Cance Ik.

Deadmans Ck.

Bonaparte

Nov. 22, 13

24, 13

26, 13

Nov. 24, 13

Nov. 24, 13

480 cut off Nov. 26,
starting at S.W. corner
of 3, thence to N.W.
corner of said Reserve 120
chms. thence E. 40 chms
along the northerly bound-
ary thence S. 120 chms.
parallel with the W. bound-
ary to the S. boundary,
thence W. 40 chms. to the
point of commencement.

May 6, 1915

Nov. 26, 13

27, 13

Nov. 27, 13

28, 13

Confirmation reported January 28th
by Interim Report No 23.

Confirmation reported Jan 6th
by Interim Report No 20

18.12.13 Dept
Lands & Survey
Specified information
re the position additional
lands specified for
pasture.
Confirmation reported
February 10th. by Interim
Report No 27.

Kamloops

Bonaparte

Mauvais Rocher

5

99.80

64

Nov. 28, 13

Ashcroft

Loon Lk.
Up. Bat Ck.
Mr.
Cheetsams Farm
McLeans Lk.

4
1
2
1
3
4

59
2057
2078
770
1003
307

64
64
64
63
64
64

(Kamloops,
Nicola &
Bonaparte
Cooks Ferry

Hihium Lk.
Cumcheen
Skoonkoon
Shawniken

7
1
2
3
4

21.75
55
106
35

67
65
65
65

Shaniken
Chuchhriaschin

4a
4b
5

108
7.56
20

65
65
65

Nicoelton
Kloklewuck
Tsinkaghtl

6a
7
8

20
2008
219
19.805

65
65
65
65

Pemynoos
Pokheitak
Spatsum

9
10
11

4507.70
36
193

66
66
66

Chilthnux
Quiltanton
Enquette
Squetankilhats

11a
12
13
14
15

160
365
52
560
520

66
66
66
66
66

Oregon Jack Ck.

Hay Meadow

1
2
3
5

30
35
120
1043

68
68
68
69

New Westr.

Semiahmoo

Semiahmoo

6
7

750.70
80
392

69
69
99

Nov. 29, 13
July 30, 13

330 acres cut off
Nov. 28, 13, com-
mencing at S.W.
cor. of the reserve
thence N. 110 chns.
to the N.W. cor.,
thence E. 30 chns.
along the N. bound-
ary, thence S. 110
chns. parallel to
the W. boundary, to
the S. boundary and
thence 30 chns to
pt. of commencement.

By. I.R. No. 9,

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.

DISPOSITION OF RESERVES BY CONFIRMATION OR OTHERWISE.

Agency	Tribe or Band	Reserve	No	Acreage	Page in Schedule	Confirmed.	Reduced	Added to	Remarks
New Westminster	Katzie	Banrstone Is.	3	135	97	May 1st. '14.			Reported by I. R. No. 30
"	Esawwassen	Esawwassen		604.25	105	" 30th. '14.			" " I. R. No. 31
"	Katzie	Katzie	1	109	96	" 1st. '14.			
			2	57					
			4	540					
			5	1					
West Coast	Checkleset	Acous	1	100	111	July 9th. '14.			
"	"	Burial Ground	2	2	111	" 9th "			
"	"	Mahope	3	40	111	" 9th "			
"	"	Hisnit	4	15	111	" 9th "			
"	"	Ououkinsh	5	10	111	" 9th "			
"	"	Upsowis	6	61	111	" "			
"	"	Malksope	7	30	111	" "			
"	Clayoquot	Opitsat	1	180	111	" "			
"	"	Echachis	2	44	111	" "			
"	"	Esoiwsta	3	17	111	" "			
"	"	Kootowis	4	37	111	" "			
"	"	Okeamin	5	24	111	" "			
"	"	Clayoqua	6	110	111	" "			
"	"	Winche	7	40	111	" "			
"	"	Ilthpaya	8	3.5	111	" "			
"	"	Onadsilth	9	45	111	" "			
"	"	Eelseuklis	10	40	111	" "			
"	Clayoquot-Kelsemart	Yarksis	11	103	111	" "			
"	"	Cloolthpich	12	59	111	" "			
"	"	Quortsove	13	36	111	" "			
"	"	Oinimitis	14	25	111	" "			
"	Clayoquot-Ahousaht	Marktosis	15	260	111	" "			
"	"	Ahous	16	34	111	" "			
"	"	Chetarpe	17	35	112	" "			
"	"	Sutaquis	18	127	112	" "			
"	"	Wahous,							
"	"	(fishery)	19	143	112	" "			
"	"	Wahous,							
"	"	(village)	20	34	112	" "			
"	"	Tequa	21	6	112	" "			
"	"	Peneetle	22	95	112	" "			
"	"	Moyehai	23	13	112	" "			
"	"	Seektukis	24	34	112	" "			
"	"	Watta	25	12	112	" "			
"	"	Wappook	26	11	112	" "			
"	"	Openit	27	77	112	" "			
"	"	Tootoowiltena	28	21	112	" "			
"	"	Kishnacous	29	34	112	" "			
"	Esperanza Inlet	Nuchatl	1	16	112	" "			
"	Nuchatlitz Band	"	2	57	112	" "			
"	"	Ahpukto	3	7	112	" "			
"	"	Opemit	4	16	113	" "			
"	"	Shoomart	5	21	113	" "			
"	"	Owossitsa	6	8.5	113	" "			
"	"	Oclucje	7	35	113	" "			
"	"	Occosh	8	31	113	" "			
"	"	Chiseuquis	9	19	113	" "			
"	Esperanza Inlet	Oke	10	52	113	" "			
"	Ehatisaht Band	Graveyard	10a	2	113	" "			

Agency	Tribes or Band	Reserve	No.	Acreage	Page in Schedule	Confirmed.
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Swawlewith	Mahteelthpe	Etsekin	1	32.50	72	Aug. 14th. '14.
"	"	Keecokiltum or				
"	"	Port Harvey	2	29	72	"
"	"	Haylahte	3	47	72	"
"	"	Harkhom or				
"	"	Port Neville	4	36.70	72	"
"	Nahkwockto	Kequesta	1	174	72	"
"	"	Grave-yard	2	.16	72	"
"	"	Pahas	3	98	72	"
"	"	Mahpahkun	4	19	72	"
"	"	Ta-a-ack	5	50.50	75	"
"	"	Saagoombahlah	6	4.50	73	"
"	"	Burial-ground	7	.08	73	"
"	"	" "	8	.46	73	"
"	"	Kwetahkis	9	10	75	"
"	"	Owh-wis-too-				
"	"	a-wan	10	15.20	75	"
"	"	Pencece	11	8.60	73	"
"	"	Wawwat'l	12	165	75	"
"	"	Tsaikwiee	13	11.50	75	"
"	"	Kokwiiss	14	15.80	73	"
"	"	Kaitookwis	15	51.50	73	"
"	"	Wawmp	16	92.80	75	"
"	"	Pellooth'lkai	17	4.20	73	"
"	Nimkeesh	Alert Bay	1	46.25	75	"
"	"	Burial-ground	2	1.87	73	"
"	"	Cheslakee	3	302.87	73	"
"	"	arcewyee	4	41.30	73	"
"	"	Otsawias	5	55.25	75	"
"	Quatsino	Quattishe	1	228	74	"
"	"	Tohquoough	2	1.50	74	"
"	"	Pacat'llinne	3	9	74	"
"	"	Kultah	4	41	74	"
"	"	Cayilth	5	11.50	74	"
"	"	Cayuse	6	94	74	"
"	"	Teeta	7	9.50	74	"
"	"	Mahtenicht	8	39	74	"
"	"	Clatux	9	73	74	"
"	"	Fishery	10	111	74	"
"	"	Oyakumla	11	165	74	"
"	"	Quatleyo	12	6	74	"
"	"	Grass Point	13	8.50	74	"
"	"	Clenna	14	50	74	"
"	"	Grave-yard	15	3	75	"
"	"	Ahwechaolto	16	74	75	"
"	Quawshelah	Wyclese	1	551	75	"
"	"	Hekite	2	165	75	"
"	Turner Island	Karlukwees	1	26.75	75	"
"	Village " or					
"	Mahmalillikull-					
"	ah	Mahmalillikull-				
"	"	ah	1	434.25	75	"
"	"	Meetup	2	15.75	75	"
"	"	Ahta	3	17.50	75	"
"	"	Kakweken	4	10	75	"
"	"	Dead Flint	5	97	75	"
"	Nahwitti	Ouchtum	3	12	73	"
"	"	Nahwitti	4	21.70	73	"
"	"	Glenglaouch	5	14	73	"

Agency	Tribes or Band	Reserve	No.	Acreage	Page in Schedule	Confirmed	Reduced	Added to	Remarks.
Kwawkwalth	Gilford Is. Tb. Tsahwawtineuch Band	Gwayasdums	1	62.90	71	Aug. 14th. '14.			
"	Gilford Is. Tb. Ahkwawamish Bd.	Burial-ground	1a	.85	71	"			
"	Gilford Is. Tb. Kwawwawinuck Bd.	Kunstamis	2	17.20	71	"			
"	"	Keogh	3	10.60	71	"			
"	"	Quay	4	10	71	"			
"	"	Lawanth	5	14	71	"			
"	"	Glyka	6	8	71	"			
"	"	Quaee	7	432	71	"			
"	"	Alalco	8	293.20	71	"			
"	"	Grave-yard	9	4	71	"			
"	Laichkwiltach Tribe, Kahkhamatsis Band	Salmon River	1	329	71	"			
"	Laichkwiltach Tribe, Wewayakum and Kweahkah Bands.	Homayno	2	38	71	"			
"	"	Loughborough	3	21	71	"			
"	"	Matlaten	4	96	71	"			
"	"	Matsayno	5	118.50	72	"			
"	"	Saaiyouck	6	51.50	72	"			
"	Laichkwiltach Tribe, Wewayakay band.	Village Bay	7	11	72	"			
"	"	Open Bay	8	9	72	"			
"	"	Drew Harbour	9	240.50	72	"			
"	"	Cape Mudge	10	1117.50	72	"			
"	Laichkwiltach Tribe, Wewayakum Band.	Campbell River	11	350.50	72	"			
"	"	Quinsam	12	287.50	72	"			
Kamloops	Bonaparte, Nicola and Kamloops.	Hikium Lake	6	80	65	"			
Lytton	Hope.	Fishery	5	1	75	Aug 20th, '14.			(Reported by Interim Report (NO. 47, August 20th. 1914.

AGENCY	Tribes or Band	Reserve	No	Acres	Page in Schedule	Confirmed.
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West Coast	Esperanza Inlet					
"	Matiasant Band	Ehatis	11	40	113	July 9th. '14.
"	"	Chenakint	12	56	113	"
"	Hesquiat	Hesquiat TATCHU	13	222 ⁷³	115	"
"	"	Homais	2	89	113	"
"	"	Teahmit	3	107	113	"
"	"	Maahpe	4	159	113	"
"	"	Iusuk	5	29	113	"
"	Kyuquot	Village Is.	1	118	113	"
"	"	Mission Is.	2	73	113	"
"	"	Ahmaccinnit	3	11	113	"
"	"	Granite Is.	4	215	113	"
"	"	Yakats	5	4.5	115	"
"	"	Houpsitas	6	29	113	"
"	"	Chamiss	7	13	113	"
"	"	Kayouk	8	7	113	"
"	"	Kashittle	9	12.5	114	"
"	"	Kacowinch	10	20	114	"
"	"	Tahsish	11	21	114	"
"	"	Artlish	12	18	114	"
"	"	Kaouk	13	13	114	"
"	"	Markale	14	13	114	"
"	"	Amai	15	30.5	114	"
"	"	Machta	16	9	114	"
"	Nitinat	Ahuk	1	132	114	"
"	"	Tsuquanah	2	235	114	"
"	"	Wyah	3	132	114	"
"	"	Clo-oose	4	248.5	114	"
"	"	Burial-ground	4a	9.3	114	"
"	"	Sarque	5	25.8	114	"
"	"	Carmanah	6	158.5	114	"
"	"	Iktuksasuk	7	168.	114	"
"	"	Homitan	8	50	114	"
"	"	Oyees	9	104.5	115	"
"	"	Doobah	10	13	115	"
"	"	Malachan	11	66	115	"
"	"	Ilclo	12	77	115	"
"	"	Opatseeah	13	71	115	"
"	"	Wokitsas	14	40	115	"
"	"	Chuchumaisapo	15	92	115	"
"	"	Saouk	16	175	115	"
"	Nootka	Yuquot	1	206	115	"
"	"	Tsarksis	2	81	115	"
"	"	Aass	3	14	115	"
"	"	Nesuk	4	5	115	"
"	"	Moutcha	5	15	115	"
"	"	Sucwoa	6	36	115	"
"	"	Hisnit	7	11	115	"
"	"	Hoiss	8	44	115	"
"	"	Coopte	9	35	115	"
"	"	Tsowwin	10	34	115	"
"	"	Tahsis	11	42	115	"
"	Nootka,					
"	Matchilacht	Ahaminaquus	12	39	115	"
"	"	Matchlee	13	12.5	115	"
"	"	Hleapte	14	10	115	"
"	"	Cheeshish	15	29	116	"
"	"	Mooyah	16	13	116	"
"	"	Ous	17	24	116	"
"	Opetshisat	Ahahswinis	1	96	116	"
"	"	Klenkoot	2	290	116	"
"	"	Cous	3	132	116	"
"	"	Chuchakacook	4	5	117	"

Agency	Tribes or Band	Reserve	No	Acreage	Page in Confirmed Schedule	Reduced	Added to	Remarks
West Coast	Pacheena	Pacheena	1	153	117	July 9th. '14.		
"	"	"	2	156	117	"		
"	"	Cullite	3	95	117	"		
"	"	Fishing Station	4	25	117	"		
"	Toquart	Macoah	1	124	117	"		
"	"	Deekyakus	2	214	117	"		
"	"	Chequis	3	3	117	"		
"	"	Chenatha	4	62	117	"		
"	"	Dookqua	5	18	117	"		
"	Uchucklesit	Cowishil	1	175	117	"		
"	"	Elhlateese	2	400	117	"		
"	Ucluelet	Ittatsoo	1	162	117	"		
"	"	Clakamucus	2	14	118	"		
"	"	Outs	3	12	118	"		
"	"	Quinaquilth	4	15	118	"		
"	"	Kleykleyhous	5	150	118	"		
"	"	Ucluth	6	62.5	118	"		
"	"	Wya	7	22.5	118	"		
"	"	Oo-oolth	8	42	118	"		
"	"	Quisitis	9	12.5	118	"		
"	Seshart	Tsahahch	1		117		Reduced by 250 acs.	
"	"	Alberni	2	156	117	"		
"	"	Iwachis	3	26	117	"		
"	"	Tseyoowa	4	8	117	"		
"	"	Ahmita	5	26	117	"		
"	"	Cleho	6	13	117	"		
"	"	Keith Island	7	17	117	"		
"	"	Equis	8	123	117	"		
"	"	Omoah	9	30	117	"		
"	Ohiet	Numukamis	1	1700	116		Reduced by 640 acs. Aug. 14th. '14.	
"	"	Nuchaquis	2	32	116	"		
"	"	Dochsupple	3	21	116	"		
"	"	Sachsa	4	13	116	"		
"	"	Sachawil	5	7	116	"		
"	"	Kirby Point	6	35	116	"		
"	"	Hamilton "	7	86	116	"		
"	"	Haines Island	8	30	116	"		
"	"	Keeshan	9	330	116	"		
"	"	Kichha	10	12	116	"		
"	"	Clutus	11	105	116	"		
"	"	Anacla	12	218	116	"		
"	"	Masit	13	83	116	"		
Kwakwewlth	Nahwitti	Semach	2	6	73	Aug 14th. '14.		Reported by I. R. No. 46, Aug 14th, 1914.
"	(Fort Rupert or Kwakwewlth)	Fort Rupert or						
"	"	Tsa-kis	1	4.25	70	"		
"	"	Kip-pase	2	34	70	"		
"	"	Shell Island	3	.70	70	"		
"	"	Tsulquate	4	58.70	70	"		
"	"	Thomas Point	5	42.30	70	"		
"	"	Keogh	6	4.50	71	"		
"	"	Klickseewy	7	134.80	71	"		
"	Klaskino	Telaise	1	48	71		Cut off August 14th. 1914.	
"	"	Tsowenachs	2	55	71	"	"	
"	"	Klaskish	3	12.50	71	"	"	
"	Knights Inlet, Tanockteuch & Ahwaheettala Bands.	Tsawwati	1	404	71	"		
"	"	Keogh	2	108.20	71	"		
"	"	Kwatse	3	51	71	"		
"	"	Grave-yard	4	5.50	71	"		

Lytton	Yale	Fisheries	17	10	78	Dec. 3, 1914
"	"	Lady Franklin	18	1.66	78	"
"	"	Rock				
"	"	"	19	1.8	78	"
"	"	"	20	15.15	78	"
"	"	"	21	4.4	78	"
"	"	"	22	8.5	78	"
"	"	"	23	13.85	78	"
"	"	"	24	.1	78	"
"	"	"	25	.72	78	"
"	(Boothroyd	Boothroyd	6a	240.	79	"
"	"	"	6b	22.5	79	"
"	"	"	8a	145.02	79	"
"	(Kanaka Bar	--	1a	170.93	80	"
"	"	--	3a	19.9	80	"
"	Skuppah	Skuppah	2a	43.67	87	"
"	Siska F.	Siska Flats	5a	118.18	87	"
"	Lytton	Lytton	3a	101.5	81	"
"	"	"	4a	361.28	81	"
"	"	"	4b	135.33	81	"
"	"	"	4c	62.56	81	"
"	"	"	4d	120	81	"
"	"	"	4e	270	81	"
"	"	"	5a	120	81	"
"	"	"	9a	399.8	81	"
"	"	"	9b	176.48	81	"
"	"	"	13a	44.98	82	"
"	"	"	21a	150.8	83	"
"	"	"	26a	229.34	83	"
"	"	"	27a	209.9	83	"
"	Boston Bar	Boston Bar	4a	25.82	79	"
"	(Lytton	Lytton	27b	17.5	83	"
"	Boothroyd	Boothroyd	5a	203.33	78	Dec. 23, 1914

Confirmation reported by
I.R. No. 59 of Dec. 3:14

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Confirmation reported by
I.R. No. 69 of Dec. 23:14

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.

RE FILES OF THE DEPT. OF INDIAN AFFAIRS

<u>File</u>	<u>Contents</u>	<u>Disposition</u>
426740	Re. Canadian Northern Pacific	Returned June 9, 1913
414991	and Grand Trunk Pacific ap-	" "
413568	plications dealt with in In-	" "
413570	terim Report No. 1 and affect-	" "
393009	ing the following Reserves:	" "
410256	Cowichan Lake, Skuts No. 3,	
	Spuzzum No. 4, Nehillston No. 2,	
	Noon-law No. 6, Se-as-Plunkut	
	No. 2, Stellaquo No. 5 and Bona-	
	parte No. 2	
356490	Re. application of Messrs. Stuart & Mitchell for gravel on Capilano I. R.	" July 7, 1913 with intimation that application does not come within the scope of the Commission.
413566	Re. application by G. T. P. Co. for right-of-entry Salquo I. R. No. 4 Cariboo District, dealt with in I. R. No. 2.	Returned July 7, 1913
433765	Re. application by Dept. of Marine & Fisheries for Senamus Isld., dealt with in I. R. No. 3.	" July 7, 1913
406863	Re. application by G. T. P. Co. to purchase Iwashis I. R. No. 3, of the Sechart Band.	" July 7, 1913 as a simple purchase was involved.
402696) 327496/2	Re. G. T. P. Ry. Co. applications for rights-of-way and townsite locations at Burns and Andimaul lakes.	Returned July 7, 1913 (402696), 327496/2 being held for consideration of other matters thereon contained.
357520	Re. Col. Flick's application for land on an I. R. for rifle range purposes.	Returned July 7, 1913 the subject not coming within the jurisdiction of the Commission.
425250	Re. application of Chief Harry of Seymour Creek I. R. No. 2 of the Squamish Tribe for certain work to prevent erosion of the river bank.	Returned July 8, 1913 the proposed work not coming within the scope of the Commission.
281249	Re. proposed construction of a wharf and warehouses at Kinsolth.	Returned July 8, 1913 the matter being purely administrative.
3003309	Re. application of the Tahltan Band for aid in supplementing water supply.	Returned July 8, 1913 the Commission not being empowered to deal with the request.

<u>File</u>	<u>Contents</u>	<u>Disposition</u>
30818	Re. lands in Adams Lake I. R. No. 5 and Shuswap I. R. No. 2.	Returned July 8, 1913 the Commission not understanding what it is required to deal with.
364800	Re. applications for a grant of \$500. toward construction of a road in Masset I.R., Q.C.I., and Skidegate I. R., Q.C.I.	Returned July 9, 1913 the application not coming within the scope of the Commission.
386711	Re. application for a grant of \$500. in connection with a road on Bella Coola I. R.	Returned July 9, 1913 the Commission having no authority therein.
386711	Re. improvements to a road through Bella Coola I. R. connecting with a Provincial public road.	Returned July 9, 1913 a mere question of money expenditure being involved.
386711	Re. construction of a footbridge on Bella Coola I. R.	Returned July 9, 1913 there appearing to be nothing thereon calling for action by the Commission.
385898	Re. option to purchase land adjoining Coryatqua I. R. No. 2, dealt with in order of July 7, 1913.	File broken and pertinent papers returned July 10, '13, papers thereon referring to other matters being retained.
435318	Re. proposed purchase of land in Cle-cose I. R.	Returned July 10, 1913 as a mere purchase of land is involved.
410911	Re. application of Pacific Great Eastern Ry. Co. for right-of-way entry on Capilano I. R. No. 5 dealt with in I.R. No. 4.	File broken and pertinent papers returned July 19, '13, papers thereon referring to other matters being returned.
47504	Re. lease to Cowichan Agrl. Assn. of certain lands on Cowichan I. R.	Returned July 19, 1913 the matter having been dealt with in a letter of this date to the Superintendent-General of Indian Affairs.
410911	Re. application of Pacific Great Eastern Ry. Co. for right-of-entry on Mission I. R. No. 1 of the Squamish Tribe, dealt with in I. R. No. 5.	Returned July 22, 1913.
82073	Re. application of Canadian Pacific Railway for lands required in the deviation of a public road, dealt with in I. R. No. 6.	Returned July 22, 1913.

<u>File</u>	<u>Contents</u>	<u>Disposition.</u>
435626) 424774)	Re. leaseholds, etc., in Semiahmos I. R., dealt with in I.R.No. 9.	Returned July 30, 1913
409326	Re. construction of dyke on Hocomen Island and Reserves thereon.	Returned July 31, 1913 the matter being one for Departmental action.
115294 115294-Ty	Re. dyking on Barnston Is.	Returned Aug. 1, as the application thereon is deemed one of an admin- istrative nature, and therefore not within the scope of the commission.
147815	Re. application of Messrs. Duryee and McDonald of Vancouver to extend a ditch through Quolark I. R.	Returned Aug. 1, 1913, the matter being depart- mental and therefore not within the scope of the Commission.
368380	Re. application of the North Van- couver Land & Improvement Co.	File broken and contents referring to this appli- cation returned Aug. 5, '13, with an intimation that this being an appli- cation by a private cor- poration to acquire rights on an Indian Re- serve, it is one for De- partmental action rather than action by the Com- mission.
368380	Re. application of the North Van- couver City Council for right- of-entry for street construct- ion through Mission I. R., of the Squamish Tribe.	File broken and pertin- ent portion of contents returned Aug. 5, '13, the matter being one for De- partmental action after the Reserve shall have been confirmed or other- wise dealt with by the Commission.
368380	Re. application of the Vancouver New Westminster and Yukon Ry. Co.	File broken and pertin- ent contents thereof returned Aug. 5, '13, with an intimation that these papers do not con- tain sufficient inform- ation to enable the Commission to take in- telligent action.
80782	Re. application by Municipal Corpor- ation of the District of North Vancouver for a road allowance through Squamish I. R. No. 3.	Returned Aug. 5, 1913 with an intimation that by order-in-council of the 5th June, 1913, the application in question was allowed, the only matter now outstanding in relation thereto being that of compen-

<u>File</u>	<u>Contents</u>	<u>Disposition.</u> (cont'd)
		nation a purely administrative matter.
407682	Re. application of Pacific and Hudson's Bay Ry. Co. for right-of-entry through Bella Coola I. R. No. 1.	Returned Sept. 22, 1913, the plan of the proposed work not having been certified by the Board of Railway Commissioners.
422668	Re. application of C. N. P. Ry. Co. to purchase land in Kamloops I. R. No. 1, and also other matters.	Returned Sept. 30, 1913, with an intimation that the matters thereon contained do not come within the scope of the Commission's jurisdiction.
386998	Re. application of the Burrard Inlet Tunnel & Bridge Co. for lands required for railway purposes and contained in Seymour Creek I. R. No. 2 of the Squamish Tribe, and dealt with in I. R. No. 14.	Returned Nov. 6, 1913.
324521	Re. application of B. C. Electric Ry. Co. Ltd. for land in suburban block #9, New Westminster City for railway purposes dealt with in I. R. No. 15.	Returned Nov. 14, 1913.
271322	Re. reversionary interest of British Columbia in Long Lake I. R. of the Okanagan Band, Osoyoos District, disposed of under Order-in-Council (Provincial) of the 15th May, 1908, to John Kennedy of New Westminster.	Returned Nov. 10, 1913, to the Minister of Justice with a request for an opinion as to whether the the Province having divested itself of all interest in said Reserve, such Reserve is subject to the Agreement attached to the Commission.
314573	Re. Containing Inter Alia an Order-in-Council (Provincial) of the 23rd Feb. 1909 re disposal of the Provincial reversionary interest in the Tainstikeptum I. R.'s, Osoyoos District.	Returned Nov. 16, 1913, to the Minister of Justice with a request for an opinion as to the effect of such Provincial action upon the operation upon the said reserves of the Agreement attached to the Commission.
357520	Re. application for land in Salmon Arm I. R. No. 1 for rifle range purposes.	Returned Nov. 19, 1913, with advice that the Commission could only deal with such an application if made by the Department of Militia & Defence in behalf of the Government of Canada, also that in the light of the Commission's knowledge of the Reserve in question, the proposed site is unsuitable for rifle range purposes, having due regard to the interests of the Indians and the safety of the public.

<u>File</u>	<u>Contents</u>	<u>Disposition.</u>
340057		Returned Nov. 20, 1913, inasmuch as no action by the Commission in the matter therein referred to appears necessary, the Department being at the same time advised that the parties interested in an application bearing upon I.R.'s 9 & 10 of the Okanagan Band may also be interested in the application covered by this file.
327496		Returned Dec. 3, 1913, with an intimation that nothing was found thereon calling for action by the Commission.
385767-Ty	Re Surveys.	Returned Dec. 3, 1913, with an intimation that nothing was found thereon calling for action by the Commission.
370579	Re additional lands for the Indians of the Masset tribe.	Returned Dec. 3, 1913, the matter in question having been dealt with by the Commission.
385767	Re the following matters: (1) Reported incorrect placing on certain maps of Quatlena I. R. #4. (2) Surveys of the Bella Coola reserves. (3) Question as to boundary of Kemsquit I. R. (4) Land occupied by the Indians of the Ulkatcho Band outside of their reserve.	Returned Dec. 4, 1913, those papers referred to in Paras. 1, 2 & 3 being no longer by the Commission, the file to be broken at Ottawa and those papers referred to in Para. 4 re occupancy of lands outside their reserve by certain Indians of the Ulkatcho Band, to be returned here for the further use of the Commission.
406521-Ty.	Re Surveys	Returned Dec. 4, 1913, with an intimation that the Commission found nothing thereon calling for action.
420324	Re Proposed removal of the Kitlope Indians to Crab River.	Returned Dec. 4, 1913, action in the matter by the Commission having already been taken.
418572	Re Additional grazing lands required by the Indians of the North Thompson Band.	Returned Dec. 4, 1913, action by the Commission having already been taken.
433767	Re bridge across the South Thompson River at Shuswap.	Returned Dec. 4, 1913, the matter having already been disposed of.

<u>File</u>	<u>Contents</u>	<u>Disposition.</u>
279770	Re Destruction be land slide of an Indian village near Spences' Bridge and the completed purchase of liep lands for the Indians.	Returned Dec. 4, 1913, no action by the Commission apparently being called for
59335 59335-2 59335-2-Ty 59335-2-A 59335-X	Dealing generally with the question of Indian title in British Columbia.	Returned Dec. 4, 1913, the papers thereon apparently not calling for action by the Commission.
8138	Dealing with the general question of Indian affairs in British Columbia.	Returned Dec. 5, 1913, with an intimation that the material documents are available in printed form.
294659	Dealing with miscellaneous matter not covered by the Agreement.	Returned Dec. 5, 1913.
273772	Dealing with additions already made to the Musqueam-Langley I.R.'s, New Westminster District.	Returned Dec. 5, 1913, with an intimation that action thereon by the Commission does not appear to be called for.
62509	Dealing largely with the matter of the judgment of the Judicial Committee of the Privy Council in Dominion of Canada vs. Ontario.	Returned Dec. 5, 1913, as no action therein by the Commission is apparently called for.
410911	Referring to matters already dealt with by the Department of Indian Affairs.	Returned Dec. 5, 1913.
68913	Re Mining within the Railway belt.	Returned Dec. 5, 1913, the matters therein contained calling for no action by the Commission.
430319	Re Right-of-way for the Line of the Okanagan Telephone Co. through Penticton I. R.	Returned Dec. 6, 1913, with an intimation that if action therein by the Commission is called for, plans and full particulars are required.
418258	Continuing an Agreement relating to the construction of a telephone line through I. R. #10, Okanagan.	Returned Dec. 6, 1913, with an intimation that, owing to a change in the plan which would obviate the passage of the line through the Reserve in question, no action by the Commission is now called for.

<u>File</u>	<u>Contents</u>	<u>Disposition.</u>
385980	Re. the re-tracing of the boundaries of certain reserves in the Okanagan Agency.	Returned Dec. 6, 1913, nothing thereon apparently calling for action by the Commission.
5758	Containing miscellaneous documents referring to sundry matters not calling for action by the Commission.	Returned Dec. 6, 1913.
169487	Containing Papers referring to questions of mineral rights in Indian Reserves in British Columbia not calling for action by the Commission.	Returned Dec. 6th, 1913.
188995	Re. sundry applications for business sites on I.R.'s in British Columbia.	Returned Dec. 6th, 1913, with an intimation that the matters in question are not such as call for action by the Commission.
105263	Re. Land in the Cowichan I. R. for which the B. & N. Ry. Co. gave a deed to Mr. A. Keating.	Returned Dec. 10, 1913, there being nothing thereon calling for action by the Commission.
308663	Re. Application of Mr. Victor B. Harrison to lease land on the Nanaimo I. R.	Returned Dec. 10, 1913, there being nothing thereon calling for action by the Commission.
24437	Re. the acquiring of mineral rights on an Indian Reserve by the Vancouver Coal Mining Co.	Returned Dec. 10, 1913, there being nothing thereon calling for action by the Commission.
193925	Re Mining for Coal on the Nanaimo I. R.	Returned Dec. 10, 1913, there being nothing thereon calling for action by the Commission.
19451-2	Re Right-of-way of the B. & N. Ry. Co. through Nanaimo I.R.	Returned Dec. 10, 1913, the matter in question having been disposed of by Order in Council of the 20th July, 1912.
367962	Re Right-of-way of the Kettle Valley Ry. Co. through Coldwater I. R.	Returned Dec. 11, 1913, the matter appearing to have been disposed of by Order-in-council of the 26th Sep. 1910, and there being nothing farther on the file apparently requiring action by the Commission.
252510	Re the proposed laying of a pipe through Nanaimo I.R.	Returned Dec. 11, 1913 nothing appearing thereon calling for action by the Commission.
19451	Re right-of-way of the B. & N. Ry. through the Songhees I. R.	Returned Dec. 11, 1913 nothing thereon calling for action by the Commission.

<u>File</u>	<u>Contents</u>	<u>Disposition.</u>
103025	Re land improved by Nanaimo Indians and occupied by the Western Fuel Co.	Returned Dec. 11, 1913, nothing calling for action by the Commission appearing thereon.
10391/05	In the matter of the exchange of Semach I. R. No. 2 of the Nawhitti Indians inadvertently granted by the Province for a parcel of land fronting on Ica Otter Cove marked "B" on plan accompanying a letter of the 2nd May, 1913 from the Deputy Minister of Lands of British Columbia to the Secretary of the Department of Indian Affairs.	Returned July 31, 1913, the Provincial Government being requested to formally withhold the said parcel of land from pre-emption under Section 8 of the Agreement of the 24th September, 1912, pending final action by the Commission, the Department of Indian Affairs being advised that a surrender of Semach I. R. No. 2, be taken as soon as possible, the acceptance of said surrender to stand pending that final action by the Commission as to the cutting off of the said Reserve and the constituting of the said parcel of land as an Indian reserve and the File thereupon to be returned to the Commission with advice as to the result of the submission to the Indians of the question of surrender.

FILE.

CONTENTS.

307862	Correspondence re purchase of land for the Babine Indians.
148132.	Application from Bridge River Band for additional meadow land
371953.	re Claim of Ft. Simpson Indians to land held by Hudsons Bay Co.
376525.	re Kitwanoos Indian Reserve, Babine.
385769.	Surveys and Reserves, Hase.
385898.	" " " Babine.
345003.	Salvation Army Community at Glenvowell, Babine.
372003.	Application for additional lands at High Bar. I.R., Williams Lake
342024.	re Foreshore rights on North West Coast.
357411.	Rev. John MacDougall's recommendations as to giving title to
	Indian Squatters along Fraser and Thompson Rivers.
385414.	re Claim of Chas. Flick to 10 acres in I.R. at Lower Nicola.
327496.	re C.P.R. applications for rights of way in Northern Reserves.
317320.	Correspondence Ralph Smith and Dr. R. E. McKeechie re proposed
	purchases.
38507.	Correspondence A. W. Vowell, with reports of Agent Phillips, Kootenai
384478.	Surveys of reserves - Stewart Lake.
3495.	Report of Indian Commission 1877, with correspondence attached.
38835.	Miscellaneous.
386711.	re Road on Bella Coola. I. R.
22945.	Department of Railways and canals, correspondence with copies of
	plans &c of land required on Indian Reserves for C.P.R. between
	Port Moody and Savonas.
395850.	re right of way of C.N.P. through Cook's Ferry I.R. #3.
386420.	re Surveys of reserves, Lytton.
382161.	re I.R.'s on Hase River and Northwest Coast.
38075.	re Right-of-way required by C. P. R. at Tappen Siding.
292113.	re deputation as to matters affecting Fraser River Indians.
406521.	re additional lands asked for in Northern Interior.
28835.	re lands on False Creek I. R.
336600.	re Application of C. P. R. for right-of-way and gravel pit on
	Boham I.R.
59235) and) others)	Extracts from various documents re B.C. Lands generally.
29675.	re Liquor and Indians.

<u>File</u>	<u>Contents</u>	<u>Disposition</u>
369465.	Surveys on West Coast	
371968.	Applications for additional lands in Babine Agency.	
385902.	Surveys in reserves, Williams Lake.	
387002.	" " " Stikine.	
380300.	Fountain I.R. Williams Lake.	
369465.	West Coast Agency.	
368344.	re Additional Lands for Black Water River Reserve, Babine.	
441583.	re Application for Public works Department for Lands in Switsemalph I.R. Salmon Arm., covered by I.R. #8.	Returned Sept. 22, 1913.
446018.	re C. N. P. applications re right of entry, covered by I.R.'s, 9A, 10, 11, 12, 13 and 14.	
448418.	Confirming East Saanich I.R. No. 2.	Returned Decr. 4, 1913.

FILES HELD FOR CONSIDERATION.

NUMBER.

CONTENTS.

189760.

re Irrigation, Deadman's Creek I.R.
Kamloops Agency.

142401.

re Smith-Curtis' Lease, Deadman's
Creek, I.R. Kamloops Agency.

329360.

re Petition from Chiefs of Thompson
River Tribe in Kamloops, re removal
of Agent, Education, Medical attendance,
Finances, relief etc.

385767 Ty

re lands required for or occupied by members of the
Ulkatcho Band.

430319

re Okanagan Telephone Co's application for Rt of Way
through Penticton I.R. - Returned Jan'y 6th. for plan
~~and fuller information.~~-----

FIELD FILES OF DEPARTMENT OF INDIAN AFFAIRS OF CANADA

322161	Babine	See Naas filing
292113	"	" Kamloops filing
307862	"	Re reserves, especially purchase by the Dominion Government of lands for the Babine Indians in compensation for their relinquishment of barricades in the Upper Naas River.
371968	"	Re application for addition to Hagwilget I.R. and for additional land at Morricetown.
385898	"	Re surveys and reserves.
345003	"	Re Salvation Army community to Glen Vowell.
386711 29858 367525 386711	"	Re surveys for additional reserves - see Kamloops filing.
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386711 Ty. Bella Coola		Re Public Road at Bella Coola.
385767	"	Re land applications for the Ulkatcho Band.
29858	"	See Kamloops filing.
307423	Cowichan	Re application by Comox Logging & Railway Co. for right-of-way through Pentledge I.R. No. 2 of the Comox Tribe.
4 55568	"	<i>Re application for police of land Mayne Is. No 6, Saanich Is. for Season for Marine & Fisheries Dept.</i>
22945	Kamloops	Re plans etc. of lands required on Indian reserves for Canadian Pacific Railway Co's. right-of-way between Port Moody and Savona.
357411	"	Re recommendation of Rev John McDougall that title be given Indians along the Fraser and Thompson rivers for lands squatted upon by them, also dealing with additional reserves in the Lytton Agency along the Fraser and Thompson rivers; also the question of Indians pre-empting.
292113	"	Re land grievances of Indians.
142401	"	Re Smith Curtis lease on Deadman's Creek I.R.
139760	"	Re irrigation Deadman's Creek reserve.
139760/2	"	Re irrigation of lands in Railway Belt.
314573	"	See Okanagan filing as this File appears to have been wrongly classified to the Kamloops Agency.
8495	"	Report of Indian Reserves Commission of 16th July, 1877 - re land allotments.
395850	" <i>{Returned to Dept. of I.A. 5th May.}</i>	Re right-of-way of C.N.P.R. Co. through Shawniken I.R. No. 3, Cook's Ferry.
355414	"	Re claim of Charles Flick to 10 acres of land contained in Maik I.R. No. 1, Lower Nicola
329350	"	Re Education -- medical attendance -- finances of Indians and relief of Indian poor.
30624	"	Re land exchanges, etc.
29858	"	Re surveys for additional reserves.

82507	Kootenay	Re correspondence of A. W. Vowell and report of Agent Phillips upon reserves of the Lower Kootenay Valley. (Returned to Dept. 16/4/15).
29858	Kwawkwalth	See Kamloops filing.
336600	Lytton	Re application by C.P.R. for right-of-way and gravel on I.R. No. 2 of Hope Band.
386420	"	Re surveys and reserves
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357411	"	" " "
292113	"	Re " "
360300	"	" Fountain I.R.
385769	Naas	" surveys and reserves.
371953	"	" claim to land held by the Hudson's Bay Company in Port Simpson I.R.
242024	"	" foreshore in front of Port Simpson I.R. leased to Provincial Government.
292113	"	See Kamloops filing.
322161	"	Re Indian Reserves on the Naas river.
22945	New Westminster	See Kamloops filing.
292113	"	" " "
406521	"	Re Aupe I.R. (Homalco) and William Thompson pre-emption.
28835		Re land on Falae Creek Indian Reserve.
418258	Okanagan	Loose page re Okanagan Telephone Co.
314573	"	Re Okanagan I.R's. Nos. 9 and 10.
403707		
& 403707 Ty.	Queen Charlottes	Re surveys.
387002	Stikine	" surveys and reserves.
384478	Stuart Lake	" " " , principally as to additional lands required.
366344	"	Re additional land for Blackwater River Reserve.
389465		" surveys and reserves.
& 389465 Ty.	West Coast	
148132	Williams Lake	See Lytton filing -- apparently classified to Williams Lake in error.
360300	"	"
372003	"	"
385902	"	Re. surveys and reserves; Jessie Paul's pre-emption; additional lands; and Jimmy Camel encroachment claim.
39675	General	Returned to Dept. of Ia. June 2nd 1915.
410256	Cowichan	Re. Cowichan Lake I. R. Returned 5/1/1915
317320	West Coast	" {Mc Kichnie application to purchase Alberni I.R. No. 2} " "

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF B. C.

M A P I N D E X

No.	Map. of.
1.....	Kootenay Agency, blueprint.
2.....	Naas Agency, "
3.....	Williams Lake Agency, "
4.....	West Coast Agency, "
5.....	Babine Agency, "
6.....	Kamloops Agency, "
7.....	New Westminster Agency, blueprint.
8.....	Okanagan Agency, "
8a.....	Indian Reserves in Okanagan Agency.
8b.....	" " " Yale District, (Okanagan Agency).
9.....	Queen Charlotte Agency, blueprint.
9a.....	Masset Nos. 1 & 2, blueprint, (Queen Charlotte Agency).
9b.....	Skidegate, blueprint, (Queen Charlotte Agency).
10.....	Lytton Agency, "
10a.....	Nicola (Lytton Agency).
11.....	Indian Reserve Maps in Bella Coola Agency.
11a.....	Bella Coola Agency, blueprint.
11b.....	Bella Coola and Kimsquit.
11c.....	Kitlathla Nos. 1 & 2, blueprint, (Bella Coola Agency).
12.....	Kwawkwalth Agency, blueprint.
13.....	Stuart Lake Agency, "
14.....	Indian Reserves in Cowichan Agency.
15.....	Kootenay Central Railway, blueprint.
16.....	City of Duncan, blueprint.
17.....	Plan of proposed irrigation scheme at Yale, blueprint.
18.....	Iron Pipe Line at Yale, blueprint.
19.....	Pacific Great Eastern Rly., through Shalalth I. R. No. 1.
19a.....	Pacific Great Eastern Rly., through Soda Creek I. R.
20.....	North Vancouver and vicinity, blueprint.
21.....	Lillooet and Clinton Mining Divisions of British Columbia.

No.	Map of.
22.....	Canadian Northern Pacific Rly., through Chean I. R., Yale District.
23.....	Location of Indian Reserves in B. C.
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24a.....	Maps of British Columbia showing Agency divisions.
25.....	Vancouver Island, southerly portion.
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27.....	South Western and New Westminster Districts.
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31.....	Grand Trunk Pacific Railway Co., revised location of Station Grounds through Charles I. R. No. 1.
32.....	New Westminster District and Vancouver Island, showing Coast Reserves from Vancouver North.
33.....	Site of proposed Rifle Range at Chilliwack.
34.....	Pre-emptor's Map, Lillooet Sheet.
35.....	Dominion of Canada showing Indian Reserves.
36.....	Sketch plan of Kitimat Valley Lands.
37.....	Sooke Indian Reserve No. 2.
38.....	Plan of Portion of Block 64, James Bay -- Superior, Menzies & Kingston Streets.
39.....	Plan showing reserve - City of New Westminster.
40.....	Shewing additional land required by the C. P. R. for station grounds in the townsite of Lytton; also additional land at Tappen Siding and a portion of Scham Indian Reserve for Railway purposes.
41.....	Kitsilano Indian Reserve (re. Harbour Improvement Project).
42.....	Kootenay - Osoyoos and Similkameen.
43.....	Pre-emptor's Map -- Stuart Lake Sheet.
44.....	Sketch map of part of Liard, Stikine and Skeena Mining Districts.
45.....	Plan of Boothroyd I. R. No. 5B.
46.....	Lillooet District Reserved from sale.
47.....	Department Plans of Survey - Babine Agency (Indian Reserves)
48.....	" " " " - Bella Coola " (" ")

No.	Map of.
<hr/>	
49.....	Kitwancool Blueprint.
50.....	Coast and Rupert Districts.
51.....	Esquimalt and Nanaimo Railway Land Grant.
52.....	Sheets Maps of the 'Railway Belt.

Copies of papers in connection
with British Columbia Land case.

Dom. Port Legislation 1867-1875

Extract from Dominion and Provincial Legislation

1867 - to - 1875,

page 1024 et seq.

Report of the Honourable the Minister of Justice,
approved by His Excellency the Governor General in Council
on the 23rd January, 1875.

Department of Justice,

Ottawa, 19th January, 1875.

The undersigned has the honour to report:-

That the Act passed by the legislature of the province of British Columbia, in the 37th year of Her Majesty's reign, and assented to on the 2nd March, 1874, is the following:- No.2, intituled: "An Act to amend and consolidate the laws affecting Crown Lands in British Columbia."

The title of the Act explains its object. It is a consolidation of the laws relating to the recording and pre-emption of lands, the surveying and sale of them; the regulation of miners' rights, &c.

By its concluding section, the Act is not to come into force, until the Lieutenant-Governor's assent thereto has been proclaimed by notice in the British Columbia Gazette.

The 2nd, or interpretation clause, defines that the words "Crown lands" shall "mean all lands of this province held by the Crown in free and common soccage."

It is probably through inadvertence that this definition has been made, and that the tenure of free and common soccage, which is that of freehold under grant from the Crown, is made applicable to lands of the Crown held as such by the Crown as lord of the soil.

Were it an intentional definition, it could only then mean a recognition of the Indian sovereignty therein, and that Her Majesty is tenant by freehold.

Abandoning, therefore, this statutable definition, which is inapplicable, the words "Crown lands", may, for the purpose of this memorandum, be considered to mean all lands in

the province vested in the Crown of which no grant had been made.

A distinction is made between "unsurveyed land" and "surveyed land."

As to "unsurveyed land," it provides that any person qualified under that section may record any tract of unoccupied, unsurveyed and unreserved Crown lands (not being an Indian settlement) not exceeding the extent mentioned;

"Provided that such right shall not be held to extend to any of the aborigines of this continent, except to such as shall have obtained permission in writing to so record by a special order of the Lieutenant-Governor in Council."

The record is done by stating and marking out the boundaries of claim, and making a declaration in respect thereof.

As to "surveyed land," it is defined by 23rd section.

A provision is made by the 24th section as to who may pre-empt any tract of surveyed, unreserved, unoccupied and unrecorded land (not being an Indian settlement), and a similar proviso to that above mentioned prohibits the aborigines of the continent the right of pre-emption, except as before mentioned.

Such persons as pre-empt are known as "home settlers."

The undersigned deems it proper to notice that there is not in this Act any reservation of lands in favour of the Indians or Indian tribes of British Columbia; nor are the latter thereby accorded any rights or privileges in respect to lands, or reserves, or settlements.

On the contrary, the right to record unsurveyed land, or to pre-empt surveyed land, is expressly enacted not to extend to any of the aborigines, except such as shall have obtained permission in writing of the Lieutenant-Governor in Council.

Nor can the undersigned find that there is any legislation in force in British Columbia which provides reservations of lands for the Indians, the only ordinance in that respect being

one of the 15th March, 1869, which speaks of Crown lands in the colony being Indian reserves or settlements.

The undersigned refers to the Order in Council, under which the province of British Columbia was admitted into the Dominion, and particularly the 13th section as to the Indians, which is as follows:-

"The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion government, and a policy as liberal as that hitherto pursued by the British Columbia government shall be continued by the Dominion government after the union. To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia government to appropriate for that purpose, shall from time to time be conveyed by the local government to the Dominion government in trust for the use and benefit of the Indians on application of the Dominion government; and in case of disagreement between two governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies."

The question as to the provision which has been made of reserves for the Indians, has been the subject of an Order of the Governor General in Council, dated 4th November, 1874, and it is not necessary, therefore, to enter upon a discussion of the merits of the case.

But having regard to the known, existing and increasing dissatisfaction of the Indian tribes of British Columbia at the absence of adequate reservation of lands for their use, and at the liberal appropriation for those in other parts of Canada upon surrender by treaty of their territorial rights, and the difficulties, which may arise from the not improbable assertion of that dissatisfaction by hostilities on their part, the undersigned deems it right to call attention to the legal position of the public lands of the province.

The undersigned believes that he is correct in stating, that with one slight exception as to land in Vancouver Island surrendered to the Hudson Bay Company, which makes the absence of others the more remarkable, no surrender of lands in that province has ever been obtained from the Indian tribes inhabiting it, and that any reservations which have been made, have been arbitrary on the part of the government, and without the assent of the Indians themselves, and though the policy of obtaining surrenders at this lapse of time and under the altered circumstances of the province, may be questionable, yet the undersigned feels it his duty to assert such legal or equitable claim as may be found to exist on the part of the Indians.)

There is not a shadow of doubt, that from the earliest times, England has always felt it imperative to meet the Indians in council, and to obtain surrenders of tracts of Canada, as from time to time such were required for the purposes of settlements.

The 40th article of the treaty of capitulation of the city of Montreal, dated 8th September, 1760, is to the effect that,

"The savages or Indian allies of His Most Christian Majesty shall be maintained in the lands they inhabit if they chose to remain there."

The proclamation of King George III., 1763, erecting within the countries and islands ceded and confirmed to Great Britain by the treaty of the 10th February, 1763, four distinct governments, styled Quebec, East Florida, West Florida and Grenada, contains the following clauses:-

"And whereas, it is just and reasonable and essential to our interests and the security of our colonies, that the several nations or tribes of Indians with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories, as not having been ceded to us, are reserved to

them, or any of them as their hunting grounds; we do, therefore, with the advice of our Privy Council, declare it to be our royal will and pleasure that no governor or commander-in-chief, in any of our colonies of Quebec, East Florida or West Florida, do presume upon any pretense whatever to grant warrants of survey or pass any patents for lands beyond the boundaries of their respective governments, as described in their commissions; as also, that no governor or commander-in-chief of our other colonies or plantations in America, do presume for the present and until our future pleasure be known, to grant warrants of survey or pass any patents for lands beyond the heads or sources of any of the rivers which fall into the Atlantic Ocean from the west or north-west; or upon any lands whatever, which, not having been ceded to or purchased by us, as aforesaid, are reserved to the said Indians, or any of them; and we do further declare it to be our royal will and pleasure, for the present, as aforesaid, to reserve under our sovereignty, protection and dominion, for the use of the said Indians, all the land and territories not included within the limits, and territory granted to the Hudson Bay Company; as also all the land and territories laying to the westward of the sources of the rivers which fall into the sea from the west and north-west as aforesaid; and we do hereby strictly forbid, on pain of our displeasure, all our loving subjects from making any purchases or settlements whatsoever, or taking possession of any of the lands above reserved without our special leave and license for that purpose first obtained. And we do further strictly enjoin and require all persons whatsoever, who have either wilfully or inadvertently seated themselves upon any land within the countries above described, or upon any other lands, which not having been ceded to or purchased by us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such settlements.

"And whereas great frauds and abuses have been committed in the purchasing lands of the Indians, to the great prejudice of our interests, and to the great dissatisfaction of the said Indians; in order, therefore, to prevent such irregularities for the future, and to the end that the Indians may be convinced of our justice and determined resolution to remove all reasonable cause of discontent, we do, with the advice of our Privy Council, strictly enjoin and require that no private person do presume to make any purchase from the said Indians of any lands reserved to the said Indians, within those parts of our colonies where we had thought proper to allow settlements; but if at any time any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at some public meeting or assembly of the said Indians, to be held for that purpose by the governor or commander-in-chief of our colony, respectively, within which they shall be; and in case they shall be within the limits of any proprietaries, conformable to such directions and instructions as we or they shall think proper to give for that purpose; and we do, by the advice of our Privy Council, declare and enjoin that the trade with the said Indians shall be free and open to all our subjects whatever; provided that every person who may incline to trade with the said Indians do take out a license for carrying on such trade from the governor or commander-in-chief of any of our colonies, respectively, where such person shall reside, and also give security to observe such regulations as we shall at any time think fit, by ourselves or commissaries to be appointed for this purpose, to direct and appoint for the benefit of the said trade; and we do hereby authorize, enjoin and require the governors and commanders-in-chief of all our colonies, respectively, as well as those under our immediate government, as those under the government and direction of proprietaries, to grant such licenses without fee or reward, taking special care to insert therein a condition that such license

shall be void, and the security forfeited, in case the person to whom the same is granted shall refuse or neglect to observe such regulations as we shall think proper to prescribe as aforesaid.

"And we do further expressly enjoin and require all officers whatever, as well military as those employed in the management and direction of the Indian affairs within the territories reserved, as aforesaid, for the use of the said Indians, to seize and apprehend all persons whatever, who standing charged with treason, misprision of treason, murder or other felonies or misdemeanors, shall fly from justice and take refuge in the said territory, and to send them under a proper guard to the colony where the crime was committed, of which they shall stand accused, in order to take their trial for the same."

It is not necessary now to inquire whether the lands to the west of the Rocky Mountains and bordering on the Pacific Ocean, form part of the lands claimed by France, and which, if such claim were correct, would have passed by cession to England, under the Treaty of 1763, or whether the title of England rests on any other ground, nor is it necessary to consider whether that proclamation covered the land now known as British Columbia.

It is sufficient for the present purposes, to ascertain the policy of England in respect to the acquisition of the Indian territorial rights, and how entirely that policy has been followed to the present time, except in the instance of British Columbia.

It is true, also, that the proclamation of 1763, to which allusion has been made, was repealed by the Imperial Statute 14 George III., chapter 83, known as "The Quebec Act;" but that statute merely, so far as regards the present case, annuls the proclamation, "so far as the same relates to the province of Quebec, and the commission and the authority thereof,

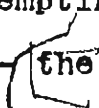
under the authority whereof the government of the said province is at present administered," and the Act was passed for the purpose of effecting a change in the mode of the civil government of the administration of justice in the province of Quebec.

The Imperial Act, 1821, 1st and 2nd George IV., chapter 66, for regulating the fur trade, and establishing a criminal and civil jurisdiction within certain parts of North America, legislates expressly in respect to the portion of this continent which is therein spoken of as "the Indian territories", and by the Imperial Act, 1849, 12 and 13 Victoria, chapter 48, "An Act to provide for the administration in Vancouver's Island." The last-mentioned Act is recited, and it is added on recital that "for the purpose of the colonization of that part of the said Indian territories called Vancouver's Island, it is expedient that further provision should be made for the administration of justice therein."

The Imperial Act, 1858, 21 and 22 Victoria, chapter 98, "An Act to provide for the government of British Columbia," recites, "that divers of Her Majesty's subjects and others have, by the license and consent of Her Majesty, resorted to and settled on certain wild and unoccupied territories on the north-west coast of North America, now known as 'New Caledonia,' from and after the passing of the Act to be named British Columbia, and the islands adjacent," etc.

The determination of England, as expressed in the proclamation of 1763, that the Indians should not be molested in the possession of such parts of the dominions and territories of England as, not having been ceded to the King, and reserved to them, and which extended also to the prohibition of purchase of lands from the Indians, except only to the Crown itself - at a public meeting or assembly of the said Indians to be held by the governor or commander-in-chief - has, with slight alterations,

been continued down to the present time, either as the settled policy of Canada, or by legislative provision of Canada to that effect, and it may be mentioned that in furtherance of that policy, so lately as in the year 1874, treaties were made with various tribes of Indians in the North-west Territories, and large tracts of lands lying between the province of Manitoba and the Rocky Mountains were ceded and surrendered to the Crown, upon conditions of which the reservation of large tracts for the Indians, and the granting of annuities and gifts annually, formed an important consideration; and in various parts of Canada, from the Atlantic to the Rocky Mountains, large and valuable tracts of land are now reserved for the Indians as part of their consideration of their ceding and yielding to the Crown their territorial rights in other portions of the Dominion.

Considering, then, these several features of the case, that no surrender or cession of their territorial rights, whether the same be of a legal or equitable nature, has been ever executed by the Indian tribes of the province--that they alledge that the reservations of land made by the Government for their use, have been arbitrarily so made, and are totally inadequate to their support and requirements, and without their assent--that they are not averse to hostilities in order to enforce rights which it is impossible to deny them, and that the Act under consideration not only ignores those rights, but expressly prohibits the Indians from enjoying the rights of recording or pre-empting lands, except by consent of the Lieutenant-Governor;  the undersigned feels that he cannot do otherwise than advise that the Act in question is objectionable, as tending to deal with lands which are assumed to be the absolute property of the province, an assumption which completely ignores, as applicable to the Indians of British Columbia, the honour and

good faith with which the Crown has, in all other cases, since its sovereignty of the territories in North America, dealt with their various Indian tribes.

The undersigned would also refer to the British North America Act, 1867, section 109, applicable to British Columbia, which enacts in effect that all lands belonging to the province shall belong to the province, "subject to any trust existing in respect thereof, and to any interest, other than that of the province, in the same."

That which has been ordinarily spoken of as the "Indian title" must, of necessity, consist of some species of interest in the lands of British Columbia.

If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to a "trust existing in respect thereof," at least "to an interest other than that of the province alone."

The undersigned, therefore, feels it incumbent on him to recommend that this Act should be disallowed, but suggests that such disallowance be postponed until the last day at which such can take place, with a view of communication on the subject with the Lieutenant-Governor of British Columbia.

It may be anticipated that no practical inconvenience can arise from its disallowance, should such be necessary, as the previously existing Crown Land Act will probably suffice to enable the province to continue, in the meantime, disposal of lands.

The undersigned, whilst commenting on this Act, deems it also expedient to call attention to that provision of the Order in Council under which the province of British Columbia entered confederation, which refers to the conveyance by the

province to the Dominion government, in trust, of public lands along the line of the Pacific Railway, throughout the entire length of British Columbia. It may, of course, be argued that there has been no actual commencement, within two years of the date of the Union, of the Canadian Pacific Railway; but having regard to the practical commencement of that work in the surveys which have been made along different portions of the contemplated route, the undersigned deems it his duty to note that no reservations are made in the Act now under consideration, and that, without them, the recording and pre-emption of lands under this Act might be the subject of great embarrassment to the government of Canada, in the construction of the line or in the granting of any contracts for construction of portions of it.

He suggests, therefore, that this is a further subject on which it is desirable that communication should be had with the Lieutenant-Governor of British Columbia.

I concur,

T. Fournier,

Minister of Justice.

H. Bernard,

Deputy Minister of Justice.

Report of the Honourable the Minister of Justice,
approved by His Excellency the Governor General in
Council on the 16th March, 1875.

Department of Justice,

Ottawa, 11th March, 1875.

The undersigned has the honour to report, with reference to the Order in Council of the 23rd January last, upon the subject of an Act passed by the legislature of the province of British Columbia as to the crown lands of that province, and to the proposed disallowance of that Act, that the time has

come when it is necessary to take the step proposed.

The undersigned has, therefore, for reasons stated in that Order in Council, the honour to recommend that the Act of the legislature of British Columbia, passed in the 37th year of Her Majesty's reign, and assented to on the 2nd March, 1874, and intituled: "An Act to amend and consolidate the laws affecting Crown lands in British Columbia," be disallowed by your Excellency in Council.

T.Fournier,

Minister of Justice.

Order in Council disallowing the Act above mentioned, published in the Canada Gazette on the 20th day of March, A.D. 1875, Vol. VIII., No.38, page 1134.

Report of the Honourable the Minister of Justice,
approved by His Excellency the Governor General in Council
on the 26th October, 1875.

Department of Justice

Ottawa, 20th October, 1875.

Upon the Acts passed by the legislature of the province of British Columbia, and assented to by the Lieutenant-Governor on the 22nd April, 1875, the undersigned has the honour to report that the right of disallowance ought not to be exercised in respect to the following Acts, and he, therefore, recommends that they be left to their operation, viz., chapters 1, 3, 4, 5, 7 to 12, 14 to 17 and 19.

Edward Blake,

Minister of Justice.

Report of the Honourable the Minister of Justice,
approved by His Excellency the Governor General in Council
on the 10th November, 1875.

Department of Justice,

Ottawa, 30th October, 1875.

With reference to the Act passed by the legislature of British Columbia, assented to 22nd April, 1875, intituled: cap.5. "An Act to amend and consolidate the laws affecting Crown lands in British Columbia," the undersigned has the honour to report that this Act is identical with that passed by the same legislature, and assented to on the 2nd March, 1874, under the same title with the following exceptions:

1st. It repeals the Land Act of 1874;

2nd. The definition of crown lands is altered, the words "in fee simple" being substituted for the words "in free and common socage";

3rd. The 60th section provides as follows:-

"The Lieutenant-Governor in Council shall at any time, by notice signed by the Chief Commissioner of Lands and Works, and published in the British Columbia Gazette, reserve any lands not lawfully held by record, pre-emption, purchase, lease or Crown grant, for the purpose of conveying the same to the Dominion Government, in trust, for the use and benefit of the Indians, or for railway purposes as mentioned in article 11 of the terms of union, or for such other purposes as may be deemed advisable;" in lieu of the same section of the former Act which reads as follows:-

"The Lieutenant-Governor in Council shall, at any time and for such purposes as may be deemed advisable, reserve, by notice published in the British Columbia Gazette, any lands not lawfully held by record, pre-emption, purchase, lease or crown grant."

4th. The provision in the former Act as to the Act not coming into force until proclamation.

The undersigned begs leave to refer to the approved report of his predecessor upon the subject of the former Act, dated 19th January, 1875, upon which, by Order in Council, dated 11th March 1875, the Act was disallowed.

The grave questions arising in that report, and those under discussion between the two governments as to the mode of dealing with the Indians, are still unsettled; and it appears to the undersigned that the alterations made in this Act are not such as to meet the difficulties which resulted in the disallowance of the former Act.

It may perhaps be hoped that before the time within which the power of disallowance must be exercised, this question will be settled; but should that be otherwise, it appears to the undersigned, that the policy and line of argument, which led to the disallowance of the former Act, must lead to the disallowance of this one also.

The undersigned recommends that, beyond the communication of the views of Council to the government of British Columbia, no action should be taken in reference to this Act, until the last day at which disallowance may take place.

Edward Blake,

Minister of Justice.

Lieutenant-Governor Trutch to the
Hon. the Secretary of State of Canada.

Government House,

British Columbia, 27th April, 1876.

Sir,- I have the honour to inclose herewith a minute of my executive council, together with a transcript of a telegraphic despatch which, in accordance therewith, I have this day addressed to you in reply to your telegram to me of the 13th April, and stating the views of this government as to the several Acts of the last session of the legislature of this province therein referred to.

I have, &c.,

Joseph W. Trutch,

Lieutenant-Governor.

Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor in Council on the 20th day of April, 1876.

Referring to the telegram from the Secretary of State for Canada of the 13th inst., submitted by your Excellency for consideration in executive council, the committee of council respectfully request that you will be pleased to reply thereto by telegram to the following effect:-

"That this government concurs in the disallowance of the 'Act for the better Administration of Justice'; that the

general question involved therein is under consideration, and if time admit, a bill reorganizing the system will be submitted to the legislative assembly.

"That the objections to the Act, amending the Crown Lands Act, are considered to be removed by the agreement for the settlement of the Indian land question by commissioners, and that the Power of Attorney Act will be immediately amended so as to remove objections to section 7."

T. Basil Humphreys,

Minister of Finance and
Clerk of Executive Council.

Report of the Hon. the Minister of Justice, approved by His Excellency the Governor General in Council on the 6th May, 1876.

Department of Justice,

Ottawa, 28th April, 1876.

With reference to the Acts of British Columbia assented to on the 22nd April, 1875, the time for action upon which will expire on the 8th May next, the undersigned begs to report as follows:-

1. By minute in council of the 16th October, 1875, the report of the undersigned upon the Act chapter 5, intituled : "An Act to make provision for the better Administration of Justice," was approved.

A copy of that minute was transmitted to the Lieutenant-Governor of British Columbia.

The views of the government of British Columbia not having been communicated to His Excellency, the Secretary of State recently asked for a telegraphic communication upon the subject.

By telegraph, dated 27th April, from the Lieutenant-Governor to the Secretary of State, he is informed that the government of British Columbia concurs in the disallowance of

the Act for the better Administration of Justice; that the general question involved therein is now under consideration, and a bill reorganizing the system will, if time admit, be submitted to the legislature.

The report of the undersigned proposed that it should be suggested to the government of British Columbia to repeal the Act, and to effect the division of the province into districts, &c., by legislation, instead of by the machinery proposed by the Act.

As the provincial government suggests the exercise of the power of disallowance, and it is not certain whether amendatory legislation will be held this session, the undersigned recommends that the said Act be disallowed.

2. By minute in council of the 10th November, 1875, the report of the undersigned upon the Act, intituled: An Act to amend and consolidate the Laws respecting Crown Lands in British Columbia," was approved.

The same steps were subsequently taken upon this subject, as those detailed with reference to the subject treated of in the first paragraph.

The Lieutenant-Governor's communication upon this Act states that the objections taken by council to it are considered to be removed by the agreement for a settlement of the Indian land question by commissioners.

Although the undersigned cannot concur in the view that the objections taken are entirely removed by the action referred to; and, though he is of opinion that, according to the determination of council upon the previous Crown Lands Act, there remains serious question as to whether the Act now under consideration is within the competence of the provincial legislature, yet since, according to the information of the undersigned, the statute under consideration has been acted upon, and

is being acted upon largely in British Columbia, and great inconvenience and confusion might result from its disallowance; and, considering that the condition of the question at issue between the two governments is very much improved since the date of his report, the undersigned is of opinion that it would be the better course to leave the Act to its operation.

It is to be observed that this procedure neither expresses nor impliedly waives any right of the government of Canada to insist that any of the provisions of the Act are beyond the competence of the Local Legislature, and are consequently inoperative.

The undersigned recommends that the Act be left to its operation.

3. By minute in council of the 7th January, 1876, the report of the undersigned respecting an Act, intituled: "An Act to make Powers of Attorney valid in certain cases," was approved.

The same steps were subsequently taken upon this subject as those detailed with reference to the subjects treated of in the first paragraph.

The Lieutenant-Governor's communication upon this Act states that it will be immediately amended, to remove the objections taken to section 7, which was the only clause objected to. Upon this assurance of the government of British Columbia, the undersigned recommends that the Act be left to its operation.

Edward Blake,

Minister of Justice.

Order in Council disallowing the Act above mentioned published in the Canada Gazette on the 6th day of May, 1876, Vol. IX., No. 45, page 1457.

CAP CXXXVIII.

(See 14 Geo.3. c. 83
31 Geo. 3. c.31.

An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces.

"WHEREAS Crimes and Offences have been committed in the Indian Territories, and other Parts of America, not within the Limits of the Provinces of Lower or Upper Canada, or either of them, or of the Jurisdiction of any of the Courts established in those Provinces, or within the Limits of any Civil Government of the United States of America, and ~~are~~ therefore not cognizable by any Jurisdiction whatever, and by reason thereof great Crimes and Offences have gone, and may hereafter go unpunished, and greatly increase:" For the Remedy thereof may it please your Majesty that it be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That, from and after the passing of this Act, all Offences committed within any of the Indian Territories, or Parts of America not within the Limits of either of the said Provinces of Lower or Upper Canada, or of any Civil Government of the United States of America, shall be and be deemed to be Offences of the same nature, and shall be tried in the same manner and subject to the same Punishment, as if the same had been committed within the Provinces of Lower or Upper Canada.

Offences committed
~~in any of the Indian Territories or Parts of America~~
within any Indian Territories &c.
may be tried as if committed in Lower Canada.

The Governor of Lower Canada may empower persons to act as Justices for the Indian Territories &c. for committing Offenders till conveyed to Canada for trial &c.

11. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor, or Person administering the Government for the Time being of the Province of Lower Canada, by Commission under his Hand and Seal, to authorize and empower any Person or Persons ^{where}soever resident or being at the Time, to act as Civil Magistrates and Justices of the Peace for any of the Indian Territories or Parts of America not within the Limits of either of the said Provinces, or of any Civil Government of the United States of America, as well as within the Limits of either of the said Provinces, either upon information taken or given within the said Provinces of Lower or Upper Canada, or out of the said Provinces in any part of the Indian Territories or Parts of America as aforesaid, for the Purpose only of hearing Crimes and Offences, and committing any Person or Persons guilty of any Crime or Offence to safe Custody, in order to his or their being conveyed to the said Province of Lower Canada to be dealt with according to Law; and it shall be lawful for any Person or Persons whatever to apprehend and take before any Persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient speed, to the Province of Lower Canada, any Person or Persons guilty of any Crime or Offence, there to be delivered into safe custody for the purpose of being dealt with according to Law.

Offenders may be tried in the Courts of Lower (or Upper) Canada, and punished accordingly.

111. And be it further enacted, That every such Offender may and shall be prosecuted and tried in the Courts of the Province of Lower Canada (or if the Governor or Lieutenant-Governor, or Person administering the Government for the Time being, shall from any of the circumstances of the Crime or Offence, or the local situation of any of the Witnesses for the Prosecution or Defence, think that Justice may more conveniently be administered in relation to such Crime or Offence in the Province of Upper Canada, and shall by any Instrument under the Great Seal of the Province of Lower Canada, declare the same, then that every such Offender may and shall be Prosecuted and Tried in the Courts of the Province of Upper Canada) in which Crimes or Offences of the like nature are usually tried, and where the same would have been tried if such Crime or Offence had been committed within the Limits of the Province where the same

shall be tried under this Act,; and every Offender^{by} tried and convicted under this Act shall be liable and subject to such Punishment as may by any Law in force in the Province where he or she shall be tried be inflicted for such Crime or Offence; and such Crime or Offence may and shall be laid and charged to have been committed within the Jurisdiction of such Court, and such Court may and shall proceed therein to Trial and Judgement, and Execution or other Punishment for such Crime or Offence in the same manner in every respect as if such Crime or Offence had been really committed within the Jurisdiction of such Court, and it shall also be lawful for the Judges ~~xx~~ and other Officers of the said Courts to issue Subpoenas and other Processes for enforcing the attendance of Witnesses on any such Trial; and such Subpoenas and other Processes shall be as valid and effectual and be in full Force and put in Execution in any Part of the Indian Territories, or other Parts of America out of and not within the Limits of the United States of America, as well as within the Limits of either of the said Provinces or Lower or Upper Canada in relation to the Trial of any Crimes or Offences by this Act made cognizable in such Court, or the more speedily and effectually bringing any Offender or Offenders to Justice under this Act as fully and amply as any Subpoenas or other Processes are within the Limits of the Jurisdiction of the Court from which any such Subpoenas or Processes shall issue as aforesaid; any Act or Acts, Law or Laws, Custom, Usage, Manner, or Thing to the Contrary notwithstanding.

Offenders not
being British
Subjects shall be
acquitted, if Off-
ence is committed
within European
Territories.

IV. Provided always, and be it further enacted, That if any Crime or Offence charged and prosecuted under this Act shall be proved to have been committed, by any Person or Persons not being a Subject or Subjects of His Majesty, and also within the Limits of any Colony, Settlement, or Territory belonging to any European State, the Court before which such Prosecution shall be had shall forthwith acquit such Person or Persons not being such Subject or Subjects as aforesaid of such Charge.

But Subjects
shall be tried.

V. Provided nevertheless, That it shall and may be lawful for such Court to proceed in the Trial of any other Person, ^{or Persons} being a subject or Subjects of His Majesty, who shall be charged with the same or any other Offence, notwithstanding such Offence shall appear to have been committed within the Limits of any Colony, Settlement, or Territory belonging to any European State as aforesaid.

OAP. XLVIII.

"AN ACT To Provide for the Administration of Justice in
Vancouver's Island." 28 July 1849.

43 G. 3. o
138

1 & 2 G. 4.
o. 66.

" WHEREAS an Act was passed in the Forty-third Year of King George the Third intituled "An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces: and whereas by an Act passed in the Second Year of King George the Fourth intituled "An Act for Regulating the Fur Trade and establishing a Criminal and Civil Jurisdiction within Certain Parts of North America", it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same Civil Jurisdiction, Power and Authority as well in the Cognizance of Suits as in the Issuing Process Mesne and Final and in all other Respects whatsoever within the Indian Territories and other Parts of America not within the limits of either of the Provinces of Lower or Upper Canada or of any Civil Government of the United States, as the said Courts had or were invested with within the limits of the said Provinces of Lower and Upper Canada respectively, and that all and every Contract, Agreement, Debt, Liability, and Demand whatsoever made, entered into, incurred or arising within the said Indian Territories and other Parts of America, and all and every Wrong, and Injury to the Person or to Property, real or personal, committed or done within the same, should be and be deemed to be of the same Nature and to be cognizable by the same Courts, Magistrates or Justices of the Peace, and be tried in the same Manner, and subject to the same Consequences in all respects as if the same had been made, entered into, incurred, arisen, committed or done within the said Province of Upper Canada; and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such parts of America as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian Territories of such other Parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal, to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to Order, Direct, and Authorize the appointment of proper Officers to act in aid of such Courts and Justices within the jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts ~~and Justices~~ should be constituted as to the number of Justices to preside therein and as to such places within the said Territories of the said Company, or any Indian Territories or other Parts of North America as aforesaid and the times and manner of holding the same as His Majesty should from Time to Time Order and Direct, but should not try any Offender upon any Charge

"or Indictment for any Felony made the subject of Capital Punishment
 "or for any Offence or passing Sentence affecting the life of any
 "Offender, or ~~to~~ adjudge or cause any Offender to suffer Capital
 "Punishment or Transportation, or take cognizance or try any ~~suit~~
 "Civil action of suit in which the cause of such Action or Suit
 "should exceed in value the amount or sum of Two hundred Pounds,
 "and in every case of Offence subjecting the Person committing
 "the same to Capital Punishment or Transportation, the Court, or
 "any Judge of any such Court, or any Justice or Justices of the
 "Peace before whom any such Offender should be brought, should
 "commit such Offender to safe Custody, and cause such Offender to
 "be sent in such Custody for trial in the Court of the Province of
 "Upper Canada: And Whereas for the purpose of the colonization of
 "that part of the said Indian Territories called Vancouver's Island
 "it is expedient that further Provision should be made for the
 "Administration of Justice therein" Be it therefore Enacted by
 the Queen's Most Excellent Majesty by and with the advice and
 consent of the Lords Spiritual and Temporal, and Commons, in
 this present Parliament assembled, and by the authority of the
 same, that From and after the Proclamation of this Act in
 Vancouver's Island, the said Act of the Forty-third Year of King
 George the Third, and the said recited Provisions of the said
 Act of the Second Year of King George the Fourth, and the
 Provisions contained in such Act for giving Force, Authority, and
 Effect within the said Indian Territories and other Parts of
 America to the Process and Acts of the said Courts of Upper
 Canada, shall cease to have force in and to be applicable to
 Vancouver's Island aforesaid; and it shall be lawful for Her
 Majesty from Time to Time (and as well before as after such
 Proclamation) to make Provision for the Administration of Justice
 in the said Island and for that purpose to constitute such
 Court or Courts of Record and other Courts with such Jurisdiction
 in matters Civil and Criminal and such equitable and ecclesiastical
 Jurisdiction subject to such limitations and restrictions and to
 appoint and remove or provide for the appointment or removal
 of such Judges, Justices of the Peace and such Ministerial and
 other Officers for the Administration and Execution of Justice
 in the said Island as Her Majesty shall think fit and direct.

parts 8⁰
 43 G. 3. C.
 138 & 1 & 2 G.
 4. o. 66 repealed
 as to Vancouver's
 Island

Power to Local
 Legislature to
 make Provision
 for the Adminis-
 tration of Justice.

2. Provided always and be it enacted that when and so
 soon as a Local Legislature has been established in Vancouver's
 Island it shall be lawful for such Legislature from Time to Time
 by any Law or Ordinance made in the manner and subject to the
 conditions which may be by Law required in respect of Laws and
 Ordinances made by such Local Legislature to make such alterations
 as to such Legislature may seem meet in the Constitution or Juris-
 diction of the Courts which may be established in the said Island,
 and to make all such other Provisions as to such Local Legislature
 may seem meet for and concerning the Administration of Justice
 in the said Island.

Appeal to Privy
 Council in Civil
 Cases.

3. Provided always and be it enacted that all Judgements
 given in any Civil Suit in the said Island shall be subject to
 appeal to Her Majesty in Council, in the manner and subject to the
 Regulations in and subject to which Appeals are now brought from
 the Civil Courts of Canada, and to such further or other Regul-
 ations as Her Majesty with the advice of Her Privy Council,
 shall from Time to Time appoint.

Adjacent Islands
 deemed part of
 Vancouver's Island.

4. And be it enacted that all such Islands adjacent to
 Vancouver's Island or to the Western Coast of North America and
 forming part of the Dominions of Her Majesty as are to the
 Southward of the Fifty-second Degree of North Latitude shall be

deemed part of Vancouver's Island for the purposes of this Act.

Act may be
Amended &c.

5. And be it enacted that this Act may be Amended or
Repealed by any Act to be passed in this Session of Parliament.

AN ACT TO PROVIDE FOR THE GOVERNMENT OF BRITISH COLUMBIA.

"WHEREAS divers of Her Majesty's Subjects and others have, by the
 "Licence and Consent of Her Majesty, resorted to and settled on
 "certain wild and unoccupied Territories of the North West Coast of
 "North America, commonly known by the designation of New Caledonia,
 "and from and after the passing of this Act to be named British
 "Columbia, and the Islands adjacent, for Mining and other Purposes;
 "and it is desirable to make some temporary Provision for the Civil
 "Government of such Territories, until permanent Settlements shall
 "be thereupon established, and the Number of Colonists increased:
 "Be it therefore enacted by the Queen's Most Excellent Majesty, by
 "and with the Advice and Consent of the Lords Spiritual and Temporal,
 "and Commons, in this present Parliament assembled, and by the Author-
 "ity of the same, as follows:

Boundaries
 of British
 Columbia.

1. British Columbia shall, for the purposes of this Act, be held
 to comprise all such Territories within the Dominions of Her Majesty
 as are bounded to the South by the Frontier of the United States
of America, to the East by the main Chain of the Rocky Mountains to
 the North by Simpson's River and the Finlay branch of the Peace River,
 and to the West by the Pacific Ocean, and shall include Queen Charlotte's
Island, and all other Islands adjacent to the said Territories,
 except as hereinafter excepted.

By Order in Council

Her Majesty
 may make or
 provide for
 the making of
 Laws for the
 Government of
 Her Majesty's
 Subjects and
 others in British
 Columbia.

11. It shall be lawful for Her Majesty, by an Order or Orders
 to be by Her from time to time made, with the Advice of Her Privy
 Council, to make, ordain, and establish, and (subject to such
 Conditions or Restrictions as to Her shall seem meet) to authorize
 or empower such Officer as She may from time to time appoint as ~~her~~
 Governor of British Columbia, to make Provision for the Administration
 of Justice therein, and generally to make, ordain, and establish
 all such Laws, Institutions, and Ordinances as may be necessary for
 the Peace, Order, and good Government of Her Majesty's Subjects
 and others therein; provided that all such Orders in Council, and
 all Laws and Ordinances so to be made as aforesaid, shall be laid
 before both Houses of Parliament as soon as conveniently may be
 after the making and Enactment thereof respectively.

Her Majesty may
 establish a local
 Legislature in
 British Columbia.

To make Laws for the Peace, Order, and Good Government of British Columbia, such
 111. Provided always, That it shall be lawful for Her Majesty
 as soon as She may deem it convenient, by any such Order in Council
 as aforesaid, to constitute or to authorize and empower such Officer
 to constitute a Legislature to consist of the Governor and a Council,
 or Council and Assembly, to be composed of such and so many Persons,
 and to be appointed or elected in such manner and for such Periods,
 and subject to such Regulations, as to Her Majesty may seem expedient.

Certain Prov-
 isions of 43 G.
 3.0.135 and 1 & 2
 G.4. o.66 as reg-
 ards British Col-
 umbia repealed.

IV. "And Whereas an Act was passed in the Forty-third Year of
 "King George the Third, intituled 'An Act for extending the Jurisdiction
 "of the Courts of Justice in the Provinces of Lower and Upper Canada
 "to the Trial and Punishment of Persons guilty of Crimes and Offences
 "within certain Parts of North America adjoining to the said Provinces:
 "And whereas by an Act passed in the Second Year of King George the
 "Fourth, intituled 'An Act for regulating the Fur Trade and establish-
 "ing a Criminal and Civil Jurisdiction within certain parts of North
 "America, it was enacted, that from and after the passing of that Act
 "the Courts of Judicature then existing or which might be thereafter
 "established in the Province of Upper Canada ~~should have the same~~
 "should have the same Civil Jurisdiction, Power, and Authority,
 "within the Indian Territories and other Parts of America not within
 "limits of either of the Provinces of Lower or Upper Canada or of any
 "Civil Government of the United States, as the said Courts had or were

"invested with within the Limits of the said Provinces of Lower ~~or~~
Upper Canada respectively, and that every Contract, Agreement, Debt,
 "Liability, and Demand made, entered into, incurred, or arising
 "within the said Indian Territories and other Parts of America, and
 "every Wrong, and Injury to the Person or to Property committed or
 "done within the same, should be and be deemed to be of the same Nature
 "and to be cognizable, and be tried in the same Manner, and ~~be~~ subject
 "to the same Consequences in all respects, as if the same had been
 "made, entered into, incurred, arisen, committed, ~~or~~ done within the
 "said Provinces of Upper Canada; and in the same Act are contained
 "Provisions for giving Force, Authority, and Effect within the said
 "Indian Territories and other Parts of America to the Process and Acts
 "of the said Courts of Upper Canada; and it was thereby also enacted,
 "that it should be lawful for His Majesty, if He should deem it
 "convenient so to do, to issue a Commission or Commissions to any
 "Person or Persons to be and act as Justices of the Peace within such
 "Parts of America as aforesaid, as well within any Territories
 "theretofore granted to the Company of Adventurers of England trading
 "to Hudson's Bay as within the Indian Territories of such other Parts
 "of America as aforesaid; and it was further enacted, that it should
 "be lawful for His Majesty from Time to Time by any Commission under
 "the Great Seal, to authorize and empower any such persons so appointed
 "Justices of the Peace as aforesaid to sit and hold Courts of Record for
 "the Trial of Criminal Offences and Misdemeanors, and also of Civil
 "Causes, and it should be lawful for His Majesty to Order, Direct and
 "Authorize the appointment of proper Officers to act in aid of such
 "Courts, and Justices within the Jurisdiction assigned to such ~~Justices~~ ^{Courts}
 "and ~~Courts~~ ^{Justices} in any such Commission, provided that such Courts should
 "not try any Offender upon any Charge or Indictment for any Felony
 "made the Subject of Capital Punishment or for any Offence or ~~or~~
 "passing Sentence affecting the Life of any Offender, or adjudge or
 "cause any Offender to suffer Capital Punishment or Transportation,
 "or take cognizance, or try any Civil Action or Suit in which the ~~amount of~~ ^{sum of}
 "Cause of such Suit or Action should exceed in value the ~~sum of~~ ^{any} Two
 "hundred Pounds, and in every Case of ~~any~~ ^{any} Offence subjected to the
 "Person committing the same to Capital Punishment or Transportation,
 "the Court, or any Judge of any such Court, or any Justice or Justices
 "of the Peace before whom any such Offender ~~should~~ ^{should} be brought, should
 "commit such Offender to safe Custody, and cause such Offender to be
 "sent in such Custody for Trial in the Court of the Province of
 "Upper Canada:"

From and after the Proclamation of this Act in British Columbia,
 the said Act of the Forty-third Year of King George the Third, and
 the said recited Provisions of the said Act of the Second Year of
 King George the Fourth, and the Provisions contained in such Act for ^{giving}
 Force, Authority, and Effect within the Indian Territories and other
 Parts of America to the Process and Acts of the said Courts of Upper
Canada, shall cease to have force in and to be applicable to British
Columbia.

Appeal from V. Provided always that all Judgements given in any Civil
 Judgements in Suit in British Columbia shall be subject to Appeal to Her Majesty
 Civil Suits to in Council, in the manner and subject to the Regulations in and
 the Privy Council subject to which Appeals are now brought from the Civil Courts of
Canada, and to such further or other Regulations as Her Majesty with
 the advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's VI. No Part of the Colony of Vancouver's Island, as at present
 Island as at established, shall be comprised within British Columbia for the
 present establi- purpose of this Act; but it shall be lawful for Her Majesty, Her
 shed not to be Heirs and Successors, ~~on receiving~~ at any Time during the Continuance
 included in Brit- of this Act a joint Address from the Two Houses of the Legislature
 ish Columbia. of Vancouver's Island, praying for the incorporation of that Island
 with British Columbia, by Order to be made as aforesaid, with the
 Advice of Her Privy Council, to annex the said Island to British
Columbia, subject to such Conditions and Regulations as to Her Majesty
 shall seem expedient; and thereupon and from the date of the ~~proclama-~~ ^{publica-}
 tion of such Order in the said Island, or such other Date as may be

fixed in such Order, the Provisions of this Act shall be held to apply to Vancouver's Island.

"Governor"

VII. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of British Columbia.

Act to continue
in force until
Dec. 31. 1862.
Expiration of Act
not to affect
Boundaries &c.

VIII. This Act shall continue ⁱⁿ force until the Thirty-first Day of December, One Thousand eight hundred and sixty-two, and thenceforth to the end of the then next Session of Parliament: Provided always That the Expiration of this Act shall not affect the Boundaries hereby defined, or the Right of Appeal hereby given, or any Act done, or Right or Title acquired under or by virtue of this Act, nor shall the expiration of this Act revive the Acts or Parts of Acts hereby repealed.

EXTRACT from the Speech from the Throne, delivered Thursday November 7th.,
1867 (paragraph 2).

x x x x x x

I congratulate you on the legislative sanction which has been given
by the Imperial Parliament, to the Act of Union, under the provisions of which
we are now assembled, and which has laid the foundation of a new Nationality
that I trust and believe will, ere long, extend its bounds from the Atlantic
to the Pacific Ocean.

x x x x x x

On Friday, November 8th., 1867, the Order of the Day being read for taking
into consideration the Speech of His Excellency the Governor General to
both Houses of Parliament:

And the first paragraph being read,
And a debate arising thereupon;

Ordered that the debate be adjourned till Monday next. (Motion Sir. J. McD)

Monday, 11th. November 1867

The House resumed the adjourned debate. Paragraph one being read, passed.
paragraphs 2 to 14 inclusive were agreed to, and a debate arising on par.
15, the debate was adjourned. On Friday, 15th. November, paragraph 15 passed.

The Address to be presented to the Governor General, based on the Speech
from the Throne, was agreed to on Friday November 15., was engrossed and
ordered to be presented to His Excellency. It contained the following
paragraph (paragraph 3).

We thankfully receive Your Excellency's congratulations on the
Legislative sanction which has been given by the Imperial Parliament to the
Act of Union, under the provisions of which we are now assembled, and which
has laid the foundation of a new Nationality, which, we trust and believe with
Your Excellency, will, ere long, extend its bounds from the Atlantic to the
Pacific Ocean.

Wednesday, December 4th., 1867 (page 50)

The Honourable Mr. McDougall moved, seconded by the Honourable Sir John A. Macdonald, that the question being proposed, That Mr. Speaker do now leave the Chair for the House in Committee to consider certain proposed Resolutions for the incorporation of Rupert's Land and the Northwestern Territory with Canada:

And a debate arising thereupon;
Ordered, that the Debate be adjourned.

Thursday, 5th. December, 1867. (page 51)

The Order of the Day being read for resuming the adjourned debate upon the Question which was, yesterday, proposed, "That Mr. Speaker do now leave the Chair for the House in Committee, to consider certain proposed Resolutions for the incorporation of Rupert's Land and the North-Western Territory with Canada."

And the Question being again proposed:- The House resumed the said adjourned debate;

And the House having continued to sit, till after Twelve of the Clock on Friday morning;

Friday December 6th., 1867.

And the Question being put;
Ordered, That Mr. Speaker do now leave the Chair;
The House accordingly resolved itself into the said Committee.
(In the Committee)

Resolution proposed:

1. That it would promote the prosperity of the Canadian people, and conduce to the advantage of the whole Empire, if the Dominion of Canada, constituted under the provisions of the British North America Act, of 1867, were extended westward to the shores of the Pacific Ocean.

To report progress; and ask leave to sit again.

Mr. Speaker resumed the Chair; and the Honourable Mr. Campbell reported That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, - That the Committee have leave to sit again at the next sitting of this House this day.

Friday, 6th. December, 1867.

The House according to Order again resolved itself into a Committee to consider certain proposed Resolutions for the Incorporation of Rupert's Land and the North-Western Territory with Canada.

(In the Committee)

1 Resolved:- That it would promote the prosperity of the Canadian people and conduce to the advantage of the whole Empire if the Dominion of Canada constituted under the provisions of The British North America Act of 1867, were extended westward to the shores of the Pacific Ocean.

2 Resolved:- That the colonization of the fertile lands of the Saskatchewan the Assiniboine and the Red River Districts, - the development of the mineral wealth which abounds in the regions of the North-West, - and the extension of commercial intercourse through the British Possessions in America from the Atlantic to the Pacific, - are alike dependent upon the

dependent upon the establishment of a stable government, for the maintenance of law and order in the North-Western Territories.

3. Resolved, That the welfare of a sparse and widely-scattered population of British subjects, of European origin, already inhabiting these remote and unorganized Territories, would be materially enhanced by the formation therein of political institutions bearing analogy, as far as circumstances will admit, to those which exist in the several Provinces of this Dominion.

And the House having continued to sit in Committee till after Twelve of the Clock, on Saturday morning:

Saturday, 7th. December, 1867.

4. Resolved:- That the 146th. Section of the British North America Act of 1867 provides for the admission of Rupert's Land and the North-Western Territory, or either of them, into ~~the~~ Union with Canada; upon the terms and conditions to be expressed on Address from the Houses of Parliament of this Dominion, to Her Majesty, and which shall be approved of by the Queen in Council.

5. Resolved,- That it is accordingly expedient to Address Her Majesty that she would be graciously pleased, by and with the advice of Her Most Honourable Privy Council, to unite Rupert's Land, and the North-Western Territory with the Dominion of Canada, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and expressing the willingness of Canada to assume the duties and obligations of Government and Legislation.

6. Resolved, That in the event of the Imperial Government agreeing to transfer to Canada the jurisdiction and control over this region, it would be expedient to provide that the legal rights of any Corporation, Company or individual within the same, will be respected, and that in case of difference of opinion as to the extent, nature, or value of these rights, the same shall be submitted to judicial decision, or be determined by mutual agreement between the Government of Canada and the parties interested; such agreement to have no effect or validity until first sanctioned by the Parliament of Canada.

7. Resolved,- That upon the transference of the Territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement, would be considered and settled in conformity with the equitable principles which have uniformly governed the Crown in its dealings with the Aborigines.

Resolutions to be reported.

Mr. Speaker resumed the Chair; and the Honourable Mr. Campbell reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received on Monday next.

Monday 9th. December, 1867.

Resolutions re-submitted to the Committee in order to be amended. Nos. 1 to 5, inclusive, were agreed to. No. 6 was expunged, and an amended clause inserted.

Tuesday, December 10, 1867.

Resolution 7 was agreed to.

Resolution 8 was added, and the Resolutions, as amended, were to be reported; it was Ordered, That the Report be received this day.

Wednesday, 11th. December, 1867.

Mr. Holton, seconded by Mr. Parker, moved an amendment, to the effect that it would be unwise to pledge the country to a large indefinite expense to extinguish the claims of the Hudson's Bay Co. Negatived.

Thursday, 12th. December, 1867

The main motion being read, a second time, were agreed to.

An Address embodying the first seven of the Resolutions was read, read a second time, and the debate thereon adjourned.

Monday, 16th. December, 1867.

The Address was read a second time and agreed to; was ordered to be engrossed, and was sent to the Senate.

Wednesday, 18th. December, 1867.

A message was sent from the Senate, stating that the Senate had concurred in the Address, and had drafted an Address to the Governor General praying him to lay the Address before the Throne. The House concurred, and the Address was so sent to His Excellency.

EARL GRANVILLE TO GOVERNOR MCGRAVE.

B.C. NO. 84.

Downing Street, 14th. August, 1869.

Sir,- In my despatch of the 17th. June in which I communicated to you your appointment to the Government of British Columbia, I informed you that I should probably have occasion to address you on the question then in agitation of the Incorporation of that Colony with the Dominion of Canada. You are aware that Her Majesty's Government have hitherto declined to entertain this question, mainly, because it could not arise practically till the Territory of the Hudson Bay Company was annexed to the Dominion, but also, perhaps, in the expectation that the public opinion of British Columbia might have opportunity to form and declare itself.

I have now to inform you that the terms on which Rupert's Land and the North-West Territory are to be united to Canada have been agreed to by the parties concerned, and that the Queen will probably be advised, before long, to issue an Order in Council, which will incorporate in the Dominion of Canada the whole of the British Possessions on the North American Continent, except the then continuous Colony of British Columbia.

The question therefore presents itself, whether this single Colony should thus be excluded from the great body politic which is thus forming itself.

On this question the Colony itself does not appear to be unanimous. But as far as I can judge from the Despatches which have reached me, I should conjecture that the prevailing opinion was in favour of union. I have no hesitation in stating that such is also the opinion of Her Majesty's Government.

They believe that a Legislature, selected from an extended area, and representing a diversity of interests, is likely to deal more comprehensively with large questions, more impartially with small questions, and more conclusively with both than is possible when controversies are carried on and decided upon in the comparatively narrow circle in which they arise. Questions of purely local interest will be more carefully and dispassionately considered when disengaged from the larger politics of the country, and at the same time will be more sagaciously considered by persons who have had this larger political education.

Finally, they anticipate that the interests of every Province of British North America will be more advanced by enabling the wealth, credit and intelligence of the whole to be brought to bear on every part, than by encouraging each in the contracted policy of taking care of itself, possibly, at the expense of its neighbor. More especially is this true in the case of internal transit.

It is evident that the establishment of a British line of communication between the Atlantic and Pacific Oceans, is far more feasible by the operations of a single Government responsible for the progress of both shores of the Continent, than by a bargain negotiated between separate, perhaps in some respects rival Governments and Legislatures. The San Francisco of British North America, ^{would} under these circumstances, hold a greater commercial and political position than would be attainable by the capital of the isolated Colony of British Columbia.

Her Majesty's Government are aware that the distance between Ottawa and Victoria presents real difficulty in the way of immediate union. But that very difficulty will not be without its advantage, if it renders easy communication indispensable, and forces onward the operations which are to complete it. In any case it is an understood inconvenience, and a diminishing one, and it appears far better to accept it as a temporary drawback on the advantages of union than to wait for those obstacles often more intractable which are sure to spring up after a neglected opportunity.

The constitutional connection of Her Majesty's Government with the Colony of British Columbia is as yet, closer than with any other part of North America, and they are bound, on an occasion like the present, to give for the consideration of the community and the guidance of Her Majesty's servants, a more unreserved expression of their wishes and judgement than might be elsewhere fitting.

You will therefore give publicity to this Despatch, a copy of which I have communicated to the Governor General of Canada, and you will hold yourself authorized either in communication with Sir John Young, or otherwise, to take such steps as you properly and constitutionally can, for promoting a favourable consideration of this question.

It will not escape you that in acquainting you with the general views of the Government, I have avoided all matters of detail, on which the wishes of the people and the Legislature will of course be declared in due time. I think it necessary, however, to observe that the constitution of British Columbia will oblige the Governor to enter personally upon many questions, as the condition of Indian tribes and the future position of Government servants with which, in the case of a negotiation between two responsible Governments, he would not be bound to concern himself.

I have &c.

(signed) GRANVILLE.

GOVERNOR MUSGRAVE, &c., &c. &c.

EARL GRANVILLE TO GOVERNOR MUSGRAVE.

B.O. NO. 84.

Downing Street, 14th. August, 1869.

Sir,- In my despatch of the 17th. June, in which I communicated to you your appointment to the Government of British Columbia, I informed you that I should probably have occasion to address you on the question then in agitation of the Incorporation of that Colony with the Dominion of Canada. You are aware that Her Majesty's Government have hitherto declined to entertain this question, mainly, because it could not arise practically till the Territory of the Hudson Bay Company was annexed to the Dominion, but also, perhaps, in the expectation that the public opinion of British Columbia might have opportunity to form and declare itself.

I have now to inform you that the terms on which Rupert's Land and the North-West Territory are to be united to Canada, have been agreed to by the parties concerned, and that the Queen will probably be advised, before long, to issue an Order in Council, which will incorporate in the Dominion of Canada the whole of the British Possessions on the North American Continent, except the then conterminous colony of British Columbia.

The question therefore presents itself, whether this single Colony should be excluded from the great body politic which is thus forming itself.

x x x x x

It will not escape you that in acquainting you with the general views of the Government, I have avoided all matters of detail, on which the wishes of the people and the Legislature will of course be declared in due time. (I think it necessary however to observe that the Constitution of British Columbia will oblige the Governor to enter personally upon many questions, as the condition of Indian tribes and the future position of Government servants with which, in the case of a negotiation between two responsible governments, he would not be bound to concern himself.)

GOVERNOR MUSGRAVE,
&c., &c., &c.

I have &c.,
(signed)

GRANVILLE.

No. 11.

GOVERNOR MUSGRAVE TO THE GOVERNOR GENERAL.

Government House
British Columbia, 20th. February, 1870.

Sir,- I have the honour to forward to Your Excellency a copy of the Message with which I caused the Legislative Council to be opened on the 15th. instant, and of a Resolution which the Government will introduce, embodying the terms on which it is proposed to join the Dominion of Canada.

x x x x x x x

9. In Lord Granville's despatch, No. 84, of the 14th. August, which was communicated to Your Excellency, he mentioned the condition of the Indian Tribes as among some questions upon which the Constitution of British Columbia will oblige the Governor to enter personally. I have, purposely, omitted any reference to this subject in the terms proposed to the Legislative Council. Any arrangement which may be regarded as proper by Her Majesty's Government can, I think, best be settled by the Secretary of State, or by me, under his direction, with the Government of Canada. But "Indians", and "Lands reserved for Indians", form the twenty-fourth of the classes of subjects named in the 71st. Section of the Union, which are expressly reserved to the Legislative authority of the Parliament of the Dominion.

I have &c.,
(signed) A. MUSGRAVE.

His Excellency Sir John Young, G.C.B., G.C.M.G., &c.

North-West Treaties.

TREATY NO. 1.

CESSIONS MADE AND OBLIGATIONS INCURRED BY INDIANS.

I Area Ceded 16,700 sq. mi.

II They promise:-

- (1) To observe Treaty
- (2) To maintain peace
- (3) Not to molest the person or property of Her Majesty's subjects
- (4) To agree to Government's right to deal with settlers within bounds of reserve lands, as shall be deemed just, provided that the land allotted to the Indians be not diminished.

OBLIGATIONS INCURRED BY GOVERNMENT.

I Reserve land---160 acres per family of five, together with an additional tract of 25 sq. mi.

II Maintenance of a school on each reserve when Indians desire it.

III ONE LAND FOR ALL EXPENDITURE
Gratuity at Time of Treaty, \$3.00 per head/-

IV ANNUAL EXPENDITURE IN PERPETUITY.

Annuities:-

Chiefs	\$25.00
Headmen	\$15.00
Indians	\$ 5.00

Total 1915. \$12,725.00.

Note. Annuities in Treaty 1. were originally fixed at \$15.00 to each family of five; the present rates were introduced by the revision

of 1875.

- V* A suit of clothes triennially to each
chief and headman.

TREATY NO 2.

CESSIONS MADE AND OBLIGATIONS INCURRED BY INDIANS.

I Area Ceded 35,700 sq. miles.

II They promise:-

- (1) To observe Treaty.
- (2) To behave themselves as good
and loyal subjects.
- (3) To, in all respects, obey and
abide by the law.
- (4) To maintain peace.
- (5) Not to molest person or property
of any inhabitants of ceded tract or of
Government or of travellers.
- (6) To assist Government officers to
bring Indian offenders to justice.
- (7) To agree to Government's right
to deal with settlers occupying reserve lands.

OBLIGATIONS INCURRED BY GOVERNMENT.

- I* Reserve land----160 acres for each family
of five,
- II* Maintenance of a school on each Reserve when
Indians desire it.

III ONCE AND FOR ALL EXPENDITURE

Gratuity at Time of Treaty--\$5.00 per head-

TREATY NO. 2.

IV ANNUAL EXPENDITURE IN PERPETUITY.

././ annuities:-

Chiefs	\$25.00
Headmen	\$15.00
Indians	\$ 5.00

Total Annuities 1915, \$10,285.00

Note.-- Annuities in Treaty 2 were originally fixed at \$15.00 to each family of five; the present rates were introduced by the revision of 1875.

.2. Each chief and headman receives a suit of cloths¹ triennially.

THE NORTHWEST ANGLE TREATY.

CESSIONS MADE AND OBLIGATIONS INCURRED BY THE INDIANS.

I Area Ceded-----55,000 sq. mi.

II They promise:-

- (1) To observe Treaty.
- (2) To conduct themselves as good and loyal subjects.
- (3) To in all respects obey and abide by the law.
- (4) To maintain peace and good order.
- (5) Not to molest person or property of inhabitants, Government or travellers.
- (6) To aid and assist Government officers to bring Indian offenders to justice.
- (7) Agree to Government's right to sell, lease or otherwise dispose of reserve lands, contingent upon consent of Indian owners.
- (8) Agree to Government's right to expropriate ^{native} land, upon payment of due compensation, for public works or buildings.

OBLIGATIONS INCURRED BY GOVERNMENT.

I Reserve Land---Unspecified---to be laid out upon consultation with the Indians and not to exceed one sq. mi. for each family of 5.

II Maintenance of schools when Indians desire them

III Allow Indians to hunt and fish in ceded area subject to Government regulations.

IV ONCE AND FOR ALL EXPENDITURE.

1. Gratuity at time of Treaty in extinguishment of all claims theretofore preferred---\$12.00 per head--\$48,000.00

2. MISCELLANEOUS ONCE AND FOR ALL EXPENDITURE
BASED ON POPULATION, 1915.

2 hoes @ 50¢,	for every family cultivating the soil	\$591.00
1 spade @ 85¢	" " " "	502.35
1 plow @ 19.00 ea.	" 10 families "	1121.00
5 harrows @ 16.00 EA.	" 20 " "	2400.00
1 scythe @ 1.60 ea.	every family "	945.60
1 axe @ 1.25 ea.	each band "	42.50
1 cross cut saw @ 2.50	" " "	85.00

1 hand saw @ 1.25 each band cultivating the soil-	42.50
1 pit saw @ 6.00 " " " "	204.00
The necessary files @ 15¢ ea.	
1 grindstone @ 2.15 each band " " "	73.10
1 auger @ 1.00 to " " " "	34.00
1 tool-chest @ 16.00 " " " "	544.00

A medal @ \$25.00 to each chief-	675.00
A flag @ 3.38 " " "	91.80

A yoke of oxen @ 175.00 to each band culti-	
vating the soil	5850.00
1 bull @ 150.00 ea. " " " "	
vating the soil	5100.00
4 cows @ 85.00 ea. " " " "	
vating the soil	11560.00

Total Miscellaneous Once and for All	29859.00
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3. For each band enough of wheat, barley, potatoes and oats to plant the land actually broken up for cultivation, by such bands.

IV

ANNUAL EXPENDITURE IN PERPETUITY.

- I* \$1500.00 for ^{ammunition}~~communication~~, twine and nets for the use of the Indians.

2

ANNUITIES.

Chiefs---	\$25.00	
Headmen---	15.00	(not to exceed three for each band)
Indians----	5.00	

Total 1915-----\$16,195.00

- 3* Each chief and headman to receive a suitable suit of clothing triennially.

TREATY NO 4.

THE QU'APPELLE TREATY.

CESSIONS MADE AND OBLIGATIONS INCURRED BY INDIANS.

1. Area Ceded-----74,600 sq. mi.
2. They Promise:-
 - (1) To observe Treaty.
 - (2) To behave themselves as good and loyal subjects.
 - (3) To in all respects obey and abide by the law.
 - (4) To maintain peace and good order.
 - (5) Not to molest person or property of any inhabitant or of the Government or interfere with travellers.

OBLIGATIONS INCURRED BY GOVERNMENT.

1. Reserve land---- one sq. mi. to each family of five.

Note. Government retains right to deal with settlers within the bounds of reserved lands as may be deemed just. Government may sell, lease or otherwise dispose of reserved lands for the benefit of the Indians, with their consent. Reserve lands may be expropriated for public works etc. upon payment of due compensation.

2. Maintenance of a school for each band when Indians are prepared for a teacher.
3. The Indians shall have the right to hunt, trap and fish throughout the tract surrendered, subject to Government regulations.

ONCE AND FOR ALL EXPENDITURE.

1. Gratuity at time of Treaty:-

Chiefs	\$25.00
Headmen	15.00
Indians	12.00

Total

2. MISCELLANEOUS ONCE AND FOR ALL BASED ON POPULATION. 1915.

A silver medal to each chief @ 25.00	\$425.00
A coat " " " @ 12.50	212.50
A flag " " " @ 3.38	84.50
2 hoes @ 50 to each family cultivating the soil	544.00
1 spade @ 85 " " " " " "	462.40
1 scythe @ 1.60 " " " " " "	870.40
1 plow @ 19.00 to every 10 families " " "	1026.00
2 harrows @ 16.00 " " " " " "	1728.00
1 yoke oxen @ 175.00 EA. chief for use of band	2975.00
1 bull @ 150.00 " " " " " "	2550.00
4 cows @ 85.00 ea. " " " " " "	5780.00
Chest of carpenters tools @ 16.00 " " " " " "	272.00
5 hand-saws @ 1.25 Ea. chief for use of his band	106.25
5 augers @ 1.00 " " " " " "	85.00
1 cross-cut saw @ 2.50 " " " " " "	42.50
1 pit-saw @ 6.00 " " " " " "	102.00
1 grindstone @ 2.15 " " " " " "	36.55
The necessary files @ 15¢ ea.	

Total Miscellaneous \$17302.10

And enough seed, wheat, barley, oats and potatoes to plant such lands as the Indians have broken up.

ANNUAL EXPENDITURE IN PERPETUITY.

1. Annuities:-

Chiefs	25.00
Headmen (not to exceed four to a band)	15.00
Indians	5.00

Total 1915 \$14655.00

2. Annual distribution of ball and twine \$750.00

3. A suitable suit of clothes to each chief and each headman (not to exceed four to a band) triennially.

TREATY NO. 5.

THE LAKE WINNIPEG TREATY.

CESSIONS MADE AND OBLIGATIONS INCURRED BY INDIANS.

1. Area Ceded 100,000 sq. mi.
2. They promise:-
 - (1) To observe Treaty.
 - (2) To conduct and behave themselves as good and loyal subjects.
 - (3) To obey and abide by the law.
 - (4) To maintain peace and good order.
 - (5) Not to molest person or property of any inhabitant or the property of the Government or trouble travellers.
 - (6) To assist Government officers to bring Indian offenders to justice and punishment.

OBLIGATIONS INCURRED BY GOVERNMENT.

1. Reserves 160 acres per family of five.

Note. Government reserves right to deal with any settlers within the bounds of reserve lands. Reserves may be sold or otherwise disposed of by Government for the use and benefit of the Indians, with their consent. Government reserves for its subjects the free navigation of all lakes and rivers and free access to the shores thereof. Government may appropriate reserve lands required for public works, etc.

2. Bands who remain in the vicinity of Norway House to retain gardens, buildings and improvements until they be departed with by Government for the benefit of and with the consent of the Indians.
3. Schools to be maintained as may seem desirable to the Government.

4. Indians to have right to hunt and fish throughout tract surrendered, subject to Government regulations.

5. ONCE AND FOR ALL EXPENDITURE.

2 hoes @50¢ ea. for every family cultivating soil	\$1342.00
1 spade @85¢ " " " "	1140.70
1 plow @19.00 " " ten " "	2546.00
6 harrows @16.00 ea. " twenty " "	5360.00
1 scythe @ 1.60 for every family " "	2147.20
1 axe @ 1.25 " " " "	1659.00
1 cross-cut saw @2.50 " band " "	58.00
1 handsaw @ 1.25 " " " "	30.00
1 pit-saw @ 6.00 " " " "	144.00
1 grindstone @ 2.15 " " " "	51.60
1 auger @ 1.00 " " " "	24.00
The necessary files @ 15¢ " " " "	

A flag @ 37 38 to each chief	67.60
A medal @ 25.00 " " " "	500.00
A chest of carpenter's tools @ 16.00 to ea. chief for the use of his band	320.00
A yoke of oxen @ 175.00 for each band	3500.00
A bull @ 150.00 " " " "	3000.00
4 cows @ 85.00 ea. to each band	6800.00
Total	28689.40

Also enough of wheat, barley, potatoes and oats for each band to plant the land actually broken.

ANNUAL EXPENDITURE IN PERPETUITY.

Annuities:-	
Chiefs	\$25.00
Headmen (not to exceed three to a band)	15.00
Indians	5.00

Total 1915 \$36,585.00

Ammunition and twine annually \$500.00

Each chief and headman to receive a suitable suit of clothing triennially.

6
Treaty No. 6.

Cessions Made and Obligations Incurred by Indians.

1. Area Ceded - 121,000 sq. mi.

2. They promise

- (1) To observe treaty
- (2) To conduct and behave themselves as good and loyal subjects.
- (3) To obey and abide by the law.
- (4) To maintain peace and good order.
- (5) Not to molest person or property of inhabitants or property of the Government or interfere with or trouble travellers.

Obligations Incurred by Government.

1. Reserves - Not to exceed 1 sq. mi. to each family of five.

Note. - The Government reserves the right to deal with any settlers within bounds of reserve lands. Reserves may be sold ~~or~~ otherwise disposed ~~of~~ ^{by the} Government for the benefit of the Indians with their consent. Government may expropriate reserve lands for public works or buildings of what nature soever upon payment of due compensation to the Indians.

2. Government to maintain schools ^{in Reserves} ~~as may seem advisable.~~
3. Indians to have the right to hunt and fish throughout the tract surrendered.

4. Once For All Expenditure.

(1) Gratuity at time of Treaty - \$12.00 per head \$76512.00

(2) Miscellaneous Once For All.

4 hoes @ 50¢ ea.	to every family cultivating the soil	\$2550.00
2 spades @ 85¢ " " " " " "		\$2167.50
1 plow @ \$19.00 " " 3 families		8075.00
1 harrow @ \$16.00 " " " " " "		6800.00

Miscellaneous Once for All. (Cont'd)

2 scythes @ 1.60 ea.	to every family cultivating the soil	\$4080.00
1 whetstone @ 10	" " " " " " " "	127.50
2 hayforks @ 60¢	" " " " " " " "	1530.00
2 reaping hookes @ 2.00 ea	" " " " " "	5100.00
2 axes @ 1.25 ea	to each band	105.00
1 cross cut saw @ 2.50	to " " " "	105.00
1 hand saw @ 1.25	" " " " " "	52.50
1 pit saw @ 6.00	" " " " " "	252.00
1 grindstone @ 2.15	" " " " " "	90.30
1 auger @ 1.00	" " " " " "	42.00

The necessary files @ 15¢ ea.

A chest of carpenter's tools @ 16.00 for each chief for
the use of his band 672.00

4 oxen @ 175.00 per yoke for each chief for the use of his
band 29400.

1 bull @ 150.00 for each chief for the use of his band 5300.00

6 cows @ 85.00 ea. " " " " " " " " 21,420.00

1 boar @ 12.00 " " " " " " " " 504.00

2 sows @ 12.00 ea. " " " " " " " " 1008.00

1 handmill @ 8.00 for any band that raises sufficient
grain therefor 336.00

A flag for ea. chief @ 3.38 ~~141.96~~

A medal " " " @ 25.00 1050.00

1 horse " " " @ 175.00 7350.00

1 harness " " " @ 35.00 1470.00

1 waggon " " " @ 77.00 3234.00

Total Miscellaneous ~~\$~~ 102,628.76

Note:- Each Chief (exclusively of those in the Carlton region)
may, if he so prefers, be given in lieu of the waggon
above mentioned two carts with iron-bushings and tires.

3. To Indians adhering to treaty at Fort Carlton
~~\$~~1000.00 yearly for 3 years after their reserves have been surveyed to purchase provisions for their use while settling and cultivating these reserves - ~~\$~~3000.00

4. To the Indians adhering to treaty at Fort Pitt, a ~~number~~ ^{sum} not exceeding ~~\$~~1000.00 yearly for three years after two or more reserves have been surveyed, to purchase provisions for Indians who are settling and cultivating these reserves - ~~\$~~3000.00

5. Also for each band enough wheat, barley, potatoes and oats to plant the land actually broken for cultivation.

Note:- This applies to any bands subsequently adhering to the treaty (exclusively, however, of the Indians of the Carlton region).

5. Expenditure in Perpetuity.

(1) Annuities:-

Chiefs, ~~\$~~25.00

Headmen, (not to exceed four to each band) ~~\$~~15.00

Indians ~~\$~~5.00

Total 1915 ~~\$~~33,830.00

(2) \$1500.00 to be expended annually for ammunition and twine,

(3) In the event of pestilence or a general famine among the Indians such subsistence shall be granted as the Chief Superintendent of Indian Affairs may deem necessary

(4) A medicine chest shall be kept at the house of each Indian Agent for the use and benefit of the Indians, at the discretion of such Agent.

(5) Each chief and headman receives a suitable suit of clothing triennially.

TREATY NO. 7.

The Blackfoot Treaty

Cessions made and obligations incurred by Indians.

1. Area Ceded- 42,900 sq. miles.
2. They Promise:-
 - (1) To observe Treaty
 - (2) To behave as good and loyal subjects
 - (3) To obey and abide by the law
 - (4) To maintain peace and good order
 - (5) Not to molest person or property of any inhabitant
 - (6) To assist Government Officers to bring Indian offenders to justice and punishment.

Obligations incurred by Government

1. Reserves - 1 sq. mile for each family of five.

Note:-

An additional reserve area was given to the Blackfoot, Blood and Sarcee Indians for ten years from the signing of the Treaty, after which time it should revert to the Government without payment of any compensation to the Indians. All subjects of the Government retain the right to navigate rivers running through reserve land and to have free access thereto. Government reserves right to build bridges, establish ferries etc. on the said rivers and to open up roads through reserves, due compensation being paid to the Indians for any improvements encroached upon by the said roads.

2. Indians to have right to hunt throughout the tract surrendered, subject to Government regulations.
3. Government to engage school teachers as may seem advisable.
4. Once for all expenditure

(1) Gratuity at time Treaty

10 head chiefs at \$25.00	\$ 250.00
40 Minor chiefs and councillors at \$15.00..	600.00
4342 Indians at \$12.00.....	52,104.00

Total 4,392	\$52,954.00

(2) Miscellaneous

A medal to each head chief and Stony Chief	
at \$25.00	250.00
A Flag " " " " " " "	
at \$ 3.38.....	33.80
A Winchester rifle at \$30.00 to each head- chief, minor chief and Stony chief...	1,500.00
10 Axes at \$1.25 ea. to ditto, for the use of their hands	625.50
5 Handsaws at \$1.25 " " " " "	312.50
5 Augers at \$1.00 ea " " " " "	250.00
1 Grindstone at \$2.15 " " " "	107.50
The necessary files at 15¢ and whetstones at 10¢ each...	
(2 Cows at \$85.00 ea. for every family of five persons and under.....	
(3 Cows at \$85.00 ea. for every family of from five to ten persons.....	
(4 Cows at \$85.00 ea. for every family over ten persons.....	
(Taking the average family as five this would be...	149.430.00

1 Bull at \$150.00 for every head, minor and	
Stony Chief.....	\$7,500.00
Total Miscellaneous.....	160,009.30
Grand Total Once For All.....	212,963.30

Note:-

Any band that desires to cultivate the soil shall receive one cow less per family than the above mentioned number and in lieu thereof each family shall receive, when they are prepared to break up the soil, 2 hoes, 1 spade, one scythe and two hay-forks and every three families shall receive a plough and a harrow and the band shall receive enough potatoes barley, oats and wheat to plant the land actually broken up, if such seeds be suitable to the locality.

5. Expenditure on Perpetuity.

(1) Annuities.

Chief.....	25.00
Minor chiefs and councillors (not to exceed 15 to the Blackfeet and Blood Indians, 4 to the Peigan and Sarcee bands and 5 councillors and to the Stonies bands) - \$15.00	
Indians \$5.00	
Total 1915.....	\$16,260.00

(2) \$2,000.00 to be expended annually for ammunition or otherwise for the benefit of the Indians.

- (3) Each head chief, minor chief and councillor to receive a suitable suit of clothing tri-annually.

Treaty No.8.

Cessions made and Obligations incurred by Indians.

I. Area ceded: 324,900 square miles.

II. Indians promise:-

(1) To observe Treaty.

(2) To conduct themselves as loyal subjects.

(3) To obey and abide by the law; maintain peace and assist Government officers to bring Indian offenders to justice.

(4) Agree to Government's power of expropriation on reserves upon payment of just compensation and agree to Government's right of dealing with settlers who may be within limits of reserve and also agree to the Government's right to sell for the Indians' benefit any reserves, provided the consent of the Indians is first obtained.

Obligations incurred by Government.

I Reserves or land in severalty - 160 acres per Indian.

II Once and For All Expenditure.

Gratuity at time of Treaty:-

17 chiefs @ \$32.00	=	\$544.00
36 headmen @ \$22.00	=	\$792.00
3552 Indians @ \$12.00	=	\$42,624.00
		<hr/>
Total.....		\$43,960.00

2. Miscellaneous Once for all Expenditure
based on Population - 1915.

Medal to each chief @ \$25.00 each.....	\$500.00
Flag " " " 3.38 "	67.60
10 axes @ \$1.25 to each band that selects a reserve.....	350.00
Files @ 15¢ and whetstone @ 10¢ to each band that selects a reserve.....	
5 hand saws @ \$1.25 each to each band that selects a reserve.....	175.00
5 augers @ \$1.00 each to each band that selects a reserve.....	140.00
1 grindstone @ \$2.15 to each band that selects a reserve.....	60.20

2 hoes @ 50 ¢ each to each family that takes up farming.....	\$940.00
1 spade @ 85 ¢ each " " " " " "	799.00
1 scythe @ \$1.60 " " " " " "	1,514.00
2 hay forks @ 60 ¢ each " " " " " "	1,128.00
1 plow @ \$19.00--to every three families that take up farming.....	5,947.00
1 harrow @ \$16.00-- " " " " " "	5,008.00
1 cow @ \$85.00 to each family that takes up farming.....	799.00
1 bull @ \$150.00 " band " " " "	4,200.00
1 mowing machine @ \$58.00 to each band that takes up farming.....	1,624.00
1 reaper @ \$160.00 to each band that takes up farming.....	4,480.00
Total Miscellaneous Once For All Expenditure.....	\$106,632.00
Grand total.....	\$150,792.00

Note: Treaty provides two alternatives:-

(1) Families preferring to raise stock instead of farming get 2 cows instead of 1 and the band gets 2 bulls instead of 1, and 2 mowing machines instead of 1, but no reaper.

(2) See under Annual Expenditure.

III Annual Expenditure in Perpetuity.

(1) Annuity 1915:-

20 Chiefs @ \$25.00	=	\$500.00
38 Headmen @ \$15.00	=	\$570.00
4645 Indians @ \$5.00	=	\$23,225.00
		<u>\$24,295.00</u>

(2) Salaries of Teachers as Government may deem advisable.

(3) Alternative to Agriculture and Stock-raising (see above).

Families preferring to continue hunting and trapping receive ammunition and twine to the value of \$1.00 per head. *and*

Note: (a) Chiefs and Headmen get suitable suit of clothes triennially.

(b) Bands first taking up agriculture receive seed (potatoes, barley, oats and wheat) and also provisions for one month while engaged in seeding. Treaty states that this will be continued for some years.

TREATY NO. 9.

THE JAMES BAY TREATY.

CESSIONS MADE AND OBLIGATIONS INCURRED BY THE INDIANS.

1. Area Ceded---90,000 sq. miles,
2. They promise:-
 - (1) To in all respects obey and abide by the law.
 - (2) To maintain peace.
 - (3) Not to molest person or property of inhabitants or interfere with or trouble travellers.
 - (4) To assist Government officers to bring Indian offenders to justice and punishment.
 - (5) To conduct and behave themselves as good and loyal subjects.
 - (6) To observe Treaty.

OBLIGATIONS INCURRED BY GOVERNMENT.

1. Indians to retain right to hunt, trap and fish throughout the tract surrendered, subject to Government regulations.
2. A reserve of land for each band, the same not to exceed in all one square mile for each family of five; ^{such} each reserve when confirmed to be administered by the Government for the benefit of the Indians free of all claims, liens or trusts by Ontario.

Note. Government reserves right to deal with any settlers within bounds of reserve lands. Government may sell or otherwise dispose of reserve lands provided consent of Indians be first obtained. Government may expropriate reserve lands required for public works etc. upon payment of just compensation to the Indians.

3. Erection of schools and payments of teachers salaries where and when it may seem advisable.

4. ONCE AND FOR ALL EXPENDITURE.

(1) Gratuity at time of Treaty, (in extinguishment of all past claims) \$8.00 per head--\$23,696.00.

(2) Aflag to each chief

5. ANNUAL EXPENDITURE IN PERPETUITY.

Annuities:-

\$4.00 per head

Total for 1915---\$13,752.00

TREATY NO. 10.

CESSIONS MADE AND OBLIGATIONS INCURRED BY INDIANS.

1. Area Ceded-----85,800 sq. mi.
2. They promise:-
 - (1) To observe Treaty
 - (2) To behave and conduct themselves as good and loyal subjects
 - (3) To in all respects obey and abide by the law
 - (4) To maintain peace
 - (5) Not to molest the person, trespass upon the property or interfere with the rights of any inhabitant or interfere with or trouble travellers
 - (6) To assist Government officers to bring Indian offenders to justice

OBLIGATIONS INCURRED BY GOVERNMENT.

1. Indians to retain right to hunt trap and fish throughout the territory surrendered, subject to Government regulations.
 2. Reserves of land in severalty---160 acres to each Indian.
- Note. Government reserves right to deal with settlers within the bounds of reserve lands, and also right expropriation for public works etc. upon payment of due compensation to the Indians. Government may sell or otherwise dispose of reserve lands for the benefit of the Indians, with their consent.
3. Provision to be made as may be deemed advisable for the education of Indian children.

4. Indians to receive such assistance as may be found necessary in agriculture, stock-raising or other works.

ONCE AND FOR ALL EXPENDITURE.

5. Gratuity at time of Treaty

3 Chiefs @ 32.00	96.00
4 Headmen @ 22.00.	88.00
387 Indians @ 12.00	4644.00
	<u>4828.00</u>

Silver Medal to each chief @ 25.00----	75.00
Flag " " " @ 3.38----	10.14
Bronze medal to " headman @ 20.00	80.00

6. ANNUAL EXPENDITURE IN PERPETUITY.

- (1) Annuities:-

Chiefs	\$25.00
Headmen	15.00
Indians	5.00

Total 1915-----10,205.00.

- (2) A distribution of twine and Ammunition to be made annually.
- (3) Each chief and headman to receive a suit of clothes triennially.

Copies of papers in connection
with British Columbia Land case.

Copy

59,335-13A

Department of Indian Affairs,
Ottawa, May 14, 1924.

Dear Sir,-

I have to inform you that the presence in Ottawa of the Hon. John Oliver, Prime Minister of British Columbia, gave me the opportunity of discussing certain features of the Indian question with him. The Prime Minister did not feel disposed to intimate that the conditions of the agreement known as the McKenna-McBride Agreement would be in any way modified by the province, but he stated that lands cut off from the reserves which were to be sold by the province under that agreement would as a matter of sound policy not be sold until the market was favourable and until fair and reasonable prices might be obtained, and that the actual share of the Indians and the province in the avails of these lands, would therefore be protected.

Dealing with the question of foreshores, after our discussion Mr. Oliver addressed to me a letter under date of April 23rd, a copy of which I am inclosing herewith. Therein the Prime Minister, while not foregoing any rights of the province in the foreshores, has given the assurance that he would favour a policy treating the Indians on exactly the same footing as the whites would be treated.

Mr. Oliver assured me that at all times he would be willing to receive representations with regard to the application of the hunting and fishing regulations of the province to the Indians and would give sympathetic consideration to the position of the Indians who are dependant on hunting and fishing for their livelihood.

The Prime Minister did not give me any assurance that the position of his Government on the main question of Indian title would be modified in any way.

Would you kindly take communication of these facts. It seems to me that it would be hardly possible to continue further conversations with the British Columbia Government with a hope of obtaining more favourable treatment.

Yours faithfully,

(Sgd) Chas. Stewart

Superintendent General of
Indian Affairs.

Rev. P. R. Kelly,
Nanaimo, B.C.

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The Superintendent General of Indian Affairs,
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Dear Sir, -

Re Indian Reserves in British Columbia.

Referring to our conversation of yesterday and having reference to the fears expressed by the Indians that where their reserves fronted on the water, access to their lands might be interfered with by construction of wharfs, docks, booms or other obstructions erected or placed along any foreshore on account of the ownership of such foreshore being in the Province, as I expressed myself yesterday, I would favour a policy treating the Indians on exactly the same footing as I would treat the whites, and would if necessary advise the Government of the Province to give the Indian Department a written assurance to that effect. I am, however, of the opinion that no such assurance is necessary, as I think the principle of Riparian Rights would apply to any Indian reserves having water frontage to the same extent as Riparian Rights would apply to the same lands were such lands subject to the private ownership of any person other than an Indian. In other words, Riparian Rights would accrue to the Indians (through the Indian Department) to the same extent as they would apply to a white owner. I should be pleased if you would obtain the advice of your legal Department on this phase of the situation.

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Yours faithfully,

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Ottawa, February 29th, 1924.

Dear Mr. Scott,-

I have received your letter of 26th instant, enclosing copy of questions submitted by Mr. Kelly, Chairman of the Allied Indian Tribes of British Columbia.

These questions appear to be a restatement of those which were discussed at the recent meeting in my office at which you were present, with Mr. Kelly and others representing the Indians, and I would confirm my answers as follows : -

"1. The effect of the McKenna-McBride Agreement, "and "in particular the words:- "final adjustment of all matters "relating to Indian affairs in the Province of British Columbia".

Answer. I am of opinion that as between the two Governments the agreement and the action of the commissioners thereunder, if approved by both Governments, operate "as a final adjustment of all matters relating to Indian affairs in the Province of British Columbia". These are the words of the agreement, and would I should think be interpreted to exclude claims by either government for better or additional terms.

"2. The effect of the law known as Bill 13- Was it "intended by this law to enact that the passing of Orders- "in-Council adopting the Report of Royal Commission should "bring about final adjustment of all matters relating to "Indian affairs in the Province of British Columbia?"

Answer. Bill No. 13, which is now enacted as Chapter 51 of 1920, operates to authorize the Governor in Council to sanction or give legal effect to the agreement.

"3. Is the cutting off of reserved lands provided "for by the McKenna-McBride Agreement consistent with

- 2 -

"Article 13 of the 'Terms of Union' "?

Answer. I do not perceive any inconsistency.

"4. Since what time and upon what constitutional grounds has the Government of Canada conceded that the Province of British Columbia has the reversionary title claimed by the Province?"

Answer. So far as I am aware the Government of Canada has not conceded the reversionary title claimed by the Province, except as it is justified by the Terms of Union. The title of the Province to the public lands within the Province at the time of the Union rests upon these terms, and depends upon the interpretation of the constitutional instruments.

"5. What does the Government of Canada understand
"to be the exact position regarding foreshore rights, fishing
"rights, and other general rights of the Indian tribes which
"would result from the passing of Order-in-Council adopting
"the Report of Royal Commission?"

Answer. The foreshore rights in respect of the reserves are the same as those of other riparians. If, as is assumed, reserves abutting on tidal waters extend only to the high water mark, the right of access is nevertheless incident to the proprietorship of the reserve. In tidal waters there is a public right of fishing which the Indians enjoy in common with the other subjects of His Majesty. The non-tidal waters are in the Crown, or the grantees of the Crown, and any right of fishing which may be claimed in these waters must be vindicated either under the provincial laws or by grant or license of the proprietor, subject however to the power of regulation affecting the exercise of the right which belongs to the Dominion.

D. C. Scott, Esq., Yours faithfully,
Deputy Superintendent General (Sgd.) E. L. Newcombe,
of Indian Affairs, D.M.J.
Ottawa.

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of Indian Affairs,
Ottawa.

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D.M.J.

COPY.

February 26, 1924.

Dear Mr. Newcombe,-

At the request of the Honourable Charles Stewart I submit herewith a memorandum prepared for him by the British Columbia Indians who interviewed you the other day. The Minister would be much obliged if you would advise him as far as possible on the questions raised in this memorandum. As he desires to dispose of the matter at an early date and allow the Indians to return home, we should be pleased if you could treat the request as urgent.

Yours very truly,

(Signed) Duncan C. Scott.

Deputy Superintendent General.

E.L.Newcombe, Esq., C.M.G.,K.C., LL.D.,
Deputy Minister of Justice,
Ottawa.

Copy.

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4. Since what time and upon what constitutional grounds has the Government of Canada conceded that the Province of British Columbia has the reversionary title claimed by the Province?
5. What does the Government of Canada understand to be the exact position regarding foreshore rights fishing rights and other general rights of the Indian Tribes which would result from the passing of Order-in-Council adopting the Report of Royal Commission?

(Signed)

Peter R. Kelly
Chairman of the
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3. Is the cutting off of Reserved lands provided for by the McKenna-McBride Agreement consistent with Article 13 of the "Terms of Union?"
4. Since what time and upon what constitutional grounds has the Government of Canada conceded that the Province of British Columbia has the reversionary title claimed by the Province?
5. What does the Government of Canada understand to be the exact position regarding foreshore rights fishing rights and other general rights of the Indian Tribes which would result from the passing of Order-in-Council adopting the Report of Royal Commission?

(Signed)

Peter F. Kelly
Chairman of the
Allied Indian Tribes of
British Columbia.

Copy.

The 13th Clause of the British Columbia Act of Union.

" The charge of the Indians and the trusteeship
"and management of the lands reserved for their use and
"benefit, shall be assumed by the Dominion Government,
"and a policy as liberal as that hitherto pursued by
"the British Columbia Government, shall be continued by
"the Dominion Government after the Union. To carry out
"such policy, tracts of land of such extent as it has
"hitherto been the practice of the British Columbia
"Government to appropriate for that purpose, shall from
"time to time be conveyed by the Local Government to
"the Dominion Government in trust for the use and bene-
"fit of the Indians, on application of the Dominion
"Government, and in case of disagreement between the
"two Governments respecting the quantity of such tracts
"of land to be so granted, the matter shall be referred
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C O P Y

Ottawa, 24th March, 1911.

Dear Mr. Oliver; Re British Columbia Indians.

Upon further consideration recently of the legislation passed last session, Chapter 28 of 1900, providing for proceedings in the Exchequer Court to try the Indian title, I have concluded that the provision might be properly enlarged. If, as may be the case, the original Indian title in British Columbia is not recognized by the proclamation of 1763, it would probably follow that the lands which the Indians claim, and which are not subject to any treaty, would not be lands reserved for the Indians within the meaning of the British North America Act. Nevertheless possibly the court might consider that the Indians had a right of possession. Section 37a, as enacted last session, may perhaps not be broad enough to cover the case of a claim to lands not reserved, and it is for this reason that I propose to amend it.

I have accordingly embodied the amendment in the enclosed draft bill which I think it would be advisable to have enacted at the present session if you have the opportunity to do so.

Yours very truly,

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Sir John Macdonald 1840-1891.

Excerpt from letter of Oct. 14th, 1872; from
Lieut. Gov. J. W. Trutch to Sir John Macdonald, Govt. House
Victoria B. C.

We have in B. C. a population of Indians numbering from 40,000 to 50,000, by far the larger portion of whom are utter savages living along the coast, frequently committing murder and robbery among themselves, one tribe upon another, and on white people who go amongst them for purposes of trade, and only restrained from more outrageous crime by being always treated with firmness, and by the consistent enforcement of the law amongst them to which end we have often to call in aid the services of H. M. ships on the station. I cannot see how the charge of these Indians can be entrusted to one having no experience among them, nor do I think it likely that the assistance of the Navy would be willingly and effectively given to any subordinate officer of the Government. Without further descanting on the matter however, I may tell you that I am of opinion, and that very strongly, that for some time to come at least the general charge and direction of all Indian affairs in B. C. should be vested in the Lt. Governor, if there is no constitutional objection to such arrangement, and that instead of one there should be three Indian Agents, one for Vancouver Island, one for the Northwest Coast and the third for the interior of the mainland of the province, which latter gentleman might very properly be a Roman Catholic, as the Indians in this section are for the most part under the influence of missionaries of that persuasion. Then as to Indian policy I am fully satisfied that for the present the wisest course would be to continue the system which has prevailed hitherto, only providing increased means for educating the Indians, and generally improving their condition moral and physical. The Canadian system, as I understand it will hardly work here. We have never bought out any Indian claims to lands, nor do they expect we should, but we reserve for their use and benefit from time to time tracts of sufficient extent to fulfil all their reasonable requirements for cultivation or grazing. If you now commence to buy out Indian title to the lands of B. C. you would go back of all that has been done here for 30 years past and would be equitably bound to compensate the tribes who inhabited the districts now settled farmed by white people, equally with those in the more remote and uncultivated portions. Our Indians are sufficiently satisfied and had better be left alone as far as a new system towards them is concerned; only give us the means of educating them by teachers employed directly by Govt. as well as by aiding the efforts of the missionaries now working among them.

To be rid of all concern with our Indian Affairs would of course free me of a very considerable part of the trouble and anxiety I have had for the past year,

but, however glad I might be at such a release, I have thought it my duty to express to you my conviction that you had better for some time to come continue the general charge of all Indian matters in B. C. in the Lt. Governor, divide the Province into three districts and appoint an Agent in each subject to direction from the Lt. Governor. By such a course you would secure through the Lt. Governor the benefit of the experience of those who during the past 13 or 14 years have managed the Indian affairs of the country, I mean the County Court Judges, who would be likely to feel diminished inclination to become the assistants of any official of a grade below their own.

I believe I have written all I need to on this matter and I fear at such length as to be tedious, but it is one of much importance to this Province, the care of the Indians here being, as I regard it, and have intimated to you in former letters the most delicate and presently momentous responsibility of the Dominion Government within the Province.

Faithfully yours,

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Excerpt from British Columbia Papers connected with the
Indian Land Question, 1850 to 1878.

Page 11 of the Report of the Government of British Columbia
on the subject of Indian Reserves.

This is a paragraph taken from a Memorandum on a letter
treating of condition of the Indians in Vancouver Island,
addressed to the Secretary of the Aborigines' Protection
Society, by Mr. William Sebright Green.

The Indians have, in fact, been held to be the special wards of the Crown, and in the exercise of this guardianship Government has, in all cases where it has been desirable for the interests of the Indians, set apart such portions of the Crown lands as were deemed proportionate to, and amply sufficient for, the requirements of each tribe; and these Indian Reserves are held by Government, in trust, for the exclusive use and benefit of the Indians resident thereon.

But the title of the Indians in the fee of the public lands, or of any portion thereof, has never been acknowledged by Government, but, on the contrary, is distinctly denied. In no case has any special agreement been made with any of the tribes of the Mainland for the extinction of their claims of possession; but these claims have been held to have been fully satisfied by securing to each tribe, as the progress of the settlement of the country seemed to require, the use of sufficient tracts of land for their wants for agricultural and pastoral purposes.

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CONVEYANCE OF LAND TO HUDSON'S BAY COMPANY BY

INDIAN TRIBES.

Teechamitsa Tribe-Country lying between Esquimalt and Point Albert.

Know all men, we, the chiefs and people of the Teechamitsa Tribe, who have signed our names and made our marks to this deed on the twenty-ninth day of April, one thousand eight hundred and fifty, do surrender, entirely and for ever, to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same, the whole of the lands situate and lying between Esquimalt Harbour and Point Albert, including the latter, on the Straits of Juan de Fuca, and extending backwards from thence to the range of mountains on the Saanich Arm, about ten miles distant.

The condition of or understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people for ever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

We have received, as payment, Twenty-seven pounds ten shillings sterling.

In token whereof, we have signed our names and made our marks, at Fort Victoria, 29th April 1850.

(Signed) See-Sachasis his x mark,
and 10 others.

Done in the presence of

(Signed) Roderick Finlanson,
Joseph William McKay.

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Joseph William McKay.

Governor Douglas to the Secretary of State for the Colonies.

(No. 24.)

Victoria, 25th March, 1861.

My Lord Duke, -I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth, the evils that may arise from the neglect of that very necessary precaution.

2. As the native Indian population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive possessory rights in certain districts, they would not fail to regard the occupation of such portions of the Colony by white settlers, unless with the full consent of the proprietary tribes, as national wrongs; and the sense of injury might produce a feeling of irritation against the settlers, and perhaps disaffection to the Government that would endanger the peace of the country.

3. Knowing their feelings on that subject, I made it a practice up to the year 1859, to purchase the native rights in the land, in every case, prior to the settlement of any district; but since that time in consequence of the termination of the Hudson's Bay Company's Charter, and the want of funds, it has not been in my power to continue it. Your Grace must, indeed, be well aware that I have, since then, had the utmost difficulty in raising money enough to defray the most indispensable wants of Government.

4. All the settled districts of the Colony, with the exception of Cowichan, Chemainus, and Barclay Sound, have been already bought from the Indians at a cost in no case exceeding £2 10s. sterling for each family. As the land has, since then, increased in value, the expense would be relatively somewhat greater now, but I think that their claims might be satisfied with a payment of £3 to each family; so that taking the native population of those districts at 1,000 families, the sum of £3,000 would meet the whole charge.

5. It would be improper to conceal from your Grace the importance of carrying that vital measure into effect without delay.

6. I will not occupy your Grace's time by any attempt to investigate the opinion expressed by the House of Assembly, as to the liability of the Imperial Government for all expenses connected with the purchase of the claims of the aborigines to the public land, which simply amounts to this, that the expense would, in the first instance, be paid by the Imperial Government, and charged to the account of proceeds arising from the sales of public land. The land itself would, therefore, be ultimately made to bear the charge.

7. It is the practical question as to the means of raising the money, that at this moment more seriously engages my attention. The Colony being already severely taxed for the support of its own Government, could not afford to pay that additional sum; but the difficulty may be surmounted by means of an advance from the Imperial Government to the extent of £3,000, to be eventually repaid out of the Colonial Land Fund.

8. I would, in fact, strongly recommend that course to your Grace's attention, as specially calculated to extricate the Colony from existing difficulties, without putting the Mother Country to a serious expense; and I shall carefully attend to the repayment of the sum advanced, in full, as soon as the Land Fund recovers in some measure from the depression caused by the delay Her Majesty's Government has experienced in effecting a final arrangement with the Hudson's Bay Company for the reconveyance of the Colony, as there is a little doubt when our new system of finance comes fully into operation that the revenue will be fully adequate to the expenditure of the Colony.

I have, &c.,

(Signed) James Douglas.

Governor Douglas to the Secretary of State for the Colonies.

(No. 24.)

Victoria, 26th March, 1861.

My Lord Duke,--I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth, the evils that may arise from the neglect of that very necessary precaution.

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(No. 24.)

Victoria, 25th March, 1861.

My Lord Duke,--I have the honour of transmitting a petition from the House of Assembly of Vancouver Island to your Grace, praying for the aid of Her Majesty's Government in extinguishing the Indian title to the public lands in this Colony; and setting forth, with much force and truth, the evils that may arise from the neglect of that very necessary precaution.

2. As the native Indian population of Vancouver Island have distinct ideas of property in land, and mutually recognize their several exclusive possessory rights in certain districts, they would not fail to regard the occupation of such portions of the Colony by white settlers, unless with the full consent of the proprietary tribes, as national wrongs; and the sense of injury might produce a feeling of irritation against the settlers, and perhaps disaffection to the Government that would endanger the peace of the country.

3. Knowing their feelings on that subject, I made it a practice up to the year 1859, to purchase the native rights in the land, in every case, prior to the settlement of any district; but since that time in consequence of the termination of the Hudson's Bay Company's Charter, and the want of funds, it has not been in my power to continue it. Your Grace must, indeed, be well aware that I have, since then, had the utmost difficulty in raising money enough to defray the most indispensable wants of Government.

4. All the settled districts of the Colony, with the exception of Cowichan, Chemainus, and Barclay Sound, have been already bought from the Indians at a cost in no case exceeding £2 10s. sterling for each family. As the land has, since then, increased in value, the expense would be relatively somewhat greater now, but I think that their claims might be satisfied with a payment of £3 to each family; so that taking the native population of those districts at 1,000 families, the sum of £3,000 would meet the whole charge.

5. It would be improper to conceal from your Grace the importance of carrying that vital measure into effect without delay.

6. I will not occupy your Grace's time by any attempt to investigate the opinion expressed by the House of Assembly, as to the liability of the Imperial Government for all expenses connected with the purchase of the claims of the aborigines to the public land, which simply amounts to this, that the expense would, in the first instance, be paid by the Imperial Government, and charged to the account of proceeds arising from the sales of public land. The land itself would, therefore, be ultimately made to bear the charge.

7. It is the practical question as to the means of raising the money, that at this moment more seriously engages my attention. The Colony being already severely taxed for the support of its own Government, could not afford to pay that additional sum; but the difficulty may be surmounted by means of an advance from the Imperial Government to the extent of £3,000, to be eventually repaid out of the Colonial Land Fund.

8. I would, in fact, strongly recommend that course to your Grace's attention, as specially calculated to extricate the Colony from existing difficulties, without putting the Mother Country to a serious expense; and I shall carefully attend to the repayment of the sum advanced, in full, as soon as the Land Fund recovers in some measure from the depression caused by the delay Her Majesty's Government has experienced in effecting a final arrangement with the Hudson's Bay Company for the reconveyance of the Colony, as there is a little doubt when our new system of finance comes fully into operation that the revenue will be fully adequate to the expenditure of the Colony.

I have, &c.,

(Signed) James Douglas.

The Secretary of State for the Colonies to Governor Douglas, C.B.

(No. 73)

Downing Street,
19th October, 1861.

Sir,- I have had under my consideration your despatch No. 24, of the 25th of March last, transmitting an Address from the House of Assembly of Vancouver Island, in which they pray for the assistance of Her Majesty's Government in extinguishing the Indian title to the public lands in the Colony, and set forth the evils that may result from a neglect of this precaution.

I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island; but the acquisition of the title is a purely colonial interest, and the Legislature must not entertain any expectation that the British taxpayer will be burthened to supply the funds or British credit pledged for the purpose. I would earnestly recommend therefore to the House of Assembly, that they should enable you to procure the requisite means, but if they should not think proper to do so, Her Majesty's Government cannot undertake to supply the money requisite for an object which, whilst it is essential to the interests of the people of Vancouver Island, is at the same time purely Colonial in its character, and trifling in the charge that it would entail.

I have, etc.,
(Signed) Newcastle.

Excerpt from British Columbia papers connected with the Indian
Land Question, 1850-1878, Page 20.

The Secretary of State for the Colonies to Governor Douglas, C.B.

(No. 73)

Downing Street,
19th October, 1861.

Sir,- I have had under my consideration your despatch No. 24, of the 26th of March last, transmitting an Address from the House of Assembly of Vancouver Island, in which they pray for the assistance of Her Majesty's Government in extinguishing the Indian title to the public lands in the Colony, and set forth the evils that may result from a neglect of this precaution.

I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island; but the acquisition of the title is a purely colonial interest, and the Legislature must not entertain any expectation that the British taxpayer will be burthened to supply the funds or British credit pledged for the purpose. I would earnestly recommend therefore to the House of Assembly, that they should enable you to procure the requisite means, but if they should not think proper to do so, Her Majesty's Government cannot undertake to supply the money requisite for an object which, whilst it is essential to the interests of the people of Vancouver Island, is at the same time purely Colonial in its character, and trifling in the charge that it would entail.

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I have, etc.,
(Signed) Newcastle.

Excerpt from British Columbia Papers connected with the Indian Land Question
1850---1875

Copy of a Report of a Committee of the Honourable the Privy Council, approved
by His Excellency the Governor-General, on the 4th November, 1874.

The Committee of the Privy Council have given their attentive consideration to the Memorandum of the Honourable the Minister of the Interior, in reference to the unsatisfactory state of the Indian Land question in the Province of British Columbia, and they respectfully report their entire concurrence in the views and recommendations submitted therein, and advise that a copy of this Minute, when approved by Your Excellency, and of the annexed Memorandum, be transmitted to the Lieutenant-Governor of British Columbia, in the hope that the views entertained by the Dominion Government on this important question, as embodied in the said Memorial, may meet with an early and favourable consideration at the hands of the Government of British Columbia.

They further advise, that a copy of this Minute and annexed Memorandum be transmitted by Your Excellency to the Right Honourable Her Majesty's Secretary of State for the Colonies, accompanied by copies of such of the other documents submitted as the Honourable the Minister of the Interior may think necessary, to enable Lord Carnarvon to understand in all its bearings, the great national question now seeking solution at the hands of the Dominion and British Columbia Governments,

(Certified) W. A. Himsworth,
Clerk Privy Council.

Enclosure No. 2.

Department of the Interior, Ottawa,
November 2nd, 1874.

Memo.

The undersigned is desirous of bringing under the consideration of the Governor-General in Council, the present unsatisfactory state of the Indian Land question in the Province of British Columbia.

In connection with this subject, he has had before him various reports and official documents, among others, a voluminous correspondence of Mr. Indian Commissioner Powell with the Local Government of British Columbia, in reference to the Order in Council of the 24th April last, respecting the Indian Reserves; also, the same Commissioner's report of a visit made by him to the Indian tribes in the interior of British Columbia during the past Summer; and lastly, an able and interesting communication from the Rev. C.J. Grandidier (a Roman Catholic Missionary, residing among the Indians in the Interior) published in the Standard newspaper, Victoria, with letters from both the Indian Commissioners and from the Roman Catholic Bishop of British Columbia, commenting on Father Grandidier's communication; all of which reports and letters are herewith submitted.

A cursory glance at these documents, is enough to show that the present state of the Indian Land question in our Territory West of the Rocky Mountains, is most unsatisfactory, and that it is the occasion, not only of great discontent among the aboriginal tribes but also of serious alarm to the white settlers.

To the Indian, the land question far transcends in importance all others, and its satisfactory adjustment in British Columbia will be the first step towards allaying the wide-spread and growing discontent now existing among the native tribes of that Province.

The adjustment of this important matter is not a little complicated, from the fact that its solution requires the joint action of the Dominion Government and the Government of British Columbia, and involves a possible reference to the Secretary of State for the Colonies.

The policy heretofore pursued by the Local Government of British Columbia toward the red men in that Province, and the recently expressed views of that Government in the correspondence herewith submitted, fall far short of the estimate entertained by the Dominion Government of the reasonable claims of the Indians.

In the very last official communication, under date of the 12th ultimo, received through Mr. Commissioner Lenihan, the Provincial Secretary of British Columbia writes as follows:-

"In the meantime I desire to call your attention to the fact that all that is reasonable and just to demand of the Provincial Government is that the 13th Section of the Terms of Union should be faithfully observed. Should the Dominion Government be of opinion that concessions beyond those provided for in the said Section are necessary, it becomes the duty of that Government to make provision accordingly."

To explain the relative position of the Dominion and Local Governments in relation to this question, it is necessary to remember:-

That, under the operation of the 109th and 146th Sections of the "British North America Act of 1867," all the public lands of the Province of British Columbia are placed under the control of the Local Government;

That, by the 13th Article of the Terms of admission of British Columbia into Confederation, it is provided,-

"That the charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, should be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, should be continued by the Dominion Government after the Union."

And it is further provided,-

"To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed from the Local to the Dominion Government, in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments, respecting the quantity of such tracts of land to be granted, the matter shall be referred for the decision of the Secretary of State for the Colonies."

When the framers of the Terms of admission of British Columbia into the Union inserted this provision, requiring the Dominion Government to pursue a policy as liberal towards the Indians as that hitherto pursued by the British Columbia Government, they could hardly have been aware of the marked contrast between the Indian policies which had, up to that time, prevailed in Canada and British Columbia-respectively.

Whereas in British Columbia, ten acres of land was the maximum allowance for a family of five persons, in old Canada the minimum allowance for such a family was eighty acres; and a similar contrast obtained in regard to grants for education and all other matters connected with Indians under the respective Governments. Read by this light, the insertion of a clause guaranteeing the aborigines of British Columbia the continuance by the Dominion Government of the liberal policy heretofore pursued by the Local Government, seems little short of a mockery of their claims.

The first step taken by the Government of the Dominion in dealing with this subject, was the passing of an Order in Council, of the 21st March, 1873, recommending that eighty acres of land should be assigned by the Local Government of British Columbia to every Indian family of five persons.

To this recommendation (made in accordance with the general policy heretofore pursued in Old Canada in such matters, but without taking into consideration the bearing of the 13th Clause already referred to, securing a liberal policy for the Indians of British Columbia) the Government of that Province peremptorily declined to accede, alleging that the quantity of land which the Order in Council proposed to assign to the Indians was greatly in excess of what was found to be sufficient by previous local Government, and the Indian Commissioner was notified that the Government of British Columbia had decided that the land reserved for the Indians should not exceed twenty acres for each head of a family of five persons.

Even this allowance of twenty acres for each head of a family, inadequate as it would have been considered by the Indians, has, by the interpretation lately put by the local authorities on their Order in Council granting it, been very materially reduced. They now hold that that Order in Council was intended to apply to new reserves only and not to the old reserves existing at the time of the Union.

Such, with the exception of the latter interpretation, was the position of the Indian land question in British Columbia when the duty of administering Indian affairs devolved upon the undersigned in his capacity of Minister of the Interior.

His first step in connection with the subject was to submit a memorandum to Council setting forth the facts of the case and recommending, as under the circumstances was inevitable, that the Order in Council of the 21st March, 1873, assigning eighty acres to each Indian family be rescinded, and that only twenty acres be allowed to each family, but also recommending, *inter alia*, that the Local Government should be invited to reconsider their Indian land policy with a view to co-operate in every way with the Government of the Dominion in satisfying the reasonable demands of the native tribes West of the Rocky Mountains.

This memorandum was approved by the Governor-General in Council on 24th April last.

Mr. Indian Commissioner Powell duly submitted this Order in Council to the British Columbia Government, accompanied by such arguments as he could use in favour of the adoption by that Government of a more liberal land policy toward the Indians.

The British Columbia Government, however, appear to be resolved to adhere to their determination not to go beyond the grant of twenty acres to each Indian family, and even that allowance, as already observed is authoritatively declared to be intended not "to affect or unsettle reservations before established, but is confined to the cases in which, at the time of Confederation, the original tribes were not provided with land set apart for their exclusive use."

The Indian Commissioner on being officially notified of the views of the Local Government, felt reluctantly obliged to arrest the surveys of the Indian Reserves in the Province--surveys which had been authorized by him, and which were then being proceeded with, on the understanding (sanctioned, as he believed, by the Local Government) that 20 acres of land were to be allowed to each Indian family, whether on the old reserves or otherwise.

This suspension of the surveys, though under other circumstances a necessary step, is calculated to aggravate the discontent and alarm of the Indians in reference to their treatment by the Government, and will, in a great measure, help to keep open the long pending dispute between the white settlers and the Indians in reference to their respective land claims; disputes which, in the summer of 1873, nearly led to an outbreak of the Indian population of the Province, and to the recurrence of which it was hoped these surveys would put an end.

How universal, deep-seated, and intense, the feeling of discontent among the Indians of British Columbia was, previous even to the last decision of the Local Government limiting the 20 acre grant, is unmistakably apparent in Mr. Commissioner Powell's Report of his visit to the native tribes last summer, and in the letters of the Roman Catholic Bishop of the Province, and Father Grandidier.

In this connection Mr. Commissioner Powell does not hesitate to write that--

"If there has not been an Indian War, it is not because there has been no injustice to the Indians, but because the Indians have not been sufficiently united

These gloomy anticipations are shared, not only by both the Indian Commissioners, but also by the white settlers generally in the Province, and are expressed still more strongly, if possible, in the communication already alluded to, of Father Grandidier and the Roman Catholic Bishop of the Province.

All concur in the opinion that, until the land grievances of which the Indians complain are satisfactorily redressed, no treatment, however liberal or humane in the way of money grants or presents, will avail to secure peace or contentment among them. As an evidence of the strength of this feeling of dissatisfaction, Commissioner Powell states that the Indian bands at Nicola and Okanagan Lakes wholly declined to accept any presents from him last summer, lest, by so doing, they should be thought to waive their claim for compensation for the injustice done them in relation to the Land Grants.

The views of the Roman Catholic Bishop and of Father Grandidier entirely accord, as we have said, with those of the Commissioners; and the opinions of those Reverend gentlemen are, it is thought, worthy of special consideration, from the fact that they speak with a thorough knowledge of the subject, acquired by a long residence among the Indians, and close and habitual intercourse with them.

The other principal land grievances of which the Indians complain, besides that of the insufficient quantity allowed them, as already referred to, may be briefly stated under two heads:--

1st. They complain that in many instances, the lands which they had settled upon and cultivated have been taken from them without compensation, and pre-empted by the white settlers, and that in some cases their burial grounds have been thus pre-empted.

2nd. They complain that in consequence of the present state of the law in reference to pastoral land, their cattle and horses are systematically driven away from the open country by the white settlers who have taken leases of pastoral land in the neighbourhood.

All these several grievances have been, for many years past, the subjects of complaint among the Indians. But during the last two or three years they have assumed a more serious aspect than heretofore; partly from the fact that the Indians are now, for the first time feeling practically the inconvenience of being hemmed in by the white settlers, and prevented from using the land for pastoral purposes; partly because the Indians are only now beginning to understand the value of agriculture and to desire the possession of land for cultivation; and partly, it may be, because they have been recently made aware of the liberal land policy extended to the Indians of North-West in recent Treaties, and naturally contrast this treatment with the policy meted out to themselves.

The Indians of British Columbia, especially those in the Interior of the Province, are intelligent and industrious and likely to turn to good account any farming lands which may be assigned to them. Moreover they already own large herds of horses and cattle, and a liberal allowance of pastoral land is to them a matter of absolute necessity, to enable them to support their stock.

The undersigned feels that the Government of the Dominion cannot be charged with want of liberality in its dealing with the Indians of British Columbia since the admission of that Province into the Union. During the last two years the sum of \$54,000 has been voted by Parliament for their benefit, and before the expiration of the current financial year, the whole of that large sum will probably have been expended, either in supporting Indian Schools, making surveys, distributing agricultural implements and seed, or for other objects calculated to promote their material and moral well-being.

When it is stated that prior to the admission of British Columbia into the Union, the entire annual expenditure of the Local Government on the Indians, did not exceed, at most a few hundred dollars; that as Mr. Commissioner Powell states:-

"Money payments by the Government, on account of the Native Race, have been restricted to expenditure incurred by Indian outrages, and no efforts have been put forth with a view to civilize them; it having been considered that the best mode of treating them was to let them alone."

It cannot be alleged that, in this respect, the Government of the Dominion has failed on its part, to continue towards the Indians of that Province a policy as liberal as that previously pursued by the British Columbia Government.

In laying the foundation of an Indian policy in that Province, on the same permanent and satisfactory basis as in the other portions of the Dominion, the Government of the Dominion feel they would not be justified in limiting their efforts to what, under the strict letter of the Terms of Union, they were called upon to do. They feel that a great national question like this, a question involving possibly in the near future an Indian War with all its horrors should be approached in a very different spirit, and dealt with upon other and higher grounds. Actuated by these feelings, the Government of the Dominion in its dealings with the Indians of British Columbia, has acted, as has been shown, in a spirit of liberality far beyond what the strict terms of the agreement required at its hands; and they confidently trust that on a calm review of the whole subject in all its important bearings, the Government of that Province will be prepared to meet them in a spirit of equal liberality.

The policy foreshadowed in the provisions of the 13th Clause of the British Columbia Terms of Union is plainly altogether inadequate to satisfy the fair and reasonable demands of the Indians.

To satisfy these demands, and to secure the good-will of the natives, the Dominion and Local Governments must look beyond the terms of that agreement, and be governed in their conduct towards the aborigines by the justice of their claims, and by the necessities of the case.

The undersigned would, therefore, respectfully recommend that the Government of the Dominion should make an earnest appeal to the Government of British Columbia, if they value the peace and prosperity of their Province,--if they desire

that Canada as a whole should retain the high character she has earned for herself by her just and honourable treatment of the red men of the forest, to reconsider in a spirit of wisdom and patriotism the land grievances of which the Indians of that Province complain, apparently with good reason, and take such measures as may be necessary promptly and effectually to redress them.

In conclusion, the undersigned would recommend that, should the views submitted in this Memorandum be approved by the Governor-General in Council, a copy of the Order in Council passed in this case, with a copy of this Memorandum, be transmitted to His Honour the Lieutenant-Governor of British Columbia, with a request that he would take an early opportunity of submitting them to his Executive Government, and express the hope that the views of the Dominion Government therein embodied may obtain an early and favourable consideration.

He would further recommend, that copies of the Order in Council and the Memorandum, should also be transmitted by the Governor-General to the Secretary of State for the Colonies, accompanied by copies of such of the other documents herewith submitted as may be thought necessary to enable the Colonial Secretary to understand in all its bearings the great national question now seeking solution at the hands of the Dominion Government and the Government of British Columbia.

(Signed) David Laird,
Minister of Interior.

Excerpt from British Columbia Papers connected with the Indian Land Question
1850---1875

Copy of a Report of a Committee of the Honourable the Privy Council, approved
by His Excellency the Governor-General, on the 4th November, 1874.

The Committee of the Privy Council have given their attentive consideration to the Memorandum of the Honourable the Minister of the Interior, in reference to the unsatisfactory state of the Indian Land question in the Province of British Columbia, and they respectfully report their entire concurrence in the views and recommendations submitted therein, and advise that a copy of this Minute, when approved by Your Excellency, and of the annexed Memorandum, be transmitted to the Lieutenant-Governor of British Columbia, in the hope that the views entertained by the Dominion Government on this important question, as embodied in the said Memorial, may meet with an early and favourable consideration at the hands of the Government of British Columbia.

They further advise, that a copy of this Minute and annexed Memorandum be transmitted by Your Excellency to the Right Honourable Her Majesty's Secretary of State for the Colonies, accompanied by copies of such of the other documents submitted as the Honourable the Minister of the Interior may think necessary, to enable Lord Carnarvon to understand in all its bearings, the great national question now seeking solution at the hands of the Dominion and British Columbia Governments.

(Certified) W. A. Himsworth,
Clerk Privy Council.

Enclosure No. 2.

Department of the Interior, Ottawa,
November 2nd, 1874.

Memo.

The undersigned is desirous of bringing under the consideration of the Governor General in Council, the present unsatisfactory state of the Indian Land question in the Province of British Columbia.

In connection with this subject, he has had before him various reports and official documents, among others, a voluminous correspondence of Mr. Indian Commissioner Powell with the Local Government of British Columbia, in reference to the Order in Council of the 24th April last, respecting the Indian Reserves; also, the same Commissioner's report of a visit made by him to the Indian tribes in the interior of British Columbia during the past Summer; and lastly, an able and interesting communication from the Rev. C.J. Grandidier (a Roman Catholic missionary, residing among the Indians in the Interior) published in the Standard newspaper, Victoria, with letters from both the Indian Commissioners and from the Roman Catholic Bishop of British Columbia, commenting on Father Grandidier's communication; all of which reports and letters are herewith submitted.

A cursory glance at these documents, is enough to show that the present state of the Indian Land question in our Territory West of the Rocky Mountains, is most unsatisfactory, and that it is the occasion, not only of great discontent among the aboriginal tribes but also of serious alarm to the white settlers.

To the Indian, the land question far transcends in importance all others, and its satisfactory adjustment in British Columbia will be the first step towards allaying the wide-spread and growing discontent now existing among the native tribes of that Province.

The adjustment of this important matter is not a little complicated, from the fact that its solution requires the joint action of the Dominion Government and the Government of British Columbia, and involves a possible reference to the Secretary of State for the Colonies.

The policy heretofore pursued by the Local Government of British Columbia toward the red men in that Province, and the recently expressed views of that Government in the correspondence herewith submitted, fall far short of the estimate entertained by the Dominion Government of the reasonable claims of the Indians.

In the very last official communication, under date of the 12th ultimo, received through Mr. Commissioner Lenihan, the Provincial Secretary of British Columbia writes as follows:-

"In the meantime I desire to call your attention to the fact that all that is reasonable and just to demand of the Provincial Government is that the 13th Section of the Terms of Union should be faithfully observed. Should the Dominion Government be of opinion that concessions beyond those provided for in the said Section are necessary, it becomes the duty of that Government to make provision accordingly."

To explain the relative position of the Dominion and Local Governments in relation to this question, it is necessary to remember:-

That, under the operation of the 109th and 146th Sections of the "British North America Act of 1867," all the public lands of the Province of British Columbia are placed under the control of the Local Government;

That, by the 13th Article of the Terms of admission of British Columbia into Confederation, it is provided,-

"That the charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, should be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, should be continued by the Dominion Government after the Union."

And it is further provided,-

"To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed from the Local to the Dominion Government, in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments, respecting the quantity of such tracts of land to be granted, the matter shall be referred for the decision of the Secretary of State for the Colonies."

When the framers of the Terms of admission of British Columbia into the Union inserted this provision, requiring the Dominion Government to pursue a policy as liberal towards the Indians as that hitherto pursued by the British Columbia Government, they could hardly have been aware of the marked contrast between the Indian policies which had, up to that time, prevailed in Canada and British Columbia respectively.

Whereas in British Columbia, ten acres of land was the maximum allowance for a family of five persons, in old Canada the minimum allowance for such a family was eighty acres; and a similar contrast obtained in regard to grants for education and all other matters connected with Indians under the respective Governments. Read by this light, the insertion of a clause guaranteeing the aborigines of British Columbia the continuance by the Dominion Government of the liberal policy heretofore pursued by the Local Government, seems little short of a mockery of their claims.

The first step taken by the Government of the Dominion in dealing with this subject, was the passing of an Order in Council, of the 21st March, 1873, recommending that eighty acres of land should be assigned by the Local Government of British Columbia to every Indian family of five persons.

To this recommendation (made in accordance with the general policy heretofore pursued in Old Canada in such matters, but without taking into consideration the bearing of the 13th Clause already referred to, securing a liberal policy for the Indians of British Columbia) the Government of that Province peremptorily declined to accede, alleging that the quantity of land which the Order in Council proposed to assign to the Indians was greatly in excess of what was found to be sufficient by previous local Governments, and the Indian Commissioner was notified that the Government of British Columbia had decided that the land reserved for the Indians should not exceed twenty acres for each head of a family of five persons.

Indians

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Such, with the exception of the latter interpretation, was the position of the Indian land question in British Columbia when the duty of administering Indian affairs devolved upon the undersigned in his capacity of Minister of the Interior.

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This memorandum was approved by the Governor-General in Council on 24th April last.

Mr. Indian Commissioner Powell duly submitted this Order in Council to the British Columbia Government, accompanied by such arguments as he could use in favour of the adoption by that Government of a more liberal land policy toward the Indians.

The British Columbia Government, however, appear to be resolved to adhere to their determination not to go beyond the grant of twenty acres to each Indian family, and even that allowance, as already observed is authoritatively declared to be intended not "to effect or unsettle reservations before established, but is confined to the cases in which, at the time of Confederation, the original tribes were not provided with land set apart for their exclusive use."

The Indian Commissioner on being officially notified of the views of the Local Government, felt reluctantly obliged to arrest the surveys of the Indian Reserves in the Province--surveys which had been authorized by him, and which were then being proceeded with, on the understanding (sanctioned, as he believed, by the Local Government) that 20 acres of land were to be allowed to each Indian family, whether on the old reserves or otherwise.

This suspension of the surveys, though under other circumstances a necessary step, is calculated to aggravate the discontent and alarm of the Indians in reference to their treatment by the Government, and will, in a great measure, help to keep open the long pending dispute between the white settlers and the Indians in reference to their respective land claims; disputes which, in the summer of 1873, nearly led to an outbreak of the Indian population of the Province, and to the recurrence of which it was hoped these surveys would put an end.

How universal, deep-seated, and intense, the feeling of discontent among the Indians of British Columbia was, previous even to the last decision of the Local Government limiting the 20 acre grant, is unmistakably apparent in Mr. Commissioner Powell's Report of his visit to the native tribes last summer, and in the letters of the Roman Catholic Bishop of the Province, and Father Granddier.

In this connection Mr. Commissioner Powell does not hesitate to write that--
"If there has not been an Indian War, it is not because there has been no injustice to the Indians, but because the Indians have not been sufficiently united."

These gloomy anticipations are shared, not only by both the Indian Commissioners, but also by the white settlers generally in the Province, and are expressed still more strongly, if possible, in the communication already alluded to, of Father Granddier and the Roman Catholic Bishop of the Province.

All concur in the opinion that, until the land grievances of which the Indians complain are satisfactorily redressed, no treatment, however liberal or humane in the way of money grants or presents, will avail to secure peace or contentment among them. As an evidence of the strength of this feeling of dissatisfaction, Commissioner Powell states that the Indian bands at Nicola and Okanagan Lakes wholly declined to accept any presents from him last summer, lest, by so doing, they should be thought to waive their claim for compensation for the injuries done them in relation to the Land Grants.

The views of the Roman Catholic Bishop and of Father Granddier entirely accord, as we have said, with those of the Commissioners; and the opinions of these Reverend gentlemen are, it is thought, worthy of special consideration, from the fact that they speak with a thorough knowledge of the subject, acquired by a long residence among the Indians, and close and habitual intercourse with them.

The other principal land grievances of which the Indians complain, besides that of the insufficient quantity allowed them, as already referred to, may be briefly stated under two heads:--

1st. They complain that in many instances, the lands which they had settled upon and cultivated have been taken from them without compensation, and pre-empted by the white settlers, and that in some cases their burial grounds have been thus pre-empted.

2nd. They complain that in consequence of the present state of the law in reference to pastoral land, their cattle and horses are systematically driven away from the open country by the white settlers who have taken leases of pastoral land in the neighbourhood.

All these several grievances have been, for many years past, the subjects of complaint among the Indians. But during the last two or three years they have assumed a more serious aspect than heretofore; partly from the fact that the Indians are now, for the first time feeling practically the inconvenience of being hemmed in by the white settlers, and prevented from using the land for pastoral purposes; partly because the Indians are only now beginning to understand the value of agriculture and to desire the possession of land for cultivation; and partly, it may be, because they have been recently made aware of the liberal land policy extended to the Indians of North-West in recent Treaties, and naturally contrast this treatment with the policy meted out to themselves.

The Indians of British Columbia, especially those in the Interior of the Province, are intelligent and industrious and likely to turn to good account any farming lands which may be assigned to them. Moreover they already own large herds of horses and cattle, and a liberal allowance of pastoral land is to them a matter of absolute necessity, to enable them to support their stock.

The undersigned feels that the Government of the Dominion cannot be charged with want of liberality in its dealing with the Indians of British Columbia since the admission of that Province into the Union. During the last two years the sum of \$54,000 has been voted by Parliament for their benefit: and before the expiration of the current financial year, the whole of that large sum will probably have been expended, either in supporting Indian Schools, making surveys, distributing agricultural implements and seed, or for other objects calculated to promote their material and moral well-being.

When it is stated that prior to the admission of British Columbia into the Union, the entire annual expenditure of the Local Government on the Indians, did not exceed, at most a few hundred dollars; that as Mr. Commissioner Powell states:

"Money payments by the Government, on account of the Native Race, have been restricted to expenditure incurred by Indian outrages, and no efforts have been put forth with a view to civilize them; it having been considered that the best mode of treating them was to let them alone."

It cannot be alleged that, in this respect, the Government of the Dominion has failed on its part, to continue towards the Indians of that Province a policy as liberal as that previously pursued by the British Columbia Government.

In laying the foundation of an Indian policy in that Province, on the same permanent and satisfactory basis as in the other portions of the Dominion, the Government of the Dominion feel they would not be justified in limiting their efforts to what, under the strict letter of the Terms of Union, they were called upon to do. They feel that a great national question like this, a question involving possibly in the near future an Indian War with all its horrors should be approached in a very different spirit, and dealt with upon other and higher grounds. Actuated by these feelings, the Government of the Dominion in its dealings with the Indians of British Columbia, has acted, as has been shown, in a spirit of liberality far beyond what the strict terms of the agreement required at its hands; and they confidently trust that on a calm review of the whole subject in all its important bearings, the Government of that Province will be prepared to meet them in a spirit of equal liberality.

The policy foreshadowed in the provisions of the 15th Clause of the British Columbia Terms of Union is plainly altogether inadequate to satisfy the fair and reasonable demands of the Indians.

To satisfy these demands, and to secure the good-will of the natives, the Dominion and Local Governments must look beyond the terms of that agreement, and be governed in their conduct towards the aborigines by the justice of their claims, and by the necessities of the case.

The undersigned would, therefore, respectfully recommend that the Government of the Dominion should make an earnest appeal to the Government of British Columbia, if they value the peace and prosperity of their Province,—if they desire

that Canada as a whole should retain the high character she has earned for herself by her just and honourable treatment of the red men of the forest, to reconsider in a spirit of wisdom and patriotism the land grievances of which the Indians of that Province complain, apparently with good reason, and take such measures as may be necessary promptly and effectually to redress them.

In conclusion, the undersigned would recommend that, should the views submitted in this Memorandum be approved by the Governor-General in Council, a copy of the Order in Council passed in this case, with a copy of this Memorandum, be transmitted to His Honour the Lieutenant-Governor of British Columbia, with a request that he would take an early opportunity of submitting them to his Executive Government, and express the hope that the views of the Dominion Government therein embodied may obtain an early and favourable consideration.

He would further recommend, that copies of the Order in Council and the Memorandum, should also be transmitted by the Governor-General to the Secretary of State for the Colonies, accompanied by copies of such of the other documents herewith submitted as may be thought necessary to enable the Colonial Secretary to understand in all its bearings the great national question now seeking solution at the hands of the Dominion Government and the Government of British Columbia.

(Signed) David Laird,
Minister of Interior.

Excerpt from British Columbia Papers connected with the Indian Land Question
1850---1875

Copy of a Report of a Committee of the Honourable the Privy Council, approved
by His Excellency the Governor-General, on the 4th November, 1874.

The Committee of the Privy Council have given their attentive consideration to the Memorandum of the Honourable the Minister of the Interior, in reference to the unsatisfactory state of the Indian Land question in the Province of British Columbia, and they respectfully report their entire concurrence in the views and recommendations submitted therein, and advise that a copy of this Minute, when approved by Your Excellency, and of the annexed Memorandum, be transmitted to the Lieutenant-Governor of British Columbia, in the hope that the views entertained by the Dominion Government on this important question, as embodied in the said Memorial, may meet with an early and favourable consideration at the hands of the Government of British Columbia.

They further advise, that a copy of this Minute and annexed Memorandum be transmitted by Your Excellency to the Right Honourable Her Majesty's Secretary of State for the Colonies, accompanied by copies of such of the other documents submitted as the Honourable the Minister of the Interior may think necessary, to enable Lord Carnarvon to understand in all its bearings, the great national question now seeking solution at the hands of the Dominion and British Columbia Governments.

(Certified) W. A. Himsworth,
Clerk Privy Council.

Enclosure No. 2.

Department of the Interior, Ottawa,
November 2nd, 1874.

Memo.

The undersigned is desirous of bringing under the consideration of the Governor General in Council, the present unsatisfactory state of the Indian Land question in the Province of British Columbia.

In connection with this subject, he has had before him various reports and official documents, among others, a voluminous correspondence of Mr. Indian Commissioner Powell with the Local Government of British Columbia, in reference to the Order in Council of the 24th April last, respecting the Indian Reserves; also, the same Commissioner's report of a visit made by him to the Indian tribes in the interior of British Columbia during the past Summer; and lastly, an able and interesting communication from the Rev. C.J. Grandidier (a Roman Catholic missionary, residing among the Indians in the Interior) published in the Standard newspaper, Victoria, with letters from both the Indian Commissioners and from the Roman Catholic Bishop of British Columbia, commenting on Father Grandidier's communication; all of which reports and letters are herewith submitted.

A cursory glance at these documents, is enough to show that the present state of the Indian Land question in our Territory West of the Rocky Mountains, is most unsatisfactory, and that it is the occasion, not only of great discontent among the aboriginal tribes but also of serious alarm to the white settlers.

To the Indian, the land question far transcends in importance all others, and its satisfactory adjustment in British Columbia will be the first step towards allaying the wide-spread and growing discontent now existing among the native tribes of that Province.

The adjustment of this important matter is not a little complicated, from the fact that its solution requires the joint action of the Dominion Government and the Government of British Columbia, and involves a possible reference to the Secretary of State for the Colonies.

The policy heretofore pursued by the Local Government of British Columbia toward the red men in that Province, and the recently expressed views of that Government in the correspondence herewith submitted, fall far short of the estimate entertained by the Dominion Government of the reasonable claims of the Indians.

In the very last official communication, under date of the 12th ultimo, received through Mr. Commissioner Lenihan, the Provincial Secretary of British Columbia writes as follows:-

"In the meantime I desire to call your attention to the fact that all that is reasonable and just to demand of the Provincial Government is that the 13th Section of the Terms of Union should be faithfully observed. Should the Dominion Government be of opinion that concessions beyond those provided for in the said Section are necessary, it becomes the duty of that Government to make provision accordingly."

To explain the relative position of the Dominion and Local Governments in relation to this question, it is necessary to remember:-

That, under the operation of the 109th and 146th Sections of the "British North America Act of 1867," all the public lands of the Province of British Columbia are placed under the control of the Local Government;

That, by the 13th Article of the Terms of admission of British Columbia into Confederation, it is provided,-

"That the charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, should be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, should be continued by the Dominion Government after the Union."

And it is further provided,-

"To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed from the Local to the Dominion Government, in trust for the use and benefit of the Indians, on application of the Dominion Government; and in case of disagreement between the two Governments, respecting the quantity of such tracts of land to be granted, the matter shall be referred for the decision of the Secretary of State for the Colonies."

When the framers of the Terms of admission of British Columbia into the Union inserted this provision, requiring the Dominion Government to pursue a policy as liberal towards the Indians as that hitherto pursued by the British Columbia Government, they could hardly have been aware of the marked contrast between the Indian policies which had, up to that time, prevailed in Canada and British Columbia respectively.

Whereas in British Columbia, ten acres of land was the maximum allowance for a family of five persons, in old Canada the minimum allowance for such a family was eighty acres; and a similar contrast obtained in regard to grants for education and all other matters connected with Indians under the respective Governments. Read by this light, the insertion of a clause guaranteeing the aborigines of British Columbia the continuance by the Dominion Government of the liberal policy heretofore pursued by the Local Government, seems little short of a mockery of their claims.

The first step taken by the Government of the Dominion in dealing with this subject, was the passing of an Order in Council, of the 21st March, 1873, recommending that eighty acres of land should be assigned by the Local Government of British Columbia to every Indian family of five persons.

To this recommendation (made in accordance with the general policy heretofore pursued in Old Canada in such matters, but without taking into consideration the bearing of the 13th Clause already referred to, securing a liberal policy for the Indians of British Columbia) the Government of that Province peremptorily declined to accede, alleging that the quantity of land which the Order in Council proposed to assign to the Indians was greatly in excess of what was found to be sufficient by previous local Governments, and the Indian Commissioner was notified that the Government of British Columbia had decided that the land reserved for the Indians should not exceed twenty acres for each head of a family of five persons.

Even this allowance of twenty acres for each head of a family, inadequate as it would have been considered by the Indians, has, by the interpretation lately put by the local authorities on their Order in Council granting it, been very materially reduced. They now hold that that Order in Council was intended to apply to new reserves only and not to the old reserves existing at the time of the Union.

Such, with the exception of the latter interpretation, was the position of the Indian land question in British Columbia when the duty of administering Indian affairs devolved upon the undersigned in his capacity of Minister of the Interior.

His first step in connection with the subject was to submit a memorandum to Council setting forth the facts of the case and recommending, as under the circumstances was inevitable, that the Order in Council of the 21st March, 1873, assigning eighty acres to each Indian family be rescinded, and that only twenty acres be allowed to each family, but also recommending, inter alia, that the Local Government should be invited to reconsider their Indian land policy with a view to co-operate in every way with the Government of the Dominion in satisfying the reasonable demands of the native tribes West of the Rocky Mountains.

This memorandum was approved by the Governor-General in Council on 24th April last.

Mr. Indian Commissioner Powell duly submitted this Order in Council to the British Columbia Government, accompanied by such arguments as he could use in favour of the adoption by that Government of a more liberal land policy toward the Indians.

The British Columbia Government, however, appear to be resolved to adhere to their determination not to go beyond the grant of twenty acres to each Indian family, and even that allowance, as already observed is authoritatively declared to be intended not "to affect or unsettle reservations before established, but is "confined to the cases in which, at the time of Confederation, the original tribes "were not provided with land set apart for their exclusive use."

The Indian Commissioner on being officially notified of the views of the Local Government, felt reluctantly obliged to arrest the surveys of the Indian Reserves in the Province--surveys which had been authorized by him, and which were then being proceeded with, on the understanding (sanctioned, as he believed, by the Local Government) that 20 acres of land were to be allowed to each Indian family, whether on the old reserves or otherwise.

This suspension of the surveys, though under other circumstances a necessary step, is calculated to aggravate the discontent and alarm of the Indians in reference to their treatment by the Government, and will, in a great measure, help to keep open the long pending dispute between the white settlers and the Indians in reference to their respective land claims; disputes which, in the summer of 1873, nearly led to an outbreak of the Indian population of the Province, and to the recurrence of which it was hoped these surveys would put an end.

How universal, deep-seated, and intense, the feeling of discontent among the Indians of British Columbia was, previous even to the last decision of the Local Government limiting the 20 acre grant, is unmistakably apparent in Mr. Commissioner Powell's Report of his visit to the native tribes last summer, and in the letters of the Roman Catholic Bishop of the Province, and Father Grandidier.

In this connection Mr. Commissioner Powell does not hesitate to write that--

"If there has not been an Indian War, it is not because there has been no "injustice to the Indians, but because the Indians have not been sufficiently united."

These gloomy anticipations are shared, not only by both the Indian Commissioners, but also by the white settlers generally in the Province, and are expressed still more strongly, if possible, in the communication already alluded to, of Father Grandidier and the Roman Catholic Bishop of the Province.

All concur in the opinion that, until the land grievances of which the Indians complain are satisfactorily redressed, no treatment, however liberal or humane in the way of money grants or presents, will avail to secure peace or contentment among them. As an evidence of the strength of this feeling of dissatisfaction, Commissioner Powell states that the Indian bands at Nicola and Okanagan Lakes wholly declined to accept any presents from him last summer, lest, by so doing, they should be thought to waive their claim for compensation for the injustice done them in relation to the Land Grants.

The views of the Roman Catholic Bishop and of Father Grandidier entirely accord, as we have said, with those of the Commissioners; and the opinions of those Reverend gentlemen are, it is thought, worthy of special consideration, from the fact that they speak with a thorough knowledge of the subject, acquired by a long residence among the Indians, and close and habitual intercourse with them.

The other principal land grievances of which the Indians complain, besides that of the insufficient quantity allowed them, as already referred to, may be briefly stated under two heads:-

1st. They complain that in many instances, the lands which they had settled upon and cultivated have been taken from them without compensation, and pre-empted by the white settlers, and that in some cases their burial grounds have been thus pre-empted.

2nd. They complain that in consequence of the present state of the law in reference to pastoral land, their cattle and horses are systematically driven away from the open country by the white settlers who have taken leases of pastoral land in the neighbourhood.

All these several grievances have been, for many years past, the subjects of complaint among the Indians. But during the last two or three years they have assumed a more serious aspect than heretofore; partly from the fact that the Indians are now, for the first time feeling practically the inconvenience of being hemmed in by the white settlers, and prevented from using the land for pastoral purposes; partly because the Indians are only now beginning to understand the value of agriculture and to desire the possession of land for cultivation; and partly, it may be, because they have been recently made aware of the liberal land policy extended to the Indians of North-West in recent Treaties, and naturally contrast this treatment with the policy meted out to themselves.

The Indians of British Columbia, especially those in the Interior of the Province, are intelligent and industrious and likely to turn to good account any farming lands which may be assigned to them. Moreover they already own large herds of horses and cattle, and a liberal allowance of pastoral land is to them a matter of absolute necessity, to enable them to support their stock.

The undersigned feels that the Government of the Dominion cannot be charged with want of liberality in its dealing with the Indians of British Columbia since the admission of that Province into the Union. During the last two years the sum of \$54,000 has been voted by Parliament for their benefit: and before the expiration of the current financial year, the whole of that large sum will probably have been expended, either in supporting Indian Schools, making surveys, distributing agricultural implements and seed, or for other objects calculated to promote their material and moral well-being.

When it is stated that prior to the admission of British Columbia into the Union, the entire annual expenditure of the Local Government on the Indians, did not exceed, at most a few hundred dollars; that as Mr. Commissioner Powell states:-

"Money payments by the Government, on account of the Native Race, have been restricted to expenditure incurred by Indian outrages, and no efforts have been put forth with a view to civilize them; it having been considered that the best mode of treating them was to let them alone."

It cannot be alleged that, in this respect, the Government of the Dominion has failed on its part, to continue towards the Indians of that Province a policy as liberal as that previously pursued by the British Columbia Government.

In laying the foundation of an Indian policy in that Province, on the same permanent and satisfactory basis as in the other portions of the Dominion, the Government of the Dominion feel they would not be justified in limiting their efforts to what, under the strict letter of the Terms of Union, they were called upon to do. They feel that a great national question like this, a question involving possibly in the near future an Indian War with all its horrors should be approached in a very different spirit, and dealt with upon other and higher grounds. Actuated by these feelings, the Government of the Dominion in its dealings with the Indians of British Columbia, has acted, as has been shewn, in a spirit of liberality far beyond what the strict terms of the agreement required at its hands; and they confidently trust that on a calm review of the whole subject in all its important bearings, the Government of that Province will be prepared to meet them in a spirit of equal liberality.

The policy foreshadowed in the provisions of the 13th Clause of the British Columbia Terms of Union is plainly altogether inadequate to satisfy the fair and reasonable demands of the Indians.

To satisfy these demands, and to secure the good-will of the natives, the Dominion and Local Governments must look beyond the terms of that agreement, and be governed in their conduct towards the aborigines by the justice of their claims, and by the necessities of the case.

The undersigned would, therefore, respectfully recommend that the Government of the Dominion should make an earnest appeal to the Government of British Columbia, if they value the peace and prosperity of their Province,--if they desire

that Canada as a whole should retain the high character she has earned for herself by her just and honourable treatment of the red men of the forest, to reconsider in a spirit of wisdom and patriotism the land grievances of which the Indians of that Province complain, apparently with good reason, and take such measures as may be necessary promptly and effectually to redress them.

In conclusion, the undersigned would recommend that, should the views submitted in this Memorandum be approved by the Governor-General in Council, a copy of the Order in Council passed in this case, with a copy of this Memorandum, be transmitted to His Honour the Lieutenant-Governor of British Columbia, with a request that he would take an early opportunity of submitting them to his Executive Government, and express the hope that the views of the Dominion Government therein embodied may obtain an early and favourable consideration.

He would further recommend, that copies of the Order in Council and the Memorandum, should also be transmitted by the Governor-General to the Secretary of State for the Colonies, accompanied by copies of such of the other documents herewith submitted as may be thought necessary to enable the Colonial Secretary to understand in all its bearings the great national question now seeking solution at the hands of the Dominion Government and the Government of British Columbia.

(Signed) David Laird,
Minister of Interior.

Ottawa, 17th March, 1920.

Sir,-

I am commanded by His Excellency the Governor General to acknowledge the receipt of your letter of the 20th ultimo with regard to the Nishga Indians. You are probably aware that the claims of the Nishga Tribe of Indians in British Columbia have already been considered by the Privy Council. In May 1913 a petition to His Majesty in Council was lodged on behalf of the Nishga Tribe of Indians praying that certain claims of theirs to land in British Columbia might be referred to the Judicial or other Committee of the Privy Council and Their Lordships, having given the petition their careful consideration, were of the opinion that no action on their part was required in the matter. The Lord President of the Council directed Sir Almeric Fitzroy to state as follows : -

1. One of the matters in dispute is set out in the Petition lodged by you on the 21st May, 1913, as "the nature and extent of the rights of the said Nishga Nation or Tribe in respect of the said Territory". The other is the question whether the Land Act of British Columbia is ultra vires of the Legislature of that Province.

2. If the contention of the Nishga Indians is, as it appears to be, that they have suffered an invasion of some legal right, the proper course would, in the opinion of the Lord President of

Rev. A. E. O'Meara,

Chateau Laurier,

Ottawa.

the Council, be for them to take such steps as may be open to them to litigate the matter in the Canadian Courts from whose decision an appeal in the ordinary way can come to the Judicial Committee. It would seem that any intervention by the Crown by referring the matter specially direct to the said Committee would be an unconstitutional interference with the local jurisdiction.

3. If however the claim of the Indians does not rest on any legal basis, but is, in effect, a complaint of the executive action of the Provincial or the Dominion Government, it would appear that, in accordance with constitutional principles governing relations between the Crown and the Colonial Governments a special reference to the Judicial Committee to consider the action of the Dominion or Provincial Government could only be ordered on the recommendation of the Secretary of State for the Colonies, and that the latter could only advise such a reference after consulting, and in accordance with the advice received from the Dominion Government.

You have already been informed on several occasions of the attitude of the Dominion Government towards this claim and there does not appear to be anything further for me to add except that the Governor General takes no action, nor does he desire to take any action, except upon the advice of his constitutional advisers. Under these circumstances, I must ask you to consider this letter as final.

I have, etc.,

(Sd.) H. G. HENDERSON

Lieut. Colonel,
Governor General's Secretary.

Department of Indian Affairs

Ottawa, *July 7* 192*5*

Treaty 8.

	Pop.	Annuity 1924
Lesser Slave Lake	3054	16225.00
Fort Smith	1246	6485.00
Fort Nelson Band	117	615.00
Fort McMurray Band	43	215.00
Great Slave Lake -		
Resolutions - Chipewyans	140	730.00
" Yellow Knives	177	935.00
" Dog Ribs	233	1205.00
Hay River - Slaves	91	485.00
	<u>5101 Indians</u>	<u>\$ 26,895.00</u>

Y.H.

Department of Indian Affairs

Mr Scott

Ottawa, *July 6* 192*5*

Treaty No 6

	<u>Pop.</u>	<u>Paid 1924</u>
Onion Lake.	1001.	\$ 5285.00
Saddle Lake.	821	4210.00
Battleford.	1173	6080.00
Carlton.	1236	6435.00
Duck Lake.	796	4105.00
Edmonton.	697	3620.00
Hoburne	879	4485.00
Treaty #6 Indians paid		
at Ile a la Crosse Agency 1380.		7070.00
<u>7983 Indians</u>		<u>\$ 41,290.00</u>

J.H. [Signature]

Department of Indian Affairs

Ottawa,.....July 6th.....192...5..

Memorandum

Mr. MacInnes, -

The area covered by Treaty 6 and adhesions to Treaty 6, according to the amounts stated in the Treaties themselves, is 132,066 sq. miles.

However, on plotting these Treaties on our present maps, I have calculated the area to be 128,800 sq. miles.

A handwritten signature in dark ink, appearing to read 'H. Robertson', with a long horizontal flourish extending to the right.

Chief Surveyor.



1-1-1.

DEPARTMENT OF INDIAN AFFAIRS
CANADA

July 8, 1925.

Memorandum:

Dr. Scott.

INDIAN EDUCATION COSTS,
TREATIES 6 and 8

There are 10 residential and 17 day schools in Treaty 6. The total expenditure from Parliamentary Appropriation at these schools for the past fiscal year was: -

Residential Schools	\$291,538.36
Day Schools	19,750.39

I estimate the expenditure in Treaty 6, for Tuition, Assistance, Inspection and Classroom Stationery at

making a total expenditure	6,320.00
	<u>\$317,619.00</u>

There are 11 residential schools and one day school in Treaty 8. The expenditure for 1924-25 was: -

Residential Schools	\$ 61,028.94
Day Schools	300.00
Other expenses (estimated)	<u>2,245.00</u>
making a total expenditure in Treaty 8 of approximately	\$ 63,574.00

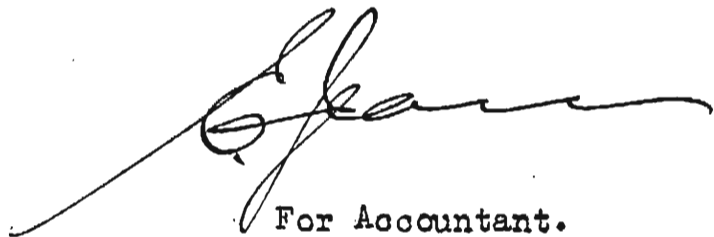
Russell J. Finner
Supt. of Indian Education.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

Mr. Scott,-

I enclose herewith statement in duplicate
showing the total expenditure in Treaty No. 6 during the
fiscal year 1924-25.

A handwritten signature in cursive script, appearing to read "G. H. H.", written in dark ink.

For Accountant.

July 7th., 1925.

T R E A T Y No. 6.
Expenditure for 1924-1925.

Agencies.	Net Total.	Implements, Tools, etc.	Field and Garden Seeds.	Live Stock.	Supplies for Destitute.	Hospitals, etc.	Grist and Saw Mills.	General Expenses.
Battleford,	\$ 36,164.58	\$ 803.55	\$ 37.50	-	\$5,503.81	\$16,749.94	-	\$13,069.78
Carlton,	14,169.81	578.00	27.25	\$ 15.00	3,190.90	1,542.49	-	8,816.17
Duck Lake,	18,602.01	492.00	22.96	-	3,313.71	3,843.90	-	10,929.44
Edmonton,	9,597.80	-	19.33	-	1,075.33	1.85	-	8,501.29
Hobbema,	8,432.39	6.65	24.17	-	931.27	875.48	19.16	6,575.66
Onion Lake,	19,367.64	566.45	51.51	-	3,821.92	4,629.25	46.29	10,252.22
Saddle Lake,	14,679.05	-	34.73	385.20	1,642.51	4,172.89	-	8,443.72
	\$121,013.28	\$2,446.65	\$217.45	\$400.20	\$19,479.45	\$31,815.80	\$65.45	\$66,588.28

Department of Indian Affairs,
Ottawa. July 7th, 1925.

T R E A T Y No. 8.

Expenditure for Year 1924 - 1925.

Agencies.	Net Total.	Implements, Tools, &c.,	Field and Garden Seeds.	Live Stock.	Supplies for Destitute.	Hospitals &c.	General Expenses.
Lesser Slave Lake	\$43,505.98	\$ 1,066.30	\$ 271.95	\$95.00	\$22,015.88	\$ 9,819.25	\$10,237.60
Fort Smith,	26,511.52	141.28	-	-	8,662.00	11,461.64	6,246.60
Great Slave Lake,	25,896.50	123.64	6.25	-	10,181.07	5,265.81	10,319.73
	\$95,914.00	\$ 1,331.22	\$ 278.20	\$95;00	\$40,858.95	\$26,546.70	\$26,803.93

Department of Indian Affairs,
Ottawa, Ont.
July 7, 1925.

Extract from Annual Report of the Department of the Interior, signed by the Honourable David Laird, Minister of the Interior, dated January 31st, 1876 : -

BRITISH COLUMBIA INDIAN LANDS.

The last despatch from the British Columbia Government on this subject (which reached the Department after this report had been sent to the printer) enables me to announce the gratifying fact that the Dominion and Local Governments have at last agreed upon a basis for the settlement of this grave and complicated controversy.

The correspondence between the two Governments in connection with this question is given in the special Appendix to this Report, marked (f.).

It is confidently hoped that during the course of the current year this protracted controversy will be satisfactorily terminated on the basis agreed upon by the two Governments, and that the result will be to secure for the Red man a fair and liberal proportion of the lands of the Province without in any wise unduly interfering with the interests of the white settlers.

.....

Certified Copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 17th May 1911.

PRIVY COUNCIL
CANADA.

The Committee of the Privy Council have had before them a report, dated 11th May, 1911, from the Minister of Justice, stating, with reference to Lord Crewe's despatch of the 31st March 1909, and the subsequent correspondence with regard to the claims of the British Columbia Indians, that no settlement of these claims has yet been reached, and that Your Excellency's Government and the Government of British Columbia in the negotiations which have subsequently taken place have failed to conclude any arrangement for the determination of the questions involved.

The Minister further states that it is now proposed, therefore, on the part of Your Excellency's Government, to institute proceedings in the Exchequer Court of Canada on behalf of the Indians against a provincial grantee, or licensee, in the hope of obtaining a decision upon the questions involved as soon as a case arises in which the main points in difference can be properly or conveniently tried.

That meantime the Indians and their friends are pressing the Government to make representations on the subject to the Colonial Office, and recently a memorial has been handed in, signed by the Reverend A.E. O'Meara, on behalf of the Conference of the Friends of the Indians of British Columbia, copy of which, together with copies of the documents therein referred to, are herewith submitted.

That.

That the statement of facts contained in Mr. O'Meara's memorandum is, so far as it is within the knowledge of the Minister, substantially correct.

The Committee, on the recommendation of the Minister of Justice, advise that Your Excellency may be pleased to transmit a copy hereof, together with the several documents referred to herein, to the Right Honourable the Principal Secretary of State for the Colonies.

All which is respectfully submitted for approval.

(Sgd.) F. K. Bennett.

Asst. Clerk of the Privy Council.

Copy

Empress Hotel,
Victoria, B.C.,
20th November, 1917.

His Excellency,
The Duke of Devonshire, K.G.,
Governor General of Canada,
Government House, Victoria, B.C.

Sir,-

From the days of Lord Dufferin until the days of Your Excellency's predecessor, representations have been made to the Governor General of Canada by and on behalf of the Indian tribes of British Columbia, and special action has from time to time been taken by the Governor General with a view of securing just dealing with the claims of these tribes.

In September, 1876, Lord Dufferin, then Governor General of Canada, in the course of an address delivered at Victoria, said : -

" Now, we must all admit that the condition
" of the Indian question in British Columbia is not
" satisfactory. Most unfortunately, as I think,
" there has been an initial error, ever since Sir
" James Douglas quitted office, in the Government
" of British Columbia neglecting to recognize what
" is known as the Indian title. "

(Canada under the Administration of the Earl
of Dufferin.- George Stewart, Jr., p. 491.)

Encouraged by what has been done in the past, we, representing, the Nishga Tribe, inhabiting the Valley of Naas River, whose direct and independent Petition is now before His Majesty's Privy Council, and the Interior Indian Tribes of British Columbia who are allied with the Nishga Tribe, humbly approach Your Excellency, as His Majesty's Representative in Canada, that we may inform Your

Excellency of the correspondence which has passed between His Royal Highness the Duke of Connaught and Counsel for the Nishga Tribe, and certain events of special importance subsequent to that correspondence.

We are inclosing copy of the correspondence to which we have above referred, together with copy of the Statement issued on behalf of the allied Tribes on 26th May, 1916. The two memorials also mentioned are no doubt in file at Ottawa, but it does not seem necessary for present purposes to furnish copies.

The Statement above mentioned and another Statement issued on behalf of the allied Tribes on 28th June, 1916, copy of which we inclose, having been sent to the Secretary of State for the Colonies, that Minister sent despatches asking that the two Statements be considered by the Government of Canada. We are not aware that the Statements have been so considered, and we are not informed whether any reply thereto has yet been sent to the Imperial Government. Certainly no reply to these Statements has been sent to the Allied Tribes.

Since the Petition of the Nishga Tribe was lodged in His Majesty's Privy Council there has been prolonged negotiation regarding it between the allied Tribes and the Government of Canada, but the attitude of British Columbia has prevented the making of any arrangement. The allied Tribes are therefore seeking independently to secure reference of the Petition to the Judicial Committee.

It was hoped that a different attitude would be adopted by the present Government of British Columbia. One ground of that hope was that the Liberals of British Columbia in Convention

In May, last, after three other memoranda dealing with the same subject had been presented, we waited upon the Premier, when it was arranged, as we clearly understood, between the Premier and ourselves that the full discussion understood to have been agreed upon should be deferred until the Fall, and that meantime the Attorney General of the Province would study the subject of Indian title and Counsel for the Nishga Tribe would secure in London, England, certain desired advice regarding the same subject.

On Thursday, last, when, in pursuance of the arrangements and preparations for full discussion made as above stated, we again waited upon the Premier and asked for an appointment for such discussion, he refused to proceed with such discussion, and expressed unwillingness to consider Indian title.

Under these circumstances we deem it our clear duty to seize upon the present opportunity of placing in Your Excellency's hands the inclosed papers and informing Your Excellency of the present position of this matter.

The allied Tribes strongly desire that all consideration of the findings of the Royal Commission be deferred until those findings can be considered by all concerned in the light of a judgment of the Judicial Committee of His Majesty's Privy Council.

We humbly ask that Your Excellency will be pleased to do all that may be possible and may be thought by Your Excellency advisable, both during the time to be spent in this Province and at

Ottawa, towards securing that this desire of the allied Tribes, which we venture to think manifestly reasonable, shall be complied with by the two Governments.

Any further information desired we shall be pleased to furnish.

We have the honour to remain, Sir,

Most respectfully yours,

A. E. O'Meara,

Counsel for Nishga Tribe.

J. A. Teit,

Representative of Interior Tribes.

It is important and interesting to note the steps by which British Columbia came to join the Confederation, and the action which was at that time taken with reference to the Indians and the administration of Indian affairs. The Governor-General in his Speech from the Throne to the First Parliament of the Dominion delivered on Thursday, November 7th. 1867, said, "-

" I congratulate you on the Legislative sanction which has been given by the Imperial Parliament, to the Act of Union, under the provisions of which we are now assembled, and which has laid the foundation of a new Nationality that I trust and believe will, ere long, extend its bounds from the Atlantic to the Pacific Ocean. "

The speech was considered by the Commons and an address to the Governor General, based on the speech, was agreed to on Friday, November 15th. and contained the following paragraph :-

" We thankfully receive Your Excellency's congratulations on the Legislative sanction which has been given by the Imperial Parliament to the Act of Union, under the provisions of which we are now assembled, and which has laid the foundation of a new Nationality, which, we trust and believe with Your Excellency, will, ere long, extend its bounds from the Atlantic to the Pacific Ocean. "

On December 4, 1867, the House went into Committee to consider certain proposed resolutions for the union of Ruperts Land and the Northwest Territories with Canada. The first resolution is as follows :-

" 1. Resolved :- That it would promote the prosperity of the Canadian people and conduce to the advantage of the whole Empire if the Dominion of Canada constituted under the provisions of the British North America Act of 1867, were extended westward to the shores of the Pacific Ocean. "

The House then proceeded to deal, under the provisions of the 146th Section of the British North America Act, with the admission of Ruperts Land and the

Northwestern Territory to union with Canada, and provided that, amongst other things, in the event of the Imperial Government agreeing to transfer to Canada the jurisdiction and control over this region :-

" 7. Resolved :- That upon the transference of the Territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement, would be considered and settled in conformity with the equitable principles which have uniformly governed the Crown in its dealings with the Aboriginies. "

It will be seen that the resolutions proceeded from the general statement that it was desirable to extend the boundaries of Canada to the Pacific to the particular matter in hand, that is, the union of Ruperts Land and the Territories with the Dominion; and the provision with reference to the Indian title refers to these lands. The other localities mentioned in the 146th Section of the Act, namely, Newfoundland, Prince Edward Island and British Columbia, had governments of their own, and the Act provides that if any of them are to be admitted into the Union the action should take place on resolutions of the respective legislatures. There was no form of government in Ruperts Land and the Northwest Territories, and the Dominion Parliament could, therefore, proceed on its own initiative under the terms of the Act.

So soon as the necessary action had been taken to bring Ruperts Land and the Territories under the jurisdiction of the Dominion, the Imperial authorities gave attention to the inclusion of the colony of British

X
Columbia with the Dominion. Governor Musgrave had been appointed for the express purpose of conciliating the different factions in the colony, and of promoting its best interests. (He had been appointed on the 17th. June, 1869, and on the 14th. August Earl Granville, the Secretary of State for the Colonies, addressed him a despatch which will be found in the appendix. In the latter part of this despatch, it will be observed, he touched upon the Indian question as follows :-

" It will not escape you that in acquainting
" you with the general views of the Government, I have
" avoided all matters of detail, on which the wishes of
" the people and the Legislature will of course be de-
" clared in due time. I think it necessary however to
" observe that the Constitution of British Columbia will
" oblige the Governor to enter personally upon many
" questions, as the condition of Indian tribes and the
" future position of Government servants with which, in
" the case of a negotiation between two responsible
" governments, he would not be bound to concern him-
" self. "

Preliminaries to Union were actively taken up by both the colony and the Dominion, and in 1870 we find Governor Musgrave writing to the Governor-General as follows:-

" Government House,
" British Columbia, 20th. February, 1870.

" Sir, I have the honour to forward to Your Excellency
" a copy of the Message with which I caused the Legis-
" lative Council to be opened on the 15th. instant, and
" of a Resolution which the Government will introduce,
" embodying the terms on which it is proposed to join the
" Dominion of Canada.

X X X X

" 9. In Lord Granville's despatch, No. 84, of the 14th.
" August, which was communicated to Your Excellency, he
" mentioned the condition of the Indian Tribes as among
" some questions upon which the Constitution of British
" Columbia will oblige the Governor to enter personally.
" I have, purposely, omitted any reference to this subject

By the ~~Joint Committee~~ ^{Joint} ~~Down~~ & DC
This was considered a satisfactory
~~fair~~ ^{frank} statement of the ^{to} ~~Principles~~ ^{Principles} ~~and~~ ^{and} the ~~Libel~~ ^{Libel} ~~and~~ ^{and} ~~agreed~~ ^{agreed}
The terms of Union were approved by
order of the day in Council and

Clause 13 has since formed the

" in the terms proposed to the Legislative Council.
" Any arrangement which may be regarded as proper by
" Her Majesty's Government can, I think, best be settled
" by the Secretary of State, or by me, under his direction,
" with the Government of Canada. But "Indians", and
" 'Lands reserved for Indians', form the twenty-fourth
" of the classes of subjects named in the 71st. Section
" of the Union, which are expressly reserved to the
" Legislative authority of the Parliament of the Dominion."

I have &c.,

(signed) A MUSGRAVE.

" His Excellency Sir John Young, G.C.B., G.C.M.G., &c.

This explains why we do not find any reference to Indians in the original resolutions of the British Columbia Legislature; all mention of that subject is avoided. It was to be arranged between the representatives of the Government when the Terms of Union were finally adopted.

The consideration which was given the Indian question at Ottawa between the representatives of the colony and the Dominion Government resulted in a drafting of what is known as the 13th. Clause of the Terms of Union.

" 13. The charge of the Indians and the
" trusteeship and management of the lands reserved for
" their use and benefit, shall be assumed by the Dominion
" Government, and a policy as liberal as that hitherto
" pursued by the British Columbia Government, shall be
" continued by the Dominion Government after the Union.
" To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the
" British Columbia Government to appropriate for that
" purpose, shall from time to time be conveyed by the
" Local Government to the Dominion Government in trust
" for the use and benefit of the Indians, on application
" of the Dominion Government, and in case of disagreement
" between the two Governments respecting the quantity
" of such tracts of land to be so granted, the matter
" shall be referred for the decision of the Secretary
" of State for the Colonies. "

Wrefne

Memorandum with reference to

A Petition to Parliament of Allied Indian Tribes,

British Columbia.

(See Petition -- Hansard, March 26, 1920, page ⁷⁹³ 625)

The Terms of Union are set forth in the Imperial Order in Council of the 16th May, 1871. The 13th Clause of the Terms of Union establishes the relations between the two Governments and the Indians.

Copy

~~Clause 1.~~

(Appendix 1)

Reference 1.

The Proclamation of 1763, which is depended upon by the advisors of the British Columbia Indians as a basis of their aboriginal title to the lands of the province, was issued after the conquest of Canada, to establish His Majesty's government in the newly conquered territory. By subsequent Acts of the Imperial Parliament the Proclamation was repealed, the Courts were set up, and a system of government was gradually developed.

The Proclamation states that it is issued for the purpose of establishing a government in the "extensive and valuable acquisitions in America" secured by the Treaty of Paris. It is needless to say that the French made no claim to any portion of the present province of British Columbia. At that date exploration had taken place. In 1793, thirty years after the date of the Proclamation, Vancouver landed on the island now known by his name, and in 1794 McKenzie made his overland journey to the coast. In 1843 the Hudson's Bay Company established a post on the site of the present city of Victoria, and in 1849 Vancouver was made a Crown Colony. British Columbia (the mainland and Queen Charlotte Islands) was made a Crown Colony in 1858, and the two Colonies were united in 1866. British Columbia entered Confederation on the 20th July, 1871.

~~Clauses 2 and 3.~~

In order to understand the bearing of these clauses, and to appreciate the erroneous statements or implications made therein, it is necessary to state the facts with reference to the entrance of British Columbia into Confederation. The 146th section of the British North America Act provides for the inclusion in the Union of other North American colonies. Amongst those mentioned is British Columbia. Sir Anthony Musgrave had been appointed Governor of British Columbia for the express purpose of conciliating the different factions in the Colony and of

promoting its best interests. He was appointed on the 17th June, 1869, and on the 14th August Earl Granville, the Secretary of State for the Colonies, addressed to him a despatch, No. 84, in the latter part of which he touched upon the Indian question as follows : -

" It will not escape you that in acquainting you with the general views of the Government, I have avoided all matters of detail, on which the wishes of the people and the Legislature will of course be declared in due time. I think it necessary however to observe that the Constitution of British Columbia will oblige the Governor to enter personally upon many questions, as the condition of Indian tribes and the future position of Government servants with which, in the case of a negotiation between two responsible governments, he would not be bound to concern himself. "

Preliminaries to Union were actively taken up by both the Colony and the Dominion, and in 1870 we find Governor Musgrave writing to the Governor General of Canada as follows : -

"Government House,
"British Columbia, 20th February, 1870.

"Sir, - I have the honour to forward to Your Excellency a copy of the Message with which I caused the Legislative Council to be opened on the 15th instant, and of a Resolution which the Government will introduce, embodying the terms on which it is proposed to join the Dominion of Canada."

x x x x

" 9. In Lord Granville's despatch, No. 84, of the 14th August, which was communicated to Your Excellency, he mentioned the condition of the Indian Tribes as among some questions upon which the Constitution of British Columbia will oblige the Governor to enter personally. I have, purposely, omitted any reference to this subject in the terms proposed to the Legislative Council. Any arrangement which may be regarded as proper by Her Majesty's Government can, I think, best be settled by the Secretary of State, or by me, under his direction with the Government of Canada. But 'Indians' and 'Lands reserved for Indians,' form the twenty-fourth of the classes of subjects named in the 71st Section of the Union, which are expressly reserved to the Legislative authority of the Parliament of the Dominion. "

"I have, &c.,
(Signed) A. Musgrave.

"His Excellency Sir John Young, G.C.B., G.C.M.G., &c. "

This explains why we do not find any reference to Indians in the original Union resolutions of the British Columbia Legislature; all mention of that subject was avoided.

The consideration which was given the Indian question

resulted in the 13th Clause of the Terms of Union. --

" 13. The charge of the Indians and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government, shall be continued by the Dominion Government after the Union. To carry out such policy, tracts of land of such extent, as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians, on application of the Dominion Government, and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred for the decision of the Secretary of State for the Colonies. "

By the Dominion and British Columbia this was considered a satisfactory settlement of the Indian question, and the Imperial Government acquiesced. The Terms of Union were approved by Order of Her Majesty in Council on the 16th May, 1871.

The Governor of the Colony, acting under the powers of his Commission, the Dominion Government, and the Imperial authorities agreed on Clause 13 of the Terms of Union, which embodied the well-established policy of the Government of the Colony with reference to Indians. That policy was set forth by the Honourable J. W. Trutch in a memorandum to Governor Musgrave, which was transmitted by him to Earl Granville, the Secretary of State for the Colonies, under date of the 29th January, 1870. Mr. Trutch's memorandum, from which the following words are an extract, was prepared to refute the allegations made against Indian administration of the Government by Mr. W. S. Green : -

" The Indians have, in fact, been held to be the special wards of the Crown, and in the exercise of this guardianship Government has, in all cases where it has been desirable for the interests of the Indians, set apart such portions of the Crown lands as were deemed proportionate to, and amply sufficient for, the requirements of each tribe; and these Indian Reserves are held by Government, in trust, for the exclusive use and benefit of the Indians resident thereon. "

" But the title of the Indians in the fee of the public lands, or of any portion thereof, has never been acknowledged by Government, but, on the contrary, is distinctly denied. In no case has any special agreement been made with any of the tribes of the Mainland for the extinction of their claims of possession; but these claims have been held to have been fully satisfied by securing to each tribe, as the progress of the settlement of the country seemed to require, the use of sufficient tracts of land

" for their wants for agricultural and pastoral purposes."

The Indian policy of the Colonial Government was again referred to by the Honourable Mr. Trutch, after his appointment as first Lieutenant Governor of the province, in a letter addressed to Sir John Macdonald on October 14, 1872, of which this is an extract :-

" We have in British Columbia a population of Indians numbering from 40,000 to 50,000, by far the larger portion of whom are utter savages living along the coast, frequently committing murder and robbery among themselves, one tribe upon another, and on white people who go amongst them for purposes of trade, and only restrained from more outrageous crime by being always treated with firmness, and by the consistent enforcement of the law amongst them, to which end we have often to call in aid the services of H.M. ships on the station. I cannot see how the charge of these Indians can be entrusted to one having no experience among them nor do I think it likely that the assistance of the Navy would be willingly and effectively given to any subordinate officer of the Government. Without further descanting on the matter however I may tell you that I am of opinion, and that very strongly, that for some time to come at least the general charge and direction of all Indian affairs in B.C. should be vested in the Lt. Governor, if there is no constitutional objection to such arrangement, and that instead of one there should be three Indian Agents, one for Vancouver Island, one for the Northwest Coast and the third for the interior of the mainland of the province, which latter gentleman might very properly be a Roman Catholic as the Indians in this section are for the most part under the influence of missionaries of that persuasion. Then as to Indian policy I am fully satisfied that for the present the wisest course would be to continue the system which has prevailed hitherto only providing increased means for educating the Indians and generally improving their condition moral and physical. The Canadian system as I understand it will hardly work here. We have never bought out any Indian claims to lands, nor do they expect we should, but we reserve for their use and benefit from time to time tracts of sufficient extent to fulfill all their reasonable requirements for cultivation or grazing. If you now commence to buy out Indian title to the lands of B.C. you would go back of all that has been done here for 30 years past and would be equitably bound to compensate the tribes who inhabited the districts now settled farmed by white people equally with those in the more remote and uncultivated portions. Our Indians are sufficiently satisfied and had better be left alone as far as a new system towards them is concerned, only give us the means of educating them by teachers employed directly by the Government as well as by aiding the efforts of the missionaries now working among them. "

It should be remembered that Sir James Douglas, when he was Governor of the Colony of Vancouver Island, was desirous of obtaining a cession of the Indian title to the whole of the Island, but the Imperial Government would not loan him £3000 to

carry out this action and he allowed the matter to drop. The policy of the Colony of British Columbia (the mainland, including Queen Charlotte Islands) was quite different; no Indian title was ever acknowledged there, and after the two colonies were united on the 17th November, 1866, the policy of the mainland prevailed.

~~The~~ The reference in Clause 3 regarding the disallowance of the Crown Lands Act of the Province of British Columbia in 1875 is so slight as to be misleading. What occurred at that time cannot be understood without an extended explanation. I am attaching hereto a copy of the documents as they are printed in Hodgin's collection, - "Dominion and Provincial Legislation, 1867 to 1875" page 1024 et seq. By an Order in Council of the 16th March, 1875, this Act was disallowed because the Indian title had not been ceded. It will be observed that the memorandum of the Minister of Justice states that:-

"It is not necessary now to inquire whether the lands to the west of the Rocky Mountains and bordering on the Pacific Ocean form part of the lands claimed by France, and which if such claim were correct, would have passed by cession to England, under the Treaty of 1763, or whether the title of England rests on any other ground, nor is it necessary to consider whether that proclamation covered the land now known as British Columbia. It is sufficient for the present purposes, to ascertain the policy of England in respect to the acquisition of the Indian territorial rights, and how entirely that policy has been followed to the present time, except in the instance of British Columbia."

The memorandum also states that the policy "of obtaining surrenders at this lapse of time and under the altered circumstances of the province may be questionable". The assertion of the claims was, on the part of the Minister of Justice, made as a matter of duty.

The Crown Lands Act was disallowed; meanwhile negotiations had taken place between the two Governments and a working basis on which the reserves were to be set aside had been fixed and the decisions were incorporated in joint Orders in Council. This arrangement having been made the matter was further considered

by the Dominion Government, and the Honourable Edward Blake, then Minister of Justice, recommended that the Act should be allowed to go to its operation. He stated as follows :-

"Although the undersigned cannot concur in the view that the objections taken are entirely removed by the action referred to; and, though he is of opinion that, according to the determination of council upon the previous Crown Lands Act, there remains serious question as to whether the Act now under consideration is within the competence of the provincial legislature, yet since, according to the information of the undersigned, the statute under consideration has been acted upon, and is being acted upon largely in British Columbia, and great inconvenience and confusion might result from its disallowance; and, considering that the condition of the question at issue between the two governments is very much improved since the date of his report, the undersigned is of opinion that it would be the better course to leave the Act to its operation."

"It is to be observed that this procedure neither expresses nor impliedly waives any right of the government of Canada to insist that any of the provisions of the Act are beyond the competence of the Local Legislature, and are consequently inoperative."

Many amendments to the Crown Lands Act of the Province have since been made and allowed by the Dominion Government.

Clauses 4 and 5.

These clauses purport to give the present position of the Indian land controversy.

The petition states that on the 13th of December, last, the Premier of British Columbia was informed that "by means of the direct and independent petition of the Nishga Tribes we now have our case before His Majesty's Privy Council." By making this statement to the Premier of British Columbia and by incorporating it in their petition to the House, facts are concealed. This petition was dealt with by the Privy Council and was refused.

Sir Almeric Fitzroy, Clerk of the Privy Council, on the 16th December, 1918, wrote the following letter to the Solicitors for the Indians, Messrs. Smiths, Fox and Sedgwick :-

"16th December, 1918."

"Gentlemen:

"Referring to your letter of the 27th May, last, on the subject of certain claims of the Nishga Tribe of Indians in British Columbia, I am directed by the Lord President of the Council to state as follows:-

"1. One of the matters in dispute is set out in the Petition lodged by you on the 21st May, 1913, as 'the nature and extent of the rights of the said Nishga Nation or tribe in respect of the said Territory.' The other is the question whether the Land Act of British Columbia is ultra vires of the Legislature of that Province."

"2. If the contention of the Nishga Indians is, as it appears to be, that they have suffered an invasion of some legal right, the proper course would, in His Lordship's opinion, be for them to take such steps as may be open to them to litigate the matter in the Canadian Courts, from whose decision an appeal in the ordinary way can come to the Judicial Committee. It would seem that any intervention by the Crown by referring the matter specially direct to the said Committee would be an unconstitutional interference with the local jurisdiction."

"3. If however the claim of the Indians does not rest on any legal basis, but is, in effect, a complaint of the executive action of the Provincial or the Dominion Government, it would appear that, in accordance with constitutional principles governing relations between the Crown and the Colonial Governments a special reference to the Judicial Committee to consider the action of the Dominion or Provincial Government could only be ordered on the recommendation of the Secretary of State for the Colonies, and that he would only advise such a reference after consulting, and in accordance with the advice received from the Dominion Government."

"In these circumstances His Lordship cannot see his way to take any further action on the Petition."

"I am, etc.,

"(Sgd) Almeric Fitzroy.

"Messrs. Smiths, Fox and Sedgwick,

"26. Lincoln's Inn Fields,

"W.C.2."

A copy of this letter was sent to Rev. A.E.O'Meara on the 22nd January, 1919. He acknowledged it on the 27th February, 1919. It will, therefore, be seen that the fact that the petition was dealt with by the Privy Council and refused is deliberately suppressed.

Dealing with the statement made as regards a communication of His Royal Highness the Duke of Connaught, the following is a copy of the letter mentioned:-

"Ottawa, 25th September, 1916.

"Dear Mr. O'Meara,-

"His Royal Highness has interviewed the Honourable Dr. Roche with reference to your letter of the 29th May and your interview with me and I am commanded by His Royal Highness to state that he considers it is the duty of the Nishga Tribe of Indians to await the decision of the Commission, after which, if they do not agree to the conditions set forth by that Commission, they can appeal to the Privy Council in England, when their case will have every consideration. As their contentions will be duly considered by the Privy Council in the event of the Indians being dissatisfied with the decision of the Commission, His Royal Highness is not prepared to interfere in the matter at present and he hopes that you will advise the Indians to await the decision of this Commission."

"Yours sincerely,

"Ed.S.Stanton,

"Lieut. Colonel,

"Governor General's Secretary."

"Rev.Arthur E.O'Meara.

" 1621 Hutchison Street,
" Montreal."

This letter was written without referring the matter either to the Department of Indian Affairs or the Department of Justice. An attempt was made by Mr. O'Meara to draw our present Governor General into the net, but his Secretary, under date of 17th March, 1920, wrote as follows:-

"Ottawa, 17th March, 1920.

"Sir,

"I am commanded by His Excellency the Governor General to acknowledge the receipt of your letter of the 20th ultimo with regard to the Nishga Indians. You are probably aware that the claims of the Nishga Tribe of Indians in British Columbia have already been considered by the Privy Council. In May, 1913 a petition to His Majesty in Council was lodged on behalf of the Nishga Tribe of Indians praying that certain claims of theirs to land in British Columbia might be referred to the Judicial or other Committee of the Privy Council and Their Lordships, having given the petition their careful consideration, were of the opinion that no action on their part was required in the matter. The Lord President of the Council

assembled had declared it " the commonest justice" that the claims of the Indian tribes should be submitted to His Majesty's Privy Council.

Having in view all the events of the year 1916, and in particular the assurances given by the Duke of Connaught and the fact that a Government prepared, as was understood, to help in securing a determination of the land rights of the Indian tribes by the Judicial Committee had taken office in British Columbia, the Social Service Council of Canada, at a meeting held on 31st January, last, unanimously adopted the following Resolution : -

" We express the earnest hope that soon, in
" fulfilment of the often declared policy of
" this Council, and by means of the direct and
" independent Petition now before His Majesty's
" Privy Council, in which so many Tribes have
" united, there will be secured from the
" Judicial Committee a judgment determining the
" rights of the Indian Tribes of British Col-
" umbia, in light of which the matter of lands
" to be reserved and every other matter out-
" standing between the Indians and the two
" Governments will be rapidly and finally ad-
" justed. "

A copy of this Resolution was sent to the Government of Canada and a copy thereof was sent to the Government of British Columbia.

In January, last, acting upon advice of the Indian Affairs Committee of the Social Service Council of Canada, Counsel for the Nishga Tribe placed in the hands of the Premier of British Columbia an historical statement dealing with the subject of Indian title.

In March, last, the Premier, having before

him the Resolution of the Social Service Council of Canada and the Historical Statement above mentioned, agreed to fully consider Indian title, as is clearly shown by documents in our possession, according to the meaning which we have always attached to them, and we think reasonably,

At meetings held in May and June, last, the Nishga Tribe and the Interior Tribes unanimously reached the following decisions : -

1. "That they would take a strong stand in
"support of the plan of dealing with the
" whole situation set out in the resolution of the Social Service Council of
"Canada.
2. "That, with regard to the desire expressed
"by the Duke of Connaught, in the letter
"addressed to Mr. O'Heara as Counsel for
"the Nishga Tribe, they are prepared to
"join the Nishgas in assuring the Duke of
"Connaught and all the Governments that,
"while the necessity of safeguarding their
"rights compels the allied tribes to reach
"the foregoing decision, yet, when what
"they regard as the proper time shall arrive, they will favourably consider the
"findings of the Royal Commission, when
"approved by the two Governments, so that
"so far as reasonably possible these findings may be used as a basis for finally
"adjusting the matter of lands to be reserved."

"directed Sir Almeric Fitzroy to state as follows:-

" '1. One of the matters in dispute is set out in the Petition lodged by you on the 21st May, 1913, as 'the nature and extent of the rights of the said Nishga Nation or Tribe in respect of the said Territory.' The other is the question whether the Land Act of British Columbia is ultra vires of the Legislature of that Province.'

" '2. If the contention of the Nishga Indians is, as it appears to be, that they have suffered an invasion of some legal right, the proper course would, in the opinion of the Lord President of the Council, be for them to take such steps as may be open to them to litigate the matter in the Canadian Courts from whose decision an appeal in the ordinary way can come to the Judicial Committee. It would seem that any intervention by the Crown by referring the matter specially direct to the said Committee would be an unconstitutional interference with the local jurisdiction.'

" '3. If however the claim of the Indians does not rest on any legal basis, but is, in effect, a complaint of the executive action of the Provincial or the Dominion Government, it would appear that, in accordance with constitutional principles governing relations between the Crown and the Colonial Governments a special reference to the Judicial Committee to consider the action of the Dominion or Provincial Government could only be ordered on the recommendation of the Secretary of State for the Colonies, and that the latter could only advise such a reference after consulting, and in accordance with the advice received from the Dominion Government.'

" You have already been informed on several occasions of the attitude of the Dominion Government towards this claim and there does not appear to be anything further for me to add except that the Governor General takes no action, nor does he desire to take any action, except upon the advice of his constitutional advisers. Under these circumstances, I must ask you to consider this letter as final."

"I have, etc.,

" H. G. Henderson,

" Lieut. Colonel,

" Governor General's Secretary."

"Rev. A. E. O'Meara,
" Chateau Laurier,
" Ottawa."

It may also be stated that Mr. O'Meara was informed by the Honourable C. J. Doherty, Minister of Justice, in a letter dated 14th November, 1914, that the only constitutional method of obtaining the judicial view of His Majesty in Council was to appeal from the local tribunals. It will be observed that the Privy Council concurs with Honourable Mr. Doherty's opinion and that all the expense which Mr. O'Meara has incurred since that date, in urging this petition, has been incurred by a wilful disregard of that advice. The following is a quotation from the letter referred to:-

"As to your remark that it has always been the view of those advising the Nishgas that the only feasible method of securing a judicial determination of the rights of the Indians of British Columbia is that of bringing their claims directly before His Majesty's Privy Council, I wish you would realize and endeavor to convince those whom you describe as advising the Nishgas that this Government has no power or authority to refer a question directly to His Majesty's Privy Council; that the only constitutional method of obtaining the judicial view of His Majesty in Council relating to a question limited to the internal affairs of Canada is by appeal from the local tribunals, and that His Royal Highness's Government is determined for these reasons, which have been so often explained to you and those whom you profess to represent, not to advise or concur in any proceedings looking to a decision in which the Courts of the Dominion shall not have an opportunity to express their views, If, therefore, it be possible for me to make any statement here which can, consistently with the amenities of official correspondence, impress you with the futility of urging upon this Government a reference direct to the Judicial Committee, I beg of you to consider that statement incorporated in this letter."

The true position of the Indian Land Claims in British Columbia is as follows:

A Committee of the Nishga Nation or Tribe having prepared a statement of their claim, the Deputy Superintendent General reported on the 11th of March, 1914, to the Honourable Superintendent General, making certain suggestions looking towards a settlement of this question. By an order of His Royal Highness in Council of the 20th June, 1914, the suggestions were approved and that Order in Council stands now as the offer of the Dominion Government to the Indians as a settlement of the case.

From a perusal of these papers, of which I attach printed copies, it will be seen that the Dominion Government has to all intents adopted the view that the terms under which British Columbia came into the Union should be respected and adhered to, and that the Reserves which have been set apart by the Royal Commission should be accepted as British Columbia's share of the obligation toward the natives of the province; that the Dominion should furnish the remaining consideration in accordance with the past usage of the Crown in settling the Indian claim to unsundered territories. It is the intention

of the Department when the report of the Royal Commission is confirmed by both governments to approach the Indians and endeavour to have them agree to this proposition. Should they not agree, the British Columbia government will continue to enjoy the proprietorship of the Public lands, and the Dominion will continue its well-established policy towards the Indians, that is, a policy which looks forward to educating and civilizing them and ultimately to their absorption in the population of the Dominion as ordinary citizens.

The fact should be emphasized that while the British Columbia Indians have never surrendered their title and are, therefore, not in possession of a documented treaty, they have always enjoyed the substance of a treaty. It is true that no annuities have been paid to them, but provision has been made for their education; they have been protected on their reserves; irrigation and dyking have received attention; they have been encouraged in agriculture and fruit-raising, and in fact the humane and progressive policy which has governed the Crown in its relation with the natives of other parts of the country has been extended to the Indians of British Columbia in no stinted measure.

Ever since British Columbia entered the Union, yearly appropriations have been made by Parliament to carry out the policy of the Government with reference to the Indians of British Columbia. During the last twenty years, that is from the fiscal year 1900-1901 to the end of the present fiscal year, \$4,632,288.14 has been expended for Indian purposes in British Columbia. For this period \$2,447,907.20 was expended for education; \$663,968.87 for medical attendance; \$59,999.25 for seed; \$312,070.24 for relief; and \$300,297.70 for miscellaneous, which included dyking, irrigation, drainage and so forth. The cost of administration was \$847,989.88. The Estimates of the Department now before the House of Commons provide for British Columbia \$365,625.00.

MEMORIAL OF INTERIOR TRIBES OF BRITISH COLUMBIA.

.....

To

Right Hon. Sir Robert Borden, P.C., M.P.,

Prime Minister of Canada.

Right Hon. Sir:-

We, representatives of the Interior Tribes of British Columbia, waited on you here in Ottawa in January, 1912. Amongst us here to-day are some of the same Chiefs who addressed you in 1912.

At that time you promised us you would consider our petition and our claims with great care. We hope you have done so. Our Nishga friends have pointed out to you their position as it now stands and our position is about the same.

We have carefully considered and have endeavoured to meet the wishes of the Government relative to the Order in Council, but cannot see our way clear to accept same. We have already explained our reasons in two statements sent to you, those of February, 1915, and March, 1916, and are prepared to explain further our reasons for taking this position. We see no real advantage to us in surrendering our rights for some lands to be added to our Reserves by the Royal Commission and some undefined benefits to be granted us by the Dominion Government. Apart from the matter of compensation, we want to be very sure there shall be retained for us sufficient lands for our needs, and we want a settlement of our rights in respect of hunting and fishing. So far as the

Order in Council goes, we see no marked difference between the policy outlined therein and the policy of the British Columbia Government towards us of which we have always complained. In both cases our rights as a whole are practically ignored. We cannot agree to any proposition for the settlement of our claims which deals only with Reserves and does not include settlement of our rights in water, hunting, fishing, etc. So far as the land is concerned, we ask in the meantime that the Government of Canada hold over acceptance of the findings of the Royal Commission at least until such time as we can make a statement as to whether these findings will satisfy our needs or not. We object to be forced to accept the findings of the Royal Commission irrespectively of whether we consider same adequate or not.

In the event of all appeal to the Government of Canada for a fairer settlement of our case being in vain, we hereby state our determination that we will not lie down, but will push our case before the Privy Council of England by all means in our power.

We ask that you consider the requests laid before you to-day and if possible give an answer.

All of which is respectfully submitted,
on behalf of the Interior Tribes,

J. A. Teit,

Secretary and Interpreter
of Delegation.

Ottawa, 9th. May, 1916.

COPY

THE ENTERPRISE OF THE FRIENDS OF THE
INDIANS OF BRITISH COLUMBIA

Dec.- 3/18.

ITS PRESENT POSITION.

Those for whose information these notes are prepared already know of the serious controversy regarding land rights which for half a century has existed between the Indians of British Columbia and the local Government, the great importance both general and missionary of effectively dealing with this state of affairs, and the efforts which for upwards of eight years, with the help of the Moral and Social Reform Council (now the Social Service Council) of Canada and that of the Anti-Slavery and Aborigines Protection Society, we have successfully carried forward.

The primary object of our efforts has been to bring about a solution of this whole trouble and thus to aid in securing the future well-being of the twenty-five thousand Indians of the Province and the future success of all missionary and educational work carried among them.

The events of last year and the present year have in a striking way shown our undertaking to be part of an immensely greater enterprise and have linked the direct Petition of the Haida Tribe of Northern British Columbia, which as result of our efforts is before His Majesty's Privy Council, with the Southern Rhodesia case, a great contest between the 800,000 natives of Southern Rhodesia and the British South Africa Company, which was argued before the Judicial Committee in April last.

The report upon the Southern Rhodesia Reference delivered by the Judicial Committee in July was adverse to the land claims made on behalf of the natives of that Protectorate as well as to those made on behalf of the Company. In practical effect the Judicial Committee's Report decided that the British Crown has power to dispose of the lands of Southern Rhodesia. That Report however did not decide any of the great fundamental questions of principle which were thought to be common to that case and the British Columbia case and were to some extent argued before the Judicial Committee. The Report was based mainly upon the conclusion arrived at that the territory had been conquered. One result of that turn of events was that the British Columbia Petition became quite clearly of general importance. Another result will probably be a discussion of the subject of native land rights in the British House of Commons which would have an important bearing upon the British Columbia case, although of course that case will not be governed by the ultimate result regarding Southern Rhodesia.

During the stay made by me in England after watching the argument of the Southern Rhodesia case and giving help desired in connection with that case, important communications were sent on behalf of the allied Tribes of British Columbia to the Lord President of the Privy Council and the Secretary of State for the Colonies. Also the Committee of the British Society, having been informed of the action so taken, sent to the Secretary of State for the Colonies a resolution reaffirming the view that the claims of the Indians of British Columbia are a matter of Imperial concern and strongly upholding the allied Tribes in their efforts to secure early reference and hearing of their Petition.

Since returning from England I have attended meetings of the allied Tribes, one held at Spence's Bridge in the Southern Interior of British Columbia and the other on Nass River in Northern British Columbia. At those meetings additional plans were made pressing the Indian case independently.

Dec.- 3/18.

The urgency of the situation has been increased by two new elements. One of these is the plan of the Province for settling fifteen thousand soldiers upon available lands without any regard to the rights and interests of the Indians. The other is the recommendation regarding fisheries made by an International Commission and now before the Governments of Canada and the United States, under which if adopted every Indian of the Fraser River Valley will be prohibited from taking salmon, even as food for himself and family, above tidal water.

The end of the war has in a remarkable way vindicated our enterprise and at the same time increased our opportunities and responsibilities. The great fundamental questions of principle underlying the British Columbia Indian land controversy and brought before His Majesty's Privy Council by the Nishga Petition are the very questions which underlie the present position of the territories which have become known as German Colonies and must be dealt with in determining the future of those territories and their millions of native inhabitants. Moreover the principles upon which the land and other rights of aboriginal peoples rest being international in character are of world-wide importance.

What the whole present position seems to me to call for is that broad fundamental principles applicable to the native races of Africa, South America and all other parts of the world shall be determined and universally recognized and acted upon. Such principles might be expected to afford a basis for solving every problem relating to native races encountered in any part of the world.

It seems clear that the situation which has thus arisen will profoundly affect the future of our efforts. In what particular way the whole matter will be worked out it is not possible to forecast. But manifestly, as I venture to think, it has become exceedingly important both to secure that the Nishga Petition shall be referred to the Judicial Committee with the least possible delay and to watch closely the deliberations and decisions of the Peace Conference relating to the German Colonies and in that connection take any action that may be found possible and desirable.

I close this sketch, in which I have endeavoured to indicate the main points of the present position, by quoting the following words of President Wilson embodying the central principle upon which our whole enterprise has been founded: -

" An evident principle runs through the whole programme I have outlined. It is the principle of justice to all peoples and nationalities and their rights to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation, no part of the structure of international justice can stand. "

A. E. O'Hearn,

Representative,

1621 Hutchison Street,
Montreal,
30th November, 1918.

Copy

THE BRITISH COLUMBIA INDIAN LAND QUESTION - ITS PRESENT
POSITION.

AN EXPLANATORY STATEMENT.

By Rev. Dr. Tucker and Mr. P. D. McTavish.

October, 1915.

An Explanatory Statement issued by Rev. Dr. L. Norman Tucker, of London, Ontario, Chairman of the Indian Affairs Committee of the Social Service Council of Canada, and Mr. P. D. McTavish, of Vancouver, B.C., Chairman of the Conference of Friends of the Indians of British Columbia.

During more than forty years past there has been between the Indians of British Columbia and the Government of the Province a controversy known as the land question. The Indians have claimed tribal ownership of lands as the lands of their forefathers, and under Royal Proclamation; but the local government has not admitted their claims.

The views regarding this controversy which the Social Service Council of Canada and the Friends of the Indians of British Columbia, the two Bodies represented by us, have always held and endeavoured to carry into practical effect, namely, that the claims of the Indians should be submitted to the Courts for adjudication, has been entirely in accord with the attitude taken by the Indians themselves and the policy followed by Canada consistently throughout forty years.

In pursuance of that policy of Canada, in the year 1910 the then Prime Minister, Sir Wilfrid Laurier, promised that this controversy would be brought before the Judicial Committee of His Majesty's Privy Council.

It having been found that the Government of British Columbia would not agree to a reference of the land question to the Courts, in order to overcome this difficulty the Nishgas in the year 1912 decided to present to His Majesty's Privy Council a direct and independent Petition, with the earnest hope that the Government of Canada and the Courts would consider such Petition as being representative of the claims of all the Indian tribes of British Columbia and that the other Indian tribes would unite in recognizing such Petition as a test case relating to the claims of all the tribes and representative of every tribe. The Petition of the Nishga Tribe was lodged in His Majesty's Privy Council in May, 1913.

Although by referring that Petition to the Judicial Committee the very thing which Canada had promised would be speedily accomplished, the present Government of Canada has not yet been willing to help the Nishgas to secure such reference and carry their case for decision before the Judicial Committee. Instead of adopting that course the Government has proposed a different thing and has asked that before the land question shall be submitted to the Courts the Nishgas and other tribes shall agree to certain terms of surrender and other conditions set out in the Order-in-Council of June, 1914.

It is very important to know what this proposal of the Government really is. When examined carefully and considered practically, the proposal is clearly seen to be that first the Indian tribes shall surrender all the rights which they actually claim to have by virtue of aboriginal title and under the Royal Proclamation and then there shall be submitted to the Courts the one remaining

question whether the Royal Proclamation was intended to apply to British Columbia. In other words, what the Government proposes to the Indians is- If you will first surrender all your rights we will submit to the Courts the question whether you ever had any rights.

In asking the Indians to make such surrender the Government has given to them no assurance that even the provision made in the Terms of Union, giving to the Secretary of State for the Colonies certain powers regarding lands to be reserved for the Indians, will be practically carried out. On the contrary one of the terms proposed is that the Indians shall accept the findings of the Royal Commission as final and it is evident that the two Governments intend to adopt the findings of the Commission without any reference to the Secretary of State for the Colonies. While thus proposing to deprive the Indians of all benefit which would arise from a reference of the matter to the Secretary of State for the Colonies, the Government has not proposed any other plan for dealing with lands which have been disposed of by the Province.

It is important to notice that in the reference to the Courts proposed by the Government there is no mention of the aboriginal rights of the Indians in respect of the fisheries and other natural resources. Apparently it is thought that if the Indians should surrender their title to the lands all these rights would also then be gone.

Another important fact is that the Governments have given no assurance that either the restrictions imposed upon Indians by the laws of the Province or those contained in the Fisheries Regulations will be removed. Therefore, so far as now appears, it will continue to be

the law of British Columbia that an Indian cannot preempt land or purchase land from the Crown, and in Northern British Columbia, under regulations for which the Government of Canada is responsible, it will continue to be impossible for an Indian to secure an independent fishing license such as that granted to a White man.

The one thing that the Governments are doing is to allot additional lands as reserves. This the Province has always been under obligation to do. Many years ago in fulfilment of a promise made when British Columbia became part of Canada the Province should have done this, and if necessary the matter should have been brought before the Secretary of State for the Colonies. But the two Governments have allowed this matter to stand until all or nearly all the best lands have been disposed of. All additional lands now to be allotted, so far as at present appears, are to be taken from Crown lands available. Also such additional lands will be allotted without giving the Indians opportunity for making representations regarding the findings of the Commission. All will be done without informing the Indians, and then the result will be announced to the Indians, and then the Province will claim that the two Governments having agreed in adopting the findings of the Commission the matter cannot be referred to the Secretary of State for the Colonies.

It is most important to make clear just what the Government of Canada proposes to do with regard to the lands to be surrendered by the Indians. The principle declared by the Parliament of Canada in 1869 is that for all lands to be surrendered the Indians shall have "compensation" to be equitably settled. Now it is proposed to depart entirely from this principle and instead allow to the Indians that which is not merely something less but a thing of a different sort, namely,

" benefits to be granted" which will be decided upon by the Government of Canada, no doubt upon the recommendation of the Indian Department. In other words, instead of saying to Indians - "We want to purchase your aboriginal rights in all these lands and we will pay you a fair price" - the Government is saying- "First give up all these lands to us and then we will give you some presents. "

Much information regarding all these matters will be found in the Record of interviews had by the Nishga delegates with the Government of Canada which has been published.

By Order-in-Council passed in June, last, the Government decided not to accept the terms proposed by the Nishga Indians and stated that the Government's terms must be accepted by the Indians.

In August, last, the Indian Affairs Committee sent to the Government of Canada a statement expressing regret that the Government felt compelled to that decision by the McKenna Agreement and declaring that any real settlement of the land question must carry with it the mind and heart of the Indian people.

We cannot think it possible that the Order-in-Council of this year is to be considered the last word coming from the Government of Canada upon this subject, for we do not think the Parliament and people of Canada will stand with the Government in thus attempting to force its terms upon the Indians.

However that may be, we certainly think that the Indians of British Columbia by abandoning all the rights which they and their forefathers from time immemorial have claimed, and at the same time valuable provisions made for their protection when British Colum-

became a part of Canada, without having assurance that a single thing relating to their rights and interests other than the one matter of additional reserves will be dealt with in any way, and by making the sweeping surrender in exchange for " benefits to be granted " which may be very small indeed, would not be improving their position and prospects, but taking a step in the dark by which their whole ^{future} fortune would be imperilled.

While we would gladly do all in our power to facilitate a real settlement of the land question, for the reasons which have been stated, we are quite unable to depart from our position or to advise the Indians to depart from their position in order to meet the wishes of the Government of Canada.

It seems clear to us that the chief hope of the situation for all the Indian tribes of the Province is a direct and independent Petition of one tribe such as that which the Nishga Tribe has brought before His Majesty's Privy Council, in which one tribe becomes the representative of all the tribes and the Petition becomes a test case before the Privy Council. It is in the highest degree desirable that all other tribes of the Province should take their stand with the Nishgas in seeking to secure an early reference ~~to~~ of their Petition to the Judicial Committee, and should help them in that effort in every possible way. Also it may be confidently expected that the Social Service Council of Canada, the Indian Affairs Committee of the Council, and the Friends of the Indians of British Columbia will stand by the Indian tribes and will do all in their power to help the Indians of British Columbia to bring

their cause before the Parliament of Canada and before
His Majesty's Imperial Government.

PUBLISHED BY THE CONFERENCE OF FRIENDS OF THE INDIANS OF
BRITISH COLUMBIA, OCTOBER, 1915.

MEMORIAL OF THE NISHGA NATION OR TRIBE OF INDIANS.

.....

To

Right Hon. Sir Robert Borden, P.C., M.P.,

Prime Minister of Canada.

Right Hon. Sir:-

1. We have waited upon you in order to respectfully present the answer of the Nishga Tribe to the Order in Council passed by the Government of Canada on 19th. June, 1915, together with some additional remarks upon the subject of the land question.

2. In October last acting upon advice received from our Counsel and the Indian Affairs Committee, we appeared before the Royal Commission and made a full statement. We were informed by the Commissioners that the Commission had no power to deal in any way with the matter of lands disposed of by the Province.

3. We fully understand that by the terms proposed by the Order in Council of June 1914, and referred to in that of June, 1915 as "the conditions under which there might be submission to the Courts", we are asked to agree to surrender all rights which we actually claim by reason of aboriginal title and under the Royal Proclamation and to accept in place of them the findings of the Royal Commission as a final dealing with lands to be reserved, together with such additional "benefits" as the Government of Canada shall decide to grant to us.

4. We again say that we are not willing to agree to the conditions proposed by the Government in the Order in Council of June, 1914. In saying so we should explain that we now understand that the Government does not intend to ask us to agree to the findings of the Royal Commission until after those findings shall be made known to us.

5. From the words of the Order in Council of June 1915, we see clearly that the proposals of the Government were made under and for the purpose of fully carrying out the agreement made between the two Governments in the year 1912, and that our proposals were not accepted because they were not exactly according to that agreement and it was thought that the Government of British Columbia would not agree to them.

6. We feel sure, Right Hon. Sir, that when you look over past events and the state of affairs to which the Government of Canada and the Indians of British Columbia have now been brought, you will not be well satisfied.

7. We remind you that before the year 1910 all Canadian Ministers and Lord Dufferin had stood by the natives and it had been declared by Canada that our claims are well-founded and that to fail to recognize our rights would be to ignore the honor and good faith of the British Crown.

8. In the year 1910 Sir Wilfrid Laurier met us and promised that our claims would be brought before the Judicial Committee of His Majesty's Privy Council. In the same year the Indian Department sent out letters making the same promise. Those promises had no conditions tied to them.

9. Then Special Commissioner McKenna came out and his agreement ignoring our claims was made and adopted by your Government a great change came.

10. From that agreement came two things which we ask you to fully consider:- One effect was to prevent the Government of Canada from maintaining cause of the Indians. Another effect was that the necessity of proceeding independently was placed upon the Indian Tribes. All this will be clearly shown by the opinion of the Minister of Justice given in December, 1913.

11. In December, 1912, the Minister of Interior and the Minister of Justice, after being informed that the Nishgas were prepared to proceed by independent petition, gave strong assurances that the adoption of the McKenna agreement would not prejudice the Indians in asserting their claims.

12. In reliance upon those assurances, at a meeting held on 22nd. January, 1913, the Nishga Tribe took final action as shown by the resolutions passed and the statement adopted at that meeting.

13. All that was done by the Nishgas during the year 1913 was done in reliance upon the assurances above mentioned. In March there was an interview with yourself and the Minister of Justice, In April there was an interview with the Minister of Justice, In May our Petition was lodged in the Privy Council and after certain steps had been taken which it is not now necessary to mention, the Petition was in October formally brought before your Government. During all that year we expected that the Government would help us to secure reference to

the Judicial Committee and furnish needed funds according to some reasonable plan to be agreed upon.

14. In December, 1913, the Minister of Justice gave an opinion which we think was not in accordance with the assurances given in the previous year, from which it appeared that we might be obliged to proceed with our Petition not only independently but also without any help in securing a reference and at our own expense.

15. Soon after that time we learned that the Government desired to arrange with us terms of surrender and if such terms were agreed upon would help us with our Petition. As we had always desired to act in harmony with the Government, we entered upon the negotiations which went on from the Spring of 1914 until June 1915, when the proposals of the Government were laid before us by our Counsel, he advised us to go as far as possible towards meeting the wishes of the Government. We therefore very carefully considered the Government's proposals but found that at the very bottom of them there was a great conflict between the Government's mind and our mind. Then we tried to meet the wishes of the Government by making our own proposals which have been rejected by the Order in Council of June last.

16. In view of that decision of the Government, we have decided to go on with our Petition, even if necessary without having help of any kind from the Government.

17. Before doing so however, we wish to bring before you Right Hon. Sir, as the Great Chief of the Government of Canada, what is our mind regarding the present position. It seems to us that what Canada has promised to the Indian Tribes of British Columbia, but on account of the McKenna agreement, is not able to do, the Nishgas are doing in the only way open to them, that is, by independent Petition presented directly to His Majesty's Privy Council.

18. The position regarding funds needed for our Petition, is a matter to which we think it right to request your very special attention. In the Oka Case the Government of Canada did not maintain cause of the Indians and did not go into Court. The Indians went into Court independently and were represented by Counsel chosen by themselves. All funds required were provided by Parliament. In view of these facts we find it hard to understand what was said on the subject by the Minister of Justice in December, 1913.

19. In February last, we brought before the Minister of Interior the matter of \$5,000 which had been appropriated by Parliament for expenses connected with the land question. The Indian Affairs Committee also took up this matter and after some interviews had with the Minister of the Interior, in July, sent a letter to the whole Government and in August sent to the Government a Statement expressing the opinion that an "unanswerable case" had been made out for payment of this money. Notwithstanding these facts we understand that to the present day this money has not been

paid and the Indian Affairs Committee did not even succeed in securing from the Government consideration of the letter mentioned.

20. There are some words of the last Order-in Council which we have heard with much surprise. We refer to the words by which it was said to us that we "must agree" to the Government's conditions. In view of all the promises of Canada and assurances of Canadian Ministers this seems to us a very strange part of the last Order in Council and we do not like it. Apparently it is thought that the Government's conditions can be forced upon us because we are a weak people. We do not think so. Our thought is very different. We cannot allow ourselves to think that the door of the Privy Council will be closed against us. We think that by reason of the fact that we are a weak people seeking only justice and not able to obtain it in Canada, the door of His Majesty's Privy Council will be thrown wide open to us.

21. We beg leave to bring before you as Prime Minister of Canada, one definite request. In the Spring of the year 1913, we were informed of what was said by you on 27th. March of that year, namely, that it would be open to the Government of Canada to hold over all actual dealing with the Reserves until the rights of the Indians should have been judicially determined. We now ask that in pursuance of what was then said, the Government hold over all dealing with the findings of the Royal Commission until the issues put before His Majesty's Privy Council in our Petition shall have been decided.

22. We intend to bring before the Minister of Interior a number of reasons supporting this request. One of those reasons we wish now to mention. We do not see that any really good purpose would be served if the Government should sooner deal with the findings of the Royal Commission, for until the issues contained in our Petition shall have been decided by the Judicial Committee of His Majesty's Privy Council, we shall not be ready to make any decision regarding findings of the Royal Commission.

All of which is most respectfully submitted on behalf of the Nishga Tribe.

Chas. Battle Barton.

Andrew Mercer.

Delegates.

Ottawa, 9, May, 1916.

D.M.

Re Rev A.E. O'Meara
(from official files).

59335-5B.

Indian Office,
Prince Rupert, B.C.,
Dec. 1st, 1919.

Sir,-

I have the honour to submit herewith my official diary for the month of November and beg to report as follows,-

X

X

X

On the 15th I had an interview with the Rev. A.E. O'Meara, legal adviser to the Allied Tribes of British Columbia and closely connected with the agitation now carried on among the Indian Tribes for the possession of their ancestral land rights. Mr. O'Meara was accompanied by Mr. Tait, of Spencer's Bridge, B.C., who is actively co-operating with him, and also the President and Secretary of the Nass River Indian Land Committee. The main purpose of the interview was to ascertain the disposition of the 'Gitsault' Indian Reserve, now in question. This information I was unable to give.

I might here draw the attention of the Department to the unsettling effect this continued agitation is having upon the Indians. Within the last two months several meetings attended by delegates from the several Indian Tribes, have been held at Prince Rupert and also on the upper Nass for the purpose of discussing and furthering the aims of the land question. More tribes are being drawn each year into the agitation and the general effect of this continued unsettlement is most unsatisfactory. In many ways it is gradually undermining the loyalty of the Indians and creating a spirit of suspicion and distrust of the Indians among them regarding anything that may be done to further their interests. The prevailing idea being to let everything remain as it is until the "land question" is settled. I need not point out that so long as this state of mind exists, all progressive movement is handicapped and hampered. Knowing them as I do and having the advantage of being able to speak to them in their own languages I feel that an early solution of this vexed question would be in the best interests of the present as well as the future welfare of the Indians.

X

X

X

W. E. Collison,
Indian Agent.

COPY.

Skeena River Agency,
 Prince Rupert, B.C.,
 November 28th, 1919.

Sir,-

I have just received the enclosed letter from Mr. F.O. Loft, of 25 Madison Ave., Toronto, requesting to be furnished with the names and addresses of the most intelligent of the Indians of this Agency with a view to correspondence with them. I have not replied to the letter, thinking it best to forward the same to you in order that something may be ascertained as to the man's reasons for desiring to communicate with the Indians.

I have a suspicion that it is in connection with a series of meetings that have been held by Mr. O'Meara, Mr. Tait (of Spencer's Bridge,) and a Mr. Matheson, with the Indians of this district in connection with the "Land Question".

I am attaching hereto a newspaper cutting which may be of interest, and would inform you that meetings have been held in this city in the undertaking parlours of Haynor Brothers, situated in a back street. Indians from the Nass and Skeena rivers and from other places have held several gatherings, here, as well as at Aiyansh, on the Nass River, during the past two months.

Mr. O'Meara has in his possession the volumes of the report of the Royal Commission, which he appears to have been carrying around for the information of the Indians. The latter have informed me of their knowledge of the proposed cut-offs, and have informed me that Mr. O'Meara stated in a meeting that had it not been for his timely intervention the cut-offs would have been effected by the Government.

The Indians of Metlakatla attended the meetings for the first time since the agitation began; and the meetings have had the effect of making the Indians more suspicious of the intentions of the Government than ever.

I have been informed that at a meeting held here during the Fall Fair, Mr. O'Meara asked the Indians for \$35,000.00.

I have also been informed that Rev. J. B. McCullagh, Missionary of Aiyansh, on the Upper Nass, has consented to act as official printer to the organization of Mr. O'Meara. He has a printing press in the village where he acts as missionary. This, in my opinion, should not be allowed. You asked me in a letter dated August 17th, 1916, to let you know if I found Mr. McCullagh showing his hand. This I now do.

I will await your reply before answering Mr. Loft's letter.

I have the honour to be,
 Sir,
 Your obedient servant,
 C.C. Perry, Agent.

D. C. Scott, Esq.,
 Deputy Supt. Gen'l
 of Indian Affairs, Ottawa.

455576.

Prince Rupert, B.C.,
July 25th, 1919.

Sir,-

X

X

X

I was aware, however, that the Schedule of Indian Reserves recorded the reserves of Observatory Inlet as being the property of "the Kincolith and Nass River Indians", and to ward off the possibility of any misunderstanding in this regard that may arise, I sent a circular letter to all the Nass River bands prior to the sale of the Witzimagon Reserve, to which no response was received from any but the Kincolith Band. The letter requested that a list of the reserves with which each Band was identified be sent to me. I informed you of this action and refusal in my letter of August 27th, 1914, No. 228. In this letter I also pointed out that Rev. Mr. A.E.O'Meara, Barrister and Solicitor, who has for many years been agitating the Indians in the matter of their alleged Land Title grievance, appeared to be responsible for the attitude of the Indians.

X

X

X

Sgd. Charles C. Perry,

Indian Agent.

Duncan C. Scott, Esq.,
Deputy Superintendent General of Indian Affairs,
Ottawa, Ont.

59335-5B.

Original on
F. 427041-61A.

S.L. Indian Office,
Prince Rupert, B.C.,
June 17th, 1919.

Sir,-

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It will be noticed that Miss Capper has observed a change in the attitude of the Indians towards her. I would point out that this date Chief Timothy Derrick, of Aiyansh, Mass River, has left Prince Rupert for Vancouver and Spence's Bridge, B.C., where an Indian convention is being held in connection with the land agitation.

Your obedient servant,

(Sgd) Charles C. Perry,
Indian Agent.

The assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa, Ont.

May 1919.

Field Matron's Report.

Lakalzap.

x

x

x

Remarks.

I notice a change in the attitude of the Indians this year. They do not seem so friendly as formerly. I cannot say that is personally directed toward the teacher and me. At the same time, they are less attentive when their help is required. We experienced some difficulty in getting transportation to and from Fisher Bay also there is a rumour amongst them that the Government is trying to take away their reserves.

Sgd. P. Capper,
Field Matron.

Metlakatla, B.C.,
August 27th, 1914.

COPY.

Sir,-

I beg to inform you that the Indians of the Kincolith Band have requested me to write the Department to the effect that they are not agreeable to the removal of further quantities of ore from the Witzimagon Indian Reserve, unless the Granby Company is willing to pay for it at the rate of \$8.88 per ton.

I arranged for a public meeting on the 8th instant, which was held; and on the 22nd I presided at a meeting of the Kincolith Council. At both meetings the Indians were agreed not to accept less than one hundred thousand dollars for the reserve. The Company has offered fifteen thousand.

On visiting the Nass river, I found that the Indians had been much agitated by a recent visit of Mr. O'Meara, their legal counsel. Among other things, Alfred McKay, Indian of Lakkalzap stated that Mr. O'Meara had told the Indians that Mr. Scott, (yourself) is no friend of the Indians, for while he (you) proposed to have the Government nominate and pay for counsel to represent the Indians in the Privy Council case, he (you) purposed to appraise the land, if necessary to appraise it, at a valuation obtaining fifty years ago; also that it would well pay the Government to bear the expenses of counsel for the Indians on that basis. He further stated that Mr. O'Meara had advised the Indians to raise money themselves and nominate their own counsel.

During my negotiations for a surrender of the Witzimagon Reserve, I found it necessary to obtain from the Several Nass River bands a list of their respective reserves, as I had noticed in the Schedule of Indian Reserves that the Witzimagon Reserve was shown to belong to the "Kincolith and Nass River Indians", and the Kincolith Band had claimed it absolutely for themselves. In fact, all the reserves of the different bands are scheduled as belonging to the "Nass River Indians" and not to any particular Band. But since the visit of Mr. O'Meara, the Indians have refused to let me have the lists, which I asked for by circular letter and personally.

Mr. O'Meara had informed the Indians that he had received instructions from the Government to make known its proposals to the Indians. On this representation, he is said to have got Indians to accompany him to the Skeena River, to meet the Indians there.

There is no question that Mr. O'Meara has advised the Indians to hold out for a big price for the Witzimagon property.

I told the Indians that I would find out from you whether the Department was recognizing Mr. O'Meara as the mediator between itself and the Indians

Duncan C. Scott, Esq.,
Deputy Superintendent General of Indian Affairs,
Ottawa. Ont.

or not, as up to the present I have been led to believe that matters of official negotiation were dealt with between the Department, its agents and the Indians, without any fourth party interfering. I shall be glad to be informed if the Department intends to consult Mr. O'Meara in connection with the proposals now made for a settlement of the Neishga Land Committee's agitation for recognition of ancestral rights.

I have been told that all my official correspondence relating to reserve land matters are perused by Mr. O'Meara, and that he dictates action or inaction as the case may be.

I would not find fault with Mr. O'Meara if he has advised the Indians not to sell at the price offered for the Witzimagon Reserve by the Granby Company, for I think the reserve to be worth far more than \$15,000.00. I would not consider fifty thousand dollars an unreasonable price to ask, although I have not given my opinion to the Indians.

I have the honour to be,

Sir,

Your obedient servant,

Charles C. Perry,

Indian Agent.

Office of
Inspector of Indian Agencies,
Vernon, B.C., February 6th, 1915.

File #362466, Jan. 7, 1915.

Assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

Sir,-

x

x

x

The proximity of this band to the town of Penticton is having a bad effect on them, and the opposition to the Chief and to all that makes for progress seems to centre in this drunken lawless element led by Paul Nawwhimikan and drunken Louis Qualtiere. In this instance also the bad effect of O'Meara-Teit propaganda which seems to have instilled into many Indians an unreasoning notion that they must negative any and all proposals put up to them by the whites for taking over any of their lands, is apparent. Chief Edward tells me that he gave no countenance to the Teit movement, and the main source of the opposition to him sprung from that circumstance.

x

x

x

A. Megraw,
Inspector of Indian Agencies.

COPY.

Prince Rupert, B.C.,
November 11th, 1917.

Sir,-

With further reference to your letter No. 59335 of April 11th Last relative to the cash advances made to the Indian Land Committee of the Nass River, particularly to that amount (aggregating) \$470.00, I beg to inform you that, whilst holding a public meeting at Kincolith on October 22nd relative to the destruction of timber on some of the Kincolith reserves, I took occasion to bring the matter of these advances before the people.

Mr. William J. Lincoln was conspicuous by his absence at the timber meetings, he being a leading man; and when I noticed he had failed to put in an appearance at the last adjourned session, and business being about finished, I brought the money matter forward, and requested that Mr. Lincoln be sent for which was done.

I read your correspondence to the meeting, and then asked Mr. Lincoln to kindly explain the matter. At first he denied having received a letter from you whilst at the Hotel Cecil, Ottawa. Later, he stated he had handed your letter on his return to the Nass River to Mr. Peter Calder who succeeded him as chairman.

Chief John Mountain, who is a "fire-brand" and seemed desirous to "play to the gallery", contended it was fully understood at the time of the delegates' stay at Ottawa that the advances made to them was to be paid back after the Land Question had been settled. This remark, however, received no support from the meeting. It was stated by the meeting that when the delegates left the Nass River Lincoln received the following sums:-

From Kincolith Indians.....	\$800.00.
" Chief Calder, Lak-kalzap.....	100.00.
" Upper Nass villages.....	<u>200.00.</u>

Total.....\$1100.00, which amount was considered sufficient to meet the cost of travel to and from Ottawa as well as hotel expenses. Rev. A.E. O'Meara was present at Kincolith when all arrangements were made and the latter assessed the Indians this amount.

The meeting authorized me to write and inform you that the Kincolith people did not give authority to Mr. Lincoln to approach you for advances to be charged to the interest on the proceeds of the sale of Witzimagon Indian Reserve.

The meeting was unable to obtain any information from the delegates as to what was done with the money collected from the people. Mr. Lincoln, as well as members of the Land Committee present, seemed quite

Duncan C. Scott, Esq.,
Deputy Superintendent General,
of Indian Affairs,
Ottawa, Ont.

oblivious as to how financial matters stood. No proper record appears to have been kept by anyone. When I saw how matters stood and how the Indians seemed to accuse and excuse each other, I became seriously impressed with the view that the Land Committee does not stand for much and that those who are interested are kept face to face with the land issue by Rev. A. E. O'Meara.

At this juncture I was called by Venerable Archdeacon Collison for a moment to interview a person who was in a hurry. I excused myself for a moment, and in my absence Mr. Lincoln left the meeting, mumbling that he would pay the money back. This was told me on my return to the meeting.

In the evening of this day, after the close of the public meeting, I wrote a letter to Mr. Lincoln, as follows:-

"Sir,-

The public meeting held to-day at Kincolith has authorized me to write to Ottawa, informing Mr. Scott that you were not authorized to ask for any advances to be charged to the Kincolith Band fund in any way.

Before writing this letter, however, I will give you an opportunity to pay the amount - \$470.00 to me, a receipt for which I will give in behalf of the Department of Indian Affairs. My advice to you is that you pay this amount and thus save any further trouble.

Yours sincerely,

C. C. Perry,

Indian Agent.

To Mr. W. J. Lincoln,
Kincolith.

Late at night Mr. Lincoln came to the home of Venerable Archdeacon Collison, where I was staying, and informed me (Archdeacon Collison interpreting) he would send me the amount to Prince Rupert in one week. He said the Indians of the Nass River are owing him in the neighbourhood of \$4000.00, part of which he was sure he could collect.

Next morning I left for the Upper Nass villages. I returned to the coast on October 27th, to find on arrival at Port Nelson, that Rev. A. E. O'Meara had reached Kincolith the day previously. I returned to Prince Rupert leaving Mr. O'Meara at Kincolith. I did not meet him.

I waited for a week for Mr. Lincoln to keep his promise to send the money down. But instead of my receiving a letter as I expected from Mr. Lincoln, I received a call by telephone at my home, on Sunday last November 4th from Rev. O'Meara who had just then arrived from Kincolith. He wished to see me on an important matter. The burden of the interview was to the effect that he had in his possession the letter I had sent Mr. Lincoln, also the letters I had sent the Land Committee of the Nass on other occasions relative to the advances at Ottawa.

He made a rambling, muddled and unsatisfactory statement of the case; and while admitting to me it was by his arrangement and at his suggestion that the monies

were received and arrangements made, yet it would be difficult for him to account fully for the expenditure of the money; also that he had personally received some of the money.

He asked me to stay my report to you until he could think out a solution in Vancouver for which place he would be leaving in a few hours. He said it was his intention to write to Ven. Archdeacon Collison after finding a solution, so that Archdeacon Collison would be able to get the Indians together and work out the difficulty in some fashion. I asked him if I may have a copy of his letter of explanation, to which he replied that he could not promise this as I am an official of the Department. I observed that if the letter was intended to throw light on this matter he would seem to have no reasonable grounds for withholding it. Mr. O'Meara then compromised the situation by saying he may be able to send me a letter that would be tantamount. I informed him I would prefer a full statement.

Mr. O'Meara stated that an extra trip was made by the delegates from Ottawa to Spences Bridge, B.C., and return, with the full approval of Hon. Dr. Roche, which trip involved additional expense to that provided at the outset at Kincolith. Concerning your reference to the Witzimagon proceeds, Mr. O'Meara said one of the delegates, R. Woods, told him at Ottawa of a verbal approach Woods had made to the Kincolith Council before starting for Ottawa with a view to obtaining funds from the Witzimagon money, and of assurance given by the Kincolith Council that the latter would support whatever the delegates may do by passing resolutions should occasion arise.

R.S. Woods is in France and cannot answer to this. It is strange that the Kincolith councillors at the public meeting made no mention of such an interview. It is also strange that when at Ottawa, Mr. O'Meara failed to clear the matter up following receipt of your letter to Mr. Lincoln at the Hotel Cecil. Mr. O'Meara informed me he had directed all their activities whilst in Ottawa. He was aware of the delegates' itinerancy and also of all the cash advances.

Whatever Mr. O'Meara's letter to the Indians on his return to Vancouver may be, it is evident he is concerned about the matter of the money, and that he has been allowing the Indians to handle monies without keeping account of them.

He has been to Kincolith and has seemingly excused Mr. Lincoln from paying the amount by suggesting to Lincoln that the latter had only offered to pay the money rather than have the responsibility fall on R.S. Woods on whom it should rightly fall.

I do not know how Mr. O'Meara proposes to settle this matter now that he has succeeded in dissuading Mr. Lincoln from assuming the indebtedness. He confessed to me that a lot of thinking will have to be done and that he would endeavour to bring about a settlement. He informed me that it was his opinion that since

he has met the Kincolith Indians in a public meeting, it is likely that the Kincolith people will reconsider the matter of their statement that they did not authorize the delegates to draw on the Department moneys from The Witzimagon sale proceeds interest.

Concerning the first advance of three hundred dollars, I beg to say no-one came forward at the public meeting at Kincolith to throw any light on the matter or to assume any responsibility. One looked at another and it was evident the Indians were trying to evade their responsibilities in this matter.

I have the honor to be,

Sir,

Your obedient servant,

Charles C. Perry,
Indian Agent.

DM.

Re Rev A.E. O'neara
(from private file.)
376^B

(Private File)

Queen Charlotte Agency,

Masset, B.C., Oct. 31, 1914.

Sir,-

I have the honour to acknowledge receipt of your letter of 5th October instant.

The Haida Indians, as a body, did not meet Mr. O'Meara. He attended a meeting of the Indians, at a Cannery, on the Skeena River, where a number of the Haidas were employed, and placed before them a paper, copy of which I forwarded to the Secretary of the Department. The interpreter, at the meeting, was one of the Massett Indians, and he informed me that Mr. O'Meara stated that \$25,000 were raised, for the assistance of the Indians, by their friends, and he desired to have another \$25,000 raised. He also informed the Indians, in answer to an inquiry, regarding any good that has been already accomplished, that the Indians now owned their reserves. He also led them to believe that he desired to appear for the Indians, before the Courts. Any reports circulated among the Indians, regarding anyone connected with the Department, should not, in my opinion, have any effect. The Indians hear a great deal, and understand little, of what irresponsible parties endeavour to inculcate.

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Thomas Deasy,

Indian Agent.

Duncan C. Scott, Esq.,
Deputy Superintendent General,
Department of Indian Affairs,
Ottawa,
Ont.

EXTRACT.

(Private File)

Nassett, B.C.,

September 11th, 1914.

Dear Mr. Scott,-

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Apparently Mr. Tait and Mr. O'Meara are at "outs", regarding the "Handling of the land question." Mr. O'Meara met the Haidas, at the Skeena River Canneries, and placed before them his ideas. The Haidas did not "Fall in line" with them, and they had quite an argument. Mr. Tait is writing the Indians, to wait for Mr. Clark, the lawyer, and Mr. O'Meara appears to be handling the Nass end, on his own account. Between the two, it is possible that the Indians will realize that the Government understands their case best.

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Yours sincerely,

Thomas Deasy.

(Private File)

November 6, 1914.

Dear Mr. Newcombe,

re British Columbia Land Question:-

Pursuant to our telephone conversation, I have sent you a couple of copies of the Order in Council of the 20th June. To show you how far Mr. O'Meara's interference can go, I am sending you Incl. herewith a copy of the proposals which the Nishga tribe agreed upon last August and which are now said by Mr. O'Meara to be under the consideration of other tribes; such proposals will, of course, bring us to a deadlock again, as they could not be accepted by the Government. Mr. O'Meara ought to be frankly told that we will not allow any departure from the terms of the Order in Council, unless in some minor points that do not alter its principles.

Yours sincerely,

Duncan C. Scott,

Deputy Superintendent General.

E.L.Newcombe, Esq., K.C.,
C.M.G., LL.D.,
Deputy Minister of Justice,
Ottawa.

Copy.

PROPOSALS OF THE NISHGA TRIBE.

The Government of Canada having promised to consider any proposals that might be made by the Indians, the following proposals were agreed upon at a meeting of the Nishga Tribe, held at Kincolith on 1st August, 1914:-

1. That when the findings of the Royal Commission are known, each tribe shall have opportunity of making application for additional lands to be reserved for the use and benefit of the tribe for reasons to be stated in such application, and every such application which cannot be dealt with by conference between the Tribe and the two Governments shall be decided by His Majesty's Imperial Minister, the Secretary of State for the Colonies.
2. That in fixing compensation regard shall be had to all the terms and provisions of any treaty made between the Crown and any Tribe of Indians in Canada.
3. That in fixing compensation regard shall also be had to all the restrictions and disabilities imposed upon Indians by Provincial laws.
4. That in respect of the Fisheries, which are subject to the control of Canada, rights equal to those of white men shall be conferred on the Indians.
5. That ^{all remaining} ~~in representing~~ matters, including an equitable method of fixing compensation, shall be adjusted by enactment of the Parliament of Canada.
6. That the Petition be referred directly to the Judicial Committee.
7. That the Petitioners be represented by counsel chosen by themselves.

Copy.

(Private File)

Metlakatla, B.C.,
Sept. 4th, 1914.

Sir,-

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In spite of the fact that the Dominion Government has offered to nominate and pay for counsel to represent the Indians in their case before the Privy Council, Mr. O'Meara (so the Indians have advised me) has counselled them to nominate their own legal representative. Doubtless he hoped thereby to represent the Indians himself at the Government's expense.

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The Indians have continually expressed their contempt for the Royal Commission and the Indian Agent, having been agitated to that position, unquestionably. They will think less than ever of us if they cannot have the land for which they have asked. Only the other day, since the visit of the Deputy Superintendent General of Indian Affairs to this Agency, the Indians have stated to me that Mr. Scott is an enemy of the Indians, for Mr. O'Meara had told them that he (Mr. Scott) had recommended that the Government nominate and pay for counsel for them, and might afterwards find pay for such counsel by appraising the value of their holdings at what it was worth fifty years ago, in the case of a decision being given by the Privy Council in the Indians' favour, and by using the balance of their own high appraisals, for this purpose.

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(sgd) Charles Clifton Perry,
Indian Agent.

Certified copy of a Report of the Committee of the Privy Council, approved by His Royal Highness the Governor General on the 19th. June, 1915.

The Committee of the Privy Council have had before them a joint memorandum, dated 17th. June, 1915. from the Minister of Justice and the Superintendent General of Indian Affairs, submitting that,- with reference to an Order in Council, dated 20th. June, 1914, by which it was provided that the claims of the Indians of British Columbia to the lands of that province be referred to the Exchequer Court in Canada with right of appeal to the Privy Council under certain conditions,- the Nishga Tribe of Indians, resident on the Naas River, had previously urged their claims independently and had proceeded so far as to petition His Majesty's Imperial Privy Council. As the Order in Council above referred to set forth the conditions under which there might be submission to the Courts, the Nishga Indians asked the Government to consider counter proposals, and representatives from the Tribe were sent to Ottawa to confer with the Superintendent General of Indian Affairs. Ample opportunity was accorded them for discussion and the question was thoroughly debated.

The proposals which were made by the Nishga Indians and in which it is understood they are supported by certain other tribes in British Columbia are as follows:-

1.

The Honourable

The Superintendent General of Indian Affairs.

1. That when the findings of the Royal Commission on Indian Affairs for the Province of British Columbia are known, each Tribe that may consider such findings insufficient shall have opportunity of making application for additional lands to be reserved for the use and benefit of the Tribe for reasons to be stated in such application, and every such application which cannot be dealt with by conference between the Tribe and the two Governments shall be decided by His Majesty's Imperial Minister, the Secretary of State for the Colonies, in pursuance of the principle embodied in Article 13 of the "Terms of Union."

2. That in fixing compensation regard shall be had to all the terms and provisions of any Treaty made between the Crown and any Tribe of Indians in Canada.

3. That in fixing compensation regard shall also be had to all restrictions and disabilities imposed upon Indians by Provincial Laws and those imposed by Canadian regulations relating to the Fisheries.

4. That all remaining matters including an equitable method of fixing compensation shall be adjusted by enactment of the Parliament of Canada.

The Ministers state, with reference to the First proposal, that the Royal Commission on Indian Affairs for the Province of British Columbia is a joint Commission appointed to carry out an agreement between the Dominion and the Provincial Governments with reference to Indian reserves in
British

British Columbia, and that when the Governments confirm the findings of the Commission they are to be considered as a final settlement. It is thought inadvisable to agree to any proposals which would reopen the question of Indian reserves in British Columbia.

The Ministers further state, as regards the Second, Third and Fourth proposals, that the Order in Council of the 20th June, 1914, provides that if by judicial decision the Indians are found to have a title in the lands of the Province, they are to surrender such title receiving " from the Dominion benefits to be granted " for extinguishment of title in accordance with past " usage of the Crown in satisfying the Indian claim to unsurrendered territories." This arrangement to which the Indians of British Columbia must agree, before the case is presented to the Exchequer Court, fully provides for the method of compensation according to well-established principles. It is thought inadvisable to accept these proposals which, if adopted, would not promote a satisfactory settlement of the question.

The Ministers, therefore, recommend, after due and careful consideration, that the terms of the Order in Council of 20th June, 1914, be not modified or altered.

The Committee concur in the foregoing and submit the same for approval.

Rodolphe Boudreau,
Clerk of the Privy Council.

Copy.

February 11, 1916.

Dear Doctor Moore,

I have been giving some further attention to the pamphlet called The British Columbia Indian Land Question, Its Present Position, - An Explanatory Statement, - issued by the Rev. Dr. Tucker and Mr. P. D. McTavish; if Dr. Tucker were not described in the pamphlet as Chairman of the Indian Affairs Committee of the Social Service Council of Canada, I do not know that I could make a claim upon your time in this matter, but, as you are a member of the Social Service Council, and, as the pamphlet contains matter which is erroneous and statements which are likely to mislead the Indians, I think it advisable to write you.

In the pamphlet this statement is made : -

" The principle declared by the Parliament of Canada in 1869 is that for all lands to be surrendered the Indians shall have 'compensation', to be equitably settled." This statement is doubtless founded on remarks made by Rev. A. E. O'Heara before the Minister of Justice and the Superintendent General of Indian Affairs on the 3rd of February, 1915. (I may here remark that the date should be 1867, not 1869.) On that occasion Mr. O'Heara made the following statement : -

" I wish to mention that it is an important historical fact that when in 1869 the Senate and House of Commons presented an address to the Governor-General, praying for the extension of the boundaries of Canada to the Pacific Coast, this promise was made. (I am

Rev. T. Albert Moore, D. D.,

46 Wesley Building,

Toronto, Ont.

" (quoting from the Journals, Vol. 1, pages 67 and 68)
" 'The claims of the Indian Tribes to compensation for
" 'lands required for purposes of settlement, will be
" 'considered and settled in conformity with the equit-
" 'able principles which have uniformly governed the
" 'British Crown in its dealings with the aborigines.' "

" " I respectfully ask attention to this, that the
" result of the important promise given is: that Canada
" already stands pledged to compensate these Indians for
" the lands which are shown by the blue prints to have
" been in a sense, taken for settlement, or at least
" disposed of. I speak of that because it is important
" to note that the proposal of the Government to compen-
" sate the Indian tribes of British Columbia is not a
" new matter, but the carrying out of a promise made in
" 1869. "

If this were indeed the fact, it would be a most important one and all friends of the Indians would be quite right in laying great stress upon it, however, it has no foundation in fact. I beg to give you the circumstances as they occurred historically. In the speech from the Throne of the first session of the Dominion Parliament, delivered on Thursday, November 7, 1867, paragraph 2 read as follows:-

" I congratulate you on the Legislative sanction
" which has been given by the Imperial Parliament, to
" the Act of Union, under the provisions of which we are
" now assembled, and which has laid the foundation of a
" new Nationality that I trust and believe will, ere
" long extend its bounds from the Atlantic to the
" Pacific Ocean. "

The speech was considered by the Commons and an address to the Governor General, based on the speech, was agreed to on Friday, November 15th. and contained the following paragraph:-

" We thankfully receive Your Excellency's con-
" gratulations on the Legislative sanction which has
" been given by the Imperial Parliament to the Act of
" Union, under the provisions of which we are now as-
" sembled, and which has laid the foundation of a new
" Nationality, which, we trust and believe with Your Ex-
" cellency, will, ere long, extend its bounds from the
" Atlantic to the Pacific Ocean. "

On December 4, 1867, the House went into Com- mittee to consider certain proposed resolutions for the

union of Ruperts Land and the Northwest Territories with Canada. The first resolution is as follows : -

" 1. Resolved : - That it would promote the
" prosperity of the Canadian people and conduce to the
" advantage of the whole Empire if the Dominion of Can-
" ada constituted under the provisions of the British
" North America Act of 1867, were extended westward to
" the shores of the Pacific Ocean. "

The House then proceeded to deal, under the provisions of the 146th Section of the British North America Act, with the admission of Ruperts Land and the Northwestern Territory to union with Canada, and provided that, amongst other things, in the event of the Imperial Government agreeing to transfer to Canada the jurisdiction and control over this region : -

" 7. Resolved, - That upon the transference of
" the Territories in question to the Canadian Government,
" the claims of the Indian tribes to compensation for
" lands required for purposes of settlement, would be
" considered and settled in conformity with the equit-
" able principles which have uniformly governed the
" Crown in its dealings with the Aborigines. "

It will be seen that the resolutions proceeded from the general statement that it was desirable to extend the boundaries of Canada to the Pacific to the particular matter in hand, that is, the union of Ruperts Land and the Territories with the Dominion; and the provision with reference to the Indian title refers to these lands. The other localities mentioned in the 146th Section of the Act, namely, Newfoundland, Prince Edward Island and British Columbia, had governments of their own, and the Act provides that if any of them are to be admitted into the Union the action should take place on resolutions of the respective legislatures. There was no form of government in Ruperts Land and the Northwest Territories, and the Dominion Parliament could, therefore, proceed on its own initiative under the terms of the Act.

When steps were being taken to admit British Columbia into the Union, Earl Granville wrote, (despatch No. 84,) to Governor Musgrave of British Columbia, 14th of August, 1869, as follows : -

" I have now to inform you that the terms on which Rupert's Land and the North-West Territory are to be united to Canada, have been agreed to by the parties concerned, and that the Queen will probably be advised, before long, to issue an Order in Council, which will incorporate in the Dominion of Canada the whole of the British Possessions on the North American Continent, except the then conterminous colony of British Columbia. "

At the end of this letter he touched upon the Indian question, as follows : -

" It will not escape you that in acquainting you with the general views of the Government, I have avoided all matters of detail, on which the wishes of the people and the Legislature will of course be declared in due time. I think it necessary however to observe that the Constitution of British Columbia will oblige the Governor to enter personally upon many questions, as the condition of Indian tribes and the future position of Government servants with which, in the case of a negotiation between two responsible governments, he would not be bound to concern himself. "

Later on when Governor Musgrave was communicating with the Governor General of the Dominion on the 20th of February, 1870, he said : -

" 9. In Lord Granville's despatch, No. 84, of the 14th August, which was communicated to Your Excellency, he mentioned the condition of the Indian Tribes as among some questions upon which the Constitution of British Columbia will oblige the Governor to enter personally. I have, purposely, omitted any reference to this subject in the terms proposed to the Legislative Council. Any arrangement which may be regarded as proper by Her Majesty's Government can, I think, best be settled by the Secretary of State, or by me, under his direction, with the Government of Canada. But "Indians," and "Lands reserved for Indians," form the twenty-fourth of the classes of subjects named in the 71st Section of the Union, which are expressly reserved to the Legislative authority of the Parliament of the Dominion. "

This clause explains why we do not find any reference to Indians in the original resolutions

of the British Columbia Legislature: the 13th Clause of the Terms of Union, which deals with the Indian policy to be adopted in British Columbia, was arranged by the personal representatives of the two Governments.

You will, I think, see, dear Doctor Moore, that there is no foundation for the statement that the Parliament of Canada made any promise or pronouncement with reference to the Indian title in British Columbia except that contained in the 13th Clause of the Terms of Union.

I would further remark that the provisions of the 13th Clause of the Terms of Union are not disclosed in the pamphlet, and that the attitude and intention of Sir Wilfrid Laurier's Government and of the present Government are misinterpreted.

I am, Yours very sincerely,

Duncan C. Scott,

Deputy Superintendent General.

Copy

April 1st, 1920.

MEMORANDUM TO THE HON. THE MINISTER OF LANDS re Report
of the Royal Commission on Indian Affairs in B.C.

Further to my Memo. dated 16/1/20, I now beg to submit comparative tables prepared from the Report of the Royal Commission and from the Department of Indian Affairs, Ottawa, as shown in the Sessional Reports of the Dominion Government covering the year 1916.

Your attention is respectfully drawn to the great inequalities of the per capita acreage between the various bands in the majority of the Agencies: To the findings of the Royal Commission which in many cases increases rather than diminishes the said inequalities: To the valuations which in many cases are unreasonably high: To the large amount of errata in the clerical work of the Report.

The findings, recommendations, etc., of the Royal Commission are ostentatiously based upon a per capita acreage basis. The report is divided into the respective Agencies, each prefaced with a summary, the main purport of which is to give the per capita acreage for the Agency previous to and consequent upon the recommendations, etc., of the Royal Commission, which in the Tables following the summaries the per capita acreage and other particulars are tabulated according to the various Bands in each Agency; yet oddly enough, the result or effect of the Royal Commission's Report (if approved) on the various Bands is not recorded.

The result of the Report as it affects the Agency is of little or no value, but as it affects each Band is a vital factor in the just and equitable settlement of Indian Affairs in this Province. To obtain this from the Report it is necessary to refer to Tables A and C, Correction of Indian Reserves, Confirmation of Reserves, Reductions and Cut-offs, and New Reserves. In the comparative tables I have submitted, not only can the result of the Report on each Band be seen at a glance but also the comparison of these results on the various Bands in each Agency.

The results show that the Royal Commission either ignored the per capita acreage of the Bands as a basis for their work or failed miserably in their mission as set forth by the Dominion and Provincial Governments. Indeed the results mentioned above, the perusal of the volumes of typewritten evidence, and the large amount of errata in the Report convinces one that the latter deduction is correct.

The Report in its failure to provide a basis for the final adjustment of all matters relating to Indian Affairs in the Province of British Columbia, clearly shows the necessity of a standing joint Commission for British Columbia with expropriation and other necessary powers on behalf of the Indians and for the progress of the white settlers in the localities concerned.

Education, with facilities for agricultural and later technical training in industrial occupations, is well known to be the only equitable and honourable solution of the Indian Question in this Province, and to make such solution feasible procedure must necessarily be towards concentration rather than segregation. Expenditures which may be entailed for expropriation of adjoining lands where necessary would, in the end, prove sound economy, mainly in the consequent uplift of the various Bands, but also in the matter of educational, agricultural and industrial advantages. It is, of course, understood that certain fishing stations are more or less isolated, but this should not affect the general situation.

The valuations are either simply those of the various Agents, which in the main are reasonable and were previously available from Ottawa, or of specially appointed appraisers whose valuations are in several instances either incorrectly recorded or ridiculously high.

Had the Royal Commission followed the policy of Sir James Douglas which in 1859 was in accord with the wishes of the Imperial Government as expressed by Lord Carnarvon, the then Secretary of State for the Colonies, and which called for treatment of the Indians with justice and forbearance, rigidly protecting their civil and agrarian rights, locating them in native villages for their protection and civilization, and exercising due care to avoid checking, at a future day, the progress of the white Colonists, we should not now be witnessing the present unsatisfactory state of affairs. In many cases the additions recommended are so widely scattered that it would be impossible to extend educational facilities, etc., to the occupants of such reserves, and again the additions recommended are often situate at strategic points in the topography of the country, which, if approved, will establish a decided check to the progress of white settlers in the localities concerned.

I have, etc.,

(Signed) "J. W. Clark".

SUPT. B. C. SOLDIER SETTLEMENT.

Copy

Whitehall, S.W.I.,

8th April, 1919.

Sir,-

Referring to your letter of the 10th ultimo, I am directed by the Lords of the Council to state that in May, 1913, a Petition to His Majesty in Council was lodged on behalf of the Nishga Tribe of Indians, praying that certain claims of theirs to land in British Columbia might be referred to the Judicial or other Committee of the Privy Council, and that Their Lordships, having given the Petition Their careful consideration, were of opinion that no action on Their part was required in the matter.

In these circumstances there appears to be no ground for the apprehension expressed in your letter.

I am, Sir,

Your obedient servant,

Almeric Fitzroy.

Mr. Henry D. Pierce,

Port Simpson, British Columbia.

Copy.

Downing Street,

30 April, 1919.

C A N A D A

No.182.

My Lord Duke,

16th April, 1919.

With reference to Mr.Long's despatch
No.538 of the 31st of December 1918, I have the
honour to transmit to Your Excellency, to be laid
before your Ministers, the accompanying copy of a
letter addressed by Messrs.Smiths, Fox and Sedgwick,
to the Privy Council Office, regarding the claims
made by the Nishga Tribe of Indians.

I have the honour to be,

My Lord Duke,

Your Grace's most obedient humble servant,

(Signed) Milner

Governor General

His Excellency

The Duke of Devonshire, K.G., G.C.M.G., G.C.V.O.,

&c.,

&c.,

&c.,

Copy.

26 Lincoln's Inn Fields,
London, W.C.2.
16th April, 1919.

Sir,

Reference No. 121,622.

On behalf of the Nishga Tribe of Indians, we beg to reply to the communication which, by direction of the Lord President of the Council, you addressed to us on 16th December last.

We first request the Lord President's attention to the following words, being paragraph 15 of the Petition:-

" In view of all that has been hereinbefore stated Your Petitioners, claiming to hold a tribal title to the whole of the said territory both by aboriginal right and under the said Proclamation, and having no other recourse for securing justice, humbly place this Petition before Your Majesty as the source and fountain of all justice, having supreme authority over all persons and matters within Your Majesty's Dominions, and possessing and exercising upon and with the advice of Your Majesty's Privy Council original judicial jurisdiction."

With regard to the opinion expressed in paragraph No. 8 of the Lord President's letter, we beg to state what is the present position between the Nishga Tribe and the Government of Canada in the matter of Canadian Courts.

The Statement which on 3rd February, 1915, delegates of the Nishga Tribe placed in the hands of the Government of Canada contains the following:-

" While our Petition is now before His Majesty's Privy Council and we expect will in the end be decided by that tribunal, we are willing that first of all it shall be brought before a Canadian Court, if advised that we shall have before that Court the standing necessary for fully safeguarding our rights, and that a decision binding upon British Columbia can by that means be secured."

The Statement which on 25th March, 1915, delegates of the Nishga Tribe placed in the hands of the Government of Canada contains the following:-

" In our Statement of December last we made brief reference to the matter of procedure. We are advised that no

plan for bringing this controversy before a Canadian Court which is free from grave constitutional difficulty has yet been proposed. If, however, the Government should propose some new plan we are prepared to give it our very best consideration."

We are instructed that since the 25th March, 1915, the Government of Canada has not proposed any such new plan.

We are etc.,

(Sgd) Smiths, Fox and Sedgwick

The Clerk of the Council,
Privy Council Office,
S. W. I.

Copy.

121622.

16th December, 1918.

Gentlemen:

Referring to your letter of the 27th May last on the subject of certain claims of the Nishga Tribe of Indians in British Columbia, I am directed by the Lord President of the Council to state as follows:-

1. One of the matters in dispute is set out in the Petition lodged by you on the 21st May, 1913, as "the nature and extent of the rights of the said Nishga Nation or Tribe in respect of the said Territory". The other is the question whether the Land Act of British Columbia is ultra vires of the Legislature of that Province.
2. If the contention of the Nishga Indians is, as it appears to be, that they have suffered an invasion of some legal right, the proper course would, in His Lordship's opinion, be for them to take such steps as may be open to them to litigate the matter in the Canadian Courts, from whose decision an appeal in the ordinary way can come to the Judicial Committee. It would seem that any intervention by the Crown by referring the matter specially direct to the said Committee would be an unconstitutional interference with the local jurisdiction.
3. If however the claim of the Indians does not rest on any legal basis, but is, in effect, a complaint of the executive action of the Provincial or the Dominion Government, it would appear that, in accordance with constitutional principles governing relations between the Crown and the Colonial Governments a special reference to the Judicial Committee to consider the action of the Dominion or Provincial Government could only be ordered on the recommendation of the Secretary of State for the Colonies, and that

he would only advise such a reference after consulting, and in accordance with the advice received from the Dominion Government.

In these circumstances His Lordship cannot see his way to take any further action on the Petition.

I am, etc.,

(Sgd) ALMERIC FITZROY.

Messrs. Smiths, Fox and Sedgwick,

26 Lincoln's Inn Fields,

W. C. 2.

241
Ottawa, September 14, 1918.

Sir,

With reference to dispatch No.236 of the 5th June which was referred to the Superintendent General on the 26th in connection with a copy of a letter addressed to the Imperial Privy Council Office by Messrs. Smith, Fox & Sedgwick on the subject of the land claims of the Nishga Indians in the province of British Columbia, I beg to inclose herewith copies of Orders in Council of 20th of June, 1914, and 19th of June, 1915, and also a copy of the reply of the Deputy Minister of Justice of the 26th of April, 1915, to my letter to him of the 12th of the same month.

I am directed by the Superintendent General of Indian Affairs to request you to transmit these documents to the Secretary of State for the Colonies with the statement that the Orders in Council referred to contain the decision of the Government on the matter in question. Additional information to that contained in the Orders in Council will be found in the letter from the Deputy Minister of Justice.

I have the honour to be,

Your obedient servant,

Duncan O.Scott,

Deputy Superintendent General
of Indian Affairs.

Sir Joseph Pope, K.C.M.G., C.V.O., I.S.O.,
Under-Secretary of State for External Affairs,
Ottawa.

Copy.

59335-4.

Ottawa, 25th September, 1916.

Dear Mr. O'Meara, -

His Royal Highness has interviewed the Honourable Dr. Roche with reference to your letter of the 29th May and your interview with me and I am commanded by His Royal Highness to state that he considers it is the duty of the Mishga Tribe of Indians to await the decision of the Commission, after which, if they do not agree to the conditions set forth by the Commission, they can appeal to the Privy Council in England, when their case will have every consideration. As their contentions will be duly considered by the Privy Council in the event of the Indians being dissatisfied with the decision of the Commission, His Royal Highness is not prepared to interfere in the matter at present and he hopes that you will advise the Indians to await the decision of this Commission.

Yours sincerely,

"ED. S. STANTON",
Lieut. Colonel,

Governor General's Secretary.

Rev. Arthur E. O'Meara,
1621 Hutchison Street,
Montreal.

Department of Indian Affairs,

Ottawa, _____ 19__

B. C

Land	353,416	59 mi	
Water	<u>2,439</u>	59 mi	
	355,855	59 mi	
	<u>104,400</u>		To 8 -
✓	251,455		





OFFICE OF THE DEPUTY SUPERINTENDENT GENERAL

OTTAWA

March 30th. 1916.

Summichale

MEMORANDUM

Mr. *J. Bray* -

Will you kindly let me have the total area of the Province of British Columbia, and the area less that portion covered by Treaty No. 8.

D. S. G. I. A.

Mr. Scott -

Total area of the Province	355,855 sq.mls
Area of that portion of Treaty No.8 in the Province	<u>104,400 sq.mls</u>
Area less portion covered by Treaty No.8	251,455 sq.mls

H. N. Cos. Summichale

S. Bray
Chief Surveyor.

HISTORIC SKETCHES ON INDIAN AFFAIRS

and

~~**SOME BIOGRAPHICAL NOTES**~~

by

G. M. Matheson.

Registrar of the Department of Indian Affairs.

1934 - 1935.

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

Administrators of Indian Affairs.
Historic Sketch.

The first management of the Indian Department was Military in its character, the Commander of the Forces having the chief control and the Officers at the various posts acting as Superintendents or Agents.

It was found necessary to appoint an Officer whose sole duties would be in connection with Indian Affairs, and on 15th April, 1755, Sir William Johnson was appointed Indian Superintendent by General Braddock under authority of His Majesty King George the Second, with the rank of Major General. Sir William held this position up to the time of his death which took place on the 11th of July 1774.

Col. Guy Johnson was appointed temporarily by General Gage to succeed Sir William till His Majesty's pleasure should be known. This appointment was confirmed by a Dispatch dated the 8th of September, 1774, received through the Earl of Dartmouth and he held the position of Superintendent until February, 1782, when he was suspended owing to certain charges made against him.

Sir John Johnson was appointed Superintendent General and Inspector General by Royal Commission of date the 14th of March, 1782, and held this position till the office was abolished on the 25th March, 1828, from which date his name was placed on the pension list.

Sir John Johnson left Canada for England in September 1792 and was absent from duty till October, 1796.

A "General Order" dated the 20th September, 1792, directed that, in Sir John Johnson's absence, the Officers, Agents or Deputy Agents of the Indian Department in Upper and Lower Canada were to transmit to the office of the Superintendent General at Montreal, all accounts, requisitions,

reports and transactions of their respective Districts, to be examined, recorded, and countersigned by the Secretary of the General Indian Department and by him forwarded in the usual manner to Headquarters for the information and approbation of the Commander in Chief or General Commanding the Forces.

The business of the Department was transacted in this way until the 26th December, 1794, when the office of Deputy Superintendent General was created and Col. Alexander McKee appointed to that position with authority to take charge of the Department in the absence of the Superintendent General.

Col. McKee held the position of Deputy Superintendent General till the time of his death, 15th January, 1799.

On December 15th, 1796, the following Royal Instructions were issued to the Lieutenant Governors of Upper Canada, investing them with administrative authority over Indian Affairs in Upper Canada.

"ADDITIONAL INSTRUCTIONS RELATING TO THE INDIAN DEPARTMENT."

"GEORGE R
(L.S.) C.O. (Quebec 1795-1801, Vo. 3).

"Additional Instructions to the Governor, Lieutenant Governor or the Person Administering the Government of Our Province of Upper Canada for the time being. Given at Our Court at Saint James's the 15th day of December 1796 in the Thirty seventh Year of Our Reign."

"Whereas we judge it to be conducive to the better Regulation of Our Concerns with the Indian Nations within our Province, of Upper Canada, that the same should be conducted by the Person exercising the Government of Our said Province for the time being. It is therefore Our Will and Pleasure, That you do take upon you the Conduct and Management of Our Concerns with the said Indians within the Province of Upper Canada, and that you do from time to time give to all Persons whom it may concern, such Directions for the due Execution of these, Our Instructions, as occasion may require, such Directions nevertheless to be subject to any special Orders directed to you, from such Person as shall at any time be constituted and appointed by Us to be Governor General of Our Provinces in North America. And It is Our Will and Pleasure, That all Persons holding Commissions in the Indian Department within our Provinces of Lower and Upper Canada, so far as the same relates to the Province of

-3-

"Upper Canada, shall follow such Orders and Directions as they shall from time to time receive from you in the Execution of this Our Instruction, anything in the said Commissions to the contrary notwithstanding. And you are in case of any Vacancy in any Office or Place in the said Indian Department within our Province of Upper Canada, to transmit to Us by the first opportunity thro' one of Our Principal Secretaries of State, the name of such Person, with an Account of his Character and Services, as you shall esteem to be best qualified for fulfilling the Duties of such Office, for Our further Directions therein."

"George R."

The Lieutenant-Governors and Administrators of Upper Canada were:-

Lt. Gov.-Simcoe, Col. John Graves
12th Sept. 1791 to 10th April, 1799.
Adm. -Russell, Peter
20th July, 1796 to 17th August, 1799.
Lt. Gov.- Hunter, Lt. Gen. Peter
10th April, 1799 to 21st August, 1805.
Adm. -Grant, Alexander
11th Sept. 1805 to 25th August, 1806.
Lt. Gov.-Gore, Francis
25th Aug. 1806 to 9th October, 1811.
Adm. -Brock, Maj. Gen. Isaac
9th Oct. 1811 to 13th October, 1812.
Adm. -Sheaffe, Maj. Gen. Roger Hale
20th Oct. 1812 to 19th June 1813.
Adm. -Rottenburg, Maj. Gen. Baron de Francis
19th June 1813 to 13th Dec. 1813.
Adm -Drummond, Lieut. Gen. G.
13th Dec. 1813 to 15th April 1815.
Lt. Gov. -Murray, Lt. Gov. Sir Geo.
25th April 1815 to 1st July 1815.
Lt. Gov. -Robinson, Maj. Gen. Sir F.P.
1st July 1815 to 26th Sept. 1815.
Lt. Gov. -Gore, Francis
21st Sept. 1815 to 13th May 1816.

Indian Affairs in Upper Canada was placed under control of the Commander of the Forces by General Order of the 13th May 1816 and by General Order of the 13th April 1830 under the Lt. Govr. Sir John Colborne. Sir John continued in office until the 30th of November 1835 when he was succeeded by-

Lt. Gov.-Head, Sir Francis Bond, 25 July 1836 to
23rd March 1838.
Lt. Gov. -Arthur, Maj. Genl. Sir Geo.
23rd March 1838 to 9th February 1841.

On the 16th of July 1800, the following instructions were issued to the Lieutenant Governors of Lower Canada investing them with the administration of Indian Affairs in that province.

"ADDITIONAL INSTRUCTION RELATING TO INDIAN AFFAIRS,
LOWER CANADA"

(C.O. Quebec 1795-1800 Vol. 3). In Secretary of States
Despatch No. 7 of 12th July, 1800.

"Additional instructions to the Governor,
Lieutenant Governor, or the Person administering the Govern-
ment of Our Province of Lower Canada for the time being.
Given at Our Court at St James's the 16th day of July 1800,
in the 40th year of our Reign.-

"Whereas we judge it to be conducive to the
better regulation of our concerns with the Indian nations
within our Province of Lower Canada, that the same should
be conducted by the person exercising the Government of our
said Province for the time being, it is therefore Our Will
and Pleasure that you do take upon you the conduct and
management of our concerns with the said Indians within the
province of Lower Canada, and that you do from time to time
give to all persons whom it may concern such directions for
the due execution of these our instructions as occasion may
require, such directions nevertheless to be subject to any
special orders directed to you from such person as shall at
any time be constituted and appointed by Us to be Governor
General of Our Province in North America.

"And it is our will and Pleasure that all persons
holding Commissions in the Indian Department within our
Provinces of Upper and Lower Canada, so far as the same
relates to the Province of Lower Canada shall follow such
orders and directions as they shall from time to time receive
from you for the execution of this our Instruction, anything
in the said Commissions to the contrary notwithstanding, and
you are in case of any vacancy in any office or place in the
said Indian Department within our Province of Lower Canada
to transmit to us by the first opportunity thro' one of our
Principal Secretaries of State, the name of such person, with
an account of his Character and services, as you shall esteem
to be best qualified for fulfilling the duties of such office,
for our further directions therein."

"G.R."

The following is a list of the Lieutenant
Governors and Administrators of Lower Canada from 1800 to
1816.

Lt.Gov.	-Milnes, R. S.	4th Nov. 1797 to 29th Nov. 1808.
Adm.	-Dunn, Thos.	12th Aug. 1805 to 24th Oct. 1807.
Lt.Gov.	-Burton, Francis M.	29th Nov. 1808 to 27th Jan. 1832.
Adm.	-Dunn, Thos.	19th June 1811 to 14th Sept. 1811.
Adm.	-Prevost, Sir George	14th Sept. 1811 to 15th July 1812.
Adm.	-Brook, Maj. Gen. Isaac	9th Apr. 1812 to Oct. 13th 1812.
Adm.	-de Rottenburg, Baron F.	20th Feb. 1813 to 20th Nov. 1814.
Adm.	-Drummond, Sir Gordon	4th Apr. 1815 to 13th May 1816.

Indian Affairs in Lower Canada was placed under the control of the Commander of the Forces by a General Order of the 13th May 1816.

There was considerable trouble in the filling of the vacancy caused by the death of Col. McKee. The difficulty arose over a dispute as to whether the patronage of the Department was under Civil or Military control.

The Duke of Kent, as Commander in Chief, appointed Col. John Connolly to the position of Deputy Superintendent General displacing Capt. Wm. Claus who had been appointed by Governor Hunter. Governor Hunter in reply to the notification of the appointment informed the Duke that the removal of Capt. Claus and the appointment of Col. Connolly would be highly prejudicial to his Majesty's service, and at the same time wrote to the Duke of Portland practically stating that he would not recognize Connolly and had sent his Order to Sir John Johnson to that effect. On these representations the Duke of York wrote to the Duke of Kent to cancel Connolly's appointment which was accordingly done on the 20th June, 1800.

With the appointment to the Position of Deputy Superintendent General, Capt. Claus, was promoted to rank of Colonel. He held the position of Deputy Superintendent General until his death on the 11th November, 1826.

At the end of the eighteenth and the beginning of the nineteenth century the Department was divided, the office of the Superintendent General and the Secretary of the Department was in Montreal and that of the Deputy Superintendent General and the Assistant Secretary at Fort George (Niagara).

By a general order the 13th May, 1816, the management of Indian Affairs was placed under the control of the Commander of the Forces in the British North American Provinces.

- 6 -

By another general order, on the 13th April, 1830, the management of Indian Affairs in Upper Canada was placed under Sir John Colbourne, the Lieut. Gov. for that Province, while that in Lower Canada remained under Military control.

The following is a list of the Commanders of the Forces from 1816 to 1844:-

Gen. Wilson - May 1816 to July 1816.
 Sir John C. Sherbrooke, July 1816 to July 1818.
 Duke of Richmond - July 1818 to August 1819.
 Sir Peregrine Maitland - August 1819 to June 1820.
 Lord Dalhousie - June 1820 to September 1828.
 Sir James Kempt - Sept. 1828 to October 1830.
 Lord Aylmer - October 1830 to September 1835.
 Sir John Colbourne - September 1835 to October 1839.
 Sir Richard D. Jackson - October 1839 to July 1840.
 J. A. Hope - July 1840 to June 1845.

On the 1st December 1826, the following "General Order" was issued:-

"His Lordship, the Commander of the Forces has been pleased to appoint Maj. Gen. Darling to be Deputy Superintendent General of Indian Affairs, vacant by the death of Col. Clause and with the view to relieve the Superintendent General, Sir John Johnson, on account of his age, from the laborious duties of the Correspondence and general charge of the Department, Maj. Gen. Darling will remain stationed at Headquarters."

"The duties hitherto performed by Col. Claus will be assumed until further orders by Lt. Col. Givins, being the officer next in seniority and resident at the headquarters of Maj. General Sir Peregrine Maitland in Upper Canada. Lt. Col. Napier will take charge of the duties particularly incident at Montreal."

"All the correspondence intended for the head of the Department will be addressed direct to Maj. Gen. Darling at Quebec, who will receive his orders and instructions from his Lordship the Commander of the Forces."

Sgd. C. Foster, Lt. Col.

Acting Deputy Adjt. General.

7

A subsequent general order was issued 2nd of August, ¹⁸²⁸~~1832~~ as follows:-

"Agreeable to instructions received from His Majesty's Secretary of State, in a dispatch dated 27th of April last, the appointment of 'Superintendent General of Indian Department' and 'Inspector General of Indian Affairs' will cease from the 25th June last, from which date the Department will be placed under a Chief Superintendent. The Commander of the Forces is pleased to appoint Maj. Gen. Darling to this situation with a salary of 600£ Sterling per annum and contingent charges for travelling Expenses."

"Sir John Johnson will be borne on the Pensions list of the Department from 25th June, his garrison allowance will cease from the date of the receipt of this order at Montreal."

"Mr. John Brandt is appointed Superintendent of the Six Nations Indians with a salary of £200. Sterling per annum and the usual allowances. Appointment dated 25th June, 1828."

" Signed T. Noel Hill.
Deputy Adjt. General. "

Major General H. C. Darling left for England on the 11th of September, 1828, and Lieutenant Col. Napier was appointed to act for him during his absence, and continued to act as resident Agent and Secretary of Indian Affairs at Montreal until the 13th of April, 1830, when, by order of His Majesty's Government, the Indian Department in Upper Canada was separated from that of Lower Canada, the former being placed under His Excellency Sir John Colbourne, with Col. James Givins as Chief Superintendent for the Province.

The Department in Lower Canada was placed under the control of the Military Secretary at Quebec, who at that time, was Lieut. Col. Couper, and Lieut. Col. D. C. Napier was removed to the Military Secretary's Office, to act as Secretary with the pay and allowance of a Superintendent.

Col. Givins continued to act as Chief Superintendent for Upper Canada until 12th June, 1837 when he retired from the service and Samuel P. Jarvis was appointed to succeed him on the 13th June, 1837.

By a Proclamation, dated the 5th of February 1841, the reunion of Upper and Lower Canada was declared, terminating the office of Lieutenant Governor in these provinces. The union was known as the "Province of Canada" and the former Upper and Lower Canada became "Canada West" and "Canada East". However the old names continued to be used, perhaps more often than not, even in official documents.

On the 10th of February Lord Sydenham, the first Governor General of the Province of Canada, took the oath of office and Kingston was made the Capital of Canada.

Lord Sydenham died on the 19th of September 1841 and was succeeded in office by Sir Charles Bagot on the 12th of January 1842.

After 1841 the head office of the Department of Indian Affairs continued to be at the Seat of Government, which under the old Province of Canada, was moved from one place to another. The following is a list of the places which were the seat of Government between 1841 and Confederation in 1867:-

Kingston from February 1841 to March 1844.
Montreal from March 1844 to November 1849.
Toronto from November 1849 to October 1851.
Quebec from October 1851 to October 1855.
Toronto from October 1855 to May 1859.
Quebec from May 1859 to October 1865.
Ottawa from November 1865.

The seat of Government was at Ottawa for a little more than a year before Confederation and has continued there ever since.

Messrs. Rawson W. Rawson, John Davidson, and Wm. Hepburn were appointed by His Excellency the Governor General Sir Charles Bagot, G. C. B. by authority of a Commission bearing date 10th Oct. 1842, to report on Indian Matters generally, and to recommend any changes that, in their opinion should be made in the manner of conducting the business of the Indian Department. Their report under date the 22nd of January 1844 recommends among other things:-

- 1st. "That the management of the Indians be placed under the Civil Secretary with the view of its being brought more immediately under the notice of the Governor General."
- 2nd. "That the two branches of the Department be united and the records be kept in one office. That the correspondence and central business be conducted at the seat of Government, under the Superintendent of a Chief Clerk at an annual salary of £300."
- 3rd. (Relates to appointment of an Accountant).
- 4th. "That the office of Chief Superintendent in Upper Canada, and the present establishment of local officers, be reduced and that in lieu thereof three Indian Visitors be appointed at a salary of £300. a year with an allowance to be fixed for travelling expenses."
- 5th. "That the Province be divided into three districts according to the locality of the settlements and that each Visitor be charged with the superintendence of the separate districts. Lower Canada may form one, the Tribes now under the separate charge of the Chief Superintendent in Upper Canada may be united into a 2nd. and the remainder now under the charge of five resident Superintendents into a third."

These recommendations were partially carried into effect on the 15th May, 1844, the Chief Superintendent being informed by a letter of 25th April of that year, that, as the 15th of May had been fixed on for closing the public offices at Kingston preparatory to their removal to Montreal, the Governor General had directed that from that date the following changes would take place in the management of the Indian Department:

"The Correspondence and central business of the Department will be conducted at the seat of Government, under the orders of the Civil Secretary assisted by Mr. Geo. Vardon, the present clerk in the Indian Office, who will be attached for this purpose to the Indian branch of the Secretary's Office. The Chief Superintendent will deliver over to Mr. Vardon the Records of the Department as he will be charged with the preparation of the various accounts, estimates, requisitions, money warrants etc., which will relieve the Superintendent from that onerous portion of his duties and admit of his devoting more time to the moral, intellectual and physical improvements of the Indians under his superintendence."

The Chief Superintendent was further informed that the Resident Superintendents would be instructed to correspond direct with the Civil Secretary upon all matters connected with their district, and when it was thought necessary the Civil Secretary could refer the matter to the Chief Superintendent for the benefit of his opinion.

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The Tribes under the charge of the Chief Superintendent were to continue under his immediate superintendence, and he was to be directed by the Governor General, when circumstances required, to visit the other settlements and to report upon any point on which particular information might be wanted.

Further changes were carried into effect on the 1st July, 1845. Mr. Jarvis being informed by the Civil Secretary on the 16th April, 1845, that Her Majesty's Secretary of State, acting on the recommendation of Messrs. Rawson, Davidson and Hepburn, had decided to abolish the office of Chief Superintendent and that his duties would cease from the 30th June, following.

The services of three resident Superintendents in Upper Canada, and two in Lower Canada were at the same time dispensed with.

The following is a list of the Civil Secretaries who were also Superintendents General of Indian Affairs:

T. W. C. Murdoch, 10th Feb. 1841 to 4th Aug. 1842.
 R. W. Rawson, 5th Aug. 1842 to 12th June 1844.
 J. M. Higginson, 15th May, 1844, to 12th June 1846.
 Geo. Vardon, (Acting) 12th June 1846, to 30th March 1847.
 Maj. T.E. Campbell, 30th March 1847 to 30th Nov. 1849.
 Col. R. Bruce, 1st. Dec. 1849 to 11th May 1854.
 L. Oliphant, 15th June 1854 to 18th Dec. 1854.
 Lord Bury, 19th Dec. 1854 to 24th Jan. 1856.
 S. Y. Chesley (Acting) 25th Jan. 1856 to 28th Feb. 1856.
 R. T. Pennefather, 28th Feb. 1856 to 30th June, 1860.

The following is the list of Governors General of the Old Province of Canada under whose supervision these Civil Secretaries acted as Superintendents General:

Sir. Chas. Metcalfe - 1843 to 1845
 Earl of Cathcart - 1846 to 1847
 Earl of Elgin - 1847 to 1854
 Sir Edmund Head - 1854 to 1861.

Until 1860 the Imperial Government was responsible for the Management and expense of Indian Affairs but in that year it was decided that the Province of Canada should assume the charge.

By the Act 23 Vic. Cap. 181 entitled "An Act respecting the management of the Indian lands and property" the management of Indian Affairs was brought under the control of the Crown Lands Department from 1st July, 1860, the Commissioner of Crown Lands being from that date, Chief Superintendent of Indian Affairs.

The Commissioners of Crown Lands who held the positions of Chief Superintendents of Indian Affairs were:

Hon. P.M. Vankoughnet, 1st July 1860 to 7th March, 1862.
Hon. Geo. Sherwood, 7th March 1862 to 21st May, 1862.
Hon. Wm. McDougall, 21st May 1862 to 30th March 1864.
Hon. A. Campbell, 30th March 1864 to 30th June 1867.

In 1867 the Province of Canada and the Provinces of Nova Scotia and New Brunswick were confederated and became the Dominion of Canada, under the British North America Act (an Imperial Statute 30-31 Vic. Cap. 3) and the old Province of Canada was again divided into two provinces, which were named Ontario and Quebec.

By this Act the administration of Indian Affairs, which had been under the management of the several provinces, came under the control of the Dominion of Canada.

The other provinces entered Confederation in the following order:

The North West Territories in 1869.
Manitoba in 1870.
British Columbia in 1871.
Prince Edward Island in 1873.

In 1905 the North West Territories was divided into three parts. One part became the province of Alberta, another the province of Saskatchewan and the third part is still the North West Territories.

Indian Affairs was attached to the Department of [the Secretary of State at the time of Confederation] and the following Secretaries of State were also Superintendents General of Indian Affairs:

Hon. H.L. Langevin, 1st July 1867 to 7th Dec. 1869.
Hon. Jos. Howe, 8th Dec. 1869 to 6th Jan. 1873,
Hon. Thos. N. Gibbs, 14th June 1873 to 30th June 1873.

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By the Act 36, Vic. Cap. 24, the Department of the Interior was created from 1st July 1873 and the Indian Branch attached to that Department.

The following is list of the Superintendents General from the date of the creation of the Interior. Department:

Hon. Alex. Campbell, 1st July 1873 to 6th Nov. 1873.
 Hon. David Laird, 7th Nov. 1873 to 6th Oct. 1876.
 Hon. David Mills, 24th Oct. 1876 to 16th Oct. 1878.
 Rt. Hon. Sir J.A. Macdonald 17th Oct. 1878 to 16th Oct. 1883.
 Sir. D.L. MacPherson 17th Oct. 1883 to 4th Aug. 1885.
 Hon. Thos. White 5th Aug. 1885 to 21st April 1888.
 Hon. Edgar Dewdney 3rd Aug. 1888 to 16th Oct. 1892.
 Hon. T. Mayne Daly 17th Oct. 1892 to 30th Apr. 1896.
 Hon. Hugh J. Macdonald 1st May 1896 to 8th July 1896.
 Hon. Clifford Sifton 17th Nov. 1896 to 1st March 1905.
 Hon. Frank Oliver 8th April 1905 to 6th Oct. 1911.
 Hon. Robt Rogers 10th Oct. 1911 to 28th Oct. 1912.
 Hon. Wm. J. Roche, M.D., 29th Oct. 1912 to 12th Oct. 1917.
 Hon. Arthur Meighen 12th Oct. 1917 to 10th July 1920.
 Hon. Sir James A. Laughed, 10th July 1920 to Dec. 1921.
 Hon. Charles Stewart 29th Dec. 1921 to June 1926.
 Hon. H. H. Stevens (Actg.) 29th June 1926 to 13th July 1926.
 Hon. R.B. Bennett (Actg.) 13th July 1926 to Sept. 1926.
 Hon. Charles Stewart 25th Sept. 1926 to 19th June 1930.

(By Order in Council of the 19th of June 1930 the Department of Indian Affairs was placed under the Minister of Immigration and Colonization).

Hon. Ian Alistair MacKenzie 19th June 1930 to Aug. 1930.

(By Order in Council of the 7th of August 1930 the Order in Council of the 19th of June 1930 placing Indian Affairs under the Minister of Immigration and Colonization was cancelled).

Hon. Thomas Gerow Murphy 7th Aug. 1930. to 23rd Oct 1935

Hon. Thos A. Gerow 23rd Oct 1935 to 18th April 1945

† Since 1880, the Indian Department has been a separate one under the control of the Minister of the Interior, by the Act 43 Vic. Cap. 28 assented to 7th May, 1880.

By an Order in Council of date the 17th March, 1862, the office of the Deputy Superintendent General was revived, and Wm. Spragge appointed to that position. Mr. Spragge continued his office until his death 16th April, 1874.

* Hon. J. A. Cohen, 18th April 1945

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The following is the list of his successors in office:

L. Vankoughnet, 1st. July, 1874 to 1st Oct. 1893.
Hayter Reed, 1st. Oct. 1893 to 20th June 1897.
Jas, A. Smart 1st July 1897 to 20th Nov. 1902.
Frank Pedley 21st. Nov. 1902 to 11th Oct. 1913.
Duncan C. Scott 11th Oct. 1913 to 30th March 1932.
Harold W. McGill, M.D. 13th Oct. 1933 to the present date.

G. M. Matheson

G. M. Matheson.
Registrar.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

ABENAKI INDIANS

Historic Sketch

The Abenakis from a very early date ^{formed} ~~found~~ an attachment for the French through the influence of their Missionaries and were almost continually at war with the colonists of New England who by their expansion had crowded these Indians out of their habitat in the district between the river St. John and the Saco, now part of the State of Maine. The Abenakis retaliated upon every opportunity and soon became noted as the bitterest enemies of the English colonists.

On the invitation of the French they settled near Quebec at Becancour and Sillery. Those at Sillery moved later to St. Francis, which became the principal village of their tribe.

There is an account of some of these Indians from Becancour and St. Francis making attacks on English posts in the winter of 1691-1692.

Between 1702 and 1704 the French persuaded some of the Abenakis from Acadia to join their brethren near Quebec and on the 22nd of April 1732 in instructions to Beauharnais and Hocquart the King of France said that the Abenakis of St. Francois and Becancour must be prevented from returning to Acadia.

In 1749 under the leadership of the French priest Le Loutre the Abenaki and the Micmac Indians as well as the Acadians harassed the English settlers in Acadia and committed many depredations.

The Penobscot, Passamaquoddy and Malecite, also of the Abenaki Tribe, remained in their ancient homes in Acadia and in 1749 the Penobscot, as the leading tribe, made peace with the English.

In 1759 a force was organized and sent under Maj. Rogers against the Indian Village of St. Francis, which then contained about 700 inhabitants. The place was surprised and burned, 200 of the Indians - men, women and children - being killed and the remainder scattered. These, afterwards returned and the village was rebuilt but the fall of the French power in America put an end to further hostilities on the part of the Indians. A number of them joined the British forces at the time of the revolution and again in the war of 1812.

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A little more than one hundred years ago a young Abenaki Indian went to Dartmouth College in New Hampshire to complete his education and while there became a member of the Methodist Church. On his return to St. Francis he was appointed school teacher. There was trouble between him and the Roman Catholic priest and he was deprived of his school. He was then taken up by a Society in Boston for the education of Indians and later returned to St. Francis as the Rev. Peter Paul Osunkhirhine (alias Masta) opening up a school on his own account and doing missionary work with quite a following among a people, who hitherto had belonged to the Roman Catholic faith; now there are about 40 Anglicans.

The Abenakis of Becancour were granted lands by Pierre Rolireau, Chevalier, Seigneur of Portneuf etc. by an act passed on the 30th of April 1708, but sold the same in 1760 to Monsieur DeMontesson, retaining only a few acres around the village for their actual occupation and three small Islands in the River Becancour. They held also 2000 acres in the Township of Coleraine and claimed a share in 14,000 acres on the St. Maurice river near La Tuque.

The Abenakis who settled at St. Francis were descendants of those who had migrated from Maine to Sillery together with the remnants of other New England tribes. These Indians had a grant of land in the seignior of St. Francis, from Dame Marguerite Hertel, widow of Sieur Jean Crevier, Seigneur of St. Francis dated the 23rd of August 1700 and another in the Seignior of Pierreville from Sieur Antoine Plagaish and Charlotte Giguere, his wife, dated the 10th of May 1701. The Grantors in both cases retained a reversionary interest in the land, should it be abandoned by the Indians and in the case of Pierreville as soon as the religious mission should cease to be resident upon the land.

The Indians also acquired land on the north side of the river and owned fourteen islands. They were also entitled, under 14 & 15 Vic. C.106, to share with the Indians of Becancour in a tract of 14,000 acres of land on the River St. Maurice at La Tuque.

Some 8900 acres of land in the Township of Durham were granted in free and common soccage to seventeen heads of families of this tribe in 1805 with the restriction that no part of the land so granted should be "alienated, leased, transferred or otherwise disposed of" by the grantees. Notwithstanding this condition, however, sales, promises of sales, and leases for 99 years were so frequently made by these Indians, that it was found expedient, in 1856 to pass an Act declaring all such conveyances valid, "provided that an annual ground rent of not less than \$10.00 for every lot of 200 acres shall have been stipulated for in favour of the Indian to whom any such lot of land was originally granted, or to his heirs or legal representatives"

The purchasers had also, under this Act, the right to redeem such ground rent by paying the capital thereof, at the rate of 6 per cent, to the Superintendent General of Indian Affairs and when this rent was so capitalized they were given title to the property.

In 1779 a saw mill and a blockhouse were built about six leagues above the village.

In 1781 Luc Schmid was appointed Indian Agent at St. Francis with instructions to reside in the village and two years later the Indians petitioned the Government for assistance to build a church and to allow priests to come to them from Europe.

About 100 years ago the Indians of this village used to elect their own Agent and his appointment was confirmed by the Government. His only remuneration, however, was a ten per cent commission on the monies passing through his hands.

G. M. Matheson.

G.M. Matheson,
Registrar.

31st July, 1934.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

Chippewas

The Chippewas and their sub tribe the Mississaugas, in the seventeenth century occupied the country to the north of Lake Huron and during the next century they moved west driving the Foxes from North Wisconsin and compelling them to take refuge with the Sauk and driving the Sioux across the Mississippi and south to the Minnesota River. While the main divisions of the tribe were thus extending their possessions west, others overran the peninsula between Lake Huron and Lake Erie which the Iroquois had taken from the Neutrals in 1650.

The Chippewas (or Ojibways) were one of the tribes which formed "The Lake Confederacy", the other two being the Ottawas and the Pottawatomies. It is said that about 300 years ago they were all one tribe and even now there is much similarity in their language.

The Chippewas of Chenail Ecarté moved to Walpole Island, Sarnia and the Lower St Clair reserves about the year 1830 and some of them settled at Kettle Point and Stony Point.

The Chippewas and Pottawatomies living on Walpole Island have intermarried and are practically one band with a joint council, except for the expenditure of band funds, for the Pottawatomies have no capital.

The Chippewas of Lakes Huron and Simcoe consisting of three bands under Chiefs, Yellowhead, Aisance and Snake (or Bigwin) surrendered a tract of land containing 1,592,000 acres south of the Georgian Bay in October 1818, for which they received an annuity of £1200 and were settled by Sir John Colborne on a tract of land between Coldwater and the Narrows under the supervision of Capt. T. G. Anderson.

Some of these Indians living on Yellowhead's Island moved to the Narrows in the fall of 1830 and during the next two years houses and a school were built for them there. This formed what was known as the Indian Village.

In 1834 the Indians built a wharf and store at the Narrows and the Indian Village was surveyed by Hawkins. The reserve at the Narrows was surveyed by Jacob Gill the following year.

In 1836 a mill site was purchased for them from Wm. Hume. It consisted of 20 acres of Lot 2 in the 1st. Concession of the Northern division of Brillia.

This year the Indians surrendered the land between Coldwater and the Narrows and a new reserve of 1600 acres was purchased at Rama for Yellowhead and his band of 184 Indians. This was paid for from the general fund of the three bands. It was not until February 1847 that their capital was divided into three accounts.

Chief Snake and his band of 109 Indians settled on Snake Island in Lake Simcoe and Chief Aisance and his following of 232 went to Big Beausoleil (or Prince William Henry) Island in 1842. The soil here however was unfit for cultivation and there were several propositions to change their location. In 1849 they proposed to move to the Christian Islands but this was not carried out until after the surrender of the Islands in the Georgian Bay by the three bands in 1855. Beausoleil was included in this surrender and the three Christian Islands were reserved for Chief Aisance and his band.

The Chippewas of Saugeen in 1836 surrendered a large tract of land (1,600,000 acres) which now forms the southern part of the county of Bruce, to Sir Francis Bond Head who was Lieutenant Governor of Upper Canada, reserving the whole of the Bruce peninsula (about 450,000 acres).

In 1854 they surrendered nearly the whole of this peninsula, reserving about 43,859 acres for the bands living at Saugeen, Cape Croker, Chief's Point and Colpoys Bay also the Fishing Islands in Lake Huron.

The Indians of Colpoys Bay surrendered their land for sale in 1857 and joined the Cape Croker band.

G. M. Matheson.

G. M. Matheson.
Registrar.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

- Indian Education -
Historic Sketch

Before the coming of the white man, the Indians - especially the Iroquois - trained their children in hunting, fishing & handicraft. Then followed a new era of religious and secular education.

One of the objects in colonizing Virginia, mentioned in the charter of 1606 and repeated in that of 1621, was "to bring the savages to human civility".

The council of Jamestown in 1619 voted for the education of Indian children in religion and useful trades.

In New York and other northern colonies sums were appropriated for the instruction of Indians and provision made for them at the William and Mary College, founded in 1691, in Moor's Charity School - where Joseph Brant received his early education - and at Dartmouth College founded in 1752, also in Princeton College.

Some of the Indian children of this period were taken into the private families of the colonists and others were sent to England for education.

In New France, Bishop Laval founded a school at Quebec for French and Indian youth. In 1684 the King of France gave 500 livres and sent three women to teach the squaws to knit and spin and in 1685 four girls (seculars) were sent to Canada to instruct the French and the Indian children.

The missionaries did much for the education of the Indians but principally in the way of religious training; the Jesuits worked among the Hurons in the vicinity of Georgian Bay, at Lorette and at Sillery near Quebec and among the Iroquois at Onondaga N.Y., and at Caughnawaga.

The Sulpicians were established in 1676 on the Island of Montreal where they had an industrial school for the Indians. In 1720 they moved to the Lake of Two Mountains. They also worked among the Iroquois at St. Regis and at Oswegatchie (now Ogdensburg N.Y.) which last mission was closed in 1807.

The French missionaries also worked among the Indians of Acadia (New Brunswick and Nova Scotia) in the 17th century and until they were expelled by the British in 1745.

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In Nova Scotia, during the last century, the Rev. S.T. Rand - educated in a Baptist seminary - commenced his work among the Micmacs in 1849 and continued until his death in 1889.

The Recollets began their work among the Montagnais and Algonquins of the Saguenay, the Lower St. Lawrence and the Ottawa in 1615. They had missions also among the Indians of Gaspé and Three Rivers.

After the war of Independence the Iroquois from the old Province of New York settled on the Bay of Quinte and on the Grand River in 1784 and were provided by the Government with a school at each of these places.

The New England Company commenced their missionary and educational work among the Iroquois on the Grand River in 1827. They also worked among the Mississaguas of Mud Lake and later in British Columbia.

In 1793 the Moravian Missionaries, with 300 Delaware Indians from Ohio, came to Canada and settled on the Thames where they were given lands. They taught the Indians there until 1902 when they assigned their charge to the Methodist Church.

The Rev. Mr. McMurray (Anglican) commenced his mission work among the Indians of Garden River and Manitoulin Island in 1835. He was succeeded by the Rev. F.A. O'Meara and later in 1868 by the Rev. E.F. Wilson who built the Shingwauk and the Mawanesh Homes.

In the West we find Father Lacombe among the Crees (1845-1890) and Bishop Legal (1881-1890) among the Blackfeet. There were numerous other missionaries of various denominations among the Indians of Canada but for the most part their educational activities were of a religious rather than of a secular or industrial character and they got little, if any, financial support from the Government.

The following is a statement of the Indian schools in operation in Lower and Upper Canada in the year 1829 and their source of support:-

Government-(aid in sterling)

Lorette (R.C.)	Boys 16	Girls 14	£18-11-5
St. Francis (Prot.)	" 26	" 17	18-11-5
Tuscarora, (Grand Riv)			18-11-5

New England Co'y.- (aid in currency)

Bay of Quinte (Mohawk)	Boys 27	Girls 15	£50
Scugog	" 28	" 29	40
2 schools on Grand River			

Methodist Missionary Society

River Credit	Boys	30	Girls	23	£75
Yellow Head Is. Lk. Simcoe	"	26	"	27	28
Grape Is. Bay of Quinte	"	38	"	24	42
Muncey Village	"	18	"	11	50
And 3 schools on the Grand River.					

United Brethren of Pennsylvania

Moravian Village Boys 20 Girls 19

In the schools on the Grand River there were 86 boys and 65 girls making a total for these 15 schools of 315 boys and 244 girls.

In 1829 some boys from Caughnawaga were admitted to a school at Chateaugay as boarders and received instruction in farming as well as in class work. A similar experiment was made at a school at Chesterville near St. Johns. These two schools, received a small government grant and continued for some years.

By an Act of 1851, the old Province of Canada made an annual grant of £1000. to aid the Indians of Lower Canada and a portion of this grant was yearly expended on education. The "Lower Canada Grant" was capitalized in 1870 and in 1876 the amount annually borne by this fund for educational and missionary grants had reached the sum of \$2904.28.

It will be clearly seen that the Government did not do much for the education of the Indians until confederation when the British North America Act placed them under the charge of the Dominion Government.

The St. Joseph's Industrial Home - for girls - was established at Wikwemikong in 1862 and in 1879 the Ontario Government made a grant of \$1598.45, from the Municipal Loan Fund, to extend the establishment by building a school for boys also. Both buildings were burned in 1884 and subsequently rebuilt.

Manual Labour schools were built at Alderville (Alnwick) in 1848 and Mount Elgin at Muncey in 1851 and were maintained in the earlier days by voluntary subscriptions from the annuities of the Indians.

By Authority of an Order in Council of the 19th of July 1883 the first Industrial schools were established in Manitoba and the North West Territories but those and the boarding schools are now termed "Residential Schools" and are under the management of the church authorities and have a per capita grant from the Government.

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In 1857 Mr. Wm. Duncan was sent as a lay missionary to Port Simpson, B.C., by the Church Missionary Society of England.

The land was set apart by Governor Douglas for mission purposes and a school-house and other buildings were erected with moneys provided by the Church Missionary Society.

Under the auspices of the Society Mr. Duncan established a saw mill, planing, lathing and other machinery, also a large trading store and on his own account started a salmon cannery. A school-house that would seat about 500 and a large church were built by the Indians.

In 1875 a Government grant of \$1000. was made for building material and tools. In 1881 \$1000.00 was granted to rebuild their village and an annual grant of \$500. was made towards the school.

The Indians were instructed in agriculture and several trades and under Mr. Duncan Metlakatla became a model village.

The annual government grant for the education of Indians now amounts to about \$1,700,000. and the following is a statement of the number of schools now in operation:--

Province	Class of Schools			Total
	Day	Residential	Combined (Ind.&White)	
Prince Edward Isld.	1			1
Nova Scotia	10	1		11
New Brunswick	11			11
Quebec	30			30
Ontario	81	13	5	99
Manitoba	45	10	2	57
Saskatchewan	24	14	1	39
Alberta	2	20		22
North West Territories	2	4		6
British Columbia	48	16	1	65
Yukon	6	2		8
TOTAL	260	80	9	349

G. H. Matheson

G. H. Matheson,
Registrar.

13th April, 1934.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

THE HURONS.

The Huron Tribe was located in the vicinity of Lake Simcoe and the Georgian Bay in a district known later as "Huronie". The Jesuit Missionaries had been working among them for some years previous to their decimation and dispersion by the Iroquois in 1648-1649. Some of them found refuge close to the City of Quebec (Hurons of Lorette) and others, after being driven from one place to another by the Iroquois sought the protection of the French at Detroit about the date of the founding of that post in 1702.

The latter branch of the Hurons became known as the Wyandottes of Anderton. From various references to them it would appear likely that they were in occupation of their lands before the conquest of Canada and would have been confirmed in their possession by the British Proclamation of 1763.

At the time of the signing of the Treaty of 1790 a Council was held by Major Murray, with the four Indian Tribes, at Detroit. At this Council E.gouch-e-ou-a.i the spokesman for the Lake Confederacy (Chippewas, Ottawas & Pottawatomies) addressing the Hurons said:-

"We have not forgotten you. We always remember, Brothers, what our ancestors had granted you, that is to say, Brothers, from the Church to the River Jarvais, as well as a piece of land commencing at the entry of the River Canard extending upwards to the line of the Inhabitants and which reaches downwards beyond the River Au Canard to the line of the Inhabitants".

He then requested of Major Murray that the Hurons should not be molested in the occupation of their land to which Murray replied that:

Such parts therefore of the Territory which your ancestors granted to the Hurons your Brethren as you have found requisite for the general good that they should retain is reserved for their occupation".

On the 26th of May 1790 the Hurons held a Council at Detroit with Major Murray calling attention to their ancient holdings and asking that they be protected in their possession.

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In Col. Alex. McKee's letter of the 25th of May 1790 stated that the Hurons "had enjoyed many years "peaceable and uninterrupted possession by and with the unanimous consent of their Confederates, the Lake Indians" and "it was thought expedient to secure to them the "enjoyment of the Tracts reserved which they now occupy."

When the Hurons were dispersed by the Iroquois in 1648-49 they spent the following winter on Manitoulin Island being afraid to remain on Christian Island after the ice had formed. The following summer a number of these Indians went east towards Quebec and were attacked by the Iroquois on their way down the Ottawa (or Grand) River. They camped on the Island of Orleans until driven by the Iroquois in 1656 into Quebec where they camped in the market square. Then in 1666 they moved five miles out of town on the Ste Foye road but as the soil here was poor and there was a lack of wood for fuel, they moved again in 1693 five miles further out where their village was known as Ancienne Lorette. Some years later they made their final move and settled in a new village which was called Jeune Lorette.

G. M. Matheson

G. M. Matheson.
Registrar.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

Indians of the Older Provinces

Historic Sketch

The French did not admit that Indians had any title to lands but claimed them for the Crown by the right of discovery and conquest and when Acadia and Quebec passed from French to British denomination, the latter assumed the title under which the French had held them. So in Quebec and in the Maritime provinces, what reserves the Indians possess have been given them as a matter of grace.

In Ontario the British recognized the Indian right to hunting and fishing and all the territory in that province has been ceded to the Crown with the exception of certain reserves, made in the treaties, for the use of the Indians.

Mic Mac

Acadia was under French domination from 1605 until it was ceded to the British by the Treaty of Utrecht in 1713 and it was then known as "New Scotland", in contradistinction to New England, but this was soon to become translated into "Nova Scotia".

Longfellow's "Evangeline", like Shakespeare's "Macbeth" has been very misleading in the history of the time. For the records show that the Acadians were offered every inducement to settle down peacefully on the land but they and the Indians continued to harass the English settlers from the cover of the woods, and committed many murders and depredations, under the leadership of the French priest La Loutre, who threatened them with excommunication should they cease their hostilities. And during all this time, in Europe, England and France were at peace. The Acadians were wholehearted in support of the British in the Revolutionary War.

This province was divided in 1784 into New Brunswick and Nova Scotia.

The Indians of Nova Scotia belong to the Micmac tribe and number a little over 1800. There are 18 Indian Agencies conforming to the boundaries of the several counties, 47 small Indian reserves, 10 day schools and one residential school.

The Indians of New Brunswick number about 1600, all Micmacs, with the exception of the Penobscot, the Passamaquoddy and the Malecite Indians, who belong to the

- 2 -

Abenaki tribe. There are 28 Indian reserves in the province and 11 Indian day schools.

Ile Saint Jean or St. John's Island became "Prince Edward Island" on the 3rd of June 1799, named after the Duke of Kent, the father of Queen Victoria.

The Indian population of the Island is about 315, all Micmacs, and there are four reserves. Scotch Fort reserve was in existence before Confederation. Rocky-Point was purchased by the Government, for the Indians, in 1913; Morell was granted to the Indians in 1846 by Lady Wood and Lennox Island reserve was ceded to the Crown in trust for the Indians in 1912 by the Anti-Slavery and Aborigines Protection Society.

At Maria on the Baie des Chaleurs the Micmacs have a reserve which they have occupied since the eighteenth century.

They have another reserve at Restigouche in the township of Mann, also on the Baie des Chaleurs, which was granted them by the Act of 1851.

In 1851 the Province of Canada set apart reserves for the Indians of Quebec (or as it was then Canada East) on the authority of 14 and 15 Victoria cap.106

Abenaki

The Abenaki Indians came from part of the district now covered by the State of Maine and the province of New Brunswick and settled at Becancour and at Pierreville.

The Becancour reserve is what remains of a grant made to them in 1708 by Pierre Rolirceau, Chevalier, Seigneur of Portneuf. The rest of the grant they sold to Monsieur De Montesson in 1760. At Coleraine they have another small reserve set apart under the Act of 1851.

Some of the Abenakis, on coming to Canada, settled at Sillery but later moved to Pierreville where they had two grants of land, one from the Seignior of St. Francis in 1700 and the other from the Seignior of Pierreville in 1701.

The Crespieul reserve near Lake St. John also belongs to the Abenakis.

Montagnais

On the North Shore of the lower St. Lawrence there are Indian reserves at Bersimis and Seven Island held under the Act of 1851 and another at Escoumains which was purchased for them by the Government in 1892.

These Indians are chiefly of the Montagnais tribe who, with the Nascopi Indians, penetrate the wilds between the St. Lawrence and Ungava Bay for furs, during the hunting season and fish on the St. Lawrence during the summer.

The Pointe Bleue reserve on the north shore of Lake St. John was also set apart for the Montagnais under the Act of 1851.

Hurons

The once numerous Huron Tribe (about 30,000 in 1635) was located in the vicinity of Lake Simcoe and the Georgian Bay. The Jesuit Missionaries had been working among them for some years previous to their decimation and dispersion by the Iroquois in 1648-1649. Some of them found refuge close to the City of Quebec (Hurons of Lorette) and others, after being driven from one place to another by the Iroquois sought the protection of the French at Detroit about the date of the founding of that post in 1702.

The latter branch of the Hurons became known as the Wyandottes of Anderdon. From various references to them it would appear likely that they were in occupation of their lands before the conquest of Canada and would have been confirmed in their possession by the British Proclamation of 1763. They were all enfranchised some years ago.

When the Hurons were dispersed by the Iroquois in 1648-49 they spent the following winter on Manitoulin Island being afraid to remain on Christian Island after the ice had formed. The following summer a number of these Indians went east towards Quebec and were attacked by the Iroquois on their way down the Ottawa (or Grand) River. They camped on the Island of Orleans until driven by the Iroquois in 1656 into Quebec where they camped in the market square. Then in 1666 they moved five miles out of town on the Ste. Foye road but as the soil here was poor and there was a lack of wood for fuel, they moved again in 1693 five miles further out where their village was known as Ancienne Lorette. Some years later they made their final move and settled in a new village which was called Jeune Lorette, where 40 arpents of land was deeded to them by the Jesuit Fathers in 1794. They have also 9600 acres in the township of Roomont set apart for them by the Act of 1851.

Iroquois

The Iroquois Confederacy, (or six Nations) comprising the Cayugas, Mohawks, Oneidas, Onondagas, Senecas and Tuscaroras, migrated to Canada after the Treaty of Paris in 1783 and were given lands on the Grand River, where they now number about 4300, and at the Bay of Quinte where there are about 1500

The Caughnawaga Indians are descended from

- 4 -

Iroquois (principally Mohawks and Onondagas) whom the French Missionaries succeeded in detaching from British alliance about the year 1670. They have a reserve of about 12500 acres which was granted to them by the French Crown in 1680 and they now number about 2400.

In 1755 Father Gordon persuaded some of the Caughnawagas to settle at St. Regis, to avoid the temptations of Montreal. Here they have reserves on both sides of the international boundary and the population on the Canadian side is about 1600.

Another offshoot of the Caughnawagas settled at the Lake of Two Mountains (Oka) under the charge of the Seminary of St. Sulpice. The lands belong to the Seminary being a grant from the French Crown in 1720. In 1881 a number of these Oka Indians, who had joined the Methodist Church, went to the township of Gibson, where a reserve was purchased for them from the Provincial Government.

Some Oneida Indians (of the Iroquois Confederacy) who had continued to live in New York, sold their reserve there to the Government in 1840 and migrating to Canada bought land in the township of Delaware with the proceeds of this sale and placed themselves, their lands and their capital under the guardianship of the Crown.

Algonquin

The Delawares (a tribe of Algonquin stock) came to Canada with the Moravian Missionaries in 1791 and built a village at Fairfield on the Thames where they were given a reserve.

The Munceys, a division of the Delawares migrated to Canada and settled on the Grand River with the Six Nations about the year 1800. Subsequently their lands here were flooded and some of them moved to the unceded territory of the Chippewas of the Thames and in 1840 the Chippewas gave them a reserve of 1000 acres.

In 1870 land was purchased from the Provincial Government, at Golden Lake on the Bomechere river in Renfrew county, for a band of Algonquin Indians

At Maniwaki there is a reserve set apart under the Act of 1851 for Algonquins who came from the Lake of Two Mountains. The population is about 470.

The Algonquin and Tete de Boale Indians have reserves at Weymontachi and Coucouache set apart under the Act of 1851 and another at Manowan granted them by the Provincial government of Quebec in 1906.

Chippewa

The Chippewas and their sub tribe the Mississaugas, in the seventeenth century, occupied the country to the

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north of Lake Huron and during the next century they moved west driving the Foxes from North Wisconsin and compelling them to take refuge with the Sauk and driving the Sioux across the Mississippi and south to the Minnesota River. While the main divisions of the tribe were thus extending their possessions west, others overran the peninsula between Lake Huron and Lake Erie which the Iroquois had taken from the Neutrals in 1650.

The Chippewas (or Ojibways) were one of the tribes which formed "The Lake Confederacy", the other two being the Ottawas and the Pottawatomies. It is said that about 300 years ago they were all one tribe and even now there is much similarity in their language.

The Chippewas of Cheneau Ecarte moved to Walpole Island, Sarnia and the Lower St. Clair reserves about the year 1830 and some of them settled at Kettle Point and Stony Point.

The Chippewas and Pottawatomies living on Walpole Island have intermarried and are practically one band with a joint council, except for the expenditure of band funds, for the Pottawatomies have no capital.

The Chippewas of Lakes Huron and Simcoe consisting of three bands under Chiefs, Yellowhead, Aisance and Snake (or Bigwin) surrendered a tract of land containing 1,592,000 acres south of the Georgian Bay in October 1818, and they are now settled on reserves at Rama, Snake Island and Christian Island.

The Chippewas of Saugeen in 1836 surrendered a large tract of land (1,600,000 acres) which now forms the southern part of the county of Bruce, to Sir Francis Bond Head who was Lieutenant Governor of Upper Canada, reserving the whole of the Bruce peninsula (about 450,000 acres).

In 1854 they surrendered nearly the whole of this peninsula, reserving about 43,839 acres for the bands living at Saugeen, Cape Croker, Chiefs Point and Colpoys Bay also the Fishing Islands in Lake Huron.

The Indians of Colpoys Bay surrendered their land for sale in 1857 and joined the Cape Croker band.

The Chippewas (or Ojibways) hold reserves under the Robinson Treaty of 1850. There are twelve in the Port Arthur district and, nine in the vicinity of Sault Ste. Marie. There are also thirteen reserves set apart under this treaty for the Chippewas around Georgian Bay and the northern part of Lake Huron.

The Western portion of Manitoulin Island was surrendered by this tribe in 1862 with the exception of several reserves which were retained for their use.

In 1905 and 1906 a treaty was made with the Chippewas and Creos in the northern part of Ontario, in the James Bay and Hudson Bay district, by which they ceded this territory, with the exception of certain reserves, and in 1929 and 1930 an adhesion was made to this treaty covering the Patricia portion of the Kenora district.

In 1923 a treaty was made with the Chippewas and the Mississaguas ceding all hitherto unsurrendered lands in Ontario with the exception of their reserves.

Mississagua

The Mississaguas were a sub-tribe of the Chippewas but generally treated as distinct. When first encountered by the French they lived about the mouth of the Mississagua river on the north shore of Lake Huron and on Manitoulin Island.

The Mississaguas took possession of the eastern portion of the land, from which the Neutrals had been driven by the Iroquois in 1648-49, lying to the north of Lake Erie and west of the Niagara River, a district known at that time as "Saguinan". It was a portion of this land which they surrendered for a reserve for the Six Nations along the Grand River in 1784.

In a surrender made by the Mississaguas in 1806 they reserved for themselves a tract of land on the River Credit, which they occupied until the year 1848. They were dissatisfied with this location and had been looking around for land elsewhere when the Six Nations offered them a block of 4,800 acres in the south west corner of Tuscarora upon which they settled, calling this reserve the "New Credit". The lands on the Credit River were surrendered for sale.

In 1833 the Mississaguas of Grape Island surrendered Big Island in the Bay of Quinte for sale. The next year bought lands in the Township of Alnwick and in the following years up to 1914 numerous small purchases of additional land were made by this band.

The Indians living along the Trent waters surrendered the greater part of their lands in 1818. A reserve of 1,550 acres was made for the use of the Rice Lake band and 430 acres were subsequently purchased for them with their own funds. They have a joint interest with the Mud Lake band in 200 acres in Otonabee.

The Mud (or Chemong) Lake Indians have a reserve of 1,600 acres in the Townships of Smith and Otonabee which was given for them in trust to the New England Company in 1837 and which that Company relinquished in 1888, making an assignment to the Crown in trust for the Indians.

The Mississaguas of Scugog came from a reserve of 1206 acres granted them by the Crown in the Township of

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Bexley where a point of land jutted out into Balsam Lake. They became dissatisfied with the climate and the quality of the land and in 1843 purchased, with their annuity, 600 acres in the Township of Cartwright on the shore of Lake Scugog and moved to their new reserve, leaving Balsam Lake lands to be sold for their benefit.

G. M. Matheson

G.M. Matheson,
Registrar.



DEPARTMENT OF INDIAN AFFAIRS

CANADA

- The Iroquois -

The greater portion of the period, which saw the first settlement of the British ^{Colonists} in America, was one of conflict, first with the Dutch and then with the French. The Indians formed a very important factor in determining whether the English or the French would acquire the supremacy in the country and their assistance was sought and used by both parties.

In 1670, during the reign of Charles the Second, a Code of Instructions was issued to the Governors of the Colonies, which among directions ordered "that they at no time give any just provocation to any of the Indians that are at peace with us"; and as for those Indians who would come under British protection the Governors were instructed to severely punish anyone who dared to harm them in any way.

From the first the British recognized the Indian rights to lands occupied by them and paid them for such tracts as they surrendered to the Crown. The French, on the other hand, recognized no Indian title to land but claimed the territory by right of discovery and conquest and this title was taken over by the British at the conquest of Quebec.

The Indians with whom the British were more immediately associated during the period of the early settlement were the confederation of the Iroquois Tribes, known in history by the name of the "Five Nations" and comprising Cayugas, Mohawks, Oneidas, Onondagas, and Senecas. The date of the formation of this league is not known but is believed to be about the year 1570. It was occasioned by their wars with the Algonquin and Huron tribes and the object in view was to strengthen their power. The Tuscaroras were admitted to this league about the year 1715 making it the confederation of the "Six Nations". Their name for themselves as a political body was "Ongwanonsionni"- "We are of the extended lodge", hence the Longhouse.

Each nation had subdivisions of tribes or clans, the more important of which were the Wolf, Bear, Turtle, Snipe, Beaver, Deer, Hawk and Heron. These tribes or clans formed one of the closest bonds of union among the confederated nations. In effect, each tribe was divided into five parts, and one part was located in each nation. The Mohawk Wolf regarded the Seneca Wolf as his brother. Thus if the nations fell into collision it would have turned Bear against Bear, Wolf against Wolf, brother against brother. The whole race was woven into one great family of related households. Intermarriage among members of the same clan was not allowed.

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When the Iroquois league was first known to Europeans, they occupied the territory extending from the eastern watershed of Lake Champlain to the western watershed of the Genesee River and from the Adirondacks southward to the territory of the Conestoga. After the coming of the Dutch, from whom they procured firearms they extended their conquests over the neighboring tribes until their dominion was acknowledged from the Ottawa river to the Tennessee and from the Kennebec to Illinois river and Lake Michigan.

Champlain, on one of his early expeditions, joined a party of Canadian Indians against the Iroquois. This made them bitter enemies of the French until the close of the French regime in Canada in 1763, while they were strong supporters of the British.

The French made numerous attempts, through their missionaries, to win over the Iroquois with the result that about 1670 a considerable number of individuals from the different nations, most of them Mohawks and Onondagas, withdrew and formed the Indian Mission of Caughnawaga. The Five Nations repeatedly endeavoured but without success, to induce these to return and finally in 1684 declared them to be traitors. The Caughnawaga Indians fought with the French against their brethren as early as 1687.

Among the "Documents Relating to the Colonial History of the State of New York" there are numerous references to the relation of the Iroquois to the British Crown dating back to the time when the Dutch relinquished their colony to the English. Many of these bear witness to the submission, by the Indians, of their lands to the English for protection and to their being subjects of the Crown.

In 1701, owing to their fear of French aggression, the Five Nations surrendered their Beaver Hunting Grounds (800 miles long by 400 wide) to "Our Great Lord & Master the King of England, called by us Corachkoo and by the Christians William the third". This surrender was confirmed by the Indians in 1726.

In the middle of the 18th century when both the English and the French Colonies in the New World were in their infancy, the Iroquois, now in possession of firearms, constituted a potential factor in time of war, although without British protection they might have fared badly from French aggression.

The Indians were shrewd enough to realize their position and to profit by it. They had to be treated with great diplomacy and it was fortunate for the English colonists that Sir William Johnson had such a wonderful influence over them.

In 1761 a plot was discovered by which the Six Nations hoped to dispossess the English. They had sent belts and deputies to all the Indian tribes, from Nova Scotia to the Illinois, to take up the hatchet and two years later, in 1763, a large number of Senecas joined Pontiac in his conspiracy.

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By the Treaty of Paris in 1783, the lands of the Six Nations, in the Mohawk Valley, came within the bounds of the United States. They wished to continue living under the British flag and so came to Canada about the same time as the U.E. Loyalists and they were treated alike; the U. E. Loyalists were given lands in the Niagara peninsula and on the St Lawrence River and the Six Nations, were given lands at the Bay of Quinte and on the Grand River. These lands did not cease to be British territory and the Iroquois, no matter what their former status, are British subjects. As Mr. Justice Riddell has stated "The matter, as a question of law, is not arguable - the authorities are so perfectly plain that anyone born in His Majesty's territory is His Majesty's subject".

The Indians had the option of living in the United States if they so wished and the Senecas, many of whom had sided with the Americans during the war and afterwards moved to the Genesee Valley, invited them to settle with them. However, the Six Nations elected to make Canada their home and were given £15,000. in addition to the lands above mentioned, as a reward for their services and compensation for their losses.

Joseph Brant visited Quebec in 1779 and obtained from General Haldimand a promise of land, for the Six Nations, at the Bay of Quinte. On hearing of the locality chosen by the Mohawks, the Senecas, living in the Genesee Valley, expressed their disappointment that their brethren should be so far removed from them, when their aid might be required. Brant then made a second visit to Quebec and His Excellency Governor Haldimand acceded to his request for lands on the Grand River.

Certain Mohawks of the Six Nations, however, under the leadership of John Deserondyou, decided to locate at the Bay of Quinte. General Haldimand and Joseph Brant both urged them to go to the Grand River, but without avail, the reason being (as expressed by Sir John Johnson) "The Mohawks here are determined to abide by their first resolution of settling about the Bay of Quinte, the Chiefs, John and Isaac preferring the Rule of a few to the Risk of losing their Consequence among the whole".

The Indians settling at the Bay of Quinte and on the Grand River were treated alike. They were each given a deed of their land, without the power of alienation except through the Government. They had each a church built for them, with schools and other assistance, and each of them has charge of part of the Communion Service which was presented to them by Queen Ann when they lived in the Mohawk Valley in the old province of New York.

The claim of the Six Nations to land losses, owing to failure to provide for them in the Treaty of Paris is hardly justified. These Indians continued their hostilities after the signing of the Treaty of Peace in 1783 and made separate treaties with the Americans in 1784, 1789 and 1795 for the sale of their lands within the boundary of the United States. In fact the Americans refused to take possession of the Iroquois lands until they had been ceded. The claim of the Cayuga Indians against the State of New York on which the Indians recently recovered an award of \$100,000. was based on one of these treaties.

From the date of their first settlement on the Grand River, the Six Nations demanded a clear transmissible title to their lands but, for their own protection, it was wisely withheld and any disposition they wished to make of their lands had to be through the medium of the Crown. Had it not been for this safeguard their lands might have been lost to them. As it was, they gave a power of Attorney to Joseph Brant, who, en grand seigneur, conveyed large tracts of the reserve to whites, on 999 year leases, for a nominal consideration. In some cases this consideration was a peppercorn a year. Some 200 claims under these leases were dealt with by a commission of trustees appointed for that purpose in 1834.

Brant's ambition was to create one great confederacy of the Indian tribes from Canada and West of the Mississippi, with himself at its head and to dominate the European Colonists in America. Until the year of his death, 1807, he tried to get rid of the control of the Indian Department.

The Iroquois who through the influence of the Jesuits had settled at Caughnawaga about 1670, received a grant of land from the French Crown in 1680 to the west of and adjoining La Prairie, having a frontage on the lake of two leagues.

In 1752 some 30 families from Caughnawaga under the direction of P. Billard, S.J. moved further up the St Lawrence and again Pere Gordon, S.J., on account of the dissipation among the Indians of Caughnawaga owing to its proximity to Montreal, persuaded some of the more sober minded to move further up the St Lawrence. These parties settled at the mouth of the St Regis river between the years 1855 and 1860, where, they claimed, they had a promise of a grant of land from the King of France. St Regis gets its name from Jean Francis Saint Regis a French ecclesiastic who died in 1690.

Other Iroquois from Caughnawaga settled at Oka on the Lake of Two Mountains in 1716 and in 1881 part of these, who had joined the Methodist Church moved to a reserve purchased for them in the township of Gibson.

There are also some Iroquois settled in Alberta known as Michael Calihoo's band. These are descended from Caughnawaga Indians who were taken west as canoe-men by Alexander MacKenzie in the year 1793.

G. M. Matheson.

G. M. Matheson,
Registrar.

ADDRESS REPLY TO THE
SECRETARY, DEPT. OF INDIAN AFFAIRS,
OTTAWA



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DEPARTMENT OF INDIAN AFFAIRS
CANADA

Indian Lands

The British have always recognized the Indians' title to land, which consisted of hunting and fishing rights over the districts occupied by them and the Crown reserved to itself the exclusive right to treat with the Indians for its surrender.

In the early colonial days there was a boundary fixed between the lands of the white settlers and that of the Indians and none of the Whites were permitted to encroach upon the Indian territory.

The French claimed New France by right of discovery and conquest and never recognized any Indian title but set apart reserves for the Indians as a matter of grace and this, with a few exceptions applies to all the Indian reserves in Quebec and the Maritime Provinces.

After the conquest of Canada the British assumed the French title to lands and the Indians were confirmed, by the Proclamation of 1763, in the possession of the reserve which they then occupied.

The Government of British Columbia has not recognized any Indian land title in that province but has set apart reserves in which the government retains a reversionary interest which will be effective if and when the Indians shall cease to require the land.

In Ontario, Manitoba, Saskatchewan, Alberta

and the North West Territories the old policy of recognizing the Indian title has been followed and large tracts of land have been ceded by the Indians to the Crown for an immediate payment in goods or money or for an annuity, or for both. In these treaties the Indians reserved certain lands for their own use and occupation, the title of which was in the Crown in trust for the Indians and the ceded territory was administered by the province.

At times Indians surrender for sale or for lease, parts of the lands reserved for themselves and the proceeds are placed to the credit of the band.

On some reserves individual Indians hold location tickets for land allotted to them by the Indian Council and the individual may sell or bequeath his interest to another member of the band but not to an outsider.

When an Indian woman marries a white man she loses, under the Indian Act, her former status and all her Indian rights with the exceptions of annuity and interest money which may be commuted at ten years purchase, and her landed property rights which she may sell to another member of the band.

When an Indian is enfranchised he loses his Indian status and is given a sum of money which is estimated as the value of his share in the capital, annuity and lands held in common on the reserve. If, however, he wishes to retain his land, he is given a patent for the same but has to pay back to the band from the monies coming to him, the estimated value of this land. If, however, he has ceased to reside on the reserve he does not share in the lands of the reserve when enfranchised but in the capital and annuity only.

G. M. Matheson

G.M. Matheson,
Registrar.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

- Mississaguas -

The Mississaguas were a sub-tribe of the Chippewas but generally treated as distinct. When first encountered by the French they lived about the mouth of the Mississagua river on the north shore of Lake Huron and on Manitoulin Island.

The Mississaguas took possession of the eastern portion of the land, from which the Neutrals had been driven by the Iroquois in 1648-49, lying to the north of Lake Erie and west of the Niagara River. It was a portion of this land which they surrendered for a reserve for the Six Nations along the Grand River in 1784.

Credit River

In a surrender made by the Mississaguas in 1806 they reserved for themselves a tract of land on the River Credit, which they occupied until the year 1848. They were dissatisfied with this location and had been looking around for land elsewhere when the Six Nations offered them a block of 4,800 acres in the south west corner of Tuscarora upon which they settled, calling this reserve the "New Credit". The lands on the Credit River were surrendered for sale.

Alnwick.

In 1833 the Mississaguas of Grape Island surrendered Big Island in the Bay of Quinte for sale and in the following year selected lands in the Township of Alnwick for a reserve and in the following years up to 1914 numerous small purchases of additional land were made by this band.

Rice Lake, Mud Lake and Scugog.

These bands surrendered the greater part of their lands in 1818. A reserve of 1,550 acres was made for the use of the Rice Lake band and 430 acres were subsequently purchased for them with their own funds. They have a joint interest with the Mud Lake band in 200 acres in Otonabee.

In 1787 the Mississaguas surrendered a tract of land from Etobicoke to the head of the Bay of Quinte, along the shore of Lake Ontario, and extending back to Rice Lake and Lac la Clay (Lake Simcoe) but the Islands in Rice Lake were retained for the Indians. This surrender was incomplete in that the description of the land was omitted from the deed.

In 1805 another deed was signed by these Indians to confirm the treaty of 1787. This is known as the "Toronto Purchase" and covers only a small part of the land ceded in 1787; this omission, however, was covered by the treaty made with the Mississaguas in 1923.

The Mud (or Chemong) Lake Indians have a reserve of 1,600 acres in the Township of Smith and Otonabee which was given for them in trust to the New England Company in 1837 and which that Company relinquished in 1888, making an assignment to the Crown in trust for the Indians.

The Mississaguas of Scugog came from a reserve of 1206 acres granted them by the Crown in the Township of Baxley where a point of land jutted out into Balsam Lake. They became dissatisfied with the climate and the quality of the land and in 1843 purchased, with their annuity, 600 acres in the Township of Cartwright on the shore of Lake Scugog and moved to their new reserve, leaving Balsam Lake lands to be sold for their benefit.

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DEPARTMENT OF INDIAN AFFAIRS
CANADA

- Moravians -

The Moravian Indians consisted for the most part of Munsees and Delawares who were under the instruction of the Missionaries of the Moravian brethren who came from Saxony in Germany.

These Missionaries commenced their work in the province of New York in 1740 moving to Pennsylvania in 1746 and to Ohio in 1773, where they built the village of Muskingum.

In the spring of 1782 a large number of these Indians were massacred at this place and the survivors migrated to Canada in 1791 under the leadership of Zeisberger and built the village of Fairfield on the Thames.

On the authority of Orders in Council of the 10th of July 1793 & 11th of June 1798 51,160 acres of land in the townships of Zone and Oxford were surveyed and set apart in the terms of the Order in Council, "that this Tract be reserved for ever to the Society, in Trust for the sole use of their Indian Converts".

The village of Fairfield was burned by American Troops in 1813 and two years later the Moravians built New Fairfield (now known as Moraviantown) on the opposite bank of the river from the old village.

In 1819, it appears that Mr. John Atkins and Dr. Richardson made a proposal to the Indians on behalf of the Government for a surrender of part of this reserve and the Moravian Missionaries through their secretary, Mr. Latrobe protested against it and asked for a deed of the original grant but stated that "We are satisfied with the documents already in our possession, trusting, as we do in other colonies, to the well known justice of the British Government to protect us in those rights so generously ceded to us for the purposes of humanity and for the furtherance of Christianity among the heathen throughout its widely extended Dominion".

No surrender appears to have been taken at this time.

On the 25th of October, 1838, these Indians surrendered that portion of their reserve in the township of Zone on the North side of the River Thames. On this occasion the Missionaries again protested but thought "it would be inexpedient to take any steps which might lead to the annulling of it". They asked that a more secure title should be granted for the remaining portion and that it should hereafter be inalienable, except with the consent of the Moravian Missionaries.

- 2 -

Lord Glenelg, Secretary of State for the Colonies, stated that "This application appears to me "liberal and just and preferred in a spirit of great "moderation", and "except on the express authority of "Her Majesty's Government no future negotiations should "be set on foot respecting this land otherwise than "through the Moravian Missionaries".

In course of time this Moravian Mission deteriorated until the Indians were "considered the "poorest and most dissipated in this part of Canada". There had been a disagreement among them and some of their number had gone to Missouri. The disposal of the timber on the reserve was also a source of trouble. The Missionary was accused of having a part in it and on this account a number of the Moravian Indians joined the Methodist Church.

The County Council of Kent repeatedly petitioned the Government to obtain a surrender of such portion of the reserve as was not actually required by the Indians, and the Indian Commissioners Pennefather, Talfourd and Worthington were, in 1857, empowered by the Governor General to negotiate a surrender with the Indians themselves, as no deed, whereby the land would have been conveyed in trust to the Missionaries, had ever been executed.

Two square miles were reserved, including the Indian village and church, allowing for each Indian family a farm of 35 acres.

The Moravian Missionaries were granted a license of occupation of Lot 1 containing 56 acres and Lot Gore A said to contain 18 acres, in May 1860.

G. M. Matheson

G. M. Matheson.
Registrar.



DEPARTMENT OF INDIAN AFFAIRS

CANADA

Munsee Indians.

Munsee, - (Min-asin-ink, "at the place where stones are gathered together"). One of the three principal divisions of the Delawares, the others being the Unami and Unalachtigo. The Wolf has commonly been regarded as the totem of the Munsee, who have frequently been called the Wolf tribe of the Delawares.

They originally occupied the head waters of the Delaware river but by a treaty, known as the "Walking Purchase", the main body of the Munsee was forced to remove from the Delaware about the year 1740 and settled on lands on the Susquehanna assigned them by the Iroquois. Soon after this they removed to the Alleghany river, Pa., where some of them had settled as early as 1724. The Moravian Missionaries drew off a number of these Indians who became a separate organization. Others moved west with the Delawares into Indiana and others migrated to Upper Canada after the Revolutionary war.

About the year 1800 some of these Munsees settled on the Grand River reserve. A portion of the land occupied by them was subsequently flooded and those of them who lived on the flooded portion moved to the uncaded lands of the Chippewas of the Thames.

The Munsees (or Delawares) who remained on the Grand River were adopted by the Six Nations and allowed all the privileges of membership.

Those who settled on the Thames were not so treated by the Chippewas and came to be recognized as a distinct band under the name of the "Munsees of the Thames". They were not recognized as having any right to the land and were not parties to the surrender of the Chippewa lands in 1819. They were however encouraged to settle on the reserve and in 1840 the Chippewa Council allotted them 1000 acres of the reserve lands for their own use.

Their right to occupy this tract was never disputed but, the Munsees, who were from time to time joined by other Indians, overstepped this 1000 acre limit. This caused trouble between the two bands and some of the Munsees removed to the Moravian Tract previous to its surrender in 1857.

The claim of the Chippewas for land occupied by the Munsees, over and above the original 1000 acres allotted to them in 1840, was settled in 1896 by a payment of \$17,640.00 by the Government to the Chippewas and an agreement to return to them 612 acres then occupied by the Munsees. In 1910 the Chippewas received another \$10,000.00 in lieu of this 612 acres.

By 1908 the Caradoc reserve had been surveyed to the satisfaction of both bands and the plan was signed by their Chiefs.

In the war of 1812-14 the Munsees together with the Moravians and the Six Nations rendered valuable military service under the command of Captain John Norton.

G. M. Matheson

G. M. Matheson.
Registrar.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

Oneida Indians.

Oneida - a compressed form of the Iroquois *tiioneniote* - meaning a rock that something set up and is still standing, referring to a large syenite boulder near the site of one of their ancient villages. A tribe of the Iroquois confederation, formerly occupying the country south of Oneida Lake, Oneida Co., N.Y. and having three clans, the turtle, the wolf and the bear.

These Indians were included in the Royal Warrant of 1687 to Governor Dougan of the Province of New York instructing him to protect the Five Nations as subjects of Great Britain. They were at times friendly to the French and to the Jesuit Missionaries. A great part of them remained neutral during the Revolutionary war. At a later period a considerable number migrated to Canada and settled on the Grand River and the River Thames.

In 1838 these Indians made a treaty with the American Government by which they were to relinquish their land in the State of New York and move to the vicinity of Green Bay, Wisconsin, where each individual was to receive 100 acres of land. For this they were also to receive the sum of \$33,500.00. Some of them, reluctant to go so far west, sent deputations to Upper Canada in 1838 and 1839 to make inquiry as to whether they could obtain land there. They were permitted to acquire 5000 acres in the Township of Delaware in the County of Middlesex and their Chiefs proposed that the land should be held by the Crown in trust for them and that their surplus funds should be invested for them in Government securities.

In the fall of 1840 about 200 of the Oneidas came over with Mr. Burchard, an Attorney at Law, who was authorized by the Government of the State of New York to assist them in selecting a location and brought with them £2,250. Another contingent of them followed in September of 1841 bringing £1,505.

In 1843 there were in all 436 Oneidas located on the 5000 acres of land in the Township of Delaware which had been purchased for them with their own money, from the white settlers. They occupied 6 frame and 48 log houses and 4 wigwams. They also had 5 frame and 15 log barns and cultivated 335 acres of land. Their stock consisted of 64 oxen, 61 cows, 27 heifers, 17 horses and 162 swine. They had also implements and tools.

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Before they came to Canada they had some knowledge of farming and two of their number were carpenters who could do good plain work.

In 1843 there was a Methodist Church at the Oneida Settlement and their Missionary was the Reverend Peter Jones. Their school also was under the control of the Wesleyan Missionary Society and the teacher an Indian of the Oneida tribe. There were in attendance sixteen boys from 6 to 16 years of age and seventeen girls from 5 to 15. They were taught in their own language and learned fast but made slow progress in English owing to the teacher being deficient in this respect.

In 1856 they purchased another 400 acres of land and their reserve today consists of 5,271 acres.

According to the last census, taken in 1924, those Indians numbered in all 876.

G. M. Matheson

G. M. Matheson.
Registrar.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

INDIAN RECORDS

The first mention of Indian records is to be found in the reference to Governor Clinton's order, dated August 2nd, 1749, for the delivery to Col. Wm. Johnson of all papers relating to the Department for Indian Affairs. (Documentary History of New York Vol. II page 622).

On the 24th of November 1778, Sir John Johnson, writing from Lachine to General Haldimand, who was Governor of Canada, reports the return of a detachment, with the ruins of his father's papers, from Johnson Hall, in the Mohawk Valley, and states that their destruction involves a loss of £20,000. (B158 page 42)

On the 11th of September 1783, General Haldimand wrote to Col. Guy Johnson (who succeeded his uncle, Sir Wm. Johnson, as Superintendent General of Indian Affairs) on his retirement from office, to deliver to Sir John Johnson, on his appointment to the same office, Sir William's official records. And on the 15th of the same month Col. Guy replied that he had already done so.

On the 8th of November 1787 Sir John Johnson stated that he had "lost all his father's papers by the war". (B.76 page 326) This probably refers to the loose correspondence and papers, for the Minutes of Transactions kept at Albany from 1675 to 1751 were bound in four volumes in July 1751. (Documents relating to the Colonial History of New York Vol. VI page 730-1) and were not lost.

The manuscripts of Sir Wm. Johnson were filed in the Secretary of States Department in Albany on the 16th of April 1801 and were published in Volume II of the Documentary History of New York and a list is there given of missing documents.

Sir John Johnson in a letter to Darling in 1821 stated that he had in his possession the records of the Dutch Government of New York and those of the English Commissioners at Albany from 1677 to the death of Sir Wm. Johnson (his father) in 1774. (Q. 157² page 362)

Joseph Chew, who was Secretary of the Department, wrote on the 1st of June 1795 to Thos. A. Coffin enclosing a schedule of the records at that time in the Superintendent General's Office in Montreal which covered the period from 1677 to 1792. (C248 pages 151, 155 - copy herewith)

Again on the 18th of March 1805 Mr. Chew made a schedule of the papers in the Superintendent General's Office at Montreal relating to transactions with the Indians of Upper Canada covering the period from 1783 to 1804. (C-255 p.14 - copy herewith)

At the time of the conquest of Quebec the French were permitted, on their retirement to France, to take with them the records relating to this country and they are now housed in several places in Paris. A rough calendar has been made of them and quite a number of them have been copied for the Archives in Ottawa. There were, however, some of the French papers left at Quebec, Three Rivers and Montreal.

At the end of the eighteenth and the beginning of the nineteenth century the Indian Department was divided, the office of the Superintendent General and the Secretary being at Montreal and that of the Deputy Superintendent General and the Assistant Secretary at Fort George (Niagara). Here at Niagara is the first mention of a Records room, in a complaint made in the year 1800 that it had no desk, no shelf and no fuel.

During the war of 1812-14 the Indian records were transferred for safer keeping from Niagara, on the frontier, to York but on the 27th of April 1813 the Americans raided York and all the papers were either taken or destroyed and the public buildings, including the House of Parliament, were burned by the Americans who occupied York only for a few days. The British, in retaliation, under General Ross, took Washington, the then new American Capital and burned the public buildings there on the 24th of August 1814.

All the records at Amherstburg were lost on the 26th of September 1813 when Proctor retreated before General Harrison.

Yet another loss of records was sustained on the 25th of April 1849 when the House of Assembly in Montreal was burned by a mob and many manuscripts lost.

Following the abolition of the office of Superintendent General in 1828, the Secretary of the Department was moved from Montreal to Quebec in 1830 and back to Montreal in 1840.

This division of the Department, the moving of its offices and the changes of administration - sometime under Civil Government and sometime under Military control, now under the Governor General's Secretary, now under the Crown Lands Department and now under the Secretary of State, has left confusion in the mass of records.

From the date of Sir John ^JJohnson's appointment as Superintendent General of Indian Affairs in 1782 up to the year 1821 there had been no letter book or letter register kept in his office in Montreal.

A. Kennedy Johnson, - (a son of Sir John) - who was Secretary of the Department from 1814 to 1826, writing to Lt. Col. Couper - the Military Secretary - on the 13th of March 1830, stated that he kept a letter book from 1821 for the private information of his father rather than as a public record. (C.269 page 258-)

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The present series of letter books commenced in 1829 and a few of the early volumes are not indexed.

Messrs. Jameson, Macaulay and Hepburn were appointed a Commission to "investigate into the business, "conduct and organization of the various Public Departments "of the Province of Upper Canada and in their report, which is dated January 1840, among other recommendations, we read:-

"Your Committee suggest that in the conduct of his "office, the Chief Superintendent should be obliged to "keep:-
"1st a Book in which shall be entered all the corres-
"pondence of the Department, with an alphabetical index."

This was the origin of the letter registers.

At first, under this new system of registration, each letter was given a number, folded in four and filed separately. Then, for convenience, letters on the same subject were tied together with tape and a note made in the register "filed with----".

The Department of Indian Affairs was placed under the Secretary of State at the time of Confederation and on the 30th of December 1867 the Under Secretary of State issued instructions for the registration of correspondence and the keeping of records (S.249 of 1867)

The present system of having all letters on each subject, with the replies, placed in order of date on one file with an endorsed back first came into use about 1870.

The following records have been transferred from the Department of Indian Affairs to the Public Archives for safe keeping.

On November 6th, 1907 - Nine bound volumes of manuscripts containing Reports and Minutes of Indian Commissioners at Albany covering the period from January 1723 to May 1790. Also unbound manuscripts, the Proceedings of Councils held with Pontiac and Chiefs of the Ottawa, Hurons and Chippewas, from 22nd July to 29 July 1766. And minutes of Indian Affairs under the Superintendency of Col. Guy Johnson from 1st October 1774 to 25th March 1776. Also the original Indian Treaties and Surrenders from No. 1 to No. 280½. The other numbers up to No. 539 followed before the end of 1912 after having been copied for publication.

On the 17th of October 1913, when the Department of Indian Affairs was about to move from the Eastern Block to the Booth Building, the following records were transferred to the Archives:-

Official Letter Books from 1829 to 1872

Letter Registers (Alphabetical) from 1842 to 1872.

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Unregistered Letters

1796 to 1830 Upper Canada under Civil Control
 1801 to 1816 Lower Canada do do
 1791 to 1828 Superintendent General's office
 1829 to 1841 Chief Superintendents Office (Upper Canada)
 1797 to 1830 Deputy Supt. Generals Office
 1842 to 1857 Montreal Office
 1831 to 1839 Lower Canada
 1833 to 1840 Secretary's Office Lower Canada
 1841 Superintendents do do
 1788 to 1844 Grand River Claims
 1839 to 1844 Commission of Inquiry
 1809 to 1860 Organization Papers
 1793 to 1876 Orders in Council
 No date (before 1842) arranged alphabetically
 1816 to 1844 Lower Canada - Military Control
 1839 to 1842 Petitions
 1801 to 1816 Lower Canada (Civil Control)
 1816 to 1840 do (Military Control)
 1840 to 1853 Canada East
 Estimates 1782 to 1832 Upper & Lower Canada
 Letters previous to 1800. Miscellaneous (These have since been
 bound in one volume).

Registered Letters

prior to 1842 Alphabetically arranged
 1844 to 1850 Petitions
 1844 to 1860 A numerical series
 1860 to 1861 " " "
 1845 to 1861 Miscellaneous papers
 1862 to 1865 Alphabetical series
 1865 to 1872 Another alphabetical series

 Letters 1845 to 1877 Toronto Offices papers (Central Superintend-
 ency) arranged alphabetically.
 Letter 1830 to 1883 Sarnia Office papers (Western Superintend-
 ency) arranged alphabetically.
 Letter 1844 to 1883 Manitowaning Office (Northern Superintend-
 ency)
 " ----- Nova Scotia (re reserves)
 Letter 1882 to 1883 Buctouche Reserve
 Letter 1840 to 1849 New Brunswick (re reserves)

In addition to the records sent to the Archives by the Department of Indian Affairs there are many other Indian manuscripts received from various sources. The originals of much of the earlier material, including the Haldimand Collection, and the State Papers, are in the Colonial Records Office - London, England and copies of these are now to be found on bound volumes in the Archives at Ottawa. There is also a mass of original manuscripts which was among the Governor General's papers sent to the Archives from Halifax many years ago. This is to be found in the "C" series, without any index. The Indian papers in this collection cover the years 1767 to 1859 and are bound separately in volumes C-247 to C-271. The "Claus Papers" in the "M" series are almost entirely

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Indian. The Upper "Canada Sundries" prior to 1840, in the "S" series, and many others of the older manuscripts contain useful references to Indian matters.

There are also Indian papers in Halifax, Quebec and Toronto.

In 1915 Mr. David W. Parker who was in charge of the Manuscripts in the Archives at Ottawa, made an inspection of the old records in Toronto and reported on their location at that time, and from that report has been gleaned notes regarding the whereabouts of the Indian records in Toronto. (Copy herewith)

I have for many years, been making notes of material, from various sources, regarding Indian matters and a card-index of the same shows where these records are to be found.

G. M. Matheson

G.M. Matheson,
REGISTRAR.

11th July, 1934.

DOCUMENTS RELATING TO THE COLONIAL HISTORY OF THE
STATE OF NEW YORK VOL. VI

Governor Clinton to the Lords of Trade
(New York Papers, Bundle II., No.4)

New York, 30 August, 1751.

My Lords,

I do myself the honour to enclose a copy of the Governour of Canada's letter, in answer to mine of 12. June last, with a few remarks upon it made in haste, as likewise some extracts from the Register of Indian Affairs in Albany, and should have sooner done myself the honour to have complied with Your Lordships orders, relating to Indian Affairs, but the papers were all in Coll: Johnson's Hands, and as I had not appointed a Secretary, for Indian Affairs till last January when the necessity of the circumstances of meeting the Indians were early, obliged me to appoint Edward Holland Esq., Secretary; and when we went up to Albany to meet them, I sent an express for the Registers, and on perusing a part thereof the Extracts now transmitted to Your Lordships, were found, which are some proofs of the infractions of the French on the Treaty of Utrecht, & of their incroachments on the Territories belonging to the Crown of Great Brittain; and I doubt not I shall be able soon to transmit to your Lordships many more proofs to the same purpose, and to prove the whole remarks, after a thorough perusal of the Indian Registers, which till last month were only in loose Quiers of paper, but now they are strongly bound up into four thick Volumes in Folio, and they are now perusing with care, to get what intelligence possible for your Lordships that may be, concerning the Indian Affairs, pursuant to your Lordships orders.

I have the honour to be with great respect

My Lords

Your Lordships most obedient and
most humble servant

G. Clinton.

C248-pl55

Montreal, 1st June, 1795.

Dear Sir:-

I am extremely sorry that the person I sent with my letter on Thursday did not immediately go to the Post Office with it as he was ordered, by which means it was too late for the Post. I therefore got the favour of Major Bunbury to take it.

I have examined the records, etc. of the Indian Department left by the Superintendent General, a schedule of which I now enclose, one, for most of them was sent to you in Dec. 1792, at that time I wrote you I apprehended the missing records were among Col. Guy Johnson's papers. I now am pretty sure Vol. 9 & 11 were taken to England by Sir John Johnson who I expect to see in the course of the summer and hope he has or will get the Books. No. 8 & 10 the rough Minutes of Sir Wm. Johnson's transactions with the Indians are torn, defaced and damaged so that it is difficult to find anything particular from them.

There is not any mention of the Treaty which Col. Butler says was made with the Mohawks for delivering up persons committing murder. I was at Johnson Hall when the Six Nations delivered up the two Senecas concerned in murdering four Frenchmen on Lake Ontario who were committed to gaol. I therefore examined what papers I could find about that time but have not been able to come at what passed between the Indians and Sir William on the occasion from the extracts of the cyps of Two Letters from him to the Earl of Dartmouth. His Lordship will see this was the first Instance of the Six Nations ever being brought to deliver up any of their People to be tried by our Laws and I think if there had been any particular treaty for it Sir William would have mentioned it to the Earl. It therefore appears probable that Colonel Butler may be mistaken with respect to a Treaty being made, particularly with the Mohawks, for that purpose when others of the Six Nations were constantly coming among the Inhabitants.

I was the Person who went with the order to Release the two Senecas which was sooner than was intended on account of one Cressup on the Frontier of Verginia murdering Sundry of the Six Nations who lived on the Ohio - I have received the approved estimates for the stores which shall be got this day,

I am Dr. Sir,
Your most obedient
humble Servant

Joseph Chew.

Thos Astor Coffin, Esq.

(Joseph Chew's Schedule 1st June 1795)

C248- p151

Indian Records etc. in the Superintendent
General's Office at Montreal.

X	Book No. 1	from 1677 to 1706	)	Records and Transactions with
X	" "	2 " 1706 to 1722	)	the Commissioners of Indian
X	" "	3 " 1722 to 1732	)	Affairs at Albany.
X	" "	4 " 1733 to 1746)	

about 1 quire of paper 1753 to 1754

X	Book No. 5	from 1755 to 1757	)	Transactions under the Super-
X	" "	6 " 1757 to 1759	)	intendency of Sir William
X	" "	7 " 1759 to 1760	)	Johnson Baronet

A number of sheets of paper)
stitched together cont'n.)
Rough minutes of Indian Meet-)
ings &c, very much torn and)
defaced.)

Letters from and to His Maj-)
esty's Commander in Chief,)
Officers at the Posts Deputy)
Agents and others of the)
Indian Dept. from 1755-1774.)

X	2 Books 1777 to 1780	Col. Johnson & Col. Butler's Transactions.
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X	Sundry Transactions with Sir John Johnson & the Indians from 1782.
---	--

Treaties between the Americans & Indians

X	at Fort Stanwix 1784
X	at Fort McIntosh 1785
X	at Muskingum 1789

X	Proceedings of Obule a Seneca Chief and the President of Congress at Philadelphia, 1791.
---	--

X	Speeches of the Western Deputies to Lord Dorchester and His Lordship's answers in 1791.
---	---

From 1791 to 1795

Proceedings of Councils in Lower Canada, of Councils etc. at Niagara and Buffalo Creek a variety of Councils & Proceedings with Col. McKee and the Western Indians.

Treaties and speeches of the Americans with and by the Six Nations and Western Indians.

A schedule of those Books etc. marked with Red Ink were sent to Quebec 31st Dec. 1792.

Archives

C-255 page 14

Schedule of Papers in the Superintendant General's Office at Montreal that relate to transactions with the Indians of Upper Canada.

Letters and Journals from Alex'r. McKee of transactions with the Western Indians from	1783 to 1796
Letters from General Haldimand respecting the claims of Lands made by the Indians of St. Regis also some letters from him on the subject of the Grand River Lands.	1784
Col. Campbell's proceedings with the St. Regis Indians	1784
Treaty with the Indian Nations resorting to Michilimackinac.	12th July 1787
Treaty made at Muskingum between the United States and Indian Nations.	9th January 1789
Speech of the Western Deputies to Lord Dorchester at Quebec with His Lordships answer in August.	1791
Proceedings of a Council held at Buffalo Creek with the Six Nations and American Commissioners.	1792
Governor Simcoe's speech to the Six Nations at Navy Hall on the subject of their lands - January	1793
Sundry Proceedings of the Six Nations with the American Commissioners in 1793 with a Treaty of Peace concluded between them at Kanondaga the 11th November	1794
Governor Simcoe's proceedings with the Western Indians at the Huron Village in October.	1794
Governor Simcoe's proceedings with the Six Nations at Fort Erie 28th August	1795
Governor Simcoe's proceedings with the Five Nations at the Grand River 8th September.	1795
Letters from Lord Dorchester to Governor Simcoe respecting the purchase of Lands at Chenail Ecarte and at the Head of Lake Ontario 18th Feb.	1796
Several letters respecting the Indian Lands with a proposed Deed to be given them.	1794 to 1796

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Deed of Sale and Plan of Lands purchased from the Chippewa Indians on the North side of the River Thames or La Tranche - 7th September))))	1796
Deed of Sale and Plan of Lands purchased from the Chippewa Indians at Chenuil Ecarte 7th September	) ) )	1797
Ditto of Ditto purchased from the Mississauga Indians at the Head of Lake Ontario - 21st Aug.	) ) )	1797
Ditto of Ditto purchased from the Chippewas of Penetanguishene, Matchadash &c. in May	) )	1798
Ditto of Ditto purchased from the Chippewas of the Island of St. Joseph - 30th June.	) )	1798
Mr. President Russell's proceedings with the Six Nations in -----	) )	1797
Mr. President Russell's proceedings with the Chippewas - 21st May	) )	1798
Speech made by Captain Brant and the Mississauga Indians to Count de Puisaye 13th April.	) ) )	1799
Speech of the Five Nations to Sir John Johnson Bart at La Chine 19th July	) )	1799
Proceedings of the Deputy Superintendent General with the Five Nations at the Head of Lake Ontario - 30th July	) ) )	1800
Proceedings of the Deputy Superintendent General with the Mohawks of the Bay of Quinte 10th Sept.	) ) )	1800
Deed of Sale and Plan of Lands purchased from the Ottawas, Chippewas, Poutawatamies and Wyandot Indians at Sandwich and Amherstberg 11th Sept.	) ) ) )	1800
Letters from Thos. Aston Coffin Con't. General of Accts.	) from 1790 to 1804)	
Letters from Col. Green - Military Sec'y.		1796 to 1804
Annual Establishments of Officers		1796 to 1804
Ditto of Persons holding Temporary Appointments and pensions		
Annual requisitions for Presents		
Ditto - Ditto for Provisions and Rum		
Ditto - Ditto for Stationery		
General Orders		from 1786 to 1804

Montreal 18th March, 1805

Archives
C-265 Page 227

Copy
G.W.H.
I.D.

Montreal, 26th December, 1821.

Sir:-

I have had the honor to receive your letter of the 5th instant, enclosing a Copy of a Duplicate from Earl Bathurst, in answer to a Letter addressed to His Lordship by the Commander of the Forces, on the Subject of a Demand made by the Secretary of State for the State of New York as Referred to in my Letter of the 8th of June last and requesting my opinion whether the Documents in Question contain anything that can make their delivery to the State of New York in any way objectionable, in order that the Commander of the Forces may be prepared to meet any further demand that may be made on that Subject.

As Mr. Yates has only asked for a Book of Commissions and Treaties, I am at a Loss to know what can be meant as I possess no Records that can occasion a Breach in any that may have been delivered to the State by the British Government after the Treaty of Peace - those I have in Charge being, I believe, entire from the time of the Dutch Government till the Death of my Father the Late Sir William Johnson in 1774, those during his Agency Containing Copies of Letters and Instructions for his guidance from His late Majesty's Ministers and the Lords of Trade, Internal Regulations of the Department, and appointments of officers &c &c. But more particularly His Majesty's Instructions for a Line of Division between His then Colonies and the Territory of the Indian Nations concluded in the year 1768 which I have reason to think may be the principal object

- 2 -

Mr. Yates has in View, and if so I see no reasonable objection to his obtaining a Copy of it should he require it.

However, that the Commander of the Forces may be better able to Judge of the propriety of Mr. Yate's being furnished with a Copy, I will send the Record Containing the Treaty above mentioned for the perusal of His Lordship by the first opportunity.

I have the honor to be &c &c

(signed) John Johnson

Superd't. Gen'l.

Indian Affairs.

Colonel Darling,
Mil'y. Secretary.

Archives
C.269 Page 258

Mount Johnson,

13th March, 1830.

Sir:-

I have been honored with your letter of the 8th instant and I regret that it is not in my power to afford you any satisfactory information relative to the Correspondence of my Father as Superintendent General of Indian Affairs, previous to the year 1821. When I was appointed to the Indian Department, in 1814, I did not find any Letter Book among the Papers of the Indian Office and as my Father was in the habit of personally conducting the correspondence on Indian Affairs for several Years subsequent to my appointment, without having his Letters entered in the office, I apprehend that there does not exist any Register of the nature alluded to in Your Letter. About the year 1821 He was induced to withdraw, in a great measure, from the fatigues of the office, and the Duties of the Department having chiefly devolved upon me, I thought it necessary to retain for his satisfaction copies of such correspondence as passed through my hands and the Book to which Lieutenant Colonel Napier has reference, was intended by me for the private information of my Father, rather than a public Record.

I have the honor to be, with much respect

Sir,

Your most obedient

Humble Servant,

A. Kennedy Johnson.

Lieut. Colonel Couper

&c &c &c

S - 249 of 1867

Ottawa, 30 December, 1867.

Circular

Sir:-

I am directed by the Honorable the Secretary of State to inform you that in order to secure uniformity in the mode of conducting the business of the Department and to prevent confusion, embarrassment and useless complication in the books and records, the following rules should be strictly observed by the different branches of which the Department of State is now composed - viz:-

1st Every paper referring to a new matter shall be, on receipt, handed over to the Central or Under Secretary's Office, to be there duly recorded, and then laid before the Secretary or returned to the branch from which it came, as the case may be.

2nd Every paper having reference to a matter already before the Department, but still remaining undetermined upon, shall be annexed to the former papers in the case, and the whole file handed over and dealt with as above.

3rd Whenever objection to, or remonstrance is made against, a decision of the Department already given in any case, the paper or papers containing such objection or remonstrance shall be annexed to the former papers and the whole dealt with as in No. 2 above.

4th. Whenever a reference is made for report from the Central Office to any branch of the Department, a regular and neatly written report shall be made and sent to the Central Office with all papers connected therewith to be dealt with in the same manner as above.

- 2 -

5th. A copy or rough draft of every official letter shall, when signed, be handed over to the Central Office with the file or papers connected therewith to be recorded and entered in the Letter Book and afterwards returned.

I have the honour to be

Sir,

Your most obedient Servant,

E. Parent
Under Secretary of State.

- NOTES. -

Notes from Mr. David W. Parker's memorandum (in 7 note books kept in the Archives at Ottawa) of old records in the Provincial Archives and other Departments in Toronto. 1915

Archives (Room next to Dr. Fraser's Office)
Schedule of lands, with area in acres, originally reserved for different Indian Tribes (transmitted with letter from Surveyor General to Com'r. of Crown Lands Feb. 2nd, 1842).

Land papers in drawers in steel case.
No. 26 B.B. Register of Indian land sales Nov. 13, 1846 to Dec. 31/1847 and January 1 to Dec. 31, 1848.

A.G. Register of Special Grants 1846-47.

Indian land payment Register U.C. 1833-36.
Reports (Copies) on Indian Petitions 1839-1844.
Inspection Return of Ind. Lands Tp. of Zone 1844.

SURVEY BRANCH

(In Survey & Patents Vault.)

Surveyor General's Letter Books (indexed).
Vols. 1 to 45 - 1792 to 1867.

(In basement vault of Sales & Free Grants Branch)

Original Correspondence of Surveyor General's office.

Entry Books (indexed) Vols. 1 to 19 - 1793 to 1864.

Orders in Council (12 Vols.) 1792 to 1867.

PATENTS BRANCH

(In Survey & Patents Vault.)

Registers of Land Patents (10 vols.) with date and number of acres.

"Issue Books" with dates of patents and when forwarded 1823 to ---.

Patents under "Old Regulations" with descriptions 45 volumes - 1798 to 1848.

Indian Land Sales (20 vols.) 1845 to 1867.

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Indian Lands on River Credit 1827 - 28.

Flats.

Warrants.

Licenses of Occupation Nos. 1 to 200 - 1803 to 1845
 " " " " 200 to 300 - 1845 to 1898
 (Indexed).

Indian References.

Cartons of papers re land sales and applications for patents
 1847 to 1867.

SALES & FREE GRANT BRANCH

(In basement outer vault.)

17 pigeon holes of "Letters & orders from Government House"
 to Surveyor General 1805 to 1841 (arranged chronologically
 in packages.)

(In vault on ground floor.)

"Indian Lands" - miscellaneous 1833 - 1850.

"Six Nations" - Certificates & Returns of sales,
 Orders in Council &c - 1831 - 1845 (1 box).

(Mr. Murphy's Room.)

Book of Sales of Indian lands at Brantford 1835 - return
 of sales Six Nations lands 1834.

PROVINCIAL REGISTRARS OFFICE

The records of this branch are almost entirely
 composed of registers, in which land patents were copied.
 These were at one time in the office of the Secretary &
 Registrar of the Province.

(In Provincial Registrars vault)

Registers of Land Patents.

Special Grants.

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LIBRARY.

(Manuscript collections).

Jarvis Collection.

B.84 - Indian Affairs (Miscellaneous) 1768 - 1816.

B.27 - "Indian Dept.- Orders in Council".

(This Vol. evidently belonged to the Indian Department under S.P. Jarvis and consists of copies of proceedings in Council upon Indian Affairs 1819-38.)

B.44 - Accounts of the Trustees of the Six Nations with the Indians 1830 to 1839.

B.56 - Papers on Indian Affairs 1788 to 1837.

B.57 - Papers on Indian Affairs 1838 to 1839.

B.58 " " " 1840 to 1842

B.59 " " " 1843 to 1844.

B.60 " " " 1845 to 1852.

B.61 " " " 1824 to 1829.

B.62 " " " 1840 to 1852.

B.63 Indian Affairs - Land surveys. 1812 - 1847.

Copies of various Treaties respecting the purchase of lands from Indians in U.C. 1797 - 1811 with sketches and documents.

Carton of "Miscellaneous M.S.S."

Mississagua Indians - "Thoughts on civilization of Chippewas and Mississaguas.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

INDIAN TREATIES.

From the time of the first British settlement in New England, the title of the Indians to lands occupied by them was conceded and compensation was made to them for the surrender of their hunting grounds. The Crown has always reserved to itself the exclusive right to treat with the Indians for the surrender of their lands, and this rule, which was confirmed by the Royal Proclamation of October 7, 1763, is still adhered to.

In 1670, during the reign of Charles II, instructions were given to the governors of the colonies, which, among other matters, directed that Indians who desired to place themselves under the British should be well received and protected.

For nearly a century the Indians most intimately associated with the English were the Five Nations, living in what is now the state of New York. These were known as the "Iroquois League" and at first comprised the Mohawks, Oneidas, Cayugas, Onondagas and Senecas. In 1715 the Tuscaroras from North Carolina were admitted to this league, which from that time has been known as the "Six Nations".

There are still of record numerous agreements and treaties, dating back as far as the year 1664 and made by the British with the Indians of New England, while Canada was still under French Government.

Quebec.

Unlike the British, the French did not admit the Indians had any title to lands but claimed them for the Crown by right of discovery and conquest. Reserves were, however, set apart from time to time for the use of the Indians and these were confirmed by the British in Article XL of the Articles of Capitulation signed at Montreal on September 8, 1760, which reads, in part, as follows:-

"The Savages or Indian Allies of his most Christian Majesty, shall be maintained in the lands they inhabit, if they choose to remain there; they shall not be molested on any pretence whatsoever, for having carried arms and served his most Christian Majesty."

In later years other reserves were set apart for Indians in the province of Quebec under authority of an Act of the province of Canada dated August 30, 1851 (14 & 15 Victoria, Cap. 106).

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Maritime Provinces.

Two of the reserves in Prince Edward Island were grants from private owners and the third was purchased by the Dominion Government for the Indians. In New Brunswick and Nova Scotia some reserves were set apart by the Provincial Governments before Confederation and others have been purchased for the use of the Indians by the Dominion Government since that date.

Ontario.

The whole of Upper Canada has been surrendered to the Crown by treaties made by the Government with the Indians, reserves of sufficient extent being set apart for their use at points chosen by the Indians. In addition to the indigenous tribes, it was necessary to provide lands for the Six Nations Indians who came to Canada after the American revolution to compensate them for the loss of their lands in the Mohawk Valley. Reserves were set aside for them on the Bay of Quinte and on the Grand River,

Up to the year 1818 the compensation for the lands, whether in goods or money, was paid to the Indians at the time of treaty but since that date it has taken the form of an annuity.

Previous to the year 1829, the custom was to pay these annuities in goods of the same description as the annual presents, by which practice the Indians, having already received an adequate supply of clothing, had a strong inducement to dispose of the remainder for any object of more immediate want or attraction, among which liquor ranked foremost.

In 1829, Sir John Colborne, being desirous of checking the evils of this system and to promote the settlement and civilization of the Indians, obtained permission from the Secretary of State to apply the annuities towards building houses and purchasing agricultural implements and stock for such members of the several tribes, interested in the payments, as were disposed to settle in the province; and from that time the issue of goods in payment of annuities ceased. The change seems at first to have been unwillingly adopted by the Indians but was later generally approved of. Within two or three years the settlements at Coldwater, the Narrows, St. Clair and Munceytown were established by means of these funds and later several other settlements were formed or enlarged.

In consequence of this change it became necessary to credit each band, yearly, with the amount of its annuity and to direct the expenditure of the money for its benefit. This has led to the admission of the Indians to a voice in the disbursement of their funds. The Government has not abandoned control but still exercises a restraint on improvident or improper expenditure and directs undertakings for their advantage, but the general practice is

for the Indians to determine among themselves how the money is to be spent, sending a resolution of their Council to the department covering each item,

There have been many surrenders of land for the purpose of sale or lease, the proceeds of which are placed to the credit of the Indians, and there have been others for railway purposes, roads, churches, schools, etc., but the principal surrenders were made under Treaty and cover practically the whole province.

Old Upper Canada Treaties.

By treaty of May 15, 1786, the Ottawa and Chippewa Indians surrendered Anderdon township and part of West Sandwich, Lambton County; also Bois Blanc Island in the Detroit River.

By Treaty of May 19, 1790, the Ottawa, Chippewa, Pottawatomie and Huron Indians surrendered parts of Kent, Elgin and Middlesex Counties, containing about 2,000,000 acres of land, in consideration of goods to the value of £1,200 currency delivered at the time of treaty.

By treaty of December 7, 1792, signed at Navy Hall, the Mississauga Indians surrendered Norfolk and Haldimand counties and parts of Lincoln, Wentworth, Brant, Oxford, Middlesex, Elgin and Welland counties, containing about 3,000,000 acres of land.

This surrender was taken to correct a defect in one taken on May 22, 1784.

The consideration in this case was £1,180.7s.4d. sterling.

By treaty of September 7, 1796, the Chippewa Indians surrendered part of Middlesex and Oxford counties, on the north side of the River Thames, in consideration for which they were paid £1,200 Quebec currency, in goods, at the time of treaty.

By treaty of September 7, 1796, the Chippewa Indians surrendered part of Lambton and Kent counties, in consideration for which they were paid £800 currency, in goods at the time of treaty.

By treaty of August 21, 1797, the Mississauga Indians surrendered part of Nelson township, in Halton County, containing about 3,450 acres in consideration of goods to the value of £75. 2s.6d. delivered at the time of treaty.

By treaty of May 22, 1798, the Chippewa Indians surrendered part of Simcoe county, including Penetanguishene harbour and islands therein, for the sum of £101 paid to them in goods at the time of treaty.

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By treaty of June 30, 1798, the Chippewa Indians surrendered St Joseph, Cariboux or Payantanassin Island, between Lakes Huron and Superior - one hundred and twenty miles in circumference - in consideration of goods, to the value of £1,200 Quebec currency, delivered to them at the time of treaty.

By treaty of September 11, 1800, the Ottawa, Chippewa, Pottawatamie and Wyandott Indians surrendered part of Essex county, containing 2,412 acres and a roadway, in consideration of the payment of £300 in goods delivered at the time of treaty.

By treaty of August 1, 1805, the Mississagua Indians surrendered Etobicoke, York and Vaughan townships and parts of King, Whitechurch and Markum townships, York county.

This was in confirmation of a surrender signed on September 23, 1787, when "divers goods and valuable consideration was given." Ten shillings was paid at the time of this confirmation.

By treaty of September 6, 1806, the Mississagua Indians surrendered part of Peel and Halton counties to the extent of about 85,000 acres, in consideration of goods to the value of £1,000. 9s. 1¹/₂d. delivered at the time of treaty.

By treaty of the 17th and 18th of November, 1815, the Chippewa Indians surrendered part of Simcoe county containing about 250,000 acres, on consideration of £4,000 paid to the Indians at the time of treaty.

By treaty of August 6, 1816, the Mississagua Indians surrendered part of Thurlow township, Hastings county, at the mouth of Moira River, Bay of Quinte, containing about 428 acres, in consideration of £107 paid to the Indians at the time of treaty.

By treaty of October 17, 1818, the Chippewas of Lakes Huron and Simcoe surrendered part of Gray, Wellington, Dufferin and Simcoe counties, containing about 1,592,000 acres, in consideration of an annuity of £1,200 payable in goods.

By treaty of October 28, 1818, the Mississagua Indians surrendered parts of Wellington, Dufferin, Peel and Halton counties to the extent of about 648,000 acres, known as the Mississagua Tract, in the Home District. The consideration in this case was an annuity of £522 10s. to be paid in goods.

By treaty of November 5, 1818, the Chippewa Indians surrendered Ryde township and parts of Muskoka, Morrison, Draper and Oakley, Muskoka district; part of Ontario county; Victoria and Peterborough counties; and parts of Durham, Haliburton, Hastings and Northumberland counties, containing about 1,951,000 acres, in consideration of an annuity of £740, province currency, payable in goods.

By treaty of February 28, 1820, the Mississagua Indians surrendered part of Toronto township, Peel county, containing about 2000 acres in consideration of £50 currency paid at the time of treaty.

By treaty of July 8, 1822, the Chippewa Indians surrendered part of Middlesex, Lambton and Kent counties, containing about 580,000 acres, in consideration of an annuity of £2 10s. in goods to each man, woman and child of the Chippewas then inhabiting and claiming the said tract of land, and who shall be living at the respective times appointed for the delivery of the said merchandise, during their respective lives and to their posterity for ever, provided that the number of annuitants should not at any time exceed 240, being the number of persons then composing the said nation claiming and inhabiting the said tract.

By treaty of July 20, 1820, the Mohawks of the Bay of Quinte surrendered about 52 square miles, in consideration of an annuity of £2 10s. for each man, woman and child but not to exceed the sum of £450 a year.

By treaty of November 28, 1822, the Mississagua Indians surrendered parts of Carleton, Lanark, Renfrew, Frontenac, Addington and Hastings counties, containing about 2,748,000 acres, in consideration of an annuity of £2 10s. in goods, to each man, woman and child, provided the number of annuitants shall not at any time exceed 257, being the present number of persons entitled to the same.

By treaty of July 10, 1827, the Chippewa Indians surrendered parts of Waterloo, Wellington, Huron, Lambton, Middlesex and Oxford counties and all of Perth county, containing about 2,182,049 acres, in consideration of an annuity of £1,100 payable in goods.

This was in confirmation of a treaty signed by them on April 26, 1825, but giving the area surrendered more exactly.

By treaty of August 9, 1836, the Ottawa and Chippewa Indians surrendered their claim to Manitoulin Island to be used as a reserve for all Indians.

By treaty of October 25, 1836, the Moravian Indians surrendered their lands on the north side of the River Thames, containing about 2,500 acres, in consideration of an annuity of \$600.

The annuities granted to the Indians under the Old Upper Canada treaties were capitalized some time previous to Confederation and the interest placed each year to the credit of their respective accounts and distributed to the Indians entitled to them semi-annually with the interest derived from sale of their lands, timber etc.

By treaty of September 7, 1850, at Sault Ste. Marie, the Ojibeway (or Chippewa) Indians surrendered the land on the north shore of Lake Superior, including the islands, from Batchawana Bay to Pigeon River, and inland to the height of land, except reserves mentioned, in Algoma and Thunder Bay districts, in consideration of an immediate payment of £2,000 and an annuity of £500.

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If the territory ceded should produce a sufficient amount the annuity to be increased to £1 currency for each individual, provided the number of annuitants shall be two-thirds of their present number (which is 1,240). This increase of annuity was authorized by Order in Council of July 22, 1875, and arrears of increase paid for the years 1853, 1854, 1856, 1872, 1873 and 1874.

By treaty of September 9, 1850, the Ojibwa (or Chippewa) Indians surrendered the eastern and northern shores of lake Huron, including the Islands, from Penetanguishene to Batchewana Bay, and inland to the height of land, except reserves mentioned in Muskoka, Parry Sound, Nipissing and Algoma districts, in consideration of an immediate payment of £2,000 and an annuity of £600. If the territory ceded should produce a sufficient amount the annuity to be increased to £1 currency for each individual provided the number of annuitants shall be two-thirds of their present number (which is 1,422). This increase of annuity was authorized by Order in Council of July 22, 1875, and arrears of increase paid for 1873 and 1874.

Treaty 9

In the years 1905 and 1906 Treaty Commissioners Duncan C. Scott and Samuel Stewart (for the Dominion) and Daniel George MacMartin (for the Province of Ontario) negotiated a treaty with the Ojibwa and Cree Indians north of the height of land and a surrender was obtained of a tract of land described in the treaty, containing about 90,000 square miles, under the following conditions; Lands to be reserved for the use of the Indians to the extent of one square mile for each family of five. A present of \$8. to be made to each Indian at the time of treaty. An annuity of \$4. for each Indian and schools to be established for the Indians where necessary.

This treaty was signed at:-

Osnaburg, on July 12, 1905.
 Fort Hope, on July 19, 1905.
 Martins Falls, on July 25, 1905.
 Fort Albany, on August 3, 1905.
 Moose Factory, on August 9, 1905.
 New Post, on August 21, 1905.
 Abitibi, on June 7, 1906.
 Matchewan, on June 20, 1906.
 Mattagami, on July 7, 1906.
 Flying Post, on July 16, 1906.
 New Brunswick House, on July 25, 1906.
 Long Lake, on August 9, 1906.

The annuities granted to the Indians under the Robinson Treaties and Treaty No. 9 are distributed yearly to the Indians entitled to them.

Adhesion to Treaty No. 9.

In 1929 Mr. W. C. Cain, Deputy Minister of Lands and Forests, and Mr. H. N. Awrey were appointed Commissioners to negotiate an extension of the James Bay Treaty No. 9, with the Ojibway, Cree and other Indians. Mr. Cain acted for the

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Province of Ontario and Mr. Awrey for the Dominion Government.

By this adhesion to Treaty No. 9 - 128,320 square miles, in the District of Kenora (Patricia Portion) were ceded to the Crown and the deed was signed at the following places:-

Trout Lake on July 5, 1929.
Wendigo River on July 18, 1930.
Fort Severn on July 25, 1930.
Winisk on July 28, 1930.

Chippewa and Mississagua Treaties of 1923.

In 1923 a Commission was appointed to negotiate a treaty with the Chippewa Indians of Christian Island, Georgian Island and Rama and the Mississaguas of Rice Lake, Mud Lake, Scugog and Alnwick to extinguish the Indian title to certain lands. On this commission Mr. A. S. Williams, Solicitor of the Department of Indian Affairs, represented the Dominion Government and Mr. R. V. Sinclair and Mr. Uriah McFadden represented the Province of Ontario.

The Indians ceded to the Crown the following lands:-

Parcel No. 1 - A tract of land lying to the east of Georgian Bay and north of Lake Simcoe (described in the treaty) containing 17,600 square miles.
Parcel No. 2 - A tract of land lying in the Counties of Northumberland, Durham, Ontario and York along the shore of Lake Ontario (described in the treaty) containing about 2500 square miles to cover the "Gunshot Treaty" of 1787.

and all other lands other than those reserved for them by the Crown.

The Chippewas were, in consideration, each paid the sum of \$25.00 and the sum of \$233,375.00 was placed to their credit in trust account.

This treaty was signed by the Commissioners, Chiefs and Headmen at Georgina Island on the 31st of October, at Christian Island, on the 3rd of November and at Rama on the 7th day of November 1923.

The Mississaguas were, in consideration, each paid \$25.00 and the sum of \$233,425.00 was placed to their credit in trust account.

The treaty was signed by the Commissioners, Chiefs and Headmen at Alderville on the 19th of November, at Mud Lake on the 15th of November, at Rice Lake on the 16th of November and at Scugog on the 21st of November 1923.

Manitoba and the Northwest Territories.

By treaty of July 18, 1817, the Chippewa or Saulteaux and the Killistine or Cree Indians surrendered a large tract of land in the Red River district, now in Manitoba, for the Selkirk Settlement, in consideration of an annuity of 100 pounds of tobacco to be delivered to each of the two nations. The Earl of Selkirk had purchased the rights of the Hudson Bay Company to this land on June 21, 1811, for the consideration of ten shillings and certain agreements and understandings contained in an indenture. In 1836 the Hudson Bay Company bought back the whole tract from the heirs of the Earl of Selkirk for the sum of £84,000. the rights of colonists, who had purchased land between 1811 and 1836 being respected.

This tract of land was afterwards included in Treaty No. 1, 1871.

By treaty No. 1 dated August 3, 1871, Treaty Commissioner Wemyss M. Simpson obtained a surrender from the Chippewas and Swampy Cree of a tract of land (described in the treaty) reserving 160 acres, for each family of five Indians, in several localities in consideration of an annuity of \$3. for each man, woman and child, Her Majesty agreeing to maintain a school on each reserve for the use of the Indians.

By treaty No. 2, dated August 21, 1871, Treaty Commissioner Wemyss M. Simpson obtained a surrender from the Chippewa Indians of a tract of land (described in the treaty) reserving certain lands for the use of the Indians to the extent of 160 acres for each family of five persons, in consideration of an annuity of \$3. for each man, woman and child, Her Majesty agreeing to maintain a school on each reserve for the use of the Indians.

By Order in Council of April 30, 1875, Treaties Nos. 1 and 2 were amended raising the amount of annuity from \$3. to \$5. with an additional \$20 per annum to each Chief and giving a suit of clothes every third year to each Chief and Headman. Headmen also received \$10. extra.

An acceptance of this amendment was signed by the Indians on August 23, 1875.

By Treaty No. 3 (Northwest Angle), dated October 3, 1873, the Treaty Commissioners, Hon. Alexander Morris, Lt.-Governor of Manitoba and the Northwest Territories, J. A. N. Provencher and S. J. Dawson, obtained a surrender from the Saulteaux and Ojibwa Indians, of a tract of land (described in the treaty) comprising an area of about 55,000 square miles, reserving certain lands for the use of the Indians, to the extent of one square mile for each family of five, in consideration of a present of \$12 for each man, woman and child and an annuity of \$5 for each Indian. Her Majesty further agreed to maintain a school for the Indians on each reserve and to supply the Indians with \$1,500. worth of ammunition and twine (annually), also implements and cattle. And that the Chiefs be paid a salary of \$25. a year and the sub-chiefs (three to each band) \$15. a year. The Chiefs and sub-chiefs were to receive a suit of clothes once every three years and a medal and flag to be given to each Chief.

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On June 9, 1874, the Indians of Lac Seul, Trout and Sturgeon Lakes signed an adhesion to Treaty No. 3 (Northwest Angle).

By Treaty No. 4 (the Qu'Appelle Treaty), dated September 15, 1874, the Treaty Commissioners, Hon. Alexander Morris, Lt.-Governor of Manitoba and the Northwest Territories, Hon. David Laird, Minister of the Interior, and W. J. Christie, obtained a surrender from the Cree and Saulteaux Indians of a tract of land (described in the treaty) upon the same terms as Treaty No. 3, with the exception that four sub-chiefs were allowed to each band and the annual grant for ammunition and train was \$750.

The following adhesions were signed to Treaty No. 4; at :-

Fort Ellice, on September 21, 1874.
Swan Lake, on September 24, 1874.
Qu'Appelle Lakes, on September 8 and 9, 1875.
Fort Pelly, on August 24, 1876.
Fort Walsh, on September 25, 1877.

By Treaty No. 5 (Lake Winnipeg Treaty), dated September 20 and 24, 1875, at Berens River and Norway House, the Treaty Commissioners, Hon. Alexander Morris and Hon. James McKay, obtained a surrender from the Saulteaux and Swampy Cree Indians of a tract of land (described in the treaty) containing about 100,000 square miles.

The terms of this treaty are similar to those of Treaty No. 3.

The following adhesions to Treaty No. 5 were signed by:-

Chief Thick Foot's Band on September 28, 1875.
Bloodvein, Big Island, Dog Head and Jack Head bands
on July 26, 1876.
Grand Rapids, on August 4, 1876.
Black River Band, on September 27, 1876.
Pas, Cumberland and Moose Lake band on September 7, 1876.
Split Lake, on June 26, 1908.
Nelson House, on July 13, 1908.
Norway House, on July 8, 1908.
Cross Lake, on July 15, 1908.
Fisher River, on Aug. 24, 1908.
Oxford House, on July 29, 1909.
Gods Lake on August 6, 1909.
Island Lake on August 13, 1909.
Deer Lake, on June 9, 1910.
Fort Churchill, on August 1, 1910.
York Factory, on August 10, 1910.

By Treaty No. 6, dated August 23 and 28 and September 9, 1876, at Fort Carlton, Fort Pitt and Battle River, the Treaty Commissioners, Hon. Alexander Morris, Hon. James McKay and Hon. W. J. Christie, obtained a surrender from the Plain and Wood Cree Indians of a tract of land (described in the treaty) containing about 121,000 square miles.

The terms of this treaty are similar to those of Treaty No. 3.

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Adhesions to Treaty No. 6 were signed by the Cree Indians at Fort Pitt on August 9, 1877, and August 19, 1878.

By the Crees at Blackfoot Crossing and Bow River on September 25, 1877.

By the Stony Plain Indians on August 29, 1878.

By the Wood Crees at Carlton on September 3, 1878.

By Crees (Michel Calistrois) on September 18, 1878.

By Little Pines band on July 2, 1879.

By Big Bears band on December 8, 1882.

Robert and William Charles bands signed an adhesion to Treaty No. 6 on February 11, 1889, at Montreal Lake and surrendered lands (described in the adhesion to treaty) containing about 11,066 square miles.

The Waterhen River band signed an adhesion to Treaty No. 6 on the 8th of November, 1921.

By Treaty No. 7 (Blackfoot) dated September 22, 1877, at Blackfoot Crossing, the Treaty Commissioners, Hon. David Laird and James F. McLeod, obtained a surrender from the Blackfoot, Blood, Peigan, Sarcee and Stony Indians of a tract of land (described in the treaty).

The terms of this treaty are similar to those of Treaty No. 3.

An adhesion to Treaty No. 7 was signed by Chief Three Bulls on behalf of his band on December 4, 1877.

Treaty 8.

A Treaty was made on June 21, 1899, by the Treaty Commissioners, Hon. David Laird, J. A. J. McKenna, and J.H. Ross, with the Cree, Beaver and Chipewyan Indians by which the Indians surrendered a tract of land (described in the treaty) on the following conditions:-

Lands were to be reserved for the use of the Indians to the extent of 160 acres for each Indian.

Each Chief was to receive a present of \$32., each Head-man \$22. and each Indian \$12. at the time of Treaty.

Each Chief was to receive an annuity of \$25. each Head-man \$15. and each Indian \$5.

Each Chief was to receive a medal and a flag, and each Chief and Head-man a suit of clothes every third year.

School teachers were to be provided for the Indian and implements, cattle, ammunition and twine were to be supplied.

This treaty was signed at:-

Lesser Slave Lake, on June 21, 1899.

Peace River, on July 1, 1899.

Vermilion, on July 8, 1899.

Fond du Lac, on July 25 and 27, 1899.

Dunvegan, on July 6, 1899.

Fort Chipewyan on July 13, 1899.

Fort McMurray, on August 4, 1899.

Wapiscow Lake, on August 14, 1899.

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Adhesions to Treaty No. 8 were signed before Commissioner J. A. Macrae by the Beaver Indians of Upper Peace River on May 30; the Sturgeon Lake band on June 8; the Slave Indians of Upper Hay River on June 23; and by the Great Slave Lake Indians (south shore) on July 25, 1900.

The Slaves and Sicances Indians of Fort Nelson, B.C., signed an adhesion to Treaty No. 8 before Commissioner H. A. Conroy on August 15, 1910.

Treaty 10.

In the Year 1906 Treaty Commissioner J. A. J. McKenna negotiated a treaty with the Chipewyan and Cree Indians by which they surrendered a tract of land (described in the treaty) containing about 85,800 square miles, upon terms similar to those of Treaty No. 8.

This treaty was signed at:-

Isle-a-la-Crosse, on August 28, 1906.
Lac du Brochet, on August 19 and 22, 1906 and
Cance Lake, on September 19, 1906.

Treaty 11.

By Treaty No. 11, dated June 27, 1921, Commissioner H. A. Conroy obtained the surrender from the Indians of a tract of land in the Mackenzie River District (described in the treaty) containing about 372,000 square miles. The terms of this treaty are similar to those of Treaty No. 8, and it was signed by the Indians at:-

Simpson, on July 11, 1921.
Wrigley, on July 13, 1921.
Norman, on July 15, 1921.
Good Hope, on July 21, 1921.
Arctic Red River, on July 26, 1921.
McPherson, on July 28, 1921.
Rae, on August 22, 1921.

The annuities granted by treaty to the Indians of Manitoba and the Northwest Territories (now Alberta and Saskatchewan and the Northwest Territories) are distributed yearly to those entitled to them.

G. M. Matheson

G. M. Matheson.
Registrar.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

Indians of the Prairie Provinces
Historic Sketch

The Blackfoot Confederacy

The Siksika or Blackfoot Confederacy is of Algonquin stock and consists of the Blackfoot, the Bloods and the Peigans. Within recent times they occupied the territory from the North Saskatchewan river to the southern head-streams of the Missouri in Montana and from where Regina now stands to the foothills of the Rocky Mountains.

They were, in the past, roving buffalo hunters dwelling in tipis and shifting from place to place. Transportation didn't trouble them for they had herds of horses.

They were a restless, aggressive and pillaging tribe and constantly at war with their neighbours the Assiniboine, Cree, Sioux and Crow Indians. The last of their feuds, of which we have any account, was in 1886 when six Canadian Blood Indians were killed by a party of Gros Ventre from south of the Border. The trouble arose over the theft of horses which had been going on for three or four years.

Alexander Mackenzie (later Sir Alexander), estimated their number in 1793 to be about 9000, which is four times their present population. The reduction may, in part, be accounted for by four epidemics of smallpox and one of measles. In addition to this they suffered from the excessive use of intoxicants previous to 1874. Then a detachment of the Mounted Police was established at Fort Macleod and in a short time it put a stop to this traffic and under the wise leadership of Chief Crowfoot they again became an important tribe.

About 1876 the buffalo became extinct, owing to the invasion of the Blackfoot hunting grounds by half breeds and Indians of other tribes, especially the Sioux from the United States who under "Sitting Bull", had taken refuge in Canada. Then the Blackfeet, hitherto independent, had to look to the Government for aid.

In 1869 the Hudson's Bay Company transferred their territorial rights in the North West Territories to the Government of Canada and steps were taken at an early date to treat with the Indian tribes for the surrender of their lands. In 1877 the Blackfoot, Blood, Peigan and Sarcee and Stony Indians entered into a treaty ceding their lands to the Crown in consideration of an annuity and certain other stipulations and reserving lands for their own use.

These Indians have for some time past turned their attention to stock raising and are now a prosperous people.

Sarcee

The Sarcee is a tribe of the eastern group of the northern division of the Athapascan family. At the beginning of the 19th century they numbered 120 warriors in 35 tents (according to Mackenzie) and their hunting grounds were on the upper Saskatchewan river towards the Rocky Mountains. In 1790 they were one of the leading tribes trading with the Hudson's Bay Company.

Their customs were greatly modified by their long residence near the Blackfeet but their language remained uncorrupted.

Chief Stamiscotocar (or Bull Head) was a signatory to Treaty No. 7, on behalf of the Sarcees in 1877 and, after changes in the selection of lands, a reserve of 69,000 acres was finally set apart for them on the Bow river and South Saskatchewan in the vicinity of Calgary in 1889.

Sioux

After the Minnesota massacre of 1862 a number of American Sioux who took part in it came across the line and were finally settled in northern Saskatchewan on the White Cap and Wahpaton reserves, and in Manitoba at Oak River, Oak Lake and Bird Tail Reserves.

After the Custer massacre in Dakota in 1876 a number of American Sioux under Sitting Bull took refuge in Canada about Cypress Hills. The following description of the Chief at this time is given by Assistant Commissioner A.G. Irvine of the North West Mounted Police at Fort Walsh on the 6th of June 1877:- "I was particularly struck with Sitting Bull. He is a man of somewhat short stature, but with a pleasant face, a mouth showing great determination, and a fine high forehead. When he smiled, which he often did, his face brightened up wonderfully. I should say he was a man about forty-five years of age."

An extract from report of J.M. Walsh, Superintendent of North West Mounted Police, Dated 11th Sept. 1880, reads as follows:-

"Sitting Bull is the shrewdest and most intolligent Indian living, has the ambition of Napoleon and is brave to a fault; he is respected as well as feared by every Indian on the plains. In war he has no equal, in council he is superior to all. Every word said by him carries weight, is quoted and passed from camp and camp."

From time to time other Indians from south of the line joined the refugees.

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Efforts were made to have these Indians return to their reserves in the United States and an American Commission met Sitting Bull and his Chiefs at Fort Walsh in 1877 for that purpose but without effect for the Sioux would not believe or trust the Americans. However, most of the Indians under this Chief re-crossed the border between 1880 and 1884 but many remained in this country.

We learn from the newspapers that in December 1890 Sitting Bull was arrested on some pretext and, during an attempt by the Indians to rescue him, he and his son Black Bird, Catch Bear and four other Indians as well as seven of the police were killed.

About this time the New York Times makes the following comment:-

"In comparison with the whites the Indians are more numerous there (in Canada) than here, and could make themselves much more troublesome. They do not wish to do so simply because they have been treated with justice. The Canadians do not appoint discredited politicians to 'operate' in Indian supplies, and when they make a compact with the Indians they keep it. The contrast between the treatment of their Indian question and of ours is discreditable to us at every point. People who have not been lied to or stolen from, whether they be white or coppercoloured, are not nearly so apt to rise against the Government as those who have experienced these injuries."

Chippewas

The Chippewa (a popular adaptation of Ojibway "to roast till puckered up", referring to the puckered seam on their moccasins) was one of the largest tribes north of Mexico, whose range was formerly along both shores of Lake Huron and Lake Superior, extending across Minnesota to Turtle Mountain in Manitoba.

In the beginning of the 18th century they drove out the Foxes and the Sioux in their westward migration across Minnesota and North Dakota until they occupied the headwaters of the Red River and established their westernmost band in Turtle Mountain district.

They took part with the other tribes of the North West in all the wars against the frontier settlements, to the close of the war of 1812. Those living in the United States made a treaty with the Government in 1815 and have since remained peaceful, all residing on reservations or allotted lands within their original territory in Michigan, Wisconsin, Minnesota and North Dakota with the exception of the small band of Swan Creek and Black River Chippewa, who sold their lands in South Michigan in 1836 and are now with the Muncies in Franklin county Kansas.

Many of the Chippewa are settled in Ontario and the Hudson Bay district. Those in the Prairie Provinces entered into treaty with the Government through the Honorable Alexander Morris, erstwhile Lieutenant Governor of Manitoba and the North-West Territories, in the early seventies of the last century and are now settled on their reserves at Fort Alexander, Broken Head, Cold Lake and in the districts around Battleford, Ile A la Crosse and Portage la Prairie.

Stony

The Stony Indians had a reserve of 69760 acres set apart for them at Morley in 1889 and were given another 12,742 acres in 1914. In 1929 they purchased an additional 2000 acres for hay lands, with their own money. They are a branch of the Assiniboine.

Previous to 1890 some of the Stony Indians settled on the Kootenay Plains, erecting houses and enclosing lands.

In 1911 the Rocky Mountain Forest Reserve was established at this place and the Indians caused much trouble by killing game without regard to the regulations. About the year 1918 it was proposed to move these Indians, some 15 families in all, back to their reserve at Morley but this proposition was abandoned.

Assiniboine

The Assiniboine Indians, are a branch of the Sioux, who broke away from their brethren and became allied with the Crees. They probably first settled about the Lake of the Woods, then drifted northwest to the region about Lake Winnipeg where they were living as early as 1670. In 1775 they were found scattered along the Saskatchewan and Assiniboine rivers and continued to range in this district until gathered on to their reserve near Sintaluta about 1874, where they have about 41,000 acres of land.

Iroquois

Michael's (or Calihoo) band of Indians in the Edmonton Agency are descended from Iroquois Indians of Caughnawaga, who were taken west by Alex. Mackenzie, as canoe men, about the year 1793.

Chipewyan

The Chipewyan belong to the Athapascan linguistic group. Their original habitat was the Churchill river and Athabaska and Great Slave Lakes.

In 1779 the French Canadians brought Smallpox to the shores of Ile-a-la-Crosse and Athabaska Lakes and the Crees and the Chipewyans were decimated by the malady.

They now occupy reserves in Onion Lake, Ile-a-la-Crosse and Great Slave Lake districts.

Slaves

The Slaves belong to the Athapascan group and occupy the country west of Great Slave Lake and upper Mackenzie river to the Rocky Mountains, including the lower Laird valley. They once lived on the shores of Lake Athabaska and in the forests stretching northward to Great Slave Lake.

They were a timid and pacific people and a riparian fisher folk. Their Cree neighbours harried and plundered them and carried them off into bondage and called them Awokanah "Slaves". Early in the 18th century they were dispossessed of their home lands, rich in fish and game, and driven northward to Great Slave Lake.

Crees

The Crees are of the Algonquin family and their former habitat was in Manitoba and Saskatchewan between the Red River and the Saskatchewan. They ranged northeastward down the Nelson river to the vicinity of Hudson Bay and northwestward almost to Athabaska Lake. They first became known to the Jesuit Missionaries as early as 1640 when a part of them were residing in the James Bay district.

They are closely related, linguistically and otherwise, to the Chippewa. In 1786, according to Hind, these Indians as well as those of surrounding tribes, were reduced to less than half their former numbers by small pox. The same disease again swept off at least half the prairie tribes in 1838.

The Blackfoot tribes are said to have originally occupied the whole of the Plain country and to have been in strength in the neighbourhood where Fort Carlton once stood, but the incursion of the Crees from the east drove them into the country which they now inhabit. It was not long before the Crees were in possession of the Saskatchewan Valley and the hunting grounds to the south of it where the buffalo were plentiful.

The Blackfeet were driven back by the persistent pushing forward of the Crees in pursuit of game rather than by the hostility of the tribes, although there must have been considerable animosity.

Their reserves are now pretty well distributed over the Prairie Provinces but more particularly to the eastward.

Rebellion

Col. Garnet Wolseley arrived at the Red River on the 24th of August 1870 to suppress the first Riel rebellion and the rebel leader fled to the United States where he remained until 1884 when he returned to Canada to foment a second revolt in 1885. General Middleton commanded

the forces to put down this second rebellion which was confined to the half breeds and some of the Indians of the northern part of the territories; the south remaining loyal.

Prominent among the rebel Chiefs were Big Bear, Poundmaker, Little Pine, Little Bear and Lucky Man. Murders and robberies were committed and much property was destroyed but the outstanding offense of the rebellion was the massacre at Frog Lake.

Some of the Crees, to avoid punishment, crossed the line to Montana where they remained for ten years. On the 17th of July 1896 an amnesty was proclaimed and over 500 of them returned to Canada, having their expenses paid by the Government. They were escorted to the border by American soldiers and a small detachment of the Mounted Police took them over and conducted them to a number of reserves in Canada, so that they would not remain in one unit and brew further trouble. Some of these Indians filtered back to Montana but returned again to Canada under Chief "Little Bear" in 1905, this time at their own expense.

Mission Work

The first Missionaries in the Great Plains region were the French Jesuits who accompanied Verendrye in 1731 - 1742 to the territory from Mackinaw to the Upper Missouri and the Saskatchewan.

Lord Selkirk brought from eastern Canada Fathers Severo Dumoulin and Joseph Provencher to minister to the Indians in the Winnipeg country in 1816 and Father Alexander Tache an Oblate Missionary commenced his work in 1845.

The first permanent mission was conducted by Provencher and Dumoulin at St. Boniface, opposite the site of the present Winnipeg in 1816.

St. Paul's mission on the Assiniboine later became the headquarters of Father George Belcourt who gave most of his attention to the Saulteux (Chippewa of the Saskatchewan region) from 1831 to 1849. His services in preventing a serious uprising in 1833 were rewarded by pensions from both the Government and the Hudson's Bay Company.

Among the Cree the most distinguished Roman Catholic Missionaries were Fathers Albert Lacombe (1848-90), Alexander Tache (1845-90), Jean B. Thibault (1855-70), Valentin Vegreville (1852-90) and Emile Petitot (1862-82) all of the Oblate Order.--- Their work was among the Crees, Blackfeet, Assiniboine and the Chippewyan.

The Anglican mission work was commenced by the Rev. John West who was sent out by the Church Missionary Society of England to Fort Garry (Winnipeg) in 1820. He was followed by the Rev. David Jones in 1823, the Rev. Wm. Cochrane in 1825, the Rev. A. Cowley in 1841 and the Rev. R.

James in 1846. In 1840 a Cree mission at The Pas was organized by Henry Budd, a native convert and in 1846 other stations were established at Lac la Ronge and Lac Ile-a-la-Crosse by James Settee and James Beardy also native converts.

Among the most noted of those in the Cree country were Archdeacon James Hunter '1844-55), Bishop Wm. Bompas (1865-90). Rev. W.W. Kirkby (1852-79), Rev. John Mackay, and Rev. E.A. Walkins and among the Blackfeet Rev. J.W. Tims who commenced in 1883.

The Methodist work among the Crees commenced in 1840 when the Rev. James Evans and his Indian assistant the Rev. Henry Steinhauer went to Norway House. Among the later Methodist Missionaries to the Crees were the Rev. John McDougall (1862) and the Rev. Ervin Glass about 1880.

In 1840 the Rev. Robert T. Rundle went out to the Blackfeet and the Assiniboine ("Stonys") of the upper Saskatchewan. The Rev. George M. McDougall established a mission at Edmonton in 1871 and another on the Bow River among the Stonys. The most distinguished worker of this denomination among the Blackfeet was the Rev. John MacLean (1880-89).

The Presbyterian Mission work was inaugurated in 1865 by the Rev. Jas. Nisbet among the Crees of Prince Albert and mission work was also carried on among the Sioux and the Assiniboin Indians.

Education

By authority of an Order in Council of the 19th of July 1883 the first Indian Industrial schools were established in the Prairie Provinces but these and the Boarding Schools are now termed "Residential Schools" and are under the management of the church authorities and have a per capita grant from the Government.

There are now 44 residential schools and 71 day schools in the Prairie Provinces.

Treaties

By treaty of July 18, 1817, the Chippewa or Saulteaux and the Killistine or Cree Indians surrendered a large tract of land in the Red River district, now in Manitoba, for the Selkirk Settlement, in consideration of an annuity of 100 pounds of tobacco to be delivered to each of the two nations. The Earl of Selkirk had purchased the rights of the Hudson Bay Company to this land on June 21, 1811, for the consideration of ten shillings and certain agreements and understandings contained in an indenture. In 1836 the Hudson Bay Company bought back the whole tract from the heirs of the Earl of Selkirk for the sum of £84,000. the rights of colonists, who had purchased land between 1811 and 1836 being respected.

This tract of land was afterwards included in Treaty No. 1, 1871.

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By treaty No. 1 dated August 3, 1871, Treaty Commissioner Wemyss M. Simpson obtained a surrender from the Chippewas and Swampy Crees of a tract of land (described in the treaty) reserving 160 acres, for each family of five Indians, in several localities in consideration of an annuity of \$3. for each man, woman and child, Her Majesty agreeing to maintain a school on each reserve for the use of the Indians.

By treaty No. 2, dated August 21, 1871, Treaty Commissioner Wemyss M. Simpson obtained a surrender from the Chippewa Indians of a tract of land (described in the Treaty) on similar terms to Treaty No.1.

By Order in Council of April 30, 1875, Treaties Nos. 1 and 2 were amended raising the amount of annuity from \$3. to \$5. with an additional \$20 per annum to each Chief and giving a suit of clothes every third year to each Chief and Headman. Headmen also received \$10. extra.

(Treaty No. 3 did not relate to the Prairie Provinces).

By Treaty No. 4 (the Qu'Appelle Treaty), dated September 15, 1874, the Treaty Commissioners, Hon. Alexander Morris, Lt.-Governor of Manitoba and the Northwest Territories Hon. David Laird, Minister of the Interior, and W.J. Christie obtained a surrender from the Cree and Saulteaux Indians of a tract of land (described in the treaty).

By Treaty No. 5 (Lake Winnipeg Treaty), dated September 20 and 24, 1875, at Berens River and Norway House, the Treaty Commissioners, Hon. Alexander Morris and Hon. James McKay, obtained a surrender from the Saulteaux and Swampy Cree Indians of a tract of land (described in the treaty) containing about 100,000 square miles.

By Treaty No. 6, dated August 23 and 28 and September 9, 1876, at Fort Carlton, Fort Pitt and Battle River, the Treaty Commissioners, Hon. Alexander Morris, Hon. James McKay and Hon. W.J. Christie, obtained a surrender from the Plain and Wood Cree Indians of a tract of land (described in the treaty) containing about 121,000 square miles.

By Treaty No. 7 (Blackfoot) dated September 22, 1877, at Blackfoot Crossing, the Treaty Commissioners, Hon. David Laird and James F. McLeod, obtained a surrender from the Blackfoot, Blood, Peigan, Sarsce and Stony Indians of a tract of land (described in the Treaty).

By the terms of these treaties certain lands were reserved for the use of the Indians, to the extent of one square mile for each family of five, in consideration of a present of \$12 for each man, woman and child and an annuity of \$5. for each Indian. Her Majesty further agreed to maintain a school for the Indians on each reserve and to supply the Indians with \$1,500.worth of ammunition and twine (annually also implements and cattle. And that the Chiefs be paid a salary of \$25. a year and the sub-chiefs (three to each band) \$15. a year. The Chiefs and sub-Chiefs were to receive a

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suit of clothes once every three years and a medal and flag to be given to each Chief.

Treaty 8.

A Treaty was made on June 21, 1899, by the Treaty Commissioners, Hon. David Laird, J. A. J. McKenna, and J.H. Ross, with the Cree, Beaver and Chipewyan Indians by which the Indians surrendered a tract of land (described in the Treaty) on the following conditions:-

Lands were to be reserved for the use of the Indians to the extent of 160 acres for each Indian.

Each Chief was to receive a present of \$32., each Head-Man \$22. and each Indian \$12. at the time of Treaty.

Each Chief was to receive an annuity of \$25. each Head-man \$15. and each Indian \$5.

Each Chief was to receive a medal and a flag, and each Chief and Head-man a suit of clothes every third year.

School teachers were to be provided for the Indians and implements, cattle, ammunition and twine were to be supplied.

Treaty 10.

In the year 1906 Treaty Commissioner J. A. J. McKenna negotiated a treaty with the Chipewyan and Cree Indians by which they surrendered a tract of land (described in the treaty) containing about 85,800 square miles, upon terms similar to those of Treaty No. 8.

Treaty 11.

By Treaty No. 11, dated June 27, 1921, Commissioner H. A. Conroy obtained the surrender from the Indians of a tract of land in the Mackenzie River District (described in the Treaty) containing about 372,000 square miles. The terms of this treaty are similar to those of Treaty No. 8.

The annuities granted by treaty to the Indians of Manitoba and the Northwest Territories (now Alberta and Saskatchewan and the Northwest Territories) are distributed yearly to those entitled to them.

G. M. Matheson

G.M. Matheson,
Registrar.

27th August, 1934.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

INDIAN NOTES
BRITISH COLUMBIA.

In the latter part of the eighteenth century a dispute arose between Britain and Spain as to the ownership of the Pacific coast of America lying between California and the Russian trading posts in the north, which was settled in favour of Britain by the Nootka Convention of 1790.

This district was, at that time, valued only for its furs and the natives were needed as hunters by the Hudson's Bay Company.

By an Imperial Charter of 1849 the Hudson's Bay Company was vested with the administration of the government of Vancouver Island.

Sir James Douglas, who was for many years a Chief Factor of the Company on the Pacific Coast, was the ^{2nd} first Governor of the Island and acted as such for some fourteen years. He was also the originator of the Indian policy practiced during that period.

Between the years 1850 and 1854 the Indians of the Island ceded their lands to the Company for a consideration, retaining as reserves their villages, fishing stations, and cultivated lands. A few years later the Island was erected into a Crown Colony and in 1867 the Company was paid £57,500 in full settlement of its claim to the lands and they reverted to the Crown as from the 1st of January 1862.

2.

British Columbia, formerly New Caledonia, was erected into a Crown Colony by an Imperial Act of 1858 and was united with Vancouver Island by another Imperial Act of 1866.

During its existence as a Crown Colony the power of reserving lands for Indian tribes was vested solely in the Governor.

By an Imperial Order in Council of 1871, the Crown Colony of British Columbia (including Vancouver Island) was admitted to the Union as a province of the Dominion of Canada and by the British North America Act all Indian Affairs were placed under the administration of the Dominion Government.

It was found difficult for the Province and the Dominion to come to an understanding regarding the allotment of Indian reserves and the extent of land to be allowed to each family but finally an agreement was arrived at in 1876 to appoint a Commission for the allotment of reserves.

Shortly after this the Indians commenced to express dissatisfaction with their treatment and claimed aboriginal title to all lands in British Columbia and after much negotiation between the two governments a Royal Commission was appointed in 1913 to deal with the matter and made its report in 1916 and a Commission was appointed to revise this report in 1921.

In 1929 an Agreement was reached between the Dominion and the Province regarding Indian interests in reserves in the Railway Belt and the Peace River Block and in riparian rights and Indian disabilities in proprietary rights in their reserves.

3.

The Indians of British Columbia are not paid an annuity, like those of the Prairie Provinces, where annuities formed part of the stipulations of treaties, because no treaties were made with them, except those of Vancouver Island in which no annuities were involved.

To compensate for this discrepancy the Dominion Government passed an Act in 1927 making an annual grant of \$100,000. in lieu of annuity, to be expended on technical education, provision for hospitals and medical attendance and in the promotion of agriculture, stock raising and fruit culture and in the development of irrigation projects.

The Indians of the Bella Coola, Cowichan, Kamloops, Lytton, New Westminster, Vancouver and Okanagan agencies belong to the Salish tribe. The name "Salish" was originally applied to a large tribe in Western Montana popularly known as Flatheads thence it was finally extended to cover all those speaking the same language.

The Kootenay tribe is located in the agency of the same name. The legends and traditions of the Kootenay (or Kutenai) indicate that they originally dwelt east of the Rocky Mountains - probably in Montana - whence they were driven westward by the Siksika (or Blackfeet), their hereditary enemies. The two tribes have for many years lived on amicable terms and some intermarriage has taken place. Before the buffalo disappeared from the plains, they often had joint hunting expeditions.

The Wakashan family is composed of the Kwakiutl and Nootka tribes and are located in the Kwawkewlth and West Coast agencies. Their name is derived from "Waukash" meaning "good" which Cook heard at Friendly Cove, Nootka Sound and supposed it to be the name of the tribe. Head flattening

4.

was practised by the tribes of Vancouver Island and the potlatch was one of the cardinal institutions around which centred a large part of the social and religious interests of the people.

The Haidas are located on the Queen Charlotte Islands; the Tlingits in the Stikine; and the Tsimshians in the Skeena agency. The Haida, Tlingit and Tsimshian Indians seem to show greater adaptability to civilization and to display less religious conservatism than many of the tribes further south. They are generally regarded as superior to them by white settlers and they have evinced their superiority in war and in arts. The Haida were the best carvers, painters and canoe and house builders. Canoes were to the people of the Coast what the horse became to the Indians of the Plains,

The Indians of the Babine, Stuart Lake and Williams Lake agencies belong to the Athapascan race which is the most widely distributed of all the Indian linguistic families of North America.

From an early date the Indians of British Columbia have been engaged in hunting and trapping and in the north east section of the province they depend almost entirely upon it for a living. Individual Indian families have had trap lines on which they claimed exclusive rights and of late years have complained of their invasion by Whites.

Since 1927 the British Columbia Government has adopted a trap-line system for which licenses are issued and they have not in all instances considered the Indian claims.

Satisfactory negotiations have been had with the provincial authorities with a view to conserving the Indian interests and, under the British Columbia Game Act, Indians may

5.

now register trap-lines, free of cost, but it is necessary for them to take out a license for trapping.

From the early days of the province, as far back as 1877, the government of British Columbia has regarded the need of the Indians to fish for food for themselves and the fishing regulations permit them to do so but to engage in commercial fishing they must obtain a license.

The Indians of the Pacific Coast are good fishermen and have been employed by the canneries for more than fifty years. The Chinese are also employed but the Indians are considered more expert both as boatmen and fishermen.

They seem to have a natural aptitude for boat building. In 1879 the Bella Bella Indians made a war canoe capable of carrying 100 men. It was dug out of a cedar tree and measured 100 feet long, 8 feet 4 inches in the beam and 4 feet 6 inches deep.

As a general rule the Indians of the Coast are hardy and industrious and some of them will do. Besides fishing, they engage in hop picking, lumbering and stock raising and from these industries they obtain a considerable revenue.

These people, particularly the Tsimpshians of the North West Coast and the Haidas of the Queen Charlotte Islands possess considerable inventive genius and quickly acquire a knowledge of the mechanical trades. They have motor boats for fishing and logging machinery for their lumber operations as well as agricultural implements.

There existed with the Tsimpshian, as with the Queen Charlotte Islanders, an aristocracy and a system of heraldry which had been customary with them from time immemorial. The whole population was divided under different

6.

and specific crests and no infringement was permitted by intermarriage of those belonging to any particular division. Thus one Tsimpshian might not be related by ties of blood to another. If they both possessed the same crest their marriage would be revolting and against the laws and regulations of the tribe. A Wolf might not unite with a Wolf, nor a Boar with a Bear but the Boar could wed an Eagle or the Wolf a Whale.

The Chiefs prided themselves on the rank which they inherited for generations before the advent of the missionaries. The reverence and respect with which one was regarded depended much upon the actual and legendary history of his family.

The veneration with which one regarded a crest was evinced by the beautiful carving and labour expended upon a pole which a proud scion of native nobility erected in front of his house in a Haida or Tsimpshian village. But all this has passed out with the last generation for the younger people have, to a great extent, adopted the habits and customs of the whites.

The Tsimpshian and the Haida Indians are a well built, tall, fine looking intelligent people and differ greatly from those of southern British Columbia, who are shorter in stature, though possessing well knit frames, more swarthy in appearance and slower in cultural advancement,

In the earlier days the Indians of the Fraser River district lived largely in unhealthy "Keekwilly houses" built under ground but with the advancement of civilization these were abandoned in favour of more sanitary cottages.

The Potlatch (considered as a bond of union between the tribes) is a ceremonial of the Coast Indians of British Columbia. It is derived from the Nootka word "patshatl" - "giving" or "a gift".

7.

As the name implies it was mainly marked by the giving away of quantities of goods, commonly blankets. The giver sometimes went so far as to strip himself of nearly every possession except his house but he obtained an abundant reward, in his own estimation, in the respect with which his fellowmen afterwards regarded him.

During the festival, houses and carved poles were raised, chiefs children were initiated into the secret societies and "Coppers" valued as high as \$1800, but of little intrinsic worth, were given away as presents.

In 1884 an amendment was made to the Indian Act with a view to the suppression of the potlatch.

The Roman Catholic Church was the first in the mission field of British Columbia, commencing its work among the Indians in 1839 at Cowlitz, with visiting stations along the shores of Puget Sound. Father Domers made a tour of the upper Columbia river as far as Okanagan and in 1841 he preached to the tribes of the lower Fraser river. In the following year he visited the remote northern posts and Father John Nobili penetrated as far as lake Babine in 1845-47. This mission work was abandoned for a while but taken up again in 1860.

The Hudson's Bay Company established a trading post at Fort Simpson in 1832 and subsequently the Tsimshian Indians of Metlakahtla abandoned their village and moved 17 miles to houses clustered around the fort.

The Church Missionary Society of England sent Wm. Duncan as a lay missionary to these Indians and, at the time of his arrival at Fort Simpson in the fall of 1857, they numbered about 2300.

In the following year the first gold rush added drunkenness and debauchery to heathenism and its kindred vices among the natives.

Mr. Duncan was persuaded that, to make a success of the mission, they would have to leave Fort Simpson and the old Indian village of Metlakahtla was selected as the site of the new mission. Accordingly the move was made, starting with a little band of 50 souls, in May 1862. In 13 years they numbered 750, and were considered the healthiest community on the coast.

At first they had a small corps of native constables and a council of 12 older men selected (irrespective of rank) for their good character, who deliberated upon all matters effecting the welfare of the settlement. These had a badge of office but no pay. The constables in addition to a simple uniform received a small remuneration, when on duty.

Later all the males of the community were divided into ten companies, each company having an equal number of constables and councilmen and then a fire brigade was organized.

A village store was opened up by Mr. Duncan and the profits went to the public works of the settlement. A schooner was purchased to carry on trade with Victoria but was sold when the Hudson's Bay Company offered to carry their freight.

The first trade profits were spent in building a Market House and a Court House and later a saw mill, a blacksmith shop and a carpenter's shop besides roadwork was provided for from the same source. Then a church capable of holding 1200 people and a large school house were built by Indian labour, and a massive sea-wall was constructed to protect the village.

The idea was conceived of tearing down the old houses, surveying the village into lots and building more modern dwellings, thus creating a model settlement and a government grant of \$1000. was made in 1881 to assist in this undertaking.

Unfortunately, a difference of an ecclesiastical nature between the Bishop of Columbia and the Rev. Mr. Cridge began to arise in 1881 and Mr. Duncan who took an active part against the Bishop was dismissed by the Church Missionary Society in October 1882. For the next five years much trouble was made by the Metlakahtla Indians who, on the advice of Mr. Duncan, refused to recognize the authority of either the Church or the Government.

They destroyed a great deal of public property, repelled Government officials sent to the reserve and tried to spread their rebellion along the North West Coast.

In 1886 a gun boat was sent to Metlakahtla to maintain order and the ringleaders of the trouble were arrested and convicted.

After the destruction of more property Mr. Duncan and his Indians left for Alaska settling at a place which they called "New Metlakahtla".

By an Order in Council of the 7th of April 1874 government grants were first made for Indian day schools in British Columbia and there were several boarding schools established by missionary effort.

In 1886 the Indian Superintendent, I. W. Powell, advised the institution of industrial schools at various points throughout the province and his suggestion was followed. Now the boarding schools and Industrial schools are classed as

10.

"residential schools" and there are now 16 of them in operation in the province in addition to 48 day schools.

The provincial government is responsible for the maintenance of peace and order on the Indian reserves and receives the fines imposed for infractions of the law,

The Cowichan Indians, as well as some of the bands on the North West Coast, came under the Indian Advancement Act about 1884 and some of the lands on the reserves are held by individual Indians under location tickets since that time.

In 1881 six Indian Agents were appointed to attend to Indian Affairs in British Columbia, a duty which had previously been discharged by two Superintendents. Now there are eighteen Indian Agents as well as one Agency Inspector and a School Inspector under the supervision of an Indian Commissioner, whose headquarters are at Victoria.

The Indian population of the province is now about 24,000.

G. M. Matheson.

G. M. Matheson.
Registrar.

22nd. November 1934.



DEPARTMENT OF INDIAN AFFAIRS
CANADA

INDIANS OF CANADA.

At an early date, while the British Colonists were still in New England and the Iroquois tribes the principal Indians with whom the settlers came in contact, it was found necessary to appoint a capable and efficient officer, whose sole duty it would be to protect the interests of the Indians and look after their welfare, so in 1755 William Johnson (later Sir William) an Irish gentleman and a nephew of Sir Peter Warren, was selected for this purpose. He was the first Indian Superintendent and was followed by a long line of successors in office.

In 1796 Royal Instructions were issued to the Lieutenant Governors of Upper Canada vesting them with administrative authority over Indian affairs in Upper Canada and in 1800 similar instructions were issued to the Lieutenant Governors of Lower Canada.

As time advanced changes were made in administration of Indian affairs placing it, at times, under military authority and then under civil control. But it was always under Imperial officers until 1860 when it was transferred to the province.

At the time of Confederation in 1867 the British North America Act placed the Indians under the charge of the Dominion Government and the Department of Indian Affairs has taken care of them since that date.

2.

The policy of carefully protecting the interests of the Indians was enjoined by the Crown. Shortly after the Treaty of Paris had confirmed the cession of Canada to Great Britain, King George III issued a royal proclamation, on the 7th of October 1763, which, among other things, confirmed the Indians in the possession of the lands they occupied and prohibited the alienation of the same except at their own request, expressed at a public meeting, and through the Governor, their guardian. Thus they were protected against unscrupulous speculators.

In the early colonization of America there were bickerings between the British and the Dutch and then between the British and the French, which often developed into open warfare. The aid of the Indians was sought by both sides, the Iroquois always supporting the British cause. During this period, especially after the Indians had acquired firearms, they were a potential factor in the military strength of the Colonies.

The Iroquois remained loyal to the British and rendered valuable assistance in the Conquest of Canada in 1757, in the war of Independence in 1776 and in the war of 1812-14. In the Great War of 1914-18, although not subject to conscription, 35 per cent of their qualified male population enlisted in the cause, many of them rendering valuable service as "snipers" in France.

The Indian population of Canada is now 112,510. Of these more than half (about 57,000) belong to the Algonkin linguistic stock; about 11,400 to the Iroquoian; 11,100 to the Athabaskan; 8,600 to the Salishan; 6,100 to the Tsimshian; 2,300 to the Siouan and the remainder belong to several smaller stocks, chiefly in British Columbia and the Yukon.

The Algonkin stock is distributed over the country from the Atlantic Ocean to the Rocky Mountains and comprises the Chippewas; the Crees; the Mic Macs; the Montagnais; the Amalecites; the Abenakis; the Naskapi and other smaller tribes.

The Iroquoian stock, comprising the Cayugas, Mohawks, Oneidas, Onondagas, Senecas and Tuscaroras, are located in Ontario and Quebec, with one small band in Alberta. Most of the Iroquois migrated to Canada from the province of New York in 1784 but those at Caughnawaga settled there about 1670.

The Athabaskans are to be found in Alberta north of the Athabasca river, in the Mackenzie river basin, and in northern British Columbia.

The Siouan stock, consisting of the Assiniboines and the Sioux proper are located in the Prairie Provinces. The Assiniboine, though originally from south of the International boundary, have been for a long time in British territory but the Sioux are refugees from the United States, who came to Canada in 1862 and 1876. They had no right to land but were given small reserves and assistance in agriculture to prevent them from trespassing upon the farms of the white settlers.

The Salishans and the Tsimpshians are found in British Columbia; the Haidas on Queen Charlotte Islands and the Wakashans consisting of the Kwakiutl and Nootka Indians, on the West coast and northern part of Vancouver Island and at Bella Bella. These Indians are known as "Ahts", a colloquial and rather comprehensive term for Indians of the southern part of the province.

4.

The Indian reserves in the Maritime provinces were granted by the provincial governments previous to Confederation. Those in Quebec were set apart in 1851 by the Old Province of Canada, on the authority of 14 and 15 Victoria Cap. 106, with the exception of Caughnawaga which was a royal grant from the French Crown and the Pierreville reserve, which was the gift of private individuals.

The reserves in Ontario and the Prairie Provinces were set apart under treaties and those in British Columbia were allotted to suit the requirements of the Indians.

Some of the Indians, principally in Ontario, hold their lands under location tickets; others by locally recognized title.

When an Indian is enfranchised he loses his Indian status and is given a sum of money which is estimated as the value of his share in the capital, annuity and lands held in common on the reserve. If, however, he wishes to retain his land, he is given a patent for the same but has to pay back to the band from the monies coming to him, the estimated value of this land. If, however, he has ceased to reside on the reserve he does not share in the lands of the reserve when enfranchised but in the capital and annuity only.

When an Indian woman marries a white man she loses, under the Indian Act, her former status and all her Indian rights with the exceptions of annuity and interest money which may be commuted at ten years purchase, and her landed property rights which she may sell to another member of the band.

Indians are minors under the law and their affairs are administered by the Department. Civil offences

on the reserves are dealt with under the Indian Act but criminal offences come under the criminal code.

The activities of the Department, as guardian, include education, health, agriculture and general advancement. It administers their finances, safeguards their interests and provides for their general welfare. Appropriations are annually provided by Parliament to cover the costs of administration, medical attendance, education and relief in cases of destitution &c.

Then there are their own funds derived from the sale of lands and timber, expenditures from which are made for local purposes, on the authority of a resolution of the Indian Council, approved by the Department.

The Indians of British Columbia engage in fishing, hunting, basketry, lumbering, agriculture, stock raising, hop-picking and fruit gathering and some of them are employed as long-shore-men. In the Prairie Provinces their chief occupation is in agriculture and stock raising; in Ontario basketry, fruit picking, agriculture, fishing, acting as guides for sportsmen and working in industries off the reserves; in Quebec, fishing, hunting, bead work, basketry and outside industries. Some of the Indians are engaged on steel work for bridge constructions &c. In the Maritimes they are engaged in fishing, basketry and the cultivation of their garden plots.

The official staff of the Indian Agencies in the eastern provinces consists of agents, medical attendants and teachers but in the Prairie Provinces,

where the agencies are larger and where the Indians are engaged to a greater extent in agriculture and stock raising, farming instructors are also employed. Inspectors visit the agencies periodically and report to the Department.

There are now 80 residential schools for Indians in Canada and 260 day schools also 9 combined schools for Indians and Whites. In some cases grants are made to individuals for more advanced education and, on leaving the residential schools, assistance is given to start the ex-pupils in the course of living they propose to follow.

G. M. Matheson

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Registrar.

28th November 1934.