

Victoria 12<sup>th</sup> Jan 1878

Sir

Referring to my interview with  
Your Excellency today when you requested  
me to submit to you any suggestions  
I might be able to make for the  
satisfactory adjustment of outstanding  
Indian questions in the Province at  
less cost than is now being incurred,  
I have the honour to state to your

Excellency that, if the Government wish

to proceed instead of 3

I and you must wish

Letter from Commissioner  
Sproat to the Lieutenant Governor,  
Held by B.C. Provincial Archives,  
GR 494. File 45  
P. 121.

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except upon the coast, (which I exclude because I do not know the cost of transport there) for the sum of \$17.<sup>50</sup> per day, including Sundays, from each Government.

I mention the cost in this lump form, as being, perhaps, a convenient arrangement. The terms of expenditure on which this estimate is based are detailed in the enclosed memorandum "A".

If the Governments prefer to pay expenses in detail, I will give my personal services for the remuneration which I now receive.

The saving, by having one Commissioner instead of 3, would be more than half the present cost.

After nearly a year and a half's experience in this particular work, during which time I have studied every plan of amending the

Method of settling these land questions that has been mooted, I do not think the work can be effectually done for less money, and if it <sup>is</sup> not effectually done, all the expenditure will be thrown away.

The plan arranged by the agreement of February 1877 (now, I imagine, in abeyance as the Indian Superintendents cannot be spared from their special duties) would, if workable at all, cost a good deal more of money and time.

The principal point to be borne in mind is that the Indians do not want mere acreage, but quality and description of acreage, and this can only be adjusted by patient personal examination of the ground on the spot, in view of the just requirements of white settlers and Indians in the locality. No proper decision <sup>(without this)</sup> can be made, and what is equally important to be remembered, no review of a decision can be safely acted upon, except after hearing the case and personally examining the conditions on the spot as thoroughly as before the first decision. Manifestly, then, if

you "review" each case, not at the time ~~and~~ on the spot, you have, first, the expense of the "decision", and then of the <sup>subsequent</sup> review, and the expense of the latter cannot be less than that of the former - so you double expenses.

Half the Indian disputes in the country have been caused by hurried interviews and the assignments of land for the Indians, without their having had a sufficient opportunity of stating their views in their own way, and also by transacting business with them in the Chinook jargon, instead of by proper interpreters.

In the good times opening for the province it is very important that this Indian land question should be set at rest and put out of sight for ever, menacing as it does, society and the stability and credit of the country, ~~as~~ I know this to be the desire of the best class of settlers everywhere.

It is the nuisance and even danger of having the question unsettled, rather than the nature of the Indian land question itself, which

The actual land requirements of the Indian population have been much exaggerated by the vague statements of persons who do not understand the question, and neither know what should be done, nor what has been done.

By far the greater part of our Indian population live on the coasts, where they have means of employment, and various industries intertribal and otherwise, which afford them a living. It is essential to study their ways, and actual condition, and not to disturb them on any theory of what might be good for them. The Commissioners found that on the coast, a moderate area of land, ranging from a minimum of 7 acres to a maximum of 24 acres per head, according to circumstances, satisfied the people, and was reasonably enough for their wants.

In the interior, where the Indians are more dependent upon the land, and where, within 10 years, they have made progress, in acquiring property which, though not appreciated by the public, is astonishing and instructive - particularly in making

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arrangements for the future, - the Indians, both from the nature of their occupations and of the land itself, <sup>require</sup> a far larger acreage ~~is~~ required but, here, <sup>also</sup> it is not a question of mere acreage so much as the quality and description of the land. The Indians want arable land with water for irrigation, and they want winter pasture especially, and they want summer pasture. One of these is useless without the other.

The question <sup>in the interior,</sup> however, is not more difficult than on the coast. Given - a certain number of people, and a certain number of stock, and a proved rate of progress under enormous difficulties in the past 10 years, what are these people likely to require in the coming decade? The animal of an Indian will eat as much as the animal of a white man. What acreage will keep him in summer and in winter - what number of animals are the Indians <sup>likely</sup> to have by and by, in the 70 or 100 sturdy youngsters to be seen in many villages grow up? If the Indians of the

interior have not room for hope and industry, they will be a nuisance in the community. The Commissioners have assigned land upon these considerations, but it will be found when the land is classified <sup>that</sup> the area of good grazing land would only permit the ownership of a very few horses or cattle by the Indians per head. Here, as on the coast, it had to be remembered that though in a less degree, the Indians will probably have other occupations.

The ~~fact~~ <sup>fact</sup> is that the Indian reserves - summer pasture and all - had to be marked off. The pasture lands, used by white settlers, are not so marked. If they were, the acreage used by individuals would astonish the public and the individuals themselves. Some gentlemen use, and indeed require - though paying the public nothing for it - the acreage of English counties. The mere pre-emption of 320 acres merely gives the East Cascade stock farmer a footing in the country. He uses the public domain. The real striving among settlers, whether whites or Indians, is for arable land, with water for irrigation, and for wintering places, with feed, shelter, and if possible

natural hay lands. These places being so few, they will become most valuable if the country particularly the mining interests, go ahead.

But I must return to the more immediate subject of this letter.

The two Governments have conjoint interests in the matter, and it is by working together that these interests can be best promoted.

So far as I understand the general question, the Canadian Government, as the trustees and guardians of the Indians, claim the right of being present by a representative, at the settlement of the land question <sup>with every tribe</sup>, and of agreeing to, or refusing, such settlement, so that they may be assured that the Indians have a sufficient quantity of land assigned to them.

Considering the expense of the work of adjusting these questions and of maintaining

an Indian Department in the province which cannot act rightly until Land questions are settled, and looking also to the inconvenience and danger of having so large a number of Canadian Indians, 24 years after Confederation, in an unhappy frame of mind about a matter which comes so home to them as the Land question, the Canadian Government, further, reasonably demands that the adjustment shall not only be satisfactory, but shall be effected as quickly as possible.

For these reasons, the Hon. R. W. Scott, Acting Minister of the Interior, in his memorandum of the 5<sup>th</sup> Nov: 1875, objected to the proposal of the Provincial Government, that agents should visit the Indians and merely "report" as to reserves, and in lieu thereof, he proposed the existing means of securing a prompt and final adjustment of Reserve questions.

I imagine, further, that the Canadian

Indian  
Yellow Book  
page 161

Government leave it to be inferred, that if a satisfactory adjustment can now be made, they will not open the question of the extinguishment of the Indian title to the soil by direct payments, trusting that this question will be dealt with, practically, in the land allotments, nor will they rip open past dealings of the Colonial Government with the Indians, in connection with such grants as those of Mr Fox, or otherwise.

This I apprehend, is, shortly, the view of the Canadian Government, and it must be admitted that it is a practical view of a question surrounded by difficulties.

Whether the Canadian Government

would intrust their great interest in this Indian Land question to a Joint-Commissioner is a matter on which I cannot offer an opinion. One thing is clear. They must either do that, or have a special representative, and this, as experience has proved, involves the necessity of a third Commissioner.

As regards the Provincial interest in the question, to which, in this letter, I more particularly refer, this is probably greater than that of the Dominion.

Subject to the above fair demands of the Canadian Government, the adjustment of the Indian Land question is obviously a Provincial question in the main.

The importance of a settlement, without further discussion between the two governments, of the Indian title, and other old questions will be appreciated by those who

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study the bearing of these questions generally, and realize the effect of the deadlock which their discussion would produce.

The Indians, being part and parcel of the general population of the province, the Provincial Government are deeply interested in their wellbeing and in the preservation of good relations between them and the white settlers.

There is scarcely a branch of industry in the province which the labour of Indians does not help, and from which they do not derive a benefit.

In their present condition of imperfect citizenship, their dissatisfaction, under a deep sense of grievance, might cause breaches of the peace, with which the Provincial Government would have to deal.

At the same time it is manifest that

The Provincial Government have also a duty, and a pressing duty, to perform towards the white settlers who constitute the strength and backbone of the community, and by whose industry and example, the Indians are constantly profiting. It would be imprudent and destructive to the interests of both governments, if, for any humanitarian or unbusinesslike reasons, the presumed interests of the Indians were placed on too high a level, and especially if the public lands were unnecessarily locked up by too large assignments for the Indians.

The Province, indeed, has had the opportunity of being fully represented on the Commission, and so would it be in the case of a Joint Commissioner. But this is not the whole question, so far as the Province is concerned. The Provincial position is somewhat different from that of the Dominion. It appears to me,

, and this always has been in my mind, that  
 it is not quite consonant with the  
 system of government in the Province  
 , that land questions of such deep concern  
 to many of the rural population should  
 in all cases be summarily dealt with  
 even by a Commission on which the Province  
 is ~~not~~ fully represented. The probability  
 is that coolheaded men, free from  
 political and local interests, and burdened  
 with responsibility, will come to substantially  
 just decisions on the spot, but, even  
 though just, their action, as the action of  
 an unfamiliar body, with extensive,  
 somewhat undefined powers, may not be  
 heartily acquiesced in by the white  
 settlers. It certainly would add to  
 the authority of ~~these~~ <sup>of the Commission</sup> decisions, and be  
 more in consonance with our system of

government, if the Lieutenant Governor in Council had at least something to say in matters from time to time arising, and I am sure that no body of men, and particularly no individual, burdened with such grave responsibilities as those of a Reserve Commissioner, would be otherwise than pleased to share it, in some degree, with the constituted authorities of the Province, whose acquiescence and intervention would probably have the effect of making decisions satisfactory to the public, which, however, unexceptionable, might not otherwise be quite satisfactory.

The difficulty is how to arrange this, and fulfil the reasonable requirements of the Dominion Government, as above stated.

The old proposal of sending an agent to each tribe to examine matters and merely to report and apply for a reserve

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has been rejected, as above shown. It would not satisfy the Indians, as a rule, and would intolerably lengthen a work which must be long, under any circumstances. It may also be borne in mind that an "office review" of a recommendation made after study "on the spot" might not be acceptable generally to all concerned. If unaccepted by the two governments, the place must be visited again, and time and money spent, and the cost might far exceed the whole value of the subject matter. The probability would be that the Commissioner would be right, because he must have regarded all aspects of the question, so to speak, through a white light, while it is not disrespectful to any Government to say that its views might in some cases be through a political medium.

Nevertheless, for the satisfaction of the public, it might be well to provide for the intervention of the Provincial Government in certain cases, if the matter could be arranged, so as not to infringe on Dominion requirements. This is a

great practical difficulty, however, and I do not quite see how it can be got over, bearing in mind that both governments want to save time and money, and that neither would allow the other to give a final decision, based on an office record of opinions formed on the ground.

It would be much more easy work for a Commissioner "to report" than to "decide", but if the work has to be pushed through at all, it will not do to limit the power of the Commissioner to deal with questions on the spot. About most of the questions, no dispute could arise. Perhaps the problem might be solved by an effort in the direction of finding some means of providing in certain cases for the suspension of the Commissioner's decision, to allow the Provincial Government to state their own views - creating, in short, either in the discretion of the Commissioner, or by some approved machinery, a class of "reserved cases". This might satisfy

the political sentiment of the public,  
but even this leads to difficulties, because

how are "reserved cases" to be settled  
between the two governments, in the event  
of their disagreement?

You must leave the settlement  
either to one man or to three. If to  
one, is he likely to know more about  
the matter than the Commissioner? In  
any case there must be a considerable  
expense. Suppose it is left to a Judge  
of the Supreme Court. What would be the  
expense of this? It will not do for a Judge  
to send for an Indian chief, and ask  
him questions, with a map before him. Indian  
chiefs, as chiefs, are not ~~represented~~ recognised  
in the Indian Land settlement. The matter  
has to be arranged in open meeting of the  
men of the tribe, and the women invariably  
take much interest in the proceedings. The  
Judge must therefore have his tents and horses, cook  
and interpreters, and he must remain and study

the ground after long interviews with the Indians, and then he must go into the matter with the white settlers.

I may also remark that though the Commissioner would not have dealt with the Indians as "nations", yet as tribes of one nation, say Shuswap or Okanagan, ~~they~~ he would have tried to have some thread of consistency running through ~~their~~ <sup>his</sup> action in each case.

This would be part of the case of which the Judge could know nothing, and in a final adjustment of Indian Land questions, it is not a matter to be neglected. What has to be presented to the mind of a tribe or a collection of tribes, is a picture of consistent, unswerving, well considered action. Rambling, unsystematic action would not have the necessary effect upon their minds.

I merely mention the above suggestion for the opportunity it affords of stating a principle which seems to me to be ~~for~~ sound, and which might satisfy the public sentiment, though I

hardly see at present how it can be applied in practice. I do not suppose the Dominion Government would object to the application of it, could some means be found that would not interfere with their requirements, as above stated.

Perhaps it would be found that the object of the Provincial Government, without any negotiation on the subject <sup>between the two govt's</sup> at all, would be gained by simply making it a part of their instructions to the Commissioner, so far as they were concerned, to hold over certain cases for discussion. These cases might be ~~mentioned~~ mentioned before starting, or might be suggested by the Govt agent in the District, or might be referred in the discretion of the Commissioner himself.

Probably, after discussion and explanation, there would be no difference of opinion, necessitating any surprise, or fresh expense. It may be considered that so long as a reference did not interfere with the interests of the Dominion, the Commissioner would be glad to share responsibility with his employers in the Province - the object being a reasonable and just settlement understood as far as possible by all persons concerned.

There is another matter <sup>which</sup> ~~which~~ might be specially arranged and that is, more largely to adopt the principle of laying off reserves in common for both Indians and whites. I disapprove of laying off

as exclusive Indian reserves, large portions of the public domain for summer grazing.

You will see my reasons at pages 19 & 20 of my Report to the Supt-General of Indian affairs of which I send you a copy.

This was asked for by the Minister's Deputy, to assist <sup>him</sup> in preparing the Departmental Report. It was written while travelling, and there is ~~not~~ much in it, for instance, description of the country and so forth, not required in <sup>my</sup> ~~any~~ Provincial Report, which will deal more with facts and acreage, when I have examined these more closely than I have had time to do.

The principal reason for my objecting to these summer reserves is that, in connection with the Indian Act 1876,

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 it expects <sup>that</sup> settlers <sup>to</sup> ~~do~~ <sup>will</sup> do what is an  
 impossibility, and the other plan of making  
 reserves in common would have answered  
 the purposes equally well.

The Commissioners, at great cost,  
 will have laid off these reserves; at  
 another heavy cost they will be  
 surveyed; the "Indian Act" will exhibit  
 its formidable provisions, and then —  
 in practice things will fall back  
 to where they were. The reserves  
 cannot be fenced, and do what  
 you will, the horses and cattle  
 will be masters of the situation in  
 some parts of the country at least,  
 for they have their favourite places,  
 and, do what you will, they will  
 go to these places. Twenty herdsmen  
 would not keep them away.

At page 6 of the above Report

the state of the Indians' minds, when we visited them, is described. The matter was more serious than my words convey, or than people on the spot knew, but I do not ~~prop~~ propose to refer to it in the Provincial Report, because the Indians somehow get to know, and discuss

whatever is published about them in the Province - of which I could give you surprising instances - and it is better to let the matter pass without remark, now that the danger is partly over.

Fully one half of our time was spent in defending the interests of white settlers, and in getting the Indians into a frame of mind for agreeing to a compromise, and we had sometimes to threaten to, and in one case began to, raise our camp before this could be effected. I have the honour to be

Sir. Your obedient servant

Silbert Malcolm Sproat  
Joint Commissioner

Memorandum "A" enclosed in letter  
12 Jan 78  
Commissioner Pay

Prerogative Hall 36  
shall  
to day  
\$5

Contribution towards pay &c. of Mr.  
Blenkinsop

2

Interpreter

1

Cooks Pay 50 \$ms.

Labourer do 45 "

1. 58

Commissioner's mess

1. 25

Kitchen mess

1. -

Riding horses for above 4

Pack horses for tents,

baggage provisions,

Kitchen traps &c. &c.

8

Share horse

1

13 horses @ 70 cents per day in full of  
wages & food of packer & his labourer

4. 55

Allowance to packer for undertaking (probably  
through an extra Indian) the charge of riding horses

- 33

Carry over \$ 16.71

Brought forward

16.71

Horse racing ———

Food for horses ———

Stationery and stamps ———

Fees ———

Messengers ———

entertaining white settlers  
and Indians chiefs } —  
who visit camp.Probable loss in some  
parts on transport — e.g. } —  
certainly on Lower Fraser.

Incidentals and petties —

Note It is impossible to estimate them approximately.

I might lose, but to make a round sum I

would run the risk by making it about \$16.71

of certain expenditure — \$17.<sup>50</sup> —GWS  
12 Jan 1870

P.S.

The understanding would be that the Goots should provide the Kitchen ~~the~~ furniture, and for the expense of the party being placed on the ground where work had to be begun.