

# THE LANDS WE LOST

A HISTORY OF  
CUT-OFF LANDS AND LAND LOSSES  
FROM INDIAN RESERVES  
IN  
BRITISH COLUMBIA



UNION OF BRITISH COLUMBIA INDIAN CHIEFS

1974

THE LANDS WE LOST

A HISTORY OF  
CUT-OFF LANDS AND LAND LOSSES  
FROM INDIAN RESERVES  
IN  
BRITISH COLUMBIA

April 1974

Union of B. C. Indian Chiefs  
Land Claims Research Centre  
Prepared by Robin Wood

TABLE OF CONTENTS

	<u>PAGE</u>
PART I. INTRODUCTION	
LAND LOST FROM INDIAN RESERVES.....	1-5
PART II. HISTORICAL SURVEY OF RESERVE LAND POLICY.....	2-51
1. General Outline of Reserve Land Policy.....	3-4
2. Land Policy under Colonial B. C. (1850-1871).....	4-6
3. Era of the Indian Reserve Commission (1871-1912).....	6-14
a. Years of Federal-Provincial Dispute, 1871-1876....	6-8
b. Indian Reserve Commission, 1876-1910.....	8-12
c. Other Land Problems, 1876-1912.....	12-14
4. The Cut-off Lands: McKenna-McBride Commission.....	14-48
(1912-1916).	
a. McKenna-McBride Agreement.....	14-17
b. The Cut-off Lands.....	18-21
c. Railway Belt Reserves.....	21-24
d. Interim Reports of the McKenna-McBride Commission.	24-36
e. "Correction of Reserves".....	36-39
f. Ditchburn and Clark Report.....	40-47
g. Other Problems of the McKenna-McBride Commission...	47-48
5. Land Losses since 1924.....	48-51
PART III. APPENDICES.....	52
1. Appendix No. 1, Background of the McKenna-McBride Agreement.....	53-64
2. Appendix No. 2. Role of the Province in the Cut-off Lands Issue.....	65-68
3. Appendix No. 3. Information on Each of the 35 Cut- offs of the McKenna-McBride Commission.....	69-93
4. Appendix No. 4. Sales of Cut-off Lands by the Province of British Columbia.....	95-111

	<u>PAGE</u>
5. Appendix No. 5. Interim Reports of the McKenna-McBride Commission.....	112-177
6. Appendix No. 6. Confidential Report of the McKenna-McBride Commission.....	178-198
7. Appendix No. 7. Enabling Legislation. The Indian Settlement Acts, 1919 and 1920.....	199-205
8. Appendix No. 8. The Squamish Brief on Cut-off Lands	206-221
9. Appendix No. 9. A Short History of Indian Reserves in Maps.....	222-229
10. Appendix No. 10. Report on Kwawkewlth Indian Reserves.....	231-236
11. Appendix No. 11. "Joseph Trutch and Indian Land Policy," by Robin Fisher. ( <u>B.C. Studies</u> , Winter 1971-72).....	237-268
12. Appendix No. 12. Sources.....	269-270
 PART IV. BAND INDEX.....	 271-

## PART I

### INTRODUCTION

#### LAND LOST FROM INDIAN RESERVES

The issue of reserve land losses is different than the aboriginal land claim. The aboriginal claim deals with Indian ownership to all lands in British Columbia and is based on native title prior to the coming of the whites. Lost reserve lands are those lands lost after the reserves were established. The lost reserve lands issue concerns all reductions in the size of reserves by whatever method.

The problem of land losses from reserves arose soon after the first reserves were set up in the 1860's. Since then reserve land has been taken or lost in many ways. For example, the size of reserves has been whittled down by encroachment by whites, by government surveys, and by Federal Orders-in-Council under the Indian Act, to mention a few ways.

The clearest example of land lost from reserve is the cut-off lands taken by the 1916 McKenna-McBride Commission on Indian Affairs in B. C. This amounted to over 36,000 acres and included the abolition of entire reserves. But the McKenna-McBride Commission cut-off procedure is only one method by which Indian land has been taken away.

It is recommended that the problem of land losses from reserves not be restricted to those cut-off lands taken by the McKenna-McBride Commission. Any land taken from a reserve is a form of cut-off. Although the legal situation surrounding these other types of land losses is different than the McKenna-McBride Commission cut-off lands, the U.B.C.I.C. should research and strongly push for review of these other land losses.

It is recommended that the U.B.I.C.I.C.'s claim clearly define the issue of cut-off lands to include all lands lost by reserves. This definition should include land lost by the McKenna-McBride Commission cut-off procedure, by Provincial Order-in-Council No. 1036, by surrender and sale under D.I.A.'s administration, or by whatever method.

Many of these and other methods have been arbitrary, unfair, and against the wishes of the Bands concerned. Some of these have been illegal as well. It is recommended that these land losses be researched and that the Provincial and Federal Governments be pressured for resolutions to these problems.

In this report we shall examine some of these methods in detail, cite major examples of each, and suggest future research directions.

## PART II

### HISTORICAL SURVEY OF RESERVE LAND POLICY

The creation of Indian reserves in B. C. has been a gradual process. The first ones were established by Sir James Douglas in the 1850's and 1860's before B. C. joined the rest of the Canadian Confederation. Since then reserves have been set up by two different "reserve commissions" as well as by various Dominion and Provincial Orders-in-Council.

By the same token, the reduction in reserve sizes and the abolition of entire reserves is a piecemeal process which is going on even today. To understand the confusing nature of reserve land policy we need to begin with an introductory outline to the history of the cut-off lands issue.

One way to divide land grievances associated with land losses is by the era in which they occurred. There have been four basic periods of reserve policy in B. C.: Pre-Confederation 1850 - 1871, the era of the Indian Reserve Commission 1876 - 1910, the period of the McKenna-McBride Royal Commission 1912 - 1924, and land losses since the 1920's.

Each of these periods have different historical and legal problems that might necessitate different research approaches and negotiating positions.

Let us examine them more closely, pointing out the main problems in each period.

### GENERAL OUTLINE OF RESERVE AND LAND POLICY

- I. Land Policy under colonial B. C. 1850 - 1871.
  - 1. Vancouver Island Treaties
  - 2. Douglas' reserve policy 1850 - 1863
  - 3. Trutch's policy 1863 - 1871.

In colonial B. C. reserves were located on Vancouver Island, Fraser Valley, Fraser Canyon, Kamloops, Nicola Valley, the Okanagan, and Shuswap Lakes.

- II. Era of the Indian Reserve Commission 1871 - 1912.

- A. Years of Dispute 1871 - 1876.
  - 1. Federal-Provincial split over Indian land policy.
  - 2. Continued Encroachment by whites.
  - 3. B. C. 's victory over the Federal Government on reserve policy.
- B. Indian Reserve Commission 1871 - 1910.
  - 1. Sproat's troubles with the Province, 1876 - 1880.
  - 2. New reserves: old allotments
  - 3. Resurveys.
  - 4. Examples of the Indian Reserve Commission's procedure.
  - 5. Why the Indian Reserve Commission stops allotting reserves 1908 - 1910.
- C. Other Land Problems 1871 - 1912
  - 1. D. I. A.'s Land Administration Policy
  - 2. Indian Act
  - 3. Land Sales and Surrenders in B. C.
  - 4. "Temporary Reserves"
  - 5. Resurveys.

- III. McKenna-McBride Commission 1912 - 1916

- A. McKenna-McBride Agreement 1912.
- B. The work of the Royal Commission.
  - 1. Cut-off Lands
  - 2. New Reserves
  - 3. Corrections
  - 4. Evidence and Testimony.

- C. Legal documents on how the work of the Commission was finally approved by the Federal and Provincial Governments.
  - 1. Indian Land Settlement Acts (1919 and 1920)
  - 2. Dominion Order-in-Council 1265.
  - 3. Provincial Order-in-Council No. 911.
- D. The Ditchburn-Clark Report 1922 - 1923. The amendments and alterations in the Royal Commission Report.

IV. Land Losses since 1924.

- A. Resurveys.
- B. Provincial Order-in-Council 1036
- C. Surrenders - sales under the Indian Act.
- D. Pipelines, hydro lines, other rights-of-way.
- E. War Measures Act.
- F. Forced Removal: Tsulquate.
- G. Other methods.

::::::::::

I. Land Policy under Colonial B. C. 1850-1871

The first Indian reserves were created in this period. These reserves were located on southern Vancouver Island, the Fraser Valley, the Fraser Canyon, Kamloops, the Nicola Valley, the Okanagan, and the Shuswap Lakes areas. Most of these were set up by Sir James Douglas in the early 1860's.

Douglas' reserve policy generally allowed Indians to select as much land as they wanted. In 1861 Douglas directed the Chief Commissioner of Lands and Works, who had responsibility for laying out these early reserves, to "take measures...for marking out distinctly the Indian Reserves throughout the Colony". He added that "the extent of the Indian Reserves to be defined" was to be "as they may...be



pointed out by the natives themselves".

This policy was dramatically reversed in 1864 - 1865 by Joseph Trutch. As head of the colonial Department of Land and Works, Trutch initiated a policy of reduction of the Douglas' reserves, of reluctance to allot additional reserves, and of non-recognition of the Indians's aboriginal claim (native title).

An example of Trutch's policy of reduction can be seen along the Thompson River. The Indians of Kamloops, Neskainlith and Shuswap Lake originally held a reserve along the north bank of the South Thompson River from Kamloops to Shuswap Lake. This included Little Shuswap Lake and areas around Adams Lake. In 1866 these reserves were "adjusted" by Trutch by reducing them to approximately their present size.

This policy was extended to the Fraser Valley in 1867. It is difficult to get precise information on the location and size of these reductions, but it is clear that the present reserves in the Fraser Valley are only remnants of the original reserves.

To learn more about these early "cut-offs" and other land grievances in the 1850-1871 period, see the article, "Joseph Trutch and Indian Land Policy" in B. C. Studies (1971 - 72) by Robin Fisher (See Appensix No. 9).

The problem of these early reserves and Trutch's reductions is one that should be directed at the Province. The Federal Government did not assume responsibilities for Indian lands until 1871. The colonial government of B. C. is the direct antecedant of the Province of B. C. If the Province could inherit the Crown lands held by the colony, it should also be pressured to inherit the responsibility for the colony's

unjust Indian land administration.

## II. Era of the Indian Reserve Commission 1871-1912.

### A. Years of Federal-Provincial Dispute 1871-1876.

When B. C. entered Confederation in 1871, the Federal Government was given responsibility for Indians and Indian lands. The 13th article of the Terms of Union provided that:

- (1) "the charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government."
- (2) "a policy as liberal as that hitherto pursued by the B. C. Government shall be continued by the Dominion Government after the Union."
- (3) "To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the B. C. Government to appropriate..." for Indians...: shall from time to time be conveyed by the local government to the Dominion Government, in trust for the use and benefit of the Indians.

A dispute between the Federal and Provincial Governments immediately arose over the application of the Terms of Union and the administration of Indian policy in B. C. The Federal Government's newly appointed administrator, I. W. Powell, raised doubts about Trutch's reserve policy prior to B. C.'s entry into Confederation. Powell criticized the Province's acquiescence in the continuing encroachment of white settlers onto Indian Reserves.

An important part of the dispute was the difference between the two governments as to the basis of acreage of reserves. The Federal Government proposed 80 acres be

allotted to each family. The Province claimed that 10 acres per family was enough and kept I. W. Powell from allotting and surveying any additional reserves.

Finally in 1875, an agreement was reached which gave the Province most of what it wanted. This agreement set up the Indian Reserve Commission (at first called the "Joint Commission") to allot and survey Indian reserves.

The agreement said that:

- (1) "the Indian Reserve Commission was 'to fix and determine for each tribe separately, the number, extent, and locality of the Reserve or Reserves to be allotted to it."
- (2) "no basis of acreage be fixed - but that each nation of Indians of the same language be dealt with separately."
- (3) "each Reserve shall be held in trust for the use and benefit of the nation of Indians to which it has been allotted."
- (4) "in the event of any material increase or decrease hereafter of the numbers of a nation occupying a Reserve, such Reserve shall be enlarged or diminished as the case may be, so that it shall bear a fair proportion to the members of the Band occupying it."
- (5) "the extra land required shall be allotted from Crown Lands, and any land taken off a Reserve shall revert to the Province."

This agreement did not end the dispute between the two governments. The "reversionary interest" of the Province to reserve land created an administrative and legal tangle that took over 60 years to resolve. The Province claimed the right to disallow any reserve that the Indian Reserve Commission allotted, so there was a continual discord between the Indian Reserve Commission and the Provincial Department of Lands and Works.

The early years of the 1870's is an important time in the development of the reserve land loss issue and

needs to be fully researched. The legal situation arising from the Terms of Union, the B. C. Land Acts of 1870 and 1874, the Federal-Provincial agreements of 1875, and the first applications of Federal statutes to B. C. needs to be clearly defined. These documents have a bearing on later developments, especially the cut-off lands of the McKenna-McBride Commission.

This is also a time of Indian unrest over the inadequacy and insecurity of reserve lands. In 1874, a demonstration by the Chiefs of the Fraser Valley was held in New Westminster to protest the encroachments by whites on reserve lands. In the 1870's there was talk of a Thompson Union to press for more land by the Bands of the Fraser Canyon. The Chilcotin proclaimed most of their traditional territory to be Indian reserve and declared that it should not be encroached upon by white men.

Indian Commissioner I. W. Powell said that "if there has not been an Indian war, it is not because there has been no injustice to the Indians, but because the Indians have not been sufficiently united." A detailed account of these years should be prepared by the Land Claims Research Centre, along with documentation of specific grievances and losses of land.

#### B. Indian Reserve Commission 1876-1910.

The Indian Reserve Commission was set up by the Federal-Provincial agreement of 1875. The job of the Indian Reserve Commission was to allot and survey Indian reserves. Over a period of 35 years it did this for a majority of the reserves in B. C.

Originally, there were 3 commissioners appointed, one by the Province, one by Ottawa, and one by both. But this

arrangement quickly fell apart due to the continuing dispute over the amount of land to be allotted to Indians. In 1878 Gilbert M. Sproat became the sole Indian Reserve Commissioner, but he resigned in 1880 because of his disagreements with the restrictions placed on his allotments of reserves.

From 1880 to 1898 Peter O'Reilly was the head of the Indian Reserve Commission. He worked closely with the Province and seems to have allotted only what the Province was willing to give. Once the Commissioner or the surveyors assisting him allotted a reserve, the Indian Reserve Commission made application to the Provincial Department of Lands and Works. If approved, it was then officially surveyed and the Federal Government was notified. The Province claimed the right to disallow many of these applications and it did this in many instances.

This policy of the Province can be seen in its refusal to approve some of the reserves that Gilbert Sproat allotted in 1878 and 1879. These were in Kwawkewlth District, the Fraser Valley, and the Okanagan. Later, O'Reilly reviewed these reserves allotted by Sproat and reduced some of them.

The Province took the position that once a certain parcel of land was alienated, it could not usually become Indian Reserve. Once a white had a Provincial grant of title, the Indians were generally out of luck. This Provincial policy also seems to have applied to millions of acres that were given away to railroad schemes. However, sometimes the Federal Government did purchase land from whites and allot it as Indian Reserve. An example of the workings of the Indian Reserve Commission can be seen at Soda Creek, Williams Lake District.

When Commissioner O'Reilly visited Soda Creek Band in 1881, Chief Commoosaltz complained bitterly that the Band's land had been taken up by whites. Commoosaltz protested that the "Queen had sold their land, and had taken the money that had been received for it".

O'Reilly insisted that he had no authority over land already alienated by the Province and could only allot vacant land. Soda Creek Band protested and laid claim to an area 7 by 22 miles square including the townsite of Soda Creek.

O'Reilly refused to allot this land - even though some of the white settlers were prepared to sell out to the Federal Government so that it could be allotted as Indian Reserve. O'Reilly kept the Indians from knowing this and hoped Chief Commoosaltz would change his mind and accept less.

Finally O'Reilly, after searching the area for vacant lands, allotted 1,100 acres as a reserve. But he commented that "it is difficult to conceive anything less suitable for the purpose, it being situated on a steep hill side and containing barely 45 acres for agricultural purposes."

There is some question about O'Reilly's claim that he had no authority over land already alienated by the Province. At times the Federal Government purchased land and then allotted it to Indians. This process can also be illustrated at Soda Creek in 1881. Deep Creek reserve, originally part of the Bates Estate, was purchased by the Federal Government, and then allotted to Soda Creek Band. Although this was the exception rather than the rule, all instances of this procedure should be researched.

The usual procedure is illustrated by the Indian Reserve Commission's visit to the Sheshaht Band in 1882. The Chief of the Band, Hiyoupanool, was told that Sheshaht's reserves could not include much of the land then being used by the Band because this land was already "owned" by the Alberni Mill Company.

Sometimes Bands were not aware of what the Indian Reserve Commission was doing when it made visits. Often the reserves laid out for a Band were significantly less than the claims the Band made.

The Indian Reserve Commission also reviewed the size and location of the Reserves that had been established prior to B. C.'s entry into Confederation. In some places there were additional reserves added or small parcels added to present reserves. Mostly the Indian Reserve Commission approved of the reserves as Trutch had reduced them. This review of these early reserves went on between 1876 and 1880.

Another thing that the Indian Reserve Commission did was to conduct resurveys of reserves when there were boundary disputes. Cowichan was resurveyed several times between 1880 and 1913 and seems to have gotten smaller as a result. Other reserves remained the same size but were moved slightly to less valuable positions. The Surveyor-General of Canada has survey maps and Field Notes of the Indian Reserve Commission and occurrences such as these should be documented.

These are only examples of how the Indian Reserve Commission proceeded. The actual workings of the Indian Reserve Commission is being carefully researched. Details of the consultations held with the various Bands is

being collected. The legal situation of the procedures of the Indian Reserve Commission should be defined. Much of this information is in Ottawa and any land research activity conducted there should concern itself with the Indian Reserve Commission.

A. W. Vowell replaced O'Reilly in 1898 and served as both head and D. I. A.'s administrator in B. C. and as Indian Reserve Commissioner. He headed the Indian Reserve Commission until its work was stopped by protest of the Province.

In the early 1900's there was a campaign by the Province to secure "Better Terms" from the Federal Government. Part of this campaign was to stop the setting aside of provincial land as Indian Reserve. In 1910, A. W. Vowell wrote that the Province "has refused to sanction any further allotments of land to Indians" and that "the work of the commission cannot...proceed" until a settlement between the two governments could be reached.

#### C. Other Land Problems 1876-1912.

When a reserve was allotted by the Indian Reserve Commission it came under the administration of the Department of Indian Affairs. Many reserves lost land by D. I. A.'s land administration under authority of the Indian Act. There were four Indian Acts in this period (1876, 1880, 1886, 1906) and the legal situation of the taking of this reserve land should be explored. Any Provincial laws relating to these matters should also be researched.

Land was usually taken by a Dominion Order-in-Council under authority of the Indian Act. Usually a Band's surrender was obtained. The land was then sold with the proceeds supposedly going to the Band's account.



Are these surrenders legal? Did a majority of the Band's membership really consent to the surrender? What about the signatures on the surrender document? Did not these surrenders and sales conflict with the Province's claimed "reversionary right"? How was this settled between the Federal and Provincial governments? To whom were the plots sold? Were the land valuations and sale prices fair? Did the Band actually receive the money? Does not this land sale policy of D. I. A. conflict with the "trust responsibility" of the Federal Government?

From the 1890's on, the D. I. A. Annual Report carries records of some of these sales. For example, 350 acres of Penticton No. 1 were sold for \$350.00 in 1905. In 1912, 322 acres of Nepa No. 4 of Oregon Jack Creek Band were sold for \$322.00. Nepa No. 4 is good bottom land along the Thompson River. How could this land be valued at only \$1.00 per acre? Surely this is inconsistent with the Federal Government's responsibility to manage the land "for the use and benefit of the Indians". Other examples of land sales such as these should be researched and presented as part of the U.B.C.I.C.'s claim.

Another example of the loss of a reserve is Kincolith Band. At one time Kincolith had a reserve called Kalaku on Portland Inlet. This was an important place to the Band and was used as a village site, salmon station, and timber area. However, in 1903 the Alaska-British Columbia border settlement was reached, and this reserve was surveyed as being in Alaska. Apparently, there was no compensation for Kincolith's loss.

Another problem Indians had with D. I. A.'s administration was the practice of allowing "temporary reserves". Apparently, the local Indian Agent had the authority to allot "temporary reserves" for a Band's use. Then when the Indian

Reserve Commission (or later the McKenna-McBride Commission) visited the area, these "temporary reserves" might not be included in the official allotment for that Band.

How formal and widespread this procedure of allotting "temporary reserves" is unclear. But it seems that many of the reserve applications presented to the McKenna-McBride Commission was land of this sort. Information on these temporary reserves is difficult to obtain, but it is an area that should be explored.

There are other problems associated with D.I.A.'s administration of reserve land before 1916 and it is recommended that reserve land losses in this period be a part of the U.B.C.I.C.'s land claims. Grievances of this sort could be incorporated into a negotiating plan that calls for redress and compensation for land lost from reserves. Many of these instances will be at best directed at the Federal Government, but the Province should be pressured in cases where it was a participant.

### III. The Cut-off Lands: McKenna-McBride Commission 1912 - 1916

The impasse between the Provincial and Federal Governments over the Indian land question came to a head in 1911. An attempt to resolve the dispute by referring it to the Supreme Court of Canada failed because the Province refused to proceed. For more information on this dispute and the Province's attempts to get Indian land, see Appendix No. 1.

The Province then passed a law giving itself the authority to "grant, convey, quit claim, sell or dispose of, on such terms as may be deemed advisable, the interest of the Province, reversionary or otherwise, in any Indian Reserve, or any portion thereof". (Section 127, Chapter 129 Revised Statutes of B. C., 1911). This was contrary to the Indian Act and an open challenge to the Federal Government.

Negotiations continued and in September 1912 the McKenna-McBride Agreement was reached. (J.A.J. McKenna was a Special Commissioner appointed by the Federal Government to conduct the negotiations. Richard McBride was the Premier of B. C. from 1903 to 1915). The McKenna-McBride Agreement set up a Royal Commission to investigate matters relating to Indian Affairs, especially land, in the Province of B. C. Here is the text of the agreement.

"MEMORANDUM OF AN AGREEMENT ARRIVED AT BETWEEN J.A.J. MCKENNA, SPECIAL COMMISSIONER APPOINTED BY THE DOMINION GOVERNMENT TO INVESTIGATE THE CONDITION OF INDIAN AFFAIRS IN BRITISH COLUMBIA, AND THE HONOURABLE SIR RICHARD McBRIDE, AS PREMIER OF THE PROVINCE OF BRITISH COLUMBIA.

"WHEREAS it is desirable to settle all differences between the Governments of the Dominion and the Province respecting Indian lands and Indian Affairs generally in the Province of British Columbia, therefore the parties above named, have, subject to the approval of the Governments of the Dominion and of the Province, agreed upon the following proposals as a final adjustment of all matters relating to Indian Affairs in the Province of British Columbia:-

1. A Commission shall be appointed as follows: Two Commissioners shall be named by the Dominion and two by the Province. The four Commissioners so named shall select a fifth Commissioner, who shall be the Chairman of the Board.
2. The Commission so appointed shall have the power to adjust the acreage of Indian Reserves in British Columbia in the following manner:
  - (a) At such places as the Commissioners are satisfied that more land is included in any particular Reserve as now defined than is reasonably required for the use of the Indians of that tribe or locality, the Reserve shall, with the consent of the Indians, as required by the Indian Act, be reduced to such acreage as the Commissioners think reasonably sufficient for the purposes of such Indians.
  - (b) At any place at which the Commissioners shall determine that an insufficient quantity of land has been set aside for the use of the Indians of that locality, the Commissioners shall fix the quantity that ought to be added for the use of such Indians. And they may set aside land for any Band of Indians for whom land has not already been reserved.

3. The Province shall take all such steps as are necessary to legally reserve the additional lands which the Commissioners shall apportion to any body of Indians in pursuance of the powers above set out.

4. The lands which the Commissioners shall determine are not necessary for the use of the Indians shall be subdivided and sold by the Province at public auction.

5. The net proceeds of all such sales shall be divided equally between the Province and the Dominion, and all moneys received by the Dominion under this Clause shall be held or used by the Dominion for the benefit of the Indians of British Columbia.

6. All expenses in connection with the Commission shall be shared by the Province and Dominion in equal proportions.

7. The lands comprised in the Reserves as finally fixed by the Commissioners aforesaid shall be conveyed by the Province to the Dominion with full power to the Dominion to deal with the said lands in such manner as they may deem best suited for the purposes of the Indians, including a right to sell the said lands and fund or use the proceeds for the benefit of the Indians, subject only to a condition that in the event of any Indian tribe or band in British Columbia at some future time becoming extinct, then any lands within the territorial boundaries of the Province which have been conveyed to the Dominion as aforesaid for such tribe or band, and not sold or disposed of as hereinbefore mentioned, or any unexpended funds being the proceeds of any Indian Reserve in the Province of British Columbia, shall be conveyed or repaid to the Province.

8. Until the final report of the Commission is made, the Province shall withhold from pre-emption or sale any lands over which they have a disposing power and which have been heretofore applied for by the Dominion as additional Indian Reserves or which may during the sitting of the Commission, be specified by the Commissioners as lands which should be reserved for Indians. If during the period prior to the Commissioners making their final report it shall be ascertained by either Government that any lands being part of an Indian Reserve are required for right-of-way or other railway purposes, or for any Dominion or Provincial or Municipal Public Work or purpose, the matter shall be referred to the Commissioners who shall thereupon dispose of the question by an Interim Report, and each Government shall thereupon do everything necessary to carry the recommendations of the Commissioners into effect.

Signed in duplicate at Victoria, British Columbia, this 24th day of September, 1912.

(Signed) J. A. J. McKenna,  
(Signed) Richard McBride

Witness:

(Signed) E. V. Bodwell

Under the terms of the Agreement reductions were to be made only with the consent of the Indians concerned. The McKenna-McBride Commission also had the power to recommend the additional allotments of reserve lands and to make deductions for "public purposes".

The terms of the Agreement were approved by both the Provincial and Federal governments in Orders-in-Council. The Federal government approved it in Dominion Order-in-Council No. 3277 (27 November 1912). The Province accepted the terms of the Agreement in an Order-in-Council of 31 December 1912. For more information on the background of the McKenna-McBride Agreement and the establishment of the Royal Commission, see Appendix No. 1. For a discussion of the Provincial role in the taking of Indian lands see Appendix No. 2.

From 1913 to 1916 the McKenna-McBride Commission travelled throughout B. C. hearing evidence from Chiefs, Band spokesmen, Indian Agents, white business groups and others. The minutes of the meetings that the McKenna-McBride Commission had are an important source of information about each Band and the land claim made at that time. The minutes of these meetings, called "Evidence", are available on microfilm at the Provincial Archives and at the Land Claims Research Centre. When used with the Royal Commission Report (4 vols., 1916) they tell a lot about the workings of the McKenna-McBride Commission and the situation of each Band.

One important aspect is the part of the Royal Commission Report that deals with the "additional Land Applications," or the land claims made by the Bands. Each Agency and Band has a section about this. It is recommended that Bands use this information about their 1916 claim to help them decide what lands they now wish to claim.

## CUT-OFF LANDS

When the McKenna-McBride Commission issued its Report in 1916, it recommended that cut-offs be made from 54 reserves, totalling about 47,000 acres. Before the Report became law, this was lowered to 35 cut-offs totalling about 36,000 acres. How and why these changes were made will be discussed below (see Section on the Ditchburn and Clark Report).

Where exactly were these cut-off lands and what was their extent? The following is a district by district list and more information on each cut-off can be found in Appendix No. 3:

<u>BAND:</u>	<u>RESERVE:</u>	<u>ACREAGE:</u>
<u>WILLIAMS LAKE DISTRICT</u>		
1. Alexandria	Alexandria No. 1	260 acres cut-off leaving 289 acres.
2. Ulkatcho	Ulkatcho No. 1	4065 acres of cut-off leaving 320. This was later amended to a 4003 acre cut-off leaving 382 acres. Because of this cut-off the Band mostly resettled at Anahim Lake.
3. Nazko	Blackwater No. 1	35 acre reserve was cut-off.
4. Nazko	Ulkah No. 3	157 acre reserve cut-off.
5. Nazko	Umlisile No. 4	128 acre reserve was cut-off. This was not cut-off by the Royal Commission but by the Ditchburn-Clark Report which altered the 1916 <u>Royal Commission Report</u> . These alterations are discussed below.
<u>WEST COAST DISTRICT</u>		
6. Sheshaht	Tsahahneh No. 1	242 acres cut-off leaving about 790 acres.
7. Chiaht	Numikamis No. 1	588 acres cut-off leaving about 1100 acres.
<u>BELLA COOLA DISTRICT</u>		
None		

BAND:RESERVE:ACREAGE:LAKES DISTRICT

None

LILLOOET-LYTTON DISTRICT

8. Seton Lake I. R. No. 3 22 acre reserve was cut-off  
9. Seton Lake I. R. No. 4 27 acre reserve was cut-off.

FORT ST. JOHN DISTRICT

None

FRASER WEST DISTRICT

10. Squamish Kapilano No. 5 130 acres cut-off leaving  
293 acres.

FRASER EAST DISTRICT

None

NORTH COAST DISTRICT

11. Kincolith Gitzault No. 24 202.5 acre reserve was  
cut-off.  
12. Port Simpson/  
Metlakatla,  
in Common Tsimshean No. 2. 10,468 acres cut-off  
leaving 33,707 acres.  
13. Port Simpson/  
Metlakatla in  
Common Willaclough No. 6 29.07 acre reserve was  
was cut-off.  
14. Port Simpson/  
Metlakatla, in  
Common Point Vetch No. 7 16 acre reserve was  
cut-off.  
15. Metlakatla Shoo-want-lans No. 4 16.82 acres was cut-off  
leaving 1.18 acres.  
16. Port Simpson Finlayson Island  
No. 19 1179 acres was cut-off  
leaving 410 acres.

KWAKWELTH DISTRICT

17. Quatsino Telaise No. 1 48 acre reserve was  
cut-off.  
18. Quatsino Tsowenachs No. 2 55 acre reserve was  
cut-off.  
19. Nahwitti Hope Island No.1 37.86 acres cut-off  
leaving 8,514 acres.  
20. Okanagan Swan Lake No. 4 68 acre reserve was  
cut-off.  
21. Okanagan Long Lake No. 5 128 acre reserve was  
cut-off.  
22. Okanagan Mission Creek No. 8 50 acres was cut-off  
leaving 5 acres.

<u>BAND:</u>	<u>RESERVE:</u>	<u>ACREAGE:</u>
23. Okanagan	Tsinstikeptum No. 9	848.6 acres cut-off leaving 1583 acres.
24. Osoyoos	Dog Lake No. 2	71 acre reserve was cut-off.
25. Upper Similkameen	Iltcoola No. 7	42 acre reserve was cut-off.
26. Penticton	Penticton No. 1	14,060 acres cut-off leaving 33,767 acres.
27. Penticton	Timber Reserve No. 2	321 acre reserve was cut-off.
28. Penticton	Timber Reserve No. 2A	194 acre reserve was cut-off.
29. Lower Kootenay	Lower Kootenay No. 1	2730 acres was cut-off leaving 390 acres.

BABINE DISTRICT

30. Kitwanga	Squinlixstat No. 3	19.59 acres was cut-off.
--------------	--------------------	--------------------------

TERRACE DISTRICT

None

SOUTH ISLAND DISTRICT

31. Beecher Bay	Cryeke Point No. 3	2.5 acre reserve was cut-off.
32. Beecher Bay	Wolfe Island No. 4	11 acre reserve was cut-off.
33. Chemainus	Oyster Bay No. 12	201 acres was cut-off leaving 95 acres.
34. Songhees	Deadman's Island	0.5 acre reserve was cut-off.

THOMPSON-NICOLA DISTRICT

35. Clinton	I.R. No. 1	225 acre reserve cut-off, except for graveyard.
-------------	------------	---

These then are the cut-off lands that were lost by reserves when the Royal Commission Report was finally approved. Under the terms of the McKenna-McBride Agreement these cut-off lands were to be subdivided and sold by the Province. Fifty per cent of the proceeds was to go to the Federal Government for the benefit of the Indians. More information on which of these lands



have been sold, the amounts received by the Department of Indian Affairs, and who purchased them can be found in Appendix No. 4.

The decisions of the McKenna-McBride Commission were not final, nor "official". Before they were accepted by the two governments, they were changed. Also, the cut-off lands were not the only lands taken from reserves by the McKenna-McBride Commission. Let us now look into these aspects of the Commission's work:

- (1) lands ordered cut-off that were in the Railway Belt;
- (2) lands taken by the Interim Report;
- (3) "corrections" in Indian Reserves;
- (4) amendments and alterations in the McKenna-McBride Commission's decisions made by Ditchburn and Clark.

#### RAILWAY BELT RESERVES

The Railway Belt is a stretch of land 40 miles wide (20 miles on both sides of the Canadian Pacific Railway line). It was granted to the Federal Government by the Province in the 1880's for constructing the railroad.

It includes the reserves in the Fraser Valley, except Squamish, Musqueam, Burrard, Semiahmoo, and Tswassen. It includes the Fraser Canyon, the Thompson River from Lytton to Kamloops, the South Thompson River and Shuswap Lakes. It includes the Nicola River as far as Guichon Creek and the Fraser River as far north as Texas Creek.

All Bands in this area were in the Railroad Belt while it existed. In 1930 the Railroad Belt was reconveyed to the Province from the Federal Government. The legal and political implications of Railway Belt reserves have not been clearly defined. This is a subject that needs more research.

The 1916 McKenna-McBride Commission ordered reductions and cut-offs on reserves in the Railway Belt. But

these cut-offs were disallowed by the Federal Government which took the position that the McKenna-McBride did not have the authority to cut-off land in the Railway Belt.

Most of these lands continued as reserve land, but the size on some were reduced by Federal Orders-in-Council separate from the McKenna-McBride Commission Report or Federal Order-in-Council No. 1265 which approved the Commission's findings. Here then is a list of these reserves with comments on land history of each.

This list suggests how a survey of reserve land losses can be compiled and the initial steps to Band or reserve land history.

BAND

RESERVE

1. Lytton

Lytton No. 27 B

This reserve was allotted by the Indian Reserve Commission in 1886. Its original size was 97.4 acres. In 1916 it was occupied and about 19 acres was used for the cultivation of mixed farm and orchard products. The McKenna-McBride Commission ordered that 79.97 acres be cut-off leaving 17.51 acres. This decision was disallowed but the original size was reduced to 60.66 acres (its present acreage) by Dominion Order-in-Council No. 2544 (17 October 1918). Later this action was approved by the Ditchburn-Clark Report.

2. Boothroyd

Boothroyd No. 5B

This reserve was allotted by the Indian Reserve Commission in 1878. It was surveyed in 1911 as 621.08 acres. The McKenna-McBride Commission ordered 229 acres cut-off, leaving about 392 acres. This was disallowed by the Federal Government. In 1929 this reserve was resurveyed at only 400.4 acres. Order-in-Council No. 1771 (5 August 1930) "re-allotted" the reserve as 363.70 acres after subtracting 36 acres for a Canadian National Right-of-way.

This entire procedure raises questions about the status of reserves allotted by the Indian Reserve Commission. At this point, we have no answer about how these acres were lost from this reserve.

3. Hope

Hope No. 1

The McKenna-McBride Commission ordered the entire reserve of 10.5 acres cut-off. This was disallowed and the reserve is still 10.5 acres today.

BANDRESERVE

4. Ohamil, Peters, Popkum,  
Hope, Skawalhook, Union  
Bar, and Yale in common  
(now Seabird Island Band)

Seabird Island

This reserve was allotted in 1879. By 1913, 136 acres had been taken for a road and for the Canadian Pacific Railway, leaving 4,511.50 acres. The McKenna-McBride Commission ordered 2,500 acres cut-off, but this was disallowed.

5. Spallumcheen

Enderby No. 2

This reserve was allotted in 1877 and was over 5,600 acres. The McKenna-McBride Commission ordered 1,680 acres cut-off but this was cancelled and the reserve reconfirmed.

6. Spallumcheen

Sicamous No. 3

This reserve was allotted in 1893 as 201 acres. The McKenna-McBride Commission ordered the entire reserve cut-off, but this was disallowed.

7. Adams Lake

Switsemalph No. 6

8. Adams Lake

Switsemalph No. 7

These reserves were allotted by the Indian Reserve Commission in 1877. The McKenna-McBride Commission ordered them both to be reduced by a total of 137 acres. These reductions were disallowed. However, by a series of Dominion Orders-in-Council during and after the time the McKenna-McBride Commission met, Switsemalph No. 6 was reduced by approximately the same amount recommended by the McKenna-McBride Commission.

9. Kamloops

Kamloops No. 1

This reserve was first created by Walter Moberly in 1862 acting under instructions from James Douglas. It was substantially reduced by Joseph Trutch in the 1860's. It was allotted by the Indian Reserve Commission as 33,131 acres. The McKenna-McBride Commission ordered 380 acres to be cut-off the southwest corner of the reserve. This reduction was disallowed, but a curious pattern of orders-in-council indicate that the land has been lost from Kamloops No. 1.

10. Neskainlith

Switsemalph NO. 3

The McKenna-McBride Commission ordered 430 acres cut-off this reserve leaving 193.77 acres. This was disallowed.

11. Oregon Jack

I. R. No. 5

This reserve was allotted by the Indian Reserve Commission in 1881. It was surveyed in 1885 as 1,043 acres. The McKenna-McBride Commission ordered 330 acres cut-off, but this was disallowed.

This reserve was allotted by the Indian Reserve Commission in 1878. It was 6.53 acres, and the McKenna-McBride Commission ordered the entire reserve cut-off. This was disallowed, but in 1926 a Dominion Order-in-Council No. 818 (29 May 1925) reduced the reserve to 3.64 acres.

#### Interim Reports of the McKenna-McBride Commission

The cut-off lands are not the only Indian Reserve lands taken by the McKenna-McBride Commission. A number of reserves lost land to various types of rights-of-way deducted from the area of the reserve. This was done by "Interim Reports" with authority claimed by the Royal Commission under Section 8 of the McKenna-McBride Agreement (See also Appendix No. 5).

This section said that the Royal Commission could order deductions for "right-of-way or other railway purpose, or for any Dominion, Provincial, or Municipal Public Works." The Federal and Provincial governments were then supposed to put these recommendations into effect. This was usually done by a Dominion Order-in-Council and sometimes by an accompanying Provincial Order-in-Council.

However, there are many questions raised by these Interim Reports. For example, there seems to have been no systematic way in which rights-of-way were taken from Indian Reserves before 1938. The Interim Reports of the McKenna-McBride Commission are only one method. What other ways were used? What conflicts in jurisdiction or terms are there between these methods?

Most of the Interim Reports contain a section stating that they are approved with the condition that there be "compliance with the requirements of law." What exactly does this phrase mean?

Some Interim Reports (Nos. 10 and 48) refer to the Indian Act as the additional authority under which the

right-of-way must be approved. Presumably, this clause is why there are Dominion Orders-in-Council going with most of the Interim Reports. But some of the rights-of-way have neither Dominion nor Provincial Orders-in-Council making a grant. Why is there this inconsistency?

These various orders-in-council need to be collected so that the terms can be compared with the terms of the Interim Reports. Are there differences in these terms? If there are, how are they different? What legal implications would this have? Which would take precedence: an order-in-council based on the Indian Act or an Interim Report of the Royal Commission approved by Dominion Order-in-Council No. 1265 (19 July 1924) and Provincial Order-in-Council No. 911 (26 July 1923)? Also important in researching are files of correspondence attached to copies of these orders-in-council. These types of files would be in various departments of the Provincial and Federal Governments, such as the British Columbia Department of Lands, Federal Department of Indian Affairs, Federal Department of Transport, etc.

Most of the Interim Reports contain a phrase saying that "due compensation" must be made for the lands acquired. In a few of the Interim Reports (Nos. 3, 7, 48, and 82) it is clear that the compensation had to be paid to the Indians, but most of them do not specify to whom this compensation had to be made and who was to pay it.

Some Interim Reports also refer to other interests that had to be compensated. See for example Interim Report No. 82 where in addition to compensation to Squamish Band, there is the condition that the Province of British Columbia's "rever-

sionary interest" must be compensated. Apparently this is what is referred to in Interim Report Nos. 5, 10, and 48 when the vague condition of "proper compensation to the parties entitled thereto..." is cited.

What do the orders-in-council granting the rights-of-way have to say about compensation? Are the same conditions part of the text of them also?

This part of the Interim Reports seems to be in conflict with the policy of taking Indian Reserve lands for "public purposes" without any compensation. Since 1938, the Province of British Columbia has claimed the right to take up to 5% of a reserve for these reasons apparently without compensation. What was the case before 1938 and does the "due compensation" phrase of the Interim Report set a precedent for compensating for Indian lands taken for rights-of-way?

Another question which needs study is whether or not any compensation was indeed ever paid to the Bands covered under the Interim Reports. If so, how much was paid? The valuations set by the Royal Commission seem exceptionally low. This can be seen by comparing their figures with those of independent appraisers (see for example, vol. III, p. 631, Katzie Band and vol. IV, pp. 854, 855, Clayoquot Band). Often the Commission valuations were made by the local Indian Agent and are below the market value. If compensation was made to the Band's account with Department of Indian Affairs, was a fair price received? If there was no compensation, cannot a case be made, based on the Interim Report, for compensation.

One source that should be checked for more information on these rights-of-way grants of the Interim Reports is the "Evidence" of the Royal Commission. These are minutes of meetings that the Royal Commission had with the Bands. For example, Interim Report No. 42 granted a right-of-way through Alexandria No. 1 of Alexandria Band. This was for 4.745 acres and was allowed on 6 July 1914.

When the Royal Commission met with the Band on 25 July, 1914, the Chief of the Band, Sam Alexander, questioned the passing of the railroad through the reserve. Apparently, construction was already going on. Commissioner McKenna replied that if the railway took any land it would have to pay for it. The Indian Agent was to look after this. McKenna also said that the railroad had "authority given to it by the government to come on any Indian Reserve." This is hardly this case. Furthermore, the Interim Report's recommendations was not granted by Dominion Order-in-Council No. 1588 until 8 July 1915.

This brings up another issue that needs examination. This Alexandria Reserve No. 1 also had a cut-off ordered by the Royal Commission of 260 acres. What is the relationship between the cut-off lands and the lands taken by the Interim Report? The other reserves that have this situation are Dog Lake No. 2 (Osoyoos), Clinton No. 1, Squinlixstat No. 3 (Kitwanga), Penticton No. 1, Capilano No. 5 (Squamish), and Gitzault No. 24 (Kincolith).

Another phrase of most of the Interim Reports states that the lands acquired must be used for the purposes presented in the application and in plans submitted to the Department of Indian Affairs. Apparently this condition has not been adhered to in every case. For example, a railroad

right-of-way was granted to the Canadian Northern Pacific Railway through Reserve No. 2, Chuchummisapo, of Nitinaht Band. However, if a railroad was ever built to Nitinaht, it was a logging railroad and has been abandoned. Was the 3.4 acres approved in Interim Report No. 53 ever taken by the railroad company and what has happened to it?

Another example of this process can be seen in Interim Report No. 17 where a right-of-way grant was made to the Victoria, Vancouver, and Eastern Railway through Upper Sumas Reserve No. 6. Apparently this line was abandoned in the 1940's and the land subdivided and sold. Who sold this land? Was there any compensation made to the Band? Cannot a case be made, based on the Interim Report, that once the land is no longer used for the purpose approved in the Interim Report, it is returned to the Band?

The present status of each of the rights-of-way approved by the Interim Reports of the Royal Commission should be determined to see if there has been a change in the use of the land. If there is no basis for a court case, there certainly is the basis for a strong negotiating position that can be taken when land claims talks start with the two governments.

There is often a conflict in the acreage approved in the Interim Report and the acreage eventually taken, or at least scheduled as having been taken in the 1943 Schedule of Reserves. For example, Interim Report No. 22 shows that 56.29 acres was approved as a right-of-way for the Canadian Northern Pacific Railway through Okanagan Reserve No. 1. But in the 1943 Schedule of Reserves, 58.05 acres is listed as having been



taken. There are other cases of this and some of these increases are quite large.

What authority, if any, was used for these increases? Where there is no specified acreage in the Interim Report, are the lands eventually taken the same as those described in the plans submitted to the Department of Indian Affairs or to the Royal Commission? Sometimes, in different sections of the Royal Commission Report, there are differences in the acreages deducted for a particular right-of-way. Why do these conflicts occur and what implications do they have for the land claim?

There is an inconsistency in the relationship between the acreage taken by the Interim Reports and the acreages conveyed to the Federal government by the Provincial Order-in-Council No. 1036 (29 July 1938). For example, the original size of the Shuswap Reserve of Shuswap Band (formerly Kinbasket's Band) was 2759 acres as allotted by the Indian Reserve Commissioner, Peter O'Reilly, in 1884. Interim Report No. 28 deducted 23.55 acres for a right-of-way for the Kootenay Central Railway. The acreage eventually taken by Dominion Order-in-Council No. 219 (29 January 1915) was 22.75 acres which left the reserve with 2736.25 acres.

However, when the title was "officially" conveyed from the Province to the Federal government in Order-in-Council No. 1036 (29 July, 1938), the original area of 2759 acres was granted. If this acreage was conveyed, why was not an additional 22.75 acres reallocated or added to the reserve?

In some reserves the total area of rights-of-way was excluded from the grant in Order-in-Council No. 1036. For

example, Cayoosh Creek Reserve No. 1 had 20.60 acres deducted by Interim Report No. 13. This left the reserve with 346.40 acres and this amount was conveyed to the Federal government in 1938. Why did Provincial Order-in-Council No. 1036 exclude some of these rights-of-way from the conveyance, and not others? What position can be developed for the additional acreage where no exclusion was made for rights-of-way?

These are some of the general points to consider in further research on the rights-of-way taken by the Interim Reports of the Royal Commission. For information on each Interim Report that took rights-of-way see Appendix No. 5.

Not all Interim Reports concern the taking of rights-of-way. Nearly 30 of them "officially" fix the size of a particular reserve, or a group of reserves. Usually there is reference to the urgency of "fixing without...delay" the size and location of a reserve and a short description of it. Here is an example:

#### INTERIM REPORT No. 23

OF THE  
ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE  
OF BRITISH COLUMBIA

Made at Victoria, B.C., this }  
31st day of January, 1914. }

*To His Royal Highness  
The Governor-General of Canada in Council:  
and*

*To His Honour  
The Lieutenant-Governor of British Columbia in Council:*

The Commission being made aware of the importance of finally fixing without avoidable delay the lands within Chuchuwayha Indian Reserve No. 2 of the Okanagan Agency, beg leave to report that, upon motion, it was upon the 24th November, 1913,

"RESOLVED that the Chuchuwayha Indian Reserves No. 2, 2A, 2B and 2C, Similkameen District, of the Upper Similkameen Band, be confirmed as now fixed and determined and shewn in the Official Schedule, 1913."

All of which is respectfully submitted.

D. H. MACDOWALL,  
*Acting Chairman.*

Usually this type of Interim Report fixes the reserve as it was listed in the 1913 Official Schedule of Indian Reserves. A copy of this should be obtained for it is the schedule from which the Royal Commission worked and from which it made deductions and corrections in reserves. The area and location as fixed by the Royal Commission should be checked with this 1913 Schedule of Reserves, with earlier surveys, and with the original allotment by the Indian Reserve Commission. Differences should be noted and loss of land or changes in the location of a reserve by this method should be researched.

At this time it is not known why these reserves were fixed by Interim Reports, and not by the "Confirmation of Reserves" method by which the Royal Commission usually set the size of reserves. In Interim Report No. 95, which set the size of two reserves of the Cook's Ferry Band, there is a brief mention of a reason. It is stated that the confirmation of these reserves was being handled by Interim Report "to enable the Government of Canada to deal with questions affecting" the reserves. What these "questions" are is not said. The same wording is used in describing why Interim Report No. 96 (Skwah Band) was passed.

What other Bands had reserves confirmed by the Interim Reports? Here is a list alphabetically by Band:

<u>BAND:</u>	<u>INTERIM REPORT</u>	<u>RESERVE</u>
Boothroyd	Interim Report #60	Nos. 6A and 6B
Boothroyd	Interim Report #61	No. 3A
Boothroyd	Interim Report #69	No. 5A
Boothroyd	Interim Report #39	Nos. 5B and 5C
Boston Bar	Interim Report #67	No. 4A
Cook's Ferry	Interim Report #95	Nos. 9 and 10
Hope	Interim Report #47	No. 5
Kanaka Bar	Interim Report #62	No. 1A
Kanaka Bar	Interim Report #63	No. 3A
Katzie	Interim Report #30	Barnston Island, No. 3
Lakahamen	Interim Report #92	Nos. 4 and 10
Little Shuswap	Interim Report #20	Qwaout No. 1
Lower Nicola	Interim Report #75	Logan No. 6
Lytton	Interim Report #66	13 reserves

<u>BAND:</u>	<u>INTERIM REPORT</u>	<u>RESERVE</u>
Lytton	Interim Report #68	No. 27B
Noaitch	Interim Report #74	No. 10
North Thompson	Interim Report #24	Nekalliston No. 2
Okanagan	Interim Report #16	Okanagan No. 3
Saanich Bands	Interim Report #50	Nos. 5,6,7 and 8
Siska	Interim Report #65	No. 5A
Skuppa	Interim Report #64	No. 2A
Skwah	Interim Report #96	Skwahla No. 2
Tsawwassen	Interim Report #31	Tsawwassen No. 1
Upper Nicola	Interim Report #76	Chapperon No. 6
Upper Nicola	Interim Report #77	Nicola Lake No. 1
Upper Similkameen	Interim Report #23	Chuchuwayla No. 2
Yale/Union Bar	Interim Report #59	No. 17

Several of the Interim Reports are of a special nature or have unusual sections in them. For instance, Interim Report No. 91 concerns the approval of reserves established in the part of British Columbia under Treaty 8 and sets up a method for the allotment of additional reserves in that area. Examination of this Interim Report is a part of the research going on into Treaty 8, but let us now consider some of these special Interim Reports.

1. Interim Report No. 39 Cowichan Band.

This Interim Report appears to do two things. It fixes the size, as shown in the 1913 Official Schedule of Reserves, of the 9 reserves of Cowichan Band. It also considers, but does not specifically approve, an application from the Municipal Corporation of the City of Duncan. This application is for parts of Reserve No. 1 and hoped to acquire the land for "Municipal purposes." The Premier of British Columbia, Richard

McBride, also brought the matter before the Royal Commission for special consideration due to the "local urgency" of the situation.

There is no mention of a deduction or correction in Reserve No. 1 elsewhere in the Royal Commission Report (see vol. I, p. 279, 291, 293, and 295). However, this reserve was allotted as 5889 acres by the Indian Reserve Commission (17 February 1877) and surveyed as such in 1878 (Plan No.L-220). The 1916 Royal Commission confirmed the reserve as only 5723, a loss of 166 acres. There are no rights-of-way deductions or allowances from before 1913 listed in the 1943 Schedule of Reserves. Exactly how Cowichan No. 1 lost this 166 acres is not known at this time. Perhaps part of it was in the application approved in Interim Report No. 39.

More information on this application can be obtained from the "Evidence" collected by the Royal Commission when it visited the Bands. This is a record of meetings between the Royal Commission and Bands, Indian Agents, local business groups, and others. Several meetings were held between the Royal Commission and Duncan business and civic groups concerning their application.

## 2. Interim Report No. 46 Nahwitti

This Interim Report fixes Nahwitti No. 2 at 6 acres because matters were being negotiated and needed adjustment between Department of Indian Affairs and the Province of British Columbia. What matters are these? The Interim Report refers to Department of Indian Affairs File No. 413703.

This needs to be investigated, but one thing is clear. The Province of British Columbia took an active part in the decisions of the Royal Commission and this situation at Nahwitti is only one example.

### 3. Interim Report No. 79 Lower Kootenay Band

This Interim Report fixes and confirms the 8 reserves of Lower Kootenay Band. However, this Band lost a considerable amount of land in the series of actions of the Royal Commission and the Ditchburn and Clark changes in 1923.

The Royal Commission confirmed as reserve Nos. 1 and 1B. No. 1 was set at 1331.50 which is the figure also cited in the 1943 Schedule of Reserves and was conveyed by Provincial Order-in-Council No. 1036 (29 July 1938). Reserve No. 1B was confirmed at 1215 acres and Ditchburn and Clark added an additional 50 acres. But the 1943 Schedule of Reserves shows only 1194 acres and this amount was apparently conveyed by Order-in-Council No. 1036. What happened to 71 acres belonging to Reserve No. 1B? See Royal Commission Report (vol. II, p. 367), the "Schedule attached to Provincial Order-in-Council No. 911 of 26 July 1923", and the Interim Report No. 79). How many acres are contained in the description of Reserve No. 1B as approved by Interim Report No. 79?

Reserve No. 1A (2735 acres) was reduced by a cut-off ordered by the Royal Commission (vol. II, p. 363). This amounted to 2370 acres leaving only 365 acres in the reserve. The 1943 Schedule of Reserves schedules this at 390 acres, making no mention of the cut-off. The 1943 Schedule of Reserves claims that this reserve was allotted at 390 acres in 1908 by

A. W. Vowell of the Indian Reserve Commission.

To replace the cut-off, the Royal Commission established a new reserve which they also designated No. 1A. This was 1280 acres and was confirmed on 25 March 1915 (see Royal Commission Report, vol II, p. 367). Ditchburn and Clark disallowed this confirmation and this area was never scheduled as reserve. Apparently, this was because the land was covered by Timber leases (see the text of Interim Report No. 79). There is some doubt as to which Reserve No. 1A the Interim Report refers.

The situation surrounding the loss of land by this Band during this period needs more research and clarification.

4. Interim Report No. 80 Kitimaat Band.

This Interim Report decides not to confirm Kitisa No. 7 of Kitimaat Band as a reserve. This reserve had been allotted in 1904 by A.W. Vowell of the Indian Reserve Commission. It was 10 acres. The Royal Commission Report (vol. I, p. 250) lists this as a cut-off, though Ditchburn and Clark describe it as a "disallowed application" not a cut-off. However, this reserve should be added to the list of cut-off lands made by the McKenna-McBride Commission.

5. Interim Report No. 90 Burns Lake Band

This is an alteration of the allotment of Reserve No. 13 of Burns Lake Band. On 8 May 1915 the Royal Commission confirmed Lot. No. 5402, Range 5 as stated in Land Application No. 44, Stuart Lake Agency (see Royal Commission Report, vol.IV,

p. 782, 799). On the recommendation of the British Columbia Department of Lands (see their File No. 123418), some acreage was deducted from the confirmation.

These deductions were for a townsite (80 acres), Grand Trunk Pacific right-of-way, a Provincial road right-of-way, a public road to the Grand Trunk Pacific train station, and a Federal telegraph line. The road and townsite rights-of-way were subject to the conditions that Indian access to their homes not be interfered with and that the Province had to compensate the Indians for improvements made before the grant was made.

This reserve was surveyed in 1925 as 213 acres (British Columbia Plan No. 406) and this amount is listed in the 1943 Schedule of Reserves.

These then are the Interim Reports of the McKenna-McBride Commission. Though most of them are a different problem from the cut-off lands, they are land losses from reserves. These losses are part of the issues at stake in protesting the work of this Royal Commission. It is recommended that they be part of the U.B.C.I.C.'s presentation on land claims.

#### "CORRECTION OF RESERVES"

Another way that the McKenna-McBride Commission took land from Indian Reserves was by correcting the acreages that were listed in the 1913 Official Schedule of Indian Reserves. In the Royal Commission Report, the tables of information for each Agency contain a section called "Correction of Indian Reserves Areas."

These "Corrections" make changes in about 180 reserves of nearly 70 Bands in all the Union of B. C. Indian Chiefs. Districts except Bella Coola and Fort St. John. They are centered however, in Fraser East (58 reserves), Lillooet-Lytton (32 reserves), and Thompson-Nicola (28 reserves). Some reserves gain acreage, but most lose land, sometimes considerable amounts.



These "corrections" include many railroad rights-of-way that were not made the subjects of Interim Reports. Other changes made by the McKenna-McBride Commission concern deductions for road rights-of-way, lighthouses, and a custom house at Matsqui No. 4. Also, there are "corrections" in the 1913 Official Schedule of Reserves for losses due to erosion, surrenders to private companies, and resurveys. We will not discuss each of the "corrections" that the McKenna-McBride Commission made, but we will review some important examples.

One thing the Royal Commission did was to check the acreages listed in the 1913 Official Schedule of Reserves with the size and location as shown on the survey plan. This resulted in the loss of land from 22 reserves. For example, Toby Lake Reserve No. 6 of Canoe Creek Band was listed in the 1913 Official Schedule of Reserves as 4,440 acres. The McKenna-McBride Commission "corrected" this to the 320 acres shown on the survey of 1901 (Plan No. 121). This is the largest difference. Other examples include Kitselas No. 2A (corrected to 337 acres, down from the original 370 acres), Cook's Ferry No. 4A (corrected to 51 acres, down from the original 108), and Yale No. 22 (corrected to 8.5 acres, down from the original 15 acres).

These differences probably have to do with the workings of the Indian Reserve Commission, which allotted most of the reserves in British Columbia between 1876 and 1910. When the Indian Reserve Commissioner visited a Band, he allotted reserves and drew a map but made no survey. Before his allotment "officially" became a reserve, two things had to happen. The Provincial Department of Lands had to approve of the allotment and there had to be a survey.

The Province of British Columbia disallowed a number of allotments made by the Indian Reserve Commission. For example, Similkameen Reserve No. 1, Lower Similkameen Band was allotted by Indian Reserve Commissioner, Gilbert M. Sproat, on

12 October 1878. This was disallowed by the Province and cancelled in August 1893. This reserve includes Lots 555 and 556, Township 52 (Sections 4 and 9) of the Similkameen Land District. This is about half of the present townsite of Cawston, British Columbia. (See 1943 Schedule of Reserves, p. 111 and Royal Commission Report, vol. III, p. 697).

There are other cases of disallowance by the Province. Sometimes the reserve would be listed in Department of Indian Affairs schedules as it was allotted by the Indian Reserve Commission, not as it was cut down or disallowed by the Province. The McKenna-McBride Commission reviewed these situations and often deleted them from their up-dated schedule.

Often a reserve was not officially surveyed until some years after it had been allotted by the Indian Reserve Commission. For example, Toby Lake No. 6 of Canoe Creek Band was allotted in 1895 but not surveyed until 1901. Then the survey would be of a smaller area than what had been allotted. Again, the schedules of Department of Indian Affairs might show the original, larger reserve. The people of the Band might also consider this to be the actual boundaries, not being aware that the "official survey" had reduced the reserve. The McKenna-McBride Commission was also checking these and in most cases confirmed the reserve at the smaller acreage.

Another situation that is covered in the "Correction of Indian Reserves Areas" is the losses of reserve land due to erosion. In some cases these are serious losses. For example, reserves of Skwah Band lost approximately 45 acres to erosion. Sumus No. 4 (Papekwatchin) lost 25 to 40 acres and there are other cases as well. (See Royal Commission Report, vol. III, p. 658).

Not all instances of erosion loss were recorded by the Royal Commission. Three reserves of Langley Band have suffered heavy loss due to action of the Stave River (see 1943 Schedule of Reserves, p. 90) and the reserves of Cowichan Band have lost considerable land from wash-outs (see Department of Indian Affairs Annual Reports, 1910, p. xxxiii).

Some "corrections" are up-dating of the 1913 Official Schedule of Indian Reserves to include newly made surrenders. For example, the Royal Commission deducts 22.75 acres from Chuchuwaya Reserve No. 2, Upper Similkameen Band for a surrender to the Daly Reduction Company (see Royal Commission Report, vol. III, p. 708). This transaction does not appear to be listed in later schedules, and instances such as this should be investigated.

The "Correction of Indian Reserve Areas" also took land for railroad rights-of-way. These are in addition to those approved by the Interim Reports, though sometimes a right-of-way allowance is listed in both places. Yale Band had rights-of-way deducted from 8 reserves and Lytton Band had them from 7 (see Royal Commission Report, vol. II, pp. 482-483). These grants are usually covered by separate Dominion Orders-in-Council and the documents and plans need to be collected and researched for the same kinds of inconsistencies that happen with the Interim Reports.

One interesting case that might affect the "corrections" made on reserves in the Railway Belt occurs with Spallumcheen Band. The Royal Commission "corrected" this Band's Enderby No. 2 Reserve by deducting 3.65 acres for a public road. (Royal Commission Report, vol. III, p. 708) This right-of-way was cancelled by the Federal government which claimed that the Royal Commission had no authority over reserves in the Railway Belt. (See the 1943 Schedule of Reserves, p. 115) Would this apply to other Railway Belt reserves that had this type of "correction"?

This then is a review of yet another way that the McKenna-McBride Commission took away Indian lands. It is not just the cut-off lands that is the issue at stake when dealing with the work of this Commission.

## DITCHBURN-CLARK REPORT

After the McKenna-McBride Commission finished its work, there were protests from the Province of British Columbia that too much land had been given to Indians. The Federal Government also objected to certain recommendations of the Commission. It was recognized that there would have to be changes in the Royal Commission Report negotiated between the two governments.

There was Federal and Provincial legislation passed to authorize implementation of the Royal Commission. These are the Indian Settlements Acts of 1919 and 1920 and more information on them can be found in Appendix No. 7.

Before the Royal Commission Report was implemented, it was understood that there would have to be "adjustments, amendments, readjustments, or confirmations of reductions, cut-offs and additions" to Indian Reserves.

This job was given to W. E. Ditchburn, long time D. I. A. employee and the Federal appointee, and to Col. J. W. Clark, the appointee of the Province. These men reviewed the Report of the Royal Commission and in some cases made substantial alterations. When reading the four volume Report of the Royal Commission, remember that this is not final and was changed by Ditchburn and Clark.

No study of the Indian land question has ever examined the work of Ditchburn and Clark. The standard works (Shankel, Cail, LaVoilette, Drucker, and Duff) do not even seem to be aware of it. It is recommended that the U.B.C.I.C. thoroughly research this subject and incorporate it into its cut-off lands claim program. It should properly be considered along with the other McKenna-McBride Commission issues.

How did Ditchburn and Clark do their work? What materials, correspondence, and evidence did they gather? Did they consult with Bands affected by their readjustments? What are the legal implications of their work in relation to the Indian Act, the McKenna-McBride Agreement, and the federal and provincial Indian Settlement Acts? These are some of the questions to which we need answers.

The Land Claims Research Centre has obtained a "Schedule referred to in Order-in-Council 911 (26 July 1923) and Privy Council Order No. 1265 (19 July 1923)". These Orders-in-Council approved the 1916 Royal Commission Report with amendments, reductions, and adjustments by Messrs. Ditchburn and Clark". This schedule consists of page extracts from the published 1916 Royal Commission Report with black and red ink notations citing the alterations to be made in the original report. The notations are initialed "W.E.D.", presumably by Ditchburn.

Let us review district by district, the major reductions and alterations of Ditchburn and Clark.

BAND

RESERVE

WILLIAMS LAKE DISTRICT

1. Ulkatcho

Ulkatcho No. 11

The McKenna-McBride Commission allotted 160 acres to this new reserve, but only 142 were confirmed by Ditchburn-Clark. In 1968, this reserve was surrendered and sold (see Federal Order-in-Council No. 1968/1129)

2. Nazko

Nahquouate No. 2

The McKenna-McBride Commission ordered this reserve of 217 acres cut-off. This was changed by Ditchburn-Clark and it was reconfirmed as a reserve.

3. Nazko

Umlisile No. 4

The reserve of 128 acres was cut-off by Ditchburn-Clark, not by the Commissioners in 1916.

4. Kluskus

Upper Kluskus Lake No. 9

The McKenna-McBride Commission allotted I. R. No. 9, 160 acres as a new reserve. Ditchburn and Clark reduced this to 20 acres and it was later surveyed as 18.30 acres.

5. Kluskus

Fishpot Lake No. 24

The McKenna-McBride Commission allotted 640 acres to Fishpot Lake No. 24 as a new reserve. This was reduced by Ditchburn and Clark, to 5 acres.

6. Alkali Lake

Wycotts' Flat No. 6

The McKenna-McBride Commission cut-off this reserve of 1,230 acres. Ditchburn and Clark nullified this cut-off and Wycott's Flat was reconfirmed as reserve.

7. Alkali Lake

I. R. Nos. 15 and 17

The McKenna-McBride Commission approved two new reserves, I. R. No. 15 was 480 acres and I. R. No. 17 was 1,120 acres. These new reserves were disallowed by Ditchburn and Clark. Cases such as these might provide the answer to some of the "missing reserves" around the Province. They should be fully researched.

8. Alkali Lake

Little Springs No. 18

The 1916 Royal Commission Report allotted this as a new reserve of 3,992 acres and it was finally surveyed at 703 acres.

WEST COAST DISTRICT

No major amendments made by Ditchburn-Clark. Though the new reserves allotted by McKenna-McBride should be

checked to see if the acreages check with what was eventually surveyed.

BELLA COOLA DISTRICT

No major amendments made by Ditchburn-Clark. Some small additions were made.

LAKES DISTRICT

9. Necoslie Ahtlenjees No. 5

The McKenna-McBride Commission confirmed this as a 300 acre new reserve. Ditchburn and Clark disallowed this and it was no longer considered reserve.

10. Necoslie I. R. No. 11

The McKenna-McBride Commission allotted a 100 acre new reserve to be designated I. R. No. 11. Ditchburn-Clark disallowed this.

11. Omineca Francois Lake No. 7

This reserve was allotted by the McKenna-McBride Commission as a new reserve of 380 acres. Ditchburn-Clark reduced this to 347 acres.

12. Omineca I. R. No. 9

This reserve was allotted by the McKenna-McBride Commission as a new reserve of 320 acres. Ditchburn-Clark disallowed this.

13. Fraser Lake Ormonde Creek, No. 8

This reserve was allotted by McKenna-McBride as a new reserve of 80 acres. Ditchburn-Clark reduced this to 15 acres.

14. Cheslatta Chesloslie Lake No. 12

This was allotted as a 120 acre new reserve by the McKenna-McBride Commission. This was reduced by Ditchburn and Clark to 40 acres and eventually surveyed as 51 acres.

15. Cheslatta Not numbered

A 200 acre reserve allotted by the McKenna-McBride Commission as a new reserve was disallowed by Ditchburn-Clark.

16. Stuart-Trembleur Not numbered

Three reserves totalling 635 acres allotted by the McKenna-McBride Commission as new reserves, were disallowed by Ditchburn-Clark.

LILLOOET-LYTTON DISTRICT

17. Boston Bar

I. R. No. 4A

This reserve was established in 1878 by the Indian Reserve Commission. It was reallocated by the McKenna-McBride Commission as a 25.82 acre new reserve. It was never officially confirmed as a reserve and in July 25, 1919, the claim and title was relinquished by the Department of Indian Affairs. A patented title was granted to Frank L. Florence on 21 April 1919. Ditchburn-Clark deleted it from the reserve schedules.

FORT ST. JOHN DISTRICT

No amendments or alterations made by Ditchburn-Clark.

FRASER WEST DISTRICT

18. Homalco

Aupe No. 6A

The McKenna-McBride Commission allotted this as a 29.70 acre new reserve. This was reduced by Ditchburn-Clark to 20.08 acres.

19. Salish coast  
tribes in Common

New Westminster

This 22 acre reserve was established in 1879 by the Indian Reserve Commission as "a special reserve to be managed by D. I. A. as is found expedient". In 1910, the Province issued to the City of New Westminster, Provincial Crown Grant No. 41233. This grant included "all Provincial interest rever- sionary or otherwise..."

The McKenna-McBride Commission ordered the reserve cut-off but the Province objected. It claimed the Province had already disposed of the land and that the Commission had no authority over it.

The situation gets muddled. Ditchburn-Clark confirmed it as a reserve and nullified the cut-off.

In 1943, after several railroad rights-of-way, there was 19.7 acres left. This was sold to the City of New Westminster by D. I. A. despite the fact that there had never been a transfer from the Province to the Federal Government.

FRASER EAST DISTRICT

No major alterations by the Ditchburn-Clark Report.

NORTH COAST DISTRICT

20. Port Simpson Band

Prince Leboo Island No. 32

The McKenna-McBride Commission allotted this as new reserve of 320 acres. Ditchburn and Clark made no change,



but the reserve was surveyed as only 206 acres.

A large number of new reserves in North Coast District were reduced when they were finally surveyed.

21. Port Simpson Band Ksadagamks No. 43

This was allotted as a new reserve of 20 acres by the McKenna-McBride Commission. It was surveyed as 5.78 acres.

22. Port Simpson Quinamass Bay, No. 40

The McKenna-McBride Commission allotted this as a 100 acre new reserve. Ditchburn-Clark disallowed this allotment.

23. Nishga Bands

A number of reserves along the Nass River allotted by the McKenna-McBride Commission and approved by Ditchburn-Clark are missing from recent schedules of reserves.

For example, I. R. No. 62 through No. 67, Aiyansh Band, were allotted as 5 acres each, but are not reserves at present.

#### KWAWKEWLTH DISTRICT

Some small additions were made and several small new reserves added by Ditchburn-Clark.

24. Kwawkewlth (in 1916 Nahkwookto Band) Kuthlo No. 18

A new reserve of 5 acres was disallowed by Ditchburn-Clark. They substituted another reserve of 7 acres for it.

25. Kwicksutaineuk Khinakwahas No. 8

A new reserve of 6.33 acres allotted by the McKenna-McBride Commission was disallowed by Ditchburn-Clark.

#### OKANAGAN-KOOTENAY DISTRICT

26. Upper Similkameen Wolf Creek No. 3

The McKenna-McBride Commission recommended that this 518 acre reserve be cut-off. Ditchburn and Clark changed this. They reconfirmed Wolf Creek as reserve and eliminated it from the cut-off lists.

27. Okanagan Mission Creek No. 8

The McKenna-McBride Commission had cut this 55 acre reserve off entirely. Ditchburn-Clark amended this and

reconfirmed 5 acres as reserve. Ditchburn-Clark approved 50 acres as a cut-off.

28. St. Mary's St. Mary's No. 1A

In addition to St. Mary's No. 1, the McKenna-McBride Commission allotted 1,280 acres to be designated I. R. No. 1A. Ditchburn-Clark nullified this and the reserve was never confirmed.

29. Columbia Lake Columbia Lake No. 3A

The McKenna-McBride Commission allotted a new reserve of 2,960 acres to be designated Columbia Lake No. 3A. Ditchburn-Clark nullified this and the reserve was never confirmed.

30. Shuswap Shuswap No. 2

The McKenna-McBride Commission allotted a new reserve of 1,940 acres to be designated Shuswap No. 2. Ditchburn-Clark nullified this and the reserve was never confirmed.

31. Lower Kootenay I. R. Nos. 2, 3, 4, 5

Ditchburn-Clark added 4 reserves to this Band totalling 1,374 acres.

32. Lower Similkameen Range No. 13

The McKenna-McBride Commission allotted 2,600 acres as a new reserve. Ditchburn-Clark changed the location and amended it to be 16,724 acres. This is mostly grazing land, but much is steep slopes.

#### BABINE DISTRICT

Some additions were made. Some reserves were surveyed as smaller than the McKenna-McBride Commission allotted.

#### TERRACE DISTRICT

33. Kitimaat Kitisa No. 7

The McKenna-McBride Commission ordered this 10 acre reserve cut-off. Ditchburn-Clark amended this by recommending it to be considered a "disallowed application", not a cut-off.

#### SOUTH ISLAND DISTRICT

34. Comox Pentledge No. 2

The McKenna-McBride Commission ordered this 209 acre reserve cut-off. Ditchburn-Clark amended this and

reconfirmed it as reserve.

THOMPSON-NICOLA DISTRICT

35. Neskainlith Neskainlith No. 1

The McKenna-McBride Commission confirmed this reserve as 3,245 acres which was the size allotted by the Indian Reserve Commission in 1877. Ditchburn-Clark amended this and reduced the reserve to 3,164. This would seem to be a "cut-off" of 81 acres.

36. Lower Nicola Zoht No. 14

The McKenna-McBride Commission allotted Zoht as a new reserve of 847 acres. Ditchburn-Clark reduced this to 280 acres. It was surveyed in 1926 as 277 acres.

This is not a complete list of the alterations made by Ditchburn and Clark, but provides an example of the major ones. It is suggested that this is an important part of the McKenna-McBride Commission and the land loss issues arising from Ditchburn and Clark should be dealt with by the U. B. C. I. C.

OTHER PROBLEMS OF THE MCKENNA-McBRIDE COMMISSION

The McKenna-McBride Commission is part of a series of agreements between the Federal and Provincial governments. The McKenna-McBride Agreement of 1912 set up the Royal Commission. The enabling legislation (Canada Indian Affairs Settlement Act, 1919, and B. C. Indian Lands Settlement Act, 1920) gave the respective governments authority to implement the Royal Commission's Report. The orders-in-council (Provincial Order-in-Council No. 911, 26 July 1923, and Federal Order-in-Council 1265, 19 July 1924) approved the Royal Commission Report with the amendments made by Ditchburn and Clark.

All of these were intended to settle a problem between the Federal and Provincial governments. From the point of view of the governments, the Indians were only incidental to the main problem.

In this series of agreements and legislation there are legal inconsistencies that might help bolster the U.B.C.I.C.'s case for redress of the cut-off lands issue. Some of these are discussed in the Squamish brief (See Appendix No. 8). The U.B.C.I.C. should obtain its own legal opinions on these matters and if possible use them for lobbying ammunition. But the issue of cut-off lands should not be based on legal technicalities. It is recommended that it be based on political pressure: active lobbying by the U.B.C.I.C. leadership and concerted local actions to force the Provincial government to negotiate settlement.

#### IV. Land Losses Since 1924

The series of agreements between the Federal and Provincial Governments relating to Indian lands continued after the McKenna-McBride Commission was approved in 1924. The Scott-Cathcart Agreement of 1929 and the Orders-in-Council which approved it (Dominion Order-in-Council 208, 3 February 1930, and Provincial Order-in-Council No. 1151 (24 September 1930) reconveyed the Railway Belt and the Peace River Block to the Province except for Indian Reserves located in these areas. Finally, in July 1938, Provincial Order-in-Council 1036 officially conveyed from the Province to the Federal Government title to all Indian Reserve land outside the Railway Belt and the Peace River Block. These documents were viewed as the final solution to the constitutional and legal problems arising from the long dispute between the Provincial and Federal governments over Indian Reserve lands. (see Land Claim binder for more information on this dispute).

Some additional land losses occurred as a result of these agreements and enactments. For example, reserve

acres were reduced in the schedules attached to the Scott-Cathcart Agreement or to Provincial Order-in-Council No. 1036 from what was allotted by the Indian Reserve Commission or the McKenna-McBride Commission. Sometimes these reductions were based on new surveys that had been done. Other times new surveys were ordered based on the smaller acreages listed in these newer schedules.

These types of land losses, usually amounting to a few acres per reserve, are difficult to trace. Hard information on the hows and whys of these reductions is even more difficult to obtain. Hopefully, documentation of these reserve land losses can be dug up in Ottawa's D. I. A. files.

Provincial Order-in-Council No. 1036 presents some special types of land loss from reserves. Some of these are discussed in the Land Claims Binder (see Section on Order-in-Council No. 1036). More detailed information is being prepared by D. Moses and his study of the Province's road taking powers and policy. The taking of land under Order-in-Council 1036 for pipelines, hydrolines, or whatever should be researched and made part of the U.B.C.I.C.'s argument against the Province.

One important case of the Province taking Indian land under Order-in-Council No. 1036 is the "extinction clause". One article says that "in the event of any Indian tribe or band in B. C. at some future time becoming extinct that any lands hereby conveyed for such....band...shall be conveyed or repaid" to the Province. In Order-in-Council No. 1555 (12 May 1969) the Province amended Order-in-Council No. 1036 and deleted this clause.

However, the "extinction clause" was used in one instance. Arrow Lakes Reserve was a 255 acre reserve on Lower

Arrow Lake about 5 miles below Burton. It was allotted in 1902 by the Indian Reserve Commission. In 1954 under authority claimed by Order-in-Council No. 1036, this land reverted to the Province. The Province claimed, and D.I.A. concurred, that the Band was extinct.

This Arrow Lakes case should be fully researched and the U.B.C.I.C. should press hard on the Province for redress.

The years since 1924 have also seen continuing losses of reserve land due to D.I.A.'s land administration policy. The surrender and sale of lands discussed previously is still a problem. Cases such as the sale of Cheslatta, Indian Reserve Nos. 1, 2, 5, 7, 9, 10, 11, 12, 13, and 16 totalling 1493.7 acres to the Aluminum Company of Canada should be investigated as to details of the surrender, valuation of the land, and compensation to the Band.

Resurveys of reserves have also continued since the 1920's. The land losses due to these resurveys has been discussed previously. Some of the resurveys since 1924 have been "corrections" of old surveys which are considered inaccurate according to contemporary survey techniques. These procedures should be examined to see if there is a pattern of reserve land loss.

The Federal Government has used the War Measures Act to get Band surrenders to land. This procedure needs to be explored. The legalities of these surrenders should be defined and the amount of land involved should be catalogued.

For example, an area of about 150 acres was taken from Penticton Reserve No. 1 by Dominion Order-in-Council No. 3801 (13 August 1940) apparently under authority of the War Measures Act. The Band was told that this was for a war-time air base and that after the war the land would revert to the Band. When the war ended, the airport was kept for civilian

purposes under the Federal Department of Transport. The airport is still there and has even expanded onto more reserve land.

The Department of Indian Affairs has continued to use Orders-in-Council based on the Indian Act to obtain Indian lands. This amounts to a large number of surrenders and probably affects a majority of the reserves in British Columbia. It is recommended that selected cases be researched and if a pattern of fraudulent procedures and manipulation emerges further action be considered.

These reserve land losses are a form of cut-off. The difference is that they are based on the Indian Act or some other legislation or enactment instead of on the powers granted to the McKenna-McBride Commission.

This historical survey has noted some of the more important ways in which reserves have lost land. More work of identifying and documenting these methods is being done by the Land Claims Research Centre.

Districts and Bands have valuable information on land losses from reserves. It seems that different ways that reserves have lost land are constantly turning up. Bands can be of great help to the Land Claims Research Centre in documenting these.

A P P E N D I C E S

	<u>PAGE</u>
Appendix No. 1. Background of the McKenna-McBride Agreement.....	53-64
Appendix No. 2. Role of the Province in the Cut-off Lands Issue.....	65-68
Appendix No. 3. Information on Each of the 35 Cut-offs of the McKenna-McBride Commission.....	69-93
Appendix No. 4. Sales of Cut-off Lands by the Province of British Columbia.....	95-111
Appendix No. 5. Interim Reports of the McKenna-McBride Commission.....	112-177
Appendix No. 6. Confidential Report of the McKenna-McBride Commission.....	178-198
Appendix No. 7. Enabling Legislation. The Indian Settlement Acts, 1919 and 1920.....	199-205
Appendix No. 8. The Squamish Brief on Cut-off Lands...	206-221
Appendix No. 9. A Short History of Indian Reserves in Maps.....	222-229
Appendix No. 10. Report on Kwawkewlth Indian Reserves.....	231-236
Appendix No. 11. "Joseph Trutch and Indian Land Policy," by Robin Fisher. ( <u>B. C. Studies</u> , Winter 1971-72).....	237-268
Appendix No. 12. Sources.....	269-270



APPENDIX NO. 1

BACKGROUND OF THE McKENNA-McBRIDE AGREEMENT

When the McKenna-McBride Agreement was made in 1912, there were two issues, two aspects, of the "Indian land question". The first of these was the question of the size and location of reserves and centered about a dispute between the Federal and Provincial governments. The other issue was the Indians' aboriginal claim for Native Title. In this Appendix we will discuss both of these questions and try to show how they are related to each other.

This report on the background of the McKenna-McBride Agreement is incomplete and much more research needs to be done. Much of the story as told in this report is an interpretation based on what has been published. The private papers, diaries, and correspondence of some of the participants might change this interpretation.

PART I

The McKenna-McBride Agreement was an attempt to solve a dispute between the Federal and Provincial governments over Indian lands. Each claimed that they "owned" Indian reserve land and could make decisions over its use and management.

The Province also claimed it had what it called "reversionary interest." This meant that if an Indian reserve

was surrendered it automatically reverted to the Province.

The Province claimed this "reversionary interest" from the Agreement of 1875 and 1876 which had set up the Indian Reserve Commission. This Agreement said that if a Band's population decreased land could be taken away and that this land "shall revert to the Province." The Province extended this in various Land Acts it passed to say that any land that "ceased to be used by...Indians" should revert to the Province. This created a legal and jurisdictional tangle that restricted the Department of Indian Affairs' control over Indian lands.

The Province also based this claim on the section of the Terms of Union which said that lands were to be set aside as Indian Reserves and "conveyed from the Local Government [the Province] to the Dominion in trust for the use and benefit of the Indians...". The Province claimed that since it had conveyed these Indian Reserves only "in trust for the use and benefit of the Indians," if the land was not used for this purpose it should be given back and become Provincial Crown land again.

According to the Department of Indian Affairs policy, Indians had to surrender land before they could lease it. But as soon as they did, the Province claimed it and a legal tangle ensued. This created a serious road block for Indian initiative in developing their lands.

This situation also limited a policy that Department of Indian Affairs had hoped to expand in the years after 1900. This was their policy of "surrender and sale" of Indian

Reserve land. This policy was designed to reduce administration expenditures by using the proceeds to run the Department. It was also to feed the growing demand for British Columbia lands from railroads, mining companies, and white settlers. An important reason why the Department of Indian Affairs sought an agreement with the Province was to free their hand in the management of Indian lands so that they could sell more of it.

Another part of the dispute between the Federal and Provincial governments was the problem of the size of Indian reserves. The Province had frequently objected to the allotments of the Indian Reserve Commission and had sometimes disallowed them or had them reduced. This Provincial policy is a carry-over from their position in the 1870's when the Indian Reserve Commission had been established and when the "Indian land question" was a hot issue between the two governments.

After 1900, the Province tried to end the work of the Indian Reserve Commission and hoped to get some of the reserves reduced. In 1901, the Premier of British Columbia, James Dunsmuir, requested Ottawa to cut down Indian reserves, "since very valuable agricultural lands are held by a very small number of Indians." The real situation was that some Bands had developed their lands and were quite successful, even prosperous farmers and ranchers despite the hardship in overcoming discriminatory Provincial regulation of such things as water, timber and grazing. (See British Columbia Sessional Papers 1901, p. 581 and various Department of Indian Affairs Annual Reports, 1898, 1900, 1901, 1905).

This campaign by the Province for a review of the reserves allotted by the Indian Reserve Commission increased after Richard McBride became Premier in 1903. Mr. McBride's Conservative government has been described as a combination of a "grimy machine," a "carnival of graft," and a "sky-blue vision of a great northern empire". New railroads, such as the Grand Trunk Pacific, the Pacific Great Eastern, and the Canadian Northern Pacific were pushed into the Province. Land speculation was wild and the expanding white population increased the demand for land, including Indian reserve lands.

By 1908, the Indian Reserve Commissioner wrote that the British Columbia Chief Commissioner of Lands and Works refused to sanction any further allotments of reserve land. This effectively stopped the establishment of reserves and the Indian Reserve Commission could only conduct resurveys ordered by the Department of Indian Affairs. See Department of Indian Affairs Annual Report, 1908, p. 269, 1909, p. 273-274, and 1910, p. 252.

Finally, Premier McBride connected the problem of "reversionary interest" and the size of reserves in a letter he wrote to Robert Borden, Prime Minister of Canada. This letter led to negotiations which resulted in the McKenna-McBride Agreement. Part of that letter said,

"the title of the Crown in right of the Province to Indian reserve lands in British Columbia was never questioned until within the past few years ...We still maintain that the reversionary interest...is the property of the Province, and that it is essential to the public interest that the attitude of the Province be maintained. It may be well, in this connection, to refer to the large excess acreage held on account of Indian reserves in British Columbia, and to the necessity in view of the rapid increase in white population, of having an immediate readjustment of all reserves, so that the excess acreage may be released to the Province."

(See British Columbia Sessional Papers 1912, p. N2)

The McKenna-McBride Agreement settled these two points of dispute between the Province and the Federal government. The Province got from the agreement a Royal Commission which was authorized to reduce, if the Commission thought advisable, the size of Indian reserves. The Province was also to receive 50% of the proceeds of any of the sales of cut off lands. The Province's "reversionary interests" was also partially recognized by the Federal government in that if a Band became extinct, the reserves of that Band reverted to the Province. The Province continued to claim this up until 1969 when the "extinction clause" of Provincial Order-in-Council No. 1036 (29 July 1938) was amended.

The Federal Government got from the McKenna-McBride Agreement the right to deal with, lease, or sell Indian lands and to use those "proceeds for the benefit of the Indians". This would enable the Department of Indian Affairs to administer Indian lands more easily and without reference to the Province's "reversionary interest."

These are some of the reasons why the McKenna-McBride Agreement was made. It was not to settle or deal with the Indians' claim for Native Title. Indeed, the events of 1911 and 1912 give the impression that the McKenna-McBride Agreement was made so that the broad issue of aboriginal rights would not have to be faced.

## PART II

This second issue of the "Indian land question" was hinted at in McBride's 1912 letter to Borden. This is the aboriginal land claim of the Indians which questions the right of the Province to "hold Provincial Crown land."

The efforts of the Indians of British Columbia to get their claim recognized had increased after 1900. In 1906 there was a delegation of British Columbia Indian Chiefs that went to London to present a petition to King Edward. The Indian leaders took their claim to the King because under the Terms of Union, questions with respect to Indian lands were to be referred to the Secretary of State for the Colonies, a minister in the government of Great Britain. Also, the aboriginal claim, in those days, was partially based on the Royal Proclamation of 1763. Although, the Royal Proclamation is not the only source of Indian rights, it was seen as an important document supporting the aboriginal claim. Deputations of Indian Chiefs went to London again in 1909. They also visited Ottawa pressing their claim.

In 1910, the Prime Minister of Canada, Wilfred Laurier, met with delegations of British Columbia Indian Chiefs at Prince Rupert and Kamloops in order to hear their complaints and their arguments about Native Title. These meetings apparently led to the Federal government to attempt to have the aboriginal title question heard in the courts as the Indians wished.

In 1910, a set of ten questions was prepared which the courts could hear. Three of these concerned aboriginal

title and the remainder dealt with the size of reserves, "reversionary interest," and Indian grievances with respect to reserves. These questions were prepared by the Federal Department of Justice and approved by the Attorney-General of Canada. Legal officers of the Province also participated and agreed to the questions.

However, the Provincial Government of Richard McBride refused to go to court on the question of the aboriginal claim of the Indians. The Province maintained that "the Indians had no title" or interest in the public lands of British Columbia.

The Indians pressured the Provincial government to have their claim heard in the courts. In 1910 and 1911, a number of Indian deputations met, or tried to meet with McBride.

The Nishga tried to keep whites out of their traditional territory until the issue was settled. They prepared a pamphlet which was posted in the Nishga country and circulated throughout the Province. It read as follows:

#### INDIAN PROTEST

Against white settlers coming into the Aiyansh Valley, Nass River, British Columbia.

"WHEREAS, we, the Indian people of the above mentioned valley, being the lawful and original inhabitants and possessors of all the lands contained there from time immemorial; and being assured in our possession of the same by the Proclamation of His Majesty, King George III, under date of 7th October 1763, which proclamation we hold as our Charter of Rights under the British Crown;

"AND WHEREAS, it is provided in the said proclamation that no private person do presume to make purchase from us of any lands so reserved to us until we have ceded the same to the representatives of the Crown in public meeting between us and them.

"AND WHEREAS, up to the present time, our lands have not been ceded by us to the Crown, nor in any [way] alienated from us by any agreement or settlement between the representatives of the Crown and ourselves.

"AND WHEREAS our case is now before the Privy Council in England, and we are expecting a settlement of the difficulty at present existing between ourselves and the Government of this Province at an early date.

"WE DO THEREFORE, standing well within our constitutional rights, forbid you to stake off land in this valley, and do hereby protest against your proceeding further into our country with that end in view - until such time as a satisfactory settlement be made between the representatives of the Crown and ourselves.

ISSUED by the members of the Indian Land Committee, elected by the Indians of the Upper Nass River.

Aiyansh

17 May 1910

The Federal Government also moved to force British Columbia into court. The Indian Act was amended so that a case could be brought. When this failed, the Indian Act was amended again to give the law more teeth. In April 1911, Prime Minister Laurier said to a group of British Columbia Indian leaders:

"The matter for us to immediately consider is whether we can bring the Government of British Columbia into Court with us. We think it is our duty to have the matter enquired into. The Government of British Columbia may be right or wrong in their assertion that the Indians have no claim whatever. Courts of Law are just for that purpose - where a man asserts a claim and it is denied by another. But we do not know if we can force a Government into Court. If we can find a way I may say we shall surely do so, because everybody will agree it is a matter of good government to have no one resting under a grievance. The Indians will continue to believe they have a grievance until it has been settled by the Court that they have a claim, or that they have no claim."



The Federal government was sympathetic to the Indian case and the stage was set for a confrontation with British Columbia. On 17 May 1911, this moved even closer when the Laurier's government passed a Dominion Order-in-Council which ordered the Exchequer Court of Canada to "institute proceedings on behalf of the Indians."

Amidst all of this the Province was adamant and continued to refuse to have the case heard or to recognize the Indian claim.

Why was the aboriginal claim not heard before a Canadian court of law until the late 1960's when the Nishga case started? Part of the reason is that the Laurier government, which was moving towards a settlement, was defeated in the national election in September, 1911. Laurier's government was Liberal, which might partly explain its willingness to confront McBride's Conservative British Columbia government. The 1911 election was won by the Conservatives and Robert Borden became Prime Minister.

The attitude of the Federal government towards the Indian claims quickly changed. The Order-in-Council of 17 May 1911 was never enforced and no legal action was taken against British Columbia. Negotiations to settle the disagreements between the two governments were started and in May 1912 J. A. J. McKenna was appointed by the Borden government as a "special commissioner." It was his job to look into the Indians' aboriginal claim and to conduct further negotiations with the Provincial government.

These negotiations led directly to the McKenna-McBride Agreement. Although there is no mention of the aboriginal claim in the Agreement itself, it was within McKenna's

authority to deal with it. But again McBride refused to discuss this issue. McKenna eventually agreed and described his dealings with McBride on the subject of aboriginal title as follows:

"Adverting to our conversations, let me say that I understand that the claims made on behalf of the Indians are:-(1) That the various nations or tribes have aboriginal title to certain territories within the Province, which, to perfect the Crown title in the right of the province, should be extinguished by treaty providing for compensation for such extinguishment;

As to the first claim, I understand that you will not deviate from the position which you have so clearly taken and frequently defined, i.e., that the province's title to its land is unburdened by any Indian title, and that your government will not be a party, directly or indirectly, to a reference to the Courts of the claim set up. You take it that the public interest, which must be regarded as paramount, would be injuriously affected by such reference in that it would throw doubt upon the validity of titles to land in the province. As stated at our conversations, I agree with you as to the seriousness of now raising the question, and, as far as the present negotiations go, it is dropped."

For the most part, this was the end of the issue of aboriginal title as far as the McKenna-McBride Agreement or the Royal Commission was concerned. Whenever the McKenna-McBride Commission was confronted with a Band that pressed to have the question of aboriginal title dealt with, they refused to hear it and stated that they had no authority to deal with this question.

For example, when the Port Simpson Band refused to answer the questions of the Royal Commission and threatened to end the meeting, one Commissioner explained:

"We are all aware of the claim that you have spoken of [that] is called the aboriginal title, but it is not within our power or within our jurisdiction to settle that or really do anything about it..."

The Commissioner said that he hoped it would be settled and saw it in the interests of the Indians to have it settled, but he cautioned the Bands about the effect of their claim on local whites who were, after all, affording the Band equipment.

Likewise, the Kitselas Chief Cecil made a clear claim for aboriginal title and presented a position. The Commissioner replied by explaining the court process and said:

"this is a matter which is going to be settled in the courts. As far as this Commission is concerned we have nothing whatever to do with that question."

When it was clear that the McKenna-McBride negotiations were not going to result in a settlement of the aboriginal title question, the Federal government responded with another offer, another method of settling the issue. This was Dominion Order-in-Council No. 751 (20 June 1914). This recommended a court case to decide the issue only if the Indians would accept the following conditions:

- (1) if the court finds that the Indians do indeed have title, they will surrender it;
- (2) they will accept compensation for this surrendered title in accord with past policies;
- (3) the Indians will also accept the findings of the McKenna-McBride Commission as final settlement of the reserve issue;
- (4) granting of these reserves will satisfy all Indian claims against the Province;
- (5) that Indians accept legal counsel appointed by the Federal government.

The Deputy Superintendent General of Indian Affairs, Duncan C. Scott, recommended this proposal and stated his reasoning as:

"they (the Indians) were in possession of erroneous ideas about the nature of Indian title and exaggerated views of the value of the title..."

This Order-in-Council was intended to restrict the development and scope of the British Columbia Indian claim.

This attempt of the Federal government came to nothing for both the Province and the British Columbia Indians refused this procedure. The Province still refused to have anything to do with a case that made any mention of the Indian aboriginal claim. The British Columbia Indians could hardly accept a proposal that compromised their cause so greatly.

ROLE OF THE PROVINCE

in the

CUT-OFF LANDS ISSUE

In 1923 the Allied Tribes protested the implementation of the McKenna-McBride Commission and, along with the Department of Indian Affairs, tried to involve the Province in discussions. The Province's only reply was that "the charge of the Indians and the trusteeship and management of the lands reserved for their use is a function of the Dominion Government". The Province refused to meet and discuss the work of its own Commission.

The Province of British Columbia has often refused to face the injustice of its own actions. This is one aspect of the British Columbia Land Claim that needs to be developed and more research is needed into the role that the Province has played in the taking of Indian lands and the denial of Indian rights.

This report has referred a number of times to actions such as these by the Provincial Government, or its predecessor the Colony of British Columbia. Now we will highlight some of the important cases of Provincial involvement in the history of land losses from Indian Reserves.

The province was a party to the Agreement of 1875 and 1876 which established the Indian Reserve Commission. The job of this Commission was to set up Indian Reserves, but there were also many cases of land losses resulting from its actions (see main text of the report for more information).

The Province suggested the creation of the Indian Reserve Commission in Provincial Order-in-Council of 19 August 1875 and approved the terms of agreement in Provincial Order-in-Council of 8 January 1876. These were based on the Province's constitutional responsibility under the Terms of Union to co-operate in the establishment of Indian Reserves in British Columbia.

At first the Indian Reserve Commission was called the Joint Commission, a name that clearly shows the Provincial involvement. The Province alone appointed one of the three Commissioners, Archibald McKinley, and

(con'td)

in the

CUT-OFF LANDS ISSUE

jointly approved Gilbert M. Sproat as the head of the Commission.

In 1878 the format of the Commission was changed so that there would only be one Commissioner, and the Province confirmed Sproat. Later, the Provincial Government forced Sproat's resignation because it claimed he was allotting too much land to Indians.

Sproat's replacement, Peter O'Reilly, was more sympathetic to the Provincial policy of small reserves. He was an old friend of Joseph Trutch and a member of the Province's elite. He had served with the Provincial Government as Gold Commissioner and local Magistrate for various terms since the 1860's.

The Provincial Government through the Department of Lands and Works claimed the right to disallow Indian Reserve allotments of the Indian Reserve Commission. It frequently did this either by disallowing a reserve altogether (Lower Similkameen No. 1 at Cawston, B.C.) or by reducing the size of the allotment (Osoyoos No. 1).

The Province influenced the surrender and sale of Indian Reserve land by "alienating" its "reversionary interest" to a particular reserve. Apparently, it acted in concert with Department of Indian Affairs. After British Columbia had "alienated its reversionary interest", the Federal government would then surrender and sell the same land. A situation such as this occurred in sale of Kaien Island in 1905 and 1906.

The Province seems to have applied its Land Act (1911, Section 29) to this procedure. For example, this authority was claimed when 1,366 acres of Fort George Reserve No. 1 was sold to the Grand Trunk Pacific Development Company in 1912. (See British Columbia Sesssional Papers, 1913, section M-1).

Pressure from the Province was the key to the establishment of the McKenna-McBride Agreement (see Appendix 1). The Province was an official party to the McKenna-McBride Agreement. It approved the terms of the agreement,

.(con'td)

including the section which made Indian consent to cut-offs necessary, in Provincial Order-in-Council of 31 December 1912.

The Province directly appointed two of the five Commissioners who sat on the McKenna-McBride Commission. These were J.P. Shaw of Shuswap, B. C. and D.H. MacDowall of Victoria. The Province's two Commissioners acted jointly with the Federal appointees to select the Chairman of the McKenna-McBride Commission.

The two Provincial Commissioners played an active role in the Commission's work. They attended the meetings that were held with Bands and participated in the examination of Chiefs, Band spokesmen, Indian Agents and others.

In addition to the role of the two Provincial Commissioners, the Province played a part in other aspects of the McKenna-McBride Commission. The British Columbia Department of Lands frequently corresponded with the Commission and appears to have influenced some of its decisions. The Department of Lands advised the Commission that certain lands applied for, or claimed, by Indians, were "unavailable".

Provincial legislation was passed to enable the implementation of the McKenna-McBride Commission's Report. This is the British Columbia Indian Affairs Settlement Act (1920) and sections of it were contrary to the terms of the McKenna-McBride Agreement. For more information on this act, see Appendix No. 7.

Before the Royal Commission Report was implemented, it was changed by negotiations between the Federal and Provincial governments. This was the Ditchburn-Clark Report. The negotiations were conducted for the Province by J.W. Clark, a bureaucrat in the Provincial Department of Lands.

Finally, the Province officially approved the McKenna-McBride Commission, including the changes of Ditchburn and Clark, in Provincial Order-in-Council No. 911 (26 July 1923). Clearly, the Province is implicated

(con'td)

in the acts of the McKenna-McBride Commission and cannot claim in good faith that this is solely a federal responsibility. When will the Province of British Columbia face the injustice of its position?

There is another aspect of the Province's involvement in the loss of Indian Reserve land. Through its regulation of water, timber, grazing, hunting and other things the Province has frequently destroyed the functions of a reserve. For example, a reserve might be a valuable hay field or grazing area. Then a dispute over water rights develops with white neighbours and the Province's regulation of water records discriminates against the Indians. The whites are given the water rights and the Indian Reserve falls into disuse for lack of water. Then when the McKenna-McBride Commission visits the area, it decides that since the Indians cannot use the land, it should be cut-off. This situation apparently was the reason for the loss of land Alexandria No. 1 and Seton Lake Nos. 3 and 4. The main culprit is the Provincial government.

Another example is the exclusion of Indians from obtaining tree farm licenses and timber permits which destroyed a growing Kwawkwalth logging industry in the 1890's. Instances such as this should be researched.

In more recent years, the Province has been active in the taking of Indian lands. The most frequent example of this is the taking of rights-of-way under Provincial Order-in-Council No. 1036 (23 July 1938). A recent report by the Union of B.C. Indian Chiefs has documented some of the abuses resulting from actions of the Provincial Department of Highways.

This has only been a brief review of the involvement of the Provincial government in the loss of Indian lands. Perhaps a fully documented brief on this subject should be prepared.



Information on Each  
of the 35  
Cut-offs of  
the McKenna-McBride Commission

The terms of the 1912 McKenna-McBride Agreement set up the McKenna-McBride Royal Commission. This Commission claimed the authority to order cut-offs, or reductions, in the size of Indian Reserves in British Columbia.

Between 1913 and 1916, the McKenna-McBride Commission traveled through British Columbia having meeting with Bands. The Commission used the information gathered at these meetings to decide whether or not cut-offs should be made. The Commission also interviewed Indian Agents and local whites.

The terms of the McKenna-McBride Agreement said that a Band's consent must be given before lands could be cut-off. In most cases, not only was there no consent, but there was a demand for additional lands.

When the Commission's Report was finally approved by the Provincial and Federal governments there were 35 cut-offs made from 23 Bands. These were not the only lands that the McKenna-McBride Commission took from Indian Reserves, but they are the most well known.

The following pages contain a brief report on each of these 35 cut-offs. These reports are based on the Report of the Royal Commission on Indian Affairs in British Columbia (4 volumes, 1916), the "Evidence" from the Royal Commission's interviews with the Bands, the 1943 Schedule of Indian Reserves, and the "Schedule Attached to Dominion Order-in-Council No. 1265 (19 July 1924).

ALEXANDRIA BAND- ALEXANDRIA RESERVE NO. 1

A total of 260 acres was cut-off this reserve leaving 289 acres. This reserve contained part of the village and the Band's church. The 1916 Royal Commission valued the reserve at \$20.00 per acre. Before the cut-off was ordered, a 4.74 acre deduction was made for the Pacific Great Eastern right-of-way. See "Interim Report No. 42" for more information on lands taken for this right-of-way.

When the Royal Commission met with the Band in July 1914, there was no mention that a cut-off might be made. The Band protested the lack of water and claimed that a water right to Four Mile Creek had been violated by white settlers. The Band's Chief, Sam Alexander, said more land would be cultivated on this reserve if water were made available.

The Band made an extensive claim for more land, especially meadow lands on the west bank of the Fraser River. The Royal Commission approved of ten of these applications and a total of 1,239 acres was added as new reserves for Alexandria Band.

BEECHER BAY BAND

Creyke Point Reserve No. 3 (2.50 acres cut-off) and

Wolf Island Reserve No. 4 (11.00 acres cut-off)

The Royal Commission ordered both of these reserves be cut-off. Creyke Point was used as a camping spot for fishing trips and a graveyard. Because of its good sandy beach it was also used as a landing place in rough weather. Wolf Island was used as a grazing area for the Band's 150 sheep. Apparently, it was poor for cultivation, but was useful as a gathering ground for firewood.

When the Royal Commission visited Beecher Bay in June, 1913, the Band strongly opposed the sale or cutting-off of these two reserves. The Commission stated to the Indians at the meeting that:

"if a Band of Indians holds - in the opinion of the Commission - a reserve which contains a greater number of acres than is reasonably necessary for their purposes, we will cut-off from that reserve such part as is more than reasonably necessary. Bear in mind, however, that so far as the last authority is concerned, we cannot do that without the consent of the Indians of the Band".

Despite this statement the two reserves were cut-off.

The Commission allotted no additional land to this Band and there were no applications for more land recorded for this Band. The Band's spokesman was not asked if the Band desired more land and the Chief was ill and did not attend the meeting.

The Commissioners were also aware that a white neighbour, Mitchell, had made application for Creyke Point and perhaps this influenced their decision to cut it off. The Commission also questioned W. E. Ditchburn, Inspector of Indian Agencies in British Columbia. He claimed that the Indians did not need the land and made no use of it.

CHEMAINUS BAND - CYSTER BAY NO. 12

The Royal Commission ordered that the entire 296 acres of this reserve be cut off. This was also the decision of the Ditchburn-Clark Report.

However, in 1942, 201 acres was "re-conveyed" by the Province to the Federal Government in trust for Chemainus Band. The orders-in-council covering this transaction are Dominion Order-in-Council No. 10444 (17 November 1942) and Provincial Order-in-Council No. 1748 (23 December 1942) See also British Columbia Plan No. 1024. This apparently makes the final size of the cut-off 95 acres.

When the Royal Commission met with the Band, the sale was opposed and no consent was given to cut it off. The reserve was occupied, contained timber and gravel resources, and was valued at \$100.00 per acre in 1913. About 15 acres was cultivated and the rest was either pasture or timber. The Band sought the right to market this timber resource, but the Department of Indian Affairs' policy denied them this opportunity.

Chemainus Band also put forth a claim for additional land. The leaders wanted a 160 acres per adult male which would have been over 3 times what the Band held in 1913. No additional land was granted to this Band by the Royal Commission.

The Commission also heard evidence from the City of Ladysmith who wanted this reserve for use as a park and industrial site. The gravel of the reserve was also desired.

At this time, the present disposition of this cut-off land is not known and further research is necessary.

CLINTON BAND - CLINTON RESERVE NO. 1

This entire reserve of 225 acres was ordered cut-off, except for the graveyard. The land was used as the main village site of Clinton Band, and adjoined the town of Clinton. It was valued by the Royal Commission at only \$5.00 per acre.

At one time the Indians had hay fields and gardens on this reserve, but because of discriminatory regulations of water by the Province, they had been mostly abandoned.

When the Royal Commission visited the Band, no consent was given to the cut-off. Clinton Band made a claim for more land adjacent to Reserve No. 1 and said that this reserve had originally been larger and that it had been encroached upon by whites.

Two additional reserves were allotted by the Royal Commission for this Band. A small fishing station of 3.5 acres was set up on Kelly Creek. Also a 607 acre addition to Reserve No. 2 was granted.

KINCOLITH BAND - GITZAULT RESERVE NO. 24

The Royal Commission ordered this entire reserve of 202.5 acres cut-off. The reserve was said to be of good soil, but not cultivated by the Band. It was used for berries, crab apples and the harvesting of other wild plants. It contained numerous gardens and was frequently occupied. It contained about 20% of merchantable cedar, hemlock and spruce.

The Royal Commission stated that it was "conveniently situated near mining properties promising early development and would probably become a town-site if surrendered by Indians". There was no surrender or consent to the cut-off, but the Royal Commission took it. Apparently, this was to go along with Witzimagon Reserve No. 25 which had been surrendered and sold to the Granby Consolidated Mining and Smelting Company in 1914. See Dominion Order-in-Council No. 73 (14 January 1915).

Kincolith Band made an extensive and detailed claim for more lands. The Commission granted some of these applications and a total of 845 acres was supposed to be added to this Band's reserves. However, there are some inconsistencies in these additional allotments. For example, Lachtesk No. 12A was allotted as 240 acres, but surveyed at 226 and Reserve No. 26A was allotted as 100 acres but surveyed at only 91 acres.

When the Commission visited Kincolith in 1914, a specific protest was made by Chief Paul Kladaq about Gitzault. He complained that whites were encroaching on the reserve and requested the Commission to secure it for Kincolith. He gave no consent for the reserve to be cut-off.

Despite the assurances given to Kincolith Band that no land could be cut-off without their consent, the cut-off of Gitzault No. 24 was ordered on 16 February 1916.

KITWANGA BAND - SQUINLIXSTAT NO. 3

The Royal Commission ordered this entire reserve of 19.59 acres cut-off. This reserve was used as a fishing station by Kitwanga Band and was said to be uncultivable land of poor and gravelly soil.

When the Royal Commission visited Kitwanga, the Band protested the small size of their reserves and gave no consent to any cut-offs. Chief Jim of Kitwanga refused to give any information to the Royal Commission unless the question of aboriginal title was settled. The Chief laid claim to the Band's entire traditional territory.

The Squinlixstat cut-off was made entirely on the information supplied by the Indian Agent, R. E. Loring. Loring said that the land was rocky and barren. Formerly, a family had lived there, but had moved when the Grand Trunk Pacific Railroad came through about 1911. Apparently, \$155.00 was paid in compensation for this right-of-way.

Kitwanga had no additional land granted to it by the Royal Commission. See also, Interim Report No. 21 for more information on Kitwanga lands taken by the Royal Commission.

LOWER KOOTENAY BAND - LOWER KOOTENAY RESERVE NO. 1A

The Royal Commission ordered 2,730 acres cut-off this reserve, leaving some 365 acres. The reserve was valued at \$12.00 per acre and was used as range land. The reserve had been allotted by the Indian Reserve Commission in 1908, but was in conflict with timber leases granted by the Province.

The decisions of the Royal Commission about this Band's land seems conflicting, especially when the Ditchburn-Clark Report is considered. See Interim Report No. 79 for more information.

The Royal Commission Report lists that 365 acres left in Reserve No. 1A. But the 1943 Schedule of Reserves shows 390 and claims that this was the amount allotted by A. W. Vowell, Indian Reserve Commissioner, in 1908.

No consent was given to the reduction in the size of the reserve. Indeed the Band made a large claim for additional land, some of which they insisted had been allotted to them by Peter O'Reilly of the Indian Reserve Commission. Chief Alexander explained his claim to lands along the Kootenay by stating:

"If you want to see what the Indians have to say I have a map here and I will show you what the Indians like. Like all Indians when he is here we buy ... clothes. When he buys his clothes it gets smaller and smaller on him. If the clothes he wears get so small it hurts them when he wears them. It is the same way now. This is what the Indians want to see you for ... to get land".

When the Agent, J.K. Galbraith, was examined, he recommended that the applications of Lower Kootenay Band be granted. He also testified that Indians were living on Reserve No. 1 and that, according to the British Columbia Land Act, land could be taken out of a timber lease if required for agricultural purposes. The Indians had gardens and grazing pastures on this reserve. Despite this, Reserve No. 1A was cut-off.

Lower Kootenay was allotted 8 new reserves by the Royal Commission. (see Interim Report No. 79) However, Ditchburn and Clark disallowed three of these totalling about 6,200 acres. These were lands that Band was using and constitute a drastic reduction in reserves.



METLAKATLA and PORT SIMPSON BANDS

SHOOWAHLTANS NO. 4  
TSIMSHEAN NO. 2  
POINT VETCH. NO. 7  
WILLACLOUGH NO. 6  
FINLAYSON ISLAND NO. 19

The Royal Commission cut-off 16.82 acres of Shoowahltans No. 42 leaving 1.18 acres. This reserve belonged to Metlakatla Band. It was used as a fishing station and garden area. Band members fished here commercially, as well as for food, and took an average of \$5,000.00 per year in fish. However, the Royal Commission valued it at only \$12.00 per acre. This reserve also had been damaged by the lowering of Shoowahltans Lake "in connection with the installation of Prince Rupert's hydro-electric system". Damages were to be negotiated and paid to Band members.

Some Band members, especially the younger ones, wished to have their reserves subdivided, and held in title as whites. They also wished to be enfranchised. The Elders wished to maintain their Indian Status and communal property. Both wanted more land and Metlakatla made a claim for 15 additional reserves. Five of these claims, totalling 44 acres, were approved by the Royal Commission. These were eventually surveyed at about 78 acres and comprised Reserve Nos. 89, 90, 91, 92 and 93.

The Royal Commission ordered 1,178 acres cut-off Finlayson Island No. 19, leaving about 410 acres. This reserve belongs to Port Simpson Band. This reserve was occupied and used as a camping place, garden site and fishing station. It had excellent timber of cedar, spruce and hemlock and was described by the Indian Agent as a "beautiful level island". It was valued by the Royal Commission at \$20.00 per acre. though there were quartz deposits that could be mined.

Port Simpson Band strongly opposed the taking of any of their lands. Indeed the Band opposed having anything to do with the Royal Commission until Native Title was recognized and the aboriginal land question was settled. The Royal Commission claimed no authority to deal with this, so Port Simpson refused to answer their questions.

The decisions of the Royal Commission were mostly based on the testimony of the Indian Agent, Charles C. Perry. For example, he claimed that

(con'td)

Point Vetch No. 7, scheduled in common between Port Simpson and Metlakatla, was used by neither Band and could be cut-off. He also testified that Willaclough No. 6 was once used as a fishing station, but the Grand Trunk Pacific's right-of-way had destroyed its usefulness. Therefore he recommended that it be cut-off. Willaclough No. 6 was scheduled to both Metlakatla and Port Simpson, contained 29.07 acres and was valued at \$12.00 per acre.

Tsimshean No. 2 was also held in common. In 1915, it contained 44,175 acres and was valued at \$10.00 per acre. Metlakatla held the southern half and Port Simpson held the northern half. This reserve contains the main villages of both Bands and held a limited amount of merchantable timber.

The Royal Commission cut off 10,468 acres, leaving 33,707 acres which appears from the map in the Royal Commission Report (vol. 111, p. 549) to be mostly in the southern half of the reserve.

Although Port Simpson Band refused to deal with the Royal Commission when the visit was made, there was an extensive and detailed claim for more reserve lands. This includes about 30 separate applications and was presumably based on the Agent's testimony. Not all of these applications were approved by the Royal Commission. In addition some that were allotted by the Commission were disallowed or reduced by Ditchburn and Clark. Around 60 reserves were eventually surveyed and scheduled as allotted by the Royal Commission (see 1943 Schedule of Reserves, p. 132-140). Some that were allotted by the Royal Commission and approved by Ditchburn and Clark are missing from the 1943 Schedule of Reserve altogether.

NAHWATTI BAND - HOPE ISLAND NO. 1

The Royal Commission orderd 37.86 acres cut-off this reserve, leaving about 8500 acres. This was the main reserve of Nahwitti Band and contained a large forested tract, several villages and fishing stations. It was valued at \$5.00 per acre, though Bull Harbor was considered an exceptionally good harbor.

The northern half was considered too wet and swampy to be of much use, though extensive trapping was conducted there. The area around Bull Harbor was most frequented and Chief Kaleet testified that this was good soil and much used for gardens.

The acreage cut-off was around Bull Harbor, although there was no consent or mention of this in the Band's meeting with the Royal Commission.

The Band made several specific claims for more land. These were denied except for a 20 acre fishing station at Wakems, Negei Island. This was later surveyed at 17 acres.

NAZKO BAND

BLACKWATER NO. 1, ULKAH NO. 3 and

UMLIISLE NO. 4

When the Royal Commission visited the Blackwater region in 1914, these three reserves were scheduled as part of Blackwater Band. This Band also held Nahlquonate No. 2 (217 acres). The Royal Commission ordered Blackwater No. 1 (35 acres) and Ulkah No. 3 (157 acres) cut-off entirely. The Royal Commission also cut-off all of Nahlquonate No. 2, but this was changed by the Ditchburn-Clark Report. Ditchburn and Clark substituted Umlisile No. 4 (128 acres) and this was cut-off instead. Nahlquonate No. 2 is presently registered to Nazko Band.

The Blackwater Band had suffered a drastic decline in population and only one family lived on these four reserves. This does not include Nazko and Kluskus who also may have used these reserves.

The Royal Commission valued these reserves at about \$10.00 per acre.

The Royal Commission met with Blackwater Jimmy Adams, the head of the family living on Nahlquonate No. 2 in June 1915. This reserve was fenced and had a garden and pasture. The timber on it was only scrub pine. Apparently, what Adams had fenced and the survey plan of the reserve differed, though no conflict had arisen yet because there were few whites in the area.

Blackwater Reserve No. 1 was used as salmon fishing station, but nothing was cultivated there. There was a graveyard, but Adams said that he was willing to sell it.

Ulkah No. 3 is similar to Nahlquonate in quality, though Adams said he used it only for hunting and fishing. He said that he was also willing to sell this reserve.

Umlisile No. 4 was good land and had been used for purposes similar to Nahlquonate No. 2 as recently as 1910. By 1914, it was used for hunting and fishing, and it sometimes supplied a winter's store of fish. After the terms of the sale of reserves was explained to Adams by Commissioner Shaw, Adams agreed to sell Reserve Nos. 1, 3, 4 if Nahlquonate No. 2 was enlarged to give additional meadow land and to include a graveyard.

(con'td)

NAZKO BAND

BLACKWATER NO. 1, ULKAH NO. 3 and

UMLIISLE NO. 4

The Commissioner allotted no additions to Nahlquonate and told Adams that nothing could be done about this matter as the land he asked for had already been alienated by the Province. Adams also asked for 20 acres near Punshaw Lake for a fishing station and graveyard. Again, the land had been alienated, but a 2 acre reserve was set up for a graveyard.

Later, Nahlquonate No. 2 and apparently the Adams family were amalgamated with Nazko Band. Nazko Band made detailed and extensive application for more land, and about 1500 acres was allotted to Nazko by the Royal Commission.

When the Agent, W.J. McAllan, was examined by the Royal Commission he testified that many Blackwater Indians had joined neighbouring Bands, especially Quesnel. McAllan considered that by moving they had forfeited their rights to the Blackwater reserves.

McAllan also stated that in his opinion, the Euchinco and Nazko Bands had no right to these reserves. Agent McAllan recommended that Reserve No. 1, 2 and 3 be cut-off, that Jimmy Adams be moved to Umlisile No. 4 and that he be incorporated into Stoney Creek Band.

OHIAHT BAND - NUMUKAMIS NO. 1

The Royal Commission reduced this reserve by 588 acres, leaving about 1,100 acres.

This reserve was the winter willage and a grazing area, and contained several fishing stations. It was valued by the Royal Commission along with the other 12 Ohiaht reserves at \$15,000. The Royal Commission claimed that the "main village" of Ohiaht was not acutally reserve land, but private property used by courtesy. This "main village" was where the meeting with the Band took place in May 1914 and seems to be different from the place called Numukamis.

The Chief said that the Band used all the land in the reserves, including Numukamis. He agreed to no cut-off or surrender and would only sell the smaller reserves if the Band recieved all the proceeds.

The Band made several protests about encroachment and re-survey losses of land which included desputes over parts of Numukamis.

When the Indian Agent, C.A. Cox, was examined by the Commission, he testified that Ohiaht Band had more land than it could "reasonably make use of". Numukamis was heavily forested with marketable timber. Since the Indians could not sell this timber, they therefore could not make "proper use" of the reserve. So the decision of the Royal Commission was to cut-off a large portion of the timber lands.

OKANAGAN AND WESTBANK BANDS

LONG LAKE NO. 5  
SWAN LAKE NO. 4  
MISSION CREEK NO. 8  
TSINSTIKEPTUM NO. 9

The Royal Commission ordered reductions in these 4 reserves of the various Bands of the Okanagan Tribe. Swan Lake No. 4 (68 acres) and Long Lake No. 5 (128 acres) were cut-off entirely. Only 5 acres was left for a graveyard after 50 acres was cut-off Mission Creek No. 8. Tsinstikeptum No. 9 was reduced by 848.6 acres, leaving about 1,583 acres.

Swan Lake No. 4 was farm land, cleared and fenced. It was valued by the Royal Commission at \$100.00 per acre. Mostly hay was grown here and was grown here and was occupied by the Kanashet family. The Band strongly opposed the cutting off of this or any reserve or portions of reserve.

Long Lake No. 5 was also farm land in hay fields, though a portion of this was marsh land. This was also used by the Band, although the Royal Commission Report says that some whites rented summer homes there. No consent was given to this cut-off.

One Okanagan Band member, Komiashat said:

...this land is mine, therefore I will not sell it, and I don't want to have my land cut up. You can see that it is from my land that I am good and strong and big. That is all I have to say.

This reserve had been covered by a Provincial Crown Grant to J. Kennedy a non-Indian, in 1908. Presumably, it was taken from the Indians to remedy an administrative error of the British Columbia Department of Lands. This reserve was valued by the Royal Commission at \$26,400.00.

Mission Creek No. 8 was occupied and farmed by Charlie Williams. Williams also testified that there has been a 25 acre reserve near Kelowna that he and his father had been pushed out of by whites. This was presumably allotted to the Indian Reserve Commission and lost sometime in the 1890's. Mission Creek No. 8 was valued at \$10,000.00.

Tsinstikeptum No. 9 was an important settlement of the Okanagan Tribe. Today the 1,580 acres that remains of this reserve is scheduled to the Westbank Band. In 1913, it's potential value was considered to be nearly half a

(con'td)

million dollars. This was if an extensive irrigation project was undertaken. Such a project was the object of the white residents of Kelowna from whom the Commission took evidence. The local whites urged reduction of the reserve.

When the Commission met on the Tsinstikeptum reserve, Chief Charles said,

"I don't want to sell my land and I don't want any land cut up".

About 300 acres in Reserve No. 9 was cultivated in hay, fruits, vegetables, and grain. Much of the remainder was used for grazing the Band's 100 head of horses and cattle.

Okanagan Band was allotted no new reserves by the Royal Commission. The Commission would not even consider some of the claims put forward by Band members. For instance, the Commission answered Charlie Williams statement about the 25 acre Kelowna reserve that had been taken by saying that the matter had "been brought to the attention of the Department by Mr. Brown, the Indian Agent", and that "we cannot do anything about that matter".



OSOYOOS BAND - DOG LAKE NO. 2

The Royal Commission cut off this 71 acre reserve entirely. The land was all cleared and used to graze the Band's stock of 200 horses and 800 cattle. The Band opposed the loss of any land and made strong claim for more land. Band spokesmen were reluctant to answer the questions of the Royal Commission. Osoyoos Band wanted its claims for more land answered first. Also, the Band protested the loss of land from Dog Lake No. 2 to re-surveys and white encroachment at Okanagan Falls.

Dog Lake No. 2 was valued at \$150.00 per acre by the Indian Agent, J.R. Brown. The decision of the Royal Commission was based on the testimony of this Agent. He claimed that the Indians made no use of this reserve. The Band had rented part of it to a lumber company, but no mention is made of the pasturage and hay fields present on the reserve.

No additional land was allotted by the Royal Commission for Osoyoos Band and the claims that land had been improperly excluded was "not entertained".

PENTICTON BAND - RESERVE NOS. 1, 2, and 2A

The Royal Commission cut off a total of 14,565.5 acres from these three reserves. Pentiction No. 1 lost 14,060 acres, leaving about 33,700 acres. Reserve Nos. 2 (321 acres) and 2A (194.5 acres) were cut-off entirely.

Pentiction No. 7 was valued at \$341,000.00, though the Agent claimed that about 11,000 acres was "worthless". Most of the arable land was used by the Band for hay farms and the rest was grazing lands. A considerable portion, at the higher elevations, was said to be timbered; some of it marketable. Reserve Nos. 2 and 2A, designated as "timber reserves", were of poor soil and the timber was only good for firewood.

The Royal Commission met with the Pentiction Band on 8 October 1913 and explained that no land could be taken without their consent. The Band strongly opposed any reductions in their reserves and gave no consent to the cut-offs. The possibility of cut-offs was not even mentioned by the Commissioners.

One Band member said:

"I don't want to sell my land, and I don't want to have my land cut up - I don't want to lepd my land because I love my land."

Chief Edwards of Pentiction Band said that "we would not like to have this land cut-off - We have no land to spare on this reserve". The Band also protested the discrimination against them with respect to water rights and explained how this reduced the productivity of their reserves.

The next day the Commission met with white ranchers and business interests in Pentiction. These groups made strong requests for the reduction of Pentiction Band's reserves. On 21 November 1913 the three cut-offs were ordered by the Royal Commission.

The Royal Commission also took other lands from Pentiction No. 1. See Interim Reports nos. 25, 25A and 25B for more information on the 564.5 acres taken for the Experimental Farm.

The Royal Commission allotted no new reserves to Pentiction Band and no claim for additional land was recorded for them in the Royal Commission Report.

QUATSINO BAND

TELAISE NO. 1 and

TSOWENACHS

The Royal Commission cut-off entirely these two reserves. Tleaise No. 1 was 48 acres and Tsowenachs No. 2 was 55 acres. Tsowenachs was valued at \$25.00 per acre in 1914. Telaise was set at \$10.00 per acre by an appriaser consulted by the Royal Commission, but the Culteetsum family which lived on the reserve valued it at nearly \$50.00 an acre.

In 1914, this reserve was assigned to Klaskino Band, a part of Quatsino Tribe. The Royal Commission visited here in May 1914 and interviewed what was said to be the sole surviving family head, Jim Culteetsum, about 40 years old.

Culteetsum wished to sell Telaise No. 1 for \$2,000.00, if he received the proceeds. He wanted to keep Tsowenachs No. 2 and the other reserve, Klaskish No. 3, both of which were used as temporary homes, fishing stations and trapping areas. He also claimed "Oominis" which he desired for similar purposes. He complained bitterly of white interference with his salmon and halibut fishing.

The Royal Commission's decision was to cut-off Telaise and Tsowenachs and leave Klaskish.

SETON LAKE - RESERVE NOS. 3 and 4

The Royal Commission cut-off entirely these two reserves. Reserve No. 3 was 22 acres and Reserve No. 4 was 27 acres. These reserves were valued by the Royal Commission at only \$200.00 a piece. The Band used them as hay fields, and fishing stations, but only about an acre was cultivated on each.

These reserves are an example of the Province's regulation of water rights and how it discriminated against Indian people. These reserves were at one time used for gardens and wheat fields, but had been abandoned because water was not available any more. They had had water rights at one time, but had lost these to neighbouring whites.

This Band made an extensive application for more land, including lands adjoining Slosk No. 1 promised the Band by Peter O'Reilly of the Indian Reserve Commission. Part of these claims were approved by the Royal Commission and two new reserves were set up for Seton Lake Band. These were Slosk No. 1A and Seton Lake No. 5A and total about 2,450 acres.

SHESHAHT BAND - TSARAHCH NO. 1

The Royal Commission cut-off 242 acres from Tsahaheh No. 1, leaving a reserve of 788 acres. This, of course, is the main settlement of Sheshaht Band and was valued by the Royal Commission at \$30,300.00. An independent appraiser said that the reserve was "very good land in parts, but ... badly broken ... but timber so scattered that it cannot be logged at a profit."

The Royal Commission, however, said that the reserve did contain merchantable quantities of cedar and spruce. The Band vigorously protested that they did not have timber rights on their reserves and obviously considered the timber valuable.

The Chief, Shewish, stated that the reserves were too small for the Band. There were also protests about the shifting survey boundaries of Teepis No. 2. The Band made application for a general increase in the size of the reserves, but no additional land was allotted by the Royal Commission.

No mention of a possible cut-off was made at the meeting with the Band.

When the Agent, C.A. Cox, was examined in May 1914, he claimed that Tsahaheh No. 1 was bigger than the Band needed unless the Indians were allowed to log the timber. The reasoning of the Royal Commission was similar to that used in cutting off 588 acres of Ohiaht's Numukamis Reserve.

SONGHEES BAND - DEADMAN'S ISLAND NO. 1

The Royal Commission cut-off Deadman's Island, often called Halkett's Island, which contained 0.50 acres. The Royal Commission said that this was only an ancient graveyard and no longer used by Songhees Band. It's value was set at \$1,250.00.

When the Royal Commission met with the Band in June 1913, no mention was made of Deadman's Island. No consent was obtained for the cut-off. When W.E. Ditchburn, Department of Indian Affairs' Inspector of Indian Agencies in British Columbia was interviewed, he said that the land was valuable but of no use to the Indians.

Perhaps this cut-off is a small issue when compared to the surrender of Reserve No. 1 at Victoria. A surrender which W.E. Ditchburn said that the Indians "had nothing to say in the matter".

The Royal Commission recorded no claim for additional land and no new reserves were allotted for Songhees Band.

One elder of the Band made protests about white encroachments and the breaking of promises made by James Douglas about the size and location of reserves.

SQUAMISH BAND - CAPILANO RESERVE NO. 5

The Royal Commission ordered 130 acres cut-off Capilano No. 5 of Squamish Band. This was highly valuable land, now beneath the Lion's Gate Bridge. The Royal Commission's conservative evaluation was \$359,000.00, but some set it as high as one million dollars. The 130 acre cut-off left Capilano No. 5 with about 290 acres. The Royal Commission's "Corrections" and "Interim Reports had taken about 23 acres before the cut-off was made. See Interim Report No. 4. In addition, Squamish Band lost 6 entire reserves and over 1,000 acres to surrenders and "corrections" in their reserves. Many of these were to the Pacific Great Eastern Railway.

When the Royal Commission met with Squamish Band in June 1913, it was clearly stated to the Indians that no land could or would be taken without their consent. Just as clearly the Band opposed any reductions in the size of their reserves and no consent to the cut-off was given, or even asked for by the Royal Commission. The Band also complained about problems with their foreshore rights. No additional lands were allotted for Squamish Band.

The Royal Commission also met with the Vancouver Board of Trade which desired North Vancouver reserves for harbor developments.

When the Royal Commission interviewed the Indian Agent, Peter Byrne, it was suggested perhaps the Capilano Indians could be re-settled in the Squamish Valley. The cut-offs was apparently based on the recommendations and the testimony of the Indian Agent. When asked if the reserve was "reasonably required by the Indians", he replied, "I don't see what use they can make of a great portion of it as Indians ...".

ULKATCHO BAND - ULKATCHO RESERVE NO. 1

The Royal Commission cut-off 4,065 acres from this reserve, leaving 320 acres. Later, this was changed by Ditchburn and Clark to 4,003 acres, leaving 365 acres. The Royal Commission called this reserve a barren and desolate area and valued it at \$1.00 per acre. The land was said to be rocky, gravelly, non-arable and too high in elevation.

Ulkatcho Band, part of Bella Coola Agency in 1913, was considered fairly prosperous, with an economy based on stock-raising hunting, trapping and fishing. The Ulkatcho Reserve No. 1 was the only reserve of this Band, but apparently a large area adjacent to the reserve was also used by the Band.

When the Royal Commission met with Band members, an extensive and detailed claim for 22 additional reserves was put forth. Apparently, the Band was willing to exchange part of Ulkatcho No. 1 for the lands covered in these applications.

The Royal Commission allotted 11 new reserves to this Band totaling about 5,700 acres. Later, 5 more reserves were added by purchasing them from the Province. The present total acreage of this Band's reserves is 7,939.5 acres.



UPPER SIMILKAMEEN BAND - ILTCOOLA NO. 7

The Royal Commission cut-off entirely this 42 acre reserve. This reserve was a forested tract of marketable timber and was valued at \$2,2110.00 by the Indian Agent, J. Robert Brown.

When the Royal Commission met with Similkameen Bands in October 1913 at Chuchurwaya and Hedley, there was no mention of any possible cut-offs or of Iltcoola Reserve No. 7 specifically. Most of the Similkameen witnesses made claims for lands in addition to the reserves they held at the time. One chief from Ashnola complained that lands promised them by Peter O'Reilly of the Indian Reserve Commission had been reduced by surveys.

The Indian Agent, J.R. Brown, testified that the Upper Similkameen Band had asked for timber rights on their reserves and for assistance in using a portable sawmill to log Iltcoola No. 7, as well as Reserve Nos. 5, 6, and 8. Because the Band could not obtain timber rights, it was determined that Iltcoola No. 7 was of no use to them.

The Royal Commission also ordered Wolf Creek No. 3 cut-off. This was 518 acres and used for grazing lands. However, this cut-off was disallowed by Ditchburn and Clark and Wolf Creek was confirmed as a reserve.

A claim for two large tracts of land were recorded for Upper Similkameen in the Royal Commission Report (vol. 111, p. 709-710). These claims were denied and no new reserves were set up for this Band.

Sales of Cut-off Lands by  
the Province of British Columbia

Another important thing about the cut-off lands is to learn what has happened to them since they were taken by the McKenna-McBride Commission.

Under the terms of the McKenna-McBride Agreement, the Province was to sell the cut-offs and keep half the profits. The other 50% was supposed to go to the Indians concerned. To whom were these lands sold and how much was paid? What is the present disposition of these cut-off lands?

Some of this is answered in the following pages. This part of the report is based on research done by Regional Department of Indian Affairs. It needs to be checked with local Land Registry Offices. The Land Claims has no information such as this on the cut-offs of Lower Kootenay or Quatsino.

ALEXANDRIA BAND

ALEXANDRIA INDIAN RESERVE NO. 1

Pt. of Lot 10144 West of P.G.E. Lot 6302 0134551	Private. Harry B. Kennedy. 28 acres. Certificate of Purchase No. 8325. Amount paid \$303.00. Crown Grant No. 671/677. February 26, 1952. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$151.50.
Pt. of Lot 10144 0203762	R/W & Easement Plan C.G. 465. Westcoast Transmission Company Ltd. by Order-in-Council 960 approved April 24, 1956. Amount received for portion through Lot 10144 \$114.34. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$57.17.
Pt. of Lot 10144 0234950#1	R/W Plan C.G. 857. Western Pacific Products & Crude Oil Pipeline Ltd. & Westcoast Transmission Company Ltd. by Order-in-Council 1609 approved June 26, 1961. Amount received for portion through Lot 10144 \$111.72. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$55.86.
Pt. of Lot 10144 A 01152	Timber Sale. Processed and maintained by the Forest Service.
Lot 6302 92159/12	P.G.E. Railway by Order-in-Council 895 approved August 26, 1915.
Remainder of Lot 10144 0230852	Farm Woodlot #75. Processed & maintained by the Forest Service.

Amount received	\$529.06
50%	264.53
Amount paid Indian Affairs on B.C. Service Voucher dated December 1, 1969	264.53
Balance	NIL

BELCHER BAY BAND

CREYKE POINT INDIAN RESERVE NO. 3

Lot 192  
140474/12

Private. Clayton Leslie Aylard. 3.02 acres. Certificate of Purchase No. 9535. Amount paid \$250.00. Crown Grant No. 9425/865 May 22, 1951. Amount paid Indian Affairs \$125.00 Balance - Nil.

WOLF ISLAND INDIAN RESERVE NO. 4

Lot 185  
0100455

Private. Francis B.J. Stephenson. 11 acres. Certificate of Purchase No. 20194. Amount paid \$110.00. Crown Grant No. 1998/590 September 10, 1931. Less expenses \$16.60. Balance \$93.40. Amount paid Indian Affairs \$46.70. Balance - Nil.

CHEMAINUS BAND

OYSTER BAY INDIAN RESERVE NO. 12

This Indian Reserve was divided into two equal parts and surveyed as Lots 13G and 14G.

13G  
Lot 14G was conveyed to the Government of Canada, Lot 13G conveyed to the Government of British Columbia by Dominion Order-in-Council Privy Council 10444 approved November 17, 1942 and Provincial Order-in-Council 1748 approved December 23, 1942. Lots not adjudicated. See Provincial Order-in-Council attached.

This information should definitely be checked for it is apparently in error.

Clinton Band

CLINTON INDIAN RESERVE NO. 1

Lot 8064  
0206706

Private. The Director, Veterans' Land Act. 40 acres. Certificate of Purchase No. 16440. Amount paid \$1000.00. Crown Grant No. 8066/951 September 23, 1956. Lots 6 and 9, Plan 7918. Conveyed Conveyance No. 6234. Amount paid to Indian Affairs - \$500.00. Balance - Nil.

Conveyed Lot 6  
Plan 7918 of  
Lot 8064  
0206706

Private. Kamloops Town & Country Homes Ltd. 1.78 acres. Certificate of Purchase No. 27853. Crown Grant No. 1627/1087 May 9, 1968. Amount paid to Indian Affairs - Nil. Amount owing - Nil.

Lot 7812  
0201955

Private. The Roman Catholic Bishop of Kamloops. 2.25 acres. Certificate of Purchase No. 14771. Amount paid \$120.00 Crown Grant No. 5641/927 March 15, 1955. Amount paid Indian Affairs - \$60.00. Balance - Nil.

Lot 1 of  
Lot 8079  
0220925

Private. Maurice A. Tessier. Certificate of Purchase No. 18955. Amount paid \$225.00. Crown Grant No. 860/979 January 13, 1959. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$112.50.

CLINTON (cont.)

Lot 2 of  
Lot 8079  
0222925 Private. Sydney A. Elliott. Certificate of Purchase No. 18952.  
Amount paid \$325.00. Crown Grant No. 879/979 January 12, 1959.  
Amount paid Indian Affairs - Nil. Amount owing Indian Affairs -  
\$162.50.

Lot 3 of  
Lot 8079  
0222923 Private. Lawrence & Kathleen Boyd. Certificate of Purchase No. 18956.  
Amount paid \$325.00. Crown Grant No. 878/979 January 12, 1959.  
Amount paid Indian Affairs - Nil. Amount owing Indian Affairs -  
\$162.50.

Lot 4 of  
Lot 8079  
0222920 Private. Gust Reid. Certificate of Purchase No. 18954. Amount  
paid \$325.00. Crown Grant No. 882/979 January 13, 1959. Amount  
paid Indian Affairs - Nil. Amount owing Indian Affairs - \$162.50.

Lot 5 of  
Lot 8079  
0222954 Private. Kay Kuzenko. Certificate of Purchase No. 19050. Amount  
paid \$350.00. Crown Grant No. 3172/1002 July 11, 1960. Amount  
paid Indian Affairs - Nil. Amount owing Indian Affairs - \$175.00.

Lot 6 of  
Lot 8079  
0222919 Private. Neil R. Law. Certificate of Purchase No. 18907. Amount  
paid \$250.00. Crown Grant No. 4805/1019 January 9, 1962. Amount  
paid Indian Affairs - Nil. Amount owing Indian Affairs - \$125.00.

Lot 7 of  
Lot 8079  
0222922 Private. Roy Kuzenko. Certificate of Purchase No. 18910. Amount  
paid \$275.00. Crown Grant No. 6031/1031 February 25, 1963. Amount  
paid Indian Affairs - Nil. Amount owing Indian Affairs - \$137.50.

Lot 8 of  
Lot 8079  
0222921 Private. Neil R. Robertson, Certificate of Purchase No. 18953.  
Amount paid \$325.00. Crown Grant No. 877/979 January 12, 1959.  
Amount paid Indian Affairs - Nil. Amount owing Indian Affairs -  
\$162.50.

Lot 9 of  
Lot 8079  
0222927 Private. Eliz. R. & George A. Rhoads. Assigned to David Payne.  
Certificate of Purchase No. 18908. Amount paid \$300.00. Crown  
Grant No. 4783/1018 January 8, 1962. Amount paid Indian Affairs - Nil.  
Amount owing Indian Affairs - \$150.00.

Lot 10 of  
Lot 8079  
0222924 Private. Harry & Betty Paarsh. Certificate of Purchase No. 18909.  
Amount paid \$310.00. Crown Grant No. 3768/1008 January 23, 1961.  
Amount paid Indian Affairs - Nil. Amount owing Indian Affairs -  
\$155.00.

I.R. No. 1 Lease No. 1124 and 8761. Charles E. Robertson. Lease No. 1124 from  
North of P.G.E. July 12, 1952 to July 29, 1963. Lease No. 8761 from July 29, 1963  
R/W to July 1972. Amount received \$199.01.  
0190501 Amount paid Indian Affairs - \$32.44. Amount owing Indian Affairs -  
\$67.06.

Total amount received	\$3,209.01
SC	1,604.50
Total amount paid Indian Affairs	32.44
Total amount owing Indian Affairs	1,572.06
Amount paid by B.C. Service Voucher dated December 1, 1969	1,518.00
Balance owing	54.06

KITWANGA BAND

SQUA-LEY-STAT INDIAN RESERVE NO. 3

0211198 - Private. C.N.R. Right-of-Way. 3.8 acres. Free Crown Grant No. 9211/963.  
July 9, 1957. No consideration.  
No other entries against reserve.

METLAKATLA BAND

SHOOWAHTLAND INDIAN RESERVE NO. 4

Lot 7438  
0126746

Private. Northern B.C. Power Co. 0.62 acres. Certificate of Purchase No. 27504. Amount paid \$25.00. Crown Grant No. 9906/670 May 13, 1939. Amount paid to Indian Affairs - \$12.50. Balance - Nil.

NAZKO BAND

BLACKWATER INDIAN RESERVE NO. 1  
ULKAH INDIAN RESERVE NO. 3  
UMLIISLE INDIAN RESERVE NO. 4

No entries against these reserves.

OHIAHT BAND

NUMAKAMIS INDIAN RESERVE NO. 1

Lot 533  
Barclay

Crown land.  
Cutting Permit 9 and Forest Management Licence 21  
and Cutting Permit 3 and Forest Management Licence 21

OSOYOOS BAND

DOG LAKE INDIAN RESERVE NO. 2

Lot 1, Blk. 1  
of Lot 2383s  
0178452

Private. Canadian Legion. Certificate of Purchase No. 7429. Amount paid \$450.00. Crown Grant No. 7584/846 May 23, 1950. Amount paid Indian Affairs \$230.35. Amount overpaid Indian Affairs \$5.35.

Lot 2, Blk. 1  
of Lot 2383s  
0178453

Private. Hurbert J. Widdery. Certificate of Purchase No. 7395. Amount paid \$475.00. Crown Grant No. 685/879 April 4, 1952. Amount paid Indian Affairs - \$237.50. Balance - Nil.

Lot 3, Blk. 1  
of Lot 2383s  
0178454

Private. Harold S. Kenyon. Certificate of Purchase No. 7440. Amount paid \$450.00. Crown Grant No. 6671/837. September 8, 1949. Amount paid Indian Affairs - \$225.00. Balance - Nil.

Lot 4, Blk. 1  
of Lot 2383s  
0178455

Private. Kenneth A. Kenyon. Certificate of Purchase No. 7448. Amount paid \$350.00. Crown Grant No. 6657/837 September 8, 1949. Amount paid Indian Affairs - \$175.00. Balance - Nil.

Lot 5, Blk. 1  
of Lot 2383s  
0178456

Private. Gordon A. McLean. Certificate of Purchase No. 7399. Amount paid \$300.00. Crown Grant No. 6983/940. January 31, 1956. Amount paid Indian Affairs - \$37.50. Amount owing Indian Affairs - \$112.50.

OSOYOOS (cont.)

- Lot 6, Blk. 1  
of Lot 2883s  
0178457 Private. Charles E. Oliver Jr. Certificate of Purchase No. 7401. Amount paid \$200.00. Crown Grant No. 152/877. October 26, 1951. Amount paid Indian Affairs - \$105.69. Amount overpaid Indian Affairs - \$5.69.
- Blk. 2 of  
Lot 2883s  
0178215 Private. Kenyon & Co. Ltd. 1.65 acres. Certificate of Purchase No. 7765. Amount paid \$1575.00. Crown Grant No. 7226/843 February 8, 1950. Amount paid Indian Affairs - \$787.50. Balance - Nil.
- Blk. 3 of  
Lot 2883s  
0178458 Private. John Ure. 1.65 acres. Certificate of Purchase No. 7403. Amount paid \$850.00. Crown Grant No. 1785/888 October 13, 1952. Amount paid Indian Affairs - \$106.25. Amount owing Indian Affairs - \$318.75.
- Blk. 4 of  
Lot 2883s  
0178459 Private. Laurence F. Vaclev. 4.11 acres. Certificate of Purchase No. 7602. Amount paid \$400.00. Crown Grant No. 2522/896. February 12, 1953. Amount paid Indian Affairs \$50.00. Amount owing Indian Affairs - \$150.00.
- Blk. 5 of  
Lot 2883s  
0150273 Lease. Southern Interior Stockmans Assoc. 3.34 acres. Lease from August 16, 1943 to August 1948. Amount received \$125.00. Amount paid Indian Affairs - \$62.50. Balance - Nil.  
Private. Certificate of Purchase No. 7333. Amount paid \$334.00. Crown Grant No. 6440/835 June 27, 1949. Amount paid Indian Affairs - \$167.00. Balance - Nil.
- Blk. 6 of  
Lot 2883s  
0178460 Private. Wells Oliver. 0.63 acres. Certificate of Purchase No. 7441. Amount paid \$300.00. Crown Grant No. 6625/837. September 8, 1949. Amount paid Indian Affairs - \$150.00. Balance - Nil.
- Blk. 7 of  
Lot 2883s  
0185487 Private. The Director, The Veterans' Land Act Free Grant. 5.10 acres. Crown Grant 9117/862 March 7, 1951. Appraised Value \$900.00. Amount paid Indian Affairs - \$450.00. Balance - Nil.
- Blk. 8 of  
Lot 2883s  
0178704 Private. The Director, The Veterans' Land Act Free Grant. 5.16 acres. Crown Grant 6995/840 October 29, 1949. Appraised Value \$1000.00. Amount paid Indian Affairs - \$500.00. Balance - Nil.
- Blk. 9 of  
Lot 2883s  
0178705 Private. The Director, The Veterans' Land Act. Free Grant 5.57 acres. Crown Grant 7135/842 December 19, 1949. Appraised Value \$1000.00. Amount paid Indian Affairs - \$500.00. Balance - Nil.
- Blk. 10 of  
Lot 2883s  
0178706 Private. The Director, The Veterans' Land Act Free Grant. 5.53 acres. Crown Grant 7136/842 December 19, 1949. Appraised Value \$700.00. Amount paid Indian Affairs - \$350.00. Balance - Nil.
- Blk. 11 of  
Lot 2883s  
0178461  
0211322 Private. Harold F. Hughes. 2.22 acres. Certificate of Purchase No. 7380. Amount paid \$250.00. Crown Grant 3322/904. July 16, 1953. Amount paid Indian Affairs - \$101.22. Amount owing Indian Affairs - \$23.78.  
Conveyance 3804 Plan A1332 Highway Department as shown on status. No consideration. Conveyance 4462, Blk. 11 added to Okanagan Falls Park. Order-in-Council 112 approved January 21, 1959. No consideration.
- Pt. Blk. 12  
of Lot 2883s  
0205635 Reserve. Highways Department. 0.3 acres. Flood Control purposes. No consideration.
- Pt. Blk. 12  
of Lot 2883s  
0211322 Park. Okanagan Falls Park. 3.99 acres by Order-in-Council 532 approved March 16, 1956. No consideration.
- Blk. 13 of  
Lot 2883s Crown Provincial. Not adjudicated.

OSOYOOS (cont.)

Blk. 14 of Lot 2883s 0179910 067000#5	Private. Ernest L. & Mary McLellan. 1.63 acres. Certificate of Purchase No. 7698. Amount paid \$165.00. Crown Grant 6943/840. September 21, 1949. Amount paid Indian Affairs - \$82.50. Balance - Nil. Conveyance 3289 E.I. Plan A1217. No consideration.
Blk. 15 of Lot 2883s 0178462	Private. Albert R. Edmonds. 1.07 acres. Certificate of Purchase No. 7376. Amount paid \$400.00. Crown Grant No. 7600/846. May 11, 1950. Amount paid Indian Affairs - \$200.00. Balance - Nil.
Blk. 16 of Lot 2883s 0178215	Private. Kenyon & Co. Ltd. 1.65 acres. Certificate of Purchase No. 7765. Amount paid \$1575.00. Crown Grant 7226/843. February 8, 1950. Amount paid Indian Affairs - \$787.50. Balance - Nil.
Blk. 17 of Lot 2883s 0178463	Private. John Ure. 1.50 acres. Certificate of Purchase No. 7400. Amount paid \$700.00. Crown Grant No. 5611/927 March 11, 1955. Amount paid Indian Affairs - \$87.50. Amount owing Indian Affairs - \$262.50.
Blk. 18 of Lot 2883s 0178214	Private. Kaledon Co-operative Growers Association. 1.20 acres. Certificate of Purchase No. 9885. Amount paid \$500.00. Crown Grant 5348/924 January 17, 1954. Amount paid Indian Affairs - \$250.00. Balance - Nil.
Pt. of Lot 4 of Blk. 5 of Lot 2883s 0280024	Application to lease. Southern Interior Stockmens Association. L.O. August 22, 1969. Not adjudicated.
U.V.C.L. Pt. of Lot 2883s 0198172	R/W on Plan C8434 & E8745. West Kootenay Power & Light Company (power transmission line) 3.62 acres. Appraised rate of \$22.00 per acre. \$79.64 by Order-in-Council 2357 approved July 22, 1969. Amount received - \$79.64. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$39.82.
Lot 3147s 0145776 0222391	Private. Okanagan Falls Irrigation District. 3.8 acres. Certificate of Purchase No. 30395. Amount paid \$380.00. Crown Grant 3997/710. January 15, 1943. Amount paid Indian Affairs - \$190.00. Balance - Nil. Lot 5, Plan 9597 conveyed by Conveyance 4368 for use, recreation and enjoyment of the public. Reserve L.O. March 21, 1960. No consideration.
Total amount received and appraised value 50%	\$13,458.64
Total amount paid Indian Affairs	6,729.32
Amount owing Indian Affairs	5,833.01
Supplementary payment by B.C. Service Voucher dated December 1, 1969 for Dog Lake I.R. No. 2	896.31
Balance owing	387.50 508.81

PENTICTON BAND

PENTICTON INDIAN RESERVE NO. 1

Lot 4834 0132324	Private. Department of Agriculture Canada. 55.8 acres. Certificate of Purchase No. 27515 Total \$729.50. Crown Grant No. 9989/669 April 28, 1939. Amount paid Indian Affairs - \$364.75. Balance - Nil.
Lots 4901, 4902 & 5146 0212042	Administration & Control transferred to Crown Dominion. Order-in-Council 2876, approved September 12, 1968. No consideration.
Lot 4903 0189365	Reserved for Department of Highways (Gravel Pit) December 5, 1952.

PENTICTON (cont.)

- Lots 2498, 2499, Private. Her Majesty the Queen in the right of Canada Department of Agriculture. 96.056 acres. Certificate of Purchase No. 10970. 4896, 4897, 4898 Total \$6122.80. Conveyed by Order-in-Council No. 1200, approved 4899 May 19, 1952. 0158948#1 Amount paid Indian Affairs - \$3,061.40. Balance - Nil.
- Lot 2496 Private. His Majesty the King in the right of Canada Department of Agriculture. 14.4 acres. Certificate of Purchase No. 5736. 0158948 Total \$730.00. Conveyed by Order-in-Council 915 approved April 30, 1948. Amount paid Indian Affairs - \$360.00. Amount owing - \$5.00.
- Lots 5087, 5088 Easement. West Kootenay Power & Light Company. 56.38 acres. & 5089 Paid \$281.90 by Order-in-Council 1243 approved June 2, 1952. 0158948#1 Indian Affairs received \$140.95. Balance - Nil. 0188299 0193371 0216408
- Various Lots & Easement. Part on Plan C.L. 114, C.G. 533 and C.G. 534. Inland U.V.L. Pt. Lot Natural Gas Co. Ltd. 0.126 acres. Amount received \$2,660.00 by 4701 Order-in-Council 996 approved April 28, 1958. Amount paid Indian 0216408 Affairs - \$1,330.00. Balance - Nil.
- Lot 2497 Easement. Part on Plan C.L. 114 and C.L. 114B. Inland Natural 0216408 Gas Ltd. Amount received \$229.08 by Order-in-Council 1584 approved 0217788 July 8, 1960. Amount paid Indian Affairs - \$114.54. Balance - Nil. 0188299 Block B. Private. Adam Baumann. 77 acres. Certificate of Purchase No. 18483. Total \$10,700.00. Crown Grant No. 5220/1023. May 24, 1962. Amount paid to Indian Affairs - Nil. Amount owing - \$5,350.00. Block A. Reserve Department of Highways March 4, 1952. Reserved from alienation May 7, 1958.
- Lots 5099, 5098, Class A Category 6 Provincial Park. 4900, 5097 Order-in-Council 2628 approved August 3, 1970. 0239454
- Lot 5136 Private. Sunny View Development. 1.65 acres. Certificate of 0240765 Purchase No. 24176. Total \$450.00. Crown Grant No. 1024/1081 October 17, 1967. Amount paid to Indian Affairs - \$224.99. Balance - Nil.
- Lot 5076 Private. Director of Veterans' Land Act Ottawa. 578 acres. 0158948#1 Appraised value \$6,560.00. Province waive payment. Order-in-Council 3059 approved December 21, 1951. Amount paid Indian Affairs - \$3,280.00. Balance - Nil.
- Lot 4947 Private. National Trust Co. Ltd. Executors of Estate of Richard 0213740 G. Parmley (Deceased). 340 acres. Certificate of Purchase No. 22248. Total \$10,104.00. Crown Grant No. 7210/1043 April 2, 1964. Amount paid to Indian Affairs \$5,052.00. Balance - Nil.
- Lot 4948 Private. Joseph A. Bengert. 60 acres. Certificate of Purchase 0215189 No. 22303. Total \$1,800.00. Crown Grant No. 6476/1035 August 12, 1963. Amount paid to Indian Affairs - Nil. Amount owing - \$900.00.
- Lot 4904 Private. Director of Veterans' Land Act Ottawa. 0.689 acres. 0158948#1 Appraised value \$60.00. Province waive payment. Order-in-Council 2580 approved October 24, 1952. Amount paid Indian Affairs - \$30.00. Balance - Nil.
- Lot 4907 Private. West Bench Irrigation District. 4.59 acres. Certificate 0203508 of Purchase No. 15412. Total \$30.00. Crown Grant No. 6622/937. November 7, 1955. Appraised value \$50.00. Province waive payment. Amount paid Indian Affairs - \$25.00. Balance - Nil.



PENTICTON (cont.)

- Lot 4906  
0198234 Reserve. Department of Highways. Gravel Pit. October 16, 1953.
- Lot 4905  
0197524 Lease. The Corporation of the City of Penticton. 40 acres. 21 year gravel quarrying. Rental from October 2, 1953 and royalty from gravel sale to October 1971.  
Amount received - Rent \$1520.00 - Royalty \$13,980.05  
Amount paid Indian Affairs - Rent \$ 680.00 - Royalty \$ 5,727.98  
Amount owing Indian Affairs - Rent \$ 80.00 - Royalty \$ 1,262.04  
Total amount owing Indian Affairs - \$1,342.02.
- Lot 4946  
0211036 Lease. Penticton Gravel & Excavating Ltd. 20 acres. 21 year gravel and top soil removal. Rental from October 15, 1957 to June 1971.  
Amount received - Rent \$560.00 - Royalty \$11,991.75  
Amount paid Indian Affairs - Rent \$200.00 - Royalty \$ 4,642.92  
Amount owing Indian Affairs - Rent \$ 80.00 - Royalty \$ 1,352.95  
Total amount owing Indian Affairs - \$1,432.95.
- Lot 4942  
0204748 Lease. Penticton Fish, Game & Rifle Club. 244 acres. 21 year recreational grounds and sporting endeavours. Rental from December 5, 1955 to 1971. Amount received \$2496.00.  
Amount paid to Indian Affairs - Nil. Amount owing - \$1,248.00.
- Lot 5119  
0213856 Lease No. 4480. The Corporation of the City of Penticton. 20 acres for gravel removal. Rental from March 2, 1961 to March 1972 and royalty.  
Amount received - Rent \$440.00 - Royalty \$2,336.10  
Amount paid Indian Affairs - Rent \$160.00 - Royalty \$ 653.20  
Amount owing Indian Affairs - Rent \$ 60.00 - Royalty \$ 514.85  
Total amount owing Indian Affairs - \$574.85.
- Lot 5120  
0223340 Lease No. 13409. The Corporation of the City of Penticton. 40 acres. Top soil and gravel removal. Rental from May 1961 to May 1971.  
Amount received - Rent \$2,325.00 - Royalty \$1,051.10  
Amount paid Indian Affairs - Rent \$1,082.50 - Royalty \$ 178.35  
Amount owing Indian Affairs - Rent \$ 80.00 - Royalty \$ 347.20  
Total amount owing Indian Affairs - \$427.20.
- V.C.L. North of  
Lot 4904  
0229477  
0229476 Lease No. 10031. West Bench Irrigation District. 23 acres. 21 year Garbage disposal. Rental from July 1965 to July 1972.  
Amount received - \$175.00.  
Amount paid Indian Affairs - Nil. Amount owing - \$87.50.
- Lot 5145  
0254940 Private. The Director of Veterans' Land Act. 4.48 acres. Certificate of Purchase No. 26963. Total \$963.20. Crown Grant No. 9927/1070 October 12, 1966.  
Amount paid Indian Affairs - Nil. Amount owing - \$481.60.
- V.C.L.  
0212394 Right-of-Way. South Okanagan Television Distributors Ltd. 44.3 acres. 21 year. Television antenna site. Rental from September 1964 to September 1972. Order-in-Council 2703 approved September 23, 1964. Amount received - \$1184.88.  
Amount paid to Indian Affairs - \$543.07. Amount owing - \$49.37.
- V.C.L. South of  
Lot 4907  
0274328 Lease No. 16308. James H. Snell. 4.0 acres. 5 year. Grazing. Rent from May 1968 to May 1972. Amount received - \$20.00.  
Amount paid Indian Affairs - Nil. Amount owing - \$10.00.
- Uns. pt. of  
Lot 4701  
0293527 Application to lease. Herman O. Flank. 480+ acres. 18 Hole Golf Course. Not adjudicated.
- V.C.L. South of  
Lot 4904  
0293766 Application to lease. John W. Zaporozan. Unsurveyed. Residential and agricultural. Not adjudicated.
- Uns. pt. of  
Lot 4701  
0301432 Application to lease. Duke Industries Ltd. Unsurveyed. 18 Hole Golf Course. Not adjudicated.

PENTICTON (cont.)

Ins. pt. of Reserve Department of Highways. Quarry Reserve. April 20, 1954.  
 Lot 4701  
 0202837

Uns. Pt. of Right-of-Way Parcel B Plan C8727. West Kootenay Power and Light  
 Lot 4701 Co. Ltd. 5.72 acres. Total \$126.00. Order-in-Council 2210 approved  
 0280993 July 9, 1969.  
 Amount paid Indian Affairs - \$63.00. Balance - Nil.

Ins. Pt. of Right-of-Way. Parcel A Plan C8727. Okanagan Radio Ltd. 0.52 acres.  
 Lot 4701 Rental of \$50.00 per annum. Order-in-Council 2209 approved July 9,  
 0274029 1969. Amount received - \$150.00.  
 Amount paid Indian Affairs - \$50.00. Amount owing - \$25.00.

Ins. pt. of Right-of-Way Plan C9040. West Kootenay Power & Light Co. Ltd.  
 Lot 4701 0.813 acres. Total \$25.00. Order-in-Council 2731 approved  
 0288331 August 18, 1970.  
 Amount paid Indian Affairs - \$12.50. Balance - Nil.

Uns. pt. of Reserve. Department of Transport Canada (Hazard Beacon). 0.918  
 Lot 4701 acres. Order-in-Council 4191 approved December 30, 1969.  
 0288140 Appraised value \$200.00. Province waive any payment.  
 Amount paid Indian Affairs - \$100.00. Balance - Nil.

Uns. pt. of Right-of-Way Plan C.L. 114B. Inland Natural Gas. Co. Ltd.  
 Lot 4701 and Appraised value \$458.16. Province waive payment. Order-  
 various lots in-Council 1584 approved July 8, 1960. R/W Plan C.G. 718.  
 0216408 Total \$10.00. Order-in-Council 2830 approved November 9,  
 1961. Amount received \$239.08. Amount paid Indian Affairs  
 \$229.08. Amount owing \$5.00.

Uns. pt. of Reserve. Department of National Defence (Tank training).  
 Lot 4701 Approved June 12, 1963. No consideration.  
 0188365

Uns. pt. of Right-of-Way. Part on Plan C.G. 2031. West Kootenay Power &  
 Lot 4701 Co. Ltd. 6.30 acres. Sum of \$142.00. Order-in-Council 1135  
 0247987 approved April 15, 1965. Amount received \$142.00.  
 Amount paid Indian Affairs - \$71.00. Balance - Nil.

Uns. pt. of Application to lease. Alan R. Colby and Richard Chapman.  
 Lot 4701 Extension of Golf Course and Parking Area.  
 0238445 Not adjudicated.

Uns. pt. of Reserve. Forest Service (Engineering Division).  
 Lot 4701 Gerry Mountain Lookout. No consideration.  
 0203664

Total amount received	\$80,631.52
50%	40,315.76
Total amount paid Intian Affairs	28,377.23
Total amount owing Indian Affairs	11,938.53
Supplementary payment by B.C. Service Voucher dated December 1, 1969 for Indian Cut-off land Penticton Indian Reserve No. 1	252.50
Balance owing Indian Affairs	\$11,676.03

PENTICTON INDIAN RESERVE NO. 2 AND 2A

PENTICTON INDIAN RESERVE NO. 2

SE $\frac{1}{4}$  of E $\frac{1}{2}$  &  
 SE $\frac{1}{4}$  of W $\frac{1}{2}$  of  
 Lot 3821s  
 0150754

Private. W.H., C.B. & A.L. Wiltse. 120 acres. Certificate of  
 Purchase No. 2185s. Amount paid \$1,200.00. Crown Grant No.  
 4142/812 April 17, 1948.  
 Amount paid to Indian Affairs - \$652.37. Over paid - 358.37.

PENTICTON (cont.)

- N $\frac{1}{2}$  & S $\frac{1}{2}$  of the W $\frac{1}{2}$  of Lot 3821s 0165494 Private. The Corporation of the District of Penticton. 120 acres. Certificate of Purchase No. 4497. Amount paid \$1725.00. Crown Grant No. 2850/799 October 6, 1947. Amount paid Indian Affairs - \$862.50. Balance - Nil.
- Pt. of NW $\frac{1}{4}$  of E $\frac{1}{2}$  lying South of Plan M187. Lot 3821s 0253484 Private. Bruce W.A. Horton. 2.04 acres. Certificate of Purchase No. 26070. Amount paid \$815.00. Crown Grant No. 892/1079 September 7, 1967. Amount paid Indian Affairs - Nil. Amount owing - \$407.50.
- NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of E $\frac{1}{2}$  of Lot 3821s 0189393 Private. Robert W. Henry. 10 acres. Certificate of Purchase No. 10252. Amount paid \$150.00. Crown Grant No. 8508/956 January 22, 1957. Amount paid Indian Affairs - \$Nil. Amount owing - \$75.00.
- NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of E $\frac{1}{2}$  of Lot 3821s 0192249 Private. Robert W. Henry. 9.36 acres. Certificate of Purchase No. 20756. Amount paid \$606.00. Crown Grant No. 6540/1036 September 25, 1963. Amount paid Indian Affairs - Nil. Amount owing - \$303.00.
- SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of E $\frac{1}{2}$  of Lot 3821s 0193110 Private. Findlay Munro. 9.60 acres. Certificate of Purchase No. 21355. Amount paid \$1250.00. Crown Grant No. 3654/1007 December 12, 1960. Amount paid Indian Affairs - \$625.00. Balance - Nil.
- SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of E $\frac{1}{2}$  of Lot 3821s 0238748 Private. The Corporation of the City of Penticton. 8.172 acres. Certificate of Purchase No. 29007. Amount paid - \$850.00 Crown Grant No. 4166/1112. July 14, 1971. Amount paid Indian Affairs - \$425.00. Balance - Nil.
- N $\frac{1}{2}$  of E $\frac{1}{2}$  of Lot 3821s 0214091 Right-of-Way and Easement. Inland Natural Gas Co. Ltd. 0.93 acres. Amount paid \$2,321.00. Order-in-Council 1821 approved July 29, 1957. (shown as R/W #1) Plan C.G. 614. Amount paid Indian Affairs 50% of pt. of R/W through Lot 3821s \$45.00 Balance - Nil.
- NW $\frac{1}{4}$  of E $\frac{1}{2}$  and S $\frac{1}{2}$  of NE $\frac{1}{4}$  of Lot 3821s 0179754 Reserve. B.C. Forest Service (Engineering Division). 40 acres. Suppression Crew Campsite. Order-in-Council 1223 approved May 29, 1957. Pt. lying South of Plan M187 delete by Order-in-Council 1143 approved April 15, 1965.
- NW $\frac{1}{4}$  of E $\frac{1}{2}$  of Lot 3821s 0230199 Right-of-Way. <sup>Plan B 6057</sup> West Kootenay Power & Light Co. Ltd. 12.445 acres. Amount paid \$5155.81. Order-in-Council 1730 approved June 9, 1966 amended by Order-in-Council 478 approved February 10, 1971. Conditions by Order-in-Council 1730 remain unchanged (shown as R/W2). Amount applicable to Lot 3821s - \$273.80. Amount paid Indian Affairs - \$136.90. Balance - Nil.
- NW $\frac{1}{4}$  of E $\frac{1}{2}$  of Lot 3821s Right-of-Way Plan All23. Department has no correspondence on this Right-of-Way.

PENTICTON INDIAN RESERVE NO. 2A

- Lot 3429s 0148178 Private. The Corporation of the District of Penticton. 74 acres. Certificate of Purchase No. 3379. Amount paid \$722.50. Crown Grant No. 1147/782 January 28, 1947. Amount paid Indian Affairs - \$361.25. Balance - Nil.
- Lot 1997s 0148178 Private. The Corporation of the District of Penticton. 73 acres. Certificate of Purchase No. 4855. Amount paid \$730.00. Crown Grant No. 7007/741 January 23, 1945. Amount paid Indian Affairs - \$365.00. Balance - Nil.

PENTICTON (cont.)

Lot 3237s  
0148178 Private. The Corporation of the District of Penticton. 42.4 acres. Certificate of Purchase No. 3320. Amount paid \$248.00. Crown Grant No. 111.8/782 January 22, 1947. Conveyance 2904 Lot 1 Plan 4949 B.C. Forest Service (Engineering Division). Conveyance 6318 Lot 1 Plan 15394 (Department of Highways). Amount paid Indian Affairs - \$424.00. Balance - Nil.

Total amount received	\$9,260.30
50%	4,630.15
Amount paid Indian Affairs	3,897.02
Amount owing Indian Affairs	733.13

OKANAGAN BAND

SWAN LAKE INDIAN RESERVE NO. 4

L. 4784 Private: Vernon Irrigation District 0.15 acres  
0156010 C.P. No. 6105 - Amount paid \$15.00 CG 7922/750, August 21, 1945  
Amount paid Indian Affairs \$7.50 Balance nil

Pt L 4645 Easement on Plan 1087 British Columbia Power Commission  
Order-in-Council approved 19th of June, 1951  
No Consideration

L 4645  
0145515 #1 Lease: George Hoggie 68 acres Lease from 23rd of November,  
1935 to 7th of May 1965  
Amount received \$6,194.00  
Amount paid Indian Affairs 3,097.00 Balance nil

L 4645 Reserve Department of Recreation & Conservation, Order-in-  
Council in course of preparation  
Appraised value \$24,500.00  
Amount paid Indian Affairs 12,250.00 Balance nil

Total amount received and appraised value	\$30,709.00
50%	15,354.50
Amount paid Indian Affairs	15,354.50
Balance	Nil

WESTBANK/OKANAGAN BAND

MISSION CREEK INDIAN RESERVE NO. 8

Lot 3036 Private. Dr. Benjamin DeFurlong Boyce. 47.5 acres. Certificate  
0146365 of Purchase No. 7174. Amount paid \$160.00. Crown Grant No.  
3895/709 December 14, 1942.  
Amount paid Indian Affairs - \$80.00. Balance - Nil.

## Tsinstikeptum Reserve No. 9

- Lot 2045 except North 40 chains 0188657 Private. John & Elsie P. Hussey. 194 acres. Certificate of Purchase No. 14692. Amount paid \$640.00. Crown Grant 8281/953 November 13, 1956. Amount paid Indian Affairs \$331.29. Amount overpaid Indian Affairs - \$11.29.
- Lot 2045 North 40 chains 079243 Lease. Windham Morgan Lewis. 21 year grazing. Lease from August 31, 1936 to August 31, 1959. Amount received \$24.00. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$12.00 Private. Wyndham M. Lewis. 200 acres. Certificate of Purchase No. 19607. Amount paid \$615.00. Crown Grant No. 5169/1022 May 24, 1962 Amount paid Indian Affairs - \$307.50. Balance - Nil.
- Lot 2044 0134042 Private. Wyndham M. Lewis. 150 acres. Certificate of Purchase No. 8411. Amount paid \$900.00. Crown Grant No. 2537/896 February 13, 1953. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$450.00.
- Lot 2042 Subdivision as follows:
- Lot 5056 ✓ 0209718 Private. Edwin C. Paynter. 0.40 acres. Certificate of Purchase No. 15667. Amount paid \$210.00. Crown Grant No. 9430/1065 April 6, 1971. Amount paid Indian Affairs - \$105.00. Balance - Nil.
- Lot 5057 ✓ 0209710 Private. William A. Mitchell. 17.5 acres. Certificate of Purchase No. 15575. Amount paid \$5,100.00. Crown Grant No. 3565/1006. November 18, 1960. Amount paid Indian Affairs - \$1,885.94. Amount owing Indian Affairs - \$664.06.
- Lot 5058 ✓ 0209711 Private. John P. Weddell. 24.7 acres. Certificate of Purchase No. 15569. Amount paid \$1500.00. Crown Grant No. 349/974 July 22, 1958. Amount paid Indian Affairs - \$287.50. Amount owing Indian Affairs - \$562.50.
- Lot 5059 ✓ 0209712 Private. Jack A. Witt. 16 acres. Certificate of Purchase No. 15570. Amount paid \$1175.00. Crown Grant No. 7544/1046. July 9, 1964. Amount paid Indian Affairs - \$588.49. Amount overpaid Indian Affairs - 99¢.
- Lot 5060 0209708 Private. Roger J. Sugars. 27.6 acres. Certificate of Purchase No. 15642. Amount paid \$1600.00. Crown Grant No. 9630/969. January 13, 1958. Amount paid Indian Affairs - \$800.00. Balance - Nil.
- Lot 5069 0209713 Private. Allan L. Mitchell. 27.9 acres. Certificate of Purchase No. 15571. Amount paid \$2000.00. Crown Grant No. 1759/988. August 20, 1959. Amount paid Indian Affairs - \$999.99. Amount owing Indian Affairs - 1¢.
- Lot 5070 0209714 Private. Sam D. White. 6.21 acres. Certificate of Purchase No. 15572. Amount paid \$1000.00. Crown Grant No. 9999/970. March 4, 1958. Amount paid Indian Affairs - \$499.99. Amount owing Indian Affairs - 1¢.
- Lot 5072 0209715 Private. John M. Gorman. 23.10 acres. Certificate of Purchase No. 15573. Amount paid \$2100.00. Crown Grant No. 3552/1006. December 22, 1960. Amount paid Indian Affairs - \$1049.95. Amount owing Indian Affairs - 5¢.
- Lot 5017 0209709 Private. Maurice R. Chaplin. 1.18 acres. Certificate of Purchase No. 15577. Amount paid \$225.00. Crown Grant No. 5543/1026 September 12, 1962. Amount paid Indian Affairs - \$111.31. Amount owing Indian Affairs - \$1.19.
- Lot 5052 0178773 Private. British Columbia Power Commission. 1 acre. Certificate of Purchase No. 21562. Amount paid \$4000.00. Crown Grant No. 3840/1009 February 13, 1961. Amount paid Indian Affairs - \$2000.00 Balance - Nil.
- Lot 5077 0187851 Private. British Columbia Power Commission. 0.23 acre. Certificate of Purchase No. 9872. Amount paid \$200.00. Crown Grant No. 50/371 September 28, 1951. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$100.00.

WESTBANK/OKANAGAN (cont.)

Blk. A Lot  
5066  
0284935 Private. Westbank Waterworks District. 7.57 acres. Amount paid \$10.00 by Order-in-Council 2836 approved September 27, 1966. Appraised value \$5,670.00. Payment not received as yet no Crown Grant issued.

Lot 4005  
0143219#1 & 2 Private. Marjorie E.G. Prichard. 10 acres. Certificate of Purchase No. 226. Amount paid \$800.00. Crown Grant No. 2669/797 August 13, 1947. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$400.00.

Lot 4761  
0123325 Private. Canadian National Railway Co. 1.03 acres. Certificate of Purchase No. 6915. Amount paid \$350.00. Crown Grant No. 6706/638 July 24, 1936. Less expense of advertising \$11.60. Amount paid Indian Affairs - \$169.20. Balance - Nil.

Lot 5074  
0209716 Private. Thomas A. Reece. 36.6 acres. Certificate of Purchase No. 15574. Amount paid \$5850.00. Crown Grant No. 7318/949 August 7, 1956. Amount paid Indian Affairs \$2925.00. Balance - Nil.

Lot-5075  
0209717 Private. Terence E. Harding. 17.6 acres. Certificate of Purchase No. 15576. Amount paid \$2050.00. Crown Grant No. 8935/960. May 6, 1957. Amount paid Indian Affairs - \$1025.00. Balance - Nil.

Lot 3999  
0128100 Private. Westbank Co-operative Growers Association. 1 acre. exchange for Lot "B" of Lot 487, O.D.Y.D. Order-in-Council 1870 approved June 30, 1964. No consideration. ?

Blk. A Lot  
5055  
0198634 Lease No. 6062. Westbank Fire Protection District. 0.52 acres. 21 years for firehall. Leased from September 4, 1962 to September 4, 1972. Amount received \$250.00. Amount paid Indian Affairs - \$100.00 Amount owing Indian Affairs - \$25.00.

Lot 5055  
0128100 Reserve. Westbank Provincial Park (Class "C"). 5.09 acres by Order-in-Council 1738 approved July 16, 1957. Block A deleted 0.52 acres by Order-in-Council 1987 approved August 3, 1971. No consideration.

Lot 5055,  
0143219#2 Reserve. Department of Public Works (Provincial) 1 acre (Maintenance Garage) L.O. December 28, 1954. No consideration.

Lot 5064  
0143219#3 Reserve. Westbank Provincial Park (Class "C"). 19 acres by Order-in-Council 1530 approved June 23, 1960 amended by Order-in-Council 438 approved February 17, 1965.

Lots 5064, 5066  
and 5068  
0255356 Right-of-Way Plan C.G. 2220. British Columbia Hydro and Power Authority. 0.79 acres. Amount paid \$35.00 by Order-in-Council 2221 approved July 11, 1967. Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$17.50.

Lots 5064 and  
5066  
0256684 Right-of-Way Plan C8240. Westbank Waterworks District. 0.420 acres. Rental \$10.00 per annum by Order-in-Council 2868 approved September 12, 1968. Amount received \$10.00. Amount paid Indian Affairs - \$20.00 Balance - Nil.

Lot 5066  
0291274 Approved application. Right-of-Way Plan C9469. Westbank Irrigation District. Amount paid \$10.00 first years rental. Amount received \$10.00 Amount paid Indian Affairs - Nil. Amount owing Indian Affairs - \$5.00.

Lot 5066  
0284935 Application to Purchase. Westbank Irrigation District. 3.5 to 4 acres. (enlargement of sewer lagoon). Not adjudicated.

Lots 5066 and  
5068  
0143219#2 Reserved for future subdivision purposes. L.O. May 27, 1955. No consideration.

Lot 5067  
0292467 Reserved. Department of Highways. 2.49 acres (right-of-way purposes). L.O. October 23, 1969.

WESTBANK/OKANAGAN (cont.)

Lot 5071 Reserve. Westbank Provincial Park (Class "C") 2.33 acres by Order-  
 0143219#2 in-Council 26 approved January 7, 1955. No consideration.

Lot 5061 Reserve. Department of Highways. 1.85 acres. (Right-of-Way purposes)  
 0143219#2 L.O. May 11, 1955. No consideration.

Total amount received	\$30,662.40
50%	15,331.20
Total amount paid Indian Affairs	13,106.16
Total amount owing Indian Affairs	2,225.04
Amount paid by British Columbia Service Voucher Dated December 1, 1969 for Tsinstikeptum I.R. No. 9	2,981.16
Total overpayment -	756.12

PORT SIMPSON BAND

FINLAYSON ISLAND INDIAN RESERVE No. 19

Crown land  
 No entries.

PORT SIMPSON/METLAKATLA (in common)

TSIMPSEAN INDIAN RESERVE NO. 2

Lot 3975 Right-of-Way. British Columbia Hydro and Power Authority.  
 0295527 Sum of \$25.00. Order-in-Council 1650 approved May 12, 1970.  
 50% rental to Indian Affairs - \$12.50. Balance - Nil.

WILLACLOUGH INDIAN RESERVE NO. 6 }  
 POINT VEITCH INDIAN RESERVE NO. 7 } - Crown land  
 No entries against these Reserves.

SETON LAKE BAND

SETON INDIAN RESERVE NO. 3

Lots 5363 to Private. Arthur Jackson. 21.53 acres. Amount paid \$700.00.  
 5367, inc. Crown Grant 2444/795 July 27, 1947. Amount paid Indian Affairs  
 \$350.00. Balance - Nil.

SETON INDIAN RESERVE NO. 4

Lot 7624 Private. Jack A. Anderson. 27.0 acres. Certificate of Purchase  
 No. 9354. Amount paid \$515.00. Crown Grant No. 4905/920.  
 August 8, 1954. Amount paid Indian Affairs - \$272.50.  
 Balance - Nil.

## SQUAMISH BAND

CAPULANO INDIAN RESERVE NO. 5

- Lot 5805  
C72492 Private. The First Narrows Bridge Co. Ltd. 9.513 acres.  
Amount paid - \$1.00. Crown Grant No. 7440/645 March 17, 1937.  
No consideration.
- Lot 5521  
C219315 Private. Pacific Great Eastern Railway Co. 0.55 acres. Appraised  
value \$8,250.00. Crown Grant No. 4202/1113 July 26, 1971 by Order-  
in-Council 2353 approved July 6, 1971.  
Amount paid Indian Affairs - \$4,125.00. Balance - Nil.
- Blk. A, Lot  
5521  
C219316 Licence to occupy. British Columbia Electric Co. Ltd. Order-in-  
Council 811 approved March 29, 1962 to March 1972.  
Amount received \$668.50.  
Amount paid Indian Affairs - \$334.25. Balance - Nil.
- Blk. D of Blk.  
B of Lot 5521  
C2193172 Lease No. 3903. Greater Vancouver Sewerage & Drainage District.  
5.58 acres. Appraised value \$4,810.00 per annum (Province waive  
payment) by Order-in-Council 2916 approved December 21, 1959.  
Lease from May 13, 1960 to May 1972.
- Blk. E of Blk.  
B of Lot 5521  
C2193172 Added to Lease No. 3903. 1.88 acres appraised <sup>rental</sup> value \$2,047.00 per  
annum (Province waive payment) by Order-in-Council 881 approved  
March 13, 1971. Lease from December 13, 1967 to May 1972.  
Combined payment to Indian Affairs \$32,599.45. Balance - Nil.
- Blks. A, B. & C  
Lot 5521  
C2193173 Reserve. Corporation of the District of West Vancouver (Road  
right-of-way) by Order-in-Council 1824 approved August 4, 1960.  
No consideration.
- Blk. F. Blk. A  
Lot 5521  
C2193173 Reserve. Department of Highways (Parking Lot and bus station)  
Rental \$6,412.00 per annum (Province waive payment) L.C. April 16,  
1969. Total payment to Department of Indian Affairs - \$9,618.00.  
Balance - Nil.
- Blk. A Lot 5521  
C2193173 #2 Lease No. 2246. The Corporation of the District of West Vancouver.  
25.9 acres. 21 year park lease from May 2, 1957 to May 1972.  
Total amount received \$96,180.00  
Total payment to the Department of Indian Affairs - \$48,090.00.  
Balance - Nil.
- Blk. B & C  
Lot 5521  
C2193173 Right-of-Way Plan 7863. The Greater Vancouver Sewerage & Drainage  
District (sewage pipeline) Appraised value \$100.00 per annum  
(Province waive payment) by Order-in-Council 1137 approved April  
23, 1964.  
Total payment to Department of Indian Affairs - \$400.00.  
Balance - Nil.
- Blk. A of  
Lot 5521  
C2193172 Right-of-Way. Plan attached to Order-in-Council. Greater Vancouver  
Sewerage & Drainage District. 0.25 acres (sewer pipeline) Appraised  
value \$35.00 per annum (Province waive payment) by Order-in-Council  
541 approved March 2, 1962.  
Total payment to Department of Indian Affairs \$175.00. Balance - Nil.
- Pt. Blk. C of  
Lot 5521  
C1933672 Reserve. Department of Highways (bridgesite & gravel removal) by  
Order-in-Council 307 approved February 11, 1956. No consideration.
- Pt. Blks. A, B  
& C of Lot 5521  
C1933672 Reserve. Road Right-of-Way on Plan attached to Order-in-Council 1824  
approved August 4, 1960. No consideration.
- Pt. Blk. C of  
Lot 5521  
C230137 Right-of-Way. Reference Plan 6522. The Corporation of the District  
of West Vancouver. 0.59 acres (21 year water pipeline) rental \$1.00  
per annum by Order-in-Council 2151 approved August 30, 1962.  
Amount received \$10.00.  
Amount paid to Department of Indian Affairs - \$Nil.  
Amount owing Indian Affairs - \$5.00.



SHESHAHT BAND

TSAHANEH INDIAN RESERVE NO. 1

- Lot 231G  
0157805 Private. Robert H. Boyd. 24 acres. Amount paid \$120.00.  
Crown Grant 1878/789. May 26, 1947. Amount paid Indian Affairs -  
\$60.00. Balance - Nil.
- Lot 226G  
0165506 Private. Robert H. Boyd. 16.76 acres. Certificate of Purchase  
No. 6842. Amount paid \$167.60. Crown Grant 5800/828 February 8,  
1949. Amount paid Indian Affairs - \$83.80. Balance - Nil.
- Lot 223G  
0203722 Private. Alfred A. Hudema. 41 acres. Certificate of Purchase  
No. 19702. Amount paid \$1175.00. Crown Grant 6332/1034.  
June 14, 1963. Amount paid Indian Affairs - \$587.50. Balance - Nil.
- Lot 282G  
0139467 R/W Private. Bloedel Stewart & Welch. 1.6 acres. Amount paid \$50.00  
Crown Grant 3512/706. August 3, 1942. Amount owing Indian Affairs -  
\$25.00. Amount paid Indian Affairs - Nil.
- Pt. of Lot 229G  
E. of RW Lot 232G  
0154977 Private. Charles H. Adamson. 76 acres. Amount paid \$380.00  
Crown Grant 54/771. June 28, 1946. Amount paid Indian Affairs -  
\$196.55. Over \$6.55.
- Pt. of Lot  
229G  
0131244 Reserve. Department of Highways (Gravel Pit). L.O. January 22, 1959.  
No consideration.
- Lot 281G  
0131244 Reserve. Department of Public Works (Gravel Pit). Appraised  
Value \$367.50. Application for Crown Grant dated July 22, 1942.  
Total payment to Department of Indian Affairs - \$183.75.  
Balance - Nil.

Total amount received and appraised value	\$2260.10
50%	1130.05
Total amount paid Indian Affairs	1111.60
Amount owing Indian Affairs	18.45
Amount paid Indian Affairs on B.C. Service Voucher dated December 1, 1969, for Tsahaneh I.R. No. 1	108.80
Amount <u>over paid</u>	90.35

SONGHEES BAND

Deadman's Island or Halkett Island #2

- 0160296 Reserved and set apart for the Use, Recreation and Enjoyment of the  
Public by Order-in-Council 1942, approved July 8, 1965, not adjudicated

SQUAMISH (cont.)

Pt. Blk. A & B of Lot 5521  
0227420 Right-of-Way. Plan 6146. The Greater Vancouver Sewerage & Drainage District ( 21 year sewage pipeline). Appraised value \$100.00 per annum. (Province waive payment) by Order-in-Council 2915 approved December 21, 1959.  
Amount paid to Indian Affairs - \$650.00. Balance - Nil.

Pt. Blk B Lot 5521  
052286#3 Temporary Use. Department of Highways (equipment shed & yard site) by L.O. November 22, 1960. No consideration.

Lot 6370  
59376/12 Private. Pacific Great Eastern Railway Co. .79 acres. Free Crown Grant No. 4285/913 February 16, 1954 by Order-in-Council 118 approved January 19, 1954. No consideration.

Lot 4236  
59376/12 #1 Private. Pacific Great Eastern Railway Co. 20.5 acres. Amount paid \$2050.00. Crown Grant No. 2/354 February 9, 1915 by Order-in-Council 106 approved July 16, 1914.  
Amount paid to Indian Affairs - Not applicable 1914.

Lot 5797  
070492 Private. The First Narrows Bridge Co. Ltd. 5.82 acres. Certificate of Purchase No. 24633. Amount paid \$6248.00. Crown Grant No. 6985/540 October 10, 1936. \$200.00 appraisal cost deducted from sale price.  
Total payment to Department of Indian Affairs - \$3024.00.  
Balance - Nil.

Pt. Blk. A Lot 5521  
0178703#1 Right-of-Way on Plan 1325. British Pacific Properties Ltd. Assigned to Park Royal Shopping Centre Ltd. 0.551 acres. Rental \$35.00 per annum by Order-in-Council 721 approved April 6, 1951 and cancelled by Order-in-Council 2830 approved November 22, 1962. Payment of \$192.50 made to Indian Affairs for rent from 1951 to 1962 on April 18, 1961.  
Balance - Nil.

Total amount received & appraised value	\$198,426.40
Total amount paid Indian Affairs	99,213.20
Total amount owing Indian Affairs	99,208.20
Supplementary payment by B.C. Service Voucher dated December 1, 1969 for Capilano Indian Reserve No. 5	5.00
Balance owing	Nil
	5.00

ULKATCHO BAND

ULKATCHO INDIAN RESERVE NO. 1

Lot 2572 except Lot 1  
Plan 53206 Administration & Control transferred to Province of British Columbia by Order-in-Council 2644 approved August 21, 1968.

Remainder Vacant Crown land, complete reserve within Gotsa Forest.

UPPER SIMILKAMEEN BAND

ILTCCOLA INDIAN RESERVE NO. 7

Reserved for Public Recreation by L.O. January 30, 1969. Cur File 0256362. No consideration. Easement. West Kootenay Power and Light appraised value \$16.60. Amount paid Indian Affairs \$8.30. Balance - Nil.

INTERIM REPORTS OF THE MCKENNA-MCBRIDE COMMISSION

One power claimed by the McKenna-McBride Commission was the authority to grants rights-of-way through Indian Reserves. Section 8 of the McKenna-McBride Agreement says that:

"if it shall be ascertained by either government that any lands being part of an Indian Reserve are required for right-of-way or other railway purposes, or for any Dominion or Provincial or Municipal Public Work or purpose, the matter shall be referred to the Commissioners who shall dispose of the question by an Interim Report".

During its three years of work, the McKenna-McBride Commission issued 98 Interim Reports, and many of these deal with rights-of-way granted to railways or to Provincial and Municipal public works. Here is an example of an Interim Report.

## INTERIM REPORT No. 13

OF THE

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE  
OF BRITISH COLUMBIA

Made at Merritt, B.C., this }  
16th day of October, 1913. }

*To His Royal Highness  
The Governor-General of Canada in Council:*  
and

*To His Honour  
The Lieutenant-Governor of British Columbia in Council:*

The Commission, pursuant to Section 8 of the Agreement referred to in the Commission, has had under consideration the application of the Pacific Great Eastern Railway Company to acquire certain lands required for right-of-way purposes and forming part of the Cayoosh Creek Indian Reserve of the Cayoosh Creek Tribe, and upon reading the said application and the correspondence and material in respect thereto and examining the plans submitted, and it appearing that the said lands are required for right-of-way purposes by the said Company,

The Commission recommends that, subject to compliance with the requirements of the law and to due compensation being made, permission be given to the said Company to enter forthwith upon the said lands and to acquire such parts thereof as have been applied for by such Company for such right-of-way purposes, according to the plan filed in the Department of Railways of the Province of British Columbia and approved by the Minister of said Department on the 29th day of July, 1913, in respect to such application, a certified copy of which plan is hereto attached.

All of which is respectfully submitted.

E. L. WETMORE,  
Chairman.

Under these terms it was necessary that "due compensation be made to the Bands". Did this actually happen? Are not these Interim Reports a precedent for compensation for Indian Lands taken for rights-of-way? These and the other questions already mentioned are being researched by the Union of B. C. Indian Chief's Land Claims Centre.

The following is a brief discussion of each case of an Interim Report taking land for a rights-of-way.

INTERIM REPORT NO. 1

21 May 1913

This is an application for railroad rights-of-way for two railroad companies, the Canadian Northern Pacific and the Grand Trunk Pacific. It covers 8 different reserves.

It was approved by the Royal Commission under the powers claimed in Section 8 of the McKenna-McBride Agreement. This report was approved after "reading the...applications and the correspondence and materials on the files of Department of Indian Affairs...and examining the plans..."

It was approved subject to "compliance with the requirements of law". The right is granted to enter upon and acquire parts of the reserves for rights-of-way purposes as put forth in the application.

The reserves affected by this Interim Report are:

1. Cowichan Lake Reserve No. 1
2. Skutz No. 8 (Cowichan Band)
3. Nekalliston No. 1 (North Thompson Band)
4. Noon-La No. 6 (Stoney Creek Band)
5. Seaspunkut No. 2 (Fraser Lake Band)
6. Stellaquo No. 5 (Fraser Lake Band)
7. Bonaparte No. 2 (Bonaparte Band)
8. Spuzzum No. 4 (Spuzzum Band)

No stated acreages were included in this Interim Report.

Here is the disposition of these rights-of-way.

1. Cowichan Lake Reserve No. 1. This was a right-of-way for the Canadian Northern Pacific Railway as shown on Plan No. 1203B. The allowance was granted by Dominion Order-in-Council No. 2235 (30 August 1913) and Dominion Patent No. 22281 was also granted. A total of 4.34 acres is listed in the 1943 Schedule of Reserves as having been taken. This left 103.34 acres. The Royal Commission Report gave the value of the reserve as \$200. per acre. (See Royal Commission Report, vol. 1, pp. 279, 291, and 294).
2. Skutz No. 8, Cowichan Band. This was a Canadian Northern Pacific Railway right-of-way as shown in Plan No. 1202B. The grant was under Dominion Order-in-Council No. 2235 (30 August 1913) and a Dominion Patent No. 222375 was also issued. A total of 3.07 acres is listed in the 1943 Schedule of Reserves as having been taken leaving about 36 acres. However, "Correction of Indian Reserves, Cowichan Agency" (Royal Commission Report, vol. 1, p. 291) shows only 2.82 acres to be taken for the right-of-way leaving 37.18 acres.

3. Nekalliston No. 1 (North Thompson Band). This was a Canadian Northern Pacific right-of-way as shown on Plan No. RR-1260. The grant was made by Dominion Order-in-Council No. 1939 (2 August 1913) along with Dominion Patent No. 20834 (4 December 1926). The Royal Commission Report (Corrections of Indian Reserves, vol. 1, p. 332) deducts 2.69 acres for this right-of-way, but the 1943 Schedule of Reserves lists only 2.46 acres being taken. The 1943 figure apparently left 2.54 acres as reserve.
4. Noon-La Reserve No. 6 (Stoney Creek Band). This was a Grand Trunk Pacific right-of-way as shown in Plan No. RR-1232A. The grant was made by Dominion Order-in-Council No. 2236 (30 August 1913) under Dominion Patent No. 22461. The Royal Commission Report shows 15.32 acres deducted by this report, but the 1943 Schedule of Reserves shows 15.66 acres. (See Royal Commission Report, vol. 1V, p. 770, 778, and 796). The reserve was valued at about \$12. per acre.
5. Seaspunkut Reserve No. 2 (Fraser Lake Band). This was a Grand Trunk Pacific right-of-way as shown on Plan No. RR-1231B. The grant was made by Dominion Order-in-Council No. 2476 (30 September 1913) under Dominion Patent No. 18986. The Royal Commission Report ("Corrections of Indian Reserves, Stuart Lake Agency", vol. 1V, p. 778) deducts 16.77 acres from this reserve leaving about 506.23 acres. The Commission valued the reserve at \$10. per acre (Royal Commission Report, vol. 1V, p. 769). The 1943 Schedule of Reserves shows 15.34 acres taken for this right-of-way.
6. Stellaquo No. 5 (Stellaquo Band). This was a Grand Trunk Pacific right-of-way as shown in Plan No. RR-1234B. The grant was made by Dominion Order-in-Council No. 75 (14 January 1915) under Dominion Patent No. 18985. The Royal Commission Report deducts 29.32 acres from Stellaquo No. 5 for this right-of-way. This left 2047.68 acres as reserve, valued at \$25,712. (See Royal Commission Report, vol. 1V pp. 769 and 778). The 1943 Schedule of Reserves lists 30.41 acres as having been taken for this right-of-way.
7. Bonaparte No. 2. There are no Dominion Orders-in-Council cited in the 1943 Schedule of Reserves. There is one at Mauvais Rocher No. 5. This is 0.56 acres (from a 96 acre reserve) under Dominion Order-in-Council No. 1938 (2 August 1913) as shown in Plan No. RR-1253. This is also the only right-of-way deducted by the Royal Commission Report (See vol. 1, p. 332).

8. Spuzzum No. 4 (Spuzzum Band.) This was a Canadian Northern Pacific right-of-way as shown in Plan No. RR-1258. The Royal Commission deducted 5.41 acres leaving 67.09 acres valued at \$920. (See Royal Commission Report, vol. 11, p. 460 and 483). However, the 1943 Schedule of Reserves shows 6.99 acres as having been taken for this right-of-way.

The valuation of the Royal Commission (vol. 11, p. 460) was broken into two parts. A value of \$50. per acre was put on 16 acres and only \$5. per acre on the remainder. This reserve is called Yalakin No. 4 in the 1943 Schedule of Reserves. The 6.99 acre allowance was apparently made by Dominion Order-in-Council No. 813 (29 May 1925) under Dominion Patent No. 20575.

INTERIM REPORT NO. 2

7 July 1913

This is an application by the Grand Trunk Pacific for a railroad right-of-way through Salaquo Reserve No. 4 of Fort George Band.

This application was approved with the following conditions:

1. compliance with the requirements of law
2. the lands acquired be used for right-of-way purposes as described in the application and in plans filed with Department of Indian Affairs. See Plan No. RR-1233A.

The grant was made by Dominion Order-in-Council No. 2255 (30 August 1913) under Dominion Patent No. 21140. The 1943 Schedule of Reserves shows the acreage taken as 22.88 acres leaving 92.12 acres. The Royal Commission deducted only 17.93 acres for this right-of-way, leaving 97.07 acres valued at about \$10. per acre. (See Royal Commission Report, vol. 1V, p. 769 and 778).

The Interim Report refers to files in Department of Indian Affairs concerning this matter but cites no file numbers.



INTERIM REPORT NO. 3

7 July 1913

This is an application by the Department of Marine and Fisheries of Canada "for a small portion or the whole of Senanus Island..." Senanus Island No. 8 belongs to Tsartlip Band and in 1913 this Band was considered together with other Bands of the Saanich Peninsula as Saanich Tribe. This application was for a beacon light.

This application was approved subject to the following conditions:

1. compliance with the requirements of the law.
2. "proper compensation to be made to the Indians..." The report notes that "in view of current prices of land in that vicinity the Island is of very considerable value".
3. lands acquired to be used for purposes stated in the application
4. subject to proper care be taken in treating the remains of dead as the Island was previously a grave site.

This allowance was granted by Dominion Order-in-Council No. 368 (22 February 1913) and Dominion Order-in-Council No. 3136 (16 December 1914) as shown in the Department of Marine and Fisheries Beacon Light Plan No. M-1466. Apparently, only 0.10 acres was taken and this is what is listed in the 1943 Schedule of Reserves. This left 3.90 acres in the reserve. The Royal Commission set the value as high as \$800. per acre (See Royal Commission Report, vol. 1, p. 281 and 291).

The Interim Report refers to Department of Indian Affairs File No. 433765 for correspondence concerning this matter.

The manner in which this matter was handled shows what was considered to be necessary to transfer Indian Reserve land from one Federal government department to another. Apparently there has been much inconsistency in this process.

INTERIM REPORT NO. 4

18 July 1913

This is an application by Pacific Great Eastern Railway Company for a right-of-way, station grounds, roundhouse, repair shops, and other railway purposes. The allowance is for part of Capilano Indian Reserve No. 5.

This application was approved with the following conditions:

1. compliance with the requirements of law
2. due compensation be made after careful inquiry into local land values.
3. lands acquired to be used for purposes stated in the application and in plans submitted to Department of Indian Affairs. See Plan No. 1370B.

No acreage is stated in the Interim Report, but the Royal Commission deducted 20.50 acres for this allowance leaving 423.50 acres. This reserve was valued at about \$1000. per acre and is the reserve that had the 130 acre cut-off ordered by the Royal Commission. (See Royal Commission Report, vol. 111, pp. 635, 658 and 674). What is the relationship between the lands deducted for the right-of-way and the cut-off lands?

The 1943 Schedule of Reserves shows the 20.50 acres to be different from the cut-off lands. Apparently the right-of-way had no Dominion-Order-in-Council granting it. Instead the acreage was deducted from the conveyance of title by British Columbia in Provincial Order-in-Council No. 1036 (29 July 1938).

INTERIM REPORT NO. 5

22 July 1913

This is an application of the Pacific Great Eastern Railway for a right-of-way through Mission Reserve No. 1 of Squamish Band.

This application was approved with the following conditions:

1. compliance with requirements of law
2. due compensation after careful consideration of the value of the lands.
3. lands acquired to be used for purposes described in plans submitted with the application and on the files of the Department of Indian Affairs.

The Royal Commission deducted 4.38 acres for a public wharf site, but makes no additional references to a Pacific Great Eastern right-of-way. The Royal Commission valued this reserve at about \$1900. per acre and confirmed it at 33.62 acres. (See Royal Commission Report, vol. 111, pp. 635, 658 and 672).

The 1943 Schedule of Reserves shows no Dominion Order-in-Council authorizing this grant of right-of-way. Neither does it schedule a public wharf deduction for this reserve. It lists a reserve at about 35 acres.

INTERIM REPORT NO. 6

22 July 1913

This is an application for a highway right-of-way necessitated by a change in the location of a Canadian Pacific Railway station. The application is for a grant of land from the Salmon Arm Indian Reserve (Little Shuswap Lake Band.)

This Band has five reserves and four have had Canadian Pacific right-of-way taken from them and which reserve this Interim Report refers to is unclear.

The application was approved with the following conditions:

1. compliance with the requirements of law
2. due compensation be made
3. lands acquired to be used for highway purposes as described in plans submitted to Department of Indian Affairs (See File No. 82073).

See also Interim Report No. 8.

INTERIM REPORT NO. 7

23 July 1913

This is an application for Bare Island Reserve No. 9 (Saanich Bands in common). The application is by the Province of British Columbia in order to make the island into a bird sancturay. Bare Island was said to contain 26 acres and this is the amount approved by this Interim Report.

The application was approved subject to the following conditions:

1. compliance with the requirements of law
2. "fair compensation being made to the Indians..."
3. lands acquired to be used for the sanctuary purposes described in the application

It was valued at \$150. per acre(\$3900. total) and maximum value of \$5980. was set by independent appraiser, J.T.L. Meyer. This is an example of the values set on reserves by the Royal Commission being questionable. The reserve was used by the Indians for gathering lakamas (wild onions. See Royal Commission Report, vol. 1, pp. 281 and 285).

INTERIM REPORT NO. 8

22 September 1913

This is an application by the Public Works Department of Canada for a highway right-of-way in order to provide access to a public wharf site at Gleneden (near Shuswap Lake). This was to cross Switsemalph No. 6 Reserve of Little Shuswap Lake Band.

The application was approved subject to the following conditions:

1. compliance with the requirements of law
2. due compensation being made
3. lands acquired to be used for highway purposes

This right-of-way is as shown in Department of Public Works Plan No. 1319 and was granted by Dominion Order-in-Council No. 2685 (30 October 1913). Dominion Order-in-Council Nos. 60 (12 January 1914) and No. 1679 (30 January 1914) also refer to this right-of-way, as well as Provincial Order-in-Council of 18 March 1914.

There is something peculiar about the reserves of this Band, especially Nos. 1, 3, 6 and 7. They seem to have been amalgamated (reserves, not Bands). Were they reduced in size when this occurred. What is the story behind this process of amalgamation?

For more information, see Interim Report No. 6 and the Royal Commission Report, vol. 1, pp. 308, 312, 316 and 335. Also, the 1943 Schedule of Reserves, pp. 26-27. Another question about this reserve is the Band to which it is assigned. Both these sources assigned it to Adams Lake Band (Sahhalkum), not Little Shuswap Lake.

INTERIM REPORT NO. 9

24 September 1913

This is an application of the Canadian Pacific Railway for a right-of-way through East Saanich Reserve (Tsawout Band). No acreage is stated in this report.

The application was approved subject to the following conditions:

1. compliance with the requirements of law
2. due compensation being made
3. lands acquired to be used for railway purposes as described in the application

This grant was made by Dominion Order-in-Council No. 2967 (28 November 1914) as shown in Plan No. RR-1364. Apparently, 6.20 acres was taken. This is the figures listed in the 1943 Schedule of Reserves.

The Royal Commission Report (vol. 1, p. 280) placed a value of \$550. per acre on East Saanich Reserve. In the section "Corrections of Indian Reserves Areas, Cowichan Agency", (vol. 1, p. 291) a total of 8.76 acres was deducted from the reserve leaving about 596.24 acres. This correction included the railroad right-of-way and a highway allowance for the Province of British Columbia.

INTERIM REPORT NO. 10

30 September 1913

This is an application by the City of New Westminster for "certain lands of New Westminster Indian Reserve". The lands were described in City By-Law No. 200 and were said to be needed for "municipal purposes". No acreage is stated in this Interim Report.

The application was approved with the following conditions:

1. approval of the Governor-General of Canada-in-Council, as required by the Indian Act...and to all other requirements of law. This is the only Interim Report that elaborates on the phrase "requirements of law".
2. "proper compensation to the parties entitled..." This apparently refers to the complicated legal situation surrounding this reserve.

This Interim Report is just one more document in the long and complex history of the abolition of the New Westminster reserve. The general outlines of this process is the subject of a separate report.



INTERIM REPORT NO. 11

16 October 1913

This is an application by the Pacific Great Eastern Railway for railroad rights-of-way through Indian Reserve Nos. 2 and 3 of Fountain Band.

The application was approved with the following conditions:

1. compliance with the requirements of law
2. due compensation being made
3. lands acquired to be used for railroad purposes as described in plans submitted to the Provincial Department of Railways and to the Royal Commission.

No acreage is stated in the Interim Report, but the section "Correction of Indian Reserves, Lytton Agency", (Royal Commission Report, vol. 11, p. 482) shows that Reserve No 2 was reduced by 15.80 acres (leaving 150.20) and that Reserve No. 3 was reduced by 8.45 acres (leaving 418.55).

Reserve No. 2 was described by the Royal Commission (vol. 11, pp. 449 and 464) as a "hilly and comparatively worthless tract". Three acres was valued at \$90. per acre and the remaining acreage was set at \$5. per acre. Only 25 acres was said to be cultivable at all. Reserve No. 3 was said to be dry hay land. It was used for this purpose, but the Indians said it would be more productive if water were available. The value of 27 acres of the reserve was set at \$125. per acre and the remaining acreage was put at only \$10. per acre.

The Reserve No. 2 right-of-way was granted by Dominion Order-in-Council No. 2286 (4 September 1914) as shown in Pacific Great Eastern Plan No. RR-1317A. It is also referred to in Provincial Order-in-Council of 21 August 1915. This allowance is listed in the 1943 Schedule of Reserves as 15.80 acres. One right-of-way was taken from Reserve No. 2 by Dominion Order-in-Council No. 2160 (6 September 1918) under Provincial Grant No. 2720 (19 February 1884). This is also listed in the 1943 Schedule of Reserves as dealing with Reserve No. 2 and apparently 13.07 acres was taken.

Still another right-of-way was granted by Dominion Order-in-Council No. 2286 as shown in Plan No. RR-1315A. This is apparently the allowance on Reserve No. 3. Provincial Order-in-Council of 21 August 1915 also deals with this allowance. The 1943 Schedule of Reserves shows 8.45 acres deducted for this right-of-way.

INTERIM REPORT NO. 12

16 October 1913

This is an application of the Pacific Great Eastern Railway for a railroad right-of-way through Indian Reserve No. 1 of Pavilion Band.

This application was approved with the following conditions:

1. compliance with the requirements of law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans presented to the Provincial Department of Railways.

The section "Correction of Indian Reserves, Lytton Agency" (vol. 11, p. 482 of the Royal Commission Report) lists 68.30 acres being deducted for this right-of-way leaving 2250.2 acres. The Royal Commission valued the reserve at \$5. per acre.

The right-of-way was granted by Dominion Order-in-Council No. 1890 (28 July 1914) was described in Pacific Great Eastern Plan No. RR-1356A. Provincial Order-in-Council of 26 August 1915 also deals with this allowance and a Dominion Crown Patent No. 17610 (10 November 1915) was also issued.

INTERIM REPORT NO. 13  
16 October 1913

This is an application for a railroad right-of-way by the Pacific Great Eastern Railway Company through Cayoose Creek Indian Reserve No. 1 (Cayoose Creek Band).

This application was approved subject to the following conditions:

1. compliance with requirements of law
2. due compensation being made
3. the grant be used for right-of-way as described in plans submitted to Provincial Department of Railways.

This reserve was described as a somewhat rocky, dry farming area (Royal Commission Report, Vol. 11, p. 447) and was the main settlement of the Band. Thirty acres was valued at \$100. per acre, the remaining acreage at \$10. per acre.

In the section "Correction of Indian Reserve Areas", Lytton Agency (Royal Commission Report, Vol. 11, p. 482) the size of the allowance is 20.6 acres leaving 346.4 acres.

The right-of-way was granted by Dominion Order-in-Council No. 2286 (4 Sept. 1914) as described in Pacific Great Eastern Railway Plan No. RR-1316 A. Dominion Patent No. 17762 was issued on 23 August, 1916. Provincial Order-in-Council of 26 August 1915 also deals with this right-of-way allowance.

INTERIM REPORT NO. 14

6 November 1913

This is an application by the Burrard Inlet Tunnel and Bridge Company for railroad right-of-way through Seymour Creek Reserve No. 2 (Burrard Band).

This application was approved subject to the following conditions:

1. compliance with requirements of law
2. due compensation
3. use of the grant for right-of-way purposes as described in plan submitted to the Board of Railway Commissioners of Canada (11 July 1913)

This 147 acre reserve was valued at \$125,000. by the Royal Commission. The right-of-way totalled 7.54 acres and was granted by Dominion Order-in-Council No. 2031 (5 October 1923) as described in Plan No. RR-1324B. A Dominion Crown Patent was issued as No. 20456.

In the 1920's further rights-of-way were taken. The reserve was re-surveyed in 1926 as 128.10 acres and in the 1943 Schedule of Reserves is listed at 109.15 acres.

INTERIM REPORT NO. 15  
14 November 1913

This is an application by the British Columbia Electric Railway Company for a portion of Suburban Block No. 9 within limits of City of New Westminster Reserve and was for "railway purposes", though a right-of-way is not specified.

This application was approved subject to the following conditions:

1. Compliance with requirements of law
2. due compensation
3. use of land is for "such railway purpose" as described in the Plan attached to D.I.A File No. 324521.

Apparently this grant was made by a Dominion Order-in-Council, but there is no record of it in the 1943 Schedule of Reserves. The Royal Commission Report ("Correction of Indian Reserves Areas, vol. 11, p.658) shows a deduction from New Westminster Reserve of 2.77 acres for Canadian Pacific, British Columbia Electric, and public street rights-of-way.

INTERIM REPORT NO. 17  
19 November 1913

This is the application of the Victoria, Vancouver and Eastern Railway Navigation Company for "certain additional lands" required for "railway purposes" on Upper Sumas Reserve No. 6 (Sumas Band).

The application was approved with the following conditions:

1. compliance with requirements of law
2. due compensation
3. lands to be acquired for "railway purposes" as described in plan submitted to Board of Railway Commissioners of Canada.

In the Royal Commission Report ("Correction of Indian Reserves Areas", vol. 111, p.658) mention is of 32.60 acres being taken for the Maclure Tramway leaving a reserve of 578.2 acres. The reserve was valued by the Royal Commission at \$25,500. and was a village site of the Sumas Band (Royal Commission Report, vol. 111, p. 638).

The first right-of-way by the Victoria, Vancouver and Eastern Railway Navigation Company was taken by Dominion Order-in-Council No. 1585 (1 August 1910) as described in Plan No. RR-1012. A Dominion Patent Reference was issued as No. 16235. This right-of-way totalled 28.83 acres.

The Interim Report probably refers to the second right-of-way allowance of 1.26 acres granted in Dominion Order-in-Council No. 3176 (19 December 1913) as described in Plan NO. RR-1320.

Part of the Victoria, Vancouver and Eastern Railway Navigation Company right-of-way was repurchased. The date is not known, but is believed to be sometime in the 1920's. This transaction is referred to in British Columbia Plan No. 545. Indefeasible Title No. 78827E was granted (Record No. 1135). This apparently amounted to 8.58 acres.

INTERIM REPORT NO. 18  
20 November 1913

This is an application by the Pacific Great Eastern Railway for railroad rights-of-way through Indian Reserve Nos. 1 and 2 of Clinton Band.

This application was approved with the following conditions:

1. compliance with requirements of law.
2. due compensation
3. lands to be acquired for rights-of-way as described in plans filed with Provincial Department of Railways.

Clinton Reserve No. 1 (225 acres) was ordered cut-off by the Royal Commission on 15 March 1915. It is one of the 35 cut-off lands.

Clinton Reserve No. 2 is listed in the Royal Commission Report ("Correction of Indian Reserves Areas, Lytton Agency", vol. 11, p.482) as having 27.08 acres deducted for Pacific Great Eastern Railway right-of-way leaving 820.92 acres. The land of this reserve was valued at 70 acres at \$100. per acre and 750.92 acres at \$5. per acre.

The right-of-way was granted by Dominion Order-in-Council No. 3715 (19 December 1913) as described in Plan No. RR-1336B under Dominion Patent No. 19784. The amount cited in the 1943 Schedule of Reserves is 27.08 acres.

This reserve as allotted by the Indian Reserve Commission in 1881 and originally surveyed in 1883 (Plan No. 71) as 848 acres. However, it was confirmed by the Royal Commission at only 820.92 acres.

INTERIM REPORT NO. 21  
30 January 1914

This is an application of the Grand Trunk Pacific Railway for a right-of-way through Squin-tix-stat Reserve No. 3 of Kitwanga Band. There is a stated acreage allowed by this Interim Report. It is 3.41 acres and this was the amount described in the plan submitted to the Department of Indian Affairs and sent to the Royal Commission (Plan No. RR-1358 A).

This reserve was allotted by the Indian Reserve Commission in 1891 and originally surveyed in 1900 (Plan No. 122) as 23 acres. But in the Royal Commission Report ("Correction of Indian Reserves Areas, vol. 1, p. 192) the Royal Commission deducted 3.41 acres, claiming that this was "The survey plan" showed.

The reserve was listed by the Royal Commission Report (vol. 1, p.184) as a fishing station valued at \$1. per acre.

The right-of-way was granted by Dominion Order-in-Council No. 1589 (12 October 1926) under Dominion Patent No. 20983 (29 July 1937). The total amount at this time was 3.80 acres.

On 5 April 1916, the Royal Commission ordered the 19.59 acres cut-off and this is one of the 35 cut-offs.



INTERIM REPORT NO. 22  
30 January 1914

This is an application of the Canadian Northern Pacific Railway for railroad right-of-way on Okanagan Reserve No. 1 (Okanagan Band). The amount of land shown on the plans approved by the Royal Commission was 56.29 acres.

This application was approved with the usual conditions:

1. compliance with the law.
2. due compensation
3. the land acquire to be used for rights-of-way as described in the plans.

In the Royal Commission Report ("Correction of Indian Reserves Areas," vol. 111, p. 708) mention is made of 56.29 acres deducted from this reserve for the right-of-way. But after the grant was made by Dominion Order-in-Council No. 2540 (10 October 1914) and Dominion Order-in-Council No. 2174 (5 January 1927), the right-of-way was scheduled as 58.05 acres. Also additional rights-of-way were granted to Canadian Northern Pacific Railway from this reserve.

This reserve of about 25,500 acres was valued at \$833,475. with some acreage at \$100., some at \$25. and some at \$10.

The legal situation of this reserve is complicated by the fact that 4,400 acres of it was in the Railway Belt and this might effect the mechanism by which land was taken here.

INTERIM REPORT NOS. 25, 25A, 25B

12 February 1914

This is an application by the Department of Agriculture of Canada for lands of Penticton Reserve No. 1 for use as an Experimental Farm.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. land acquired to be used for purposes of Experimental Farm

The grant in Interim Report No. 25 included 400 acres, and should be considered along with Interim Report Nos. 25A and 25B, which also granted lands to the Experimental Farm.

Interim Report No. 25A (2 November 1914) allows an additional 10 acres to be taken from Penticton Reserve No. 1 for the Experimental Farm with the usual conditions.

Interim Report No. 25B (20 January 1915) allows a further 154.55 acres to be taken from Penticton Reserve No. 1 for the Experimental Farm with the usual conditions.

The total of these 3 Interim Reports is 564.55 acres and was granted by Dominion Order-in-Council No. 512 (20 February 1914) and No. 589 (18 March 1915) as described in Plan No. 1477, Department of Agriculture.

A further 78 acres was given to the farm in 1929 by Dominion Order-in-Council No. 161 (6 February 1929).

These Interim Reports are only a part of the land taken from this reserve by the Royal Commission including a 14,000 acre cut-off.

INTERIM REPORT NO. 26  
20 February 1914

This is an application by Grand Trunk Pacific Railway for railroad rights-of-way through Charles Indian Reserve No. 1 and Tibbets Indian Reserve No. 2.

At this time, it is not known the whereabouts or the disposition of these reserves. The Interim Report describes them as being in Range 5, Coast District, British Columbia.

The application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. the lands to be acquired are for the right-of-way purposes as described in plans submitted to the Board of Railway Commissioners of Canada on 18 August 1913 and on 7 February 1914, and as filed in Department of Indian Affairs File Nos. 438855 and 384478.

INTERIM REPORT NO. 27  
17 March 1914

This is an application by the Grand Trunk Pacific Railway Company for a railroad right-of-way through Chig-in-Kaht Indian Reserve No. 8, Kitwanga Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. the land to be acquired to be used for right-of-way purposes as described in plans approved by the Board of Railway Commissioners of Canada on 13 December 1913 and as filed in File No. 455689 of Department of Indian Affairs.

The acreage approved by this Interim Report was 8.18 acres. However, the right-of-way was granted by Dominion Order-in-Council No. 1590 (12 October 1926) based on Plan No. RR-1369 A under Dominion Patent Reference No. 20984 (29 July 1927). The acreage eventually taken was 8.91 acres and this is what is listed in the 1943 Schedules of Reserves.

The Royal Commission Report also made a deduction in "Re-allotments, Acreages, and Per Capitas, Reserves of Babine Agency", (vol. 1, p. 201) and "Correction of Indian Reserves Areas, Babine Agency" (vol. 1, p. 192). The Agent testified that the reserve was actually 103 acres, but the 1913 Official Schedule showed only 72.82 acres. What decision was taken about this?

The 1943 Schedule of Reserves shows that the original allotment of the Indian Reserve Commission was 92.21 less the right-of-way deductions for a 1943 total of 78.8 acres.

This reserve was valued by the Royal Commission at \$1.00 per acre (Royal Commission Report, vol. 1, p. 184).

INTERIM REPORT NO. 28  
23 March 1914

This is an application by the Kootenay Central Railway Company for a railroad right-of-way through Shuswap Indian Reserve No. 1, Shuswap Band (in 1916 Kinbasket's Band).

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans approved by Board of Railway Commissioners of Canada on 6 and 9 March 1914 (Orders No. 551 and 21460) and as filed with the Department of Indian Affairs under File No. 293755.

The acreage set in the Interim Report was 23.55 acres. The right-of-way was granted by Dominion Order-in-Council No. 219 (29 January 1915) as described in Plan No. RR-1469 under Dominion Patent No. 20336 (15 October 1924). The acreage listed as taken in the 1943 Schedule of Reserves is 22.75. Also, the Royal Commission Report ("Correction of Indian Reserves Areas, Kootenay Agency", vol. 11, p. 364) shows 22.75 acres deducted from the reserve for the right-of-way. This left 2736.25 acres in the reserve.

The reserve was valued by the Royal Commission at \$12. per acre.

INTERIM REPORT NO. 29  
23 March 1914

This is an application by the Canadian Pacific Railway Company for a railroad right-of-way through Indian Reserve No. 5 of Little Shuswap Lake Band (in 1916 Kuaut Band). This is the North Bay (or Tappen Siding Reserve).

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way as described in plans approved by the Board of Railway Commissioners of Canada on 9 March 1914 (Order No. 21453) and as filed with Department of Indian Affairs under File No. 82073.

The acreage stated in the Interim Report is 2.34 acres. However, a series of orders-in council and rights-of-way granted to the Canadian Pacific Railway Company between 1900 and 1931 make it difficult to trace this particular Interim Report.

A total of 10.90 acres was taken by some combination of the following documents:

1. Dominion Order-in-Council No. 1306 (26 August 1926)
2. Dominion Order-in-Council No. 2107 (27 September 1911)
3. Canadian Pacific Railway Company Right-of-way Plan RR-1104.
4. Dominion Patent No. 16421 (20 October 1911)
5. Provincial Crown Grant No. 7/260 (28 January 1914)
6. Certificate of Indefeasible Title No. 25274 (5 March 1914)

INTERIM REPORT NO. 32  
4 May 1914

This is an application of the Pacific and Hudson Bay Railway Company for a right-of-way through Bella Coola Reserve No. 1, Bella Coola Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. land acquired to be used for right-of-way as described in plan in File No. 19712 of the Board of Railway Commissioners of Canada, approved on 15 April 1914 (Order No. 21638), and filed with Department of Indian Affairs under File No. 407682.

No fixed acreage is mentioned in the Interim Report, nor is a deduction made by the Royal Commission when the reserve was confirmed as 3363.00 acres on 26 September 1913 (Royal Commission Report , vol. 1, p. 248). It might be that no land was even taken for this right-of-way, but this should be checked carefully. At least, no railraod has ever been built to Bella Coola and no company called the Pacific and Hudson Bay Railway Company exists today.

INTERIM REPORT NO. 33  
9 May 1914

This is an application of the Western Canada Power Company for a right-of-way through Indian Reserve No. 2 of Langley Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way as described in Plan deposited in Land Registry Office, New Westminster and approved by the Canada Board of Railway Commissioners on 10 April 1914 (Order No. 21662). See Board of Railway Commissioners File No. 2237038.

There were several rights-of-way granted to Western Canada Power Company through this reserve between 1911 and 1929. The total acreage of these is 9.59

This right-of-way seems to be covered under Dominion Order-in-Council No. 1631 (20 July 1914) and Dominion Patent No. 20026. The acreage here is 1.51.



INTERIM REPORT NO. 34

18 June 1914

This is an application by the Pacific Great Eastern Railway for a right-of-way through Nequatque Reserve No. 1 of Anderson Lake Band.

The application was granted with the usual conditions:

1. compliance with the law
2. due compensation
3. the lands acquired to be used for right-of-way purposes as described in plans submitted to the Provincial Department of Railways.

The acreage stated in the Interim Report is 6.82 acres. This is also the amount shown in the Royal Commission Report ("Correction of Indian Reserves Areas", vol. 11, p. 482). This reduced the acreage of the reserve from 444.00 to 437.18 acres. The Royal Commission Report valued the land of this reserve at \$6,531. with 24 acres at \$100. per acre and 413 acres at \$10. per acre. It was the main village of the Band and with irrigation was good farming land. (Royal Commission Report , vol. 11, p. 447).

The acreage 6.82 is also the amount listed as taken by the 1943 Schedule of Reserves. The grant was made by Dominion Order-in-Council of 10 October 1914 as shown in Pacific Great Eastern Railway Plan No. RR-1264 B. Also, covering this right-of-way allowance are Dominion Order-in-Council of 21 December 1915, Dominion Patent no. 17685 (16 May 1916), and Provincial Orders-in-Council of 26 August 1915 and 18 January 1916.

INTERIM REPORT NO. 35

18 June 1914

This is an application of the Pacific Great Eastern Railway for right-of-way through Anderson Lake Reserve No. 2 (Anderson Lake Band.)

The application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted to Provincial Department of Railways

The acreage to be taken, as stated in the Interim Report, is 2.46 acres. This is also the acreage listed in "Correction of Indian Reserves, Lytton Agency (Royal Commission Report, vol. 11, p. 482). This deduction left the reserve with 17.54 acres. The Royal Commission Report (vol. 11, p. 477) valued the reserve at \$20. per acre.

The amount listed as taken in the 1943 Schedule of Reserves is also 2.46 acres as described in Pacific Great Eastern Plan No. 17686 (17 March 1916). No order-in-council is mentioned in the 1943 Schedule of Reserves.

INTERIM REPORT NO. 36  
18 June 1914

This is an application of the Pacific Great Eastern Railway for a right-of-way through Anderson Lake Reserve No. 4 of Anderson Lake Reserve.

The application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted to Provincial Department of Railways.

The acreage stated to be taken is 3.20 acres. The right-of-way is not mentioned in any other section of the Royal Commission Report and Reserve No. 4 of Anderson Lake was confirmed by the Royal Commission on 12 March 1915 as 20.00 acres. This is the size it was as allotted by the Indian Reserve Commission on 5 September 1881.

The 1943 Schedule of Reserves shows the reserve at 20.00 acres and lists no right-of-way allowance. There are no orders-in-council plans or Dominion patents mentioned either.

From these documents, it appears that this right-of-way was never taken, but is this so?

INTERIM REPORT NO. 36A

4 December 1915

This is an amendment of Interim Report No. 36. The reserve through which the right-of-way was to go was Indian Reserve No. 4 (Lokla) of Pemberton or Mount Currie Band.

This report amends Interim Report No. 36 by substituting the name of Lokla No. 4 of Pemberton Band.

In the 1943 Schedule of Reserves, this reserve is listed as having had 3.20 acres taken from it by Dominion Order-in-Council No. 1878 (18 July 1914) and Dominion Order-in-Council No. 2982 (21 December 1915). Dominion Patent No. 17687 was also issued.

This deduction of 3.20 acres is also mentioned in the Royal Commission Report (vol. 111, p. 658, "Correction of Indian Reserve Areas, New Westminster Agency"). According to the Royal Commission Report this left the reserve with 16.30 acres valued at \$800.

There is an inconsistency in the statistics of the Royal Commission Report. In "Analysis of Evidence, Tab A" (vol. 111, p. 633) the original size of the reserve is set at 19.50 acres. After the right-of-way allowance, this left 16.30 acres. This is also the case in "Correction of Indian Reserve Areas".

However, when the reserve was confirmed, it was confined at 13.10 acres after deducting an additional 3.20 acres from it. See "Confirmation of Reserves, New Westminster Agency" (vol. 111, p. 671).

The 1943 Schedule of Reserves claims the reserves was allotted at 16.30 acres with one deduction of 3.20 acres, leaving a total of 13.10.

This reserve was first allotted by the Indian Reserve Commission on 6 September 1881 and originally surveyed in 1882 under Plan No. L-239.

P. O'Reilly, Indian Reserve Commissioner, described the reserve as 20 acres through which the Mosquito River flowed. See Department of Indian Affairs Annual Report (1882, p. 79).

INTERIM REPORT NO. 37  
18 June 1914

This is an application of the Pacific Great Eastern Railway for a right-of-way through Silicon Reserve No. 2, Seton Lake Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired used for right-of-way purposes as described in plans submitted to Provincial Department of Railways.

The acreage stated in the Interim Report is 21.50 acres, but this was amended by Interim Report No. 72. An additional 2.348 acres was taken making a total of 23.48. See "Correction of Indian Reserves Areas, Lytton Agency" (Royal Commission Report, vol. 11, p. 483).

This left the reserve with about 115 acres. The allowance was granted by Dominion Order-in-Council No. 1878 (18 July 1914) and Dominion Order-in-Council of 26 August 1915. Dominion Patent No. 17893 (26 March 1917) was also issued.

The 1943 Schedule of Reserves lists the acreage taken as 23.85. The Royal Commission Report (vol. 111, p. 461) valued the reserve at \$1,275.00 with 10 acres at \$75. per acre and 105 acres at \$5.

INTERIM REPORT NO. 38

18 June 1914

This is an application of Pacific Great Eastern Railway for a right-of-way through Necait No. 6 Reserve of Seton Lake Band.

This application was approved with the usual conditions:

1. compliance with law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted to Provincial Department of Railways.

The acreage stated in the Interim Report is 5.15 acres. This is also the acreage stated in the Royal Commission Report ("Correction of Indian Reserve Areas, Lytton Agency", vol. 11, p. 483). This left 78.85 acres which was confirmed by the Royal Commission on 12 March 1915 (Confirmation of Reserves, Lytton Agency", vol. 111, p. 503).

The reserve was valued at \$814.25 with 7 acres at \$65. per acre and 7185 acres at \$5. per acre. (Royal Commission Report, vol. 11, p. 462).

The allowance was taken by Dominion Order-in-Council No. 1 (10 October 1914) and Dominion Order-in-Council No. 2982 (21 December 1915) as described in Plan No. RR-1263A. It is also covered by Provincial Order-in-Council of 26 August 1915 and 18 January 1916.

A Dominion Patent was issued as No. 17688 of 22 March 1915.

INTERIM REPORT NO. 40

6 July 1914

This is an application of the Pacific Great Eastern Railway for a right-of-way through Quesnel Indian Reserve No. 1 of the Quesnel Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted to the Provincial Department of Railways.

The acreage stated in the Interim Report is 17.89 acres. However, this right-of-way and the orders-in-council run a peculiar course.

This 17.89 acres is what is referred to throughout the Royal Commission Report (See vol. 111, p. 915, p. 925 and 933). This left 1,349.11 acres from an original 1367. (See Confirmation of Reserves, vol. 1V, p. 933).

The 1943 Schedule of Reserves describes the following procedure:

From a reserve of 1367 acres, 12.59 acres was taken for a Pacific Great Eastern Railway right-of-way by Dominion Order-in-Council No. 1813 (7 September 1922) as described in Plan No. RR-1424 under Dominion Patent No. 19925. This left 1354.41 acres.

In 1929 the reserves was re-surveyed (Plan No. 809) at 1365.81 acres, enlarging it by about 11 acres. Why was this done?

The Royal Commission Report valued the reserve at \$25. per acre and it was the main village of the Quesnel Band.

INTERIM REPORT NO. 41

6 July 1914

This is an application of Pacific Great Eastern Railway for a right-of-way through Rich Bar Reserve No. 4 of Quesnel Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted to Provincial Department of Railways.

The acreage stated in the Interim Report is 9.71 acres. This is also the acreage listed in "Correction of Indian Reserves Areas, Williams Lake Agency", (Royal Commission Report, vol. 1V, p. 933). This left 225.29 acres with a value of \$25. per acres (Royal Commission Report, vol. 1V, p. 915).

However, the 1943 Schedule of Reserves shows 20.13 acres taken by this right-of-way. This was done by Dominion Order-in-Council No. 1813 (7 September 1922) as described in Plan No. RR-1423B under Dominion Patent No. 19926.

As with Quesnel Indian Reserve No. 1 there was a re-survey that enlarged the reserve. The original allotment and survey in the 1880's was 235 acres (Plan No. 81). This is the size that the Royal Commission considers when it issued Interim Report No. 41. However, the 1928 survey shows 259 acres (Plan No. 810). With the 20.13 acre right-of-way subtracted, this leaves 238.87 acres.



INTERIM REPORT NO. 42

6 July 1914

This is an application of Pacific Great Eastern Railway for a right-of-way through Alexandria Indian Reserve No. 1, Alexandria Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. land acquired to be used for right-of-way purposes as described in plans submitted to the Provincial Department of Railways.

The acreage stated in the Interim Report is 4.745 acres. This is also the acreage listed in "Correction of Indian Reserves Areas, Williams Lake Agency" (Royal Commission Report, vol. 1V, p. 913).

According to the 1943 Schedule of Reserves the acreage eventually taken was 4.34 acres. This was done by Dominion Order-in-Council No. 1588 (8 July 1915) as described in Plan No. RR-1422A under Dominion Patent No. 17562. Also, referring to this right-of-way allowance is Provincial Order-in-Council of 26 August 1915.

This reserve also had a "cut-off" by the McKenna-McBride Commission. In addition to the right-of-way 260 acres was cut-off from an original total of 554.50 acres. Did the right-of-way go through the cut-off, or through the remaining 289. acres or both?

Apparently, both. See evidence on cut-off lands.

INTERIM REPORT NO. 43  
8 July 1914

This is an application for a public wharf site by the Public Works Department of Canada. The wharf was to be located on Mission Reserve No. 1, Squamish Band.

This application was approved, but subject to some rather special conditions:

1. compliance with the law
2. "due compensation being made" for lands contained within the Indian Reserve and "of the foreshore thereof as it may be necessary to acquire for the purpose of the said wharf, as well as for any foreshore and riparian rights and privileges interfered with, and to reasonable requirements of the Indians as to ingress and egress being properly safeguarded..."
3. wharf, et. to be constructed as described in Department of Indian Affairs correspondence File No. 386830 and communications between the Department of Public Works and Department of Indian Affairs.

According to the Royal Commission Report ("Correction of Indian Reserves Areas, vol. 111. p. 658), 4.38 acres was to be taken from the reserve for this public wharf. This left 33.62 acres which is what the Royal Commission Report confirmed as reserve on 13 May 1916 ("Confirmation of Reserves", vol. 111, p. 672). The Royal Commission valued the reserve land at \$728,500. with no mention of the value of other rights mentioned in the ("Correction of Indian Reserves Areas, vol. 111, p. 635)

The reserve was re-surveyed in 1930 Plan No. 748, Reference File No. 27167-2, Department of Indian Affairs). Today the reserve is set at 41.6 acres.

INTERIM REPORT NO. 44

11 July 1914

This is an application of the Pacific Great Eastern Railway for a right-of-way through Slosk (Sha-lath) Indian Reserve No. 1 of Seton Lake Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposed as described in plans submitted to Provincial Department of Railways.

The acreage stated in this Interim Report is 80.1 acres. But elsewhere in the Royal Commission Report ("Correction of Indian Reserves, vol. 11, p. 483 and "Confirmation of Reserves," vol. 11, p. 503) the allowance is set at 90.64 acres. This left 1,994.6 acres in the reserve. It was valued at \$11, 871.80 with 20 acres at \$100. per acre and the rest at \$5. per acre.

The 1943 Schedule of Reserves shows the same acreage, 90.64, as eventually taken. This was done by Dominion Order-in-Council of 10 October 1914 as described in Plan No. RR-1308 under Dominion Patent No. 1789 of 27 March 1917. Also, referring to this allowance is Provincial Order-in-Council of 6 October 1916.

An area of 1.01 acres was reconveyed to Department of Indian Affairs from the Pacific Great Eastern Railway by deed on 1 December 1926.

INTERIM REPORT NO. 44A

24 February 1915

This is an extension of the right-of-way granted in Interim Report No. 44. The extension was for 10.54 acres from Slosh No. 1 of Seton Lake Band.

The extension was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for station grounds, widening cuts, ballast supply purposes as described in plans submitted to the Provincial Department of Railways.

This additional 10.54 acres bring this total of the two Interim Reports to 90.64 acres, equal to the amount shown in the Royal Commission Report and the 1943 Schedule of Reserves.

INTERIM REPORT NO. 48

20 August 1914

This is an application by the City of Kamloops for lands of Kamloops Indian Reserve No. 7, Kamloops Band. This was to be for a hydro-electric transmission line.

There is no mention of this right-of-way allowance in other sections of the Royal Commission Report nor in the 1943 Schedule of Reserves. There were a number of deductions from the acreage of this reserve, mostly for Canadian Northern Pacific Railway rights-of-way.

There was a road and power line right-of-way of 2.09 acres granted in 1934, but this is not necessarily the same allowance.

The application mentioned in this Interim Report was approved, but with some exceptional conditions:

1. compliance with the law and approval of the Governor in Council as stated in the "Indian Act."
2. "the Corporation of the City of Kamloops be permitted to take, enter upon, and use such portion of the lands contained within the said Kamloops Indian Reserve No. 1 as shall be necessary to the purposes of the ... hydro-electric transmission line through and across the said... reserve, and to have, exercise and enjoy rights of construction, operation and maintenance of the hydro-electric transmission line ..."

Did this actually alienate the land or merely give access and use of the land?

INTERIM REPORT NO. 48  
20 August 1914

This is an application by the City of Kamloops for lands of Kamloops Indian Reserve No. 7, Kamloops Band. This was to be for a hydro-electric transmission line.

There is no mention of this right-of-way allowance in other sections of the Royal Commission Report nor in the 1943 Schedule of Reserves. There were a number of deductions from the acreage of this reserve, mostly for Canadian Northern Pacific Railway rights-of-way.

There was a road and power line right-of-way of 2.09 acres granted in 1934, but this is not necessarily the same allowance.

The application mentioned in this Interim Report was approved, but with some exceptional conditions:

1. compliance with the law and approval of the Governor in Council as stated in the "Indian Act."
2. "the Corporation of the City of Kamloops be permitted to take, enter upon, and use such portion of the lands contained within the said Kamloops Indian Reserve No. 1 as shall be necessary to the purposes of the ... hydro-electric transmission line through and across the said... reserve, and to have, exercise and enjoy rights of construction, operation and maintenance of the hydro-electric transmission line ..."

Did this actually alienate the land or merely give access and use of the land?

INTERIM REPORT NO. 49  
24 August 1914

This is an application by the Grand Trunk Pacific Railway for a right-of-way through Fort George Reserve No. 2, Fort George Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted to the Board of Railway Commissioners.

The acreage stated in the Interim Report is 14.74 acres. This is also the acreage stated elsewhere in the Royal Commission Report (See "Confirmation of Reserves, Stuart Lake Agency," vol. 1V, p. 796,) and ("Correction of Indian Reserves, Stuart Lake Agency," vol. 1V, p. 778). The Royal Commission valued the reserve at about \$8. per acre and the deductions left 1,295.26 acres as reserve (See Royal Commission Report, vol. 1V, p.769).

The 1943 Schedule of Reserves shows the same figures, and shows the authority as Dominion Order-in-Council No. 479 (28 February 1918), as described in Plan No. RR-1237 B under Dominion Patent No. 18209.

INTERIM REPORT NO. 51  
5 October 1914

This is an application of the Pacific Great Eastern Railway for right-of-way through Williams Lake Reserve No. 1, Williams Lake Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way as described in plans submitted to the Provincial Department of Railways.

The acreage stated in the Interim Report is 4.62 acres. However, in the Royal Commission Report ("Corrections of Indian Reserves, vol. 1V, p. 925) only 4.37 acres is shown. The reserve was confirmed as 4,069.63 acres by the Royal Commission Report which should put the right-of-way allowance at 4.37 acres ("Confirmation of Reserves, vol. 1V, p. 933).

The 1943 Schedule of Reserves states that 4.37 acres was eventually taken by Dominion Order-in-Council No. 3184 (24 December 1914) as described in Plan No. RR-1448 A, under Dominion Patent No. 17575. Also, referring to this right-of-way is Provincial Order-in-Council of 26 August 1915.

The reserve was valued at \$25. per acre by the Royal Commission Report (vol. 1V, p. 916).



INTERIM REPORT NO. 52  
20 October 1914

This is an application of the Canada Department of Customs for a customs building site on Tobacco Plains Indian Reserve No. 2, Tobacco Plains Band.

This application was approved with the following conditions:

1. compliance with the law.
2. "Proper compensation be made to the Indians"
3. lands acquired to be used by Customs Department for plan filed with Department of Indian Affairs for building

The Interim Report approves 2.97 acres for this application. This is also acreage listed as "surrendered and sold" to the Department of Customs in "Confirmation of Reserves" (Royal Commission Report, vol. 11, p. 367). The reserve was valued at \$10. per acre and after the deduction, 10,557.03 acres was left.

These 2.97 acres is also the figure cited in the 1943 Schedule of Reserves and was taken under authority of Dominion Order-in-Council No. 114 (16 January 1915) as described in Plan British Columbia-269.

There has also been an additional strip of land 60' wide across the Indian reserve, adjoining the international boundary set aside and reserved for sale or development in the interests of International administration.

INTERIM REPORT NO. 53  
22 October 1914

This is an application of the Canadian Northern Pacific Railway for a right-of-way through Chuchammissapo Reserve No. 15, Nitinaht Band.

This application was approved subject to the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in Plan No. 1450 filed with the Provincial Department of Railways and Department of Indian Affairs.

The acreage stated in the Interim Report was 3.4 acres. But elsewhere in the Royal Commission Report only 3.00 acres was deducted. See "Confirmation of Reserves" (vol. 1V, p. 887) and "Correction of Indian Reserves" (vol. 1V, p. 880). This left 89.00 acres in the reserve that was valued at \$5. per acre (see Royal Commission Report, vol. 1V, p. 859).

The 1943 Schedule of Reserves also shows 3.00 acres taken for this reserve and excluded rights in the bed of Nitinaht River. No Dominion Order-in-Council is cited and only this Interim Report is shown as the authority.

There never was a railroad built through this reserve, so the status of this right-of-way appears to be questionable. What is the present status of this land?

In the 1972 Schedule of Reserves, this reserve is shown as 92 acres.

INTERIM REPORT NO. 54

26 November 1914

This is an application of the British Columbia Electric Railway Company for right-of-way lands through New Westminster Reserve No. 1, New Westminster Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted to the Provincial Department of Railways

The acreage stated in the 1.17 acres. There is no exact acreage mentioned elsewhere in the Royal Commission Report (See "Correction of Indian Reserves, vol. 111, p. 658) and is included with the other deductions for the City of New Westminster and Canadian Pacific Railway.

This right-of-way allowance becomes entangled with the history of this reserve's abolition. See special report on New Westminster Reserve (Appendix).

INTERIM REPORT NO. 55  
26 November 1914

This is an application by the British Columbia Provincial Department of Public Works for permission to change the location of a road across Dog Lake Reserve No. 2, Osoyoos Band.

This application was approved with the conditions that:

1. once the new road is completed, the old road reverts to the Indians
2. compliance with the law
3. "due compensation being made to the satisfaction of the guardians of the interested Indians"

This 71 acre reserve was ordered cut-off by the Royal Commission on 21 November 1913. See Royal Commission Report (vol. 111, p. 715) where the cut-off is cited at 69.85 acres after 1.15 acres had been deducted for the road.

INTERIM REPORT NO. 56

26 November 1914

This is an application of Canadian Pacific Railway for a right-of-way through Holachten Indian Reserve No. 8, Lakehahmen Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in Plan No. 1473A submitted to Department of Indian Affairs and Provincial Department of Railways.

The acreage stated in this Interim Report is 0.853 acres. A total of 2.28 acres was deducted from this 300 acre reserve by the Royal Commission Report (see "Correction of Indian Reserves", vol. 11, p. 659 and "Confirmation of Reserves", vol. 111, p. 673).

This 0.853 acre deduction was done by Dominion Order-in-Council No. 627 (11 April 1923) under Dominion Patent No. 20443.

Shortly before this, a 19.91 acre right-of-way grant was made from this reserve by Dominion Order-in-Council No. 205 (25 January 1913) under Plan No. RR-2009 and Dominion Patent No. 20443.

What is the connection between this right-of-way, the Interim Report, and later right-of-way grants? Was the 19.91 acre grant deducted from the 300 acres, or was the 300 acres scheduled the remainder after the deduction?

The 1943 Schedule of Reserves shows this reserve as 250.337 acres, with a total 49.663 acres deducted for right-of-way surrenders.

INTERIM REPORT NO. 57

26 November 1914

This is an application of the Canadian Northern Pacific Railway for a right-of-way through Cheam Indian Reserve No. 1, Cheam Band.

This application was approved with the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans filed with the Provincial Department of Railways.

The acreage in the Interim Report is 34.13 acres. This is also the amount deducted from the original 883.00 acres. See the Royal Commission Report ("Correction of Indian Reserves," vol. 111, p. 482 and "Confirmation of Reserves," vol. 111, p. 498).

However, the 1943 Schedule of Reserves shows a total of 41.03 acres deducted for rights-of-way by the following series of orders-in-council:

- Dominion Order-in-Council No. 1293 (6 June 1911)
- Dominion Order-in-Council No. 1324 (15 July 1927)
- Dominion Order-in-Council No. 43 (10 January 1934)
- Dominion Patent No. 22587 (1 February 1934)

INTERIM REPORT NO. 58

27 November 1914

This is an application of the Kettle Valley Railway for a right-of-way through Penticton Reserve No. 1, Penticton Band.

This application was approved subject to the usual conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans filed with Department of Indian Affairs and Canada Board of Railway Commissioners

The acreage stated in the Interim Report is 100.53 acres. There is a conflict in the acreages as stated elsewhere in the Royal Commission Report, "Correction of Indian Reserves, (vol. 111, p. 708) also lists 100.53 acres deducted for the Kettle Valley Railway, but "Confirmation of Reserves", (vol. 111, p. 711) shows only 1.23 acres deducted when the reserve was confirmed on 21 November 1913.

The 1943 Schedule of Reserves returns to the 100.53 acre figure taken by Dominion Order-in-Council No. 3131 (14 December 1914) as described in Plan No. RR-1080C under Dominion Patent No. 17993. Also, referring to this right-of-way is Provincial Order-in-Council of 22 June 1916.

Of course, there were other deductions from this reserve as well as an 14,060 acre cut-off. What is the relationship of the right-of-way of this Interim Report and the cut-off acreage?

INTERIM REPORT NO. 70

(20 January 1915)

This is an application of the Vancouver Power Company for a right-of-way through Sumas Reserve No. 7. The Interim Report does not say what the right-of-way is for, but presumably for a hydro-electric transmission line.

The application was approved with the usual conditions:

- (1) compliance with the law
- (2) due compensation
- (3) lands acquired to be used for right-of-way purposes as described in plan submitted to Royal Commission.

The acreage approved in the Interim Report is 6.51 acres. However, elsewhere in the Royal Commission Report the acreage is listed at 6.54 acres ("correction of Indian Reserves", vol. III, p. 658). When the reserve was confirmed by the Royal Commission on 12 April 1916, it was set at 153.46 after deducting 6.54 acres from the original 160 acres. This deduction was also made for the Vancouver Power Company right-of-way (see, "Confirmation of Reserves, Royal Commission Report, vol. III, p. 673). The reserve was valued at \$13,000 or about \$300 per acre. (Royal Commission Report, vol III, p. 638)

This right-of-way was granted by Dominion Order-in-Council No. 2177 (28 October 1909) as described in Plan RR-1439A and issued under Dominion Patent No. 19379.

This balance of this reserve, claimed in the 1943 Schedule of Reserves to be only 150 acres was surrendered and sold to the Soldier Settlement Board in 1919. See Dominion Order-in-Council No. 2276 (15 Nov. 1919), Surrender No. 807, and Dominion Patent Reference No. 19040.



INTERIM REPORT NO. 71

(20 January 1915)

This is an application of the Vancouver Power Company for rights-of-way through two reserves in the Fraser Valley, both of Matsqui Band.

- |                                  |       |
|----------------------------------|-------|
| 1. Sahhacum Indian Reserve No. 1 | 2.70  |
| 2. Matsqui Main I. R. No. 2      | 12.43 |

The Interim Report does not record the purpose of this right-of-way. The application was approved with the usual conditions:

- (1) compliance with the law
- (2) due compensation
- (3) lands acquired to be used for right-of-way purposes as described in plans submitted to D.I.A. and the Provincial Department of Railways.

The acreages stated above are also those mentioned elsewhere in the Royal Commission Report. See sections on "Correction of Indian Reserves," vol. III. p. 658 and "Confirmation of Reserves, New Westminster Agency, vol III, p. 671).

After the 2.70 acres was deducted from Sahhacum No. 1, there was 49.80 acres remaining valued at \$9,000.00 (Royal Commission Report, vol. III, p. 632). The 1943 Schedule of Reserves shows the same acreage taken under authority of Dominion Order-in-Council No. 14/1351 (1 July 1919) as described in Plan No. 1483A and issued under Dominion Patent No. 18965.

These were three right-of-way deductions made from Matsqui Main No. 2's 353.85 acres, including the British Columbia Electric and Canadian Northern Pacific Railway as well as the Vancouver Power Company. This left the reserve with 328.33 acres valued at \$30,000.00 (see Royal Commission Report, vol. III, p. 632, 658 and 671). The lands taken in this Interim Report were taken by authority of Order-in-Council No. 14/1351 (1 July 1919) as described in Plan No. 1437 A and issued under Dominion Patent No. 18966

INTERIM REPORT NO. 72

(26 January 1915)

This is an application of Pacific Great Eastern Railway for an extension to the right-of-way approved in Interim Report No. 37. This Interim Report grants an extension of 2.348 acres through Silicon Reserve No. 2 of Seton Lake Band.

See Interim Report No. 37 above for discussion and list of documents covering this right-of-way allowance.

INTERIM REPORT NO. 73

(26 January 1915)

This is an extension to the rights-of-way approved in Interim Reports No. 44 and 44A. It approves an additional 5.23 acres through Sloss Reserve No. 1 (Seton Lake Band). This allowance was made for ballast supply and widening of cuts purposes.

This application was approved with the usual conditions:

- (1) compliance with the law
- (2) due compensation
- (3) lands acquired to be used for right-of-way purposes as described in plans submitted to the Provincial Department of Railways.

The 1943 Schedule of Reserves shows the 90.64 acres taken by Interim Report Nos. 44 and 44A, but shows no allowance of 5.23.

In 1927, a right-of-way allowance was made of 2.97 acres by Dominion Order-in-Council No. 815 (4 May 1927) as described in Plan No. 1308E and issued under Dominion Patent No. 20973 (14 July 1927). Does this refer to the lands mentioned in Interim Report No. 73? Or is this additional land? Was the 5.23 acres taken, but never scheduled as such?

See Interim Report Nos. 44 and 44A for more information.

INTERIM REPORT NO. 78

(2 March 1915)

This is an application of Comox Logging & Railway Co. for a right-of-way through Pentledge Reserve No. 2, Comox Band.

This application was approved with the following conditions:

- (1) compliance with the law
- (2) "due compensation being made for the use of the abandoned branch line marked on plan in accordance with the terms and conditions of the lease to the Fraser River Sawmills Ltd., bearing date of 18 March 1908, for a period of fifteen (15) years, and, in addition, for any timber removed therefrom or in connection therewith"
- (3) "due compensation being made for the right-of-way which is the subject of the application."
- (4) lands acquired to be used for rights-of-way as described in plans submitted to the Provincial Department of Railways and Department of Indian Affairs.

This right-of-way was granted by Dominion Order-in-Council No. 1823 (31 July 1915) as described in Plan No. 1535 A and issued in Dominion Patent No. 18771. This allowance is scheduled in the 1943 Schedule of Reserves and after the deduction, 208.03 acres were left.

This allowance is not noted in the Royal Commission Report, because the Royal Commission ordered the entire reserve cut-off. This cut-off was cancelled and the reserve was confirmed by Ditchburn and Clark. The Royal Commission Report valued the reserve at \$300.00 per acre minimum with a total maximum valuation of \$83,600.00 (Royal Commission Report, vol. III, p. 278).

INTERIM REPORT NO. 81

(3 May 1915)

This is an application of the British Columbia Provincial Public Works Department for a public road right-of-way through Cayoosh Creek Reserve No. 1.

This application was approved with the usual conditions:

- (1) compliance with the law
- (2) due compensation
- (3) lands acquired to be used for right-of-way as described in plan submitted to the Royal Commission.

The acreage approved by this Interim Report was 1.3 acres. In Interim Report No. 13 a right-of-way for the Pacific Great Eastern was deducted from this reserve. This totalled 20.60 acres, leaving a reserve of 346.40 acres (see Royal Commission Report, "Correction of Indian Reserves, Lytton Agency," vol. II, p. 482 and "Confirmation of Reserves, by Lytton Agency," vol. II, p. 498.)

Does this 20.60 include the 1.3 acres approved in Interim Report No. 81, or is this public road allowance in addition to the 20.60 acres?

The 1943 Schedule of Reserves shows only 20.60 acres deducted from the original 367 acres when Provincial Order-in-Council No. 1036 (29 July 1938) conveyed the title to the Dominion.

For more information, see Interim Report No. 13 above.

INTERIM REPORT NO. 82

(12 August 1915)

This is an application of Vancouver Harbour Commission to acquire Kitsilano Reserve No. 6, Squamish Band.

This application was approved with the following conditions:

- (1) compliance with the law
- (2) due compensation being made
  - (a) to the Indians of the Squamish Tribe
  - (b) to the Government of the Province of British Columbia for "reversionary interest"
  - (c) to "any interest or interests therein other than the interests aforesaid which may be found to be affected."
- (3) lands acquired to be used by Vancouver Harbour Commission for purposes set forth in this application and plans submitted therewith.

This reserve was eventually surrendered and sold. The history of this process is complex and confusing and needs further research.

INTERIM REPORT NO. 83

(12 August 1915)

This is an application of the British Columbia Provincial Department of Public Works for a public road right-of-way through Sumas Reserve No. 9, Zaitscullachan Reserve No. 9 (Lakahahmen Band) and Skumalasp Reserve No. 16 (Aitchelitz, Kwaw-kwaw-a-Pilt, Skwah, Skway, and Squiala Bands in common). The Interim Report refers to these reserves being held by the "Sumass Tribe" and "Chillwack Tribe" respectively.

The application was approved with the following conditions:

- (1) compliance with the law
- (2) due compensation
- (3) lands acquired to be used for road right-of-way purposes as described in plans submitted with the application

No acreages are stated in the Interim Report, but elsewhere in the Royal Commission Report these allowances are discussed. From both reserves, 0.60 acres was deducted for the road allowance. This left Skumalasp No. 16 with the 1157.40 acres and Zaitscullachan No. 9 with the 58.40 acres. (see Royal Commission Report, "Correction of Indian Reserve, New Westminster Agency, vol. III, pp. 658-659). The reserves were valued at \$14,000.00 (Skumalasp) and \$4,000.00 (Zaitscullachan, called Timber No. 9 by the Royal Commission.)

The 1943 Schedule of Reserves shows the same acreages taken from these reserves. Dominion Order-in-Council No. 1736 (20 July 1916) as described in Plan No. 1559 took the acreage from Skumalasp and Dominion Order-in-Council No. 2098 (8 September 1916) as described in Plan No. 1560 took the acreage from Sumas No. 9 (Zaitscullachan)

INTERIM REPORT NO. 86

19 November 1915

This is an application of the British Columbia Provincial Department of Public Works for a public road right-of-way through Holachten Reserve No. 8, Lakahahmen Band.

This application was approved with the usual condtions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for right-of-way purposes as described in plans submitted and in the Interim Report itself

This is one of two detailed descriptions of the right-of-way grant included in the text of the Interim Report, though there is no acreage listed with the description.

For more information on the right-of-way deductions made by the Royal Commission, see above Interim Report No. 56. The Canadian Pacific Right-of-way allowance was for 0.853 acres and the Royal Commission deducted a total of 2.28 acres for both the road and the railway. (See Royal Commission Report, "Correction of Indian Reserves, New Westminster Agency, vol. 111, p. 659). This would set the road allowance at 1.427 acres.

In the 1943 Schedule of Reserves, there is no specific mention of this acreage. Though in 1924 there was a road allowance made to the Province of British Columbia. This was of 1.10 acres for Malcolm Road and was granted by Dominion Order-in-Council No. 764 (7 May 1924) as described in Plan No. 1568A.



INTERIM REPORT NO. 87

(19 November 1915)

This is another application by the Provincial Department of Lands and Works for a road right-of-way through Holachten No. 8.

This approves the application with the usual conditions, but there is no specific description of acreage or location of the right-of-way.

It seems to duplicate Interim Report No. 86. What is the relationship between these two Interim Reports?

INTERIM REPORT NO. 88

29 December 1915

This is an application of the British Columbia Provincial Department of Public Works for a public road right-of-way through Gitzault Reserve No. 24, Kincolith Band.

This application was approved with the following conditions:

1. compliance with the law
2. due compensation
3. lands acquired to be used for road purposes as described  
in plans submitted with application (See Plan No. 1580)

The acreage stated in the Interim Report is 2.2 acres. The Royal Commission Report deducted the road right-of-way from the original 202.50 and then ordered the remaining 200.5 acres cut-off (See Royal Commission Report, vol. 111, pp. 554,565 and 583). The Commission stated that the "reserve (was) situated near mining properties promising early development and would probably become a townsite if surrendered by Indians."

INTERIM REPORT NO. 93

(29 March 1916)

This is an application of the British Columbia Provincial Department of Public Works for a public road right-of-way through East Saanich Reserve No. 2, Tsawout Band.

This application was allowed with the following conditions:

- (1) compliance with the law
- (2) due compensation
- (3) lands acquired to be used for right-of-way purposes as described in plans submitted and in detailed description of the allowance in the Interim Report. (See Plan NO. 1599)

The acreage stated in the Interim Report is 2.56 acres. The Royal Commission Report groups rights-of-way deductions from East Saanich for Canadian Northern Pacific Railway and roads together. These total 8.76 acres which reduced the reserve to 596.24 acres.

The 1943 Schedule of Reserves shows the same figures, but lists no Dominion Orders-in-Council or Patents covering the allowance.

INTERIM REPORT NO. 98

(27 April 1916)

This is an application of the British Columbia Provincial Department of Public Works for a public road right-of-way through Osoyoos Reserve No. 1, Osoyoos Band.

This application was approved with the usual conditions:

- (1) compliance with the law
- (2) due compensation
- (3) lands acquired to be used for road purposes as described in plans submitted to Royal Commission (see Plan No. 1571)

The acreage approved in the Interim Report is 11.42 acres which is the same as shown elsewhere in the Royal Commission Report (see vol. III, pp. 708, 711). This left the reserve at total of 32,085.58 acres which was valued at \$160,000.00 (600 acres at \$100.00 per acre, 20,000 acres at \$5.00 per acre, and 11,497 acres considered worthless).

The 1943 Schedule of Reserves shows the same acreage taken for the road allowance by Dominion Order-in-Council No. 1177/17 May 1916).

APPENDIX NO. 6

CONFIDENTIAL REPORT

of the

MCKENNA - MCBRIDE COMMISSION

When the Royal Commission was set up, it was restricted to dealing with the size and location of Indian Reserves. It was not to deal with the question of aboriginal title or other issues of Indian rights.

When the Commissioners first met in May 1913, they realized that Indians were dissatisfied with many things, not just the size of the reserves, and that these issues would be put before the Commission by Bands. The Commissioners requested that they be given authority to deal with these other questions and make policy recommendations.

The Federal Government in Order-in-Council No. 1041 (10 June 1913) refused to extend the authority of the Commission to issues other than Indian Reserve sizes and ordered the Commission to clearly explain its scope and powers to the Bands. But the Commission was asked to gather information on these other issues and prepare a general report.

The Royal Commission did this and in 1916 published the "Confidential Report". We are including this so that some of its recommendations with respect to such things as timber, fishing, hunting and water can be seen.

These are just recommendations and most of them were not adopted. Here is the text of the "Confidential Report". Page No. 12 was missing from the published copy of the Land Claims Research Centre, so we have inserted the missing sections from the original typescript from the Provincial Archives. The 'Confidential Report' also contained a number of photographs which are not included here.

CONFIDENTIAL

**REPORT**  
OF THE  
**ROYAL COMMISSION ON INDIAN AFFAIRS**  
FOR THE PROVINCE OF  
**BRITISH COLUMBIA**

UNDER ORDER-IN-COUNCIL DATED THE  
10TH DAY OF JUNE, IN THE YEAR OF OUR LORD  
ONE THOUSAND NINE HUNDRED AND THIRTEEN

PRINTED BY ORDER



VICTORIA, BRITISH COLUMBIA

PRINTED BY THE ACME PRESS, LIMITED, 1916

CONFIDENTIAL

**REPORT**  
**OF THE ROYAL COMMISSION ON INDIAN AFFAIRS**  
**FOR THE PROVINCE OF**  
**BRITISH COLUMBIA**

UNDER ORDER-IN-COUNCIL DATED THE 10TH DAY OF JUNE, IN THE  
YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND THIRTEEN

*To Field Marshal*

*His Royal Highness Prince Arthur William Patrick Albert,  
Duke of Connaught and of Strathearn, K.G., K.T., K.P., etc., etc.,  
Governor-General and Commander-in-Chief of the Dominion of Canada.*

MAY IT PLEASE YOUR ROYAL HIGHNESS:

The Commissioners appointed by Letters Patent under the Agreement made on the 24th day of September, 1912, by Your Royal Highness's Special Commissioner and the then Premier of British Columbia in respect to Indian Reserves and Indian land requirements in that Province, had but shortly entered upon the performance of their duties when they found that matters extraneous to the Agreement would be brought before them, and that for the satisfactory settlement of the whole British Columbia Indian question it would be well to hear such representations as might be made therein, reporting the same with an expression of the opinions formed by the Commissioners consequent upon such representations and their visitations of Indian Reserves.

Your Commissioners thereupon adopted and conveyed to Your Superintendent-General of Indian Affairs a Resolution upon the subject of such extraneous matters. The Resolution and the Order-in-Council defining the extent and nature of the action to be taken by the Commissioners in respect to such matters are as follows:

RESOLUTION OF THE ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE  
PROVINCE OF BRITISH COLUMBIA, ADOPTED 20TH MAY, 1913:

"Moved by Mr. Commissioner McKenna,

"Seconded by Mr. Commissioner Macdowall, and Ordered:

"WHEREAS the Commission is of opinion that its jurisdiction is confined to  
"the scope of the agreement referred to therein;

"AND WHEREAS it appears that many matters and questions extraneous to  
"the agreement will be brought before the Commission;

LIBRARY  
INDIAN AND NORTH  
WESTERN  
CANADA  
JULY 25  
1913  
AFFAIRS IN  
CANADA  
SUBJECT

"AND WHEREAS serious dissatisfaction among the Indians is likely to be created if the Commission declines to consider and report upon such questions;

"AND WHEREAS for the satisfactory disposal of such matters and questions it may be necessary to report upon conditions and make suggestions as to policy;

"BE IT RESOLVED: That it be intimated to the Governments of the Dominion and the Province that if they so desire and instruct the Commission, the Board will be pleased to deal with all such questions and matters and report, submitting suggestions as to the action to be taken and the policy followed."

ORDER-IN-COUNCIL OF 10TH JUNE, 1913: P. C. 1401.

"Certified copy of a Report of the Committee of the Privy Council approved by His Excellency the Administrator on the 10th of June, 1913.

"The Committee of the Privy Council have had before them a Memorandum, dated 31st day of May, 1913, from the Acting Superintendent-General of Indian Affairs, submitting a copy of a resolution passed by the Royal Commission on Indian Affairs in British Columbia, dated Tuesday, 20th May, 1913.

"The Minister observes that it is clear that the Agreement between the representatives of the Province of British Columbia and the Dominion does not contemplate an investigation and settlement of matters appertaining to general Indian policy in British Columbia. It is confined to matters affecting Indian lands which require adjustment between the parties.

"The Minister is of the opinion that it would be inadvisable to burden the Commission with the investigation of all matters that might be brought to their attention by Indians, many of which would be of slight importance not affecting the relations of the two Governments. Unless great care were taken misconception might arise in the minds of the Indians as to the action of the Commission if authorised to make a general investigation; the Commission having power to deal finally with all matters mentioned in the Agreement subject to the approval of the two Governments, but having only instructions to report and make suggestions as to other matters.

"The Minister submits that the Commission would, however, during its sittings in different districts of the Province obtain valuable information as to Indian conditions and progress and would probably form distinct opinions on these points and on the future policy which should be adopted by the Dominion Government towards the Indians of British Columbia.

"The Minister, therefore, recommends that the Commission be restricted in action to the terms of the Agreement but that the Commission be informed that this Government would be prepared to receive a general report on the conditions of the Indians with suggestions as to the future policy and administration of Indian Affairs in the Province of British Columbia, the Indians being distinctly advised concerning the scope of the enquiry under the Agreement and that the Commission will merely convey to the Government the views of the Indians respecting any matters extraneous to the Agreement brought to their attention.

"The Committee concur in the foregoing and submit the same for approval.

"(Signed) RODOLPH BOUDREAU,  
"Clerk of the Privy Council."

In accordance with the directions contained in that Order, Your Commissioners heard representations made by the Indians on many matters extraneous to the Agreement, questioned the Indians with the intent to secure, as far as



possible, elucidation of their views, and in the examination of the Indian Agents sought to secure their opinions thereon. The views of the Indians and the opinions of the Agents are conveyed in the twenty-seven volumes of evidence transmitted with the Report of June 30th, 1916, on the work of the Commission within the scope of the Agreement, and insofar as such evidence bears on the social conditions of the Indians the same has been summarized in Schedule "C" in the sections of that Report dealing particularly with each Agency.

And Your Commissioners now beg leave to submit in the form of a "general report," as suggested in the said Order, the impressions formed as to Indian conditions and progress and the future policy it might be desirable to follow for the further advancement of the Indians.

#### CONDITIONS

No one who has informed himself of the condition of the Indians a half a century ago cannot but be impressed by the very great advancement that has been made. In the earlier part of that period the advancement was solely due to the self-sacrificing labours of the missionaries. The work they began and so wonderfully extended and carried on was buttressed by the wise policy of the Dominion in the establishment of schools and the appointment of Indian Agents to help on the advancement and safeguard the interests of the Indians. It was some years after the Union that the Dominion's Indian policy was effectually extended to British Columbia, but as the years have passed it has been broadened in its application and adapted to local circumstances insofar as the peculiar conditions consequent upon the land question admitted.

With the removal of the difficulties to which that question gave rise, there is no reason to doubt that Your Royal Highness's Government will be put in a position to pursue a still more progressive Indian policy in British Columbia.

To that end Your Commissioners respectfully submit the following suggestions:

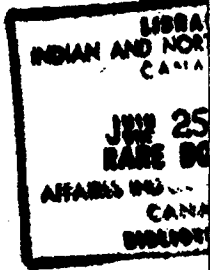
#### ADMINISTRATION

Certain Agencies, for instance New Westminster, Kamloops, Lytton, Williams Lake, Stuart Lake and the Naas, are too large for supervision by one Agent and might each be so divided as to give ample work for two; the Kamloops and Lytton Agencies might be advantageously divided into three Agencies.

In certain districts adapted to extensive farming, Farming Instructors might with beneficial results be attached to Agencies, as in the Prairie Provinces.

In fruit growing districts there should be made for some years provision for more continuous instruction and more direct supervision of horticulture.

The time has arrived when action should be taken to give the individual Indian security of tenure. That would give an incentive to individual effort and to the making of permanent homes, and



would create a spirit of self reliance that can never be expected from a system of common Band ownership, where the Chief is the practical dictator as to what land a man may use or cultivate. From a system of holding land in severalty within the Band could be operated a plan which would gradually lead fit Indians to full citizenship, which should be the goal of an enlightened Indian policy.

Utilization of  
Waste Land

Much good land is kept from cultivation, or has lapsed into a wild state after years of cultivation, because the present holders under tribal customs are unable, through old age or extreme youth or from other reasons, to cultivate it; and under a system of allotment in severalty a similar condition, though not in like measure, would occur, for allotment would have to be made with equitable regard to established individual or Indian family interest, on a per capita basis, and there would be allottees unable to make use of the land by their own efforts through physical inability or lack of capital. To the casual observer unused cultivable land in Indian Reserves appears to be an evidence that the Indians are in possession of much more land than they require and that it should be thrown open for settlement by people who would make use of it. They are quite unaware of the cause of the condition that offends. That land should lie idle which could be profitably cultivated is detrimental to the common weal and a matter of regret. But it is unfair to the Indians that they should be blamed for a condition which in large measure they are unable to change.

There appear to be two means of remedy which might be operated together:

(a) A system under which holdings of Indians unfit through youth or old age or physical inability from cultivating them could be leased to responsible white men. It may be objected that it is undesirable to have whites in such close contact with Indians as such a plan would necessitate. While that objection may have been well grounded in certain parts of Canada, it does not hold good in British Columbia. Under the policy of the Colony "the natives were invited and encouraged to mingle with and live amongst the white population." That policy has rendered them in large degree immune from the dangers that might be feared from the suggested leasing system. There would be the benefit of neighbouring example to Indian tillers of the soil; the Indian owners of leased land would derive a revenue that would, added to their slight and often precarious means of livelihood, ensure them a comfortable subsistence; and what would otherwise lie idle and run wild would be made profitable.

(b) By providing a fund from which the Department, on the recommendation of the Indian Agent, might make advances to industrious and capable Indians able to farm more land than they have, or to fit school graduates unable to obtain sufficient land, for the purpose

of purchasing the improvements, if any, and securing the rights to holdings of Indians unable to make proper use of them.

There have been but few instances in which Indians have expressed satisfaction with the medical attendance, and very many cases in which complaint has been made. Improvement might be effected (a) by appointing salaried physicians to devote their whole time to rendering medical attention to Indians and acting as Health Officers where there are a sufficiently large number of Indians within a reasonable radius with facilities of transport, and (b) where Indians are isolated by providing that medical attendance should be on call and the physician paid fixed attendance and mileage rates. <sup>Medical Attendance</sup>

The suggestion by Indians that a selected number of girl graduates of Indian schools giving promise of proficiency should, year by year, be placed in hospitals for training as nurses, with a view to returning to their Reserves to give their professional services to their people, is one worthy of favourable consideration. Such services would be more acceptable to the Indians than if rendered by others and would go far to furnish what is now lacking and is almost impossible to properly provide for in the medical treatment and care of the sick on Reserves. <sup>Nursing</sup>

While doubtful whether the question is one coming properly within the scope of this report, it is felt that the salaries of Indian Agents are not proportionate to the cost of living and not on a par with remuneration paid in other spheres for services entailing commensurate labour and responsibility. <sup>Salaries of Agents</sup>

Upon the question as to whether administration would be made more efficient if there was an executive head of the British Columbia branch of the Department of Indian Affairs, with authority, within defined limits, to act and authorize expenditures, the Commission is divided. Certain Commissioners hold that the administration of Indian Affairs in British Columbia would be facilitated and improved if the Agents dealt with the Department at Ottawa through a local executive who would have such powers as would enable him to act on matters of routine and emergency without reference to Ottawa. Others are not prepared to concur in that view, and also hold that the question does not come within the scope of the Commission's instructions. <sup>Local Executive</sup>

#### TIMBER

Almost all the Reserves fronting on the seven thousand miles of Coast line, are more or less timbered.

Many of these Reserves are covered with scrub or wood suitable only for fuel, with here and there some clumps of good cedar used by the Indians for making their canoes; but some of the Reserves, in the more sheltered waters, carry timber of valuable commercial quality.

It has also been noticed that much of the timber of commercial value is ripe and, from an economic standpoint, it would be wise to have such timber cut and sold before it goes to waste.

The reversionary interest of the Province in the Reserves, of course, stood in the way; but that being removed, the way is clear for a policy providing for the cutting and selling of timber and the application of the proceeds to the development of the lands of the Indians. While it is desirable that every practicable facility should be afforded Indians to clear land for cultivation, it would be advisable to allow them to clear and burn timber only in cases where the timber is of no commercial value, either on account of quantity or situation.

There are three methods by which the commercial timber could be cut:

(a) By giving logging permits to Indians when the amount of timber is small;

(b) By employing the Indians to cut the timber under the supervision of a knowledgeable foreman, the Department providing the necessary logging engine and other accessories, the working Indians to be paid wages and the surplus to form a fund for land development;

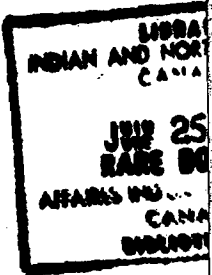
(c) To sell the standing timber at a specified price and with a specified time for removal.

Either the first or second method would appear to be the more desirable as they would lead to intelligent advancement in useful occupation.

#### AGRICULTURE

In some parts of the Province the Indians are engaged, in no small way, in farming and stock raising, providing not only what is required for their own consumption but a surplus for sale. This applies to the Okanagan, Kamloops, Williams Lake and Kootenay Agencies, as well as to parts of the Stuart Lake, Lytton, New Westminster and Cowichan Agencies.

In the first four named Agencies the Indians have, by their own exertions, developed into fairly good agriculturists with very little help either financially or by way of education, but rather by imitating white settlers, through employment on farms and otherwise. The time has now arrived when, in order to hold their own, some assistance in the way of advances to Indian farmers becomes necessary, just as it has been found necessary and has been provided for white farmers in this Province. While, perhaps they have reached a stage where they can clear and cultivate the land to a certain degree of efficiency, measures should be taken for the attainment of greater efficiency and for the improvement of their stock by the provision of pure bred sires. In these Agencies agriculture is certain to be practically their principal occupation.



In the Stuart Lake Agency many of the Indians have, in recent years, taken to farming, and their efforts are indeed creditable. Stony Creek and the newly established Euchenico Reserves are worthy of special mention, while in other Reserves they are doing well though on a less extensive scale.

This Agency affords a splendid opportunity for the establishment of an experimental farm in connection with an industrial school, there being very suitable land; and with the Indians now realizing the importance of this industry as their permanent occupation they would doubtless avail themselves of every opportunity to qualify themselves for the work.

The Indians of Cowichan, New Westminster and Lytton Agencies have a diversity of occupations, some being fishermen, while others are engaged in fruit growing, truck farming and, to a small extent, stock raising, according to their location and the climatic and soil conditions.

Although in the Coast Agencies the Indians are mostly fishermen, there is a tendency to utilize the limited areas of cultivable land; but, as the Indians leave their Reserves at different seasons to engage in fishing, thus causing neglect of the land cultivated and seeded, very little is being accomplished. Arrangements might be made by which some, who are too old or otherwise unfitted to engage in fishing, could be induced to remain on the Reserves and cultivate enough land to provide vegetables, which now are purchased and brought in at considerable cost, or are to a large extent dispensed with.

Taking the Province as a whole, the best means of encouraging agricultural development would be through the employment of capable practical men as farm instructors who would be able to interest and direct the Indians in the best methods of clearing and cultivating land and, by studying local conditions, secure the introduction of suitable varieties of fruit, grain, vegetables and stock. However competent the Agents may be, their many and varied duties preclude them from giving that direct attention to agricultural matters which the advancement of the Indians in the industry demands.

Tools, machinery and seed might in many cases have to be provided to enable Indians who have so far given but little attention to agriculture to take full advantage of such instruction in farming; but whatever expense might be thus entailed would be more than compensated for by the encouragement in production which would result in ample provision for their own requirements and eventually in a surplus for the markets adjacent to their Reserves.

#### WATER RIGHTS

The importance of securing, under the Provincial law, all requisite water rights for Indians cannot be over-stated. In the dry belt, water is an essential of the land. Without it the land is practically useless.

LIBRARY  
INDIAN AND NORTH  
WEST  
CANADA  
JUL 25  
RAHE 80  
AFFAIRS IN  
CANADA  
INDIAN

It is evident that in the past systematic care was not taken to secure water rights in connection with the land. It seems to have been taken for granted that the allotment of water by the Commissioners who set apart Reserves was sufficient, though there is grave doubt as to whether the Commissioners had such power. And, from the evidence of Indians and enquiries made, it appears that there are numerous records of water for Reserves not noted in the Schedule of Reserves, and of which it may be the Department has no official record. A good deal has been done of late to have Indian water rights established, and to compile accurate information as to their source, nature and extent. It would be well, however, to have a thorough checking up of the records, so as to make sure that every possible requisite right is recorded, and that the Indians are given priority where the same is establishable.

There are parts of the Province outside of what is strictly defined as the dry belt where water is in a measure required for successful farming, gardening and fruit growing, and, if in such localities water rights have not been secured for the Indians, steps should be taken to secure them.

And it must be remembered, that where water is required for milling or other industrial purposes, or for domestic use from streams flowing through reserves, the Indians' right to the same must be secured under the law and recorded.

There are reserves in the dry belt where Indians have done remarkably well by their own efforts in bringing water on to the land. But there are many cases in which the providing for the proper utilisation of available water is too large and too technical an undertaking for the Indians, even when monetarily assisted by the Department. The direction of an expert is essential. Indeed it would be well to have an Irrigation Engineer go over the Reserves in the dry belt with a view to gathering information for detailed plans and estimates for the utilization of the water recorded for each Reserve, so as to ensure the best possible use thereof and prevent the waste which is now in many places quite considerable. A comprehensive scheme of water utilization could thus be effected for all the Indian Reserves in that part of the Province where without irrigation the land is of little or no use to the Indians; and when once properly put in operation, the system could be easily maintained.

#### SURVEYS

A great deal of misunderstanding which has led to serious difficulty has arisen on account of the decay or removal of Indian Reserve posts; and lines have become overgrown and obliterated to such an extent that the Indians have inadvertently extended their improvements beyond the boundaries of certain Reserves, to find later on that the lands thus improved were covered by timber concessions or had been otherwise alienated, while there are cases in which white men have

unwittingly trespassed on Indian Reserves. This has caused considerable friction between the Indians and their white neighbours. To prevent this there should be an examination of the corner posts of all Reserves, and iron posts plainly marked should replace those destroyed or destroyable, and where boundary lines have been questioned by neighbours they should be retraced and clearly defined.

In cases in which the areas of Reserves have been diminished by erosion or other natural cause, or by the passing of unsurveyed roads therethrough, new surveys should be made so as to insure accurate record of acreage.

The area and location of new reserves constituted by the Commission are, in many instances, only approximate, and certain additional Reserves in unsettled districts have had to be allotted subject to location within extensive areas.

If the report of the Commission as to these Reserves is adopted, they should be definitely located and surveyed as soon as possible after such adoption, so that, without evitable delay, they may be conveyed to the Dominion.

For many years Mr. Ashdown H. Green has had charge of the surveys for the Indian Department, and is, without doubt, the best informed surveyor in the Province regarding Indian lands. He has a great amount of information which should be preserved for the future use of the Department; and in view of the extent of the survey work to be done it might be advisable to temporarily establish an Indian survey office at Victoria, with Mr. Green at its head, empowered to select assistants with the requisite local knowledge, to secure the expeditious and economical completion of the surveying of the new Reserves, the replacing of posts, the re-defining of obliterated boundaries in connection with old Reserves, and the compiling of the information of which Mr. Green is possessed. It will of course be understood that instructions to surveyors as to surveying new Reserves allotted by the Commission outside the Railway Belt must have the approval of the Surveyor-General of British Columbia, and in the case of new Reserves within the Railway Belt the approval of the Surveyor-General of Canada.

#### FISHERIES

Fishing and the policy in operation thereanent give very grave concern to the Indians. Many depend largely upon the fisheries as a principal means of livelihood; and with most fish is the chief article of diet, the fish being preserved by drying and smoking, and in few cases by salting, for the winter's use.

At all meetings which the Commission held with Bands outside of the strictly agricultural and stock raising areas, expression was

given to a sense of injustice consequent upon the operation of the fishery regulations as they directly bear upon the Indians.

**Independent  
Licences**

Throughout the several districts of Northern British Columbia wherein fishing is a principal industry and Indians form a considerable proportion of the population, such Indians have strongly represented to the Commission that they at present suffer through discrimination against them, in that they are debarred from fishing under what are known as "independent" licences. It has also been represented to the Commission, under oath, by some of these Northern British Columbia Indians that they are the owners of suitable boats and are in a position to provide requisite nets and gear to operate under such "independent" licences if allowed. These Indians have also represented to the Commission that the refusal to them of "independent" fishing licences is not a consequence of the exercise of discretion by the local Fishery Officers, but is the outcome of the deliberate Fishery policy of the Dominion insofar as it affects the northern waters of British Columbia. Such "independent" licences are issued to Indians of the Fraser River to their advantage and without any detriment to the public interest.

The Commission is unanimously of opinion that the Indians of Northern British Columbia are—but should not be—discriminated against in the issuance and use of these "independent" fishing licences; and that there is no authority conferred by the law, or intent therein expressed or suggested, for such class or racial discrimination. The Commission is of opinion that in the matter of "independent" fishing licences, applications of Northern British Columbia Indians should (as are the applications therefor of white fishermen and of Indian fishermen on the Fraser River) be considered and dealt with upon their individual merits and not refused because of the applicant being an Indian, the Indians of British Columbia being British subjects and as such entitled to equal consideration with their fellow British subjects.

**Attached  
Licences**

With respect to the allotment of "attached" fishing licences, general and widespread dissatisfaction also exists among the Indians of Northern British Columbia, the preponderance of Indian testimony received by the Commission herein being to the effect that Japanese fishermen are given preference over Indian fishermen. "Attached" licences are issued in blocks to the several salmon canneries, the number of such licences allowed to each cannery being in proportion to its size and importance; the cannery in turn allots such licences to fishermen engaged to fish with the cannery boats and gear, such fishermen being required to deliver their catch exclusively to the employing cannery. It appears to have been and to be the policy of the Dominion Department charged with the control of the fisheries to provide that canneries in the engagement of their fishermen under the attached licences allotted to such canneries shall give preference to the Indian fishermen of the locality wherein such canneries operate. The evidence of the

LIBRA  
INDIAN AND NOR  
CANIA  
JUL 25  
RECEIVED  
AFFAIRS DEPT  
CAN  
OTTAWA



Indians is, however, directly and emphatically to the effect that a reverse policy is pursued by many of the cannerymen, the Japanese fishermen being favoured both in the allotment of the attached licences and in the quality of the boats and gear issued to them. These Indians in their testimony declare that the alleged partiality of the management of canneries for Japanese fishermen is due to the fact that the Japanese are willing to and do operate on Sundays and during prescribed closed days of the fishing season, and that they resort to other illegal expedients in increasing the volume of their catch. The statement that Japanese fishermen are favoured on account of their greater dependability and continuity of service is contradicted by Indian witnesses, and the declaration is made by them that the Indian is fully as competent, reliable and successful a fisherman as the Japanese.

The Commission is of opinion that a policy designed to secure preferential treatment of Indian fishermen in the allotment and operation of attached licences having been adopted, the Fisheries Branch of the Naval Department (through its local officers) should see that the intention of the Department in this regard is fairly carried out, and that cannerymen refusing to engage Indian fishermen should be required to show reasonable cause for so doing.

In the beginning of the salmon canning business in the North and for years thereafter only attached licences were issued. Then independent licences were introduced, and the policy was adopted of diminishing year by year the "attached" and increasing the number of "independent" until the attached licences would cease and the canneries of the North, as those of the Fraser River, be made to depend upon the catch of independent fishermen for their supply of salmon. The Indians being debarred in the meantime from independent licences will in a few years be completely cut off in the North from the salmon fishing industry.

Take as an instance Rivers Inlet. The Commission is advised that this season the licences in operation, independent and attached, totalled seven hundred; of these, three hundred were independent and four hundred attached, the latter being divided between Indians and Japanese and possibly some others. Last year two hundred and twenty independent licences were issued, and of the attached licences the Indians received two hundred and fifty-eight. This year their share is much smaller by reason of the increase in independent licences. The result is that many Indians were unable to secure this season any fishing licences at all at Rivers Inlet. Indians from the West Coast and Kwawkewlth Agencies have fished in these waters for the canneries from the very inception of the industry, and they have come to depend upon their earnings as fish catchers for the canneries as their principal means of livelihood. The policy in operation makes dark their outlook. One cannot but marvel at the patience and forbearance they have

Complete  
Exclusion of  
Indians

displayed in the face of such unfair, inexcusable and most disheartening treatment. It is hard to believe that the policy has been deliberately entered upon; yet the evidence compels to that conclusion. It has no warrant in law. If it could be pleaded—and it cannot—that the early exclusion of Indians as fishermen in the northern waters was in the larger public interest, that would be no justification for the injury inflicted.

The Commission feels, however, that the Government of Canada cannot be aware that under one of its Departments a policy has been designed and is being enforced which will exclude the Indians of northern British Columbia from the salmon fishing industry; and that when the Government is seized of the unjust bearing of such policy upon His Majesty's loyal Indian subjects—the very men the canneries had to depend upon for fish in the beginning of the industry—prompt and effective remedial measures will be taken.

Indian  
Fishery Plants

In 1875 Mr. Walkem wrote: "No good reason exists why 'Fisheries' such as those established by our merchants on Fraser River for curing and exporting salmon and other merchantable fish, should not be erected in suitable places for the benefit of the Indians, and in time profitably controlled and conducted by themselves."

That suggestion is still worthy of consideration. Indians who fish for commercial concerns have in evidence expressed the conviction that they are competent to engage independently in such industry. For instance, at the meeting with the Fort Rupert Band, Wallace Kwawkewlth stated that the Indians wanted the Government to help them "to make a cannery" for the Kwawkewlth people, "that," he went on to say, "we may have something to fall back on when the time comes when we will lose our chance of work at the canneries. We would like to can our own fish . . . and also to can the clams that are on the beach . . . and we would also like to have a place for cold storage in connection with the cannery," the purpose of the cold storage being, as was explained, to enable them to deal in halibut and various kinds of fish, as well as to engage in the business of salmon and clam canning.

It may be urged by others that Indians are not sufficiently constant in effort to warrant the establishment of businesses that would have to depend for success on their unintermittent labours. That, however, has been disproved by the veteran missionary, the Reverend William Duncan, who, with Indian fishermen and Indian labourers as shareholders, successfully carried on the business of salmon canning. A. E. Allan, a member of the Kincolith Band, has successfully operated a small cannery, and his product has been awarded highest honours in open competition with the product of other canneries at the Provincial Exhibition held at New Westminster. And Indians at Skidegate, Queen Charlotte Islands, established of their own initiative and con-

ducted with success a dog-fish oil factory. When the Commission visited Skidegate the operators had, it was stated, \$1,500.00 in the bank to their credit.

Of course it would be necessary to have competent operative and financial management, and beginnings should only be made at places where experienced and dependable Indians are within reach, and then under agreement binding to regular work during the fishing season.

The fishing industry of British Columbia may be said to be still in its infancy. Large development may be looked for in the near future. Today it is almost exclusively confined to salmon canning and the shipment of halibut in cold storage to Eastern American markets. There are many other directions in which the curing of fish for home and foreign markets is sure to be developed.

That the Indian, to whom the Pacific waters are as his fields to the farmer, should be put in a position to make, not alone a good living, but a profit therefrom is a matter of an importance beyond the Indian interest alone; it is of public interest, for in proportion to the prosperity of the Indian is his contribution to the common wealth.

The question is difficult and complicated. So was the question of turning into cattle raisers and farmers the buffalo hunters east of the mountains; and similar wise administrative effort might have commensurate beneficial results if applied to the problem of Indian fisheries in British Columbia.

Throughout the printed "Schedule of Indian Reserves, 1913," will be noted references to the allowance and definition of special fishing privileges granted to Indians of British Columbia by former Indian Reserves Commissioners, both in the establishment and constitution of "fishing station" reserves and in the bestowal upon named tribes or bands of exceptional or even exclusive right to fish in certain particularized waters. <sup>Special Privileges</sup>

The Commission would suggest that the acts of former Commissioners in the bestowal of such rights and privileges be reviewed to the end that an authoritative and formal decision be given as to whether they had power and authority to grant such rights and privileges. If such rights are found to have been legally granted, steps should be taken to protect them. In the event of it being decided that such Commissioners went beyond their powers in so doing, then it should be considered whether the acquiescence of the Government therein and the definition of such rights and privileges in the printed Schedule issued by the Department of Indian Affairs have not given the Indians a moral right, which they by official action and usage have been led to believe is a legal right, which now should, if possible, be implemented, and if not possible in all or any case of implementation, compensated for in some form.

LIBRA  
INDIAN AND NOR  
CANIA  
JUN 25  
RADE B  
AFFAIRS IN  
CANIA  
BIBLIOT

**Streams in  
Reserves**

The merit of the claim advanced by certain of the Indians as to their exclusive right to take fish in streams flowing through their Reserves should also, in the opinion of the Commission, be authoritatively determined; and if such right be adjudged to be properly and legally enjoyed by such Indians, steps should be taken to protect the same, nor should the Indians be permitted to be deprived thereof without their formal consent and due compensation.

**Fishing  
Stations**

With respect to small Reserves described and constituted as "fishing stations" and covering streams from which the Indians from earliest days have been accustomed to obtain their fish food supply, it has been in numerous instances declared in evidence by the interested Indians that the purpose and utility to them of these Reserves has been wholly or in large measure destroyed by the subsequent allowance of cannery seining licenses by which such "fishing stations" have been blanketed and rendered of no use to the Indians. It is even stated, in testimony taken by the Commission, that Reserve foreshore has been occupied in connection with the operation of cannery seines, without consent of or compensation to the Indian proprietors of such Reserves.

In the opinion of the Commission this question should be made the subject of careful inquiry so that the purpose for which the fishing stations were established may be preserved, and that no portion of an Indian Reserve be used or occupied in connection with the drawing of cannery seines without formal permission having first been obtained, with due compensation for the use of foreshore and Indian Reserve land.

**Peddling Fish**

During the course of its meetings with the Indians throughout British Columbia, it has been repeatedly brought to the attention of the Commission that the drastic enforcement of the regulation prohibiting the sale of fish (except under fishing licences as prescribed) not infrequently operates harshly upon the older Indians who depend upon fishing almost exclusively for their maintenance, and who count upon selling a few odd fish in order to procure flour, tea, sugar, clothing and other similar present day necessities of the Indian's as well as of the white man's existence.

The Commission would suggest in this connection that consideration might advantageously be given to the desirability of providing for an Indian hawker's or peddler's special permit, under which the holder might, in specified limited quantity, dispose of fish taken at any season, for domestic consumption exclusively, in order to provide for the permit-holder's reasonable requirement of variation in food, and thus, doubtless, prevent his becoming a suppliant for Departmental aid.

**HUNTING**

Much dissatisfaction has been expressed by Indians over the Province with the game laws and the enforcement thereof. The

Indians are entitled to special consideration. They are not destroyers of game, and in many parts, though in varying degrees, game is counted upon by them as an important food supply. The question should not be incapable of adjustment; but it is thought that it is one that should be taken up directly by the Dominion Government with the Government of the Province, with a view to the removal of the cause of the Indians' grievances.

#### TRAPPING

As settlement extends, trapping gradually vanishes as a profitable business. There are, however, parts of the country in which it is still followed with profit and parts which are peculiarly and almost exclusively adapted to fur raising. But conservation must replace crude methods or the fur industry will soon cease to be of appreciable importance.

In 1875, the Hon. George A. Walkem, then Attorney-General of the Province, wrote:

"It is a notorious fact that valuable fur bearing animals—large and small—are wastefully and even wantonly destroyed at unseasonable periods of the year." He thought that the Indians should be taught to regard the localities productive of fur, but, generally speaking, unsuitable for agricultural purposes, "as fur-preserves, to avoid indiscriminate slaughter, to kill only at proper seasons of the year, and to carefully protect a source of wealth" which is "now gradually but too surely" being destroyed.

The Indian trapper had always regard for the preservation of animals whose pelts made merchantable fur. He was indeed the first fur-farmer. The beaver grounds of different family groups were, for instance, well recognized and care was taken to make them a continuous as well as an immediate means of profit. Fox dens too were protected. And the Indians who make fur trapping a principal occupation today have as keen an eye to the future as their forebears.

The danger to the fur industry today comes from casual white trappers who have no interest beyond the profits of the day. Indians have frequently made grievous complaint of the use of poison by such men. Breeding grounds, fox dens and beaver and muskrat houses are destroyed. Even the Indian trapper's right to his traps as placed has been ignored, and in some cases his traps have been destroyed. The Department of Indian Affairs has no authority over trapping in the Province other than it may have on Indian Reserves, but it might be well to make direct representations to the Provincial authorities with a view to devising means to put a stop to such predatory proceedings.

In 1875 Mr. Walkem suggested fur preserves. That is an idea yet worth considering. But the success which white men have met with in fur-farming in this Province, and more particularly in Prince

Edward Island, suggests that the introduction of fur-farming among Indians living in localities suitable to that industry and not much fitted for any other, is a subject deserving of serious consideration. The Indian's instinctive knowledge of nature and his familiarity with the habits of wild animals, would seem to go far towards making him a successful fur-farmer. And it would appear as if the time is not far distant when, if fur is to remain a valuable product of British Columbia, the ancient methods of procuring it must in large measure give way to new.

#### EDUCATION

During Colonial days no particular provision was made by the Government for the education of Indian children. The first teachers were the missionaries who early saw that the education of the youth was a requisite of progress and permanency in the civilizing and christianizing of the natives. As early as 1861 a boarding-school for Indian children was established by the Oblate missionaries at St. Mary's, near what is now Mission City, and in 1864 the Church Missionary Society established a school on the Naas. Instead of ignoring the work of the Churches, the Dominion Government, through the Department of Indian Affairs, builded upon it; and today there are eight industrial boarding-schools with an enrolment of 492 pupils, ten boarding-schools with an enrolment of 398, and 45 day schools with an enrolment of 1367 pupils. The total enrolment at the schools out of an Indian population of about 25,000, is 2257 and the average attendance 1323.

The Commission has been impressed with the quality and extent of the work which is being done. Indian education was given a marked impetus under Mr. Duncan C. Scott, as Superintendent of Indian Education, and, as Deputy Superintendent General, he is, within the measure of the means provided, continuing the work of modernizing the buildings and equipment, and developing and extending the system. It is in no fault-finding spirit, therefore, that the Commission offer the following suggestions:

(a) That in farming districts more practical and scientific training be provided for the Indian pupils who are destined to make farming their occupation;

(b) That in the schools, especially on the West Coast, where Indians must depend and must continue to depend almost exclusively upon fishing, some system should be devised of training the Indian boys as fishermen, lest, being long removed during residence at boarding-schools from the influences which at home would make fishermen of them, they grow up unfitted to continue the work of their fathers, instead of being so trained as to improve upon the methods of their forebears;

(c) That provision should be made for the thorough training in industrial arts of Indian youths who have not aptitude for, or will not in after life have opportunity of occupation as fishermen or farmers;

(d) That, in as far as possible certificated teachers should be employed and the curriculum of the public schools of the Province followed, so that pupils of Indian schools could be prepared where desirable for the examinations, the passing of which are necessary to higher studies under the Provincial system;

(e) That if the per capita system of Governmental aid to Indian boarding-schools is to be continued, the per capita grant should be kept proportionate to the cost of living, so that the educational work will not be crippled or disadvantageously interfered with through the effect upon the management of financial stringency; and

(f) That a system should be devised for establishing school graduates in the occupations for which they have been trained.

It may be added that, while the Commission is pleased with the present educational system and its promises of progress, there are members of the Commission inclined to the view that it would be better if the Government had the direct control and management of all Indian schools and was charged with the full cost of maintenance.

#### LIQUOR LAW

Frequently at meetings of the different Indian Bands the question of fines imposed on Indians under the clauses of the Indian Act relating to liquor have been discussed, and Mr. George Jay, Police Magistrate for the City of Victoria and also Stipendiary Magistrate for the County of Victoria, which includes the several Indian Reservations situate in Saanich, Esquimalt and Sooke Districts, has made the following statement and suggestion to the Commission:—

“Under the terms of the Indian Act, Sec. 137, an Indian who has in his possession any intoxicant is liable to a fine of not less than \$25.00 and under Sec. 144 an Indian who is found in a state of intoxication is liable to a fine of not less than \$5.00.

“In those cases in which an Indian is found in possession of an intoxicant it is usually confined to a bottle of whiskey or gin, and sometimes only a small flask.

“The penalty of \$25.00 is an inducement to the possessor to consume the liquor as rapidly as possible, as he knows that if only charged with being drunk he escapes with a fine of \$5.00 only.

“The penalty of \$25.00 was fixed by Statute some years ago at a time when it was a practice amongst a certain class to supply large quantities of liquor to Indians in remote Reservations.

"With regard to fines for being under the influence of intoxicating liquor, it frequently happens that an Indian appears in the Police Court at the same time as white men charged with the same offence. The practice for many years here has been in the case of those other than Indians to impose a fine of \$2.00 for a first offence and a slightly increased fine in the case of a second or subsequent offence; but with regard to the Indians a Magistrate has no alternative but to impose the minimum fine of \$5.00, which must to the Indian appear to be a marked discrimination against him.

"I would respectfully recommend that the Indian Act be amended with regard to the penalties for those offences by allowing Magistrates wider discretion and by eliminating the provisions as to minimum fines, thus leaving it to the judgment of the Magistrate dealing with the offence to impose such fine as may in his opinion be proper, not exceeding, of course, the maximum fine provided in the Act.

"I may add that I have resided at Victoria for the past 45 years and have had much experience of the habits of the Indians of the southern portion of Vancouver Island and the Islands of the Gulf."

Your Commission are of the opinion that, were these suggestions followed, it would tend to remove from the Indian the feeling that he is looked upon with contempt and his race deemed unworthy of being treated in a manner similar to other British subjects in His Majesty's Dominions, and that the greater latitude allowed to Magistrates in their discretion, would have a tendency to elevate rather than debase the Indian.

#### INDIAN ACT

There seems to be a desire among the more intelligent of the Indians to understand the terms of the Indian Act, and it appears to the Commission that, were copies of the Act furnished to such Indians, the result might be beneficial.

All of which is most respectfully submitted.

N. W. WHITE, *Chairman*,  
J. A. J. MCKENNA,  
S. CARMICHAEL,  
J. P. SHAW,  
D. H. MACDOWALL,  
*Commissioners.*

Victoria, B.C., 30th June, 1916.



APPENDIX NO. 7

ENABLING LEGISLATION

The Federal Indian Affairs Settlement Act (1919)

and

The British Columbia Indian Lands Settlement Act (1920)

The McKenna-McBride Agreement established the Royal Commission and described what the Commission was to do. It was not a law, just an agreement. Before the recommendations of the Royal Commission Report became "official", it had to be approved by both the Federal and Provincial Governments.

Part of this approval process was the passage of the Federal Indian Affairs Settlement Act (1919) and the British Columbia Indian Land Settlement Act (1920). By these laws the Governments gave themselves the authority to adopt the Royal Commission Report and to make changes in it that the Governments felt were necessary.

These laws are important for they changed the terms of the McKenna-McBride Agreement. The Agreement had said that no lands were to be taken away or cut off from Indian Reserves without the consent of the Indians. The Royal Commission repeated this condition many times to the Bands as they visited them between 1913 and 1916.

The Indian Settlement Acts of 1919 and 1920 said the opposite. For example, the 1920 British Columbia Indian Settlement Act said,

"... the Governor-in-Council may order such reductions or cut-offs to be effected without surrender of same by the Indians, notwithstanding any provisions of the Indian Act to the contrary ..."

This legislation altered both the 1912 McKenna-McBride Agreement and the Indian Act. By these Acts the Governments claimed the authority to cut off lands without consent.

The Allied Tribes of British Columbia, which led the fight against the adoption of the McKenna-McBride Commission's Report, protested the passage of these Acts. A deputation of British Columbia Indians visited Ottawa to press

(con'td)

their position and referred to the Federal Act as an "instrument of oppression and injustice". Despite the Indian objections, the Acts were passed and work began on the implementation of the Royal Commission Report.

The following is the text of each Act:

The British Columbia Land Settlement Act (1920) and the  
Federal Indian Affairs Settlement Act (1919).

8. "INDIAN AFFAIRS SETTLEMENT ACT" C.32, S.B.C. 1919  
AND THE "BRITISH COLUMBIA INDIAN AFFAIRS SETTLEMENT  
ACT" C.51, S.C. 1920 - COMPLEMENTARY STATUTES THAT  
GIVE THE GOVERNOR-IN-COUNCIL AND LIEUTENANT GOVERNOR-  
IN-COUNCIL FULL AUTHORITY TO DO ANYTHING THAT WOULD  
CARRY OUT THE INTENT OF THE MCKENNA-McBRIDE AGREEMENT  
AND THE ROYAL COMMISSION, AND ALSO TO CARRY OUT FURTHER  
NEGOTIATIONS AND AGREEMENTS IF NECESSARY.

## CHAPTER 32.

An Act to provide for the Settlement of Differences  
between the Governments of the Dominion and  
and the Province respecting Indian Lands and  
Indian Affairs in the Province of British Columbia.

(Assented to 29th March, 1919).

WHEREAS by Memorandum of Agreement bearing date Preamble  
the twenty-fourth day of September, 1912, made  
between J.A.J. McKenna, Special Commissioner appointed  
by the Dominion Government to investigate the con-  
dition of Indian affairs in British Columbia, and  
the Honourable Sir Richard McBride as Premier of  
the Province of British Columbia, an agreement was  
arrived at, subject to the approval of the Govern-  
ments of the Dominion and of the Province, for the  
purpose of settling all differences between the said  
Governments respecting Indian lands and Indian affairs  
generally in the Province of British Columbia, and  
for the final adjustment of all matters relating  
thereto by the appointment of a Commission for the  
purposes set out in the Agreement.

And whereas by Orders in Council subsequently made  
by the respective Governments of the Dominion and the  
Province the said Agreement was approved, subject to  
the further provision that, notwithstanding anything  
in the said Agreement contained, the acts of the two  
Governments, and that the Governments agree to con-  
sider favourably the reports, whether final or interim,  
of the Commission, with a view to give effect as far  
as reasonably may be to the acts, proceedings, and  
recommendations of the Commission, and to take all  
such steps and proceedings as may be reasonably  
necessary with the object of carrying into execution  
the settlement provided for by the Agreement in  
accordance with its true intent and purpose:

123.

And whereas a Royal Commission on Indian Affairs for the Province of British Columbia was duly appointed for the purpose of carrying out the said Agreement:

And whereas the said Commission has since reported its recommendations as to lands reserved for Indians in the Province of British Columbia, and otherwise for the settling of all differences between the said Governments respecting Indian lands and Indian affairs generally in the said Province:

Now, therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:-

*Short title.*

1. This Act may be cited as the "Indian Affairs Settlement Act".

*Power to give effect to report of Commission and settle all differences.*

2. To the full extent to which the Lieutenant-Governor in Council may consider it reasonable and expedient, the Lieutenant-Governor in Council may do, execute, and fulfil every act, deed, matter, or the Governments of the Dominion and the Province according to its true intent, and for giving effect to the report of the said Commission, either in whole or in part, and for the full and final adjustment and settlement of all differences between the said Governments respecting Indian lands and Indian affairs in the Province.

*Power to carry on further negotiations if found necessary.*

3. Without limiting the general powers by this Act conferred, the Lieutenant-Governor in Council may, for the purpose of adjusting, readjusting, or confirming the reductions, cut-offs, and additions in respect of Indian reserves proposed in the said report of the Commission, carry on such further negotiations and enter into such further agreements, whether with the Dominion Government or with the Indians, as may be found necessary for a full and final adjustment of the differences between the said Governments.

Victoria, B.C.:

Printed by Williams H. Cullin, Printer to the King's Most Excellent Majesty. 1919.

Chap. 51.

An Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian Lands and certain other Indian Affairs in the said Province.

(Assented to 1st July, 1920)

WHEREAS by Memorandum of Agreement bearing date Preamble the twenty-fourth day of September, one thousand nine hundred and twelve, made between J.A.J. McKenna, Special Commissioner appointed by the Governor in Council to investigate the condition of Indian affairs in British Columbia, and the Honourable Sir Richard McBride as Premier of the Province of British Columbia, an Agreement was arrived at, subject to the approval of the Governments of the Dominion and of the Province, for the purpose of settling all differences between the said Government respecting Indian lands and Indian affairs generally in the Province of British Columbia, and for the final adjustment of all matters relating thereto by the appointment of a Royal Commission for the purpose set out in the Agreement; and whereas by orders in council subsequently made by the respective Governments of the Dominion and the Province the said Agreement was approved, subject to the further provision that, notwithstanding anything in the said Agreement contained, the acts and proceedings of the Royal Commission shall be subject to the approval of the two Governments, and that the Governments agree to consider favourably the reports, whether final or interim, of the Royal Commission, with a view to give effect as far as reasonably may be to the acts, proceedings and recommendations of the Royal Commission, and to take all such steps and proceedings as may be reasonably necessary with the object of carrying into execution the settlement provided for by the Agreement in accordance with its true intent and purpose; and whereas a Royal Commission on Indian affairs for the Province of British Columbia was duly appointed for the purpose of carrying out the said Agreement; and whereas the said Royal Commission has since reported its

recommendations as to lands reserved and to be reserved for Indians in the Province of British Columbia, and otherwise for the settling of all differences between the said Governments respecting Indian lands and Indian affairs generally in the said Province Now, therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

*Short title.* 1. This Act may be cited as The British Columbia Indian Lands Settlement Act.

*Power given to Governor in Council to settle differences between Canada & B.C. with respect to Indian matters.*

2. To the full extent to which the Governor in Council may consider it reasonable and expedient the Governor in Council may do, execute, and fulfil every act, deed matter or thing necessary for the carrying out of the said Agreement between the Governments of the Dominion of Canada and the Province of British Columbia according to its true intent, and for giving effect to the report of the said Royal Commission, either in whole or in part, and for the full and final adjustment and settlement of all differences between the said Governments respecting Indian lands and Indian affairs in the Province.

*Power to order reductions or cutoffs from reserves without surrender by Indians.*

3. For the purpose of adjusting, readjusting or confirming the reductions or cutoffs from reserves in accordance with the recommendations of the Royal Commission, the Governor in Council may order such reductions or cutoffs to be effected without surrenders of the same by the Indians, notwithstanding any provisions of the Indian Act to the contrary, and may carry on such further negotiations and enter into such further agreements with the Government of the Province of British Columbia as may be found necessary for a full and final adjustment of the differences between the said Governments.

---

OTTAWA: Printed by Thomas Mulvey, Law Printer  
to the King's most Excellent Majesty.

APPENDIX NO. 8

The Squamish Band's Brief  
on Cut-off Lands

Squamish Band had 130 acres of Capilano Reserve No. 5 cut-off by the 1916 McKenna-McBride Commission. Since then Squamish has consistently pressed both the Federal and Provincial governments for return of their land.

This appendix includes the text of the brief Squamish prepared and presented to the two governments. The brief was researched between 1967 and 1970 and is based on research that Squamish itself did or contracted. Hopefully, it will serve as an example for research that other Bands with McKenna-McBride cut-off lands might do. Perhaps they could prepare a similar report on their own cut-off land.

The Squamish Brief also looks at some legal points about the McKenna-McBride Commission that are not discussed elsewhere in this report.



CONFIDENTIALTitle - "Cut-Off" Land Problems  
British ColumbiaBody

1. Object - The purpose of this memorandum is to inform members of this Committee about:

- (a) The problem relating to lands taken from Indian reserves in the Province of British Columbia as a result of recommendations of the 1913-16 Royal Commission on Indian Affairs and the acceptance thereof by Canada and British Columbia; and
- (b) Proposals by the Squamish Band of Indians for settlement of the cut-off land problem on their Capilano Reserve No. 5.

2. Background

- (a) Since British Columbia joined Canada in 1871, many problems have arisen respecting Indian lands in that Province which have not been resolved to the satisfaction of Indian people. Among these is the cut-off land question which refers to the reduction in acreage of some 36 Indian reserves lying outside the Railway Belt.
- (b) British Columbia Indians have stated they consider steps taken by Canada and British Columbia in dealing with cut-off lands between 1912 and the present to be a clear-cut example of governments breaking their word to the Indians.
- (c) The cut-off land problem concerns certain Indian reserves only and is not related in any way to the British Columbia land question which concerns aboriginal rights.
- (d) Between 1871 and 1908 there was constant dispute between Canada and British Columbia over Indian lands with Canada attempting to obtain suitable allocations of reserve land for the Indians. In 1874 Canada disallowed the British Columbia Land Act because it made no provision for any Indian reservations, nor of lands for that purpose; nor were the Indians accorded in it any rights or privileges in respect of land; neither could they pre-empt nor purchase land except by applying to the Lieutenant-Governor in Council for a special dispensation to permit them to do so.  
  
In disallowing the provincial Act the Minister of Justice referred to the "known, existing and increasing dissatisfaction of the Indian tribes of British Columbia at the absence of adequate reservation of lands for their use, and at the liberal appropriation for those in other parts of Canada upon surrender by treaty of their territorial rights, and the difficulties which may arise from the not improbable

assertion of that dissatisfaction by hostilities on their part." (Dominion and Provincial Legislation 1867-1895, page 1025.)

- (e) Allocation of Indian reserves proceeded by Joint Commissioners over the succeeding 33 years but the disputes between Canada and British Columbia continued. In 1908 British Columbia brought the work to a halt, stating: "Owing to the unsatisfactory state of affairs between the Dominion and the Province in relation to the question of Indian Reserves, the Executive considers it inadvisable in the meantime to make further allotments . . ." (Canada-Sessional Papers 1909, No. 27, page 273.)
- (f) In an attempt to break the stalemate, in May 1910 the chief law officers of Canada and British Columbia met in Ottawa and drew up a list of ten questions concerning Indian lands in British Columbia for submission to the Supreme Court of Canada and then to the Privy Council. Canada accepted the questions but British Columbia refused to proceed. Canada then passed an amendment to the Indian Act to enable a stated case to be presented for judicial decision. In 1911 the Government of Canada was defeated before proceeding with the stated case.
- (g) In 1912 under the terms of the McKenna-McBride Agreement between Canada and British Columbia (see Appendix "A"), a Joint Royal Commission was appointed to examine and report upon all matters relating to Indian affairs in the Province. The Commission was empowered to increase or reduce the size of Indian reserves in accordance with the requirements of individual Bands. Under the terms of the Agreement reductions were to be undertaken with the consent of the Indians as required by the Indian Act, i.e., a surrender by the majority of the Band.
- (h) The Commission visited Indian reserves in British Columbia during the next 3-1/2 years, hearing evidence from Indians and whites and questioning witnesses. Its report was presented in 1916 and ratified by both Canada and British Columbia. Reductions (cut-offs) were ordered for some reserves totalling some 36,000 acres and additions totalling some 87,000 acres authorized for other reserves. Under the terms of the McKenna-McBride Agreement the cut-off lands were to be subdivided and sold by the Province at public auction. Fifty per cent of the net proceeds was to be paid to Canada for the benefit of the Indians of British Columbia.
- (i) Canada ratified the Royal Commission Report by enacting the British Columbia Indian Lands Settlement Act, 19-11 George V.

Chapter 51, which was assented to on July 1, 1920. This legislation gave the Governor in Council authority to implement the recommendations either in whole or in part. It also authorized the Governor in Council to proceed with reductions of reserves without the consent of the Indians, notwithstanding any provisions of the Indian Act to the contrary and to enter into any further agreements with British Columbia that may be found necessary for a full and final adjustment of all differences between the two governments.

- (j) In ratifying the Royal Commission Report and reductions in reserve acreages in this manner, Canada reversed the requirement of the McKenna-McBride Agreement that reductions were to be made only with the consent of the Bands concerned.
- (k) Some affected Indian Bands have said they were thereby wrongly induced to appear before the Royal Commission and to give evidence as to the number of their people living on ... each reserve and detailed information about their people and lands. The transcript of the evidence shows that the Royal Commissioners frequently advised the assembled Indians of the protection in the Terms of Reference of the Commission and assured them that no land could be cut off from their reserve without their consent.

The following excerpts from the verbatim transcript of some sessions with the Squamish tribe illustrate the point:

VOLUME 17. Page 21

"MISSION RESERVE, NORTH VANCOUVER, B.C., JUNE 20, 1913"

In opening the Chairman explained the text and object of the Commission.

THE CHAIRMAN: (to the Chiefs of the various Bands of Squamish Indians)

"On behalf of the Commission and the Indians themselves, I am very much obliged to them for the addresses which they have just presented, and I am especially obliged to them for their kind welcome of us amongst them, and on behalf of His Majesty the King, I beg leave to thank you for the token of loyalty you have given to him and his throne. We will endeavour to give the very best consideration to the matters you may bring before us here and elsewhere during our carrying out of the powers given to us under the Commission, and we earnestly hope that the result of that consideration may be for the benefit of the Indians, not only of your tribe, but the Indians of the whole of British Columbia. I am very glad to notice that you perceive that if the object of

our Commission is carried out, the title of the Indians to their land will be clear. Dr. McKenna has stated to you in detail the objects and the purpose of the Commission - that is, the purpose for which it was issued. Now I noticed so far as the performance of our duties are concerned, in one of the newspapers a reference to an alleged interview with our secretary, which was published. The publication of that interview was entirely unauthorized and that has been followed up by an editorial in another paper, in which an attempt is made to prejudice the minds of the Indians against the Commission. That is the only reason I wish to refer to it, otherwise I would pay no attention to a newspaper article at all. I wish to say that the members of the Commission have formed no opinion whatever, hostile to the Indians: as a matter of fact we cannot do so until we get through the whole country, and as yet we have been over only a small portion of it. We have asked questions for the purpose of drawing out answers which we wish to have but that is for the purpose of getting our information more clear than it had been before, so if any newspapers or persons tell you that the members of the Commission have formed an opinion either one way or the other, you may look upon it as false, because the members of this Commission are not the kind of people who prejudge the question until they hear the whole facts, and we cannot find out all the facts by merely going over half the Island of Vancouver, and we will not present our conclusions until we present our report, and I have every reason to believe that my co-commissioners will not be actuated either one way or the other. Their efforts will be to exercise of our duties in the interests of the Indians and the public at large without the power of any political party . . ."

Volume 17, pages 34, 37 and 42:

"CAPILANO INDIAN RESERVE. SATURDAY. JUNE 21, 1913"

"THE CHAIRMAN: Now we will deal with the Capilano Reserve . . . Who is the chief?

CHIEF MATHIAS JOSEPH: I am the Chief.

CHAIRMAN TO THE ASSEMBLED INDIANS:-

"Now I wish to state that so far as the land is concerned and the inability of the Indians to sell their lands, I referred to that yesterday. Some of the Indians who are now on this Reserve were at the Mission Reserve, and rather Dr. McKenna explained to them that when the work of this Commission is over and the land becomes vested in the Dominion Government, any sales which take place, they will get the whole of it. The British

Columbia Government will have no interest in the lands whatever. . . . .

"In view of what I have stated in respect to the land, I should state to the Indians that are here, very clearly what our powers are. There are some Indians here who were not at the Mission Reserve yesterday.

"The Commissioners are here for the purpose of adjusting the Reserve and settling the quantity of land that each Reserve should have. If a Reserve for instance, contains no more land than is reasonably necessary for the purposes of the Indians who are upon it, that Reserve will be confirmed. If a Reserve does not contain sufficient land to be reasonably necessary for the purposes of the Indians who are upon it, the Commission will so state and set out how much more land is required, and the Government of British Columbia will give out of their reserved land such additional land as may be required. If a Reserve contains more land than is reasonably required by the Indians living on that Reserve, the Commission will specify that a portion of that Reserve shall be cut off, and will state which portion shall be so cut off, but that land can only be cut off with the consent of the Indians interested. For inst--- if we should recommend that a portion of this Reserve should be cut off, it could not be done unless you Indians here consented to it being done. (Underlining added.) Any land so cut off with the consent of the Indians will be subdivided and sold at public auction, and one-half of the net proceeds will go to the Province of British Columbia, and the other one-half will go to the Government of the Dominion of Canada to be held in trust for the Indians.

"You know the Government of British Columbia has been claiming what has been called a reversionary interest in these Indian lands, and they claim that it is worth money to them and that it is a valuable asset, so that if any land is sold to-day, they claim to have a share in the proceeds of the sale and this has been a great inconvenience to the Indians and a great inconvenience in the way of getting a sale brought about. Up to the present time the Indians did not get the whole of the purchase money: the British Columbia Government claiming to have something in it - I don't know that they ever done it, but I suppose that sometimes it pays to hold a sale-up. The fact that the British Columbia Government claims a right in the disposal of the purchase money or part of it opens the door for

them to come in and hold up any arrangement that the Dominion and the Indians may make - therefore it was considered advisable to cut that out, to put an end to the claim of British Columbia to have any interest in these Reserves, and with that object this Commission agreement was entered into and when the Commission report upon this matter and their report is carried out all the lands that remain the title will be in the Dominion Government to hold for the Indians just as the Dominion Government down east hold land for the Indians such as Alberta, Saskatchewan and other Provinces down east - so then when this comes about, if a sale takes place, the Indians who are interested in the lands sold, the Indians will get one-half in cash and the balance will be held in trust for them. "

Page 42:

"THE CHAIRMAN: Now I wish to say that all the Commissioners are very much obliged to the Indians for the nice manner in which they have received us to-day at this Reserve. We appreciate these flags which they have put up in the church, I presume for our honour, also for the nice decorations they have put up at the entrance outside. It cannot be but pleasing to us, and we feel that that respect is largely due to the fact that they desire to extend friendship towards the representatives of the King. I think that is about all we can do here."

Volume 17. page 44:

"SEYMOUR CREEK INDIAN RESERVE. JUNE 21. 1913"

"THE CHAIRMAN: Now with respect to what you have just stated in regard to the railway company wanting to purchase your Reserve . . . We don't know of any application of this sort at all and therefore we have no power to deal with it. At the same time the land cannot be taken without the consent of the Indians. In order to get an idea of the value of the land - Dr. McKenna knows the Indian Act better than I do, and he tells me that while the government may give the right of way, the government will see that they are treated fairly and without any outside interference whatever . . ."

Page 48:

"We will now go into the question of population . . ."  
"DR. MCKENNA - We want to know how many men, women and children live on this Reserve."

- (l) Although the Commissioners ordered reductions in the acreage of a number of reserves within the Railway Belt, Canada took the position that as these lands were Federal Crown Lands, the reduction would not apply to these reserves. As a result, the reductions affected only those Indian reserves lying outside the Railway Belt. Some Indian Bands therefore feel Canada was more watchful of its own land and interests than of the land and interests it held in trust for Indians outside the Railway Belt.
- (m) In 1919 British Columbia passed the enabling legislation necessary for the adoption of the Report - The Indian Affairs Settlement Act (Appendix "B"). Paragraph 3 authorized the Lieutenant-Governor in Council to "carry on such further negotiations and introduce such further agreements, whether with the Dominion Government, or with the Indians, as may be found necessary for a full and final adjustment of the differences between the said Governments."
- (n) In 1920 Canada also passed enabling legislation - The British Columbia Indian Lands Settlement Act (Appendix "C"). Paragraph 3 provided for further negotiations and agreements for full and final adjustment of the differences between the said Governments. But the federal Act failed to provide for negotiations and agreement with the Indians, as the British Columbia Act had provided.
- (o) When Canada's Order-in-Council, P.C. 1265. (Appendix "E") dated July 19, 1924, accepted adjustments to reserves pursuant to the Commissioners' Report and the federal enabling legislation, (except as to reserves in the Railway Belt), the federal Act was stated therein to contain the following clause: "that for the purpose of adjusting, re-adjusting, or confirming the reductions, cut-offs, and additions, in respect of Indian reserves proposed in the said Report of the Commission, the Governor in Council was also empowered to carry on such further negotiations and enter into such further agreements, whether with the Provincial Government or with the Indians, as might be found necessary for a full and final adjustment of the differences between the said Governments."
- (p) The said Order-in-Council was incorrect in setting forth the fact that Canada's enabling legislation provided for further negotiations and agreements with the Indians, when in fact Canada's Act did not make such provision. The information before the Governor in Council on July 19, 1924, was therefore erroneous.

(q) The Governor in Council, with this erroneous information before it, approved and confirmed the Report of the Royal Commission "as constituting full and final adjustment and settlement of all differences in respect thereto between the governments of the Dominion and the Province, in fulfilment of the said Agreement of September 24, 1912, and also of Section 13 of the Terms of Union. The said Agreement of September 24, 1912, provided for Indian consent to any reduction of reserve lands. This Order-in-Council could not have been in fulfilment of the McKenna-McBride Agreement of September 24, 1912, since the Terms of Reference of that Agreement were not carried out and Canada's enabling Act did not contain the provisions for negotiations and agreements with the Indians that the Order-in-Council stated it contained.

No negotiations or agreements were held with the Indians with respect to this question until May 1969 when the Minister of Indian Affairs and Northern Development met with representatives of the Squamish Indian Band in Ottawa to discuss their cut-off land situation. (In 1926 Indian leaders made representations on the subject before a Parliamentary Committee but there were no negotiations or agreements.)

(r) Since 1924 Canada and British Columbia have amended the Agreement on various occasions. In 1941 Canada and British Columbia entered into an Agreement (Appendix "G") under which British Columbia assumed the sole responsibility for the management, sale, lease, or other disposition of cut-off lands. The Agreement provided that 50% of the net revenues from the disposition of these lands was to be paid to Canada for the use and benefit of the Indians. By further agreement between Canada and British Columbia, British Columbia is authorized to lease the lands and to pay 50% of the revenue to Canada for the Indians. In practice British Columbia has waived its 50% of the lease revenue in certain cases to municipal or public utility bodies but has refused to lease the land with the same waiver to the Squamish Indian Band. Since 1941 Canada has not had detailed information about the cut-off lands.

(s) The financial returns to the Indians from these lands has been distressingly poor. As an example, the lease income to the Squamish Indian Band for its 50% interest in leases of the 130-acre cut-off at Capilano Reserve, West Vancouver, is approximately \$3,700.00 per annum. The Municipal Assessor of West Vancouver has placed a



market value as of 1968 on the 112 acres remaining unalienated ranging from \$60,000.00 to \$283,000 per acre and stated that if office buildings were included, the per-acre value for them would exceed \$283,000.00 per acre. (Appendix "I") - "To be conservative, in consideration of the multiplicity of uses proposed for D.L. 5521 (the cut-off lands), it is estimated that if the land were to be developed to-day the per-acre value would be no less than \$100,000.00. Based on . . . 7% . . . the annual rental cost at 1968 values would be \$786,590.00."

The Municipality of West Vancouver itself leases 26 acres of waterfront cut-off land from British Columbia from which the Squamish Indian Band receives the sum of \$3,206.00 per annum.

- (t) For the foregoing reasons and because the only voice they were ever given in the disposition of the lands cut off from their previously confirmed reserves was the opportunity to give evidence to the 1912 Royal Commission, these cut-off lands have been a major source of discontent among the Bands whose reserves were affected.

### 3. Present Status

- (a) A few Indian Bands have questioned Canada's action in accepting the recommendations of the Royal Commission and in agreeing to the reduced acreage without their consent and in enacting the federal British Columbia Indian Lands Settlement Act, which changed the Terms of Reference of the Royal Commission after its work had been completed. They have also requested detailed information about the manner in which these cut-off lands have been administered.
- b) As the responsibility for their administration has been transferred to British Columbia, the Department has no detailed records of transactions affecting the cut-off lands. However, British Columbia has been asked to provide particulars of all sales, leases, or other disposition of these lands. As Canada by law is trustee of lands reserved for the Indians, and therefore the Indian interest in lands that were reserved for Indians, the foregoing leads to the probable conclusion the trust has not been administered in accordance with the law governing trustees.

### 4. Proposal by Squamish Band of Indians

- (a) Representations have been received from the Squamish Band of Indians for the return of some 130 acres of their Capilano Reserve No. 5 in West Vancouver which was cut off as a result of a decision by the Royal Commission.

- 20 -

No reason was given by the Commission for the cut-off and no consent was asked for or obtained from the Band as was noted above (see 2(k)). The Band considers this land essential to the successful implementation of its plans for the development of its lands and this view is confirmed by independent professional opinion.

- (b) The policy of the Department is to encourage Indian Bands to take the initiative in development of their Reserves with the aim of becoming more self-sufficient, wherever and as soon as, possible. Many sections of the Indian Act, used together with the Department's current financial programs, assist and encourage this type of Band development.
- (c) In 1968, pursuant to their planned program of self-development, the Squamish Indian Band, in concert with the Department, jointly sponsored and jointly paid for a land use development study of the Band's reserves on the north shore of Burrard Inlet. The consultant's report included the following comments:

"The Squamish Reserves located on the north shore of Burrard Inlet occupy one of the largest, centrally located, undeveloped parcels of land in the Vancouver metropolitan area. The three parcels of land consisting of Capilano Reserve and the cut-off lands, and Mission and Seymour Reserves, represent some of the most valuable real estate in the Lower Mainland. Opportunities for development of these lands are exceptional. Their strategic location combined with growing scarcity of large acreages in this area make these Reserves favourable for immediate development. The Squamish Band members have expressed their wish to develop these Reserves so that they may enjoy the benefits which their land is capable of producing; benefits which include improved housing conditions, increased employment opportunities, and better health and welfare standards. The Band members have indicated that they want to participate in all phases of the development program."

"The . . . land available for development on Capilano Reserve and cut-off lands is one of the largest parcels in a major metropolitan area in Canada adjacent to downtown, to commercial services, and to transportation routes. . . The advantages are exceptional. This opportunity is dependent to a great extent on the size of the lands available for development and fragmented planning could be expected to reduce the attraction of the entire site. The parcel of land on the cut-off lands north of the Pacific Great Eastern Railway has the potential to

be developed almost immediately as a high density residential community. Such a development would have to be closely co-ordinated with the development of the rest of the reserve lands to ensure that the complementary park and recreational areas are provided. Arterial and internal transportation routes would have to be planned for the entire area affected by development of the reserve. The cut-off lands have the greatest potential for immediate development to a high density because of their proximity to existing amenities. The revenues to the Band from this development are essential. . . .

"This land has the potential for development as a total community for living, a place that will provide employment, living space and a leisure time resort. It would be a fully planned, integrated development containing retail outlets, offices, commercial and light industry, complementary to residential and institutional components. It would provide new housing and employment opportunities for Band members within the development.

"The most urgent step is for the pursuit of the Band's claim for the return of the cut-off lands so that development can proceed and the needed revenue be generated."

(d) Of the 130 acres of land cut off from Capilano Reserve, 18 acres have been permanently alienated, leaving 112 acres available for development, most of which is in its natural state.

(e) Until recently British Columbia has refused to discuss the cut-off land question with Canada or anyone, taking the position that the Royal Commission Report, having been ratified by both Canada and British Columbia, settled all differences between the two Governments. However, as a result of correspondence between Ministers requested by the Squamish Band and following discussions with a delegation from the Squamish Band, the Provincial Minister of Lands, Forests and Water Resources has indicated his willingness to return to the Band one-half of the cut-off area of Capilano Reserve No. 5. The one-half lying along the waterfront would be retained by the Province which would give a commitment that it would not be used for revenue-producing purposes.

5. Conclusion

(a) The cut-off land problem will not diminish and disappear in time but will increase in intensity and complexity and a satisfactory solution will be more difficult to find as the years go by because:

- (i) British Columbia may not always be prepared to co-operate.
- (ii) The Indians may not always be prepared to co-operate.
- (iii) As more of the cut-off land area becomes permanently alienated, less will be available for return to the Band.
- (iv) Land values tend to continuously increase.

(b) The willingness to return its share of the cut-off lands represents a major change in British Columbia's position as regards Indian land. It provides at last the opportunity for a practical solution to a complex problem toward the solution of which no progress has been possible previously. This solution promises a significant improvement in understanding with British Columbia Indians by showing government preparedness to remedy specific wrongs by proper and just solutions.

(c) No justifiable reasons can be given a Band such as the Squamish for the actions of the Royal Commission and the Government of Canada in dealing with the cut-off lands. If the parties concerned were private rather than government, judicial remedy would be available. Bands may be able to obtain judicial declarations to that effect.

(d) In dealing with our aboriginal citizens, it is essential that the Government of Canada be seen ready to right obvious wrongs and direct breaches of undertakings given, whenever they are clearly identified. This is particularly the case at the present stage of Canadian and world history, when government actions in dealing with native minorities is carefully watched by developing nations, youth and involved people of all ages.

(e) A development of this type, participated in fully by the Squamish Band, will provide an example for other Indian

Bands throughout the Country and will encourage them to begin the development of their own lands and resources.

(f) Money spent by the Federal Government to reach a solution to this problem may be largely or fully recovered in future in several ways;

- (i) Bands concerned, such as the Squamish Band, will be on the way to self-sufficiency.
- (ii) Employment for Band members and many other citizens will result from the development with savings in welfare and unemployment costs.
- (iii) The land and resources of the Band will be put to full use and the economy of the North Shore area thereby stimulated.

(g) While requests may be received from other Bands for similar settlements, they could be dealt with on the same basis - that is, that expenditure of federal funds is dependent on the initiative of the individual Band in producing a workable solution to its development problems. Such proposals would be spread over a number of years. In any case not more than one other Band has a cut-off situation approaching that of the Squamish Band in value of the land.

(h) With respect to the fact that the Royal Commission awarded some 87,000 acres of land to certain Bands while cutting off some 36,000 acres from others, the following is pertinent:

- (i) By the Terms of Union 1871, Article 13, British Columbia and Canada became obligated to provide additional Indian reserve lands from time to time as required. There were no provisions for reductions in the Terms of Union. The lands added by the Royal Commission were in fulfilment of the Terms of Union and could not then be used to justify the reductions from other reserves, particularly in view of the undertakings given to the Indians by the Royal Commissioners in the names of governments that this would not be done without their consent.

- (ii) Furthermore, the reserves increased in size by the Royal Commission and the enabling legislation, belonged to different Bands. While it is true that the white man has tended to lump all aborigines together as "Indians", the British Columbia natives were of entirely separate ethnic groups, speaking different languages, and governed themselves as separate nations. (Wilson Duff, "Indian History of British Columbia", pp. 7 to 15.) They regard an attempt to justify taking from one and giving to another in the same way that France or any other European nation would regard reducing its land and giving additional land to Spain.
- (iii) Furthermore, the acreages cut off from some Bands, and acreages added to other Bands, bore no relation to each other in terms of value. Large portions added are of no use other than as possible upland recreational sites, whereas in general, lands taken were strategically located on fresh or salt water, at the mouths of rivers or at sites chosen by the Indians long ago as meeting their requirements for food, habitation, commerce and defence. Naturally the same advantages appealed to the white man in the twentieth century and representations to that effect were made in evidence to the McKenna-McBride Royal Commission.
- (iv) Previous governments have been aware of the cut-off problem and have failed to act to remedy it.

#### Recommendations

- (i) That the Federal Government assist those Indian Bands seeking to obtain the return of any unsold areas of lands cut off from their reserves by the Royal Commission.
- (ii) That where cut-off lands are presently under lease, the Federal Government shall pursue a role consistent with its position of trustee of Indian lands and interests in lands and will enlist the co-operation of the Province in obtaining revenues based on the appraised value of the lands.
- (iii) That the Federal Government negotiate a settlement with British Columbia and the Squamish Indian Band of the Band's cut-off land question on the basis proposed by the Squamish Indian Band, with settlement to be on the basis of assistance for reserve land developments.

- (iv) That where requests are received from other Indian Bands for a settlement of their cut-off land problem and such requests include specific proposals designed to develop the land and other resources of the Band and to improve the social condition of Band members, they be dealt with on an individual basis by negotiation between Canada, British Columbia and the Band.
- (v) That where a Band proposal is accepted, the Federal Government, as an alternative to paying compensation for past wrongs, pay an equivalent amount in cash by way of grant to the individual Bands whose lands were similarly affected, for the purpose of assisting in the implementation of the Band's plans for development of reserve land.
- (vi) That where Bands with cut-off problems request such assistance, the Federal Government arrange to have the cut-off land question and similar problems arising out of the decisions of the 1913-16 Royal Commission placed before the Indian Claims Commissioner for consideration and report.

Respectfully submitted,

"J. Paul Raecke"

November 1972

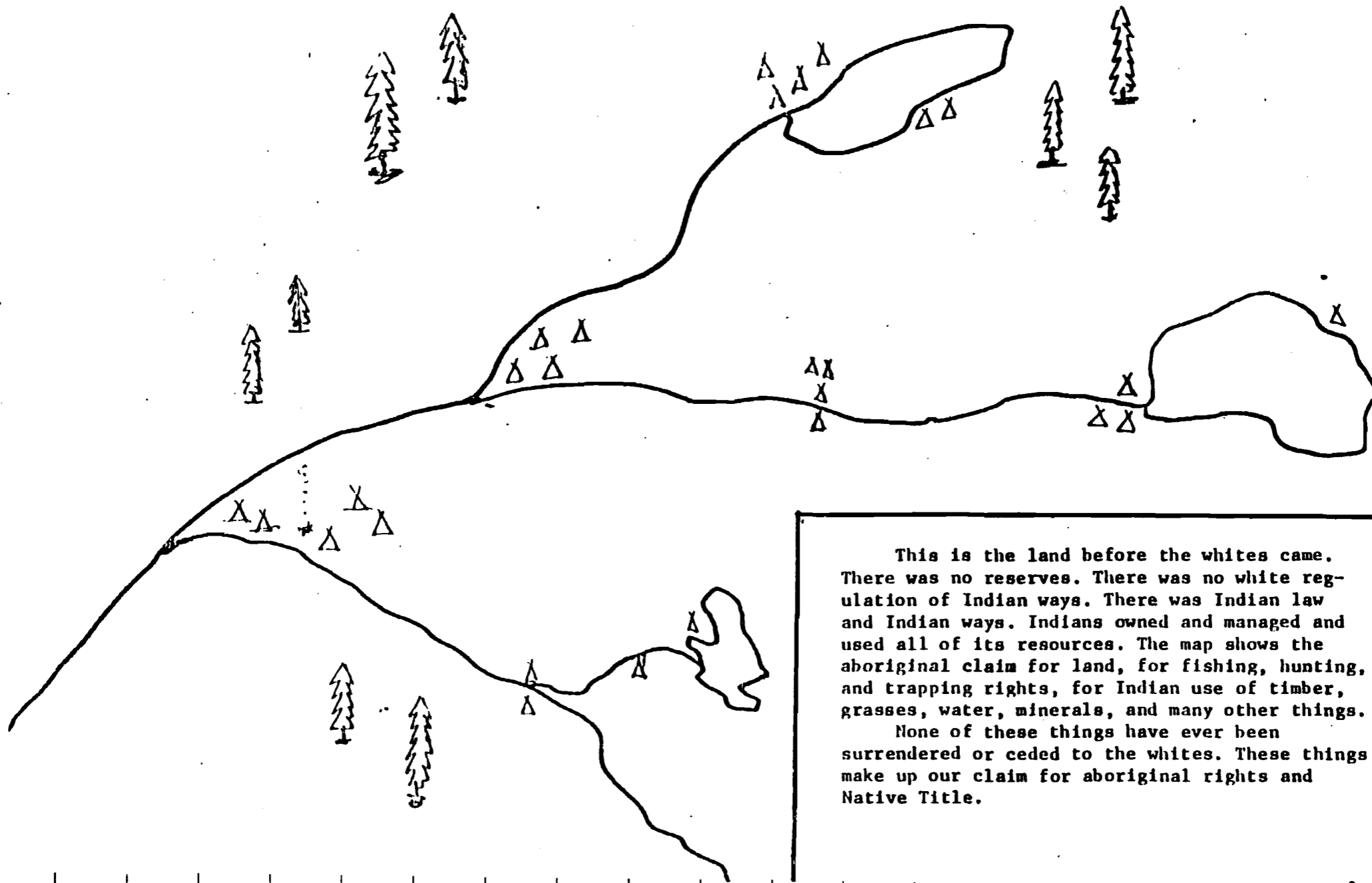
APPENDIX NO. 9

A SHORT HISTORY OF  
INDIAN RESERVES  
IN MAPS

These maps are to go along with the Report on Cut-off Lands and  
and Land Lost By Indian Reserves. These maps do not show any particular place,  
but are an example of what has happened all over. They are a story of the  
ways Indian Reserves have lost land over the years. They are general and Bands  
will be able to fill in the details of what happened in their own areas and  
what particular problems they have faced in land losses.



# OUR LAND



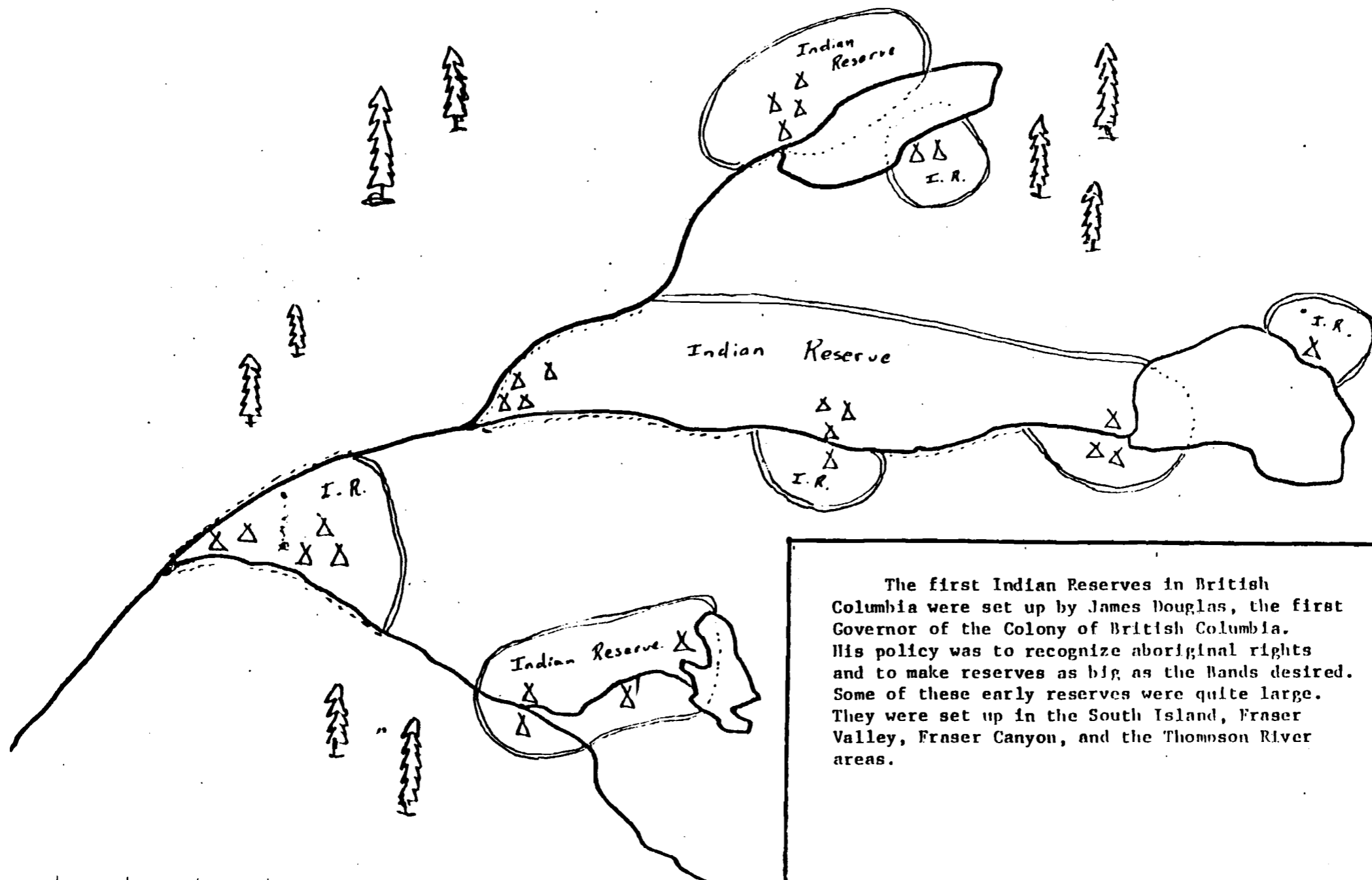
This is the land before the whites came. There was no reserves. There was no white regulation of Indian ways. There was Indian law and Indian ways. Indians owned and managed and used all of its resources. The map shows the aboriginal claim for land, for fishing, hunting, and trapping rights, for Indian use of timber, grasses, water, minerals, and many other things.

None of these things have ever been surrendered or ceded to the whites. These things make up our claim for aboriginal rights and Native Title.

# DOUGLAS

# RESERVES

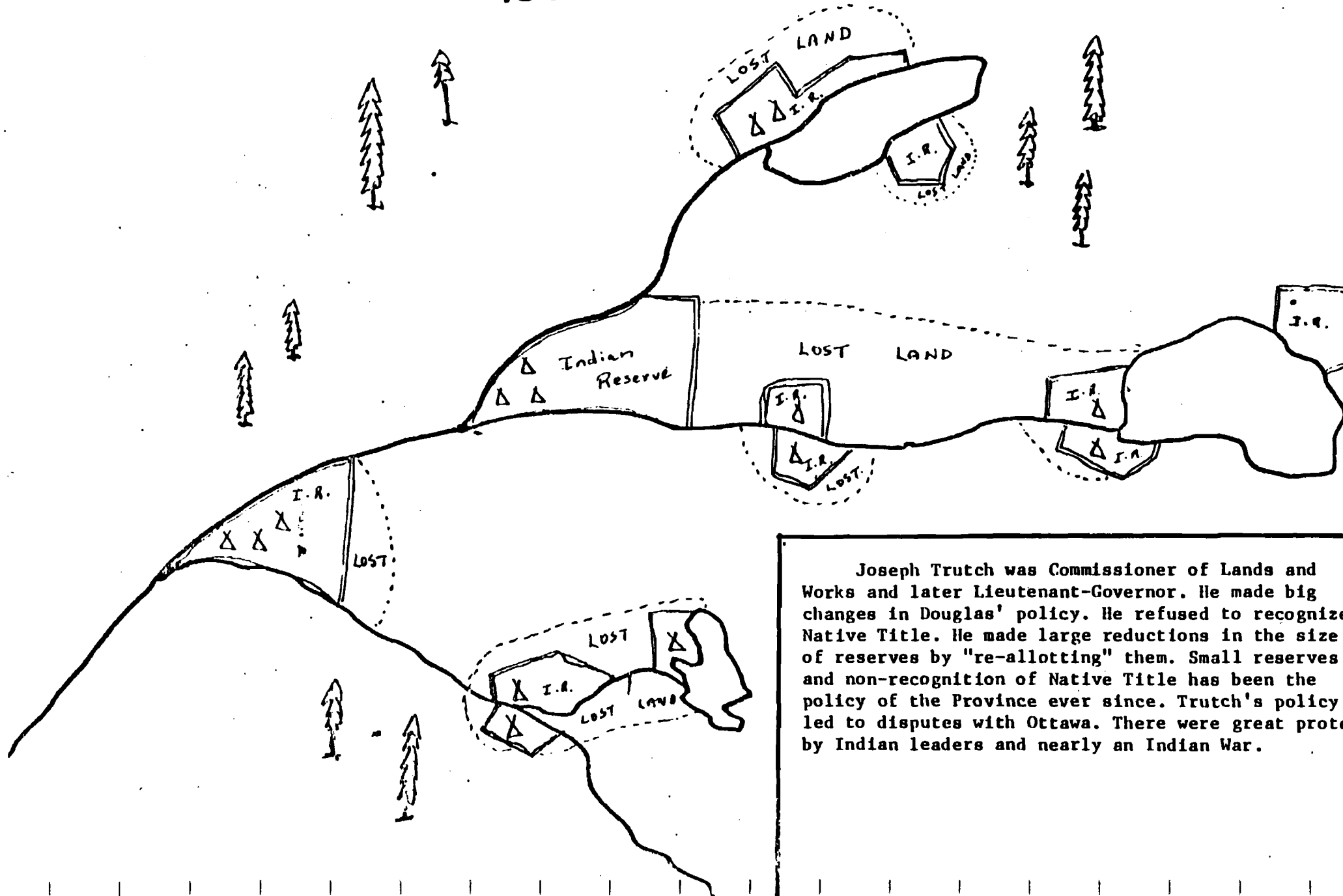
1860 'S



The first Indian Reserves in British Columbia were set up by James Douglas, the first Governor of the Colony of British Columbia. His policy was to recognize aboriginal rights and to make reserves as big as the Bands desired. Some of these early reserves were quite large. They were set up in the South Island, Fraser Valley, Fraser Canyon, and the Thompson River areas.

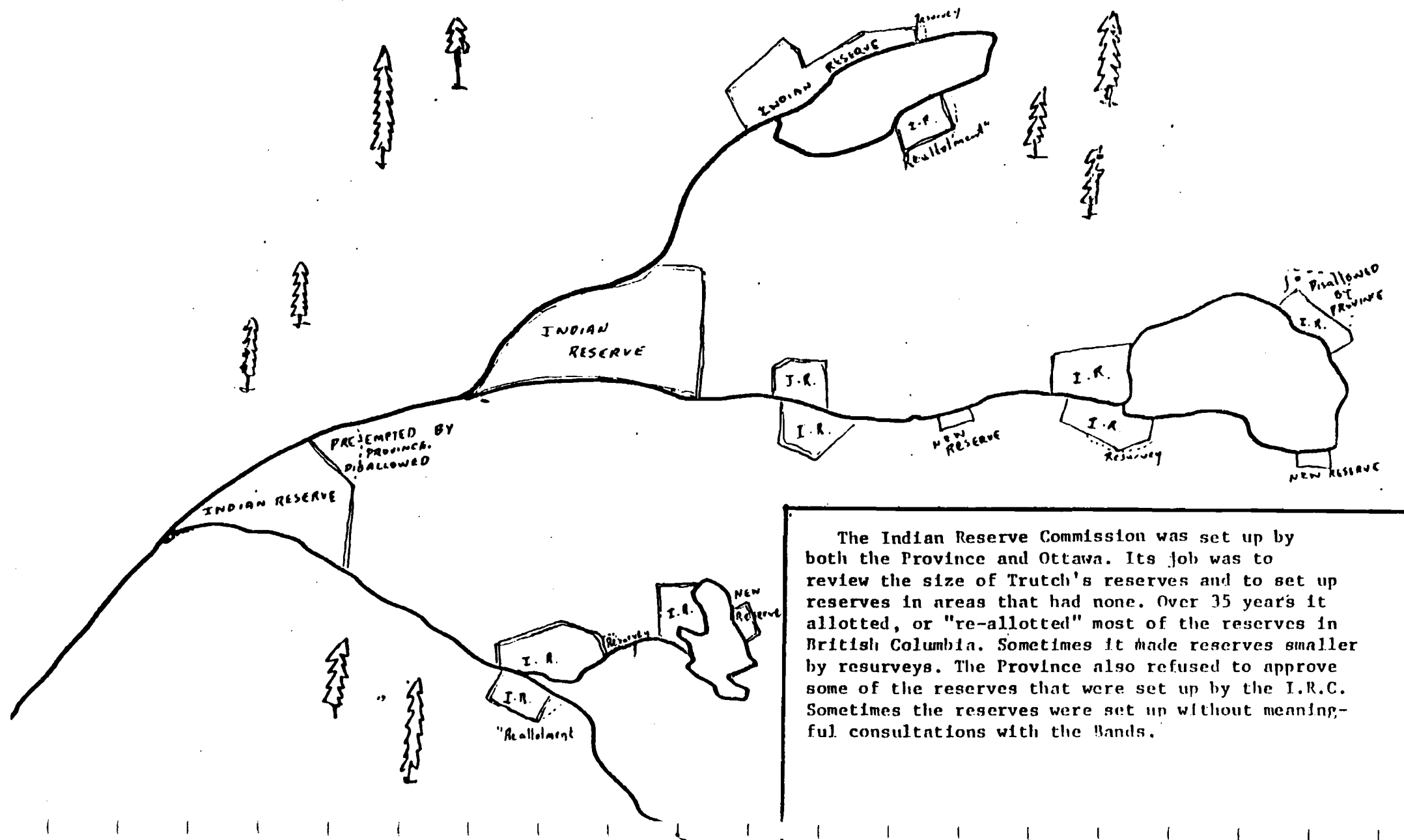
# TRUTCH RESERVES

1860's - 1870's



Joseph Trutch was Commissioner of Lands and Works and later Lieutenant-Governor. He made big changes in Douglas' policy. He refused to recognize Native Title. He made large reductions in the size of reserves by "re-allotting" them. Small reserves and non-recognition of Native Title has been the policy of the Province ever since. Trutch's policy led to disputes with Ottawa. There were great protests by Indian leaders and nearly an Indian War.

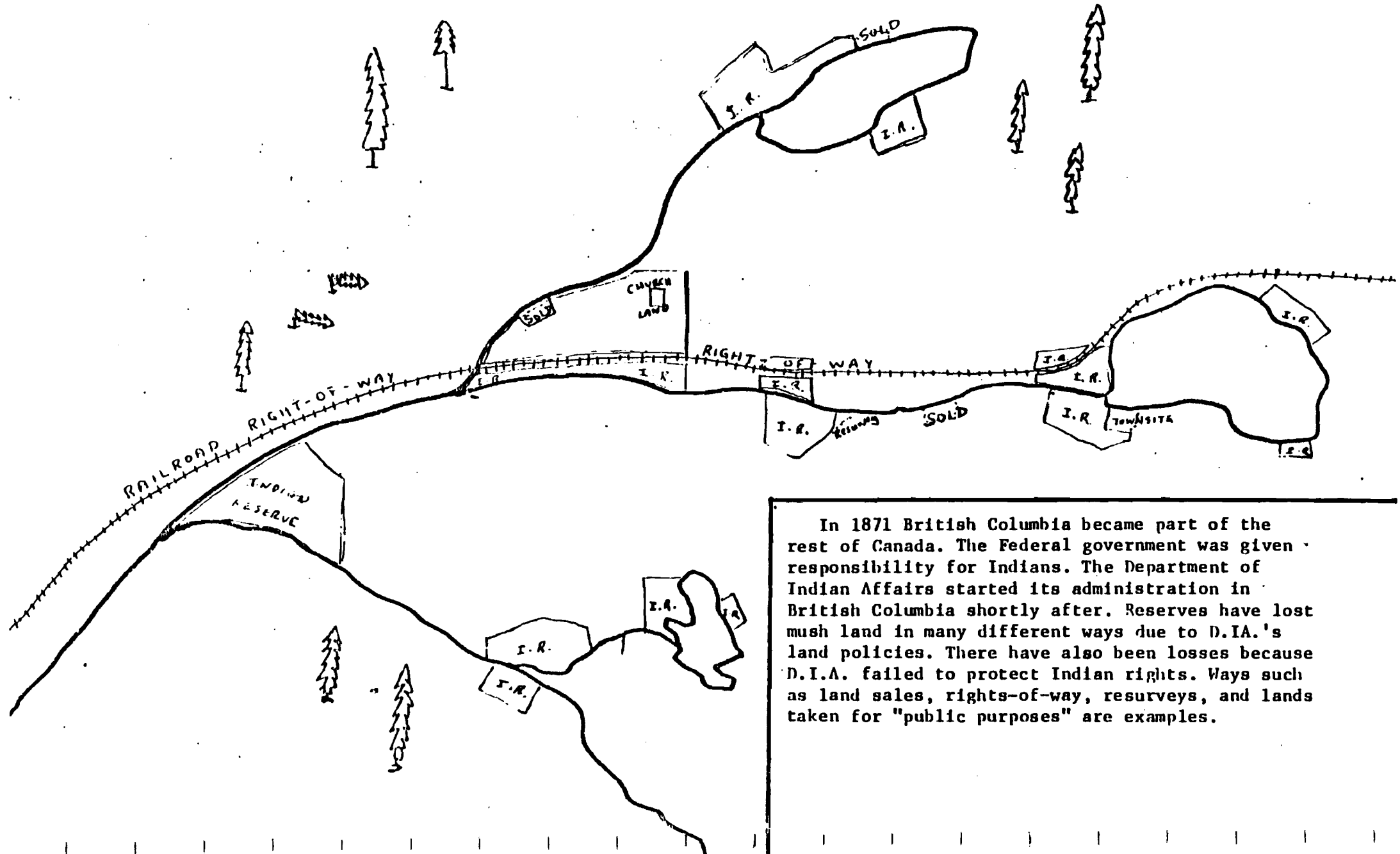
# INDIAN RESERVE COMMISSION 1876 - 1910



The Indian Reserve Commission was set up by both the Province and Ottawa. Its job was to review the size of Trutch's reserves and to set up reserves in areas that had none. Over 35 years it allotted, or "re-allotted" most of the reserves in British Columbia. Sometimes it made reserves smaller by resurveys. The Province also refused to approve some of the reserves that were set up by the I.R.C. Sometimes the reserves were set up without meaningful consultations with the Bands.

# D. I. A. LAND ADMINISTRATION POLICY

## 1870's - 1920's

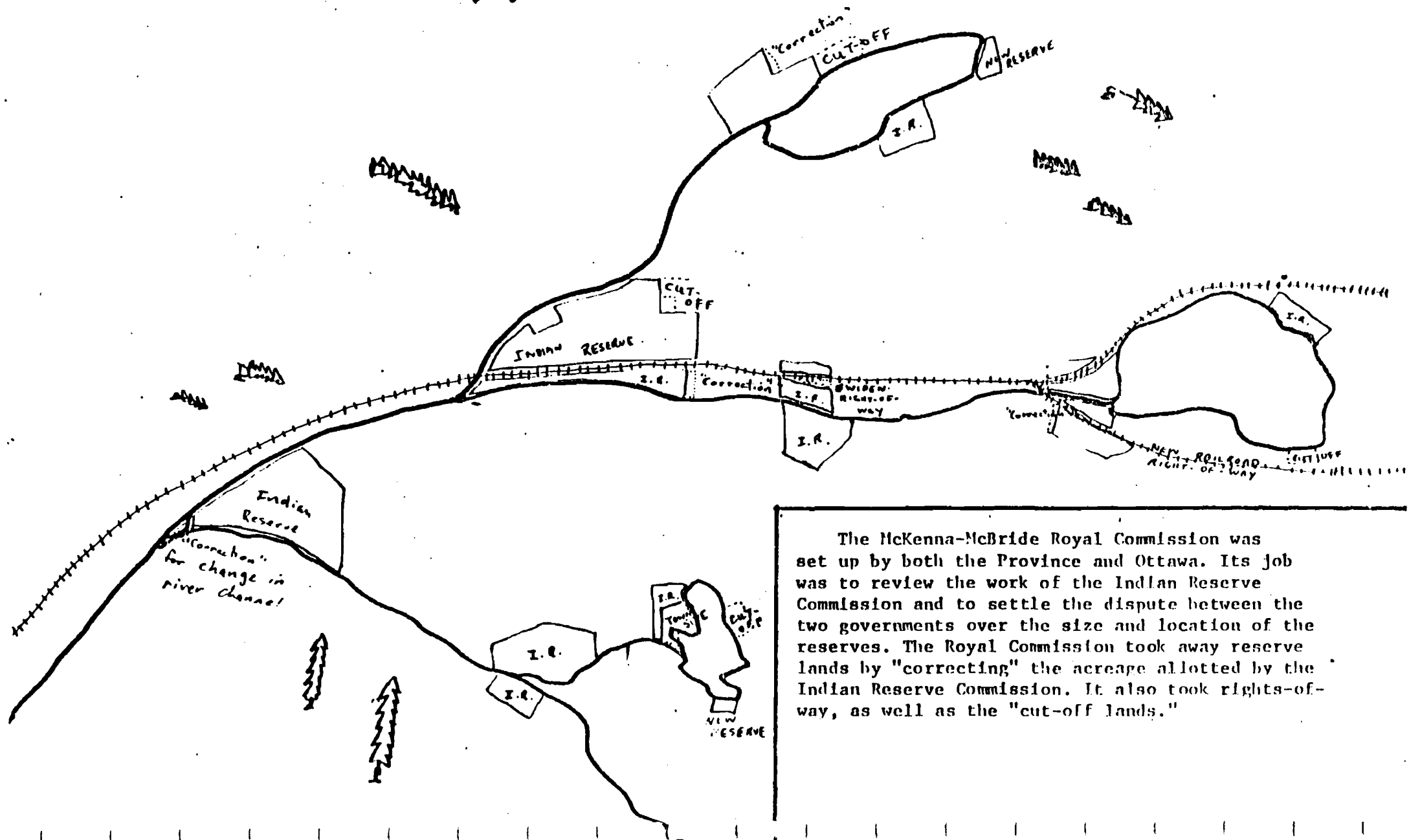


In 1871 British Columbia became part of the

rest of Canada. The Federal government was given responsibility for Indians. The Department of Indian Affairs started its administration in British Columbia shortly after. Reserves have lost much land in many different ways due to D.I.A.'s land policies. There have also been losses because D.I.A. failed to protect Indian rights. Ways such as land sales, rights-of-way, resurveys, and lands taken for "public purposes" are examples.

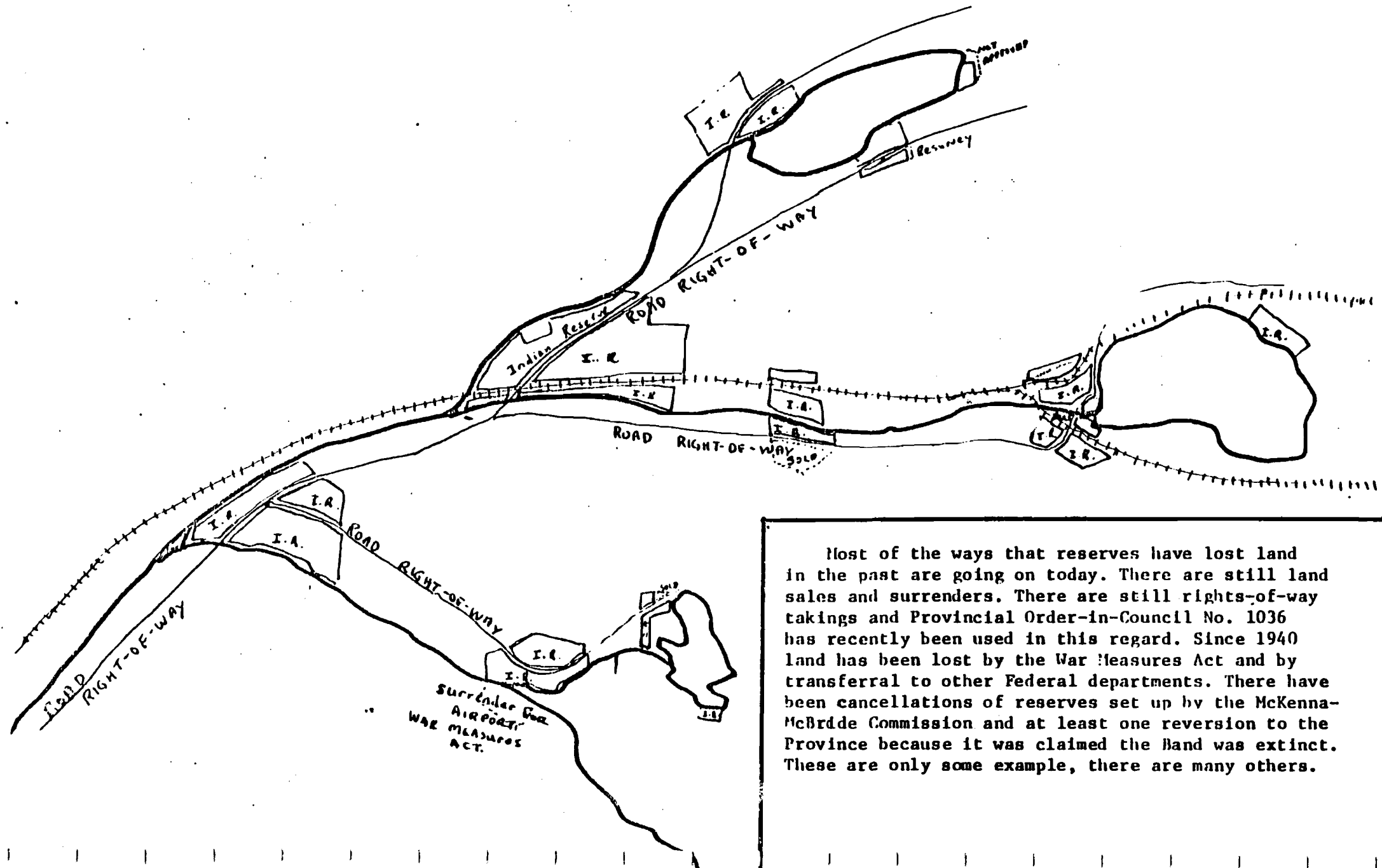
# McKENNA McBRIDE COMMISSION

1913 - 1924



The McKenna-McBride Royal Commission was set up by both the Province and Ottawa. Its job was to review the work of the Indian Reserve Commission and to settle the dispute between the two governments over the size and location of the reserves. The Royal Commission took away reserve lands by "correcting" the acreage allotted by the Indian Reserve Commission. It also took rights-of-way, as well as the "cut-off lands."

# D.I.A. ADMINISTRATION SINCE 1920'S



Most of the ways that reserves have lost land in the past are going on today. There are still land sales and surrenders. There are still rights-of-way takings and Provincial Order-in-Council No. 1036 has recently been used in this regard. Since 1940 land has been lost by the War Measures Act and by transferral to other Federal departments. There have been cancellations of reserves set up by the McKenna-McBride Commission and at least one reversion to the Province because it was claimed the Band was extinct. These are only some example, there are many others.

APPENDIX NO. 10

Report on Kwawkwalth Indian Reserves

This report gives more information on Kwawkwalth District and two important events in the history of Indian Reserves, the Indian Reserve Commission (1876-1912) and the McKenna-McBride Commission (1912-1916). It is an example of the kind of general information available to local research projects. Each Band might wish to tell their particular story in more detail. This report is on Kwawkwalth District, but similar information on other Districts is also available.



INDIAN RESERVE COMMISSION

1876-1910

The first Indian Reserves set up in the Kwawkewlth District were allotted by the Indian Reserve Commission. In 1876 Commissioner Gilbert Sproat allotted two reserves at Comox (Pentledge and Goose Spit).

In 1879 Sproat tried to allot reserves at Cape Mudge, Cormorant Island, Campbell River, Fort Rupert, and Salmon River. The Provincial Government blocked this work and would not approve of the allotments Sproat made. The Province had plans to develop the coal resources of the area and hoped to build a railroad from Victoria to the north end of Vancouver Island.

For example, Sproat complained that "the whole Cormorant Island, including ..... a settlement of the Nimpkish Indians... has been leased by the Provincial Government to a Mr. Hudson." The Province was alienating (selling) land at other places as well. This policy of the Province resulted in Kwawkewlth Bands losing land to whites. Once it was "sold" by the Province, it would usually not be allotted as Indian Reserve.

The next reserves allotted in Kwawkewlth District were the reserves of Quawshelah Band (now Kwawkewlth Band) at Wyclese and Nekite. These were set up in 1882 by Commissioner Peter O'Reilly. The Chief, Pankwete claimed all of Smith Inlet and only agreed to these two small reserves after O'Reilly promised that the Band could hunt in the mountains as before, fish in the sea for halibut and herring, and have exclusive salmon fishing rights on the Sammo River.

From these early times, Kwawkwalth Bands saw the reserves as settlements to use in exploiting the surrounding area. The reserves were the traditional villages and were important as bases for gathering the harvest of the surrounding rivers, mountains, and seas. The reserves were clearly not the only areas to which Indian rights extended.

The defense of these Indian rights off reserve has been an important issue in Kwawkwalth ever since this time. For example, in 1881 the first Indian Agent, George Blenkinsop was appointed to Kwawkwalth Agency. In his first report, he tells of a dispute at Alert Bay between Nimpkish Band and the local cannery over the salmon fishery of the Nimpkish River. At this time, Nimpkish Band maintained their right to the river.

The Indian Reserve Commission allotted most of the reserves in Kwawkwalth District between 1886 and 1888. We will not review the situation of each Band, but some examples will show the workings of the Indian Reserve Commission in Kwawkwalth territory.

When allotting the reserves in the area around Fort Rupert, Commissioner O'Reilly dealt either with the Indian Agent or the Hunt Family. In the evidence the Land Claims Office has at present, there is no mention of interviewing the Indians. When O'Reilly visited Nuwitti, the chief and most of the people were absent. O'Reilly based his allotments on the evidence of the few remaining behind. The same is true of the Cape Mudge, Kwiakah, and Campbell River.

In 1886, O'Reilly visited Gilford and Turnour Islands. The Mamalillikullah and Kwicksutaineuk Bands were not interested in having their lands surveyed or in getting small reserve allotments. O'Reilly complained that "the fish are so plentiful

and so easily obtained" that the Bands would concern themselves with little else. Again it was not parcels of land that was important, but the right to hunt and fish in their traditional areas.

#### McKENNA-McBRIDE COMMISSION

The next important event in the history of Indian Reserves in Kwawkwalth District was the 1914 visit of the McKenna-McBride Commission.

The McKenna-McBride Commission cut-off the following reserves:

- |                      |               |  |
|----------------------|---------------|--|
| 1. Telaise No. 1     | Quatsino Band | This 48 acre reserve was cut-off.            |
| 2. Tsowenachs No. 2  | Quatsino Band | This 55 acre reserve was cut-off.            |
| 3. Hope Island No. 1 | Nuwitti Band  | 37.86 acres was cut-off leaving 8,514 acres. |

What was the situation behind these cut-offs? The 37.86 acres cut-off Hope Island Reserve was at Bull Harbor. Chief Kaleet testified that this was good land and good soil. He said that it was used for potato gardens and that his Band wanted to keep it. Despite this the Commission ordered it cut-off and it is currently used by the Federal Department of Transport for a transmitter site.

In 1914, Telaise and Tsowenachs were used by the last two surviving members of Koskemo Band, Jim Culteetsum and his wife.

Despite the use Culteetsum made of these land, the Commission ordered them cut-off without a surrender. Since then these reserves have not been sold to other persons and there is currently no Provincial grant covering them.

Another important part of the McKenna-McBride Commission is the land claims that various Bands made. Usually the Chief presented the Commission with a petition setting out his Band's claim for additional land. Some examples will show the concerns of Kwawkewlth Bands and the workings of the Commission.

Nahwockto Band claimed that all of Seymour Inlet be closed to whites. When asked why he made such a claim, the Chief replied that the "was told so by my grandfathers and grandmothers before them that this was our country. I do not mention this country as being ours without reason..... this is where we get our livelihood....." Quawshelah Band claimed all of Smith Inlet just as it had in 1882.

There were many complaints that the reserves were too small, that the Indian Reserve Commission had not been accepted by the people, and that the Indian Agent had not informed Bands of the size of the reserves or Indian rights to fish and hunt. When shown a 1913 map of reserves, Chief Cesohallis of Kingcome Inlet protested that "our forefathers were never asked about it and we have never heard anything about them, and that is the reason we refuse to accept them (the reserves). He then entered a claim for 200 acres for each person.

The testimony of Chief Owahagaleese at a meeting with the Commission at Alert Bay in June 1914 sums up the case of the Kwawkewlth Nation.

Chief Owahagaleese said:

"We are protesting the fact that we are losing our lands....not only our lands, but all other things that would be good for our benefit such as fishing and trapping and all the places where we get our food which we have, in former days, been able to get, and all the fur animals. If we want to get any now we are threatened. We have no exclusive rights and privileges in our rivers....we are losing the privileges among ourselves to have all the fish that are in the rivers and seas that belong to our country."

When asked about the reserves, the Chiefs said, "They are no use to us as they are....they are not sufficient."

This brief report has only been an introduction to the kind of research that can be done on Band land histories. It gives an example of some of the kinds of information that the Land Claim Research Centre can make available.

APPENDIX NO. 11

Joseph Trutch and Indian Land Policy

This appendix is the full text of Robin Fisher's article on Joseph Trutch's Indian reserve policy in the 1860's and 1870's.

This concerns mostly the South Island, Fraser Valley, Fraser Canyon, Kamloops and Okanagan areas of British Columbia.

## Joseph Trutch and Indian Land Policy

ROBIN FISHER

*The Indians really have no right to the lands they claim, nor are they of any actual value or utility to them. . . .*

*It seems to me, therefore, both just and politic that they should be confirmed in the possession of such extents of land only as are sufficient for their probable requirements for purposes of cultivation and pasturage, and that the remainder of the land now shut up in these reserves should be thrown open to pre-emption.<sup>1</sup>*

*They said that first one chief had come, then another and another, all saying the same thing, and all afterwards cutting and carving their lands.<sup>2</sup>*

1864 was a year of change in the administration of the colony of British Columbia; James Douglas retired from the governorship and Joseph Trutch was appointed Chief Commissioner of Lands and Works. In the area of Indian lands these changes in personnel were to be accompanied by a shift in policy, and the effects of these changes were to be profound.

As Chief Factor of the Hudson's Bay Company in Victoria and as Governor of Vancouver Island, Douglas negotiated a series of treaties by which the Indians of southern Vancouver Island surrendered their land "entirely and forever" in return for a few blankets and the reservation of

<sup>1</sup> Trutch, Report on the Lower Fraser Indian Reserves, 28 August 1867, Joseph Trutch, Papers, Manuscripts and Typescripts, Special Collections, University of British Columbia Library (SC). (Hereafter cited as Report). Also in British Columbia, *Papers Connected with the Indian Land Question, 1850-1875*, Victoria, 1875, pp. 41-43. (Hereafter cited as *B.C. Papers*).

<sup>2</sup> Reserve Commissioners to Superintendent General of Indian Affairs, 23 February 1877, Canada Indian Reserve Commission, Correspondence, Memorandums, etc., 1877-1878, Provincial Archives of British Columbia. (PABC).

certain lands for their use.<sup>3</sup> Implicit in these treaties was the notion that the aboriginal race exercised some kind of ownership over the land that ought to be extinguished by the colonizing power, a view that was shared by Douglas and the Colonial Office.<sup>4</sup> By 1858, however, Douglas had relinquished his position as Chief Factor and could no longer dip into the stores of the Hudson's Bay Company for goods that would encourage the Indians to surrender their land. Dependant on other sources of finance, Douglas was unable to compensate the Indians for the alienation of their lands because the Vancouver Island House of Assembly and the Imperial Government each argued that the provision of funds for this purpose was the other's responsibility.<sup>5</sup> Although the shortage of funds placed limitations on the implementation of Indian policy, Douglas continued to defend Indian rights. He made it clear that reserves were to be laid out in accordance with the wishes of the Indians,<sup>6</sup> and once reserves were established insisted that they were not to be reduced, either by the encroachment of individual settlers or by the collective action of the House of Assembly.<sup>7</sup>

In retrospect at least, the Indians of the colony were satisfied with the treatment they had received under Douglas. More than ten years after his retirement they still recalled and praised the manner in which he had dealt with them.<sup>8</sup> In 1864 Douglas himself claimed that his reserve policy "has been productive of the happiest effects on the minds of the natives."<sup>9</sup> Seemingly his remark had some validity, and yet after his retirement many aspects of Douglas's policy were altered: and the man most respon-

<sup>3</sup> Hudson's Bay Company Land Office Victoria, Register of Land Purchases from Indians, 1850-1859, PABC. An analysis of these Treaties in relation to what is known about Songhee ethnography has been written by Wilson Duff, "The Fort Victoria Treaties," *B.C. Studies*, no. 3, Fall 1969, *passim*.

<sup>4</sup> Carnarvon to Douglas, 11 April 1859, *B.C. Papers*, p. 18.

<sup>5</sup> *The Daily British Colonist*, 18 June 1860. Newcastle to Douglas, 19 October 1861, *B.C. Papers*, p. 20.

<sup>6</sup> Moody to Cox, 6 March 1861, Good to Moody, 5 March 1861, Parsons to Turnbull, 1 May 1861, Douglas to Moody, 27 April 1863, *B.C. Papers*, pp. 21, 22, and 27.

<sup>7</sup> Douglas to Lytton, 9 February 1859, *B.C. Papers*, p. 15. Douglas to Helmcken, 5 February 1859, Vancouver Island House of Assembly, *Correspondence Book, August 12, 1856 to July 6, 1859, Archives of British Columbia Memoir no. IV*, Victoria, 1918, p. 47.

<sup>8</sup> Lenihan to Superintendent General of Indian Affairs, 7 November 1875, *Report of the Deputy Superintendent of Indian Affairs for 1875*, [Ottawa, 1876], p. 54. (Hereafter cited as *Report on Indian Affairs*).

<sup>9</sup> Minutes of the Meeting of the Legislative Council, 21 January 1864, British Columbia, *Journal of the Legislative Council of British Columbia*, New Westminster, 1864, p. 2.



sible for the reversal was one whom Douglas had recommended for the position of Chief Commissioner of Lands and Works.<sup>10</sup>

Joseph Trutch had come to British Columbia in 1859 with eight years' experience behind him as a surveyor and farmer south of the 49th parallel. His interest in the gold colony in the early years was in building roads and bridges, surveying townships and establishing farms, and in amassing a personal fortune. To him the colony was an area of land requiring development. Consequently anything, or more importantly anyone, who stood in the way of that development had to be moved.

Moreover Trutch was very much a product of imperial England's confidence in the superiority of her own civilization. Other races came somewhat lower on the scale of human existence than the English, and the North American Indian was barely part of the scale at all. In a reference to the Indians of Oregon Territory Trutch used revealing terminology. "I think they are the ugliest & laziest creatures I ever saw, & we shod. as soon think of being afraid of our dogs as of them . . ." <sup>11</sup> The indigenous American tended towards the bestial rather than the human to Trutch; and his view was essentially unmodified by continued contact with the Indians. During the years between 1859 and 1864 he employed Indians on his public works projects in British Columbia,<sup>12</sup> and as Chief Commissioner of Lands and Works he visited Indian villages in many parts of British Columbia. Yet he continued to see the Indians as uncivilized savages. In 1872 he told the Prime Minister of Canada that most of the British Columbian Indians were "utter Savages living along the coast, frequently committing murder and robbery amongst themselves, one tribe upon another, and on white people who go amongst them for the purpose of trade."<sup>13</sup>

Trutch had stereotyped the Indians as lawless and violent, and was frequently preoccupied with the need to suppress them by a show of force. Douglas, on the other hand, had argued "that they should in all respects be treated as rational beings, capable of acting and thinking for themselves."<sup>14</sup> He had been firm in dealing with Indian "lawlessness,"

<sup>10</sup> Douglas to Newcastle, 14 September 1863, British Columbia, Governor's Despatches to the Colonial Office, 1858-1871, vol. III, SC. (Hereafter cited as Governor's Despatches).

<sup>11</sup> Trutch to Charlotte Trutch, 23 June 1850, Trutch, Papers, folder Al.b.

<sup>12</sup> Trutch, Diaries 1859-1864, *passim*, PABC.

<sup>13</sup> Trutch to Macdonald, 14 October 1872, Sir John A. Macdonald, Papers, vol. 278, Public Archives of Canada.

<sup>14</sup> Douglas to Lytton, 14 March 1859, Governor's Despatches, vol. I. Also in *B.C. Papers*, p. 17.

but also had an appreciation of the possible value of the Indians as allies and avoided offending them unnecessarily. Douglas had to cope with the potentially dangerous situation that followed the influx of miners in 1858, and in doing so he trod with great caution. Subordinates who also dealt circumspectly with disputes between miners and Indians were praised, while those who interfered hastily were reprimanded. Douglas's personal capacity for settling disputes was strikingly demonstrated at Hill's Bar in 1858. Strong words were said to each side, but he also took one of the Indian leaders involved in the affray into the government service. Douglas wrote that the man was "an Indian highly connected in their way, and of great influence, resolution and energy of character," and he proved to be "exceedingly useful in settling other Indian difficulties."<sup>15</sup> It was an action that Trutch would have been quite incapable of taking. Rather he enunciated the typical colonialist's misconception that the indigenous people had no mechanism for ending hostilities,<sup>16</sup> an attitude that would render him incapable of using Indians to settle disputes. Violence amongst the Indians themselves was bad enough, but violence directed against Europeans was the ultimate breakdown of the colonial situation. What was needed in such cases, thought Trutch, was a theatrical demonstration of European power. The dispatch of warships to coastal trouble spots, for example, would produce "a salutary impression" on the Indians.<sup>17</sup> Douglas wanted the law to operate "with the least possible effect on the character and temper of the Indians,"<sup>18</sup> while Trutch insisted that English law must be "enforced at whatever cost."<sup>19</sup>

Douglas most often referred to the "Native Indians," but Trutch seldom called them anything other than "savages," and was skeptical about their capacity for "improvement." After twenty years on the northwest coast, and even a visit to Metlakatla, he was to remark that

<sup>15</sup> Douglas to Stanley, 15 June 1858, Great Britain, *Papers Relating to British Columbia*, Part I, Cmd. 2476, p. 16.

<sup>16</sup> British Columbia, *Report and Journal by the Honourable Chief Commissioner of Lands and Works, of the Proceedings in Connection with the Visit of His Excellency the Late Governor Seymour to the North West Coast, in His Majesty's Ship Sparrowhawk*, Victoria, 1869, p. 1. It would appear that even the twentieth century historian is not immune from this kind of nonsense. See Morris Zaslow, "The Missionary as a Social Reformer: the Case of William Duncan," *Journal of the Church Historical Society*, vol. VIII, no. 3, September 1966, pp. 54 and 63.

<sup>17</sup> Trutch to the Secretary of State for the Provinces, 16 November 1871, British Columbia Lieutenant-Governor, Despatches to Ottawa, 14 August 1871 to 26 July 1876, PABC.

<sup>18</sup> Douglas to Colonel Hawkins, 1 July 1861, Vancouver Island Governor, Correspondence Outward, 27 May 1859 to 9 January 1864, Private Official Letter Book, PABC.

<sup>19</sup> British Columbia, *Report and Journal*, p. 3.

"I have not yet met with a single Indian of pure blood whom I consider to have attained even the most glimmering perception of the Christian creed."<sup>20</sup> The reason for this situation, according to Trutch, was that "the idiosyncrasy of the Indians of this country appears to incapacitate them from appreciating any abstract idea, nor do their languages contain any works by which such a conception could be expressed."<sup>21</sup> There is no evidence that Trutch was particularly fluent in any of the Indian languages, or that he had made any study of Indian religion, poetry or art. But then stereotypes are seldom based on concrete evidence; they are more often than not the product of ignorance.

It was these views regarding colonial development and the total inferiority of the Indian that governed Trutch's attitude to the question of Indian land. His attitudes coalesced to produce something of an obsession with the idea that the Indians were standing in the way of the development of the colony by Europeans. The absolute superiority of English culture implied an obligation to colonize new areas. Therefore, to men like Trutch, the Indians had to be relieved of as much land as possible, so that it could be "properly" and "efficiently" used by Europeans. For Trutch British Columbia's future lay in agriculture. The colony's development had to be fostered by "large and liberal" land grants to settlers,<sup>22</sup> and Indian claims to land could not be allowed to hinder this development. As governor, Douglas had also been an advocate of colonial development through European settlement, but he had not allowed this view to override his concern for Indian rights. In contrast to Douglas who wanted to protect the Indians from the progress of settlement, Trutch wanted to move them out of the way so that settlement could progress.

When Douglas recommended Trutch for the position of Chief Commissioner of Lands and Works it was because he thought he was an efficient surveyor and engineer, not because of any ability Trutch might have had to deal with Indian affairs. Perhaps Douglas thought that the governor would continue to dominate this area of the administration of the colony just as he had done. But, with the possible exception of Frederick Seymour, subsequent governors were neither as interested nor

<sup>20</sup> Trutch to Secretary of State for the Provinces, 26 September 1871, *B.C. Papers*, p. 101.

<sup>21</sup> *Ibid.*

<sup>22</sup> Letter signed "British Columbian," *The Victoria Gazette*, 16 January 1860. A letter to his brother indicates that the one in the *Gazette* was written by Trutch under a *nom-de-plume*. Trutch to John Trutch, 20 January 1860, Trutch, Papers, folder Alf.

as competent to deal with the Indians. Unlike Chief Factor Douglas, Seymour took over the administration of British Columbia as a careerist governor, his most recent post having been Governor of British Honduras. He lacked no confidence in his own ability to deal with native races, however. Early in his governorship of British Columbia he gained local popularity and praise from 14 Downing Street for his dealing with the Chilcotin Indians responsible for the killings at Bute Inlet in 1864. Praise for his firm handling of this affair seems to have upset his judgment somewhat, and he blotted his copybook at the Colonial Office by noting in a despatch that, in the event of a real emergency, "I may find myself compelled to follow in the footsteps of the Governor of Colorado . . . and invite every white man to shoot each Indian he may meet."<sup>23</sup>

Efforts to suppress violence apart, however, Seymour's concern for the Indians of British Columbia was chiefly a matter of dispensing largesse rather than protecting their interests. Soon after his arrival Seymour became aware that the Indians felt that with the departure of Douglas from official life, they had lost a protector and a friend. The new governor determined to demonstrate to the Indians that he had "succeeded to all the powers of my predecessor and to his solicitude for their welfare."<sup>24</sup> His method of making this point clear was to extend an invitation to the Indians to come to Government House in New Westminster and celebrate the Queen's birthday. On the first of several of these occasions, in 1864, a luncheon was provided at the expense of the government; but the guests were informed that the rewards "to all good Indian Chiefs" would be greater next time.<sup>25</sup> Accordingly Seymour requested the colony's agents in London to forward "one hundred canes with silver gilt tops of an inexpensive kind, also one hundred small and cheap English flags suitable to canoes 20 to 30 feet long."<sup>26</sup>

These gatherings provided the Indian leaders with an opportunity to express their opinion on matters that concerned them more acutely than free luncheons and gilt canes. On at least three occasions the Indians present at the celebration petitioned Seymour to protect their reserves.<sup>27</sup>

<sup>23</sup> Seymour to Cardwell, 4 October 1864, Governor's Despatches, vol. IV.

<sup>24</sup> Seymour to Cardwell, 31 August 1864, Governor's Despatches, vol. IV.

<sup>25</sup> Enclosure in Seymour to Cardwell, 31 August 1864, Great Britain, Colonial Office Correspondence with British Columbia Governors, CO.60/19, University of British Columbia Library.

<sup>26</sup> Seymour to Cardwell, 23 September 1864, Governor's Despatches, vol. IV.

<sup>27</sup> Enclosures in Seymour to Cardwell, 31 August 1864 and 7 June 1865, Colonial Office Correspondence with British Columbia Governors, CO.60/19 and 21, also Seymour to Carnarvon, 19 February 1867, Governor's Despatches, vol. V.

The first time the reply was clear. "You shall not be disturbed in your reserves," the Indians were told.<sup>28</sup> Three years later the reply was a little more equivocal, as the Indians were assured their reserves would not be reduced without Seymour's personal inspection.<sup>29</sup> The actual wording of the replies is, however, somewhat immaterial. While Seymour was making reassuring gestures at Queen's birthday celebrations, Trutch was carrying out a reallocation of reserves that involved a considerable reduction in size, and there is no evidence that Seymour visited any of the reserves concerned. In relation to the Indians' land, Seymour's professed "solicitude for their welfare" was verbal rather than actual.

The restraining hand of Douglas had been removed, and Seymour was less concerned than his predecessor about Indian rights regarding land. Consequently Trutch was able to execute his policy of reducing reserves.

The first step in the process of whittling down the reserves was taken towards the end of 1865. In July of that year Phillip Nind, Gold Commissioner at Lytton, wrote to the Colonial Secretary regarding the reserves of the Indians of the Thompson River area. Nind claimed that "These Indians do nothing more with their land than cultivate a few small patches of potatoes here and there," although he noted that some groups were leasing grazing land to white settlers. The main point of his letter was that Indians were claiming "thousands of acres of good arable and pasture land admirably adapted for settlement."<sup>30</sup> This letter was apparently referred to Trutch for his comments. He made his views clear. He had already expressed the opinion that one of the most important ways in which the settler could prosper in British Columbia would be by farming to supply the mining population.<sup>31</sup> The thought of Indians standing in the way of this development was abhorrent to him.

I am satisfied from my own observation that the claims of Indians over tracts of land, on which they assume to exercise ownership, but of which they make no real use, operate very materially to prevent settlement and cultivation, in many instances besides that to which attention has been directed by Mr. Nind, and I should advise that these claims should be as soon as practicable enquired into and defined.<sup>32</sup>

<sup>28</sup> Enclosure in Seymour to Cardwell, 31 August 1864, Colonial Office Correspondence with British Columbia Governors, CO.60/19.

<sup>29</sup> Seymour to Carnarvon, 19 February 1867, Governor's Despatches, vol. V.

<sup>30</sup> Nind to Colonial Secretary, 17 July 1865, British Columbia Colonial Secretary, Correspondence Regarding Indian Reserves 1861-1865, 1868-1869, and 1874-1877, PABC. Also in *B.C. Papers*, p. 29.

<sup>31</sup> Letter by a British Columbian, *Victoria Gazette*, 16 January 1860.

<sup>32</sup> Trutch to Colonial Secretary, 20 September 1865, British Columbia Lands and Works Department, Correspondence Outward, 8 September 1865 to 11 July 1871, to Governor and Colonial Secretary, vol. 8a, PABC. Also in *B.C. Papers*, p. 30.

Seymour felt that it was too late in the year for a general reduction of reserves but, forgetting his promise to the Indians, he agreed to the reallocation of the Thompson River reserves.<sup>33</sup> Walter Moberly, assistant surveyor-general of the colony, was requested to inquire into the matter and on the basis of his report<sup>34</sup> Trutch informed the governor that the reserves were "entirely disproportionate to the numbers or the requirements of the Indian Tribes."<sup>35</sup> No accurate census had been taken of the Indians so Trutch could not know what their numbers were, and their land requirements were of course as Trutch, and not the Indians, assessed them. But these things were relatively unimportant for, as Trutch concluded,

Much of the land in question is of good quality, and it is very desirable, from a public point of view, that it should be placed in possession of white settlers as soon as practicable, so that a supply of fresh provisions may be furnished for consumption in the Columbia River mines, and for the accommodation of those travelling to and from the District.<sup>36</sup>

In short, the land was valuable, and therefore, even though it had been reserved for them, the Indians had to make way for settlement. By October 1866 a notice was appearing in the *Government Gazette* indicating that the reserves of the Kamloops and Shuswap Indians had been redefined. The so-called "adjustment" meant that out of a forty mile stretch of the Thompson River the Indians were left with three reserves, each of between three and four square miles. The remainder of the land hitherto reserved for them was to be thrown open for pre-emption by settlers from 1 January 1867.<sup>37</sup>

The reallocations carried out in the Kamloops area provided a precedent that was applied by Trutch when he effected a second series of reductions involving the Indian reserves in the lower Fraser area. The move to reduce these reserves originated in the British Columbia Legislative Council, when John Robson moved in February 1867, that the

<sup>33</sup> Good to Trutch, 26 September 1865, British Columbia Colonial Secretary, Outward Correspondence to Lands and Works Department, PABC. Also in *B.C. Papers*, pp. 30-31.

<sup>34</sup> Moberly to Trutch, 22 December 1865, W. Moberly, Letters 1859-1868, Colonial Correspondence (CC), file 1145, PABC. Also in *B.C. Papers*, p. 33.

<sup>35</sup> Trutch to acting Colonial Secretary, 17 January 1866, Lands and Works Department, Correspondence Outward, Vol. 8a. Also in *B.C. Papers*, pp. 32-33.

<sup>36</sup> *Ibid.*

<sup>37</sup> *British Columbia Government Gazette*, 6 October 1866. There is no indication of how far back from the river the original reserves went.

governor be informed of the desirability of having the lower Fraser reserves "reduced to what is necessary for the actual use of the Natives."<sup>38</sup> Again it seems that Seymour referred the matter to Trutch for a report, and once again Trutch advocated reductions. His reasoning was similar to that adumbrated in the Kamloops case. The Indians were holding good land that they were not using in a productive way, therefore it ought to be made available to settlers. Trutch then went on to discuss the methods by which the reserves might be reduced. Either they could be simply resurveyed, or the government could negotiate the relinquishing of the lands with the Indians and render them some form of compensation. It was here in particular that the earlier reductions of the Kamloops and Shuswap reserves provided the precedent. In these instances "tracts of land of most unreasonable extent were claimed and held by the local tribes under circumstances nearly parallel to those now under discussion;" and the reductions involved a simple resurvey of the reserves, with no compensation given to the Indians concerned. Consequently there was no need for compensation in this case either. After all, wrote Trutch,

The Indians really have no right to the lands they claim, nor are they of any actual value or utility to them; and I cannot see why they should either retain these lands to the prejudice of the general interests of the Colony, or be allowed to make a market of them to Government *or to individuals*.<sup>39</sup>

Having denied the Indians any right to hold even land that had been reserved for them, and therefore to compensation for land that they were relieved of, Trutch initiated the policy of "adjustment." Again he had the approval of Seymour.<sup>40</sup> It is difficult to discover the precise extent of these reductions, although there can be little doubt that they involved a considerable area. The report of one of the surveyors who marked out the reserves notes that the new boundaries would throw open 40,000 acres for settlement.<sup>41</sup>

The notion that Indian reserves were not to be violated by Europeans was not the only policy that was transformed after the departure of Douglas. He had also favoured the idea of Indians leasing reserve land and benefiting from the income,<sup>42</sup> but part of Trutch's rationale for

<sup>38</sup> Minutes of the meeting of the Legislative Council, 11 February 1867, British Columbia, *Journal of the Legislative Council*, p. 16.

<sup>39</sup> Trutch, Report, 28 August 1867.

<sup>40</sup> Young to Trutch, 6 November 1867, Colonial Secretary, Outward Correspondence to Lands and Works Department. Also in *B.C. Papers*, p. 45.

<sup>41</sup> Pearse to Trutch, 21 October 1868, *B.C. Papers*, p. 53.

<sup>42</sup> Douglas to Helmcken, 5 February 1859, Vancouver Island House of Assembly, *Correspondence Book*, p. 47.

reallocation was to prevent the Indians from receiving rent from the settlers. The reductions were therefore designed to leave them with no land to spare for leasing out to European farmers. Another option that was open to the Indians under Douglas was to pre-empt land,<sup>43</sup> but in 1866 this was virtually denied them. A Land Ordinance of that year prevented Indians from pre-empting land without the written permission of the governor,<sup>44</sup> and there was only a single subsequent case of an Indian pre-empting land under this condition.<sup>45</sup>

Of all the changes in official policy perhaps the most important, and certainly the one that can most clearly be attributed to Trutch, was the redefining of reserves. But Trutch was not only responsible for changing Douglas's policy, he also misrepresented the nature of that policy. Trutch made a series of inaccurate statements about earlier policy in an attempt to validate, or rather provide an excuse for, his own actions.

If there was any possibility at all after 1864 that the Fort Victoria treaties could provide a precedent for resuming the purchase of Indian lands in British Columbia the notion certainly did not enter Trutch's mind. On the contrary, he explicitly denied that the treaties signed by Douglas provided such a precedent. He claimed that the payments made under these treaties were "for the purpose of securing friendly relations between those Indians and the settlement of Victoria, then in its infancy, and certainly not in acknowledgement of any general title of the Indians to the land they occupy."<sup>46</sup> Such was not the view of those who had signed the treaties. Douglas clearly considered that he was purchasing Indian land,<sup>47</sup> and the Indians themselves, although they had yet to comprehend European notions of land ownership, knew that the paper they were signing involved more than a declaration of friendship.

It is comparatively easy to demonstrate that Trutch misinterpreted the nature of the treaties signed on Vancouver Island. In these cases we have as evidence a document that is still held to be legally binding in the courts

<sup>43</sup> Young to Moody, 18 June and 2 July 1862, British Columbia Colonial Secretary, Outward Correspondence to Lands and Works Department.

<sup>44</sup> British Columbia, *Appendix to the Revised Statutes of British Columbia, 1871; Containing Certain Repealed Colonial Laws Useful for Reference, Imperial Statutes Affecting British Columbia Proclamations etc.*, Victoria, [1871], pp. 93-94.

<sup>45</sup> Report of the Government of British Columbia on the subject of Indian Reserves, 17 August 1875, *B.C. Papers*, appendix, p. 4.

<sup>46</sup> Trutch, Memorandum on a letter treating of conditions of the Indians in Vancouver Island, addressed to the Secretary of the Aboriginies Protection Society, by Mr. William Sebright Green, enclosure in Musgrave to Granville, 29 January 1870, *B.C. Papers*, appendix, pp. 10-13. (Hereafter cited as Memorandum).

<sup>47</sup> Douglas to Newcastle, 25 March 1861, *B.C. Papers*, p. 19.



of British Columbia.<sup>48</sup> Throughout the rest of British Columbia no treaties were signed,<sup>49</sup> making it difficult for the historian to determine the exact nature of Douglas's policy, and much easier for men like Trutch to change the rules of the game. Nowhere in North America have Europeans ever lacked pretexts for taking land, and Trutch was certainly not short of one. In carrying out his policy of reduction his tactic was to claim that those responsible for marking out the original reserves had either exceeded or misunderstood their instructions.

William Cox marked out most of the interior reserves, while on the lower Fraser they were laid out by William McColl. Questions about the former's adherence to Douglas's instructions were first raised by Moberly when Trutch requested him to report on the interior reserves in 1865. It appeared to Moberly "quite out of the question that Governor Sir James Douglas could have given Mr. Cox instructions to make such extensive reservations."<sup>50</sup> The remark gave Trutch just the kind of pretext he needed. It seems that the Indians may have altered the boundaries of reserves by moving the stakes after Cox had laid them out,<sup>51</sup> but that is not to say that he exceeded his instructions in the first place. In fact there are at least two specifically documented instances of Trutch reducing reserves in the interior that Douglas had been satisfied with. In 1861 Cox reported that he had laid out a reserve at the north end of Okanagan Lake. In accordance with his instructions the Indians had selected the location and pointed out where they wanted the boundary stakes to be placed. A marginal note in pencil, initialled by Douglas, gives no indication that he was dissatisfied with the report.<sup>52</sup> The following year Cox reported that he had laid out a reserve on the Bonaparte River, again adhering to the wishes of the Indians.<sup>53</sup> Douglas's reply was that the

<sup>48</sup> British Columbia Court of Appeal, *Regina v. White and Bob*, *Western Weekly Reports*, Calgary, 1964, vol. LII, pp. 193-94 and *passim*.

<sup>49</sup> With the exception of Treaty number 8, initially made by the Federal Government in 1899, and extended in 1900 to include the Beavers, and in 1910 to include the Slaves, both groups occupying the northeastern corner of the Province. Canada, *Indian Treaties and Surrenders*, Ottawa, 1912, vol. III, pp. 290-300. Wilson Duff, *The Indian History of British Columbia, vol. I, the Impact of the White Man*, Victoria, 1964, pp. 70-71.

<sup>50</sup> Moberly to Trutch, 22 December 1865, Moberly, Letters, CC, file 1145b. Also in *B.C. Papers*, p. 33.

<sup>51</sup> Trutch to acting Colonial Secretary, 17 January 1866, Lands and Works Department, Correspondence Outward, vol. 8a. Also in *B.C. Papers*, p. 32.

<sup>52</sup> Cox to Colonial Secretary, 4 July 1861, William Cox, Letters 1860-1868, CC, file 376, PABC.

<sup>53</sup> Cox to Colonial Secretary, 25 October 1862, Cox, Letters, CC, file 377.

reserves were satisfactory,<sup>54</sup> yet Trutch instructed Peter O'Reilly to reallocate the reserve in 1868.<sup>55</sup> These reductions in the interior involved an implicit denial of Douglas's policy.

In the case of the lower Fraser reserves Trutch went further. Here there was a definite falsification of the record. Trutch began his report on these reserves by stating that Douglas had never followed an established system regarding the reservation of Indian lands. He then claimed that those reserves that had been laid out were established on the basis of verbal instructions only: "there are no written records on this subject in the correspondence on record in this office."<sup>56</sup> The claim is, of course, quite untrue. There are numerous letters from Douglas containing instructions on marking out reserves in the files of the Lands and Works Department. It would have taken very little effort on Trutch's part to have found letters of instruction to both Cox<sup>57</sup> and McColl,<sup>58</sup> and with a little more work he might even have found the letter in which Douglas reprimanded his predecessor, Moody, for not laying out reserves in accordance with the wishes of the Indians.<sup>59</sup> Douglas's frequent repetition of this instruction makes it difficult to believe that Trutch was unaware of its existence: and the only other possible explanation for his remark is that he was attempting to distort the record.

Trutch was not alone in his effort to fabricate a pretext for reducing Indian reserves. W. A. G. Young, the Colonial Secretary, also had a hand in it. In his letter to Trutch conveying the governor's approval for the "defining" of reserves, Young also noted that "There is good reason to believe that Mr. McColl very greatly misunderstood the instructions conveyed to him."<sup>60</sup> Young continued,

The instructions given in Mr. Brew's letter of the 6th of April, 1864, are very simple, viz:— to mark out as reserves any ground which had been *cleared* and *tilled* for years by the Indians; and should the ground so

<sup>54</sup> Young to Cox, 14 November 1862, British Columbia Colonial Secretary, Outward Correspondence.

<sup>55</sup> Trutch to O'Reilly, 5 August 1868, Lands and Works Department, Correspondence Outward, vol. 11.

<sup>56</sup> Trutch, Report, 28 August 1867.

<sup>57</sup> Good to Moody, 4 and 6 March 1861, British Columbia Colonial Secretary, Outward Correspondence to Lands and Works Department.

<sup>58</sup> Brew to McColl, 6 April 1864, William McColl, Letters 1860-1865, CC, file 1030, PABC.

<sup>59</sup> Douglas to Moody, 27 April 1863, British Columbia Colonial Secretary, Outward Correspondence to Lands and Works Department. Also in *B.C. Papers*, p. 27.

<sup>60</sup> Young to Trutch, 6 November 1867, British Columbia Colonial Secretary, Outward Correspondence to Lands and Works Department. Also in *B.C. Papers*, p. 45.

circumstanced not be equal to ten acres for each *family*—each *adult male* being considered the head of a family—the reserve was to be enlarged to that extent.<sup>61</sup>

Yet when one compares Young's description of these instructions with Brew's actual letter, it is immediately apparent that he has neglected to include a crucial section. That "Mr. McColl will mark out with corner posts *whatsoever land the Indians claim as theirs . . .*"<sup>62</sup> is also part of the instruction. For some reason McColl claimed that the order to include all the land the Indians wanted had been given to him verbally by Douglas,<sup>63</sup> thus making it easy for Young to claim that he had misinterpreted an unwritten instruction.<sup>64</sup> Probably Douglas did give additional verbal directions, but the written ones are quite clear on the point that the Indians were to have whatever land they demanded. Young had access to numerous letters in which Douglas had over and over again repeated his instructions. One of the letters, conveying Douglas's orders to Moody, was even signed by Young;<sup>65</sup> as was another in which the governor expresses his satisfaction with Cox's allocation of the Bonaparte River reserve.<sup>66</sup> The probability of additional verbal orders is no excuse for Young to distort the written record, and certainly no excuse for Trutch to assert that there were no written directions on the subject.

Nevertheless, armed with a letter in which Young, representing Seymour, had "validated" his views, Trutch went on a tour of the lower Fraser area with the express purpose of repudiating the reserves defined by McColl. "I took occasion at each village, to inform the Indians that McColl had no authority for laying off the excessive amounts of land included by him in these reserves."<sup>67</sup> By saying that McColl had no authority to lay out their reserves, Trutch was misleading the Indians. It would have been of little consolation to them to learn that what they thought was a firm decision was to be revoked because the Europeans had decided to change the rules. But Trutch knew very well that McColl did

<sup>61</sup> *Ibid.*

<sup>62</sup> Brew to McColl, 6 April 1864, McColl, Letters, CC, file 1030. Also in *B.C. Papers*, p. 43. Italics mine.

<sup>63</sup> McColl to Brew, 16 May 1864, McColl, Letters, CC, file 1030. Also in *B.C. Papers*, p. 43.

<sup>64</sup> Young to Trutch, 6 November 1867, British Columbia Colonial Secretary, Outward Correspondence to Lands and Works Department. Also in *B.C. Papers*, p. 45.

<sup>65</sup> Young to Moody, 11 May 1863, *B.C. Papers*, p. 28.

<sup>66</sup> Young to Cox, 14 November 1862, British Columbia Colonial Secretary, Outward Correspondence.

<sup>67</sup> Trutch to Young, 19 November 1867, *B.C. Papers*, p. 46.

have the authority to allocate reserves in accordance with the wishes of the Indians.

Having misled the Indians regarding past European policy, Trutch then proceeded to mislead the Europeans regarding present Indian attitudes. He informed the governor that there would be no difficulty in reducing the reserves "with the full concurrence of the Indians themselves."<sup>68</sup> The numerous complaints by Indians of the lower Fraser and other areas indicates that their real attitude was somewhat different from that which Trutch described. One of the many petitions on the question forwarded to Seymour demonstrates that the Indians saw with considerable clarity what was happening, and they by no means liked what they saw.

Governor Douglas did send some years ago his men amongst us to measure our Reserve and although they gave us only a small patch of land in comparison to what they allowed to a white man our neighbour, we were resigned to our lot. . . .

Some days ago came new men who told us that by order of their Chief they have to curtail our small reservation, and so they did to our greater grief; not only they shortened our land but by their new paper they set aside our best land, some of our gardens, and gave us in place, some hilly and sandy land, where it is next to impossible to raise any potatoes: our hearts were full of grief day and night. . . .<sup>69</sup>

The petitioners went on to express their confident belief that such a measure could not have been approved by the representative of the Queen who was "so gracious and so well disposed towards her children of the forest."<sup>70</sup> Their confidence in Seymour was misplaced.

When he began the reductions in the lower Fraser Trutch said that in carrying out the policy "firmness and discretion are equally essential to effect the desired result, to convince the Indians that the Government intend only to deal fairly with them and the whites."<sup>71</sup> The Indians, however, were a good deal more sophisticated than a man with Trutch's attitudes could appreciate. They were dissatisfied with the way in which their land was taken from them, and they knew very well that they were not being treated on anything like an equal basis with the Europeans. A good measure of Trutch's idea of fairness was his suggestion (incorporated in the 1865 Land Ordinance) that a European, in addition to

<sup>68</sup> *Ibid.*

<sup>69</sup> Petition from lower Fraser Chiefs, enclosure in Durieu to Seymour, 6 December 1868, Fr. P. Durieu, Letters 1869-1874, CG, file 503, PABC.

<sup>70</sup> *Ibid.*

<sup>71</sup> Trutch, Report, 28 August 1867.

a pre-emption of 160 acres, be allowed to purchase 480 acres,<sup>72</sup> while he was requiring that an Indian family exist on ten acres. This was the kind of inequality that even an "uncivilized savage" could appreciate. Undoubtedly Trutch was mindful of the comparative shortage of good agricultural land in British Columbia. Yet while this fact of geography may provide a reason for his ten-acre policy it does not provide a justification. Ten acres was not only insufficient for many Indian families to subsist on, it also failed to take into account the differences in the economic life of the various Indian groups.

Trutch's notion that Indian reserves be reallocated on the basis of ten acres per family involved another distortion of Douglas's policy. Douglas had included in his directions to those laying out reserves in British Columbia the provision that if the area demanded by the Indians did not equal ten acres per family then the reserve was to be enlarged to that extent.<sup>73</sup> Instead of using ten acres as a minimum as Douglas had intended, Trutch used it as a maximum figure. When instructing O'Reilly to reallocate the Bonaparte reserve, for example, Trutch wrote that "as a general rule it is considered that an allotment of about 10 acres of good land should be made to each family in the tribe."<sup>74</sup> Such was never the intention of Douglas. His opinion was clear enough in his instructions at the time, but he outlined it with even greater clarity some years later. "It was . . . never intended that they should be restricted or limited to the possession of 10 acres of land, on the contrary, we were prepared, if such had been their wish to have made for their use much more extensive grants."<sup>75</sup> The letter containing this statement was written in 1874 by Douglas in response to a request for information by I. W. Powell, the Provincial Commissioner of Indian Affairs. Powell had asked Douglas if, during his administration, there had been any particular acreage used as a basis for establishing Indian reserves. Douglas answered the specific question, and also commented more generally that,

The principle followed in all cases, was to leave the extent and selection of the land, entirely optional with the Indians who were immediately interested

<sup>72</sup> Phyllis Mikklesen, "Land Settlement Policy on the Mainland of British Columbia, 1858-1874," M.A. Thesis, University of British Columbia, 1950, p. 100. *British Columbia, Appendix to the Revised Statutes*, p. 87.

<sup>73</sup> Brew to McColl, 6 April 1864, McColl, Letters, CC, file 1030. Also in *B.C. Papers*, p. 43.

<sup>74</sup> Trutch to O'Reilly, 5 August 1868, Lands and Works Department, Outward Correspondence, vol. 11.

<sup>75</sup> Douglas to Powell, 14 October 1874, Sir James Douglas, Correspondence Outward, 1874, PABC.

in the reserve; the surveying officers having instructions to meet their wishes in every particular. . . . This was done with the object of securing to each community their natural or acquired rights; of removing all cause for complaint on the grounds of unjust deprivation. . . .<sup>76</sup>

This letter in which Douglas recapitulates his policy indicates the extent to which Trutch brought radical changes to the colony's dealings with the Indians and their land.

Trutch's actions, moreover, involved a break with the usual British policy. In her haphazard way, Britain seems to have developed a policy whereby, if territory was occupied in a regular way, aboriginal possession was recognized, and therefore had to be extinguished before settlement could proceed. There was some kind of threshold over which Britain would recognize native rights to the land. The land ownership concepts of the Australian aborigine, for example, were not sufficiently clear for Britain to recognize, whereas those of the New Zealand Maori were. Given this threshold, then, were the concepts of territory and ownership of British Columbia's Indians sufficiently precise to be recognizable? It seems clear that they were. There were variations in different parts of the colony, but the Indians had precise concepts of territorial boundaries or ownership of specific areas.<sup>77</sup> Douglas knew the Indians well enough to be aware of this aspect of their society and he tried to recognize it in his policy.<sup>78</sup> When it was financially possible he compensated the Indians for giving up their rights to territory. His attitude was sustained by the imperial government, and was clearly in accord with British policy throughout the rest of North America. Trutch, on the other hand, was not the least interested in Indian social usages. He denied that they had any rights to land at all.<sup>79</sup> Given the kind of man he was his lack of concern with aboriginal concepts of territory is not surprising. What is less explicable is his lack of concern for English law on native lands.

While Trutch's views on Indian land ran counter to those of Douglas and the imperial government, it seems that they were in accord with the

<sup>76</sup> *Ibid.* Douglas added the "This letter may be regarded and treated as an official communication."

<sup>77</sup> See Indian-Eskimo Association of Canada, *Native Rights in Canada*, Toronto, [1970], pp. 8-9. Duff, "The Fort Victoria Treaties," pp. 27-51. Wilson Duff (ed.), *Histories, Territories, and Laws of the Kitwancool*, Victoria, 1959, p. 35. V. E. Garfield and P. S. Wingert, *The Tsimshian Indians and their Arts*, Seattle and London, n.d., p. 14. Wayne Suttles, "Post Contact Culture Change among the Lummi Indians," *The British Columbia Historical Quarterly*, vol. XVIII, nos. 1 and 2, January-April, 1954, p. 34.

<sup>78</sup> Douglas to Newcastle, 25 March 1861, *B.C. Papers*, p. 19.

<sup>79</sup> Trutch, Report, 28 August 1867.

opinions of most of British Columbia's population. To the extent that it is possible to assess the attitudes of the settlers, they coincided with Trutch's. Douglas had embodied many of the attitudes of the old fur trading frontier, whereas Trutch represented the attitudes of the new settlement frontier. An appreciable number of settlers in the colony adhered to the notions of "manifest destiny," and advocated ignoring Indian rights, or even their extermination.<sup>80</sup> Even the editor of *The British Columbian*, who claimed to be a constant defender of Indian rights, hastened to add that those rights did not include the right "to hold large tracts of valuable agricultural and pastoral land which they do not and cannot use."<sup>81</sup> Many in British Columbia would have agreed with the assertion that,

Colonization necessarily involves the contact, and practically the collision, of two races of men — one is superior and the other is inferior, the latter being in possession of the soil, the former gradually supplanting it. . . . Everywhere, in obedience to what appears to be a natural law, the uncivilized native has receded before the civilizer.<sup>82</sup>

Editorials in *The British Colonist* were more forthright. Readers were told in 1863 that they could no more talk of Indian right to the land "than we can prate of the natural right of a he-panther or a she-bear to the soil."<sup>83</sup> To the editorialist both the problem and its solution were simple

. . . shall we allow a few red vagrants to prevent forever industrious settlers from settling on the unoccupied lands. Not at all. . . . Locate reservations for them on which to earn their own living, and if they trespass on white settlers punish them severely. A few lessons would soon enable them to form a correct estimation of their own inferiority, and settle the Indian title too.<sup>84</sup>

These newspapers undoubtedly reflected the opinions of a good many of their subscribers. After all, one of them reminded its readers, you cannot expect the farming pioneers of a new country to have that "sentimental regard for the 'poor Indian' which certain members of the Legislative Council so highly distinguish themselves."<sup>85</sup>

The comment of *The Daily British Colonist* notwithstanding, one of the features of the colonial government's Indian policy in the years 1864-

<sup>80</sup> *The British Columbian*, 21 May 1864.

<sup>81</sup> *The British Columbian*, 2 December 1865.

<sup>82</sup> *Ibid.*

<sup>83</sup> *The Daily British Colonist*, 21 March 1862.

<sup>84</sup> *The Daily British Colonist*, 8 March 1861.

<sup>85</sup> *The Daily British Colonist*, 19 May 1869.

70 was that it closely reflected the aspirations of the settlers. In both colonies much of the pressure for removing the Indians from their land came from the governing bodies. On Vancouver Island the efforts of the Assembly resulted in the displacement of the Songhees from their reserve near Victoria. There was similar pressure on the mainland, where the Legislative Council also reflected settler opinion by urging the reduction of reserves. One member even felt that reserves of ten acres per family were unnecessarily large for the Indians.<sup>86</sup> Although government members advocated the interests of the colonists, it is perhaps Trutch's own official function that most clearly pinpoints the influence of settlers on government. That the Chief Commissioner of Lands and Works should also control Indian land policy goes a long way towards explaining why it developed in a unique way. Because the same person was responsible for allocating land to Europeans and to Indians he could not reflect the interests of both; and because that person was Trutch Indian rights were not considered important. British policy, and to a lesser extent Canadian policy, was formulated by men who were not so closely involved in the actual process of settlement.

As it developed under Trutch, British Columbia's Indian land policy was unique in two essential ways. First the non-recognition of aboriginal title, and second the comparatively small amounts of land finally allocated to the Indians. In a recent publication the history of dealings with the Indians over their land in Canada has been compared favourably with the repeated swindles in the United States. Indians in Canada, says Vine Deloria, did not "have their lands allotted and then stolen piece by piece from under them."<sup>87</sup> If the generalization is valid for the rest of Canada (and even that is dubious) it is definitely not true for British Columbia. Rather that is exactly what did happen under Trutch. It has been said that British Columbia's Indian land policy was "obscure and unsatisfactory" just prior to confederation.<sup>88</sup> To the Indians it was certainly unsatisfactory, but by no means obscure. They knew the colonists were taking all the land they could get. By 1870, however, British Columbia was in the midst of negotiations to unite with Canada, and Canada's thinking on the question of Indian land was not quite the same as

<sup>86</sup> Resolution by the Honourable Mr. R. T. Smith, 3 May 1864, *British Columbia, Journal of the Legislative Council*, p. 41.

<sup>87</sup> Vine Deloria Jnr., *Custer Died for Your Sins, an Indian Manifesto*, New York, 1970, p. 55.

<sup>88</sup> G. E. Shankel, "The Development of Indian Policy in British Columbia," Ph.D. thesis, University of Washington, 1945, p. 89.



Trutch's. The Indians were anticipating these changes in the white man's world in the hope that they would receive a better deal from Canada.

They were, however, to be disappointed, and an important reason for their disappointment was that Trutch was to be the first lieutenant-governor of the new province. Before 1871 Trutch had been largely concerned with making policy, and as lieutenant-governor he was determined to defend that policy against the encroachment of differing ideas held by the federal government on the question of Indian land.

Contemporary with Trutch's term as lieutenant-governor in British Columbia was the signing of the first four of the numbered treaties on the prairies. By making these treaties the Canadian government was enunciating an Indian policy that was quite different from British Columbia's in a number of ways. The treaties were an acceptance of the principle that the Indians had rights to the land that ought to be extinguished; the minimum of 160 acres per family was a much larger allocation of reserve land, and in addition there was provision for initial payments followed by annuities and other forms of assistance. The two sides in the negotiations that preceded the signing of each of these treaties were quite unequal. The Indians had none of the freedom of choice implied by the word "treaty." They could no more hold back the power of the Great Mother than they could keep back the sun, and they knew it.<sup>89</sup> These formalities did, however, involve a minimal recognition of Indian rights and needs, such as had not occurred in British Columbia since 1859. Now that Indian affairs were in the hands of the federal government it was possible that the policy on the prairies might be extended across the Rockies. One of the many reasons why this did not happen was the way in which Trutch defended, and misrepresented, British Columbia's policy as the most satisfactory one for all concerned.

His defence of what was largely his own policy began before he was appointed lieutenant-governor. Trutch revealed his basic beliefs about the Indian policy of the colony at a meeting of the Legislative Council in February 1869. He is reported to have maintained that

our system of treatment of the Indians was more humane than in any other country. Our laws entitled them to all the rights and privileges of the white man; they have thriven under them and had vastly improved in every respect by contact with the white man. The laws when applied to the Indian were always strained in his favour.<sup>90</sup>

<sup>89</sup> *Weekly Manitoban*, 12 August 1871.

<sup>90</sup> *The Daily British Colonist*, 12 February 1869.

Subsequent defences of policy involved an elaboration of this fundamental attitude.

In 1870 a letter written by William Sebright Green to the Aborigines Protection Society was forwarded to Anthony Musgrave, the new Governor of British Columbia. Because he was new to the situation, Musgrave, as Seymour had done, handed the letter to Trutch for a report. The burden of Green's criticism was that the Government of British Columbia had neither policy nor concern for the Indians. Part of Trutch's reply was that, on the contrary, the government had "striven to the extent of its power to protect and befriend the Native race." In fact, he continued, its declared policy had been that the Indians should, in all material respects, be on the same footing as Europeans.<sup>91</sup> We have seen how his notion of equality worked in relation to land holdings. The Indians, as Trutch explained it, were given such lands "as were deemed proportionate to, and amply sufficient for, the requirements of each tribe."<sup>92</sup> The Europeans were treated equally because they were also allowed what was sufficient for their requirements. Perhaps Trutch really believed that ten acres per family did constitute equity for a savage?

The Terms of Union by which British Columbia joined Canada were an important delaying factor in federal involvement in the Indian affairs of the province. One cannot be absolutely certain, but it is highly likely that Trutch was responsible for the section that concerned Indians. During the debate on union in British Columbia there was some discussion of the Indian question,<sup>93</sup> but the terms proposed contained no reference to Indians.<sup>94</sup> Presumably clause 13 of the final terms was added in Ottawa, and as Trutch was the only person closely involved with colonial Indian policy present at those discussions he can fairly be attributed with responsibility for the clause.<sup>95</sup>

The wording of clause 13 of the Terms of Union is very curious indeed. In transferring charge of the Indians to the dominion government it states

<sup>91</sup> Trutch, Memorandum, p. 10.

<sup>92</sup> Trutch, Memorandum, p. 11.

<sup>93</sup> A motion for the protection of the Indians during the change of government was lost 20 to 1, and another advocating the extension of Canadian Indian policy to the Province was withdrawn. British Columbia Legislative Council, *Debate on the Subject of Confederation with Canada, Reprinted from the Government Gazette Extraordinary of March, 1870*, Victoria, [1870], pp. 146-47.

<sup>94</sup> British Columbia Legislative Council, *Debate on Confederation*, pp. 157-59.

<sup>95</sup> Another student of the subject has come to the same conclusion on the basis of the similarity between clause 13 and Trutch's memorandum of 1870. Robert E. Cail, "Disposal of Crown Lands in British Columbia," M.A. Thesis, University of British Columbia, 1956, p. 327.

that "a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union."<sup>96</sup> A variety of words could be used to describe Trutch's policy prior to union, but "liberal" is not one of them. Certainly, if Canadian policy was to be the criterion, the colony's policy was considerably less liberal than that of the dominion. Trutch must have been aware of this fact, and even if, as suggested by his memorandum of 1870, he really believed that British Columbia's was a liberal policy, clause 13 remains deliberately misleading. Subsequently, David Laird, the Canadian Minister of the Interior, thought that the framers of the clause "could hardly have been aware of the marked contrast between the Indian policies which had, up to that time, prevailed in Canada and British Columbia respectively."<sup>97</sup> Actually it is far more likely that Trutch was well aware of the discrepancy in policies but wanted to camouflage it.

Clause 13 was aptly numbered. It was unlucky for the Indians because it meant that some time was to elapse before the federal authorities realized just how illiberal the colony's treatment of them had been.

Trutch, meanwhile, continued to defend his views. In 1871 British Columbia's policy was again under fire, this time from Bishop George Hills of Columbia, who was particularly concerned about the paucity of government spending on Indians.<sup>98</sup> In reply Trutch first defended policy in general — it was described "as a well considered system, ably devised by experienced men and specially interested in favour of the Indians"<sup>99</sup> — and then went on to deal with the specific question of parsimony in the allocation of funds.

This point may have proved a little difficult for Trutch to refute, as the colonial estimates indicate that allocations for Indians were miserable; and often only a fraction of the amount included in the estimates appeared in the end-of-year statement of actual expenditure. This was at a time when the Indian population was declining rapidly through the impact of disease. Trutch conceded that "from the pecuniary inability of the Colony in the past no such appropriations have been made as could have been wished."<sup>100</sup> He did, however, neglect to mention the fate of

<sup>96</sup> Report on the Government of British Columbia on the subject of Indian Reserves, 17 August 1875, *B.C. Papers*, appendix, p. 1.

<sup>97</sup> Memo of Laird, 2 November 1874, *B.C. Papers*, p. 152.

<sup>98</sup> Bishop of Columbia to Secretary of State for the Colonies, 27 May 1871, *B.C. Papers*, pp. 97-98.

<sup>99</sup> Trutch to Secretary of State for the Provinces, 26 Sept. 1871, *B.C. Papers*, p. 99.

<sup>100</sup> Trutch to Secretary of State for the Provinces, 26 Sept. 1871, *B.C. Papers*, p. 100.

money collected by leasing Indian reserve land, which Douglas had intended to be used for the benefit of the Indians.<sup>101</sup> Early in 1873 the newly appointed Superintendent of Indian Affairs was having difficulty in discovering what had happened to the sum of \$1,984.82 that had been handed to Trutch in 1869 by the commissioners of the Songhee's reserve.<sup>102</sup> The reply was that, instead of being spent on Indian needs, the sum "formed part of the assets of the colony at the date of Confederation."<sup>103</sup> No action had been taken to distinguish the Indian's money from ordinary colonial revenue.<sup>104</sup>

Trutch did, however, have other arguments to advance. While British Columbia had not spent directly on the Indians as much as she might have done, the Bishop of Columbia was forgetting that the Indians were partaking of "the advantages of civilization which we have brought to them." For example, the Indians could now use roads and trails without paying the tolls that were often imposed on white people. Europeans had also brought to the Indians implements "of husbandry and agriculture, the chase and fishing etc., which before they were without." Another of the benefits of civilization mentioned was one particularly close to his heart; namely "the blessings which result from the preservation of law and order throughout the colony, instead of those scenes of bloodshed and robbery which prevailed formerly among them, and amidst which their lives were passed in a state of constant dread and uncertainty of life and property."<sup>105</sup> With arguments such as these Trutch had little difficulty in convincing himself that Indian policy in British Columbia had been "essentially benevolent towards the Indians."<sup>106</sup>

He concluded this letter by reminding the dominion government of the grave responsibility it had undertaken towards the Indian population of the province, and urged that such a responsibility should not be devolved on others for any reason.<sup>107</sup> The meaning of the last remark became clear in 1872 when Ottawa appointed a Superintendent of Indian Affairs for the province. The appointee was I. W. Powell, a pro-

<sup>101</sup> Douglas to Helmcken, 5 February 1859, Vancouver Island House of Assembly, *Correspondence Book*, p. 47.

<sup>102</sup> Powell to Provincial Secretary, 4 February 1873, *B.C. Papers*, p. 112.

<sup>103</sup> Ash to Powell, 5 February 1873, *B.C. Papers*, p. 112.

<sup>104</sup> Ash to Powell, 26 February 1873, *B.C. Papers*, p. 113.

<sup>105</sup> Trutch to Secretary of State for the Provinces, 26 September 1871, *B.C. Papers*, p. 100.

<sup>106</sup> Trutch to Secretary of State for the Provinces, 26 September 1871, *B.C. Papers*, p. 101.

<sup>107</sup> *Ibid.*

minent member of the Victoria community and a friend of Sir John A. Macdonald. Trutch, however, had strong objections to the selection. He had no criticism of Powell's professional or business ability, but in a letter to Macdonald he took exception to the fact that someone with no experience in Indian affairs should have been chosen for the position. Dr. Powell, according to Trutch, "might perform the duties of the office well enough if acting under the immediate direction and advice of someone of more experience here."<sup>108</sup> Little imagination is required to guess who Trutch thought this experienced person might be, and it was certainly not left to Macdonald's imagination. "I may tell you," Trutch wrote to the prime minister, "that I am of opinion, and that very strongly, that for some time to come at least the general charge and direction of all Indian affairs in B.C. should be vested in the Lt. Governor."<sup>109</sup> He then went on to point out that the Canadian system of Indian management would not work in British Columbia, and to advocate no change in provincial policy. The two points were clearly closely related in his mind. If he had control of Indian policy he could be certain that things would remain as they were. Once the Powell appointment had been made, Trutch wanted to ensure that he retained absolute control, so that there would be no alteration of his policies.

To achieve this objective he was prepared to move from a verbal to an active defence of the status-quo. In 1874 the federal government tried to set up a three man board to deal with Indian affairs in British Columbia. Trutch was on this board, along with Powell and Lenihan, the two Indian Commissioners, but he was not interested in any board that he did not direct, and was prepared to hinder its work if he was not given a controlling position. Powell was preparing to visit Kamloops to discuss the land question with the Indians, and Trutch objected on the grounds that he was acting too independently. Trutch told the Minister of the Interior that he was prepared to act on the board only if he had authority to direct the management of Indian affairs in the province.<sup>110</sup> By now, however, the federal government was becoming aware of the situation in British Columbia. This awareness is reflected in Laird's reply. He told the lieutenant-governor, "I very much doubt . . . whether the Government would be prepared to delegate to any person in British Columbia the

<sup>108</sup> Trutch to Macdonald, 14 October 1872, Macdonald Papers, vol. 278.

<sup>109</sup> *Ibid.*

<sup>110</sup> Trutch to Laird, 30 January 1874, Trutch, Correspondence with the Department of the Interior Regarding Board of Indian Commissioners for British Columbia, 1874, PABC.

general control and management of Indian affairs in that Province."<sup>111</sup> Essentially Trutch wanted to abrogate the Terms of Union. Rather than control of Indian affairs being transferred to Canada he wanted them to remain in British Columbia, and preferably his own, hands. Ottawa, however, became determined to retain ultimate control, and yet was not prepared to go as far as a reversal of provincial policy.

In spite of Trutch's repeated misrepresentations of the situation in the years following union it became increasingly clear to Federal officials that British Columbia's Indian policy was far from satisfactory. Two months after Trutch's retirement the Governor General of Canada, Earl Dufferin, crossed the "sea of mountains" and in a speech to the populace of Victoria severely criticized provincial policy.

Now, we must all admit that the condition of the Indian question in British Columbia is not satisfactory. Most unfortunately, as I think, there has been an initial error ever since Sir James Douglas quitted office in the Government of British Columbia neglecting to recognize what is known as the Indian title . . . in British Columbia — except in a few cases where under the jurisdiction of the Hudson Bay Company or under the auspices of Sir James Douglas, a similar practice has been adopted — the Provincial Government has always assumed that the fee simple in, as well as sovereignty over the land resided in the Queen. . . . As a consequence there has come to exist an unsatisfactory feeling amongst the Indian population.<sup>112</sup>

The following year the Minister of the Interior, David Mills, concluded similarly. He claimed that at the time of union Canadian authorities were not informed that no treaties had been made with the Indians of British Columbia for the surrender of their territory. Now he asserted that the dominion had the legal right "to interfere and prevent the Provincial Government from dealing with any public land that Indian title to which has not been extinguished." Mills concluded, however, that the federal government was not disposed to raise the question of Indian title to the soil as long as the Indians remained contented.<sup>113</sup> In other words, as long as there was no major Indian outbreak and the government thought it could get away with it, Ottawa would not reverse British Columbia's policy.

Why, having conceded that provincial policy was unsatisfactory, did

<sup>111</sup> Laird to Trutch, 8 July 1874, Trutch, Correspondence Regarding Board of Indian Commissioners.

<sup>112</sup> Speech of Dufferin, 20 September 1876, George Stewart, *Canada Under the Administration of Earl Dufferin*, Toronto, 1878, pp. 492-93.

<sup>113</sup> Mills to Sproat, 3 August 1877, Canada Indian Reserve Commission, Correspondence.

Canada take this line? One of the major reasons had been suggested to Macdonald by Trutch.

If you now commence to buy out Indian title to the lands of B.C. you would go back on all that has been done for 30 years past and would be equitably bound to compensate tribes who inhabited districts now settled and farmed by white people, equally with those in the more remote and uncultivated portions.<sup>114</sup>

To put it simply, it would cost too much to extinguish Indian title. Europeans were always amenable to suggestions whereby land could be acquired cheaply. Moreover, many of the Indians in British Columbia, in contrast to those on the prairies, realized the value of their land. Another reason for the Dominion's reticence about reversing provincial policy was that it had troubles enough with the "spoilt child of confederation" without instigating a furore over Indian land. The bitterness and frustration engendered by the railway dispute was sufficient for Ottawa to deal with.

Because of its initial unfamiliarity with the British Columbian situation, and then its unwillingness to take decisive action, the federal government was faced with a running battle over the acreage question during Trutch's lieutenant-governorship. In 1873 Ottawa suggested allotments of eighty acres per family, and British Columbia countered with an offer of ten. Powell managed to gain a shortlived agreement on twenty acres, but with the collapse of that accord no further bids were taken. The final stage of these negotiations was the acceptance in 1875 of a suggestion by William Duncan of the Church Missionary Society that no specific acreage be allocated, but rather that individual situations be examined by a commission and a decision reached on the basis of the local knowledge of the Indian agents.<sup>115</sup>

Nor was this the only attempt to frustrate Powell's work. In 1874 he completed an examination of the Musqueam Indian reserve which indicated that, although the band included 70 families, they had only 314 acres reserved for them, 114 of which, in Powell's opinion, were quite useless.<sup>116</sup> Evidently the band had not even received ten acres per family, and on the basis of twenty acres they required 1,400. Robert Beaven, the Chief Commissioner of Lands and Works, replied to Powell's request that an appropriate amount be surveyed for the Indians with a series of petty

<sup>114</sup> Trutch to Macdonald, 14 October 1872, Macdonald Papers, vol. 278.

<sup>115</sup> Report of the Government of British Columbia on the Subject of Indian Reserves, 17 August 1875, *B.C. Papers*, appendix, p. 9.

<sup>116</sup> Powell to Beaven, 31 July 1874, *B.C. Papers*, p. 134.

and ridiculous questions designed to obstruct the survey.<sup>117</sup> The provincial government demonstrated that it was still more concerned with reducing Indian reserves, than with any kind of just settlement of the matter. Beaven informed Powell, among other things, that

I am unable to advise the extension of present reservations, until positively informed that you are authorized to reduce as well as increase such reservations, and that you are prepared on behalf of the Dominion Government to guarantee that the Indians will agree quietly to reduction, if the Provincial Government agree to an increase.<sup>118</sup>

In 1875 Powell again applied to the provincial government for lands to make up the deficiency in the reserves that had been surveyed. This time the reply was that the basis of twenty acres agreed on only applied to future reserves and not to those already in existence. As some reservations only amounted to two acres per family, Powell felt that he could do little else than terminate surveys until the question was decided.<sup>119</sup>

Powell was constantly faced with obstructionist tactics by the province, but his appointment did demonstrate one thing. His reports to Ottawa indicate that Trutch, the man of great experience in Indian affairs, was still not giving people accurate information about Indian attitudes on the land question. The general tenor of his reports as lieutenant-governor was that the Indians were satisfied with what had been done for them. In fact the Indians were no more satisfied in the early 1870's than they had been when Trutch "adjusted" their reserves; rather they were growing more and more dissatisfied. Yet, in his letter to Macdonald, Trutch pontificated that "our Indians are sufficiently satisfied."<sup>120</sup>

Indian complaints about treatment over land began when Trutch started whittling away the reserves, and during the years of his lieutenant-governorship they were feeling the situation more acutely. They were learning to understand the value of their land and at the same time "They know that they are rapidly being hemmed in upon their limited reserves, and that their domain is fast diminishing."<sup>121</sup> Indians were also beginning to realize what white ownership of the land meant. When Europeans owned land they fenced in the grass, and tended to bring trespassers

<sup>117</sup> See *B.C. Papers*, pp. 134-35.

<sup>118</sup> Beaven to Powell, 10 August 1874, *B.C. Papers*, p. 135.

<sup>119</sup> Powell to Superintendent General of Indian Affairs, 4 February 1875, *Report on Indian Affairs for 1874*, p. 64.

<sup>120</sup> Trutch to Macdonald, 14 October 1872, *Macdonald Papers*, vol. 278.

<sup>121</sup> Lenihan to Superintendent General of Indian Affairs, 7 November 1875, *Report on Indian Affairs for 1875*, p. 53.



before their courts. Areas cultivated by Indians, however, were not always similarly protected, either in the courts or from white encroachment. Indians who brought cases of their cultivated areas being trampled by Europeans' cattle before the courts failed to secure convictions,<sup>122</sup> whereas Indian defendants in similar cases were found guilty.<sup>123</sup> In other instances white settlers were granted pre-emption certificates for areas of land that included potato patches belonging to Indians.<sup>124</sup> No doubt the Indians concerned in such cases would have been intrigued with Trutch's claim that they were equal with Europeans before the law.<sup>125</sup>

The discontent produced by factors such as these can be directly attributed to Trutch's reduction policy. In a letter to Ottawa Powell wrote that the Indians were highly satisfied with things under Douglas,

But since that time his successors have, from time to time, at the request of the white settlers, who in some localities were envious of the fine tracts given to the Indians, cut them down or reserved other lands not so valuable as those originally laid aside for them. In this way they have become generally discontented. . . .<sup>126</sup>

Naturally Trutch would not have explained Indian discontent in terms of the inadequacies of his own policies, but he was undoubtedly aware that it existed. If he could not discern it for himself others were informing him of the situation. Powell wrote to him describing some of the injustices that had occurred and urging their settlement as a matter of paramount importance.<sup>127</sup> Settlers were also informing Trutch of instances of Indian dissatisfaction. He was told that the Chilcotin Indians, for example, were continuing their hostility to the intrusion of Europeans, maintaining that the land was theirs, and objecting to white men living on it.<sup>128</sup> This particular letter was forwarded by Trutch to the Secretary of State for the Provinces, although accompanied by some rather odd remarks. He said that the Chilcotins apparently thought that the Europeans were going to appropriate their land without any consideration rendered in compensation, and that they would be confined to certain limited re-

<sup>122</sup> *The British Columbian*, 9 July 1864.

<sup>123</sup> Powell to Attorney-General, 12 January 1874, *B.C. Papers*, p. 126.

<sup>124</sup> Powell to Trutch, 21 June 1873, *B.C. Papers*, p. 116.

<sup>125</sup> Trutch, Memorandum, p. 10.

<sup>126</sup> Powell to Superintendent General of Indian Affairs, 4 February 1875, *Report on Indian Affairs for 1874*, pp. 63-64.

<sup>127</sup> Powell to Trutch, 21 June 1873, *B.C. Papers*, p. 116.

<sup>128</sup> Riske and McIntyre to Trutch, 6 June 1872, Chilcotin, Correspondence etc. Relating to the District and the Natives, 1872, PABC.

serves.<sup>129</sup> Clearly the Chilcotin Indians had accurately assessed what had happened to the Indians and their lands in the rest of the province and did not want it to happen to them. Yet in his letter to Ottawa Trutch describes this concern as a "misapprehension."<sup>130</sup>

The Chilcotins feared that the result of Trutch's land policy would be to confine them in the future, but for the Indians of the lower Fraser it had already happened. A petition from a group of Indian leaders clearly indicates the kind of pressure the Europeans were exerting on their lands and the apparent absence of any protection of their interests.

Many of [our people] have given up the cultivation of land, because our gardens have not been protected against the encroachments of the whites. Some of our best men have been deprived of the land they had broken and cultivated with long and hard labour, a white man enclosing it in his claim, and no compensation given. Some of our most enterprising men have lost part of their cattle, because white men had taken the place where those cattle were grazing, and no other place left but the thickly timbered land, where they die fast. Some of our people are obliged to cut rushes along the bank of the river with knives during the winter to feed their cattle.

We are now obliged to clear heavy timbered land, all prairies having been taken from us by white men.<sup>131</sup>

Unlike the Chilcotins these were Indians who had attempted to adopt the white man's ways. "We are not a lazy and roaming-about people, as we used to be," they told the Indian Commissioner. It was their strong contention, however, that Trutch's policies had left them with insufficient land to support themselves.<sup>132</sup> In spite of all such expressions of discontent, Trutch was still blandly assuring Macdonald that the Indians were satisfied, and, in spite of all valid Indian grievances, advocating no change in policy.<sup>133</sup>

Trutch sounds like the archetypal colonialist, protesting that "the natives are happy" while the revolution is battering down the walls. Also like the archetypal colonialist, this claim rests uneasily with his constant demands for sufficient military force to keep the Indians in subjection.<sup>134</sup>

<sup>129</sup> Trutch to Secretary of State for the Provinces, 24 June 1872, British Columbia Lieutenant-Governor, Despatches to Ottawa, 14 August 1871 to 26 July 1876, PABC.

<sup>130</sup> *Ibid.*

<sup>131</sup> Petition of Chiefs of Douglas Portage, of Lower Fraser, and of the other tribes on the seashore of the mainland to Bute Inlet, 14 July 1874, *B.C. Papers*, p. 137.

<sup>132</sup> *Ibid.*

<sup>133</sup> Trutch to Macdonald, 14 October 1872, Macdonald Papers, vol. 278.

<sup>134</sup> Trutch to Macdonald, 16 July 1871, Macdonald Papers, vol. 278.

The revolt never came in British Columbia, but in the year after Trutch's retirement from the lieutenant-governorship the Indians of the interior were on the verge of rebellion. In these areas where Trutch first carried out his reduction programme, discontent had been steadily mounting. The Indians were becoming so wary of government officials that the bands of Nicola and Okanagan Lakes refused to accept presents from Powell "lest, by doing so, they should be thought to waive their claim for compensation for the injustice done them in relation to the Land Grants."<sup>135</sup> Powell's opinion was that "If there has not been an Indian war, it is not because there has been no injustice to the Indians, but because the Indians have not been sufficiently united."<sup>136</sup> The voice of experience, however, spoke reassuringly from Victoria. An Indian outbreak in the interior is "highly improbable," opined Trutch.<sup>137</sup>

In fact the situation had reached boiling point. A desperate telegram was sent to Ottawa from the Reserve Commissioners claiming that an outbreak was imminent.<sup>138</sup> The freedom from Indian disturbances, particularly in comparison with the United States, was a major piece of evidence that Trutch had advanced to demonstrate the benevolence of Indian policy in British Columbia.<sup>139</sup> Now, not only did a revolt seem likely, but the Indians were talking of linking up with the resistance of Chief Joseph south of the border.<sup>140</sup> In the event the Indian Commissioners were able to cool the situation off, but there was no doubt in the minds of Canadian authorities that British Columbia's policy, as instituted by Trutch, was responsible for the very dangerous situation. It is obvious, said the Minister of the Interior, "that the discontent of the Indians is wholly due to the policy which has been pursued towards them by the local authorities." He even went so far as to say that in the event of an Indian war "the people of Canada generally would not sustain a policy towards the Indians of that Province which is, in my opinion, not

<sup>135</sup> Memo of Laird, 2 November 1874, *B.C. Papers*, p. 153.

<sup>136</sup> *Ibid.*

<sup>137</sup> Ash to Powell, 30 January 1874, *B.C. Papers*, p. 127.

<sup>138</sup> Telegram of Sproat and Anderson to the Minister of the Interior, 13 July 1877, Canada Indian Reserve Commission, Correspondence.

<sup>139</sup> Trutch to Secretary of State for the Provinces, 26 September 1871, *B.C. Papers*, p. 99.

<sup>140</sup> Telegram of Sproat and Anderson to the Minister of the Interior, 13 July 1877, Canada Indian Reserve Commission, Correspondence. Speech of Mills, 1 April 1885, Canada, *Official Report of the Debates of the House of Commons of the Dominion of Canada*, Ottawa, 1885, vol. XVIII, p. 886. Cail, pp. 369-70.

only unwise and unjust, but also illegal."<sup>141</sup> In spite of Trutch's efforts to distort the situation the threat of an Indian outbreak had finally, although probably too late, awakened the federal government to a realization of just how unsatisfactory his policies were.

Another historian, writing about Trutch's lieutenant-governorship, has commented that he paid special attention to Indian affairs. John Saywell goes on to claim that Trutch laboured "to get the Federal Government to adopt an intelligent and consistent Indian policy."<sup>142</sup> This essay has tried to show that he was really attempting to convince the federal government to continue those policies he had originated before union. Neither the policies, nor his advocacy of them, was consistent or intelligent. The reserves laid out under his direction were notable not only for the smallness, but also the variety, of their size.<sup>143</sup> His defence of his actions sometimes contained incredible inconsistencies. He could argue in one letter that present policy should be maintained because the Indians were incapable of understanding a different system.<sup>144</sup> Yet in another, the fact that they realized that there was a different policy east of the Rockies was advanced as a cause for discontent.<sup>145</sup> The increasing Indian dissatisfaction during the period would also seem to be a good reason for not describing Trutch's policies as intelligent.

What, then, is Saywell's judgement based on? "An elaborate memorandum that he [Trutch] prepared on the subject was cited as late as 1920 as the sole authoritative pronouncement on Indian affairs."<sup>146</sup> The "elaborate memorandum" was Trutch's letter to Macdonald which is misleading on a number of points.<sup>147</sup> This letter is cited as the "sole authoritative pronouncement on Indian affairs" in a memorandum by Sir Joseph Pope to Duncan C. Scott; hardly a reliable source, even if only for the reason that the judgment is nonsensical.<sup>148</sup> There are many

<sup>141</sup> Mills to Sproat, 3 August 1877, Canada Indian Reserve Commission, Correspondence.

<sup>142</sup> John Tupper Saywell, "Sir Joseph Trutch: British Columbia's First Lieutenant-Governor," *The British Columbia Historical Quarterly*, vol. XIX, nos. 1 and 2, January-April 1955, pp. 85-86.

<sup>143</sup> Petition of the Chiefs of Douglas Portage, of Lower Fraser, and of the other tribes on the seashore of the mainland to Bute Inlet, 14 July 1874, *B.C. Papers*, p. 137.

<sup>144</sup> Trutch to Macdonald, 30 January 1873, Macdonald Papers, vol. 278.

<sup>145</sup> Trutch to Macdonald, 16 July 1872, Macdonald Papers, vol. 278.

<sup>146</sup> Saywell, "Sir Joseph Trutch," p. 86.

<sup>147</sup> Trutch to Macdonald, 14 October 1872, Macdonald Papers, vol. 278.

<sup>148</sup> Memorandum by Sir Joseph Pope, 1920, attached to Trutch to Macdonald, 14 October 1872, Macdonald Papers, vol. 278.

comments on Indian policy in British Columbia that are equally as authoritative as Trutch's letter. Saywell provides no evidence that he has made any thorough examination of Indian affairs in British Columbia, but bases his conclusion on one contemporary letter and one subsequent comment. He admits that Indian policy is important and yet apparently has canvassed no other opinions besides Trutch's on the matter; and as an adjudicator on his own policy Trutch is somewhat less than reliable.

In reality Trutch's views and actions left British Columbia, not only with growing Indian discontent, but with a legacy of litigation that in the long run was to cost the province more than extinguishing Indian title and laying out reasonable reserves would have done. In most areas of Canada the Indian land question has been tied up in a neat European legal package called a treaty. In British Columbia by 1876, largely thanks to the influence of Trutch, it was still in the category of unfinished business.

## APPENDIX NO. 12

### SOURCES

The following are the most important sources used in writing this report. It is not intended to be a complete bibliography and other works were occasionally consulted.

Further research should concern itself with some important sources that were unavailable for use in this report. The McKenna-McBride Commission collected a number of "exhibits", which are maps, Band petitions, and resolutions. The Commission gathered materials of the Indian Reserve Commission and accumulated a large amount of correspondence. Presently the whereabouts of these materials is not known, but the Land Claims Research Centre is attempting to find them for further research.

The Indian Reserve Commission's correspondence and official papers were not used in this report. Only the Indian Reserve Commission reports published in the D.I.A. Annual Reports were consulted. Presumably, the important documents of the Indian Reserve Commission are in the Ottawa archives.

Another source that would need to be tapped for further research is the British Columbia Department of Lands. This department's correspondence files include much information on Indian Reserve losses and the Province's dealings with the Department of Indian Affairs, the Indian Reserve Commission, and the McKenna-McBride Commission. Access to these files is essential if full documentation of the history of Indian Reserves is to be undertaken.

Finally, the files of the Department of Indian Affairs (local, regional, and national) contain much information on the taking of Indian lands. This source would also need to be used for taking the story beyond this report and in telling a more detailed story of each Band.

British Columbia. Papers connected with the Indian Land Question, 1850-1875. Victoria: 1875

British Columbia. Report of the Royal Commission on Indian Affairs for the Province of British Columbia. 4 volumes. Victoria: 1916

British Columbia. Royal Commission on Indian Affairs for...  
British Columbia. Confidential Report. Victoria: 1916

British Columbia. Royal Commission on Indian Affairs for...  
British Columbia. Evidence of the Royal Commission's Meetings. Provincial Archives of B. C. and U.B.C.I.C. Indian Land Claims Research Centre. Microfilm.

British Columbia. Sessional Papers. Various years between 1871 and 1924 were consulted.

Cail, Robert E. "Disposal of Crown Land in British Columbia, 1871-1913." U.B.C. Thesis, 1956.

Canada Department of Indian Affairs. Department of Indian Affairs Annual Reports 1875-1916.

Canada. Department of Indian Affairs. Schedule of Indian Reserves and Settlements. Ottawa: 1972

Canada. Department of Indian Affairs. Schedule of Indian Reserves in the Province of British Columbia. Ottawa: 1943.

Canada. Department of Indian Affairs. Schedule attached to Dominion Order-in-Council No. 1265 (19 July 1924). This is the Ditchburn-Clark Report.

Canada. Special Joint Committee on Claims of the Allied Tribes of British Columbia. Proceedings, reports, and evidence... Ottawa: 1927.

Drucker, Philip. The Native Brotherhood's Modern Inter-tribal Organizations on the Northwest Coast. Washington: 1958.

Duff, Wilson. The Indian History of British Columbia. Volume 1, "The Impact of the White Man." Victoria: 1964.

Fisher, Robin. "Joseph Trutch and Indian Land Policy". B.C. Studies. Winter 1971-1972.

B A N D I N D E X

- A -

<u>BAND</u>	<u>PAGE</u>
Adams Lake .....	23, 123.
Aitchelitz .....	172
Alexandria .....	18, 27, 68, 70, 95, 150
Alkali Lake.....	42
Anderson Lake.....	142-144.
Arrow Lakes.....	49-50

- B -

Beecher Bay.....	20, 71, 96.
Bella Coola.....	140.
Bonaparte.....	114-115
Boothroyd.....	22, 31
Boston Bar .....	31, 44
Burns Lake .....	35
Burrard.....	21, 129

- C -

Campbell River.....	231-236
Canoe Creek.....	37-38
Cape Mudge.....	232-335
Cayoosh Creek.....	30, 112, 128, 170
Cheam .....	163
Chemainus.....	20, 72, 96
Cheslatta.....	43, 50
Chilcotin.....	8, 264-265
Clayoquot .....	26
Clinton .....	20, 27, 73, 96-97, 132
Columbia Lake.....	46



BAND INDEX.

<u>BAND</u>	<u>PAGE</u>
Comox .....	46, 169
Cook's Ferry.....	31, 37
Cowichan.....	32-33, 38, 114
Cowichan Lake.....	114

- F -

Fort George.....	66, 117, 156
Fountain.....	126
Fraser Lake.....	43, 114-115

- H -

Homalco.....	44
Hope.....	22-23

- I -

Kamloops .....	4-5, 21, 23, 155, 244-246
Kanaka Bar.....	31
Katzie.....	26, 31
Kinbasket.....	29
Kincolith.....	13, 19, 27, 74, 175, 192
Kitimaat.....	35, 46
Kitseles.....	37, 63
Kitwanga.....	20, 27, 75, 97-98, 133, 137
Kluskus.....	42, 80-81
Kwawkewlth.....	9, 45, 68, 191-192, 231-236
Kwaw-kwaw-a-Pilt.....	172
Kwicksutaineuk.....	45, 233-234

BAND INDEX CONT'D.

<u>BAND</u>	<u>PAGE</u>
- L -	
Lakahahmen.....	31, 162, 172, 173-174
Langley.....	38, 141
Little Shuswap.....	31, 121, 123, 244-246
Lower Kootenay.....	20, 34-35
Lower Nicola.....	31, 47
Lower Similkameen.....	37, 46, 66
Lytton.....	21, 22, 31-32, 39
- M -	
Mamalillikullah.....	233-234
Matsqui.....	166
Metlakatla .....	19, 77-78, 98
Mount Currie.....	145
Musqueam.....	21
- N -	
Nahwitti.....	19, 33-34, 79, 234-235
Nazko.....	18, 42, 80-81, 98
Necoslie.....	43
Neskainlith.....	5, 23, 47
New Westminster.....	44, 125, 130, 160
Nicola.....	4, 21, 266
Nicomen.....	24
Nimpkish.....	232-233
Nishga.....	45, 59-60
Nitinaht.....	28, 159
Nooaitch.....	32
North Thompson.....	32, 114-115

BAND INDEX CONT'D.

<u>BAND</u>	<u>PAGE</u>
- O -	
Ohamil.....	22
Ohiaht.....	18, 82, 89, 98
Okanagan.....	5, 19-20, 28, 32, 45-56, 83-84, 105-108, 134, 266
Omineca.....	43
Oregon Jack.....	13, 23
Osoyoos.....	20, 27, 66, 85, 98-100, 161, 176
Owikenno.....	191

- P -

Pavilion.....	127
Penticton.....	13, 20, 27, 50-51, 86, 100-105, 135, 164
Peters.....	23
Popkum.....	23
Port Simpson.....	19, 44-45, 62-63, 77-78, 108

- Q -

Quatsino.....	19, 87, 234
Quesnel.....	81, 148-149

- S -

Saanich Bands.....	32, 118, 122, 124, 176
Seabird Island.....	23
Semiahmoo.....	21

BAND INDEX CONT'D.

<u>BAND</u>	<u>PAGE</u>
- O -	
Ohamil.....	22
Ohiaht.....	18, 82, 89, 98
Okanagan.....	5, 19-20, 28, 32, 45-46, 83-84, 105-108, 134, 266
Omineca.....	43
Oregon Jack.....	13, 23
Osoyoos.....	20, 27, 66, 85, 98-100, 161, 176
Owikeno.....	191

- P -

Pavilion.....	127
Penticton.....	13, 20, 27, 50-51, 86, 100-105, 135, 164
Peters.....	23
Popkum.....	23
Port Simpson.....	19, 44-45, 62-63, 77-78, 108

- Q -

Quatsino.....	19, 87, 234
Quesnel.....	81, 148-149
Saanich Bands.....	32, 118, 122, 124, 176
Seabird Island.....	23
Semiahmoo.....	21
Seton Lake.....	19, 68, 88, 108, 146-147, 152-153, 167-168
Sheshaht.....	11, 18, 89
Shuswap.....	5, 29, 46, 138, 139

BAND INDEX CONT'D.

<u>BAND</u>	<u>PAGE</u>
Seton Lake.....	19, 68, 88, 108, 146-147, 152-153, 167-168
Sheshaht.....	11, 18, 89
Shuswap.....	5, 29, 46, 138, 139
Siska.....	32
Skawalhook.....	23
Skidegate.....	192-193
Skuppah.....	32
Skwah.....	31-32, 38, 172
Soda Creek.....	9-10, 154
Songhees.....	20, 90
Spallumcheen.....	23, 39
Spuzzum.....	114, 116
Squamish.....	19, 21, 27, 48, 91, 109-111, 119-120, 151, 171, 206-220
Squiala.....	172
St. Mary's.....	46
Stellaquo.....	114-115
Stoney Creek.....	81, 114-115
Stuart-Trembleur.....	43
Sumas .....	28, 131, 165, 172

- T -

Tanakteuk.....	233-234
Tobacco Plains.....	158
Tsartlip.....	118
Tsawout.....	124, 176
Tsawataineuk.....	235
Tsawwassen.....	21, 32

BAND INDEX CONT'D.

BAND

PAGE

- U -

Ulkatcho.....	18,42,92,111
Union Bar.....	23,32
Upper Nicola.....	32
Upper Similkameen.....	20,30,32,39,45,93,111

- W -

Westbank.....	19-20,45-46,83-84,105-108
Williams Lake.....	157

- Y -

Yale.....	23,32,37,39
-----------	-------------

### ACKNOWLEDGMENTS

Many people participated in the development and preparation of this history of Indian Reserves. I would like to especially thank Shirley Alphonse, Gordon Antoine, Cecile Clare, Charles Chapman, Andrew Charles, Percy Gladstone, Gerald George, Robin Fisher, John Joe, Philip Joe, Barbara Lane, Alec Lee, Gary McKevitt, Pat McMillan, Bill Mussell, Philip Paul, Paul Reeke, Ida Russ, Doug Sanders, Susan A. Sparrow, Larry Speedy, Francis Smith and Terri Williams.

I would like to thank these people and others who gave assistance, offered suggestions and criticisms, typed manuscripts, proofread rough drafts, photocopied documents, and provided encouragement and support. Thanks also to those who agreed to have their work included in the Appendices.

Reuben Ware  
5 April 1974