

INDEX
B.C. Provincial Collection
MINUTES OF DECISION, CORRESPONDENCE & SKETCHES
Gilbert M. Sproat
January 1879 to October 1879
Binder 3 (Box 1)

This binder primarily contains correspondence between Sproat and the Chief Commissioner of Lands and Works (CCLW). The only Minutes of decision found in this volume are Sproats re-submission of some of the work done by the JIRC [Corr. No. 369/79, 368/79]. Based upon a comparison with the federal collection, it would appear that some of Sproat's work is not included in the provincial collection. For example, Sproat's allotments for the Upper Similkameen, which occurred during this time frame, can be found in the federal collection (see, vl. 6, pp. 115-129), but these Minutes of decision are not found in the provincial collection.

The majority of the correspondence in the binder is addressed to the Chief Commissioner of Lands & Works (CCLW). Occasionally the name of the CCLW is given, but, most often, the correspondence is just addressed to the Chief Commissioner.

Sproat writes at some length about the work of the Commission. In one letter Sproat states that:

fully one half of the whole time of the Commissioner is spent examining and protecting not only the rights of white settlers, but the customary advantages and fair expectations of their position as settlers.

When doubtful questions arise or questions of extremem difficulty such as are some of those which now have or a long time been before the Provincial Government, it is the practice to refer them to both governments for an authoritative opinion. [Corr. No. 199/79]

Settler concerns and settler discontent form a large part of Sproat's correspondence in this volume. [eg. Corr. Nos. 200/79, 201/79, 01/20/1878, 202/79, 226/79, 349/79, 538/79, 05/26/1879]

Sproat continues to seek authority from the provincial government to be provided with the "requisite authority ... for prosecuting the adjustment of the Indian land question in the districts not yet examined." [Corr. Nos. 226/79, 297/79, 315/79, 542/79]

Sproat also maintains that the survey of reserves were not under his care. [Corr. No. 488/79]
In one letter he states that the reserves will be surveyed and then be "plotted and mapped and communicated to both governments without waiting," as has been the practice, until the end of the season. Sproat states that the surveyors "will be instructed to conform as far as possible to the survey regulations in the "Land Amendment Act of 1879"" The area of difference could be with respect to natural boundaries at Indian reserves. Sproat notes that the reserves to be surveyed in the coming year were laid out prior to the passage of the Land Amendment Act. He also requests that the provincial government confirms what it would require in the matter of the surveys. [Corr. No. 668/79].

Responses from the provincial government to Sproat's letters are not contained in the provincial collection.

Cross-Reference to the Federal Collection

Correspondence No. 368/79 is found in vl. 3, pp. 150-263

People of Note

Chief Commissioner of Lands & Works

W.S. Gore

J.C. Haynes

G.M. Sproat

Surveyor General

Stipendiary Magistrate

Indian Reserve Commissioner

Indians Identified
Settlers Identified

See complete list under Additional Subjects
See complete list under Additional Subjects

Organization of Index

- The identification of the location of the documents is based upon the correspondence number.
- In some instances when there was no correspondence number noted on enclosures the term "[add. corr.]" has been used to indicate additional correspondence under the same correspondence number.
- Page numbers for the correspondence, particularly the Minutes of decision and sketches, have been noted in "[]" below the correspondence number. In many cases, there was no page number in the document, so the page number has been assigned.
- In some cases two dates have been used. This has been done if two dates appeared in relation to the Minutes of decision. There could be many dates associated with the Minutes of decision: the date of the covering letter, the date of the Minute, the date which appears at the end of the submission, which may be the date the Commissioners signed off their work and, the date on the sketches. What has been cited for the Minutes of decision is the date which appeared beside the Minute, or, in the absence of that, the date which appeared at the end of the submitted minutes.

Additional Sources

In order to verify and cross-reference information in the collection a number of sources are cited in the footnotes.

Federal Collection

Federal Collection of Minutes of Decision, Correspondence & Sketches

1943 Schedule

The 1943 Schedule of Reserves prepared by the Department of Indian Affairs based upon the work of C.H. Taggart, Dominion Land Surveyor.

NRCan Schedule (2005)

Schedule of Reserves prepared by the Vancouver office of the Legal Surveys Division, Natural Resources Canada

PILQ

The Papers on the Indian Land Question, 1850-1875, 1877

ANNOTATED INDEX BINDER 3

M.O.D. is an abbreviation for Minute of Decision.

A.M.O.D. is an abbreviation for Amended Minute of Decision

Reserve names are current spellings and current numbers, unless the reserve no longer exists.

Band/Tribe names are as they appear within the volume; **n.b.** for a variety of reasons (eg. change of name, band division and amalgamation) the band originally allotted the reserve may not be the current holder.

[w/encl] indicates there were enclosures contained with the correspondence.

[copy] indicates that there was a notation on the correspondence identifying it as a copy

[] around the name of the author indicates that the author is known, but the signature block is missing.

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO
01 27 1879		Similkameen ¹	Sproat	Letter	105/79
01 27 1879		Sumas, Matsqui ² Chilliwack	Sproat	Letter	106/79
01 27 1879		Sumas, Matsqui/ Chilliwack	Sproat	Letter [w/encl]	107/79
01 27 1879		Sumas, Matsqui ³ Chilliwack	Sproat	Memorandum [copy]	107/79
02 19 1879		General	Sproat	Letter	199/79
02 19 1879		Similkameen	Sproat ⁴	Letter	200/79
02 13 1879		Similkameen	Sproat ⁵	Letter [w/encl]	201/79
02 13 1879 09 28 1878		Similkameen	Vernon	Land Applic. [copy] [encl]	201/79 [encl]

¹ Sproat makes reference to a letter from the CCLW dated January 14, 1879 which enclosed letters from settlers in the Similkameen dated December 2, 1878 (neither letter is in the provincial collection). Sproat states he is "embodying" his Field Minutes and will send the CCLW the one on Similkameen as soon as he receives the sketches. [See Corr. Nos. 201/79, 202/79, this binder]

² Sproat refers to an encroachment upon the Matsqui reserve by Mr. Derby. As Matsqui Main 2 was a colonial reserve, it is presumed that this is the reserve to which Sproat refers. The encroachment by Mr. Derby had to do with a dyking project which affected the Sumas, Matsqui and Chilliwack Indians. [See Corr. Nos. 107/79 (encl.), 315/79; Federal Collection, vl. 2, pp. 95-99]

³ The date of the memorandum is at the end. In the memo, Sproat refers to himself in the third person. He makes reference to the dyking project proposed by Mr. Derby. He notes that it would affect 10 or 12 Indian reserves "(unexamined by the Commission)" [p. 2]. Sproat also notes that the Indians in the New Westminster District "were much annoyed" that the Indian Reserve Commission had not visited them. [See Federal Collection, vl. 1, pp. 369-379; vl. 2, pp. 95-99]

⁴ In identifying the Indians in this area Sproat alternately uses the terms Similkameen, Lower Similkameen and Keremeus. Based upon the available evidence, it appears that these Indians are currently known as Lower Similkameen. Although addressed to the CCLW, Sproat has written "unofficial" in the top left hand corner. Sproat's letter appears to deal with settler discontent with Indian reserves in the Similkameen valley. He quotes from a letter from Mr. Price, who advises that at a meeting held December 2, 1878, the settlers signed a petition "against the Indians having any land in the white settlement."

⁵ Sproat reviews his decision making process with respect to reserve allotment in the Similkameen area and the problems of allowing pre-emptions before the Commission has resolved the "Indian land questions." He notes, among other things, that under the method he devised "it would not be necessary to disturb a single white settler in any land he occupied, nor indeed to inquire (and I have not inquired) whether the lands were legally held or not. // This determination so displeased the Indians that at one time I thought it would be impossible to negotiate with them at all ... however, finally I succeeded in effecting an adjustment." (p. 2) It appears that Mr. Daigneault pre-empted the land which Sproat set aside for the Indians. (pp. 3-4) [See Federal Collection, vl. 5/3, pp. 73-80d]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO
01 20 1878		Okanagan	Sproat ⁶	Memorandum [w/encl]	No. Num.
01 20 1878		Okanagan ⁷	Unknown	Sketch	No. Num. [p. 19]
02 13 1879		Similkameen	Sproat ⁸	Letter [w/encl]	202/79
02 13 1879		Osoyoos	Sproat ⁹	Letter	202/79
02 13 1879		Similkameen ¹⁰	Mohun	Sketch	202/79 [p. 8]
02 13 1879		Similkameen ¹¹	Mohun	Sketch	202/79 [p. 9]
02 22 1879		Similkameen	Sproat	Letter	226/79
03 17 1879		General ¹²	Sproat	Letter [w/encl]	297/79
04 26 1878		Yale District	Sproat	Authority [copy]	297/79 [p. 5]
03 20 1879		Soda Creek ¹³	Sproat	Letter [w/encl]	315/79
03 20 1879		Williams Lake	Sproat	Letter [w/encl]	315/79

⁶ Curiously, this memo is dated one year earlier than the correspondence surrounding it and it has no correspondence number. Sproat wrote this memorandum to the Attorney General. It is entitled "Memorandum on the case of Mr. Cornelius O'Keefe, Head of Okanagan Lake." Sproat disputes the validity of O'Keefe's pre-emption. Sproat argues that the JIRC took the position that O'Keefe's extended absence defaulted and thereby cancelled his pre-emption claim. Interestingly, it appears that O'Keefe had personally and in writing requested the JIRC to visit the area, and, so the JIRC included it in their itinerary. "Mr. O'Keefe nevertheless went away and left no one to represent him." (p. 10) Sproat goes on to identify the lands acquired by O'Keefe (p. 11). He also provides a list of correspondence to and from the JIRC and others (p. 13), none of which is in this collection.

⁷ Title of the sketch: "Tracing from Mr. Jane's Plan shewing [sic] approximately the relative positions of Lands recorded by Mr. C. O'Keefe."

⁸ Sproat also identifies these Indians as "Keremeus". They are currently known as Lower Similkameen. Sproat discusses the fact that no land had been set aside for these Indians and, consequently, the choice areas have been pre-empted regardless of the prior Indian use and occupation. [See Corr. No. 880/79, this binder]

⁹ Although Sproat briefly mentions the Osoyoos Indians, the letter deals primarily with the Similkameen Indians.

¹⁰ The sketch contains only yellow squares depicting the areas pre-empted by settlers and the Hudson's Bay Company.

¹¹ This is a larger sketch showing the surrounding areas and pre-emptions from Keremeos to Osoyoos Lake. No Indian reserves are indicated on this sketch.

¹² Sproat provides a brief report on his work to date. He notes that since commencing his work as "single Commissioner in the middle of May last [i.e. May 1878], I have dealt with 5000 Indians ..." He states that, "the question of the Indians' lands has been examined and adjusted in the large extent of country south from Cache Creek and Lytton, and on both sides of the Gulf of Georgia up to and including Jervis Inlet and Comox." In describing this area, he appears to have included areas visited by the JIRC. He requests that the province issue him the requisite authority "for prosecuting the adjustment of the Indian land question in the districts not yet examined." [See Corr. No. 542/79, this binder]

¹³ Sproat refers to the Indians who reside at Soda Creek and Williams Lake. Sproat states that Indians from the area have sent him communications through Chief Justice Begbie. Sproat advises that he believes he should do work first in the New Westminster district before going to any "remoter" area. He also advises that it is Powell's opinion that "there is great probability of trouble" in the Nass-Skeena area "if their land questions are not adjusted." Sproat states that the JIRC wrote to the CCLW on this matter on April 27, 1877 (letter not in collection). [See Corr. Nos. 106/79, 107/79, this volume]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO
03 07 1879		Chilcotin ¹⁴	Laing-Meason	Letter [copy]	315/79
03 22 1879		Lyackson	Sproat	Letter [w/encl]	349/79
03 22 1879		Lyackson ¹⁵	Sproat	Letter [copy]	349/79
03 25 1879		North Thompson, Kamloops, Neskonlith Okanagan, Osoyoos ¹⁶	Sproat	Letter, M.O.D. & Sketch	369/79 368/79
03 25 1879	Canoe Lake ¹⁷	North Thompson & Canoe Lake	Sproat	M.O.D.	368/79 [p. 1]
07 01 1878	Kamloops 2 ¹⁸	Kamloops	Sproat	M.O.D.	368/79 [p. 2]
07 01 1878	Kamloops 3	Kamloops	Sproat	M.O.D.	368/79 [pp. 2-3]
07 01 1878	Kamloops 4	Kamloops	Sproat	M.O.D.	368/79 [p. 3]
07 01 1878	Kamloops 5	Kamloops	Sproat	M.O.D.	368/79 [pp. 4-5]
07 01 1878	Kamloops 1 ¹⁹	Kamloops	Sproat	M.O.D.	368/79 [pp. 5-6]
07 01 1878	Neskonlith 1 ²⁰	Neskonlith	Sproat	M.O.D.	368/79 [pp. 7-8]

¹⁴ Laing-Meason identifies the Canoe Creek, Dog Creek, Alkali Lake, Williams Lake and "Chilcotin (2 or 3 Tribes)." He states that the Canoe Creek, Dog Creek and Alkali Lake Indians all have some land, but that it is inadequate. There is no reserve at Williams Lake and the "Chilcotin Tribes wish to have their Reserves marked out for them wh[?] has never been done." Meason requests that Sproat send assurances he will visit in the coming season.

¹⁵ Sproat writes to Captain Wake, RN on Valdez Island. He refers to a letter dated March 15, 1879 from Capt. Wake (not in collection). Sproat advises Wake that the Indian Reserve Commission "has no official charge of the Surveys [sic] of Indian Reserves" and it has "nothing to do with the management of Indians, nor, directly with trespasses whether by Indians or by white settlers."

¹⁶ Sproat encloses Minutes of decision for work done "in the past season in matters left over for adjustment by the Reserve Commission during the previous season." He requests that these Minutes be attached as a "supplement to the 1877 decisions." He also states that "in due course" he will submit more succinct descriptions of the reserves as soon as the maps being prepared from the "actual surveys" are completed. In this version some revised allotment dates are given, however, the date relied upon is that of the allotment by the JIRC in 1877. Sproat's signature is found at the end of the Minutes of decision. N.B.: The provincial version is quite difficult to read, the versions found in vl. 2 and vl. 3 of the federal collection are much more legible. [See Binder 2, Corr. Nos. 1084/78, 1081/78; Federal Collection, vl. 1, pp. 12-13, 92-107; vl. 2, pp. 116-123; vl. 3, pp. 3-23, 150-263; 1943 Schedule, pp. 29-30]

¹⁷ This reserve was originally identified by the JIRC. Sproat does not provide a revised date. The date used is the date from the covering letter. Sproat states that the North Thompson and Canoe Lake Indians have agreed to have reserves in common. The comment is virtually the same as that made by the JIRC in the originally submitted Minutes of decision. It does not appear that this area ever became a reserve. The North Thompson Indians are currently known as the Simpcw First Nation. [See Binder 2, Corr. No. 1081/78; Federal Collection, vl. 2, p. 117, NRCan Schedule (2005), p. 92]

¹⁸ These allotments are described as fishing stations and are oriented to the pre-emption of a settler named Bartlett Newman. Although Sproat used the numbers 1 and 2 to identify the areas, these numbers do not correlate to the reserve numbers.

¹⁹ This would appear to be an addition to Kamloops 1. The description begins with the paragraph commencing, "The strip at Louis Lake ..." It appears that this area is now part of Kamloops 1.

²⁰ Sproat delineates timber land within the reserve which is for the use of white settlers. He includes a copy of a letter from himself to the settlers McBryan, Chase and Williams outlining the arrangement.

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO
09 13 1878	Okanagan Commonage	Okanagan	Sproat ²¹	M.O.D.	368/79 [p. 9]
10 09 1878	Osoyoos 1 ²²	Osoyoos	Sproat	M.O.D.	368/79 [pp. 10-11]
10 09 1878	Dog Lake 2 ²³	Osoyoos	Sproat	M.O.D.	368/79 [p. 11]
04 09 1879	Osoyoos 1 ²⁴	Osoyoos	Sproat	Letter [w/encl]	433/79 434/79
04 09 1879	Osoyoos 1	Osoyoos ²⁵	Sproat	Report [copy]	434/79
04 09 1879	Osoyoos 1	Osoyoos ²⁶	Unknown	Sketch	434/79 [p. 3]
04 09 1879	Dog Lake 2	Osoyoos	Unknown	Sketch	434/79 [p. 3]
04 09 1879	Osoyoos 1	Osoyoos	Unknown	Sketch	434/79 [p. 11]
04 18 1879		General	Sproat ²⁷	Letter [w/encl]	459/79
04 23 1879	Survey	General ²⁸	Sproat	Letter	488/79
04 26 1879		Chilcotin	Sproat	Letter [w/encl]	504/79
04 21 1879		Chilcotin ²⁹	Laing-Meason	Letter [copy]	504/79
05 02 1879	Cowichan 1 ³⁰	Cowichan	Sproat	Letter	538/79

²¹ Sproat's allotment of this commonage was not confirmed as a reserve.

²² The marginal notation states: "Decision 16th and 21st November 1877 Reviewed 9th Oct 1878." Sproat states that he reviewed both the request of Messrs. Haynes and Lowe and that of the Indians and decided that neither could be granted. He then reiterates the description of the Osoyoos reserve using the Roman Numeral L [50] and LI [51]. There is a marginal notation on the second page which states: "The Indian Commission have no authority to confer any water rights upon these or any other Indians." The initials are difficult to discern, but they look like "W.G." and possibly "P.R." beneath. The "W.G." would be William Gore, Surveyor General for B.C.

²³ This reserve was cut-off by the McKenna-McBride Commission in 1913. The cut-off claim was settled in November 1982.

²⁴ Sproat writes to the CCLW regarding the "sale of the greater portion of the Osoyoos Indian Reserve to Mr. J.C. Haynes by the Provincial Government." [See Corr. No. 740/79, this binder; Federal Collection, vl. 2, esp. pp. 152-161]

²⁵ Sproat submits an eleven page report on the matter of Osoyoos 1. The report includes an extract from the Minutes of decision by the JIRC (pp. 1-2), copies of letters sent to the CCLW and the former members of the JIRC and two sketches. Sproat concludes the report by noting that the sale by the provincial government to Haynes included about 4245 acres of the Osoyoos Indian Reserve.

²⁶ This sketch, and the sketch found at p. 11 of Sproat's report, show the location of the Osoyoos reserve and the pre-empted and/or sold land.

²⁷ Sproat encloses a list identifying outstanding matters still to be dealt with by the B.C. government. The list also indicates how long Sproat has been awaiting an answer. [See Binder 2, Corr. No. 2577/78]

²⁸ Sproat refers to a letter from the CCLW dated April 21, 1879. This letter is not included in the collection [See Binder 2, Corr. No. 1995/78.]

²⁹ Laing-Meason states that the "Chief of this tribe has just requested me - in the most formal manner, to write to you ..." [emphasis in original], however, Laing-Meason does not identify either the "tribe" or the chief.

³⁰ Sproat complains about the sale of four acres to Mr. Edward Marriner, at least two acres of which Sproat believes to be part of the Cowichan reserve. Sproat notes that the reserve had been "assigned and described to both governments 16 months before" the sale. [See Binder 1, Corr. No. 793/78]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO
05 05 1879		General ³¹	Sproat	Letter	542/79
05 09 1879	Roads	Chilliwack ³²	Sproat	Letter	573/79
05 12 1879	General	Chilcotin	Sproat	Letter	588/79
05 24 1879	Survey ³³	General	Sproat	Letter	668/79
05 24 1879	Survey ³⁴	General	Sproat	Letter	669/79
05 26 1879		General ³⁵	Sproat	Memorandum	No. Num.
05 31 1879		General	Sproat ³⁶	Letter [w/encl]	699/79
05 30 1879		General	Vankoughnet	Telegram [copy]	699/79
05 29 1879		General	Sproat ³⁷	Letter	713/79
05 15 1879	Osoyoos 1	Osoyoos ³⁸	Haynes	Letter [w/encl]	740/79
04 09 1879	Osoyoos 1	Osoyoos	Sproat	Letter [encl]	740/79
04 12 1879	Osoyoos 1	Osoyoos	Haynes	Letter [copy]	740/79

³¹ Sproat advises the CCLW that the Superintendent General of Indian Affairs has stated that he should proceed with the allotment of reserves on the coast, "leaving the work in the interior" until the two governments have resolved certain issues, particularly the matter of water. Sproat requests the "necessary authority" in order to make the allotments. [See Corr. No. 297/79, this binder.]

³² Sproat writes about the construction of roads through reserves in the Chilliwack area. Sproat wishes to meet with the CCLW to put forward his proposals. He notes that roads "appear to have been made through reserves here since Confederation both by the Government and by private persons without any communication with the Indian Department."

³³ Sproat advises that it is proposed to employ Messrs. Mohun and Jemmett to survey Indian reserves. The surveyors will send in their field notes upon completing each reserve. N.B.: There is a marginal notation on the first page which states "Ansd 26/5/79 WG". There is no response date May 26, 1879 in the collection. "W.G." would be William Gore, Surveyor General.

³⁴ Sproat refers to his letter of May 20, 1879 in which he enclosed maps and field notes (not included in collection). He inquires whether it is necessary that Mr. Jane, the surveyor temporarily in charge, swear to the field notes as correct. Sproat notes that the field notes were made prior to the passage of the 1879 Land Amendment Act. The marginal notation states: "Replied to verbally Get them sworn to WSG" "WSG would be W.S. Gore, Surveyor General."

³⁵ This appears to be an informal memo from Sproat to the CCLW on the issue of his authority and the "want of an Order in Council ... to act either on those parts of the coast of the islands and the mainland not yet examined, or in the Lillooet district &c in the Interior." [emphasis in original]. He goes on to discuss other issues related to the work of the commission, including organizing the survey parties and census taker. He initials the memo, rather than officially signing it as the Reserve Commissioner. N.B.: There is no correspondence number on this memo.

³⁶ The date on this letter to the CCLW is largely obliterated, however, Sproat encloses a telegram from the Superintendent General dated May 30, 1879. It is presumed that the letter is, therefore, dated around May 31, 1879. Sproat notes that the Superintendent General has given him authority to go to the Interior instead of the Coast "provided that you arrange satisfactorily irrigation and any other questions at issue affecting Indian lands."

³⁷ Sproat refers to a letter dated May 28 received from the CCLW (not in collection). The letter is in response to Sproat's memorandum dated May 26 (see unnumbered item, this binder). Sproat states: "I note that my authority, so far as the Provl. Government is concerned, is sufficient without the Order in Council which I had supposed might have been necessary ..."

³⁸ Three letters are included here. Interestingly, the "covering" letter appears to be a letter from J.C. Haynes, Stipendiary Magistrate at Osoyoos, to Geo. Walkem. Haynes encloses what appears to be an original letter from Sproat and a copy of the letter he (Haynes) wrote to Sproat in reply. Interestingly, the correspondence identified by a correspondence number in this trio is the letter from Sproat to Haynes "of Osoyoos New Westminster". Neither of the two letters from Haynes have correspondence numbers. In his letter to Haynes, Sproat advises that the purchase of the Osoyoos reserve land "will be departmental, and not under the care of the Reserve Commission." [See Corr. Nos. 433/79, 434/79 this binder]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO
06 09 1879	Survey	Nicomen ³⁹	Sproat	Letter	793/79
07 01 1879	Grass 15 ⁴⁰	Aitchelitz/ Chilliwack	Sproat	Letter	853/79
07 04 1879		Similkameen ⁴¹	Sproat	Letter	880/79
07 09 1879	General	Neklakapamuk	Sproat	Letter	895/79
08 11 1879		Nicomen	Sproat	Letter	1075/79
08 11 1879	Similkameen 1	Similkameen ⁴²	Sproat	Letter [w/encl]	1132/79
07 10 1879		Similkameen	Gore	Letter [copy]	1132/79
08 29 1879		General	Sproat ⁴³	Letter [w/encl]	1138/79
08 29 1879		General ⁴⁴	Sproat	Memorandum	1138/79
09 01 1879		General ⁴⁵	Sproat	Letter	1146/79
10 28 1879		General	Sproat	Letter	1376/79

³⁹ Sproat requests that W.S. Jemmett, surveyor, be provided with the details of George Coxon's "12 acre claim at Nicomen." This claim adjoins the Indian reserve.

⁴⁰ This reserve is held in common by numerous bands formerly classified as part of the Chilliwack Tribe. [See NRCan Schedule (2005), pp. 11, 83, 103]

⁴¹ See Corr. No. 202/79, this binder.

⁴² Sproat acknowledges receipt of the letter dated July 10, 1879 containing instructions to "lay off Indian reserves in the valley to the north and east of the Similkameen River in Township 52 on account of the number of white settlers already established there to whom the Indians might be a source of annoyance," (see enclosure) however, Sproat advises the CCLW that he has "no intention of laying off any further reserves at that place than those laid off in 1878." (p. 1) Although not specifically identified, it would appear that the reserve Sproat refers to is Similkameen 1. This reserve was subsequently cancelled by O'Reilly and replaced with alternate lands. [See Binder 8, Corr. No. 3138/84; Binder 9, Corr. No. 99/89; Binder 11, Corr. No. 3885/93; Federal Collection, vl. 5/3, p. 64; vl. 11, p. 16; vl. 14, pp. 224-231; 1943 Schedule, p. 111]

⁴³ Sproat refers to a letter from the CCLW dated August 7, 1879 (not in collection). Sproat advises the CCLW that by "the agreement between the two governments, it was left to the Reserve Commission (no doubt for good reasons) to make arrangements for visiting the different groups of people in such order as might be found desirable" [sic, p. 1], that "[a]rbitrary instructions to adjust land questions in reference to merely topographical areas would not give satisfaction and would cause additional expense" [p. 2] and that the instructions of the "Superintendent General are ... reasonable instructions and should not be described as "most impolitic." Sproat goes on to note that the Dominion government covers the expense of both the Reserve Commission and the surveys. He also touches upon outstanding issues, such as where he should proceed with his work next. He encloses a memorandum which, he states, he has prepared for "easy reference to facts" and shows the "history of the matter."

⁴⁴ Sproat quotes from various letters related to how he should proceed with his work, including extracts from letters from the SGIA and CCLW which are not included in the provincial or federal collection.

⁴⁵ Sproat requests that areas at Port Simpson, Skidegate and Telegraph Passage be reserved from pre-emption as no assignment of lands for Indians have been made in these places.

ADDITIONAL SUBJECTS INDEX
Binder 3 (Box 1)
Minutes of Decision, Correspondence & Sketches
Gilbert M. Sproat
January 1879 to October 1879

Subject	Correspondence No.
B.C. Government Officials	
Attorney General	01/20/1878,538/79
Assistant Land Commissioner	01/20/1878
Begbie, Matthew Baillie, Att. Gen.	315/79, 504/79 [encl]
CCLW	105/79,106/79,107/79,201/79,01/20/1878,369/79,459/79, 488/79,668/79,05/26/1879,699/79,895/79,1138/79,1376/79
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Elwyn, Thos.	504/79 [encl]
Gore, William, Surveyor General	368/79 [pp. 10-11],668/79
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Village Settlement/Site Canoe Lake Keremeus McDonald's Creek area Nicomen Nimpkish O'Keefe pre-emption Osoyoos Williams Lake	368/79 [p. 1] 1132/79 1075/79 1075/79 1376/79 01/20/1878 368/79 [pp. 10-11] 504/79 [encl]
Water irrigation rights for Indians	201/79 [pp. 2-3], 202/79, 699/79, 1132/79 368/79 [p. 11], 434/79, 504/79, 05/26/1879, 713/79, 1138/79

Colonial Reserve

Name	Comment	Corr. No.
Alkali Lake	"the land is ... small"	315/79 [encl]
Canoe Creek	"Indian reserves"	315/79 [encl]
Dog Creek	"the reserves"	315/79 [encl]
Osoyoos	"only land assigned"	202/79

Subject

Correspondence No.

Settlers

Name

Corr. No.

General
Anderson, Mr.
Bennett, Mr.
Barcelo, Mr.
Chase, Mr.
Cole, Mr.
Coxon, George
Daigneault, Edouard
Derby, E.L.
Ellis, Thomas
Fawcett, Mr.
Greenhow, Thos.
Haynes, J.C.
Huson, Mr. West [sic]
Kruger, Mr.
McBryan, Mr.
McConnell, Mr.
Marriner, Edward
Marriner, Henry
Mendoza, Mr.
Newman, Bartlett
O'Keefe, Cornelius
O'Keefe's nephew
Parkes, P.
Pinchbeck, Mr.
Price, Barrington
Richter, Mr.
Walker, Mr.
Wake, Capt.
Williams, Mr.

107/79 [encl], 199/79, 200/79, 201/79, 202/79, 880/79, 1132/79
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202/79
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202/79
793/79
200/79, 201/79, 202/79, 226/79, 459/79 [encl]
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1132/79
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01/20/1878
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538/79
538/79
202/79
368/79 [pp. 2-3]
01/20/1878
01/20/1878
459/79 [encl]
504/79 [encl]
200/79, 202/79
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349/79
368/79 [pp. 7-8]

Indian Reserve Commission
British Columbia
New Westminster

1879.

January.



105
79
Answer
30/1/79

Sir,

I have received your letter of the 14th inst. enclosing copy of a letter to you from settlers in Similkameen dated 2nd Decr last on the subject of Indian Reserves there.

I am now embodying my Field Minutes, and will send you that on Similkameen as soon as I can get sketches made to accompany it, as these will help you to understand the question.

I am, Sir

Your obedient servant

Gilbert Malcolm Sproat
Commissioner

The Hon.

The Chief Commissioner
of Lands & Works
Victoria

Indian Reserve Commission

Buckley's Bluff

New West: 27 Jan'y

1879.

Answer
3d/1/79

106
79

Sir,

In reply to your letter of the 14th, I beg to say that you are in error in addressing me on the subject of Mr. Guly's encroachment on the Matsqui reserve - that being ^{now} a matter for the Indian Department to deal with.

As I travel much about the country it is found convenient for me to notice cases of trespass by Indians or by white men, and in Mr Guly's case all I have had to do with it was to report the fact of encroachment and notify Mr. Guly of his position.

If you have any observations to make on the case I would suggest that you should do so through the Department here as the Superintendent General, being without local or special information,

The Hon: Mr. Chief Commissioner
Victoria

would probably have to send your statement
back to the printer for report.

The particulars of the action of the former
Reserve Commission in the Shawloap section
are stated in their Reports which will
show you that you have been wrongly
informed as to the effect of their visit.

I do not accept your broad statement
of opinion - if I rightly gather it - that Indians
have no rights of way outside their Reserves
except on government roads, but that is a
question of law with which, I should imagine,
the Reserve Commission has no power to deal,
and with which ~~they~~^I have not attempted
to deal. This also would be a Departmental affair.

I am, Sir

Yours truly

William M. Sprock
Commr.

Indian Reserve Commission
British Columbia

New Westminster



1879 Jan 27

30/1/79

102/79
Li

I beg leave respectfully
to enclose a copy of a
Memorandum showing the
portion in which I filed
my report placed with respect
to the adjustment of Indian
Reserves at Chilliwack, Sumas
and Matsqui

I am Sir

Your Obedient Servant
William Matthews
Commissioner

The Hon:

The Chief Commissioner of Lands & Works
Victoria

Enclosed in Mr
Shew's letter
27 Jan 1879



Coky Memorandum as to Matsqui
Indians and Thulinhach Indian
Reserve.

It is unnecessary to refer to the agreement between the Dominion and the Provincial Government as to the adjustment of Indian Land questions in the province, nor to the equitable or legal obligations arising from that agreement, as the subject is well understood.

With the approval of, and indeed at the request of the Provincial Government, the Indian Reserve Commission was employed upon the coast of the Province in 1876 and 1877 and in the interior of the country in the latter part of 1877.

The work of the Commission in 1878 was under the direction of the Dominion Government solely, as they paid all expenses.

It was considered necessary by the Commissioner to finish, in 1878, the work which had been begun in the Yale district, in the interior of the country by the former Reserve Commission, in 1877.

The Indians of the New Westminster or Lower Fraser District, inhabiting a portion of the country comparatively well settled by white people, were much annoyed by the fact of the Reserve Commission working outside their district in 1876 & 1877 and going past them in 1878 to visit the Indians of the interior.

Their views and wishes were communicated from time to time to the Reserve Commission, and by the Commission

to

to the Provincial Government for such action, in aid of the work of the Commission under the agreement between the two Governments as the Provincial Government might see fit to take under the circumstances of the Commission being employed elsewhere than in the New Westminster district.

This was done by way of reminder and not as implying any doubt of the willingness of the Provincial Government to do what was called for by the agreement between the two governments.

In the beginning of 1878 there was some talk among the public of a dyking scheme being undertaken in the Lower Fraser district by Mr. E. L. Herby, a gentleman from San Francisco who proposed to dyke against river freshets a large portion of land within which were 10 or 12 Indian Reserves (unexamined by the Commission) in consideration of a large grant of land to be made to him by the Provincial Government.

It was not necessary for the Indian Reserve Commission to remind the Provincial Government again of New Westminster District matters, but on the 12th April 1878, Mr Sproat nevertheless did so in a letter which expressed the hope that the possible wants of the Indians of the Lower Fraser had been or would be considered in connection with any grant of Crown Lands under Mr Herby's dyking scheme.

On the Commissioner's return from the

the interior of the country in the end of November last, he began work in the Lower Fraser District - namely from Yale to the mouth of the Fraser, and on reaching Chilliwack, Somass and Matsqui found that Mr Darby had begun work at the latter place, and had without intimation or licence taken possession of a considerable portion of the Matsqui Indian Reserve, and that he proposed running his dyke across the Somass Indian Reserve, and affecting all the Chilliwack Indian Reserves by diverting streams or otherwise. Mr Darby stated that he had done this under a Provincial Act, called the "Somass Dyking Act 1878."

The Commissioner explained to him that he thought it was open to question whether that act, under existing circumstances, could give him any powers of appropriating Indian lands for the purpose of his dyking scheme, and that his proper course would have been, and now was, to make his plans known to the Superintendent-General, who on mastering the facts of the proposal would decide as he thought fit on the request made for the use of Indian lands. In the meantime Mr Darby was known to the Superintendent-General only as an encroacher upon an Indian Reserve, and must be notified as usual in such cases, that legal steps would be taken to eject him, and to restrain him from further unauthorised proceedings.

This is the state of matters so far as Mr Darby is concerned, but on perusing the

Somass

"Somas Dyking Act" the Commissioner for the first time learned that the Provincial Government notwithstanding their agreement with the Dominion Government as to the adjustment of Indian Land questions, had granted all the Crown Lands near the Matsqui, Somas and Chilliwack Indian Reserves to Mr Darby, and had thus practically dealt with the question of the sufficiency of these Reserves, which question it had been agreed between the two governments the Reserve Commission should consider and adjust.

The Commissioner is unable, at present, to say whether these reserves are sufficient, or whether the dyking scheme will benefit all or any of them. This can only be known after proper investigation; in the meantime, the Commissioner, in view of the circumstances created, thinks it well to send a copy of this memorandum to both governments, and to await instruction so far as the reserves of Matsqui, Somas and Chilliwack are concerned.

It is to be hoped that he may soon be enabled to undertake the adjustment of these reserves, after the long delays which have already taken place with respect to all the reserves on the Lower Fraser, and in view of the fact that he may in a short time be in a distant part of the country.

New Westminster
British Columbia
27 Jan^y. 1879

Signed, Gilbert Malcolm Sproat
Commissioner.

Indian Reserve Commission
New Westminster

1879. 19 Feb.



199
Sir

Having seen in the newspapers a notice of question to be put to you by Mr Bennett, from which it might be inferred that the Indian Reserve Commission has assigned for Indian purposes lands held legally by settlers, I beg respectfully to express a wish that when it may be in your power, you will have the goodness to cause me to be informed of the particulars of any

The Honourable
The Chief Commissioner
of Lands & Works Victoria

case to which Mr Bennett refers, so that any mistake may be promptly rectified.

The Reserve Commission has no power to do what Mr Bennett complains of, and no attempt has been made to exercise powers which the Commission does not possess.

Though the total cost of the Commission is paid by the Dominion Government, fully one half of the whole term of the Commission

is spent in examining, and protecting not only the rights of white settlers, but the customary advantages and fair expectations of their position as settlers.

When doubtful questions arise or questions of extreme difficulty, such as are some of those which now have for a long time been before the Provincial Government, it is the practice to refer them to both governments for an authoritative opinion.

I am, Sir
 Your Obedient Servant
 Robert Melvill Sproat
 Commissioner

unofficial

200
79

Indian Reservation Commission

New West 19 Feb 1879

(Similkameen)

I avoid, in official reports, as far as possible, what might, if published, cause feeling among the scanty population in the valleys of the interior. ^{therefore} I might have quoted ^{in my official letter} the following extract from a letter of Mr Price Keremeos to me (dated 9 Dec 1878).

"The settlers had a meeting Dec 2nd at Mr Richters to petition against the Indians having any land in the white settlement. I did not attend, having before argued with them upon the injustice of such a step and that taking into consideration the numbers of the Indians and the small quantity of land fit for agricultural purposes, your decision was one which no reasonable man could find fault with.

Mr Price is, I believe, a magistrate. He is one of the oldest settlers and largest landowners at Keremeos and the Indian reserve touches the whole southern line of his land, yet you see above what his opinion is.

The next question raised by the remonstrating gentlemen is, whether the Crown will continue to permit them to use, without cost, and largely to destroy the grass lands, and will continue to refuse

The Hon.

The Solicitor General & Works

the assignment of a portion of these grass lands
for the Indian stock - now and to be.

It is a pasturage question, and how to
arrange it in the best way ^{for all} has cost me
many days and nights of anxious thought.

Some of my early critics would be
less inclined to criticize, if they tried
to adjust matters even in one such
place as that.

My great hope, as a
British Indian, was that the
distressful condition of affairs on the
frontier ~~should not~~ in regard to these
particular Indians should not have
to be made known at all to the
Dominion Gov. and I thought I
had succeeded when this petty
but embarrassing act of Mr. Sargeant
representing I do not know whom -
has taken place.

I am Sir
Yours devotedly
Silent in Spirit

201 Indian Reserve Commissioner
British Columbia.



New Westminster
13 Febr. 1899.

Sir,

Referring to my separate letter of this date as to Similkameen Indian reserves, I make now a supplementary statement, for the information of the Provincial Government, on matters relating to these reserves which it was unnecessary to include in the above separate letter, commenting as it did, simply upon the complaint made by settlers in the Similkameen valley.

You will, I think, admit that there are obvious inconveniences in the practice of district land recorders accepting pre-emption applications for lands in places where serious Indian land questions which are about to be considered by the Indian Reserve Commission, exist. This is done, no doubt, without the sanction or wish of the Provincial Government (to whom might, in some cases, be the object of the records) but, unless the records so accepted are cancelled, the effect is the same as if the sanction of the Provincial Government had been obtained, and it might, in some cases, reluctantly compel the Dominion Government to complain that in practice, the agreement between the two Governments as to Indian lands was not being acted up to.

The Hon:

The Chief Commissioner
Lands & Works Victoria

Notwithstanding

Notwithstanding the state of affairs described in my separate letter of this date as existing in the Lower Similkameen Valley - the number of Indians left, entirely without land, the small area of agricultural land and so forth - it does not appear, that any restrictions were placed upon the acquisition of land by white settlers, and the fact is that lands have been acquired since Confederation, and indeed, in 1877, at a time when the Reserve Commission was on its way to Kamloops.

I need not, however, dwell on these events, because, seeking means of smoothing difficulties and avoiding questions and correspondence, I at last devised a method (as I hoped) of adjustment under which it would not be necessary to disturb a single white settler in any land he occupied nor indeed to inquire (and I have not inquired) whether the lands were legally held or not.

This determination so displeased the Indians that at one time I thought it ^{would be} impossible to negotiate with them at all, and that I should have to retire after the heavy expenditure caused by visiting that remote place - However, finally, I succeeded in effecting an adjustment.

The difficulty about water for irrigation was to some extent got over, by my assigning lands on the river bottom and particularly the piece marked green on the sketch herewith sent, as this piece (judging from what had been done by white settlers on similar pieces) would probably produce

Crops

crops without irrigation.

This piece may be regarded as the pivot of the adjustment which after extreme difficulty I thought myself fortunate in effecting - whether the interests of the two Governments or of the white settlers in the valley were regarded.

Now, this very piece of land, subsequently to my having reserved the lands generally for Indian purposes, was pre-empted by Mr Daigneault, and his application (as per enclosed copy) accepted by the Land Recorder Mr Perron, though that gentleman knew that the Reserve Commission was working in the Similkameen valley, and encamped at the place.

On learning the above fact, I left a note for Mr Daigneault (who was absent) explaining that the record was invalid, as the land had been given to the Indians.

Mr Daigneault went to Victoria and saw you on the subject, but I do not officially know what took place, though perhaps I may be permitted to say that I understood you, in conversing with me on this subject, to express an opinion that Mr Daigneault under those circumstances, could have no claim to the land.

Mr Daigneault called at my hotel in Victoria, and told me that he was going back to Similkameen, and intended to occupy, and hold the land, and that the Dominion Government might do what they pleased. I told him, in reply, that I thought he was acting illegally, and was probably wasting his time.

I have learned since, that Mr. Daigneault has actually occupied the land, and that the Indians - with that respect for the law which they so generally show - have not forcibly resisted his occupation.

They are however extremely dissatisfied, and I fear the circumstances may largely destroy the effect of my visit and of the adjustment.

In the event of the Indians minds being disturbed, and the adjustment proving nugatory in practice, the cost of my again visiting that place, which is quite out of the line of any future work of the Commission, would not be less than \$1000⁰⁰, and it would be useless to go there while Mr. Daigneault continued to occupy the land.

There is, as you know, a summary remedy in the hands of the Indian Department in cases of trespass on reserves, under Clauses 11 to 19 of the Indian Act 1876, but considering the general position of the whole Indian ^{land} question in the province, and the possibility of some portions of the Act being changed, I have not in a single instance, recommended the Superintendent to seek any other means of redress, in case of trespass, than through the ordinary authorities and regular tribunals in the Province.

It is, however, surely hard upon the Dominion Government that they should have to contemplate a tedious expensive and cumbrous ejectment suit to remove a trespasser such as Mr. Daigneault.

I respectfully express
regret

regret that when Mr. Daigneault and Mr. Vernon the Land Records, and myself were in Victoria, you did not see your way to examine the question raised by Mr. Daigneault and cancel his record, which I am advised is within your power as Chief Commissioner, and within the practice of the Land Office.

I hope you will now do so, and thus end a dispute which otherwise seems likely to produce nothing but embarrassment and loss to all concerned. Should you still not see your way to act, I shall be glad to have your views on the subject, for communication to the Superintendent General in order to assist the Dominion Government in considering what will be their course in reference to the trespass of Mr. Daigneault.

I am Sir,

Your Obedt Servt.

Robert Mulvihill
Commissioner.

Copy

(6)

Land Act 1874

District of Hale (Osoyoos Division)

Edward Waigneau

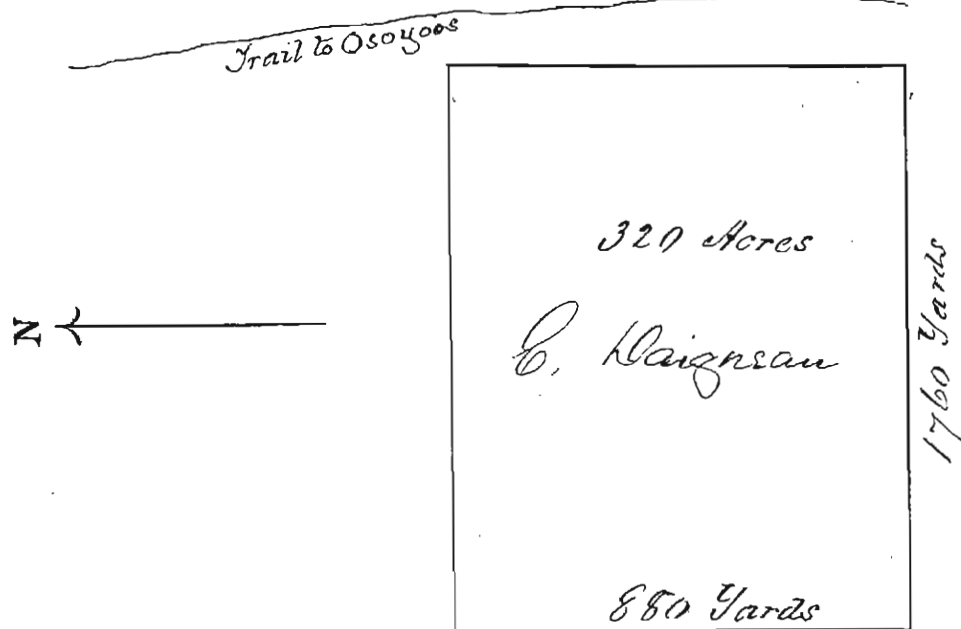
Dates of Record October 3, 1878 - 320 Acres
Similkameen.

On the north by the claim of Francisco
On the east by the trail to Osoyoos
On the west by the Similkameen River

Sgt. Charles F. Vernon.

Application Sep. 24, 1878

Form No 2 declaration Sep. 25, 1878.



34

Indian Reserve Commission

Memorandum on the case of Mr. Cor-
nelius O'Keefe. Head of Okanagan
Lake.

January 20th 1878

Messrs. Drake & Jackson, in their letter of 20th December 1877, herewith returned, are in error, in stating that the Commissioners have assumed to act judicially in Mr. O'Keefe's matter. The Commissioners have no judicial powers, strictly speaking, and in Mr. O'Keefe's case, even had they been clothed with such powers, they could not have properly exercised them, after discovering that at the time of their visit, Mr. O'Keefe was absent, and (as his trading partner Mr. Greenhow stated) had left nobody to represent him in land matters. What the Commissioners can do under their Commissions and instructions is to assign to the Dominion Government, for the use of the Indians, a reasonable area of land which is not in the legal possession of any one.

The exercise of this function involves, when necessary, an inquiry into the facts of alleged holdings of land, otherwise it would be in the power of individuals, by assuming to own lands which were not theirs, and which

and Com: f
the Attorney General

Herep

Printed 1878

There ~~not then~~ necessary for the Indians, to defeat to some extent the objects of the two governments in appointing the Commissioner.

Settlers have claimed to be the owners of land, and even of old gazetted Indian reserves, merely because they have seen fit to pay taxes on them, and in one case, a gentleman argued that he was the legal owner of an abandoned 'pre-emption', a dozen miles away from his own pre-emption, because the man who abandoned the pre-emption, and who several years ago left the Province owed him, as he said, some money in a general account.

In cases of this kind, the Commissioners obviously must take some responsibility, and act on the spot, or delay and great additional expense would be incurred, of which the Dominion Government might complain, but their actions are of course subject to formal ratification by the Chief Commissioner of Lands and Works or his assistants who have certain judicial powers conferred on them by law. The Commissioners never act without communication with the Assistant Land Commissioner of the district. They are guided by their practical judgment and common sense in these matters generally, and by the moral assurance they have that they will be backed by the Chief Commissioner of Lands and Works, where the public interests and the spirit of the agreement between the two governments

3

Governments as to Indian affairs prescribe a certain course of action. —

Mr O'Keefe's case is a case of this class, differing only in degree from those described above. — If the Commissioners have made a mistake in this or in any other case (and they don't know of any such mistake since they first took the field) it has been from want of ability and judgment, and not from carelessness in performing this delicate and arduous portion of their duties. —

I do not think it is part of the duty of the Commissioners to apply to have records cancelled. This probably is the duty of the assignee of the lands; — the Dominion Government, represented, I presume by the Indian Department in the Province. —

Messrs Drake and Jackson are also in error, in stating that the Chief Commissioner alone can cancel a record. Under the Land Ordinance 1870, Section 15 and 16 (or Section 10 and 11 of Land Act 1875) the Chief Commissioner of Lands and Works, or Assistant Commissioner (see Interpretation clause) as the case may be, may upon being satisfied of the cessation of occupation cancel the claim of a pre-emptor — this of course being a judicial act, involving, I presume, notice to parties, and formal hearing of both sides, even though the facts may privately be well known to the judge. In practice this rule of hearing the other side must be

be limited, for instance in the case of pre-emptors who have left the country, and upon whom no notice can be served.

It was at first the purpose of the Commissioners accordingly to ask Mr Terihan, Indian Superintendent, then at Okanagan to request the Assistant Land Commissioner of that division of the district Mr C. A. Temon, to cancel in his judicial capacity, the claim of Mr O'Keefe. Had this request been made, Mr C. A. Temon would doubtless have summoned Mr O'Keefe before him and explained to him that he thought the land had not been occupied as by law required, and given him an opportunity of answering or explaining. The absence of Mr O'Keefe or any authorized agent of his from the Province made this course impossible, and the Commissioners accordingly in their discretion, and on their own responsibility did what the public interests demanded on the spot, leaving the question of the formal cancelling of Mr O'Keefe's record, to the judgment of the Chief Commissioner of Lands and Works, or of his Assistant, when the Indian Superintendent should apply to have the record cancelled. - The Commissioners, I may remark assured themselves by exhaustive enquiries, and by the written evidence herewith submitted dated 20th September 1877, of the Assistant Commissioner of Lands and Works, that Mr O'Keefe had not occupied
the

the land as by law required, and that therefore in all probability the formal hearing of the case by the Chief Commissioner could have but one result. —

They deemed it right however to inform Mr. O'Keefe, of what they had done, but in writing to him (see copy of letter herewith, dated 1st October 1877) that his claim was cancelled, they, in reality, meant cancelled by his own default, not by any act of the Commissioners. Their letter shows this, for it states that the Commissioners are acting under their Commission and instructions, which it is well known authorize them to Enquire (not to judge) and as the result of that Enquiry, they gave Mr. O'Keefe, or meant to give, this information that his default had, in fact, cancelled his claim. — The Commissioners took further action with respect to Mr. O'Keefe's improvements, which, though apparently complained of by Messrs Drake and Jackson, was undertaken solely in the interest of Mr. O'Keefe. It is singular that the two cases which have caused most talk in the upper country amongst ill-informed persons, viz: Mr. O'Keefe's improvements, and Mr. McBryans firewood, are two special cases in which the Commissioners unsolicited, have studiously protected the interests of the persons concerned. —

Believing that the hearing of the case of Mr. O'Keefe by the Chief Commissioner

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=missioner of Lands and Works, must, as above said, result in the formal Cancelling of the claim, they had to consider the effect of that judgment on McKeef's improvements. —

It did not appear that the Chief Commissioner of Lands and Works, had by law, any power to deal with those improvements, but merely with the Cancelling. — Under Section 15, of the Land Ordinance 1870, when the claim is Cancelled, the deposits, buildings, and all improvements are by the act of cancellation absolutely forfeited to the Crown, and I think, according to the custom of the country, such improvements invariably go to the next occupier of the land. — The Crown does not take to them. — The Commissioners, foreseeing this, refused, in so far as they represented the Dominion Government to have anything to do with these improvements, and they so informed the Indian Superintendent, but they fixed a date precisely for their removal, in order to prevent disputes between the Indian Department and McKeef. The value of the improvements on the piece of land in question should not exceed \$400 and McKeef has had the benefit of Crops. —

The above explains shortly the action of the Commissioners, in so far as they were guided by the best interpretation of the law, which without pretending to any professional knowledge they, as laymen, could adopt, and they

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they respectfully submit their views for the consideration of the Hon: the Attorney General, in order, to show, at least, that their action was not hasty or high handed as the letter of Messrs Drake and Jackson suggests. —

The Case of M^r O'Keefe, with other cases which I could mention, illustrates, from one point of view, the extreme difficulty of the work of the Commission. They have in the first place to be studiously careful, except as aforementioned, not to assume, nor exercise powers beyond those actually possessed in virtue of their Commissions and instructions. Some of the public, and many of the Indians appear to have been under the impression that the Commissioners had as great powers as the Supreme Court, if I may judge from the visits to their Camp of persons who came to see the Commissioners on questions of the ownership of lands, of divorce, the custody of children, and so forth. Secondly however, while restricting their action within legal limits, the Commissioners have to look particularly to the general purpose of their appointment, to the real interest of the two governments, and to the tenor of their instructions requiring them to adjust all matters "on the spot". They have also to consider the expense being incurred. The implied duty which under the agreement as to Indian land matters between the two Governments, and under the circumstances generally, the local Govern-

ment ~~owed~~^{owed} to the Dominion Government has also to be appreciated by the Provincial Commissioners for instance in such cases as those above mentioned.

In Mr Greenhow's case, at the head of the lake, a nice question of law arose, which the Commissioners did not presume to judge of. They communicated by telegram with the Local Government, after discussion with Mr Greenhow, and afterwards were enabled to settle the question satisfactorily.

Mr O'Keefe's case was different. The facts were clear and admitted by the Assistant Land Commissioner, and by everybody on the spot.

Another important practical consideration was that owing to the state of feeling amongst the Okanagan Indians, which I can explain if required in conversation, but do not wish to describe in this memorandum, arising very largely from their view of the two above cases of Mr Greenhow, and Mr O'Keefe, it was necessary in the public interests to pay special attention to our instructions to adjust matters 'on the spot'. The tribes were leagued for a common object, and without settling these questions at Okanagan, the Commissioners could not have proceeded towards the frontier, but must have abandoned their care of the public interests at a critical time. The damage and loss thus sustained by the public would have far exceeded any compensation possibly due
to

to Mr. O'Keefe as the result of the action of the Commissioners. I don't say that any circumstances would justify an attempt to take away a man's property even for public purposes, except by express authority of the legislature. I only say that the Commissioners were confronted by these facts, and had, on the spot, to decide on a course of action in reference to them, and to the well known fact that this land was not the legal property of O'Keefe. It was land which the Indians claimed as an old place of theirs, which they had been expecting to have confirmed to them for many years, and Mr. O'Keefe attempted to get possession of it without conforming to law, thus largely causing a state of affairs productive of alarm and great expense to the public. Had they, owing to the Government not quite appreciating local circumstances, been permitted to get possession of the piece of land (as I suppose he might have done), had he conformed to the law, — the only course open would have been to have bought the land from him. —

On the question of Mr. O'Keefe's absence without leaving anyone to represent him, I must here make a remark. —

The Indians have for some time claimed this piece of land, and would not permit Mr. O'Keefe peacefully to possess it. So much trouble had caused that Mr. O'Keefe wrote to the Commissioners at Victoria, begging them to go to the place to adjust matters. We also came to Victoria and expressed his anxiety to

to the Commissioners, who told the Provincial Government what he said (see letter).— These representations of Mr O'Keefe were influential in inducing the Commissioners to submit to the Provincial Government a programme of work, including a visit to Mr O'Keefe's place, and probably also influenced the Provincial Government in approving that programme.— Mr O'Keefe nevertheless went away, and left no one to represent him; Messrs Drake and Jackson state he left a man in charge. No such person could be found to represent his interests, nor did anybody live on the land. His trading partner Mr Green, now, his (O'Keefe's) nephew and Mr Walker, Horkimer, were the only persons within miles of the place. If the Commissioners had supposed that Mr O'Keefe, when he urged them to visit his place, had the intention of absenting himself, and leaving nobody to represent him, they certainly would not have included that place in their programme of work for the season.— Once there, they could neither advance nor retreat. The Government may rather complain of Mr O'Keefe's absence, than show consideration to him on that account. The interests of the public have to be considered, as well as the interests of individuals, particularly of individuals who in the matter in question are outside of the law.—

With these preliminary observations I come to the question of Mr O'Keefe's alleged title to the piece of land. What are the facts?

M.P.

Mr Cornelius O'Keefe, under 1865 act, holds by Crown Grant issued on 14th October 1872, 160 acres of land near the head of — Okanagan Lake. This piece of 160 acres is not in question. —

Permitted, as he states, by above Act, he, in 1871, became a Preemptor of a Purchase claim in respect to 480 acres, adjoining the 160 acres. This piece of 480 acres is not in question, but it is important to know what was Mr O'Keefe's position in respect to these 480 acres. Was he (see Act of 1865 and Order in Council 20th September 1873) a Preemptor subject to the disability of holding another Preemption? —

This is important, because, if so, he by pre-empting 320 acres in 1873, the piece that is in question, forfeited the 480 acres, inasmuch as he could not hold two pre-emptions.

The land mentioned by Messrs Drake & Jackson is the above 320 acres, recorded by Mr O'Keefe, 29th April 1873 (see map herewith)

This is the only piece of land, of which Mr O'Keefe is the alleged owner, that is — affected by the action of the Commissioners.

This land being an Indian "Settlement" was unpre-emptable, but having for the time this Contention, on account of the inconvenience of raising questions respecting "Indian Settlements", the nature of which has not so far as they know, been authoritatively defined, The Commissioners say that the land was not in the legal possession of anybody, and being
vacant

vacant land, they, acting within their powers, assigned it to the Dominion Government, and told the Indians they had done so.

Mr O'Keefe recorded the land in 29th April 1873, but he did not fulfil the Condition of occupation required by Clause 10, Land Ordinance 1870.

Messrs. Drake & Jackson say, that Mr O'Keefe, has been in 'continuous personal occupation' of the land. This is evading the point. - What is occupation? The clause 10 Act 1870, requires a 'continuous bona fide personal residence of the pre-emptor on his pre-emption claim.'

The real meaning of the Legislature appears to be clear enough. The Legislature had gradually increased the stringency of the occupation requirement in the several Land Acts, until it was made as strong by this 1870 act, as words could make it. The intention I should say, was that Every Pre-emptor should actually live on, that is to say, within the limits of his pre-emption, and that thus the population should be increased. The plain meaning is that a man should have his dwelling house, his farm buildings and his homestead generally, actually upon his pre-emption, and that he personally should live at that homestead, and that, ~~additionally, he should~~ ~~bona fide cultivate the land.~~

The above Act of 1870, seems to have been found so stringent, as regards the occupation Condition, that it was amended by an Act

act in 1873, permitting occupation by an agent but leaving the occupation requirements of the 1870 act in force. By these requirements the agent would be bound, of course, as much as his principal. — The cultivation condition was added in 1873

As this Amendment Act did not come into force until the 21st July 1873, and as Mr O'Keefe's record of the land in question is dated 29th April 1873, and he did not re-record, I presume the Amendment Act does not bear on the present case. I have mentioned it merely to throw light on the general intention of the Legislature. —

The question of an agent therefore is — probably not concerned in the inquiry. The question is what did Mr O'Keefe personally do.

About the facts there can be no question whatsoever, because the Commissioner, as above said, ascertained them by patient & exhaustive inquiries on the spot specially made in the interest of Mr O'Keefe. —

The direct inquiries made of Mr Greenhow (who is stated to be Mr O'Keefe's partner in cattle and in store-keeping, but not in land) together with the correspondence and documents herewith, namely: —

McKinlay and Sprout to Vernon 20 Sep 1877

Vernon to McKinlay and Sprout " " "

Mohun to Sprout 22 " "

Sprout to Greenhow " " "

Sprout to Beaudre 24 " "

Beaudre to Sprout 28 " "

Exposition of two Admrs " " "

Comms to O'Keefe 2 letters 1 Oct "

Blunkins to Commr 4 " "

Commr to Vernon 3 " "

show the care taken by the Commissioners under the circumstances of Mr O'Keefe having invited them to Okanagan, and then having gone away, leaving nobody to represent him, but additionally, I may remark, the Commissioners ascertained as much as was necessary by conversation with other settlers in the neighborhood, whom they did not like to ask to testify in writing to facts which might bear against Mr O'Keefe's claim, as the act on their part might be considered unneighborly.

Messrs O'Keefe and Greenhow always have lived, and now live, upon Mr O'Keefe's purchase of 480 acres, in the dwelling houses shown on the map herewith.

Mr O'Keefe never has continuously bona fide, personally resided on the 320 acres in question, nor has he ever lived upon that land at all. — His dwelling, his stable, barn, outhouses &c, are on the 480 acres at the place shown on the map. —

This piece of 480 acres is entirely separated from the 320 acres in question by intervening land, formerly vacant, now Indian Reserve. —

The

by the 1873 act of 15
that act applies.

The Condition of Cultivation which as well as ~~residence~~ ^{residence} is required on the 320 acres has probably been fulfilled by M O Keefe, though not much land has been cultivated on the piece of land in question. The Commissioners found a piece of fencing and about 20 acres of grain cultivation partly, they think, on the piece of land recorded by M O Keefe, and partly on the Crown land intervening between that and the 480 acre piece. —

There were also the walls of an unfinished log house, apparently of new material, and without a roof. — Some one began to work again at this house, and to put a roof on it after the Commissioners had assigned the land to the Indians. —

M O Keefe, then, as shown, lived upon his 480 acres, about $1\frac{1}{2}$ miles from the nearest part of the land in question. —

All he did was to record this land, and do a little ploughing and fencing on it, and by this, he seems to have considered that he acquired a title to the land under the 1870 act. —

If this be so, it is difficult to understand what the 1870 Act means. The homestead must be on the pre-emption, and the man must continue to live there, ~~and also cultivate~~; this is what the law says: —

If the homestead may be off the pre-emption — half a mile, why not 10 miles, why not 20. ? —

What distance off should constitute conformity? —

Under —

Under older land acts in which "occupation" was mentioned without definition, I could understand questions arising, but the 1870 Act seems to me to have been meant precisely to prevent such action as that of Mr. O'Keefe.

Mr. O'Keefe is not a poor, ignorant settler, but a healthy, intelligent cattle farmer, already in possession of 640 acres near the piece of land in question. —

It is right to expect that he should strictly conform to the plain meaning of the law. —

It is contrary to the public interest that anyone should, in order to get a piece of land, separated from his own claim (which for some reason he is unable at the time to secure, or which it is inconvenient for him to secure) plough and fence a bit of it, and thus frighten off intending settlers, who do not make proper inquiry at the local Land Office, until it is convenient for him to get a legal right to the land coveted. — I do not say this is Mr. O'Keefe's case, but I know such cases, and I think the law was meant to prevent them, and to effect the object of having numerous settlers upon the lands. —

Adopting, without prejudice to Mr. O'Keefe, and merely for arguments sake, an adverse theory as to his attempt, it might be said that he wilfully neglected to comply with the law, because such compliance must have necessitated his changing his place of residence and his homestead. Rather than do this, he

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in fact took his chances, hoping to get the land in some manner by and by, and meantime the ploughing and fencing he considered might keep off settlers in search of land. He knew also that the land was claimed by the Indians, and perhaps looked to establishing some ground of compensation in connection with the settlement of Indian questions in the district. His neglect personally or by an Agent to meet the Commissioners after urging them to go to his place, may from this point of view — have been designed. —

The only argument I have heard on Mr O'Keefe's side, is that as the 4 years (see clause 16. Act 1870.) had expired before the visit of the Commissioners, the question of occupation could not arise. —

The requirements of residence by the Land Acts 1870 and 1873 cease after 4 years residence. The Act of 1875 seems to be silent, as to such ceasing, but in Mr O'Keefe's case, there appears never to have been any residence at all, and therefore no pretence for saying that the requirement ceased. — ~~a man cannot die who never lived.~~

Four years continuous breach of the law cannot have the effect of giving a legal title. —

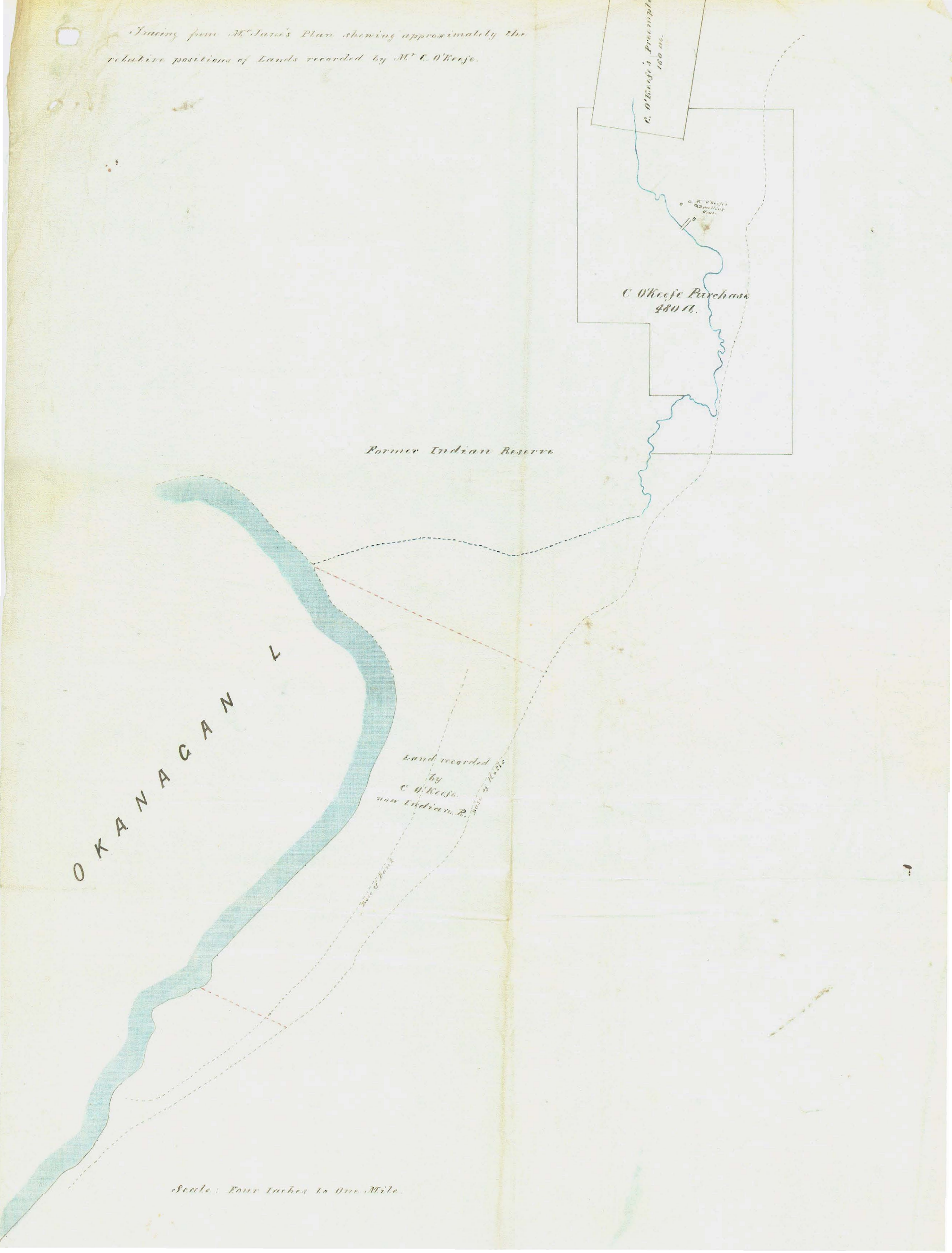
Upon these facts, I submit that when Mr Lenihan, as Agent of the Dominion Government applies for ^{correction} ~~correction~~ of the record, the Hon: the Chief Commissioner or his assistant, is at least morally bound to ratify the action of the Commissioners by deciding of course, judicially, and after notice to Mr O'Keefe, that he

neither —

neither personally, nor by agent, occupied the land, and that his claim or record should be cancelled, and I submit further that this should be done soon, because Mr O'Keefe has perhaps completed his log but on the land in question (see page 15 of this memo) and perhaps has an agent now resident thereon, placed there to embarrass proceedings to obtain a forfeiture. Questions about the improvements also might arise, if they are not removed in time. But I should nevertheless be glad of an opportunity of offering further comments for the information of the Chief Commissioner on any case which Mr O'Keefe may set up, should the Chief Commissioner think it necessary in view of the propriety of having every light thrown upon a question which might become the subject of correspondence or possibly litigation between the two Governments. Mr O'Keefe, I learn, was lately in Victoria, It should have been well had he seen the Commissioners, and had his case heard by the Chief Commissioner of Lands and Works in their presence?—

Gms

*Tracing from Mr. Jarr's Plan showing approximately the
relative positions of Lands recorded by Mr. C. O'Keefe.*



*C. O'Keefe's Preemptive
160 ac.*

*Mr. O'Keefe's
Preemptive
House*

*C. O'Keefe Purchase
480 ac.*

Former Indian Reserve

*OKANAGAN
R.*

*Land recorded
by
C. O'Keefe.
now Indian R.*

R. & Bank

Scale: Four Inches to One Mile.

20
79
Indian Reserve Commission
British Columbia.
New Westminster
13 Feb 1879.



Sir,

In reference to my letter to you of the 27th January, having now had the Kere-mus sketches made, I reply to your letter of the 14th ult. and to the copy enclosed in it of a letter from several Similkameen settlers to you, dated 2nd December last, on the subject of the Indian Reserves at Kere-mus.

The British Columbian Indians living near the frontier along the rivers Okanagan and Similkameen consist of the Osoyoos and Lower Similkameen (Kere-mus) tribes. They number together 253 Indians.

In 1877 the Indian Reserve Commissioners, on visiting the locality, found that the only land assigned for the Osoyoos tribe was a vaguely described piece comprising a small area of cultivable land, which a Mr. Mc Connell had pre-empted and was endeavouring to hold. No water had been provided for irrigation purposes.

The Commissioners adjourned the Osoyoos Reserves, but were prevented by the snow from dealing with the land affairs of the Kere-mus Indians. They, however, invited the chief to their camp and explained to him why they could not visit his place that season (1877).

The Honourable

The Chief Commissioners
of Lands & Works
Victoria

Yours

(2)

These proceedings were reported to both Governments.

In 1878 I visited the Keremeus district as soon as it was possible to reach that somewhat remote place in carrying out the programme of work for the year.

On making inquiries on the spot it appeared that the Keremeus Indians, numbering 136, were in a worse plight than their neighbours the Odooyo Indians had been; for, between Ashnola and the frontier, not a single acre of land had been assigned for their use, nor had any water been provided for irrigation purposes.

The above mentioned letter from the Similkameen settlers, which you submit for my report, is signed by seven gentlemen including Mr. Daigneault - a trespasser on Indian Lands.

Two other signatures are those of gentlemen who preempted their land when the Beesone Commission was on its way to Keremeus in 1877. The remaining names Messrs Cole, Mendoza, Barcelo and Richter are older settlers, and the letter may be regarded as stating their views.

I may remark in passing, that it is stated in the letter that Mr. Cole, one of these four gentlemen was absent at the time of my visit to Keremeus. This is erroneous. I conversed several times with Mr. Cole, and he was good enough to give me much information - as also did Mr. Barrington Price, an old settler and large land owner at Keremeus.

The Indian Reserve runs along the entire southern boundary of Mr. Price's land, but he has

has not signed the letter.

The views and wishes of the above four gentlemen Messrs Cole, Mendoza, Barcelo and Richter are perfectly plain, and, while I receive their statement with unfeigned respect, they will not expect me to believe they are disinterested.

The position of the two Governments in reference to the adjustment of the Indian Land question is not always well understood or recognised by white settlers or Indian tribes yielding naturally to the influence of local and personal interests and considerations.

The presence of the Indians - they number 136 (one individual having seventy head of cattle) on the Lower Similkameen may be a danger and an inconvenience; some of the Indians, in their present condition, may be a nuisance to white settlers; but, on the other hand, it has to be borne in mind that the white settlers came to them; they did not come to the white people.

The Governments do not propose to remove these Indians by force to another part of the country; they wish them to get land within the limited agricultural and grazing area upon the Lower Similkameen.

The facts are that the Indians in question have had no land assigned for their use. They have been put on one side entirely for 20 years past - The pre-emption record book has been freely open to the white settlers during that time. The white settlers have had the pick of the limited area available in
the

the valley, (one of the signers of the letter having secured as much as 1000 acres of fine land) They have been permitted free of charge to graze their cattle on the Crown Lands in the valley, and, in some places to damage the grass beyond recovery.

Notwithstanding all this, the signers of the letter, though it is not proposed to attempt to disturb any one of them (except the trespasser Mr Daigneault, in his holding, nor to inquire whether the lands are held legally or not, make objection, now, to the assignment of a reserve based on the necessity for giving to each of the Indians, out of such scattered portions of good soil as the white settlers have not taken, a moderate area of agricultural land, and as regards grazing, such a quantity of grazing land as the Indians are likely to need for their cattle in the not-distant future.

These gentlemen, further, propose, in a small valley valuable chiefly as a place of wintering, for cattle, ^{that} the Indians should be confined to a portion of it not suitable, or not adequate, for that purpose.

The following remarks respectfully offered for your information, together with the sketch of the locality, herewith sent, will explain the ^{above} statement of fact.

The Similkameen valley, in general, as you are aware, is narrow and gravelly. There is not a white settler engaged in cultivation on any part of it until you get to Kerameas, nor is it likely there ever will be. At the latter place as the sketches

Sent-

sent herewith show, the Similkameen bends (first to the east and then to the south) and the valley opens a little. The tributary stream Kerevens flows in from the north, and two brooks (sometimes dry in summer) come from the hills northeast. The effect of these waters meeting at this small widening of the valley has been to form a light but excellent soil which is found among the prevailing gravelly ridges. These tracts of good soil are mostly upon the east side (left bank, of the Similkameen) in the angle between it and the Kerevens, and along the Kerevens just before it joins the Similkameen.

On the west bank of the Similkameen at this portion of its course, the mountains come close down, leaving in parts a gravelly strip of land, or only small patches, here and there, watered by snow torrents, except opposite the site of the old Custom house, where there is a good piece of land.

It is not, however, the agricultural capabilities of the locality which constitute its chief value. These indeed being unimportant in themselves where scarcely any market for produce exists. The fifteen or twenty miles of the Similkameen valley from about Kerevens to the frontier form a small but excellent winter range - that is to say chiefly, on the east side of the river. The snowfall is light and there are feed and shelter on the slopes and along the river bottom. The agricultural lands

(6)

lands of Kereenus are valuable principally for producing hay and in connection with containing stock generally.

These facts, in all their bearings, are as well known to the Indians of Kereenus as to any of the settlers and the Indians say they are unable to reconcile what they have heard of the justice of the Government, with the fact, that during 20 years past, since white men occupied the country, no land whatever has been assigned for the use of the Indians on the Lower Similkameen. They themselves have been prevented from acquiring land, and year after year they have seen white men taking the choice portions of the very limited area in their own valley available for settlement; they have seen these settlers increasing their possessions from time to time and using for irrigation the scanty supplies of water which exist on the east side of the Similkameen.

I found the Indians in a state of discontent and dejection.

They contrasted their position, as having no land, with that of the American Indians who have an extensive reserve immediately beyond the boundary.

They refused at first to shake hands with me, or to permit me to take a census, saying that I was an officer of the Government, and they could not understand their bad treatment by the Government. I left them in a better frame of mind, but I am afraid, indeed I know, that they have been disturbed since my visit by the trespass of Mr Daigneault, and by the action taken by the signers of the letter

Letter

Letter now under consideration. It shall not be surprised if bad news should at any time reach the Government from that quarter.

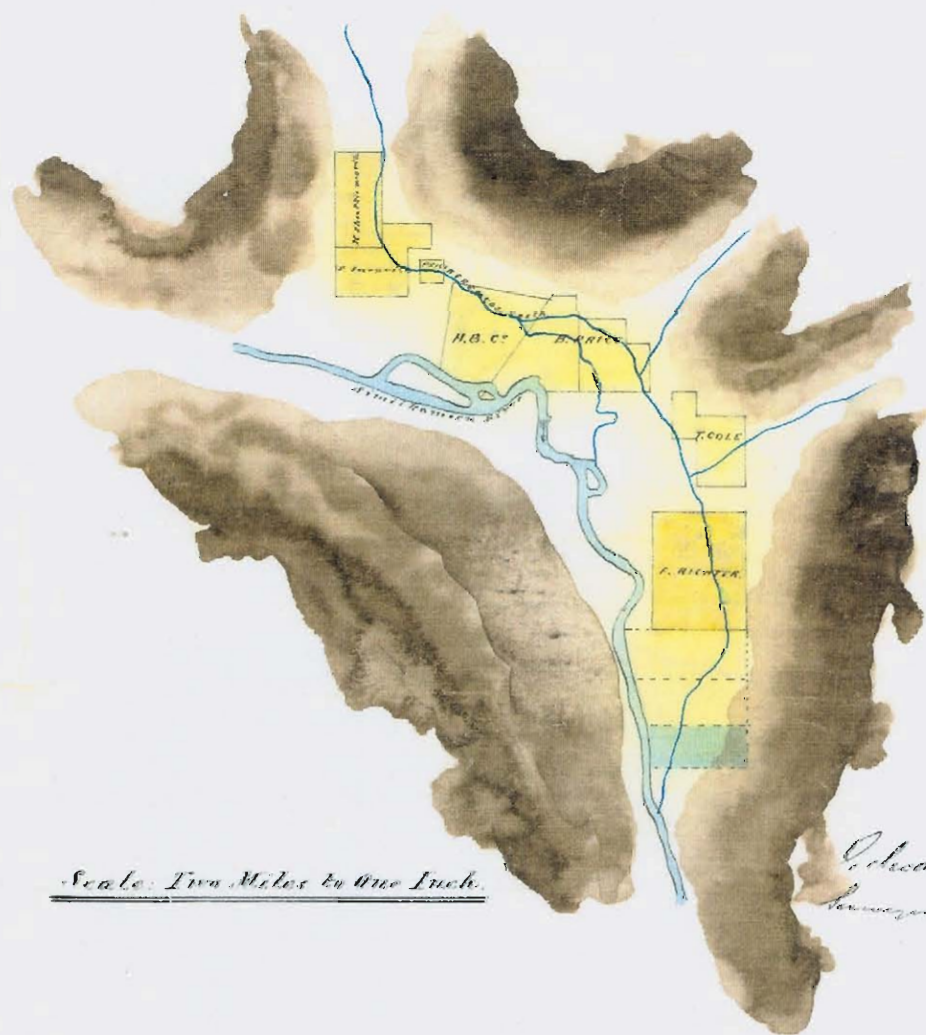
I respectfully submit that these Indians are entitled to consideration as an omitted group of the native population which, for some reason which I am unable to understand, have, during 20 years, had no land assigned for their use; and it is unnecessary for me to say to you in conclusion, that it is important, both for provincial and international reasons, that Indians who live on the frontier should have no reasonable ground for complaint.

I respectfully submit this brief statement, and shall be glad to give you any further information which you may desire.

I am Sir

Yours truly
William Mahlon Frost
Commissioner

Sketch of Keremeos, Yale District
British Columbia



Scale: Two Miles to One Inch.

Collected by Mr. H. H. H. H.
Keremeos to Fort. St. James.



Indian Reserve Commission

British Columbia

New Westminster

22 Feb 1879

Similkameen



226
226
226

I omitted to state, in commenting on the letter of Mess^{rs} Richter and others, in mine of the 13th inst, that of the 6 signers of the letter (Mr Daignault the trespasser not counting as a settler) there are 3, whose individual number of stock is less than the number owned by one of the Indians in the valley; and one of these 3 settlers is, I believe, the oldest settler in the place.

Of the 3 remaining signers, one has no cattle at all, according to my notes of information obtained on the spot.

An American, who has no land there, runs about 150 head in the valley.

Be good enough to attach this letter to my report.

Sam. Sir

The Hon.

The Chief Commr

of Lands & Works

Victoria

Your obedient Servant
Gilbert Malcler Sproat

(commencing)

Indian Reserve Commission
(Care of Dr. Powell)
Victoria.

1879. 17 March

Sir

I have the honour to inform you, that, subject to several open questions which are known to you, the question of the Indians' lands has been examined and adjusted in the large extent of country south from Cache Creek and Lytton, and on both sides of the Gulf of Georgia up to and including Jarvis Inlet and Comox.

Since taking the field as single Commissioner, in the middle of May last, I have dealt with about 5000 Indians, and have thus

The Honourable

The Chief Commissioner
of Lands & Works

Victoria.

largely advanced the work in hand.

I am authorised and required by the Dominion Government to carry on the work without relaxation shaping my routes as circumstances dictate, so long as the principle of adjustment now established is maintained, and no change of policy is adopted towards the Indians.

I beg to ask if the Provincial Government desire that any particular portion of the still unexamined Country should be first examined.

My purpose is to adjust Indian land matters in the Douglas-Lilloet country, and then to work northward through the Lilloet district - either this, or to continue the work upon the coast of

the mainland and Vancouver Island.

I have the honour to request, that, in pursuance of the existing arrangement between the two governments, embodied in the order in council under which I, lately, have been acting, and of which a copy is annexed (for your convenient reference to it), you will cause me to be furnished with the requisite authority from the Provincial Government, so far as they are concerned, for prosecuting the adjustment of the Indian land question in the districts not yet examined.

Requesting your early attention to this matter, as there is a good deal to be arranged before starting out, and as the season is opening and delay will cause

unnecessary expenditure by the Dominion
Government which, as you are aware,
now pays the whole cost of the
adjustment.

I have the honour to be
Sir,

Your obedient servant
Silvestre Mallet-Du-Pre
Commissioner

Copy of a Report of a Committee of The
Honourable The Executive Council approved by
His Excellency The Lieut Governor in Council
on the 26th April 1878.

On a memorandum from the
Honourable The Chief Commissioner of Land &
Works dated the 23 April 1878, recommending
that all Mr. Sproat's decisions regarding the
Indian land question in the electoral
district of Yale be regarded as final
excepting those of which he shall have
received ^{notice} notification from either Mr
Teague or Mr. Usher. Govt agents, to lay
over.

The Committee advise that
the recommendation be approved.

✓

315
79
Sir

Indian Reserve Commission
British Columbia
(Care of Dr. Powell)

Victoria
20th March
1878.



Referring to my letter of the 13th May last to the Provincial Secretary as to Indian affairs at Soda Creek and Williams Lake, and, further, to mine of the 17th inst, to you, reporting progress, I beg now to enclose, for the information of the Provincial Government, copy of a letter addressed to me by Mr Loring-Meason, J.P. Lesser Dog Creek, showing the desire of the numerous Indian tribes in the Northern Interior of the Province to have their land questions adjusted.

Father M^r Guckin Williams Lake, writes me to the same effect and other Indians in that quarter have sent me a similar communication through Chief Justice Begbie.

The Hon: The Chief Commissioner
of Lands & Works
Victoria

think it highly desirable that the
New Westminster District Indian questions
should be adjusted before work is
undertaken in any remote district,
and you will oblige me much by
informing me how I may consider myself
now placed with respect to the Chilliwack,
Lisman and Matsqui reserves mentioned in
my letter of 27th Jan'y.

I communicate, for your information,
Dr. Powell's opinion that there is great
probability of trouble between the Indians
and whites in the Nass-Skeena region during
the coming summer if their land questions are
not adjusted. The Reserve Commissioners wrote
to your predecessor on this subject on the
27 April 1877.

I am Sir
Yours obed: Servt.
Villiam Maliseet Sproat
Commissioner

Copy

Lesser Dog Creek
March 7th 1879

Dear Sir/ The Indians in this vicinity have requested me to address you in their name, and to explain to you how much they are in need of more agricultural land.

The Tribes with whose requirements I am well acquainted, are those of

Canoe Creek

Dog Creek

Alkali Lake

William's Lake

Chilecotin (2 or 3 Tribes)

At Canoe Creek the Indian Reserve does not allow more than $\frac{1}{2}$ an acre to each adult.

At Dog Creek - the Tribe is small but the Reserve is too small in proportion.

At Alkali Lake - The land is nearly as small in proportion to the number of Indians as that of Canoe Creek.

At William's Lake - There is no Indian Reserve and the Indians do not own a single acre of land. They are living on land belonging to the Catholic Mission of that place. The Chilecotin Tribes wish to have their

their Reserves marked out for them
which has never been done.

All the above Indians are very
discontented on account of the
Commissioner not having visited
them before this time.

I have tried to explain to them
that the Commissioner had not time
to come here last year, and that
they would certainly not be neglected;
but it is impossible to make them
understand such reasons.

If it is in your power to send
the above Tribes some assurance
that you will visit them this ~~season~~
it would, I feel sure, help much
to remove the great discontent which
at present exists among them.

They wish me to say that they
will anxiously await your reply
to this letter.

I shall be most happy to give
you any information or help in
my power during your stay in this
neighbourhood.

I remain dear Sir

Yours truly

(Weg) Wm. Loring Treason J.P.

Gilbert Malcolm Sproule Esq

Indian Commissioner to the

Victoria.

349

Indian Reserve Commission
 Victoria 22nd March,
 1879.



Sir

I have received several letters from Captain Wake of Valdey Island on the subject of his land there, but neither his letters nor conversation with him when I lately visited his house at considerable inconvenience and expense, have enabled me to understand what he complains of.

The former Reserve Commission (whose actions at Valdey Island are fully described in the Joint Commission's Report - dated Jan'y 1877) spent a good deal of time in arranging matters in the interest of Capt Wake. They did not interfere either with the extent or the shape of Captain Wake's claims to 160 acres pre-emption and a 600 acre Naval Grant, though he did not appear to be occupying either of them at that time.

I have an impression that the root of Capt Wake's alleged grievance is a notion - derived so far as I could understand him, from conversation ^{he had} with Mr Fawcett of Mauritius - that the law permitted him to take live-land for the rock on his claims.

He says he has had an

The Hon. The Chief Commr
 of Land Works
 Victoria

Recd
 31/3/79
 [Signature]

(2)

interview with you. If you can tell me what his grievance is, I shall be glad to know it, so that I may judge if it is a matter calling for any action on my part.

I fear the truth is that Capt Wake has made a bad selection for his land claims - there being scarcely any agricultural soil in them, and the island having no suitable harbour.

He writes to me, further, respecting the survey of his claims - not being aware apparently, that the Reserve Commission has had nothing to do with surveys of Indian reserves, but that these are made in pursuance of arrangements made between yourself and the Dominion Officer in Charge of the Surveys.

I have asked Mr Mohun lately holding that office, what his instructions to Mr Green the surveyor were at Valdey Island and he says that Mr Green had, so far as Capt Wake was concerned, simply to give effect to the desires of the Commission.

that Captain Wake was first to have his full claim of 760 acres, and his south line was to be the north line of the Indian Reserve.

There was no question of altering the shape of his claims, for the sea bounded his land on three sides. The Surveyor had merely to draw a line across the island, so as to give 760 acres, beginning at the north of the island where (Capt) Wake's house and harbour are.

It is, of course, possible that the Surveyor may have made a mistake, but Capt. Wake should not impugn a professional man's work without giving good grounds for his belief in its inaccuracy - that is, if he does impugn it.

The land of Captain Wake being at the north end of the island and being bounded on the west, the north and east by the sea, the effect of removing the south line of his 760 acres farther south would be to cut off from him the land at his house and his harbour at the extreme north of the island.

If continued considerably further south, it would include the cultivated lands of the

Ly-ack-sum Indians, which I presume
neither a Pre-emption nor a Naval
Grant could ^{have} covered, even before
the resurvey was defined.

It is possible
that these Indian lands may be
what Capt. Wake desires to
possess, but, as above said
I do not know the subject matter
of his alleged grievance.

Both
the Principal and Dominion Commrs
, when they visited Valdez Island
took a kindly interest in Capt. Wake's
position and wishes, and
after an interview with him did
everything they could to assist him.

I am Sir

Yours obedt. Servant

John W. Wood
Commr.

PT

I enclose copy of my letter of
this date to Capt. Wake.
Yours

Copy

Indian Reserve Commission.

Victoria.

22nd March 1879

Sir,

I have received your letter of the 15th inst.

You will oblige me by noting that the Reserve Commissioners have had no official charge of the Survey of Indian Reserves. They have nothing to do with the management of Indians, nor, directly, with trespasses whether by Indians or by white settlers.

The remarks which you have made to me on these subjects, should, consequently, not have been made.

The Commissioners did not mark any post on the N.W. boundary. They found many boundary marks which it was said the Indians or their friends had placed, but they took no notice of them.

I have no information that the Indians are begging for land on Valdez Island other than what was assigned for them two years ago.

You will not I hope, think me wanting in respect if I say frankly that I do not at

Capt^m W. R. B.
Valdez Island

at this time know what is the subject
matter of your grievance, notwithstanding
your letter and my conversation with
you, nor do I understand with what
object you address me about the land
on Valdez Island as I, of course,
have no power to reverse or change
the decisions of the former commission
finally made.

Acting, however, as
I have to act, in the general interests
of all concerned in the Indian Land
Question, I beg you will understand
my willingness to do anything I can
to furnish you with information, if
you will have the goodness to recognize
the limits of what I am able to do
in assisting you.

I am Sir,

Your obedt Servt

J. G. M. Sprunt
Commissioner

368
179

Yale (March 25-79) date

British Columbia

Indian Reserve Commission

Fraser Superintendency

1878

Minute of Decision in the matter
left by the Commission in 1874 for
further consideration and
adjustment, by the Reserve
Commission as soon as possible

11/11/1878

British Columbia.
Indian Reserve Commission

Fraser Superintendency

1878

Minute of Decision in the matters
left by the Commission in 1877 for
further, consideration and adjustment,
by the Reserve Commission as soon as possible.

North Thompson River and
Canoe Lake

North Thompson and Canoe Lake
Indians, which tribes agree to have
reserves in common.

It has not been found possible
yet, to visit the old Indian settlement
at Canoe Lake, and the definition of
its boundaries must therefore again
be left over, until the Commission can
visit that place.

Kamloops

Kamloops Indians

The lands left undefined in 1877 owing to the presence of snow on the ground are now defined as follows.

Fishing stations adjoining and near to Bartlett & Neuman's pre-emption about fifteen miles up Campbell's Creek beside the Kamloops - Nicola Wagon road.

No. 1.

begins on the south boundary of Bartlett & Neuman's pre-emption at a post on west bank of stream at North end of small lake thence west to Campbell's Creek thence down Campbell's Creek to include a piece on both sides of the Creek with a total area of three chains long by a chain wide thence (that is from South West corner of last mentioned piece) ten chains west to post thence southerly and westerly to a point which is twenty chains in a straight line from last named post, thence about four chains easterly to shore of lake thence along shore of lake and along stream to point of starting.

No. 2.

is situated between the wagon road and the above lake its north boundary being in a straight line about thirty

Dec 11 1878

Thirty three chains South from the Southern boundary of the No. 1. Station. The beginning is at a post on west shore of lake thence two chains 44 links to Waggon road thence along Waggon road to a point which is Eighteen chains in a straight line from the last point thence easterly one chain to lake thence along shore of lake to point of starting.

Timber Land

The south east corner post stands on the right bank of a branch of North Thompson river which forms Gilead Island about twenty three miles north of Kamloops; thence due West thirty nine chains 58 links to a post at base of a steep rocky mountain; thence follow base of mountain northward for about forty five chains to a post; then due West twenty nine chains 72 links to a post; then northward along the base of mountain to the right bank of the Thompson where the mountain abuts on the river at a distance of about one and three quarter miles in a straight line from last point; thence southward along the right bank of North Thompson river and along right bank of above branch to the point of starting.

Section 1 July 1878

Heffley's Creek

Fishing Station. This lies between two lakes, and is about eight miles up Heffley's Creek (a tributary of the North Thompson on its left bank)

The southeast corner past stands near the lower end of the eastern lake of the two lakes at foot of mountain on its southern shore distant from outlet of Heffley's Creek six chains in a straight line, thence the line runs in a westerly direction keeping along the base of hill south of Heffley's Creek to the shore of the upper end of the western lake of the two lakes at a point five chains in a straight line from the mouth of Heffley's Creek at this portion of its course thence across Heffley's Creek along the upper end of the lake to base of mountain at a point twelve chains in a straight line from southwest corner thence in an easterly direction along base of hill to the lower end of the eastern of the two lakes so as to strike its north western shore at a point twenty five chains in a straight line from the right bank of Heffley's Creek at its outlet from the eastern lake of the above two lakes thence follow the lower end of the last named lake across the outlet of Heffley's Creek and

Deer River 1 July 1878

and wound to a spot on its southern shore about a chain north from starting point. Thence South to starting point.

The Strip of Louis Lake & land begins at a post on the line between townships 109 and 111, placed four hundred and eleven chains and 8 links due North from the post at the angles of townships 104, 109, 110 and 111; Thence due East (passing to the South of Louis Lake) in an easterly and southerly direction along the base of hills.

Keeping South and west of the stream flowing from Louis Lake into St. Pauls Lake to mouth of said stream, thence follow in an easterly and southerly direction the northern shore of St. Pauls Lake to its head; thence about five chains $2\frac{1}{2}$ to right bank of creek flowing into St. Pauls Lake

thence follow up right bank of said Creek in an easterly direction to a point about ninety chains in a straight line from last point;

Thence N 44° W across a valley for about fourteen chains; Thence in a westerly and north westerly

direction along the base of the hills to a post about $2\frac{3}{4}$ miles from last point; Thence due West to the township line between townships 109 and 111 at a point twenty seven chains 50 links north of

Section 1 July 1878

of starting point. Thence South
to starting point.

6

N

South Thompson River and Salmon
arm (Great Shuswap Lake)

South Thompson or Niskahmitth
Indians.

Decision set July 1898

The timber land within the reserve for the use of the white settlers is marked off about quarter of a mile from left bank of South Thompson River and fifty chains below eastern boundary of reserve. It is thirty chains long and eighteen and a half chains wide; The arrangement is stated in the following letter -
(Copy)

Indian Reserve Commissioner
In camp, near Ryton
1st July 1898

Gentlemen,

The Indian Reserve Commissioners last year assigned a piece of land for the Indians near Mr. McBrayn's farm. "Subject to such" "provisions as the Indian Reserve" "Commissioner^{on} further examination," "may make to enable neighbouring" "settlers to obtain timber, free of" "cost, for use on their farms, for" "farm buildings, fences and fuel" "and for these purposes only."

Such further examination having been made with the result

" result of ascertaining that the wood
" on the reserve is not of much value
" to any of the neighbouring settlers
" for fencing and fuel, but that a
" portion of it might be useful to
" several settlers in the construction
" of buildings, I have the honor to
" inform you that during two years
" from this date, the Indian
" Department will not charge anything
" for such logs to be used in
" buildings on your farms as the
" Indian Superintendent may, on
" your application sanction being
" removed from the Indian Reserve on
" the South Side of the river.

" This arrangement appears
" to meet the circumstances of the
" case, as far as they are known
" to me, but I shall be glad to hear
" from you if any more convenient
" arrangement can be proposed

" I am Gentlemen

" Your obedient servant

" To Gilbert M Sprout

Indian Reserve Commis^r

" Mess^{rs} M Bryson, Chase,

" and Williams

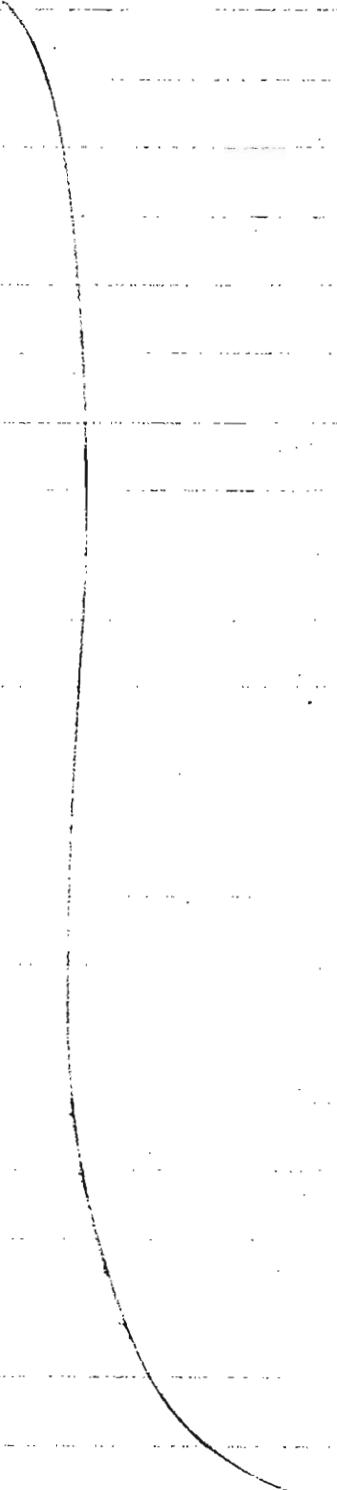
" South Thompson

Okanagan Lake

Indians head of Lake (Commonage area)

Dec 13th September
1898

The northern boundary slants from Okanagan Lake, and runs due east along the northern boundaries of Sections 19, 20, 21 and partly 22, (Township 9.) as far as Long Lake stream, thence up left bank of said stream to Long Lake.



Osoyoos

In this case the Indians had urged the Reserve Commission in 1894 to amend their decisions by assigning for their use a more extended frontage, alleging that Mr Haynes had been permitted to acquire their land, included within what Mr. Coe had given them, particularly on the Okanagan River near the head of Osoyoos Lake.

On the other hand Messrs Haynes and Lowe submitted a request to the Reserve Commission that their decision should be amended so as to leave open for purchase a more extended frontage on the east side of the Okanagan River.

After considering carefully the history, circumstances and requirements of the whole case I decided that neither the request of the Indians, nor that of Messrs Haynes and Lowe could be granted, and I formally notified the Indians to this effect, and Mr J. C. Haynes also, for Messrs Haynes and Lowe.

The Osoyoos Reserve is to be as follows. All the Vacant land in Townships L and LI, lying East of the Okanagan River and Osoyoos Lake, also a strip bounded on the Southwest by Osoyoos Lake, on the

Decision 16th and 22nd Nov 1894
Reviewed 24th Dec 1898

on the North east by the mountains,
on the Northwest by the Southern boundary
of township 11. and on the South east
by Mr Kruger's pre-emption.

Also a fishing station at the foot
of Dog Lake about 20 Chains wide,
extending from the foot of the lake, so as
to include both sides of the Okanagan
river as far South as the Creek - the
Northern boundary of Mr Kruger's
pre-emption claim.

These Indians are to have whatever
water they require for irrigation or other
purposes from all available sources
of Water supply. Subject however,
so far as the extension of their
Reserve is concerned, to any legal right
to irrigation water acquired by other
persons before the date of the decision
of the Reserve Commission as to the
Corporal Reserves.

Wm M. M. Stewart
Commissioner

The Indian Commission
have no authority to confer
any water rights upon them
N.S.
M.

368
369
Indian Reserve Commission
New Westminster
25th March 1849

I might enclose Minute of
Decision by the Reserve Commission
during the past Season in matters
left over for adjustment by the
Reserve Commission during the
previous Season.

If you will attach this as a
supplement to the 1844 decisions,
I will in due course furnish
you with succinct descriptions
of the reserves for each tribe, as
soon as the maps now being prepared
from the actual surveys are made,
and thus you will be enabled to
gazette the descriptions (should you
wish to do so) in a more simple
form than in the descriptions of
what was done in successive
years.

I am, Sir,
Your Obedient Servant
Wm Sprouat
Commissioner

The Hon.
The Chief Commissioner
of Lands & Works
Victoria

33 + 434
439
Indian Reserve Commission
British Columbia

9th April 1879



Sir

I have the honour to enclose copy of a report relative to the sale of the greater portion of the Osoyoos Indian Reserve to Mr. J. C. Haynes by the Provincial Government.

Not knowing the circumstances under which this sale has been made, I have confined my statement, subject to correction, to a recital of the facts, so far as they are known to me, and I shall be glad to receive any comments thereon which you may be good enough to offer for communication to the Dominion Government.

There is only one matter which it seems necessary for me to allude to in submitting the enclosed Report.

I understand from Mr. A. C. Anderson, lately a Reserve Commissioner, that, in the course of some informal communications with the Land Office, he was told - I think by the Surveyor General, that the Provincial Government in making this sale of Indian Lands, had been misled by an error in the description of townships in the 1877 Minutes of the decisions of the Commission.

You will

The Hon;

The Chief Commissioner
of Lands & Works
Victoria

You will find on examination of the facts, that this could not have been the case, and that the mis-description was immaterial, for the following reasons.

The decision of 1877, under the circumstances stated in the Report, and partly by the request of the Provincial Govt., had to be reviewed, and was reviewed, in 1878.

The result of that review had of course to be awaited. There is no clerical error in the 1878 Minute.

This fact is, conclusive against the view expressed to Mr. Anderson by the Surveyor General, but even had there been no review, and the 1877 Minute been the only ones, it may be pointed out that, notwithstanding the clerical mis-description of the numbering of the townships in the 1877 Minute, and also, even supposing that the sketch of the Osoyoos Reserve stated to have accompanied the 1877 Minute did not, in fact, accompany them, or was mislaid, the lands assigned are clearly identifiable by being described in the 1877 Minute as in two townships "lying east of the Okanagan River" and "Osoyoos Lake".

There are no townships except 50 and 51 "lying east" "of the Okanagan River and Osoyoos Lake" indeed, as a matter of fact, these are the only two townships in a southern portion of the interior of the province extending several hundred

hundred miles east and west, and with a width of 65 miles back from the frontier, close to which the Osage Indian settlement is.

I may further ask your attention to the bearing of the fact that since the adjustment of the Osage Reserve, large sales of land have been made in township 6 as well as in, and before they were made in townships 50 and 51. This is quite inconsistent with the view expressed by the Surveyor General to Mr. Anderson, that townships 5 and 6, and not townships 50 and 51, were deemed to form the Osage Reserve.

It is unnecessary to say, in conclusion, that had any doubts existed as to the position of Indian Affairs at Osage, inquiry by telegram or letter would have removed them, if the Reserve Commission had been communicated with.

I have the honour to be
Sir,

Your obt. Servt.
Silbert M. Sproat
Commissioner

Copy

~~Indian~~ Reserve Commission
British Columbia.

The undersigned has the honour to
report -



That the Indian
Reserve Commission on the 16th and 21st
November 1897 decided upon the Osoyoos
Indian Reserves as follows:

"All the
" vacant land in townships L and LI lying
" east of the Okanagan River & Osoyoos Lake,
" also a strip bounded on the south west by
" Osoyoos Lake, on the north east by the
" mountains, on the north west by the southern
" boundary of township LI and on the south
" east by Mr. Kruger's pre-emption."

"Also a fishing
" station at the foot of Dog Lake about
" 20 chains wide extending from the foot of the
" Lake so as to include both sides of the
" Okanagan River as far south as the creek
" the northern boundary of Mr. Kruger's
" pre-emption claim."

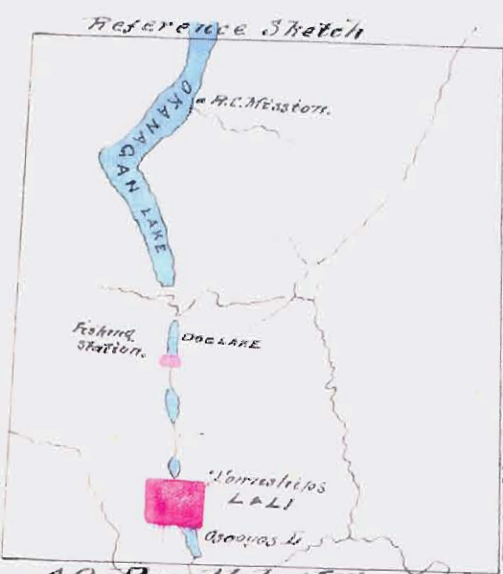
"The prior right
" of these Indians as the oldest owners or
" occupiers of the soil to all the water
" which they require or may require for
" irrigation or other purposes from all the
" water courses or streams within or flowing
" through or touching their reserves, is, so far
" as the Commissioners have an authority in the
" matter declared and confirmed to them."

The

The above decision was made on the spot at Osoyoos. Subsequently, the following note was appended to the decision, and the whole embodied in the Minute of Decision delivered in May 1878 to the Government of the Dominion and of the Province.

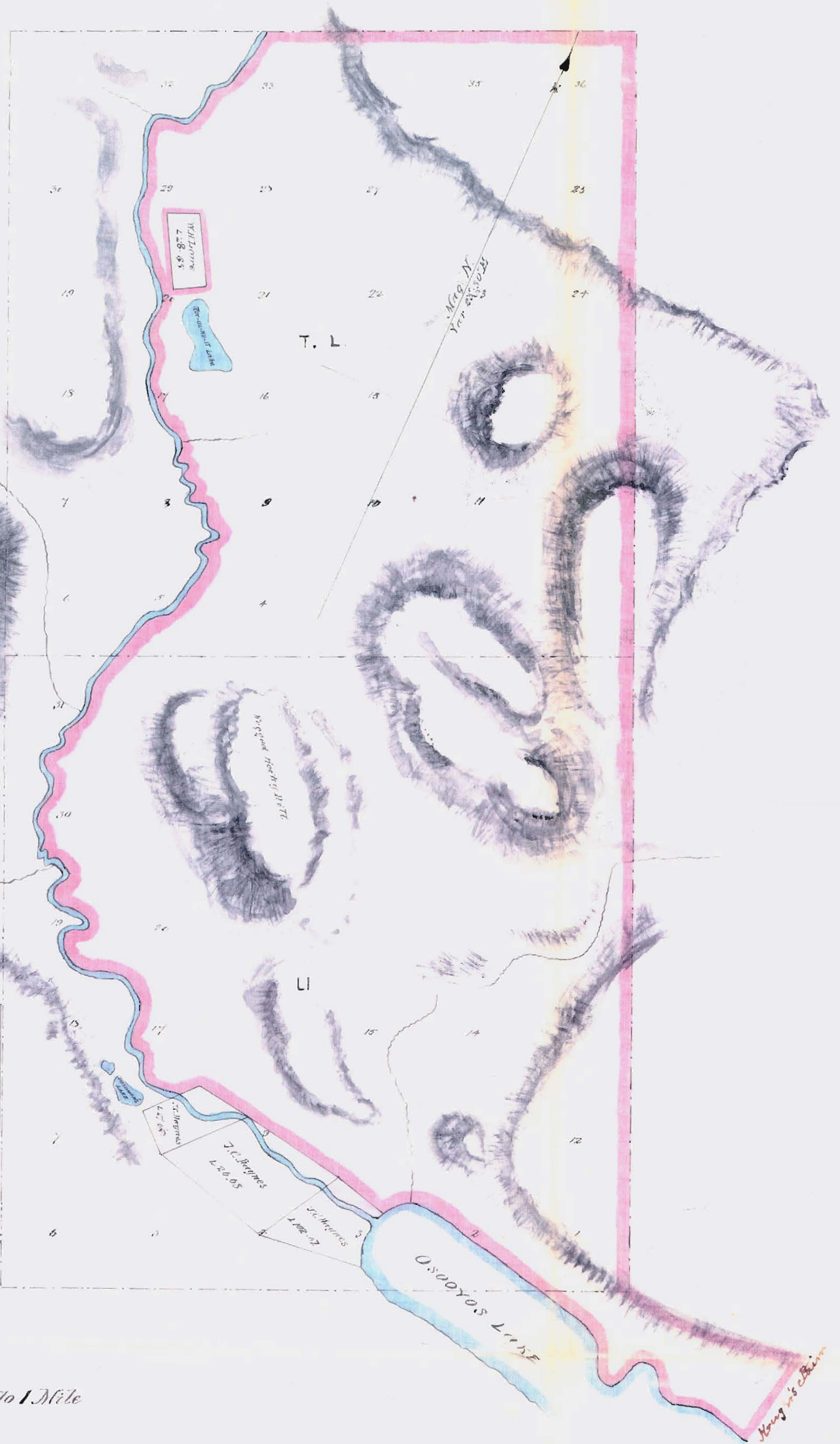
"Note. It is understood that as the Indians expressed a strong desire to have a more extended frontage on the Okanagan River the Indian Reserve Commission on returning next season to Osoyoos from Victoria may alter the above decision if they find it possible to effect this object, but such alteration must be made with the full consent of the Indians."

The following sketch shows the Reserve as assigned at Osoyoos. It is a mountainous, rocky area, with a strip of pasture along the Okanagan River. There is very little land in it available for cultivation.



49 Parallel N. Lat.

Scale 1 Inch to 1 Mile



(4)

The general Minutes of Decision 1877 state that sketches of all the Lands assigned in the Minutes except certain sketches mentioned were sent to the Provincial Govt. with the Minutes. The Osboyo sketch not having been among the excepted ones, the presumption is that it was sent with the Minutes particularly as the Provincial Govt. did not remark upon its absence.

It has to

be stated here that a blunder was made by the copyist in preparing the 1877 Minutes of Decision for the Provincial Government, and this blunder was not detected by the Commissioners in signing these Minutes.

Townships **L** and **LI** were wrongly copied as 5 and 6.

There are no resident white settlers in townships 50 and 51. The only owners or claimants of land therein are Mr. Haynes the Dominion Government Custom House officer at Osboyo and Mr. W. H. Lowe lately Dominion Government Custom House officer at New Westminster.

These gentlemen addressed the following letter to the Hon. the Chief Commissioner of Lands and Works on the 8th January 1878

Copy

5

Victoria B.C.

January 8th 1878.

To

The Chief Commissioner
of Lands & Works

Sir,

Being informed that it is the intention of the Indian Commissioners to extend the Indian Reservation to Osooyos to many miles beyond its former limits I beg to call your attention to the injustice it will inflict on Mr Haynes and myself should the Indian boundary be extended to ours.

During high water on the Okanagan River our stock require a run on the dry benches as it would be impossible to keep them on the swamp land, should the Indians be given this bench land, it would render our stock range of little value for many months in the year and bring us into frequent trouble with the Indians.

I would suggest that the most equitable course to pursue would be to leave a strip of vacant land as a Common run for all between our claims and the Indian Reserve, to make the ridge of rocky hills the Indian boundary and confine them to the valley of the Creek on which they are settled, and to the mountain

on

on the east of them.

Otherwise to grant
to us the privilege of purchasing in
addition to our present claim 1000 acres
or thereabouts of this bench land.

I have the honour to be,
Sir,

Your mo^t obed^t serv^t

Sd

W. H. Lowe

The Chief Commissioner of Lands and
Works sent a copy of the above letter
to the Indian Reserve Commission in the
following letter.

Copy

93
J.F.

Lands & Works Report.
Victoria Jan 9th 14th 1878

Gentlemen,

I beg to enclose a copy
of a letter received by this Department
from Mr. W. H. Lowe having reference to
Indian matters.

I have the honour to
request that you will report on the
same to this office.

I have the honour to be

Your obed^t serv^t

Sd

J. G. Vernon

C.C. & W.

Mess^{rs} McKillop

and Sons

Indian Comm^{rs}

Victoria

(7)

In consequence of the request of the Chief Commissioner of Lands and Works and of the request of the Indians mentioned in the note embodied in the decision of the Indian Reserve Commission in 1877 the Commission in 1878 revisited the neighbourhood of Osooyos as soon as possible which was in the beginning of October 1878 and on the 9th of that month made the following decision

"Osooyos"

"In this case the Indians had urged the Reserve Commission in 1877 to amend their decision by assigning for their use a more extended frontage alleging that Mr Haynes had been permitted to acquire their land included within what Mr. Coe had given them particularly on the Okanagan River near the head of Osooyos Lake."

"On the other hand Messrs Haynes and Lowe submitted a request to the Reserve Commission that their decision should be amended so as to leave open for purchase a more extended frontage on the east side of the Okanagan River."

"After considering carefully the history, circumstances and requirements of the whole case I decided that neither the request of the Indians nor that of Messrs Haynes & Lowe could be granted and I formally notified the

"the Indians to this effect and Mr. J. C. Haynes
"also for Messrs Haynes and Lowe"

"The Osoyoos
Reserve is to be as follows All the vacant
"land in townships L and LI lying east of
"the Okanagan River and Osoyoos Lake, also
"a strip bounded on the south west by
"Osoyoos Lake, on the north east by the
"mountains on the north west by the
"southern boundary of township LI and on
"the south east by Mr. Krueger's presumption"

"Also a fishing station at the
"foot of Dog Lake about 20 chains wide
"extending from the foot of the lake so as
"to include both sides of the Okanagan River
"as far south as the Creek - the northern
"boundary of Mr. Keagan's presumption claim."

"These Indians are to
"have whatever water they require for irrigation
"or other purposes from all available sources
"of water supply subject however so far
"as the extension of their reserve is con-
"cerned to any legal rights to irrigation water
"acquired by other persons before the date of
"the decision of the Reserve Commission as
"to the Osoyoos Reserves"

Signed, "J. M. Sprout

"Ind. Res. Commission"

The decision is embodied in the "Minute of Decision in the matters left by the Commission in 1877 for further consideration and adjustment by the Reserve Commission as soon as possible", which Minute has been sent to both Governments. The townships L and LI are correctly described in it.

This completed the action of the Reserve Commission in the matter of the Osoyoos Indian Reserve.

The undersigned has been informed that since the adjustment thus made, the greater portion of the Osoyoos Reserve has been sold by the Provincial Government.

Not knowing the reasons for this act, he has simply to report that the Provincial Government on the 17th Decr 1878 that is, 13 months after the Osoyoos Reserve had been assigned, and more than two months after the date of the decision, issued the following advertisement

IMPORTANT AUCTION SALE OF GOVERNMENT LANDS.

OSOYOOS DIVISION OF YALE DISTRICT.

NOTICE IS HEREBY GIVEN, that Mr. Wm. TEAGUE will sell by public auction, at the town of Yale, by order of the Provincial Government, on Wednesday, the 15th day of January, 1879, at 12 o'clock, noon, the undermentioned lands in Osoyoos Division of Yale District, situated near the head of Osoyoos Lake.

TOWNSHIP 50.

Sections 5, 6, 7, 8, 17, 20, 29, 32, and N.W. $\frac{1}{4}$ 33.

TOWNSHIP 51.

Sections W. $\frac{1}{4}$ 16, 17, E. $\frac{1}{4}$ 18, 19, 20, 30, and 31.

Put up in quarter sections of 160 acres, more or less.

Maps of Townships 50 and 51 can be seen at the office of the Government Agent, at Yale, and at the Land Office, Victoria.

Upset price \$1 per acre. Terms cash.

GEO. A. WALKER,

Chief Commissioner of Lands and Works.

Lands and Works Department,
Victoria, 17th December, 1878.

The offering of these lands at public auction shows, it may be remarked, that they were vacant Crown lands, as in fact they were, but for the assignment of portions of them as Indian lands -

The lands described in the above advertisement include 3825 acres of the Indian Reserves at Osooyos -

The public auction not having been successful the Provincial Government withdrew the offer of these lands, and, subsequently, on the 6th Feb 1879, sold, by private sale, these lands and others in the Osooyos district, as per tracing herewith * to Mr. J. E. Haynes and issued Crown Grant therefor, dated the 7th February 1879.

This sale to Mr. Haynes includes about 4245 acres of the Osooyos Indian Reserves as shown on the sketch herewith sent.

Signed, F. M. Spruce
Comr. &c.

* note, It is not necessary to send this tracing as the official Map is in the possession of the Provincial Government

Indian Reserve Commission

British Columbia

In Camp. Chilliwack

18th April 1879.

Having been directed
by the Honourable The Superin-
tendent General of Indian Affairs
to make a report to him
in all cases in which I
do not receive replies, within
a reasonable time, to letters
addressed to your Department,
on the business of the Indian
Reserve Commission, I have
the honour, following my letter
to you of the 26th Nov. last, to

The Honourable The Chief Commissioner
of Lands & Works
Victoria



enclose herewith a list of
matters which, so far as
is known to me, still
await the decisive attention
of the Provincial Govern-
ment.

I have the honor
to be,

Sir,

Your Obedient Servant
Robert Malins Sproat
Commissioner

Matters unattended to by the
Provincial Government (see
letter from the Indian Reserve
Commissioner to The Honourable
The Chief Commissioner of
Lands & Works 18th April
1879.)

Case of Robert Hughes
Chernaimus, see letter of
A McKimay and G M
Sproat 21st April 1877
to the Hon The Attorney
General

Two years before
the Provincial Govt
vide $\frac{1833}{78}$ W. S. S.

Timber privilege for the
Se Shell Indians, Jarvis
Islet, see letter of G
M. Sproat to Prov Sec:
dated Dec 1876, and
copy of Commr's Journal
page 13, sent to the
Prov Secy.

27 Months before
the Provincial Govt.

Case of Cornelius O'Keefe
 Okanagan brought before
 the Hon The Attorney General
 in January 1878 and in
 letters of G. M. Sprat to
 Chief Commr of Lands &
 Works & in various letters
 and telegrams specially
 in letters 4 May 1878 -
 and 5 March 1879.

14 months before
 the Provincial Govt.

1056 (Sent down to the House Monday
 Aug. 19th 78 - mem of A.S.F.) not returned

262
 79

Irrigation Water question, see
 letter of G. M. Sprout to
 Prov Secy 22 April 1878
 and to the Chief Commr
 of Lands 24 July 1878 —
 (particularly Field Minute
 enclosed in the latter)
 and see other letters
 by to Prov. Secy
 28 July. 15 Aug 1878

one year before
 the Provincial Govt.
 1768
 78

Case of water
 record of Mr P. Parker
 Cache Creek see letter
 of G. M. Sprout to the
 Hon. Chief Commr
 of Lands 28 July 1878. —

8 months before
 the Provincial Govt.
 1798
 78

Case of Chumamen who have
intruded on Indian
lands at Spaptsum Flat
Thompson River, see letter
of G M Stewart to the Hon
The Chief Commr of Lands
with Field Minute 18.

August 1878.

4
8 Months before
the Provincial Govt.

Sale of portion of Indian
Reserve at Tomican, brought
to notice of Hon Attorney Genl
April 1878

One Year before
the Provincial Govt.

Intrusion of Edw^d Daigeneau
on Similkameen ^{reserve} acceptance
of Prescription Record for portion
of reserve - see letter G M
Stewart to Chief Commr of
Lands 13 Feb: 1879

2 Months before
the Provincial Govt.

5

Sale by Prov^l of
principal portion of
Asogyos Reserve
see letter by M Sproat
to Chief Commr of Lands
& Works 9 Apr 1879

Conditional alienation of lands
at Kittenback &c to Mr
Daly without reference to
Indian lands see
Memorandum by G M
Sproat sent to Chief
Commr of Lands
27 Jan 1879

3. Months before
the Provincial Govt.

Policy of making land and
water Records " Subject to
Indian requirements", until
the Reserve Commission has
passed - see letters on this
subject 28 July⁷⁸ pl

6
9 Months
before the Mount fort.

Persons required by Commissioner
for districts about to be visited
see letters from L M Shewat
to Chief Commr 3 June
also 21 Oct 1878, and
17 March 1879

6 Months before
the Mount fort.

pl

pl

Indian Reserve Commission

British Columbia.

In Camp. Chilliwack.

1878 April 23.



Sir,

I have received your letter of the 21st, and in reply beg leave respectfully to ask your attention to my letter of the 15th Aug^t 1878 in which I informed you that the "Surveys of the reserves were not under my care".

I will send your letter to the officer in charge of the surveys.

I am, Sir,

Your obedient servant,
Albert Malheur Groat
Commissioner.

The Hon: The Chief Commissioner
of Lands & Works.

British Columbia

504
79

Indian Reserve Commission

British Columbia

In Camp. Chilliwack.

1878 26 April.



Sir,

I beg to enclose copy of
a letter just received from
Mr Laing-Meason, I.P. dated 21st inst.
showing the discontent of the
Indians in the Williams Lake
district.

This subject has
been brought to the notice of
the Provincial Government on
various occasions - see my letters
of 6 and 13 May 1878 to the
Hon. The Provincial Secretary,

The Hon. The Chief Commissioner of Lands
& Works. Victoria

and to you. 23rd June 1878
and 20th March last.

The adjustment of the
water question, which has been
officially before the Provincial
Government for about a year,
is very closely connected with
the work of the River Commission
in the Northern Interior.

I am Sir

Your Obedient Servant
Fittet Maleden Throst
Commissioner

My dear
has just

1878

145/2

Williams Lake.

April 21st 1879

My dear Sir/

The Chief of this tribe
has just requested me - in the
most formal manner, to write to
you and say -

1, That unless you come up and
give them land on or before 2
moons from date - we may look
out for trouble.

2, That his tribe has nothing to
eat, in consequence of their having
no land on which to raise crops

3, That their horses & cattle have
— many of them — died this winter
because they had no place of their
own on wh to cut hay last summer

Their talk — I am well informed —
is, that if proper land is not
given to them, they will take by
force the land wh they used to own
& which they used to cultivate,
and wh was taken from them
by presumption in 1861 (about)

This land is situate at the foot
of Williams Lake, & is now owned
by Mr Punchbeck. There are
Indian Houses to be seen on it

at the present time.

If you will see Mr Elwyn, Mr
Pooley - or Sir M Beattie they will
(as it were) introduce me to you -
and will I am sure tell you that
I am not a person to wish to create
needless alarm on any matter.

The Soda Creek & Alkali Lake
tribes will join with these if
there is trouble - thus from the
Indians themselves.

Believe me

Yours very truly

(Sig) Wm Laming-Mason

Gilbert Malcolm Sproat Esq
Indian Land Commissioner
Victoria B.C.

Met at camp
Whilliwack
April 26th 1879

Indian Reserve Commission

538
Camp, Surmash.

2nd May

1878.



In reference to my letter of the 23rd Feb. 1878 to the Attorney General on the subject of a claim made by Mr. Henry Mariner to two acres of the Coivichan Indian Reserve, it appears that on the ^{14th} 24 June 1878 the Provincial Government sold 4 acres of that Reserve to Mr. Edward Mariner - a sale which included, I presume, the 2 acres claimed, as above said, by Mr. Henry Mariner.

This Indian reserve had been assigned and described to both governments 16 months before the
The Hon. The Chief Commissioner
of Lands & Works.
Victoria

above sale. It therefore becomes
necessary for me to make a
report on the case to the
Superintendent General, and I
shall be glad, in doing so,
to communicate any observations
which you may be pleased
to make thereon for the
information of the Dominion Govern-
ment.

Mr. Mariner's case
has received much attention, and
every effort was being made to
obtain a satisfactory adjustment
of it, which does not appear to
have been reached by the state of
affairs now found to exist.

I am Sir.

Your obedient Servant

Gilbert Melville Spoot.

Commissioner

Indian Reserve Commission

In Camp -
Chellawhalk or Somass
5th May 1878



542
19
Recd 4/5/78 WSC

In reference to my letter of the
17 March now awaiting the pleasure of
His Honour The Lieutenant Governor in
Council, I have the honour to inform
you that it is the opinion of the
Superintendent General of Indian
Affairs that under existing circum-
stances I should proceed with the
allotment of reserves on the coast,
leaving the work in the interior until
the questions connected therewith, more
particularly that of water for irrigating the
reserves, have been the subject of
discussion and arrangement between
the Governments.

I therefore beg you to obtain for me
the necessary authority to adjust
Indian questions respecting land

The Honourable
The Chief Commissioner of Land & Works
Victoria

(2)

upon the sea coasts of the mainland
and outlying islands not yet
examined by the Revenue Commission,
and in view of the advancing
Season, I would respectfully
solicit your early attention to
this request.

I believe that the above
instructions from the Superintendent
General are given because it is
expected that better work can
be done for the money on the
Coast, than in the interior where
the efficiency of the work of
adjusting the reserves is liable,
under present circumstances, to
considerable interruption and
consequent loss of money to the
Dominion Government, from the

difficulty of settling important
 questions, such, for instance, as
 that of water for irrigation,
 without a more complete under-
 standing between the two govern-
 ments.

The Provincial govern-
 ment are necessarily better able
 to judge whether local circum-
 stances not fully within the
 knowledge of the Superintendent General,
 justify them in asking that
 the Reserve Commission should
 undertake work this season in
 any other quarter of the Province.

I am Sir,

Yours truly
 M^{rs} Charles Sprout
 Commissioner

573
19

Ames
12/5/79

Indian Reserve Commission

In Camp. Chilliwack.

9th May 1875.



Sir

The question of roads in connection with the Indian reserves in this Municipality presents some features of interest both to the Indians and the white residents and I am desirous, in adjusting the reserves, to make arrangements that shall be satisfactory to all. Pending this adjustment I have the honor to request that you will be good enough to give me an opportunity of stating how any proposed roads may affect reserves so that the matter may, if possible be settled by me on the spot, or referred to the Superintendent General in case of any difficulty which, however I do not anticipate.

Roads appear to have been made through reserves here since Confederation both by the Government and by private persons without any communication with the Indian Department and as the reserves are now in process of adjustment and subdivision into portions which will be held by individual Indians you can understand the necessity for consideration lest these individual holders of allotments sustain injury.

It is of small consequence, generally,

The Hon. The Chief Commissioner
of Lands & Works
Ottawa

to a settler that a road should
be run through his large portion of
land, but it is a serious matter
if a road unnecessarily runs through
an Indian village, or spoils the
small allotment of an Indian farmer.

In pointing out the above to you,
I am not proposing to recommend
any action as regards the reserves
in connection with roads that would
not be for the public interest. I
wish merely to bring respectfully to
your notice that the question of
roads as they now affect Indian
reserves requires consideration and
communication with the Indian Department
or with the Reserve Commission.

I am Sir

Yours truly
J. H. Malin
Commissioner

588

Indian Reserve Commission
In Camp Sumass.

1879. 12th May.

Sir,

I have the honour to acknowledge receipt of Mr. Gore's letter of the 7th inst. and notice that the information in your possession relative to the discontent of the Indians in the Northern Interior agrees with that communicated by the Reserve Commission on the 6th and 13th May 1878 to the Honourable The Provincial Secretary, and to yourself on the 23rd June 1878, and 20th March ~~last~~ and 26th April last.

I am awaiting the pleasure of His Hon. The Lieutenant Governor in Council in reference to the subject matter of my letter to you of the 17th March and 5 May last.

I have the honour to be

Sir

Your obedient servant,
Gilbert Malcolm Sproule
Commissioner.

The Honourable
The Chief Commissioner
of Lands & Works.
Victoria.

6689
Cord
26/5/79
Wey

Indian Reserve Commission.
British Columbia.

In Camp near
Popkum Fraser
River

1879 May 24.



Sir,

Survey Branch

I beg to inform you that it is proposed to employ Messrs. Mohun and Gemmell in surveying Indian reserves this year, and that under an amended arrangement approved by the Superintendent-General the surveyors will send in field notes on completing each reserve, which can be plotted and mapped and communicated to both governments without waiting, as hitherto, for the end of the whole season.

I beg to ask if the Provincial Government will accept the work of the above gentlemen, if it should be found on plotting to be correct.

They will be instructed to conform as far as possible to the survey regulations in the "Land Amendment Act 1879," but I have to point out that owing to the advantage of taking natural boundaries for Indian reserves in some cases, and for other reasons, the reserves may not everywhere conform to regular sections or subdivisions of sections.

Attention has been given to secure, as

The Hon. The Chief Commissioner
of Lands & Works

Victoria

far as possible, such regularity of shape
in surveyed districts but to make it
compulsory might have the effect in some
places of causing an unnecessary area
to be assigned.

Be good enough to
state what you require in this matter,
for the guidance of the Reserve Commission
in its own work and in instructing
surveyors.

The reserves which
the above gentleman may this year
survey were laid out before the
passage of the "Land Amendment Act
1879".

I am, Sir,
Your obedient servant
Gilbert Malsheu Sproat
Commissioner

Please address your reply to me
at "Victoria" where I shall be for
a few days.

Indian Reserve Commission
British Columbia.

In Camp, near Popkum.
1879. May 24.

Sunny Branch

Sir,

In reference to the maps
of reserves and field notes enclosed with
my letter of the 20th inst. I beg to
ask whether it is necessary that Mr Lane
the surveyor temporarily in charge of the
surveys, should swear to the field notes as
correct in accordance with clause 15
under head of "Field notes" in the
"Land Amendment Act-1879."

If so, I will send them
back to New Westminster for the
necessary attestation.

The field notes
in question were made before the Act
was passed.

I am Sir,

Yours truly
Albert Malheur Sproul
Commissioner

Please address reply to Victoria

The Honorable
The Selecting Commission
of Lands & Works
Victoria

Received by Mr. Sproul
25th May 1879

Memorandum

26 May 1878

Referring to conversation I have to say, shortly, that what hampers matters is the want of an order in council, authorising me, so far as the Provincial Government are concerned, to act either on those parts of the coast of the islands and mainland not yet examined, or in the Lilloet District or in the Interior.

I have a good deal of Commercial work in hand, but it is chiefly in reference to other matters under my care that it is necessary for me to see my way ahead, so that I may make combinations to ensure economy to the Dominion Government. Without going into details I may only say that, in addition to the ordinary duties of the Commission,

2

I have two survey parties to send out - one of which might have to accompany myself - and I also have to direct census taking and some other departmental matters. All of these require more or less my personal direction or arrangements, and if I cannot see ahead I cannot arrange my movements to suit the general work that has to be done, and to save needless expenditure to the Dominion - which goes, as you know, already pays for everything.

The year is passing, and it is impossible for me, all at once, to go anywhere, or to send survey parties, or the Census Taker. Much information has to be collected, and many arrangements made before effective action can begin, and tell I know what my own movements may be, things in fact, outside the current work of the Commission, are hung up.

I feel sure, did you realize this you would not omit to do quickly whatever

(3)

is required to save needless expense to the Dominion Govt.

As to the Lillooet district, the difficulty, from a Dominion point of view, is connected with the expense. If the water questions there, as some tell me, interpose greatly to prevent a rapid, final adjustment, a second visit might be required; hence the Superintendent encl. says, in effect,

"Complete survey and census arrangements for
"the season - then work on the coast as
"vigorously as you can - thus giving the
"two governments an interval to come
"to an understanding as to the irrigation
"water question, after which one visit
"to the Lillooet District would suffice for
"a final adjustment.

I have two surveys and the census taken now waiting my instructions and till I know my own probable movements I really cannot give them effective

instructions, for many reasons which if
you wish, I can state to you - but I
hope I have sufficiently indicated the
position in this brief statement.

Saml

Wm. H. McChesney Jones of S. C.

Tr

I beg to enclose
copy of telegram from the
Superintendent General, 30 May,
received this morning, giving
me permission to visit the
interior, instead of the Coast,
provided that you arrange
satisfactorily irrigation and any
other questions at issue
affecting the Indian lands.

The Hon: The Chief Comm^r of Lands
& Works Victoria

They to ask if this
provision can be
fulfilled.

I am Sir
Yours truly
J M Stewart
Commr

Ottawa, Ont.
May 30. 1879

Copy
Telegram

Ottawa, Ont.
May 30. 1879

To

J. M. Sprunt
Indian Reserve Comm.^{rs}

May locate
reserves in interior provided Provincial
Government arrange satisfactorily Irrigation
and any other questions at issue affecting
the same.

Sd. C. Hankough
is

N^o 113
 Sir

Indies: Commr. 29 May 1878.

I have received your letter of the 28th inst, on the subject of my Memorandum of the 26th inst following my letters of 5 May and 17th March last, and I note that my authority, so far as the Prov^l Government is concerned, is sufficient without the order informant which I had supposed might have been necessary - also that you think it very advisable that the reserves in the Lilloet District should be defined as soon as possible, owing to the discontent of the Indians in that quarter.

I am still afraid of unnecessary expense to the Dominion Govt owing to the water difficulty which I am told may hamper Indian land adjustments in the Lilloet District, but the continued accounts of the dissatisfaction of the Indians which reach the Provincial Government indicate a state of affairs which might become very serious, and I will therefore telegraph to the Superintendent General that I propose to send assurances to these Indians, and afterwards to visit their district.

I am Sir

Yours obed^t serv^t
 J. M. Stewart
 Comm^r

The Hon:

The Chief Commissioner
 of Lands & Works.
 Victoria

Indian Reserve Commission
British Columbia
Victoria.

9th April.
1879.

740
79
Sir

In reference to my
letter to you of the 9th Oct
last, informing you as to
the non-alteration of the
boundaries of the Indian
Reserve at Osoyoos assigned
by the Indian Reserve
Commission in November
1877, I have ascertained
lately that you have purchased
a large portion of the reserve
from the Provincial Government.

J. C. Haynes Esq.
of Osoyoos. New Westminster

Under these circumstances,
 my duty has been to
 make a report of the
 case to the Provincial and
 also to the Dominion
 Government.

Further proceedings, so
 far as the latter government
 is concerned, will be
 departmental, and not
 under the official care
 of the Revenue Commission.

I am Sir

Yours obed: servant
 J. M. Sproat
 Commissioner

copy

New Westminster

12th April 1879.

Sir.

In reply to your letter of the 4th inst referring to lands purchased by me in Otago last February I would inform you that the lands in question were offered for sale at public auction on the 15th of January last. & subsequently purchased by private sale from the Provincial Government — I would

further state that the boundaries of the Indian Reserve in Otago were never pointed out to me but in a letter from W. M. Kinley ex-Commissioner, touching the boundaries on the east side of the Otago River he states "No minutes of decision on the subject have been made and the matter remains open for further consultation about"

From W. M. Kinley's statement coupled with the fact of the Commission having been made aware that the boundaries of lands on the east side of the Otago River as previously applied for by myself, & also by Mr. Lowe, were not defined I feel absolutely convinced that no decision as to the boundaries at

To/
S. M. Sprat Esq
Commissioner

that

that point - was arrived at
by the Commissioners in
November 1877 -

I have the honour to be
Sir,

Your most Obedt. Servant

H. W. W. W.

left this in '93. without
saying me or any other
white man in the Brigham-
hood any "information
as to the boundaries of the
Reserve: but he said
to believe that the western
boundary of the Reserve
on the east side of the
Murrayan R.R. would
be the rocky ridge now
forming my eastern
boundary - there which

No better Natural boundary could be
found - i. e. - a narrow unbroken
ridge of rock extending for a distance
of over four miles at least - The Reserve
as it now stands is much more than the
few Indians here expected or, long ago, knowingly
intended to ask for, before the arrival of the
Commission - including as it does the only arable
land in the Valley & besides, being otherwise
well watered. having a frontage of about
four miles on the ~~reservation~~ - as we are acquainted

with this portion of the Country
officially & otherwise for many
years. I must say that
great mistakes & errors
in judgment have been
made by the S.R. Commission
both in its former & present
forms - & chiefly those of in-
most instances ignoring Natural
boundaries & marking off as
reserves more land than the
Indians require or previously
expected - I merely mention the
above facts in order to "put"
you in the matter in question
in the event of further enquiry.

I am
Yours very truly
A. H. Hargrave

Private

S. H. Hargrave

15th May '79.

Dear Walker.

I enclose you a
letter from Sprout on
the subject of my
purchase of lands
last Feb. with a
copy of a letter I
wrote to him in
reply - The Commission
left

P.S. If you would have
some L & W's forms
of Application for pre-
emption records so
sent to me I could
arrange matters of that
kind here, as people
complain at being obliged
to travel to Coldstream
or Shallockburn or business
traveling to land - I should also
like to have the Statutes of last Session

Ind: Res: Commr

Infant, Oremil.

1879. June 9

Sir

Will you oblige me by causing
Capt Jennett, New Westminster, to be
furnished by return of post, if possible,
with particulars of Mr George Coxon's
12 acre claim at Nicomen, Thompson
River, with sketch, if any, as Capt
Jennett is about to proceed thither
to survey the adjoining Indian reserve
and will, in order to find the common
line, have to survey Mr Coxon's land.

Soliciting your attention to the
above, as all my staff are absent
from Victoria

I am Sir

Yours truly

J. M. Stewart
Comr

The Hon: H. Chief Commissioner
of Lands & Works
Victoria

Answer
18/6/79

Indian Reserve Commission
New West. 19 Jul 1879

Sir:

In adjusting the Chilliwack
Indian reserves (in which after much
difficulty and time I have succeeded
better than I hoped) I assigned the NW Dr
Section 22. T 26 for Indian purposes.

This is the only piece of grass land
on the prairie that the Indians have and
it is assigned for all the Indians to
cut grass on. I mention this piece in
advance of my informing you as to the
Reserves generally at Chilliwack, as it
is on what is known as the "Big Prairie"
where probably settlers may squat or
apply for land.

I shall accordingly be
glad if you will note the above assign-
ment, to which Mr. Derby, for his
part, has agreed.

Yours Sir,
Yours truly,
Wm. M. Stewart
Cm.

The Hon. the Chief Commissioner of Lands & Works
Victoria

Ans
10/7/79

880

Indian Museum Commission New West 4 Feb 1879

Sir

Understanding that stables have been placed by some one (probably showing an intention of purchasing) within the lands reserved for the Indians of the Lower Similkameen or Kerevneus (see mine to you 13th Feb last to which I await reply) which lands are as follows -

Those portions of the Lower Similkameen valley which 20 Sep 1878, were not occupied by whites - also from the old Custom House along the Osoyoos trail, and 2 miles on each side of it, to the third lake (the one on the higher part of the divide); further from Kerevneus, the valley along the Penticton Trail to the stream about half way to Penticton which flows from the north west feeding the long lake at its head -

I beg leave respectfully and earnestly to express a hope that the Provincial Government will not deal with any of these lands without the consent of the Commission - otherwise the difficulty existing with respect to the sale of portion of the Osoyoos Reserve will be reproduced in this neighbouring district.

I am Sir

Yours truly

G. M. Sproat
Commr.

Chief Commr
The Hon. The Superintendent
of Indian Affairs & Lands Works
Victoria

Trp 52

N + E. sides of Smith R.

Mr. Reuther wants Indians kept
out from land between

Sp Secs. 3 + 30. Reuther.

July 17/99

Write Mr. Spauld

895
~~79~~
Sir



Victoria 9 July 1878

The Nekkla Kap a number of Indians have during a week past had a meeting at Lytton for the purpose, I believe, of electing a chief and discussing matters connected with schools &c. They have sent me an invitation to be present and I propose to be at Lytton on the 15th. The occasion will be interesting, and I should be glad if you could be present to observe the efforts which these deserving people are making to do what both governments would approve in the relation to the matters above mentioned.

I am, Sir

Yours truly, Sir

G. M. M. Stuart

Commr

The Hon: The Chief Commr of Lands & Works
Victoria

~~1075~~

Indian Reserve Commission
In camp. Kope.

Aug. 11. 1878



The two survey parties under the care respectively, of Mr E Mohun, and Capt. Semmett are engaged in surveying up and down Nicola Valley so that the boundaries of the Indian reserves there may be known at the earliest possible time to the Provincial Government and to persons wishing to acquire land.

I wish, at present, to mention to you that Mr Anderson, a gentleman who has lately settled in Bob. Hamilton or McDonalds Creek (which flows north into Nicola Lake) has included within his pre-emption described lines a piece of land which is distinctively an Indian

The Honorable

The Chief Commissioner
of Lands & Works
Victoria

Settlement, having been for many
years the place of Teen-a-melot
one of the most enterprising Indians
in the Interior - a man well
known to many of the older
settlers.

This Indian has 18
children, and possesses 104 good
horses and 13 Cattle, and is
still in the prime of life.

I did not report this matter
to you last year because
I desired to make some
arrangement that would suit
both Teen-a-melot and Mr
Anderson (though I included
Teen-a-melot's piece within

the reserve there), but having learned
~~that~~ Mr Anderson is about to
have his land surveyed on his
preemption lines, possibly with the
view of completing his title, &
beg to ask you to do what
is necessary to prevent the
embarrassment and disputes that
must arise should Mr Anderson
be permitted to intrude upon
these Indian lands.

I am Sir

Yours truly: Geo. S.

Giles M. Shroat
Commissioner

1132
79

Indian Reserve Commission

Inland Hope. 1878

Augt 11.



Sir

I have received your letter of the 10th ult. requesting me not to lay off Indian reserves in the valley to the north and east of the Similkameen River in Township 52 on account of the number of white settlers already established there to whom the Indians might be a source of annoyance.

In reply I beg to state that I have no intention of laying off any further reserves at that place than those laid off in 1878, referred to in my letters to you of the 4th July last, and 22nd July last,

The Honourable

The Chief Commissioner
of Lands & Works

Victoria

(to which I respectfully ask
your attention), but should any
such further reserves be required,
I shall not allot them without
communicating with you.

I may remark that, if the
valley meant is that through
which the Penttitor trail passes
from Heremew, there are
(outside of the Heremew settlement
proper, described, with maps, in mine
to you of 13 Feb last) no settlers
except two Indians who have a farm
there which they had taken up - as
they stated, and as appeared to be the case -
because the white people at Heremew
had appropriated the irrigable land
and water and they had to go where

442
D.O. 14.

Copy

Lands and Works Dept.
Victoria, B.C. 10th July 1879.

Sir,

Referring to your communication of the 4th inst., I am directed by the Honble. the Chief Commissioner of Lands and Works to request that Reserves may not be allotted to the Indians in the valley to the North and East of the Similkameen River in Township No. 52, on account of the number of white settlers already established there and to whom the Indians might be a source of annoyance.

I have the honor to be, Sir,
Your most obed^t servant,
(Sd.) W. D. Gore
Surx General

G. M. Sproat Esq.
Indian Reserve Com^r
Victoria B.C.

they could grow a crop.

Mr J. Ellis of Pentteton
has, I believe, a sheep corral
about 14 miles up from Here mews,
but I do not know of any
other settlers or squatters.

I am Sir

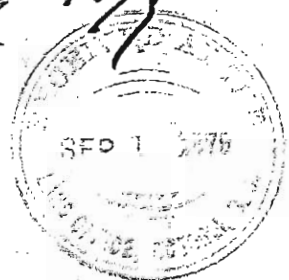
Your obed: Servant

Giles M. Sproat.
Commissioner

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Indian Reserve Commission
In Camp. Malaspina Straits.

August 29 1878



Sir,

I have received and will forward to the Superintendent General your letter of the 7th inst^{ce} on the subject of the movements of the Reserve Commission.

By the agreement between the two governments, it was left to the Reserve Commission (no doubt for good reasons) to make arrangements for visiting the different groups of people in such order as might be found desirable.

My experience shows me that

The Hon.

The Chief Commr of Land & Works
Victoria

This was a well judged provision.
 The Commission itself, in taking
 the first Census of the Indians
 which has been taken, only
 learns as it proceeds, the
 different grouping for land
 adjustments which is satisfactory
 to the Indians. Arbitrary
 instructions to adjust land questions
 in reference merely to topographical
 areas would not give satisfaction
 and would cause additional
 expense in the whole work.
 Again, it has to be considered
 that the avocations of the
 Indians are systematic and
 closely connected with the vital
 questions of their food supplies,

and that the Commission, having an opportunity of becoming acquainted with the ways of the people, is probably best able to arrange official visits on land business so as to interfere as little as possible with their everyday life.

At the same time, I believe you know that my work, as Reserve Commissioner, is to carry on the work, as far as may be, to the satisfaction of both governments, bearing in mind on the one hand, the important fact that the Dominion Government pays all expenses, and is charged with the whole burden of Indian administration

and on the other hand, that the Provincial Government would have to bear the brunt of any inconvenient action on the part of any group of Indians caused by discontent.

I would respectfully remark that, on reading your letter, it did not appear obvious why you should state as new information which had reached you, detached from former official correspondence, the act of the Commission in undertaking work on the coast during the remainder of the season.

The enclosed memorandum, which I have prepared for your easy reference to facts, shows the

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history of the matter, and particularly the views and instructions of the Dominion Government relating to it, and the memorandum also shows that these have been regularly communicated to you, and further, that, for some months past, it has rested with the Provincial Government to fulfil certain requirements of the Dominion Govt with respect to work in the Interior.

These instructions of the Superintendent General are in my judgment, reasonable instructions and should not be described

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as "most impolitic."

The Dominion Government
which pays the cost of
adjusting land matters, and
has on its shoulders also
the burden of surveying the
Reserves, and the great
responsibilities of Indian
administration in general, object
as I understand, to have
additional unnecessary expense
thrown upon them as a
consequence of the inability
of the Provincial Government
to adjust matters which
require their attention and
cooperation, and which have

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been brought officially before that
government a long time ago,
and repeatedly.

The land question in
the Interior no doubt presses
for solution, even after the
successful work that has
been done, but I may say
that within the past six
months I have had as
urgent messages and reminders
sent to me from Indians
on the Coast as from
Indians in the Interior.

The water question especially
requires the cooperation of
the Provincial Government, and
as requested in mine of the

31 May last, still unanswered,
I shall be glad to know the
time when, and the manner
in which, their co-operation
will be given.

The opportune interval which
now exists for adjusting the water
and other outstanding questions
should not, I respectfully suggest,
be permitted to pass, without
being utilised.

I am, Sir,

Your Obedt. Servant.

Wm. M. M. M. M. M.
Comms.

1.
Memorandum to accompany

Mr. Sproat's letter of the August
1879, to the Chief Commissioner of Lands
and Works - Victoria B.C.

On the 18th April 1879 the Superintendent
General instructed Mr Sproat by letter
"To proceed with the allotment of"
"Reserves on the Coast of British Columbia"
"leaving the reserves for the Indians"
"in the northern portion of the Interior"
"until the important question of water"
"for irrigating the same is settled."

Before Mr Sproat received these
instructions, he ^{had} written on the 2nd
April, to the Chief Commissioner of
Lands and Works, on the subject of
the discontent of the Indians, in the
Williams Lake District, and he
said further;

"This subject has been brought to"
"the notice of the Provincial Government"
"on various occasions - see my letters"
"of 6th and 13 May 1878 to the Hon. "
"the Provincial Secretary, & to yourself."
"23^d June 1878 and 20th March last."
"The adjustment of the water question"

" which has been officially before "
 " the Provincial Government for about "
 " a year is very closely connected "
 " with the work of the Reserve Commission "
 " in the Northern Interior".

Having received the above instructions
 from the Superintendent General,
 Mr Sproat, on the 5th May 1879, wrote
 to the Chief Commissioner of Lands
 and Works, Victoria, to inform him
 of their purport; and he added,
 " I believe that the above instructions "
 " from the Superintendent General "
 " are given because it is expected "
 " that better work can be done for the "
 " money on the coast than in the "
 " Interior, where the efficiency of the "
 " work of adjusting the Reserves is "
 " liable, under present circumstances, "
 " to considerable interruption, and "
 " consequent loss of money to the Dominion "
 " Govt. from the difficulty of settling "
 " important questions, such for instance "
 " as that of water for irrigation without "
 " a more complete understanding "
 " between the two governments."

The Chief Commissioner of Lands and Works on the 7th May 1879 replied to Mr Sproat, that "the
" Govt is not at present able to say "
" whether the suggestion to take up "
" the West Coast reserves is good or "
" not. There is much dissatisfaction "
" amongst the Indians of the Interior "
" especially from Soda Creek down "

Copies of the above were sent to the Superintendent General.

The Superintendent General on the 19th May 1879 repeated his instructions to Mr Sproat, as follows -
in a letter from which the following is an extract -

" I have to refer you to my letter of "
" the 18th ultimo, instructing you to "
" proceed with the allotment of "
" Reserves on the Coast of British "
" Columbia; leaving the Reserves "
" for the Indians in the northern portion "
" of the interior until the important "
" question of water for irrigating the "
" same has been settled by the "
" Provincial Government. "

On the 25th May 1879 Mr Sproat had

an interview with the Chief-
 Commissioner of Lands and Works,
 and at the request of that gentleman
 he embodied, on the 26th May, his
 views in a short written statement,
 from which the following is an extract;
 "As to the Lillooet District the difficulty
 "from a Dominion point of view,
 "is connected with the expense. If
 "the water questions there, as some tell
 "me, interpose greatly to prevent a
 "rapid final adjustment, a second
 "visit might be required; hence the
 "Superintendent feels says, in effect,
 "— "Complete survey and census"
 "arrangements for the season; then "
 "work on the Coast as vigorously."
 "as you can," thus giving the two parts
 "an interval to come to an understanding"
 "as to the irrigation water question, after"
 "which, one visit to the Lillooet District
 "would suffice for a final adjustment."

In reply to this the Chief Commissioner
 of Lands and Works wrote as follows
 to Mr Sproat 28th May 1879.

"From the representations recently"
 "made by well informed persons"
 "who can hardly be classed as alarmists"

" I think it would be very advisable "

" that the Indian reserves in the Interior "

" in the vicinity of Clinton and as far "

" north as Soda Creek should be defined "

" before any work on the coast is undertaken "

" The irrigation question offers no more "

" embarrassment in the Lillooet or "

" baraboo sections of the Province than "

" was met with in Yale or New Westminster "

Mr Sproat on receipt of the above letter
 had another interview with the Chief
 Commissioner of Lands and Works,
 and afterwards, on the 29th May 1879,
 telegraphed to the Superintendent General
 as follows.

" Provincial Government desire me "

" to visit interior this summer owing "

" to continued accounts of Indian "

" discontent. Shall I use my discretion "

" after further inquiry "

The reply of the Superintendent General
 30th May 1879 was as follows.

" May locate reserves in Interior "

" provided Provincial Government "

" arrange satisfactorily irrigation "

" and any other questions affecting "

" the same "

Mr Sproat on the 31st May 1879
 communicated this reply of the

Superintendent General to the Chief
Commissioner of Lands and Works
in the following letter.

Copy.

Victoria 31st May 1879

Sir/ I beg to enclose copy of telegram
from the Sup^t Gen^l 30th May received
this morning, giving me permission
to visit the Interior instead of the
coast, provided that you arrange
satisfactorily, irrigation and any
other questions at issue affecting
the Indian lands.

I beg to ask if this provision
can be fulfilled.

I am &c.

Sig: J M Sprout.

The Sup^t
The Chief Comm^r
of Lands & Works
Victoria.

The Chief Commissioner of Lands
and Works did not reply to this letter
and has not, so far as Mr Sprout
knows, taken any steps to comply
with the requirement of the Superintendent
General as regards work in the interior.

The Superintendent General, on the 3rd
June 1879, confirmed by letter to Mr Sprout

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his above telegraphic Instructions of the 30th May 1879, and, subsequently, on the 9th July 1879 again wrote to Mr Sproat referring him to the said letter of the 5th June 1879 and to the telegrams, as containing the instructions of the Superintendent General with respect to the operations of the Reserve Commission.

These instructions are shown by the foregoing to have been consistent, and may be summarised as follows:-

"Work on the coast, but, if the Provincial Government will fulfil certain requirements then work in the interior".

The Provincial Government have not, so far as Mr Sproat knows, fulfilled these requirements of the Superintendent General, which, in reference to the operations of the Reserve Commission for the season have been officially before that Government since the 3th May 1879. and the instructions of the Superintendent General to Mr Sproat to work on the Coast are thus in force.

British Columbia.

Indian Reserve Commission

Nanaimo 1st Sep 1879

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Sir

Having observed in the newspapers and gazette, notices of the intention of certain persons to apply for permission to purchase land at Port Simpson, Skidegate and Telegraph Pass, I respectfully beg leave to remind you that no assignments of lands for the Indians have been made in these places, and that it is consequently undesirable that land should be sold or pre-empted in these and other places on the coast now awaiting the adjustment of the Indian land question. I am, Sir,

Yours truly
The Hon. The Chief Commissioner
of Lands & Works
Victoria

Yours truly
G. M. Sproat
Cm.

1376 Indian Reserve Commission
Fort Rupert 28th Oct
1879
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Sir

Referring to my letters of 29th
August and 1st Sept last, I have
to say that I find much anxiety
respecting their lands on the part
of all the Indians I have visited -
the Tlalochose, Liemmon, Homattho
Enclataws and the various Kwakwaka
tribes.

Pending the results of the
investigation which I am now actively
making, I respectfully mention that
it would appear to be very undesir-
able that lands not ascertained
to be Indian lands or required
as such should be alienated
by the Provincial Government, in

The Hon: The Chief Commissioner
of Lands & Works
Victoria

This quarter, particularly at
 Ninkish Salmon River
 Beaver Cove or around Fort
 Rupert, and at Campbell River -
 (this last is within the railway Reserve)
 Mr. West-Huson has applied
 for land at Ninkish but
 it is essential that no sales
 should be made there until
 the Indians' reasonable requirements
 are ascertained.

From 1200 to 1500 Indians
 look to Ninkish mainly
 for their support.

The whole of the Indians
 above mentioned must number
 approximately 3000 (the census
 is not yet completed) and
 until their land questions

are fully adjusted no effective
missionary or government effort
can be made among them
for their improvement.

They have not, I may
venture to remind you, had
any land whatsoever reserved
for their use since the
establishment of the colony.

I am Sir

Your obed^t Serv^t.

Robert M. Sproat com.

LIEUTENANT-GOVERNOR'S SPEECH.

Mr. Speaker and Gentlemen of the Legislative Assembly:

It is with pleasure that I welcome you to the Third Session of the Thirteenth Parliament of British Columbia.

Since you last met, the Empire has become involved in a mighty struggle in which Canada, as one of His Majesty's Dominions, is playing a conspicuous part. Especially gratifying is the splendid response from this Province to the call to arms.

A state of warfare has for the present materially altered the bright prospects of progress and development which one year ago presented themselves, and I realize that we all have a sacred duty to perform in facing with fortitude the situation created by our enemies. Though the task before us is a formidable one, we look with supreme confidence to the ultimate victorious outcome.

I am happy to say that, despite the unusual conditions of the time, the industrial activities of British Columbia have been well maintained.

The mineral output, although 15 per cent. less than in 1913, is estimated to be nearly \$3,500,000 greater than in 1911. The value of the output in 1914 was diminished to the extent of \$1,250,000 as the result of the lowering in price of all metals.

The timber industry is suffering from depression, but that is not so much due to war as to other conditions which prevailed for some months prior to its outbreak. It is confidently anticipated that efforts to increase the foreign export of lumber will soon restore the trade to its former state of prosperity. A partial compensation for this condition is found in the success attained in the manufacture of pulp and paper products, which are finding brisk markets.

It is gratifying to know that agricultural production in 1914 considerably increased over the previous year, and that nearly all branches of agriculture and horticulture are experiencing healthy expansion.

In fishing, 1914 has been a banner year. The output is estimated to have reached \$15,000,000 in value.

The year just ended has witnessed the practical completion of several important lines of railway in this Province. Among these are the Grand Trunk Pacific, the Canadian Northern Pacific, and the Kettle Valley. Important construction-work, in some instances nearing completion, has been carried on in connection with the Esquimalt & Nanaimo system on Vancouver Island, the Pacific Great Eastern, the Kootenay Central, the Kaslo and Slocan, and, to a most important extent, on the main line of the Canadian Pacific Railway. An amount of over \$26,000,000 was expended on the lines assisted by the Province, and in nearly every respect the railway programme at the beginning of 1914 has been carried out as then outlined.

The Government has been enabled to proceed with the expenditure for public works without any reduction, as provided for in the estimate for the present fiscal year.

Expenditure on railways and public works has afforded, as a consequence, continuous employment for a very large number of persons.

As an evidence of the high standing of the credit of the Province, and notwithstanding the financial stress in the money markets, \$2,700,000 of the loan authorized at the last Session of Parliament has recently been placed in New York, in short-term bonds, at a 4½-per-cent. rate of interest, realizing 98½, and payable at par in Victoria without any deduction for premium or exchange.

This year will witness the formal opening of the Panama Canal. To celebrate the completion of this great work an international exposition will be held in San Francisco, at which British Columbia will be represented. The Dominion Government has erected a suitable structure in which will be assembled a representative exhibit from Canada, and where, by reason of the especial significance of the Canal in respect to the development of the Pacific Coast zone, no effort is being spared to have the products of this Province well displayed.

The buildings for the University of British Columbia will not be proceeded with this year, as contemplated, but the course of instruction for undergraduates will, it is hoped, begin in the coming autumn term.

The British Columbia building in London, England, will be completed and occupied by the Agent-General and his staff early next summer. These new offices will enable the Agent-General to more effectively carry on his work in Great Britain.

The Commission to investigate the financial relations between the Province of British Columbia and the Dominion of Canada was interrupted, owing to the breaking-out of the war and subsequent conditions. Negotiations have been resumed toward reaching an early conclusion as to the appointment of a third Commissioner by the Secretary of State for the Colonies.

Following the reports submitted by the Royal Commissions of Agriculture and Labour, measures will be introduced during the present Session.

The Honourable Mr. Justice Morrison and the Honourable Mr. Justice McDonald, who were appointed to report on the redistribution of Provincial constituencies, have submitted the results of their work, which will be laid before the House in due course. A measure will be brought down dealing with the boundaries of the proposed new electoral districts.

Legislation will also be submitted for the relief of the debtor class in certain cases.

The Public Accounts for the past fiscal year and the Estimates of Expenditure of the coming year will be duly laid before you.

I ask for your consideration the expeditious dispatch of public business, and I rest assured that you will be guided in your deliberations by what you believe to be best in the present trying circumstances.

VICTORIA, B.C.:

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1915.