



MEMORANDUM

To: George Manuel, Lillian Basil and Walt Taylor
From: Robert B. Lane and Barbara Lane
Date: September 29, 1978
Subject: Report entitled "Recognition of B.C. Indian
Fishing Rights by Federal-Provincial Commissions"

Enclosed please find the above-titled report. This report is one of the series we are preparing which document government recognition of aboriginal fishing rights in British Columbia.

The fishing locations allotted by the Indian Reserve Commission and reconfirmed by the McKenna-McBride Commission may provide a legal argument in litigation such as that which involves the fishing at Bridge River this year.

Barbara Lane

*main filing file
cc. George
cc. Lillian
cc. Walt*

RECOGNITION OF B.C. INDIAN FISHING RIGHTS
BY FEDERAL-PROVINCIAL COMMISSIONS

Prepared for
THE UNION OF B.C. INDIAN CHIEFS
by
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RECOGNITION OF B.C. INDIAN FISHING RIGHTS
BY FEDERAL-PROVINCIAL COMMISSIONS

INTRODUCTION

After British Columbia joined Confederation in 1871, both the dominion and the provincial governments officially recognized and confirmed Indian fishing rights in this province. This came about largely because of disagreement between the two governments over the size of land reserves to be established for the Indians.

A joint Indian Reserve Commission was created by the two levels of government to set aside Indian reserves in the new province. The provincial authorities persuaded the dominion government that the Indians did not require large land reserves so long as their fisheries were secured to them. For over twenty years the Indian Reserve Commission travelled around the province setting apart small fishing reserves and establishing exclusive fishing areas for the Indians.

Indian people reluctantly accepted the inadequate land reserves on the understanding that their fishery rights were officially recognized and confirmed by both levels of government and that these rights would never be denied.

Indian people in British Columbia have much smaller land reserves than Indian people in other provinces, but in recent years they have been severely limited in the ability to use their fishing rights.

The restrictions on Indian fishing have developed over the years largely due to attacks on Indian rights by the Fisheries Department and failure to protect these rights on the part of the Department of Indian Affairs. Indian people have consistently protested and resisted the attacks on the fishing rights which the government had agreed to respect.

This report provides a brief summary of the work of the Indian Reserve Commission in establishing fishing reserves and fishing areas. We also provide a short review of the actions of the Royal Commission on Indian Affairs for British Columbia (the McKenna-McBride Commission) in 1916 confirming the fishery rights recognized by the Indian Reserve Commission.

So far as we know, the Indian fishing rights which were confirmed by the Indian Reserve Commission in 1876-1894 and reconfirmed by the Royal Commission on Indian Affairs for British Columbia in 1916 have never been explicitly denied or terminated by any Government of Canada.

Indian people in British Columbia continue to assert their fishing rights and to rely on the actions of the joint federal-provincial commissions which acknowledged and con-

firmed those rights on behalf of the respective governments.

Government policy at the time that the Indian Reserve Commission began its work was to protect Indian rights in traditional fisheries and to encourage continued Indian participation in commercial fisheries. That policy is clearly stated in instructions given to the dominion commissioner and in official correspondence relating to the work of the commission.

The Indian Reserve Commission translated that policy into action by creating two kinds of reserves for the Indian bands.

(1) The commissioners set aside small land areas which were usually referred to as "fishing reserves." These were places where particular families traditionally fished or were seasonal locations to which larger numbers of people came to catch and cure fish. The size of these reserves were usually quite small as they were intended merely to provide a base for the fishing activity. In some instances they were larger in order to provide a readily accessible supply of firewood for smoking fish or of wood to make containers used in preparing and storing fish oil.

(2) The commissioners also set aside fishing areas on water courses which were exclusively reserved to the people who had traditionally claimed those fisheries. No land

adjacent to these fishing places was reserved for the Indians, but they were assured continued access to the fishing sites at the appropriate seasons for the purposes of catching and curing fish. Typically these exclusive fishing areas were described in terms of a certain number of miles (or lesser distance) between specified points along a given river or stream.

The two kinds of reserves noted above were not the only actions taken by the Indian Reserve Commission with respect to Indian fisheries, but for the purposes of this brief summary they serve to highlight the more important issues.

With that understanding, we proceed now to a short review of the work done by the Indian Reserve Commission.

THE INDIAN RESERVE COMMISSION

The Original Three-Man Commission, 1876-1877

At the time that British Columbia entered into the Dominion there was disagreement between the British Columbia government and the Dominion government as to the manner of allotting Indian reserves in the province. By the agreement of 1875-1876 the two governments approved a joint commission to allot Indian reserves in British Columbia. (1)

The commission consisted of three men. In May 1876 Alexander C. Anderson was appointed to represent the federal

government. Archibald McKinlay was appointed in August 1876 as the representative of the provincial government. In the same month Gilbert Malcolm Sproat was confirmed as joint commissioner to represent both levels of government.

The choice of Alexander C. Anderson as the commissioner for the dominion government shows that the government recognized the importance of Indian fishing rights in the work of the Indian Reserve Commission. Anderson was an internationally recognized authority on coastal fishery matters. He simultaneously served as Indian Reserve Commissioner and British Columbia Commissioner of Fisheries in the dominion Department of Marine and Fisheries. It was Anderson who recommended that the dominion Fisheries Act should not apply to Indians in British Columbia. Anderson actively defended Indian fishing rights.

Dominion concern to protect Indian fishing rights in British Columbia is reflected not only in the appointment of Anderson as commissioner, but also in the instructions which were issued to him regarding his role as dominion representative on the Indian Reserve Commission. The instructions to Anderson clearly state the dominion government policy to protect Indian fishing rights and to encourage continued Indian participation in the fishing industry.

The following paragraph is quoted from the instructions issued to Anderson under date of August 25, 1876.

"While it appears theoretically desirable as a matter of general policy to diminish the number of small reserves held by any Indian nation, and when circumstances will permit to concentrate them on three or four large reserves, thus making them more accessible to missionaries and school teachers, you should be careful not even for this purpose to do any needless violence to existing tribal arrangements, and especially not to disturb the Indians in the possession of any villages, fishing stations, fur-trading posts, settlements or clearings, which they may occupy and to which they may be especially attached, and which may be in their interest to retain. Again it would not be politic to attempt to make any violent or sudden change in the habits of the Indians, or that those who are now engaged in fishing, stock-raising, or in any other profitable branch of industry should be diverted from their present occupations or pursuits, in order to induce them to turn their attention to agriculture. They should rather be encouraged to persevere in the industry or occupation they are engaged in, and with that in view should be secured in the possession of the villages, fishing stations, fur-posts or other settlements or clearings which they occupy in connection with that industry or occupation, unless there are some special objections to so doing, as for example, where the Indian settlement is in objectionable proximity to any city, town, or to a village of white people." (2)

(emphasis added)

The above instructions were issued by David Laird, the Minister of the Interior, on behalf of the dominion government.

The provincial government also instructed its representative as to British Columbia government policy with respect to Indian fisheries. The following passage is taken from the official instructions issued to Archibald McKinlay under date of 23 October 1876.

"You will avoid disturbing them in any of their proper and legitimate associations whether of the chase or of fishing, whether pastoral or agricultural; and you will seek to avoid in all cases either disturbing their minds or unnecessarily raising their hopes." (3)

The foregoing material is taken from the instructions issued by T. Elwyn, the Acting Deputy Provincial Secretary.

Both levels of government specifically instructed their representatives on the Indian Reserve Commission that the Indians were not to be disturbed in their fisheries. The dominion government specifically required that these fisheries be secured to the Indians by the commission. These instructions would appear to give the Indian Reserve Commission authority to set aside exclusive fishing areas for the Indians of British Columbia.

If the initial instructions did not provide sufficient authority, subsequent action appears to have done so.

"By a proclamation of December 23, 1876, three months after the commissioners had entered upon their formidable task, they were empowered to deal absolutely and at once with any question that might arise without reference to either government." (4)

The original three-man joint Indian reserve commission worked in 1876 and 1877 setting aside Indian reserves and fishing stations. In official correspondence reporting on their activities, both Anderson and Sproat specifically cited their instructions from the Minister of the Interior as authority for securing exclusive fishing places to the Indians.

It is clear from the record that the commissioners relied on the instructions from the Minister of the Interior as authority to provide fishing reserves to the Indians. It

is equally clear that the Indians understood that the Indian reserve commission was authorized to set aside those reserves and that they relied on that understanding.

Fishing stations were reserved along the south coast of the mainland and from Comox to Victoria on Vancouver Island.

However, the provincial authorities increasingly objected to the work of the commission and to the expenses incurred. A.C. Elliott, premier of British Columbia and provincial secretary advised that the joint commission should be dissolved at the close of 1877 and that it should be replaced by a single commissioner. The dominion government reluctantly agreed and passed an Order in Council to that effect on February 23, 1878.

Sproat as Sole Commissioner, 1878-1880

Gilbert Malcolm Sproat, who had been approved by both governments to serve as joint commissioner 1876-1877, remained as the sole commissioner for the next two years. His appointment provided continuity for the work of the commission, but his efforts to secure Indian lands and to reserve Indian fishing areas brought him into increasing conflict with the provincial authorities. These conflicts and perhaps his reports of Indian conditions on northern Vancouver Island led to his resignation in March 1880. He served

exactly two years as sole commissioner.

During those two years Sproat set aside reserves in the lower Fraser River area, along the Lillooet, Thompson, and Nicola rivers, in the Okanagan and on the northern part of Vancouver Island. In addition to setting aside land reserves some of which were designated as fishing stations, Sproat also confirmed rights for Indians to fish in places where lands were not reserved to them.

For example, in August 1879 Sproat described a number of traditional Indian fishing places along the Fraser River in the vicinity of Hope and Yale. Indian people pointed these fishing locations out to Sproat and told him that they wanted those places reserved for their use and for those who came after them. Sproat confirmed the right of the Indians to access to these places for the purpose of catching and drying fish during the fishing season. (5)

Indian rights to traditional fisheries were confirmed even though it was not deemed necessary to reserve lands which were only used seasonally by the Indians. By reserving Indian fishing rights at those locations, Sproat intended to protect Indian rights while opening the adjacent lands for other uses.

O'Reilly as Sole Commissioner, 1880-1898

After Sproat resigned, Peter O'Reilly was appointed in his place. From 1880 until his retirement eighteen

years later, Peter O'Reilly carried on the work of the Indian Reserve Commission. O'Reilly was a judge and a stipendiary magistrate and had set aside Indian reserves before British Columbia entered the Dominion.

O'Reilly established reserves in the north, on the west coast of Vancouver Island and in other areas of the province where reserves had not yet been established. In addition, he established reserves in areas which had been covered by previous Indian reserve commissioners. Like them, he made fishing reserves and also reserved exclusive fishing areas to the Indians.

The Department of Marine and Fisheries disputed the authority of the Indian Reserve Commission to set aside exclusive fishing areas, claiming that this was for the Minister of Fisheries to decide.

Legal counsel for the federal Department of Justice agreed and advised the Minister of Fisheries that the Indian Reserve Commission did not have authority to designate exclusive fishing areas in British Columbia waters.

O'Reilly was advised that he could no longer reserve exclusive fisheries to the Indians. He continued, however, to reserve fishing rights.

O'Reilly retired in 1898 and for the next ten years the work of establishing reserves and allotting fishing stations was continued by the Superintendent of Indian Affairs in

addition to his other duties. The Indian Reserve Commission, as such, ended with the retirement of O'Reilly.

THE McKENNA-McBRIDE COMMISSION

A Royal Commission with joint dominion-provincial representation was established in 1913. The Royal Commission on Indian Affairs for British Columbia was intended to settle outstanding differences between the dominion and provincial governments relating to Indian reserves in the province.

The commission is often referred to as the McKenna-McBride Commission because it was established by an agreement signed by J.A.J. McKenna on behalf of the dominion government and Premier Richard McBride on behalf of British Columbia.

In its travels through the province, the Royal Commission was repeatedly told by Indian people that government interference with Indian fishing rights was a major concern. Despite the promises of earlier commissioners that their fishing rights were recognized by the government and that these rights were reserved to them, Indian people were consistently harassed by fisheries officials and were prevented from catching fish.

The McKenna-McBride Commission was unable to find out

from the federal law officers whether the former commissioners had authority to allot fishing locations. Apparently they were also unable to obtain legal advice as to their own authority to confirm previously allotted fishing locations.

Failing to secure an opinion from the law officers of the dominion government, the Royal Commission continued the policy of the Indian Reserve Commission and confirmed fisheries which the former commissioners had allotted to the Indians. Not all fishing locations allotted by previous commissioners were reconfirmed. The fishing locations confirmed by the Royal Commission are given in Appendix 1.

The McKenna-McBride Commission confirmed fisheries which had been allotted to Indian bands throughout the province in the years between 1879 and 1889. In taking these actions, the commission used the following language.

"Whereas former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"Whereas this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such Fishery Rights;

"And Whereas this Commission desires that any right or title which Indians may have to such allotted Fisheries may not be adversely affected by inaction on its part,

"Be it Resolved: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, Confirms the said allotted Fishery Rights as set forth in the Schedule hereto appended:" (6)

The inability of the Royal Commission to obtain legal advice on the above matters suggests that the Crown counsel may have vacated the earlier opinion issued in 1890. Whatever legal interpretation may be placed on the status of these rights today, two things are clear.

Commissioners representing the governments of Canada and of British Columbia from 1876 through 1916 have recorded, acknowledged and affirmed aboriginal fishing rights in British Columbia.

Indian people in this province have continued to insist that these rights be respected.

NOTES

- (1) Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 10th November, 1875. Public Archives of Canada, RG 2, Series 1, vol. 115.

Minute of the Honourable the Executive Council of the Province of British Columbia, approved by His Honour the Lieutenant-Governor, 8 January, 1876. Annual Report of the Department of the Interior for the year ended June 30, 1875. Canada, Sessional Papers (No. 9), 39 Victoria. Ottawa, 1876. pp. lxvii-lxiv.

- (2) Memorandum of Instructions to the Dominion Commissioner on the British Columbia Indian Land Question. 25 August 1876. Department of Indian Affairs, Blue Book, vol. XII, pp. 100-103.
- (3) Memorandum of Instructions to Archibald McKinlay, Esq., the British Columbia Commissioner on the Indian Reserve Question. 23 October 1876. Public Archives of Canada, RG 6, A3, vol. 2.
- (4) Cail, Robert E., "Land, Man, and the Law. The Disposal of Crown Lands in British Columbia, 1871-1913." University of British Columbia Press. Vancouver, 1974. pp. 207-208.
- (5) Schedule of Fisheries Allotted to Indians in British Columbia by the Indian Reserve Commissioners. S. Bray, Department of Indian Affairs, 13 January 1898. Public Archives of Canada, RG 10, vol. 3908, file 107297-1.

APPENDIX

FISHING RIGHTS OF INDIANS IN BRITISH COLUMBIA
ALLOTTED BY THE INDIAN RESERVE COMMISSION in 1878-1889
AND RECONFIRMED BY
THE McKENNA-McBRIDE COMMISSION in 1916

Extracted from: The Report of the Royal Commission on
Indian Affairs for the Province of
British Columbia. 4 vols. Victoria:
Acme Press, 1916.

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such fishery rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted fisheries may not be adversely affected by inaction on its part—

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

Bella Coola Agency

Kitasoo Tribe: Minute of Decision of September 1st, 1882, constituting Canoona Reserve No. 2: . . . "The right of fishing in the Canoona River for a distance of Two (2) miles from its mouth is assigned to the Indians."

CERTIFIED CORRECT,
C. H. GIBBONS, *Secretary*.

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such fishery rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted fisheries may not be adversely affected by inaction on its part—

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

Kamloops Agency

Ashcroft Tribe: Minute of Decision of August 10th, 1881, *re* Fisheries: "The exclusive right of fishing on both shores of the Thompson River from the head of the Black Canyon upstream a distance of One (1) mile; also the exclusive right of fishing on both banks of the Thompson River from the mouth of Minnaberiet Creek, upstream a distance of one-half ($\frac{1}{2}$) mile."

Oregon Jack Creek Tribe: Minute of Decision of August 12th, 1881: "A salmon fishery commencing One-quarter ($\frac{1}{4}$) mile above the mouth of Oregon Jack Creek and extending downstream on both banks of the (Thompson) River a distance of two (2) miles."

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTIONS of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia:

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such Fishery Rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted Fisheries may not be adversely affected by inaction on its part,

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

Kwawkewlth Agency

Quawshelah Tribe: Minute of Decision of August 3rd, 1882, constituting Wyclese Reserve No. 1: . . . "The right to fish in the Sammo River for Two (2) miles above tidal water is reserved for these Indians."

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE AND RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such fishery rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted fisheries may not be adversely affected by inaction on its part—

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

Lytton Agency

Anderson Lake Tribe: Minute of Decision of September 5th, 1881, constituting Anderson Lake Reserve No. 1: . . . "The exclusive right of salmon fishing on Mosquito River through the entire length of Reserve No. 1, a distance of One (1) mile."

Bridge River Tribe: Minute of Decision of September 1st, 1881, constituting Bridge River Reserve No. 2: . . . "The exclusive right of salmon fishing on both banks of the Fraser River from half a mile South of Bridge River upstream to Fountain Indian Fishery."

Cayoosh Creek Tribe: Minute of Decision of August 29th, 1881, constituting Pashilqua Reserve No. 2: . . . "The exclusive right of fishing on the right bank of Fraser River from the mouth of Cayoosh Creek downstream Two and One-half (2½) miles; also the right of fishing in Cayoosh Creek from its mouth for a distance of One (1) mile, to the site of the old bridge."

Fountain Tribe: Minute of Decision of August 26th, 1881: "The exclusive right of fishing on both banks of Fraser River from one-quarter mile above 11-Mile Creek on the Lillooet-Cariboo Wagon Road downstream to Bridge River Indian Fishery, about Four and One-half (4½) miles is assigned to the Indians."

Pavilion Tribe: Minute of Decision of August 4th, 1881, constituting Marble Canyon Reserve No. 3: . . . "The exclusive right of fishing on both banks of Fraser River from Leon Creek downstream to one-quarter mile above 11 Mile Creek on the Lillooet Road."

Lytton Tribe: Minute of Decision of August 24th, 1881, constituting Se-ah Reserve No. 5: . . . "The exclusive right of salmon fishing on both banks of the (Fraser) River from a point one-quarter mile North of Se-ah Reserve No. 5 and extending One (1) mile downstream."

Minute of Decision of August 24th, 1881, constituting Nesikep Reserve No. 6: . . . "The exclusive right of fishing on both banks of the Fraser River from the Northern boundary of Nesikep Reserve No. 6 to the Southern boundary thereof, a distance of about Two and One-half ($2\frac{1}{2}$) miles."

Clinton Tribe: Minute of Decision of July 30th, 1881, *re* Fisheries: "The exclusive right of fishing on both sides of Fraser River from Leon Creek upstream to the High Bar Indian Fishery One-half ($\frac{1}{2}$) mile below Barney Creek; also the right to fish in Green Lake situated Four (4) miles East of the 73 Mile Post on the Cariboo Wagon Road."

High Bar Tribe: Minute of Decision of July 25th, 1881, constituting High Bar Reserve: . . . "The exclusive right of fishing on both banks of Fraser River commencing at a point One-half ($\frac{1}{2}$) mile below Barney Creek and extending upstream to the Northern boundary of the (High Bar) Reserve, a distance of about Six (6) miles."

Lillooet Tribe: Minute of Decision of August 31st, 1881: "The exclusive right of salmon fishing on both banks of the Fraser River is reserved from the mouth of Cayoosh Creek upstream to One-half ($\frac{1}{2}$) mile below Bridge River, a distance of about Four (4) miles; also on the left bank of the Fraser River from the mouth of Cayoosh Creek downstream a distance of Three (3) miles; also on both banks of Seton Creek downstream One-quarter ($\frac{1}{4}$) mile from Seton Lake."

Seton Lake Tribe: Minute of Decision of September 3rd, 1881, constituting Necait Reserve No. 6: . . . "The exclusive right of salmon fishing on the stream which connects Anderson with Seton Lake, a distance of about One and Three-quarters ($1\frac{3}{4}$) miles."

Hope Tribe: Minute of Decision of August 16th, 1879, *re* Hope Indians: "The fishing places of these Indians in this neighborhood are as follows:

- (1) A rock on the left bank of the Fraser below the sawmill on the land which is said to be owned by the Reverend A. D. Pringle;
- (2) A rock on the bank not far from the house of Pierre, the Chief, in the Hope Town Reserve;
- (3) A rock on the right bank of the Fraser opposite to but about One-quarter ($\frac{1}{4}$) mile below Ay-waw-wis; and
- (4) A rock about a mile below Hope on right bank of the Fraser: Their right of access to these places is confirmed, but in such manner as to inconvenience the owners of the lands in the least, and the Indians are not to occupy these places except for capturing and drying the fish in their accustomed way, and only in their fishing seasons."

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such Fishery Rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted Fisheries may not be adversely affected by inaction on its part;

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

Naas Agency

Naas River Tribe: Minute of Decision of October 20th, 1881, constituting Tsimmanweenlist Reserve No. 2: . . . "The exclusive right of fishing in the Naas for a distance of Two (2) miles upstream from Tsimmanweenlist Reserve No. 2, is assigned to the Indians."

Minute of Decision of October 20th, 1881, constituting Seaks Reserve No. 3: . . . "The exclusive right of fishing in the Seaks River for a distance of One (1) mile from its mouth, is allotted to the Indians."

Minute of Decision of October 20th, 1881, constituting Fishery Reserve No. 5: . . . "The exclusive right of fishing in the slough, the length of the Reserve, is assigned for the use of the Indians."

Minute of Decision of October 20th, 1881, constituting Amatal Reserve No. 6: . . . "The right to fish in the Naas the entire length of Amatal Reserve No. 6, is allotted to the Indians."

Minute of Decision of October 20th, 1881, constituting Kitwilluchsilt Reserve No. 7: . . . "The exclusive right to fish in the Naas River the entire length of this Reserve is assigned to the Indians."

Minute of Decision of October 20th, 1881, constituting Andegulay Reserve No. 8: . . . "The exclusive right of fishing on the left bank of the Naas commencing at the mouth of Andegulay Slough and extending upstream one-half ($\frac{1}{2}$) mile, also the fisheries in Andegulay Slough for one-half ($\frac{1}{2}$) mile from its mouth are reserved."

Minute of Decision of October 20th, 1881, constituting Lachkalsap or Grenville Reserve No. 9: . . . "The old established fisheries on the Naas River within the limits of this Reserve (No. 9), as also the right to fish in the various sloughs running through it, are reserved for the use of the Indians."

Minute of Decision of October 20th, 1881, constituting Red Cliff Reserve No. 13: . . . "The exclusive right of fishing in the Nanook River for a distance of a quarter of a mile from its mouth is assigned to the Indians."

Minute of Decision of September 8th, 1888, constituting Talahaat Reserve No. 16: . . . "The exclusive right of salmon fishing in the Kin-na-max River the entire length of Talahaat Reserve No. 16, a distance of about one-half ($\frac{1}{2}$) mile."

Minute of Decision of October 20th, 1881, constituting Kitladamax Reserve No. 1 (A): . . . "The exclusive right of fishing in the Naas River the entire length of Kit-lac-da-max Reserve No. 1 and also in Che-ma-nuc Creek, is allotted to these Indians."

Tsimpsan Tribe: Minute of Decision of October 29th, 1881, constituting Cloyah Reserve No. 5: . . . "The exclusive right of fishing in Cloyah River for a distance of One and one-half ($1\frac{1}{2}$) miles from its mouth, is reserved."

Minute of Decision of September 13th, 1882, constituting Toon Reserve No. 15: . . . "The right of fishing in the Toon River for a distance of Two (2) miles upstream from the head of tidal waters, is reserved for the use of the Indians."

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such Fishery Rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted Fisheries may not be adversely affected by inaction on its part,

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

New Westminster Agency

Pemberton Tribe: Minute of Decision of September 6th, 1881, constituting Graveyard Reserve No. 5: . . . "The exclusive right of fishing on both banks of the Lillooet River from the foot of Pemberton Lake one-half ($\frac{1}{2}$) mile downstream, is reserved for these Indians."

Minute of Decision of September 6th, 1881, constituting Lokla Reserve No. 4: . . . "The exclusive right of fishing in Birkenhead River the entire length of Loch-la Reserve No. 4, a distance of One-quarter ($\frac{1}{4}$) mile, is assigned to the Indians."

Douglas Tribe: Minute of Decision of September 7th, 1881, constituting Samahquam Reserve No. 1: . . . "The exclusive right of fishing on both banks of the Lillooet River the entire length of Douglas Reserve No. 1, a distance of about One (1) mile, is allotted to the Indians."

Minute of Decision of September 7th, 1881, constituting Sachteen Reserve No. 2: . . . "The exclusive right of fishing on both banks of the Lillooet River the entire length of Reserve No. 2."

Minute of Decision of September 7th, 1881, constituting Skookumchuck Reserve No. 4: . . . "The exclusive right of fishing on both banks of the Lillooet River the entire length of Skookumchuck Reserve No. 4."

Sumass Tribe, Lakahahmen Band: Minute of Decision of June 26th, 1879, constituting Lakahahmen Reserve No. 11: . . . "The Indians are to have the right of fishing at the little creek near Mr. Dale's where they get large salmon in the fall of the year and the Surveyor may shew this piece on his plan."

CERTIFIED CORRECT.

C. H. GIBBONS, Secretary.

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such Fishery Rights;

"AND WHEREAS this Commission desires that any right or tide which Indians may have to such allotted fisheries may not be adversely affected by inaction on its part—

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

Queen Charlotte Agency

Masset Tribe: Minute of Decision of July 13th, 1882, constituting Lanas Reserve No. 5: . . . "The right of fishing in the Yakoun River for a distance of One (1) mile upstream from the southeastern corner post of the Reserve (No. 4) is allotted to the Indians."

Minute of Decision of July 13th, 1882, constituting Jalun Reserve No. 14: . . . "The right to fish in the Jalun River for a distance of One (1) Mile above tidal water is reserved for the use of the Indians."

Skidegate Tribe: Minute of Decision of July 28th, 1882, constituting Deena Reserve No. 3: . . . "The right to fish in the Deena River for a distance of One (1) mile above tidal water is assigned to these Indians."

Minute of Decision of July 28th, 1882, constituting Kaste Reserve No. 6: . . . "The right to fish in the Kaste River is assigned to the Indians for a distance of One (1) mile above tidal water."

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

FISHERY RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such fishery rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted fisheries may not be adversely affected by inaction on its part—

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

West Coast Agency

Clayoquot Tribe: Minute of Decision of June 24th, 1889, constituting Clayoqua Reserve No. 6: . . . "The right to fish in the stream that runs through the entire length of Clayoqua Reserve is allotted to these Indians."

Minute of Decision of June 24th, 1889, constituting Winche Reserve No. 7: . . . "The right to fish in that part of the Elk River which bounds Winche Reserve No. 7 on the East is assigned to the Indians."

Minute of Decision of June 24th, 1889, constituting Ilthpaya Reserve No. 8: . . . "The right to fish in the Kennedy River from the Southwest corner of Ilthpaya Reserve No. 8, extending downstream about One (1) mile to the head of tidal waters, is allotted to the Indians."

Toquart Tribe: Minute of Decision of June 3rd, 1882, constituting Chequis Reserve No. 3: . . . "The right of fishing in the creek which flows through Chequis Reserve, from its mouth to a lake at the head of it, an approximate distance of One (1) mile, is allotted to these Indians."

CERTIFIED CORRECT.

C. H. GIBBONS, *Secretary*.

FISHING RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 6th June, 1916:

"WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Fishery Rights to certain Tribes or Bands of Indians in British Columbia;

"WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such Fishery Rights;

"AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted Fisheries may not be adversely affected by inaction on its part,

"BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Fishery Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Fishery Rights as set forth in the Schedule hereto appended:

SCHEDULE

Williams Lake Agency

Alexandria Tribe: Minute of Decision of July 4th, 1881, constituting Alexandria Reserve No. 3: . . . "Also the exclusive right of fishing on the West bank of the Fraser River commencing at the Northeast corner of the Hudson's Bay Company's claim and extending upstream an approximate distance of One Hundred and Twenty-five (125) chains to the Northeast corner of the Indian Reserve."

Alkali Lake Tribe: Minute of Decision of July 15th, 1881, constituting Fishery Reserve No. 7: . . . "Also the exclusive right to fish on the left bank of Fraser River from the mouth of Chilcotin River to the mouth of Little Dog Creek, an approximate distance of Four (4) miles."

Canoe Creek Tribe: Minute of Decision of July 21st, 1881, constituting Spilmouse Reserve No. 4: . . . "The Canoe Creek Indians have the exclusive right of fishing on both banks of Fraser River from a point One and One-half (1½) miles above the mouth of Canoe Creek downstream to a conical shaped rock in the middle of the river, a distance of about Five and One-half (5½) miles; the right to fish in Green Lake, situated Four (4) miles East of the 73 Mile Post on the Cariboo Wagon Road."

Dog Creek Tribe: Minute of Decision of July 19th, 1881, constituting Dog Creek Reserve No. 4: . . . "Also the exclusive right of fishing on both banks of the Fraser from the mouth of Dog Creek to the mouth of Harper Lake Creek, a distance of One and One-half (1½) miles."

Stone Tribe: Minute of Decision of July 11th, 1887, constituting Meadow Reserve No. 2: . . . "The right to fish in the Canyon on the Chilcotin River from a point One and One-quarter (1¼) miles below Hanceville downstream for One (1) mile."

CERTIFIED CORRECT.

C. H. GIBBONS, *Secretary*.