

Frogger River frequented by the Cowichan as a winter fishing place has been sold some time ago over their heads.

It is desirable, both in the interest of the white and Indian people of Cowichan that a sawmill should be established there, but the illegal occupation of the Reserve or the establishment of a business which may directly affect the Indian supplies of fish should not be permitted, except on some clear understanding.

I believe the Canadian Fishery Act strictly interpreted prevent Indian coirs on small rivers, but this may be changed during the present Session so as to permit such coirs to be made. In case this alteration should not be made in the law, the Department, for the time, has a lever in its being able to refuse permission for the erection of the mill on the Reserve unless some arrangement can be come to about the mills.

I am &c &c

Col. Powell

St. G. M. Sprout J. R. Com.

Ind: Supat

Indian Reserve Commission

Water

B.C. Victoria 22nd April 1878

Sir,

I beg leave respectfully to mention, for the consideration of the Honor. The Lieut. Governor in Council, that, so far as I have been able to ascertain the facts, the Indians in many parts of the interior of the mainland are not well placed as regards the essential requirements of water for irrigating their Reserves.

In some few cases

water

2. No reply
see 188.

water for the above purpose has been assigned specially to the Indians, with their old Reserves, but, in a great many cases, this has not been done - It is possible that the

Officers intrusted with the duty of laying off Reserves may have supposed that, in giving the land, they, by that act, also gave the necessary quantity of water to the Indians.

The Land Laws, however, both of the Colony & the Province, while protecting Indian settlements against pre-emption or purchase, do not protect the requirements of the Indians with respect to water for irrigation.

The laws expressly enable water to be acquired by priority of record, and no record has been made on behalf of the Indians, except in a few cases in which, as above stated, water has been assigned with the Reserves, which assignment might, perhaps, be considered equivalent to a record.

Would this be so?

The survey party now proceeding to the interior to survey the boundaries of the Reserves will also examine the question of water, and until this is done, and the facts ascertained, the work of the Commissioners during the past year in the interior must be considered incomplete.

White settlers have made records of water at nearly all the Reserves visited, and whether their Records are excessive or not, and what will be the bearing of a conflict between the legal rights of the white settlers and the equitable rights of the Indians will have to be considered and determined.

I presume this matter can be arranged on the spot between the Assistant Land Commissioner and myself, or Mr Holm Chief Surveyor, so far as the real quantity of water really required by white settlers, who have made records, is concerned.

I shall be glad to know your view as to what should be done to adjust water questions between the two Governments in the case of old Reserves for which too little water is available owing to the records of white settlers. The expense of my having to revisit these places, to make a final adjustment, would be very considerable.

With respect to the numerous places in the interior, not yet visited by the Indian Reserve Commission, where water will be required by the Indians, I do not know whether, under the existing Land Law it is in the power of the Provincial Government to refuse to receive records of water by white settlers in the neighbourhood of Indian Reserves.

If not, it appears to be desirable that they should obtain such powers from the Legislature, otherwise the Province may be put to a great deal of expense because it is unnecessary to say that the Indians must have water as well as land, and that water should, in all cases, have been provided for them from the first.

You will oblige me by stating whether the decision with respect to water of the Indian Reserve Commission contained in their Minutes of Decision will be equivalent to a legal record, or, whether the quantity of water required by each Tribe must be specifically recorded in the Land Office of the District, and, if so, whether the record should be made in the name of the Tribe or the Superintendent General of Indian Affairs.

The Hon;

The Prov. Secy

I have &c &c
J. R. C.