INDEX
B.C. Provincial Collection
MINUTES OF DECISION, CORRESPONDENCE & SKETCHES
Joint Reserve Commission & Gilbert M. Sproat
May 1878 to December 1878
Binder 2 (Box 1)

The second binder of material consists almost entirely of Sproat correspondence. The exception to this is the Minutes of decision found at the beginning of the volume which are the work of the Joint Indian Reserve Commission. The JIRC was disbanded at the end of the 1877 season, however, the work they had done to that date was submitted by Sproat to the federal and provincial governments. Curiously, the covering letter for the Minutes of decision for the JIRC found in this volume is not signed; it may be incomplete. It is likely that both Sproat and McKinlay would have signed the covering letter as this appears to have been the practice with respect to the JIRC submitting correspondence to the province [Corr. Nos. 1084/78, 1081/78].

Sproat was appointed sole Indian Reserve Commissioner by both the Dominion and provincial governments. B.C. limited Sproat's authority through BC OIC 1878-615, dated April 17, 1878, by stating his decisions would be "regarded as final" only in the Yale District.

Sproat's prolific correspondence becomes more evident when it is noted that some of the correspondence (not including enclosures) runs consecutively [e.g. Corr. Nos. 1275/78, 1277/78, 1278/78, 1655/78, 1656/78, 1657/78, 1994/78, 1995/78, 1996/78, 1997/78]. In this regard, it is interesting to note that there is no correspondence from Sproat for a period of approximately two months (August 18, 1878 to October 21, 1878). There is also a number of instances when there is more than one letter with the same date.

There is a good deal of correspondence from Sproat dealing with concerns regarding settlers. Cornelius O'Keefe's presence at Okanagan is discussed in numerous letters [Corres. Nos. 1081/78 (pp. 32, 40, 41-42), 1278/78, 1656/78, 1914/78, 2347/78, 2577/78, 2577/78 (add. corr.)]. At one point, with respect to the O'Keefe matter, Sproat wrote that the question was:

> whether a man ploughing a piece of land and putting a fence round it, can acquire legal title to 320 acres.
>
> If so, the land act [sic] is useless ... [Corr. No. 2347/78]

The presence of Chinese pre-emptors is also a topic of interest [eg. Corr. Nos. 1769/78, 1998/78]. The majority of the correspondence is addressed to the Chief Commissioner of Lands and Works. Occasionally, the Commissioner is named specifically, but, by and large, the title only appears on the correspondence.

A "Field Minute" and two extracts of "Field Minutes" are included in this volume: Spuzzum [Corr. No. 1300/78 (add. corr.)], Lytton [Corr. No. 1769/78] and Cook's Ferry [Corr. No. 1998/78]. The Lytton field minute is more than forty pages long, has three sketches and two appendices.

Interestingly, Sproat was very aware of the limitations of his authority. He notes it a number of times and consistently requests that the Province authorize him to conduct his work in other areas of the province as they did in the Yale District with an Order-in-Council [eg. Corr. Nos. 1277/78, 1450/78, 1655/78, 2382/78, 2383/78]. Sproat was also aware of the establishment of the Railway Belt and queried his authority in that area [Corr. No. 2382/78]. He frequently took the provincial government to task on issues such as allowing pre-emptions of Indian settlements, failing to provide him with authority in other parts of the province and failing to address the "many questions" he put to the provincial government.

In one letter Sproat advises that the has "in the last 3 weeks laid off 30 reserves (some of them old ones) and adjusted the land questions of about 1500 Indians." He attributed "this rapid progress" from the Indians "leaving matters in my hands after having stated their views." [Corr. No. 1344/78]

Another time, he advised the CCLW that "the Indians much desire to own islands [sic], but I do not think it right to give islands to them entirely as the effect is to strengthen the tribal system and to encourage habits of savage seclusion." [Corr. No. 2382/78] He also did not think that it was appropriate to make a reserve from "choice sawmill locations." [ibid]

Despite having set aside the "30 reserves" and "settled" the "Indian questions" up to Comox and Jervis Inlet" notably absent from this volume are any of his Minutes of decision.

Cross-Reference to the Federal Collection
Correspondence No. 1353/77 is found in vl. 3, pp. 124-132
Correspondence No. 1591/77 is found in vl. 3, pp. 136-149a
Correspondence No. 1081/78 is found in vl. 3, pp. 150-262

People of Note

W.A.G. Young	Colonial Secretary
A.C. Elliott	Provincial Secretary
F.W. Foster	"J.P."
Archibald McKinlay	Provincial Commissioner, JIRC
Joseph Trutch	Lieutenant Governor
Wm. Smithe	Minister of Finance
Forbes George Vernon	Chief Commissioner of Lands & Works (CCLW)
Charles A. Vernon	Asst. Land Commissioner, Okanagan
George A. Walkem	Chief Commissioner of Lands & Works (CCLW)
James Douglas	Governor, Colony of Vancouver Island & Mainland
Arthur E. Kennedy	Governor, Colony of Vancouver Island
Anthony Musgrave	Governor, B.C.
Frederick Seymour	Governor, B.C. ["United Colonies of B.C."] 1866
Capt. H.M. Ball	Stipendiary Magistrate
Peter O'Reilly	Stipendiary Magistrate
Capt. Sanders	Stipendiary Magistrate
Indians Identified	See complete list under Additional Subjects Index
Settlers Identified	See complete list under Additional Subjects Index

Organization of Index

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

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

Federal Collection	Federal Collection of Minutes of Decision, Correspondence & Sketches
1943 Schedule	The 1943 Schedule of Reserves prepared by the Department of Indian Affairs based upon the work of C.H. Taggart, Dominion Land Surveyor.
NRCan Schedule (2005)	Schedule of Reserves prepared by the Vancouver office of the Legal Surveys Division, Natural Resources Canada
PILQ	The Papers on the Indian Land Question, 1850-1875, 1877

ANNOTATED INDEX
BINDER 2

M.O.D. is an abbreviation for Minute of Decision.
A.M.O.D. is an abbreviation for Amended Minute of Decision
Reserve names are current spellings and current numbers, unless the reserve no longer exists.
Band/Tribe names are as they appear within the volume; **n.b.** for a variety of reasons (eg. change of name, band division and amalgamation) the band originally allotted the reserve may not be the current holder.
[w/encl] indicates there were enclosures contained with the correspondence.
[copy] indicates that there was a notation on the correspondence identifying it as a copy
[ ] around the name of the author indicates that the author is known, but the signature block is missing.

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
05 04 1878	Goldstream 13	Saanich	Sproat[1]	Letter	1055/78
05 08 1878		North Thompson, Kamloops, et al	[Sproat &[2] McKinlay]	Letter & M.O.D.	1084/78 1081/78
07 00 1877			JIRC[3]	Authority	1081/78 [pp. 1-2]
07 05 1877	North Thompson 1	North Thompson & Canoe Lake[4]	JIRC	M.O.D.	1081/78 [pp. 2-4]
07 05 1877	Nekalliston 2	North Thompson & Canoe Lake[5]	JIRC	M.O.D.	1081/78 [pp. 4-5]
07 05 1877	Barriere River 3[6]	North Thompson Canoe Lake & Kamloops	JIRC	M.O.D.	1081/78 [pp. 4-5]

[1] Sproat argues that a pre-emption at the mouth of Goldstream, Saanich Inlet is invalid as the place is an old Indian settlement. He also notes that surveys are being done of reserves on the island and that in a "short time" the provincial government will have to convey the land to the Dominion Government. Sproat states, "I mention the matter to you, now, for your information ... so that there may be no delay in making the conveyance when asked for."

[2] The signature block is missing from this covering letter, however, based upon the similar letter found in the federal collection, it would appear that Sproat and McKinlay would have signed off the letter to the CCLW. Interestingly, this letter is dated one day earlier than the federal letter enclosing the same Minutes of decision. The covering letter may have been separated from the Minutes of decision as it has a later correspondence number than the Minutes themselves. Indeed, a correspondence no. "155/78" is noted at the top of the page, but is crossed out. No sketches are included with these Minutes. It is noted in the covering letter that the sketches are unfinished "owing to open questions," but will be sent as soon as "these questions are settled." These Minutes of decision relate to the JIRC's work in the summer and fall of 1877, prior to the Commission being disbanded. [See Federal Collection, vl. 3, pp. 150-263]

[3] See also note at the end of this set of Minutes of decision, pp. 55-56.

[4] It is not known who the "Canoe Lake Indians" were. It would appear that they were part of the North Thompson group which resided at "Canoe Lake." It has not been possible to determine which lake in the area of North Thompson was formerly identified as "Canoe Lake." There is a note at the beginning of the MODs for this group which states: "North Thompson and Canoe Lake Indians, which tribes agreed to have reserves in common." This reserve and reserve numbers 2, 3, and 4 are currently held by the Simpcw First Nation (formerly the North Thompson Indians). It would seem that this reserve includes the forty acres of land noted to be adjoining the reserve. This reserve was also known as Chu Chua 1. [See Federal Collection, vl. 3, pp. 154-60; 1943 Schedule, p. 30; NRCan Schedule (2005), pp. 65, 92; CLSRBC 136]

[5] Reserves 2, 3 and 4 are described by the JIRC as fishing stations.

[6] This reserve and Louis Creek 4 are allotted by the JIRC for the North Thompson, Canoe Lake and Kamloops Indians. These two reserves are currently held exclusively by the North Thompson Indians (currently known as the Simpcw First Nation). Barriere River 3 was sold in 1921 in exchange for Barriere River 3A. [See 1943 Schedule, 31; NRCan Schedule (2005), NRCan Schedule (2005), pp. 65, 92]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
07 05 1877	Louis Creek 4	North Thompson Canoe Lake & Kamloops	JIRC	M.O.D.	1081/78 [pp. 4-5]
07 05 1877	Canoe Lake[7]	North Thompson & Canoe Lake	JIRC	M.O.D.	1081/78 [p. 5]
07 29 1877	Kamloops 1[8]	Kamloops	JIRC	M.O.D.	1081/78 [pp. 6-7]
07 29 1877	Kamloops 2[9]	Kamloops	JIRC	M.O.D.	1081/78 [p. 7]
07 29 1877	Kamloops 3	Kamloops	JIRC	M.O.D.	1081/78 [p. 7]
07 29 1877	Kamloops 4[10]	Kamloops	JIRC	M.O.D.	1081/78 [p. 7]
07 29 1877	Kamloops 5[11]	Kamloops	JIRC	M.O.D.	1081/78 [pp. 7-8]
07 28 1877	Skeetchestn[12]	Deadman's Creek	JIRC	M.O.D.	1081/78 [pp. 9-10]
08 13 1877	Neskonlith 1	Neskainlith[13]	JIRC	M.O.D.	1081/78 [pp. 12-14]
08 13 1877	Neskonlith 2[14]	Neskainlith	JIRC	M.O.D.	1081/78 [pp. 14-15]

[7] The JIRC allot a reserve at the "old Indian settlement at Canoe Lake", but acknowlege they had not been able to visit the area and that the "exact boundaries must be hereafter defined." The exact location of this settlement is not known. Although there was a colonial reserve allotted to the Canoe Creek Indians in the vicinity of Canoe Creek, it seems improbable that the JIRC were referring to that land as they did not "confirm" the area, nor did they describe it as an "original" reserve, two terms commonly used when dealing with colonial reserves. Other reserves for Canoe Creek Indians were allotted by O'Reilly in 1881. [See Binder 3, Corr. No. 368/79; Federal Collection, vl. 3, p. 160]

[8] The JIRC exclude an area on St. Paul's Creek known as "Schiedam Ranch". [See Binder 3, Corr. Nos. 368/79, 369/79]

[9] The JIRC allot "[a] fishing station at Barlett Newman's pre-emption on the Kamloops Nicola road." It would appear that from this description, and based upon the information in the 1943 Schedule, two reserves are established: Kamloops 2 and Kamloops 3. Both of which are fishing stations and were also known as Fishing Station 2 and Fishing Station 3. [See Binder 3, Corr. Nos. 368/79, 369/79; 1943 Schedule, p. 29; CLSRBC 235; Federal collection, vl. 3, pp. 162-66]

[10] The JIRC description is quite vague, "also a tract of woodland on the North Thompson River", however, this would appear to be this reserve. This reserve was also known as Gilead 4 or Timber Reserve 4. [See 1943 Schedule, p. 30; NRCan Schedule (2005), p. 49]

[11] This reserve is described as a "small hay meadow to the north east of their reserve." "Their reserve" would appear to be a reference to Kamloops 1. Although the JIRC state they were unable to visit this place, the 1943 Schedule indicates that this reserve was allotted the same day as the other reserves of the Kamloops Indians. [See Binder 3, Corr. Nos. 368/79, 369/79; 1943 Schedule, p. 30; NRCan Schedule (2005), p. 49; CLSRBC 235]

[12] These Indians are currently known as Skeetchestn; the reserve was also formerly known as Deadman's Creek. [See 1943 Schedule, p. 28; NRCan Schedule (2005), pp. 65, 83]

[13] This group is identified by the JIRC as "South Thompson or Niskahnilth Indians". "Niskahnilth" has also been spelled, Neskainlith. The current spelling is Neskonlith for both the reserves and the First Nation. This reserve is described by the JIRC as an "old reserve", i.e. a colonial reserve. It was cited in the 1871 Schedule prepared by B.C. as "Right bank of Thompson River, extending back to Lake" and is attributed to "Shuswap." On the 1875 Schedule published by the Dominion, it is item no. 73, identified as "Shuswap Lake." [See 1943 Schedule, p. 30; NRCan Schedule (2005), pp. 60, 92; PILQ, p. 105, item Q (1); 1875 Dominion Reserve Schedule, p. 103, item 73]

[14] The description of this reserve begins in the middle of the paragraph, "and on the left bank ..."

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
08 13 1877	Switsemalph 3[15]	Neskainlith Little Shuswap Lake Adams Lake	JIRC	M.O.D.	1081/78 [pp. 14-15]
08 13 1877	Hustalen 1[16]	Adams Lake	JIRC	M.O.D.	1081/78 [pp. 17-18]
08 13 1877	Squeam 2[17]	Adams Lake	JIRC	M.O.D.	1081/78 [p. 18]
08 13 1877	Toops 3[18]	Adams Lake	JIRC	M.O.D.	1081/78 [p. 18]
08 13 1877	Sahhaltkum 4[19]	Adams Lake	JIRC	M.O.D.	1081/78 [pp. 18-19]
08 13 1877	Stequmwhulpa 5[20]	Adams Lake	JIRC	M.O.D.	1081/78 [pp. 19-20]
08 13 1877	Switsemalph 6	Adams Lake	JIRC	M.O.D.	1081/78 [p.20]
08 13 1877	Switsemalph 7[21]	Adams Lake	JIRC	M.O.D.	1081/78 [p. 20]
08 14 1877	Quaaout 1[22]	Little Shuswap Lake	JIRC	M.O.D.	1081/78 [pp. 22-23]
08 14 1877	Chum Creek 2[23]	Little Shuswap Lake	JIRC	M.O.D.	1081/78 [p. 23]
08 14 1877	Meadow Creek 3	Little Shuswap Lake	JIRC	M.O.D.	1081/78 [pp. 23-24]
08 14 1877	Scotch Creek 4	Little Shuswap Lake	JIRC	M.O.D.	1081/78 [p. 24]

[15] Reference is made to this reserve after the Minutes of decision for Niskonlith 1 and Niskonlith 2. [See pp. 20, 26-27 this volume]

[16] This section is entitled, "Adams Lake and South Thompson River and Salmon Arm, Great Shuswap Lake - Adams Lake Indians." This "Old Reserve" is confirmed by the JIRC. The Adams Lake Indians have also been referred to as Sahhaltkum. [See 1943 Schedule, p. 26; NRCan Schedule (2005), p. 39; PILQ, p. 105; CLSRBC 221; CLSRBC 7025]

[17] The description for this reserve begins in the middle of the paragraph with the sentence, "Besides the above ..." Although the size, as cited by the JIRC, is much smaller than the current reserve; this would appear to be the area allotted. [See 1943 Schedule, p. 26]

[18] This reserve is described as a fishing station.

[19] This original allotment excluded 320 acres owned by a settler named F. Walker. [See Corr. No. 1081A/78, this binder; Federal Collection, vl. 16/1, p. 7; 1943 Schedule, p. 26]

[20] This reserve was also known as Adams Lake 5. It is described by the JIRC as "a strip of timber land". [See Federal Collection vl. 16/1, p. 9; 1943 Schedule, p. 26; NRCan Schedule (2005), p. 39; CLSRBC 3]

[21] This reserve and Switsemalph 6 comprise the remainder of the reserve allotted in common by the JIRC to the Neskonlith, Adams Lake and Little Shuswap Lake Indians. [See pp. 26-27, these Minutes of decision]

[22] These Indians may also have been known as "Kuaut". Reference is made to an "old reserve", which would seem to be encompassed within the allotment of the JIRC. This would be the colonial reserve identified on the 1871 Schedule prepared by B.C., item Q(2) described as "North-west side of Little Lake, on trail to Adams Lake." In the 1875 Dominion Schedule, it is item 74. [See pp. 26-28, these Minutes of decision; Binder 10, Corr. No. 4243/91; CLSRBC 221; CLSRBC 7025; CLSRTBC 192; CLSRTBC 7; PILQ, p. 105; 1875 Dominion Schedule, p. 103]

[23] The JIRC identify a "Jim's Creek", this is currently known as Chum Creek.

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
08 16 1877	Switsemalph 3[24]	Neskainlith Little Shuswap Lake Adams Lake	JIRC	M.O.D.	1081/78 [pp. 24-25; 26-27]
08 16 1877	Switsemalph 6	Adams Lake	JIRC	M.O.D.	1081/78 [pp. 26-27]
08 16 1877	Switsemalph 7[25]	Adams Lake	JIRC	M.O.D.	1081/78 [pp. 26-27]
08 16 1877	North Bay 5[26]	Little Shuswap Lake	JIRC	M.O.D.	1081/78 [pp. 27-28]
09 03 1877	Salmon River 1	Spallumcheen[27]	JIRC	M.O.D.	1081/78 [p. 29]
09 03 1877	Enderby 2[28]	Spallumcheen	JIRC	M.O.D.	1081/78 [pp. 29-30]
09 03 1877	Graveyard[29]	Spallumcheen	JIRC	M.O.D.	1081/78 [p. 30]
09 03 1877	Eagle Pass[30]	Spallumcheen	JIRC	M.O.D.	1081/78 [p. 30]

[24] This reserve was once part of a larger area which was allotted by the JIRC as a reserve to be used in common by the "South Thompson or Niskahnilth Indians, Adams Lake Indians and Little Shuwap Lake Indians". The current reserves have been substantially altered since the original allotment. The description of this land is oriented incorrectly; the cardinal points are reversed. This makes the reserve description very problematic, however, given other geographic locators, a survey done by Edward Mohun in 1877, and a survey done by E.M. Skinner in 1885 there is no doubt that Switsemalph 3 is part the larger area in question. Skinner described the common reserve as "No. 1." This area now comprises Switsemalph 3, Switsemalph 6 and Switsemalph 7; the first reserve is held by Neskonlith, the latter two by Adams Lake. The 1943 Schedule incorrectly cites August 13, 1877 as the date of allotment. The description of the area is clearly dated August 16, 1877 on the original. [See Federal Collection, vl. 1, pp. 96, 98, 99; vl. 3, pp. 198-200, 202-204; vl. 16/1, pp. 11-12; CLSRBC 221; CLSRBC 7025; CLSRTBC 192; CLSRTBC 7; 1943 Schedule, pp. 26, 27, 30]

[25] This reserve includes the "additional reserve" at Chick-tahkt-cheen Creek.

[26] Although the JIRC originally conceived that this area would be held in common by the Neskonlith, Adams Lake and Little Shuswap Lake Indians, this reserve is now held solely by the Little Shuswap Indians. It would seem that the other common reserve was split between the Neskonlith and Adams Lake Indians, while this area went entirely to the Little Shuswap Lake Indians. The 1943 Schedule erroneosly cites the date of allotment as August 14, 1877 when it should be August 16, 1877. **N.B.:** The description of this would seem to be oriented incorrectly. Reference is made to the "eastern side of Salmon Arm", when it should correctly say the western side. The correction has been made in the federal copy but not in the provincial. [See Federal Collection, vl. 3, p. 204; vl. 16/1, p. 11; 1943 Schedule, p. 32; CLSRTBC 7]

[27] Identified by the JIRC as "Spellumcheen". The township and section numbers cited in the Minute of decision are old numbers. The 1943 Schedule cites the current township numbers. [See Federal Collection, vl. 16/1, p. 13; 1943 Schedule, p. 115, NRCan Schedule (2005), pp. 66-67; CLSRBC 7041]

[28] This allotment excluded the land of two settlers. The description begins with "T. 35 ..." and includes the next paragraph commencing "T 38 ..." The cardinal points in the description are incorrect. [See NTS sheet 82L/11; CLSRBC 216]

[29] This graveyard was a reserve, but this reserve was, apparently, cancelled. The 1943 Schedule incorrectly cites the date of allotment as 11 August 1893 and it incorrectly cites the date of survey as 1901. The original survey was by Mohun in 1881. [See 1943 Schedule, p. 115; CLSRBC 216]

[30] This is the original allotment of this reserve at Eagle Pass. The description begins in the middle of the paragraph "and seventy five acres ...". The JIRC stated it was a fishery. This reserve was not allowed by the provincial government as the provincial government had sold the land to a settler named Byrne. An alternate reserve, named Sicamous 3, was allotted to the Spallumcheen Indians in 1893 by Peter O'Reilly. The 1943 Schedule incorrectly states that the current Sicamous 3 was allotted by the JIRC in 1893. [See Federal Collection, vl. 1, p. 100; vl. 3, p. 210; vl. 14, pp. 202-05, 189-89a, 303a-304, 307a, 311, 314; vl. 15, pp. 28-30, 33, 44; 1943 Schedule, p. 115; CLSRBC 216; CLSRBC 221; CLSRBC 7025]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
10 15 1877	Okanagan 1	Okanagan[31]	JIRC	M.O.D.	1081/78 [pp. 31-33]
10 15 1877	Otter Lake 2[32]	Okanagan	JIRC	M.O.D.	1081/78 [p. 33]
10 15 1877	Harris 3[33]	Okanagan	JIRC	M.O.D.	1081/78 [p. 33]
10 15 1877	Swan Lake 4[34]	Okanagan	JIRC	M.O.D.	1081/78 [pp. 33-34]
10 15 1877	Long Lake 5[35]	Okanagan	JIRC	M.O.D.	1081/78 [p. 34]
10 15 1877	Priest's Valley 6[36]	Okanagan	JIRC	M.O.D.	1081/78 [pp. 34-35]
10 15 1877	Duck Lake 7[37]	Okanagan	JIRC	M.O.D.	1081/78 [p. 35]
10 15 1877	Mission Creek 8[38]	Westbank/ Okanagan	JIRC	M.O.D.	1081/78 [pp. 35-36]
10 15 1877	Okanagan Commonage	Okanagan[39]	JIRC	M.O.D.	1081/78 [pp. 36-39]
10 15 1877	Okanagan 1[40]	Okanagan	JIRC	Note	1081/78 [pp. 41-42]

[31] The JIRC identify the Indians as "Indians head of Okanagan Lake". Lands held by settlers Cornelius O'Keefe and Thomas Greenhow were affected by this allotment. [See 1943 Schedule, p. 108; CLSRBC 7041]

[32] Otter Lake was originally known as Spellumcheen Lake. This description begins "T7, all that portion ..." [See CLSRBC 7041]

[33] The description for this reserve is found at the end of the paragraph commencing "T7 ..." it consists of the statement "... also the south west quarter of S13."

[34] The description for this reserve begins "T8, a small piece of land ..." This reserve was cut-off by McKenna-McBride November 18, 1913; the cut-off was settled in October 1983. [See Federal Collection, vl. 1, pp. 168, 175; 1943 Schedule, p. 108; NRCan Schedule (2005), p. 61; CLSRBC 7041]

[35] The description for this reserve begins "T9, a portion of S22 on the shore ..." This reserve was cut-off by McKenna-McBride, November 18, 1913; the cut-off was settled in October 1983. Long Lake is currently known as Kalamalka Lake. [See 1943 Schedule, p. 108; NRCan Schedule (2005), p. 61]

[36] The description for this reserve begins "T9, a portion of S30 ..."

[37] The description for this reserve is found in the paragraphs commencing "T20 ..." and "T23 ..."

[38] The description for this reserve commences "T26, ..." This reserve was also known as Tsinstikeptum 8. It was cut-off by McKenna-McBride, November 13, 1913, but the cut-off was settled in November 1983. Although the JIRC allotted this land to the "Indians at Head of Okanagan Lake," it has long been attributed to the Westbank Indians. [See 1943 Schedule, p. 108; NRCan Schedule (2005), p. 74]

[39] The JIRC allot a "perpetual right of pasturage as far as [they] have authority in the matter" for land which they conceive should be used commonly by the Indians and settlers in the area, however, if the arrangement cannot be made, then the land is to be an Indian reserve. This commonage was not confirmed as a reserve. [See NRCan Schedule (2005), p. 61; CLSRBC 218;]

[40] In a note, the Commissioners address the issue of the O'Keefe pre-emption, which ultimately became part of Okanagan 1.

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
11 24 1877	Penticton 1[41]	Penticton	JIRC	M.O.D.	1081/78 [pp. 43-44]
11 24 1877	Nicola Prairie 3[42]	Penticton	JIRC	M.O.D.	1081/78 [p. 44]
11 24 1877	Penticton 2[43]	Penticton	JIRC	M.O.D.	1081/78 [pp. 44-45]
11 24 1877	Penticton Commonage	Penticton[44]	JIRC	M.O.D.	1081/78 [pp. 44-48]
11 16 1877	Osoyoos 1[45]	Osoyoos	JIRC	M.O.D.	1081/78 [p. 49]
11 16 1877	Dog Lake 2[46]	Osoyoos	JIRC	M.O.D.	1081/78 [pp. 49-50]
05 04 1878	Songhees 1[47]	Songhees	JIRC	M.O.D.	1081/78 [pp. 52-53]
05 04 1878	Halkett Island 2[48]	Songhees	JIRC	M.O.D.	1081/78 [p. 53]

[41] This reserve was cut-off by McKenna-McBride November 21, 1913. The cut-off was settled in March 1982. [See Federal Collection, vl. 1, p. 103; vl. 3, pp. 236-246; 1943 Schedule, p. 110]

[42] In December 1904, the Privy Council approved an exchange of land between the Penticton Indians and a settler named Ritchie. The new reserve was named Penticton 3A and was also known as Nicola Prairie 3A. It adjoins Penticton 1. It was formally set aside as a reserve through OCPC 1958-993. [See 1943 Schedule, p. 111; NRCan Schedule (2005), p. 62]

[43] This reserve was a timber reserve. The JIRC state: "The wood now growing or to grow is to belong to the Indians. The soil is not to belong to them. The object of this arrangement is to afford them a supply of wood without their having an inducement to locate on the spot. If the arrangement is not within the powers of the Commissioners or cannot be carried out, then the piece of land to be Indian Reserve." (p. 45). This reserve was ultimately reduced by O'Reilly in 1893 as a result of claims to the land by a settler named Ellis, cut-off by McKenna-McBride in 1913 and re-instated in 1982. [See Federal Collection, vl. 1, p. 103; vl. 13, pp. 21-35; vl. 14, p. 131; vl. 16/3, p. 135; 1943 Schedule p. 111; NRCan Schedule (2005), p. 62]

[44] This commonage was located north of the Penticton reserve and west of Okanagan Lake. It was never confirmed as a reserve. [See Federal Collection, vl. 16/1, p. 21; CLSRBC 7041]

[45] The date "16th and 21st November 1877" is given as the date of decision. This page contains the error in township identification; rather than reading 50 and 51, it reads 5 and 6. The numbers 5 and 6 have been crossed out and the numbers 50 and 51 have been written in. The federal collection contains some additional information regarding this error. Volume 2, in particular has three inserted pages entitled "Erratum," signed by Anderson and McKinlay. This original allotment differs from the current shape of the reserve. The "error" was finally settled through a Specific Claim involving the First Nation, Canada and B.C. The date of the settlement is Dec. 12, 1997. At the end of the Minutes of decision for the Osoyoos Indians (pp. 50-51), the JIRC note that the Indians wanted more extended frontage on the Okanagan River. The JIRC note that upon returning next season they may alter their decisions if it is possible and has the full consent of the Indians. The JIRC was disbanded before it could return to the area. [See Federal Collection vl. 2, pp. 152-161, esp. pp. 154, 160; 1943 Schedule, p. 109; NRCan Schedule (2005), p. 62; CLSRBC 232]

[46] This reserve was cut-off in 1913 by McKenna-McBride. The cut-off claim was settled in November 1982. [See 1943 Schedule, p. 110; NRCan Schedule (2005), p. 62]

[47] This section is entitled "Victoria Superintendency, Victoria District, Songish Indians." The JIRC state that the "land reserve of these Indians ... appears to be the private property of the tribe by written agreement made on 30th April 1850, between the Chiefs and people and the agent of the Hudson's Bay Co. acting on behalf of the Crown ..." This is a reference to the Douglas Treaty. It is worth noting that many places which now form part of the city of Victoria were included within the boundaries of the original Songhees 1 allotment, including, it appears, Point Ellice, where Peter O'Reilly had his home. This reserve was ultimately exchanged for New Songhees 1. [See PILQ, pp. 5-11; CLSRBC 224]

[48] This island was also known as Deadman's Island. This island, along with Discovery Island and Chatham Island were, according to the JIRC, reserved for these Indians by Governor Douglas, June 10, 1863. This reserve was cut-off by McKenna-McBride July 24, 1913, but returned in June 1993. [See 1913 Schedule of Reserves, p. 63; 1943 Schedule, p. 23; NRCan Schedule (2005), p. 66]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
05 04 1878	Discovery Island 3	Songhees	JIRC	M.O.D.	1081/78 [p. 53]
05 04 1878	Chatham Island 4	Songhees	JIRC	M.O.D.	1081/78 [p. 53]
05 04 1878	Esquimalt 1[49]	Esquimalt	JIRC	M.O.D.	1081/78 [pp. 54-55]
05 08 1878		Adams Lake	McKinlay & Sproat	Letter	1081A/78
05 08 1878		Neskonlith	McKinlay & Sproat	Letter	1081A/78
08 05 1878		Okanagan	JIRC[50]	Letter	1091/78
10 05 1878		New Westminster District	Sproat[51]	Letter [w/encl]	1182/78
06 05 1878	Sahhaltkum 4	Adams Lake	Sproat[52]	Letter [w/encl]	1275/78
10 05 1878	Sahhaltkum 4	Adams Lake	Walker[53]	Letter [copy]	1275/78 [add. corr.]
06 03 1878		Yale District	Sproat[54]	Letter	1277/78
06 03 1878		New Westminster District	Sproat	Letter	1277/78
05 30 1878	Okanagan 1	Okanagan	Sproat[55]	Letter	1278/78
06 04 1878		Spuzzum	Sproat	Letter [w/encl]	1300/78

[49] The JIRC state that the "land reserve of these Indians ... appears to be the private property of the tribe, by written agreement made on 30th April 1858 between the Chiefs and people and the agent of the Hudson's Bay Co., acting on behalf of the Crown ...", that is a Douglas Treaty. This reserve was originally surveyed as a colonial reserve in 1866. [See PILQ, p. 7; 1943 Schedule, p. 20; NRCan Schedule (2005), p. 45; 1913 Schedule of Reserves, p. 61]

[50] The letter is a request to the CCLW to allow certain men who are children of marriages between Indians and non-Indians to be able to pre-empt land.

[51] Sproat makes reference to his letter of April 12 "last", this could be the letter found in Binder 1, Corr. No. 883/78. Sproat is writing to the CCLW about the "Lower Fraser Reserves." He requests that the CCLW "reserve from pre-emption" all lands near reserves in the New Westminster District until he has "examined it." He encloses a list of lands which he particularly desires to be reserved from pre-emption. The three areas he describes cover a substantial distance: the first covers about 20 miles; the second approximately 9 miles and the third approximately 11 miles. It should be noted that it appears that on the first and third description Sproat has confused the left and right banks of the Fraser River. Notably, Scowlitz is on the right bank, not the left and the waggon road is on the left and not the right bank. It is possible that Sproat had not yet visited the area. If he was orienting himself from the waggon road, the, it appears he was unaware that the waggon road changed sides of the river at Alexandra.

[52] Sproat forwards a letter from settler F. Walker, who offers his land (320 acres) for sale for $400. Sproat advises the CCLW that the Superintendent General of Indian Affairs has replied that "the Province was primarily bound to provide lands for the Indians."

[53] The letter is noted to be a "Copy of Copy". It is addressed to the Superintendent General of Indian Affairs, Ottawa. In it, Walker offers his land for sale (320 acres) for $400, "provided the offer is accepted within 3 months." Sproat forwards the letter to the CCLW in June 1878.

[54] Sproat provides a progress report, of sorts, of his work. He notes that he has, "so far found the Indians to be reasonable in their expectations, and willing generally to be guided by my advice with respect to their Land questions." He indicates that he is aware of settler concerns and that "it is a matter of great importance to the Province that the lands in the New Westminster district should, by a settlement of Indian questions be freed from Indian claims ..." Sproat requests that, through an OIC, the Province give him the same powers in the New Westminster District that he has in the Yale District.

[55] Sproat advises that he has heard a rumour that Commission's decision regarding O'Keefe's land may be "the subject of an examination by the Supreme Court." Sproat requests to be allowed to present "the opposite side of the case from that of Mr. O'Keefe."

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
05 23 1878		Spuzzum[56]	Sproat	Extract Field Notes [copy]	1300/78 [add. corr.]
05 23 1878		Spuzzum	Sproat	Sketch	1300/78 [add. corr., pp. 8,9]
06 12 1878		General	Sproat[57]	Letter	1344/78
06 18 1878	Cowichan 1	Cowichan	Powell[58]	Letter	1363/78
06 23 1878		Bonaparte	Sproat	Letter	1450/78
06 29 1878	Swan Lake 4	Okanagan	Sproat	Letter [w/encl]	1484/78
06 29 1878	Swan Lake 4	Okanagan	Mohun	Sketch	1484/78
06 15 1878	Swan Lake 4	Okanagan	Greenhow	Letter	1484/78 [add. corr.]
07 17 1878	Commonage	General	Sproat	Letter	1655/78
07 17 1878	Okanagan 1	Okanagan	Sproat[59]	Letter	1656/78
07 17 1878		General	Sproat	Letter	1656/78
07 17 1878		Spuzzum[60]	Sproat	Letter	1657/78
07 17 1878		Lytton	Sproat	Letter	1657/78
07 24 1878 07 20 1878		Lytton/[61] Neklakapamuk	Sproat	Letter, Field Minute & Sketch	1768/78 1769/78

[56] This eleven page extract deals primarily with the issue of Frederick Biesta's pre-emption of "Shwimp", a traditional village site of the Spuzzem Indians. With respect to the colonial allotment, Sproat notes that the area assigned to the Indians in 1870 was 261 acres, based upon a total population of 237, of which there were 92 male adults. The per capita acreage per male adult was less than 2 acres. (p. 1)

[57] Sproat requests copies of a map showing the electoral districts and a tracing of the boundary of Mr. Boothroyd's Crown Grant. Sproat advises that the has "in the last 3 weeks laid off 30 reserves (some of them old ones) and adjusted the land questions of about 1500 Indians. This rapid progress arises from their leaving matters in my hands after having stated their views."

[58] Powell refers to a conference between himself, Vernon, the CCLW and Messrs. Sproat and Anderson on the matter of the Sutton pre-emption on the Cowichan Indian reserve. Powell notes that the pre-emption was allowed after the JIRC had allotted the land and that he (Powell) had written Sutton regarding his trespass upon the reserve, "but so far I am not aware that any notice has been taken of my communication."

[59] Sproat writes on various outstanding issues. He makes inquiries as to the O'Keefe matter. Interestingly, Sproat states that the "Nicola Chief" and the "Okanagan Chief" are the same man. He does not provide a name. He goes on to discuss general issues relating to the work of the Commission, including the cost of the Commission. At one point he refers to the "existing arrangements" as being "merely experimental." (p. 3)

[60] In discussing his work between Lytton and Spuzzum, Sproat states, "I have used great efforts to effect a compromise that would prevent any necessity for going into old affairs, and in the case of about 2/3^{rds} of these Indians, I think I may say that I have succeeded ..."

[61] Sproat encloses a copy of his field minute related to the "land and irrigation affairs" of the "Lytton subgroup of the Nekla-kapa-muk Indians." The field minute which was given a separate correspondence number (1769/78) is forty-one pages long, has a table of contents, two appendices and three sketches. An extract of the field minute is found in the federal collection. The federal extract begins at p. 23 of this version. [See Federal Collection, vl. 1, pp. 210-11; vl. 5/2, esp. pp. 65-113]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
07 20 1878		Lytton	Sproat[62]	Field Minute [copy]	1769/78 [pp. 2-4]
07 20 1878		Spuzzum	Sproat	Field Minute [copy]	1769/78 [pp. 2-4]
07 20 1878		Boston Bar	Sproat	Field Minute [copy]	1769/78 [pp. 2-3]
07 20 1878		Boothroyd	Sproat	Field Minute [copy]	1769/78 [pp. 2-3]
07 20 1878		Kanaka Flat	Sproat	Field Minute [copy]	1769/78 [pp. 2-3]
07 20 1878		Siska	Sproat	Field Minute [copy]	1769/78 [pp. 2-3]
07 20 1878		Skuppah	Sproat	Field Minute [copy]	1769/78 [pp. 2-3]
07 20 1878	Inkahtsaph 6	Boothroyd	Sproat	Field Minute [copy]	1769/78 [p. 12]
07 20 1878	Siska Flat 3[63]	Siska	Sproat	Field Minute [copy]	1769/78 [p. 12]
07 20 1878	Klickkumcheen 18	Lytton	Sproat	Field Minute [copy]	1769/78 [pp. 25-26, 38, 41]
07 20 1878	Klahkamich 17	Lytton	Sproat	Field Minute [copy]	1769/78 [pp. 25-26, 38-39, 41]
07 20 1878	Nickeyeah 25	Lytton	Sproat	Field Minute [copy]	1769/78 [pp. 26, 32, 34]
07 20 1878	Nohomeen 23	Lytton	Sproat	Field Minute [copy]	1769/78 [pp. 26, 29, 30-31, 41]
07 20 1878	Inkluckcheen 21	Lytton	Sproat	Field Minute [copy]	1769/78 [pp. 25-26, 37, 40-41]

[62] This "field minute" is 41 pages long, has three sketches and two appendices. Sproat goes through a history of reserve allotment in the areas. He commences the field minute by identifying the Indians as the "Nekla-kap-a-muk division or "Nation" of the Indians of British Columbia." He then provides the locations at which the Neklakapamuk are found. By his own admission he divided the Neklakapamuk into four groups for census purposes: Spuzzum, Boston Bar, Boothroyd and Lytton. He asserts, however, that this grouping is in accordance with the wishes of the Indians. Sproat divided the Lytton group into subgroups: Kanaka Flat, Siska Flat, Skuppah and Lytton proper. (p. 3). He also quotes Joseph Trutch on the issue of the lack of title of the Indians in the "public lands" (p. 4). In discussing the surveying of the reserves, at one point, Sproat states that, "some of the oldest Indian settlements between Spuzzum and Lytton were not, so far as I can find, marked off nor delineated by the Royal Engineers, and it also is a fact that, some of these "omitted" places, and other old Indian settlements which had been delineated by the Royal engineers, were not included in the reserves laid off and surveyed by the Colonial Government in 1870, and do not appear in the Schedule of Reserves furnished by the Provincial [sic] to the Dominion Government." (p. 16) Sproat states that the "satisfactory result" of his work "has been achieved because the Indians left the adjustment entirely in my own hands ..." (p. 23)

[63] Sproat notes there was an "Indian settlement" at Siska. No colonial reserve is identified on either the 1871 list or in McKenna's 1912 letter to McBride, however, Sapper Turnbull identified a settlement in 1861. This area was later included in the allotment of Siska 3 by Sproat. [See Federal Collection, vl. 6, pp. 66, 70, 80; MPS 666]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
07 20 1878	Stryen 9[64]	Lytton	Sproat	Field Minute [copy]	1769/78 [pp. 26, 32, 34]
07 20 1878	Tuckozap 24[65]	Lytton	Sproat	Field Minute [copy]	1769/78 [p. 26]
07 20 1878	Stryen 9	Lytton	Mohun[66]	Sketch	1769/78 [p. 28]
07 20 1878	Nohomeen 23	Lytton	Mohun	Sketch	1769/78 [p. 28]
07 20 1878	Nickeyeah 25	Lytton	Mohun	Sketch	1769/78 [pp. 28]
07 20 1878	Graveyard	Lytton	Mohun	Sketch	1769/78 [pp. 28]
07 12 1878		Lytton	Mohun	Letter [copy]	1769/78 [pp. 32-35]
07 20 1878	Inkluckcheen 21	Lytton	Mohun	Sketch	1769/78 [p. 37]
07 20 1878	Klickkumcheen 18	Lytton	Mohun	Sketch	1769/78 [p. 37]
07 20 1878	Klahkamich 17	Lytton	Mohun	Sketch	1769/78 [p. 37]
07 20 1878	Tuckozap 24	Lytton	Mohun	Sketch	1769/78 [p. 37]
07 20 1878	Graveyard[67]	Lytton	Mohun	Sketch	1769/78 [p. 37]
11 14 1862	Inkluckcheen 21	Lytton	Ball/Turnbull	Sketch	1769/78 [p. 39a]
06 28 1878	Inkluckcheen 21	Lytton	Mohun	Sketch	1769/78 [p. 39b]
06 28 1878	Inkluckcheen 21	Lytton	Mohun/Turnbull	Sketch	1769/78 [p. 39c]
04 05 1861		General[68]	Young	Circular [copy]	1769/78 (App. A)

[64] Spelled "Stryne" by Sproat.

[65] Spelled by Sproat, "Tuck-ko-zaph."

[66] Mohun's sketch also depicts the location of some pre-emptions (in yellow) and some Indian gardens and graves.

[67] Two areas identified as "Indian Graves" are indicated on the sketch.

[68] This "Circular" relates to the intent and application of the "Pre-emption Law." Young states, among other things, that the "the object and intent of the Government in enacting that Law, was not to give facilities to the servants of the Government to speculate in land ..."

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
07 20 1878		General[69]	Sproat	Note	1769/78 (App. B)
07 30 1878		Clinton[70]	Sproat	Letter	1788/78
07 28 1878		Bonaparte	Sproat	Letter	1798/78
08 01 1878 04 20 1877		Chemainus	Sproat	Letter [w/encl]	1833/78 175/77
04 20 1877	Chemainus 13[71]	Chemainus	McKinlay & Sproat	Letter [encl]	175/77
04 20 1877	Chemainus 13	Chemainus	Mohun	Sketch	175/77 [p. 3a]
10 07 1865	Chemainus 13	Chemainus	Pearse	Letter [copy]	1833/78 [add. corr.]
02 20 1877	Chemainus 13	Chemainus	Hughes	Letter [copy]	1833/78 [add. corr.]
01 18 1877	Chemainus 13	Chemainus	JIRC	Notes [copy]	1833/78 [add. corr.]
01 18 1877	Chemainus 13[72]	Chemainus	JIRC	Notes [copy]	1833/78 [add. corr.]
08 14 1878	Cowichan 1	Cowichan	Powell	Letter	1856/78
08 21 1878	Okanagan 1	Okanagan	Sproat	Telegram	1914/78
08 26 1878	Paska Island 3[73]	Oregon Jack Creek	Sproat	Letter	1994/78
08 26 1878	Paska Island 3	Oregon Jack Creek	Sproat	Sketch	1994/78
08 15 1878	Skeetchestn	Deadman's Creek[74]	Sproat	Letter	1995/78
08 26 1878	Inkluckcheen 21	Lytton	Sproat	Letter [w/encl]	1996/78
07 15 1878	Inkluckcheen 21	Lytton	Sproat	Letter [copy]	1996/78 [add. corr.]
07 29 1878	Inkluckcheen 21	Lytton	Ball	Letter [copy]	1996/78 [add. corr.]

[69] Sproat quotes from and briefly comments upon statements made by Governor James Douglas in his last speech before the Legislature. Sproat concludes by stating: "I should have been glad, however, to have found the Lytton Indians in the enjoyment of one half of the advantages, which the most limited interpretation of Governor Douglas' supposed wishes as expressed in the above speech, would have assigned to them."

[70] Sproat refers to his letter dated July 28 regarding the "alleged water record of Mr. P. Park." Sproat advises the CCLW that since writing that letter, two days earlier, he has "had several visits from Indian Chiefs who live above Clinton" who requested that he visit their area as they were anxious about white settlers taking up the land. [See Corresp. No. 1798/78]

[71] McKinlay and Sproat suggest that the pre-emption of a Robert Hughes is not valid. There is no day on the date of the letter, however, later correspondence indicates that the date is April 20. [See Binder 4, Corr. No. 325/80]

[72] The notes are undated, but as they are from the "Indian Reserve Commissioners Journal respecting Mr. R. Hughes' claim" they have been given the same date as the other notes.

[73] This reserve was originally known as Oregon Jack Creek 3. [See Federal Collection, vl. 5/3, pp. 5,30; vl. 17, pp. 166, 179, 191; ILR #208616]

[74] This group is identified in the correspondence as Deadman's Creek. It is currently known as Skeetchestn. Sproat makes reference to a letter from the CCLW dated August 2, 1878. This letter is not included in this collection. [See NRCan Schedule (2005), p. 65]

DATE mm dd yyyy	RESERVE	BAND/TRIBE	AUTHOR/ SURVEYOR	TYPE DOC	CORR. NO.
08 18 1878	Spatsum 11[75]	Cook's Ferry	Sproat	Letter [w/encl]	1997/78 1998/78
08 01 1878		Cook's Ferry[76]	Sproat	Field Minute [extract]	1998/78
08 01 1878	Pemynoos 9	Cook's Ferry	Unknown	Sketch	1998/78
10 21 1878	Okanagan 1	Okanagan[77]	Sproat	Letter	2347/78
10 21 1878		General[78]	Sproat	Letter	2382/78
10 21 1878		Sliammon	Sproat	Letter	2382/78
10 21 1878		Klahoose	Sproat	Letter	2382/78
10 21 1878		Sliammon	Sproat	Letter	2383/78
10 21 1878		Klahoose	Sproat	Letter	2383/78
11 26 1878		General[79]	Sproat	Letter [w/encl]	2577/78
12 21 1878		General[80]	Sproat	Letter	2712/78

[75] The actual area cited by Sproat is "Staptsum Flat." This area is ultimately included within Spatsum 11. [See Federal Collection, vl. 1, p. 212, vl. 6, pp. 106, 109a]

[76] In this extract, Sproat reviews the issue of the validity of pre-emptions of lands which, he states, were traditional village sites of the Cook's Ferry Indians at "Spapt-sum". At one point, Sproat states: "... it is well known that it has not been judicially determined what an "Indian settlement" is within the intention of the Provincial Law [sic]. It is doubtful if any Court would undertake to define this, except in general terms, and, it is perhaps fortunate for all parties concerned that no such attempt has been made." (p. 7)

[77] Sproat states that while at Douglas Lake a delegation of Okanagan Indians came to him to complain again about the presence of Mr. O'Keefe on their land. Sproat states that, "I again renewed my advice to the Indians that they shold not meet the proceedings of Mr. O'Keefe by action of a similar character, but should continue to act with the prudence and self control which they have hitherto shown." (p. 2). At another point, Sproat inquires, "... whether a man by ploughing a piece of land and putting a fence around it, can acquire legal title to 320 acres. // If so, the land act [sic] is useless ..." (p. 3).

[78] Sproat questions his authority to allot reserves in the "Railway Belt". He believes he would require Orders-in-Council from both the Dominion and Provincial governments. With respect to the province providing an OIC, Sproat writes, "You will oblige me by doing what is necessary in this matter as soon as possible, as I do not wish to lose any time ..." He notes the "questions are settled up to Comox and Jervis Inlet ..., but that he has "no powers" in the "Coast District", where the Sliammon and Klahoose are located, nor "up the coast of the mainland and in Vancouver and any of the islands... // I may mention that the Indians much desire to own islands [sic], but I do not think it right to give islands to them entirely as the effect is to strengthen the tribal system and to encourage habits of savage seclusion." **N.B.:** This letter is dated October 1878. Although the setting aside of land for the railway was part of the Terms of Union of 1871, the Railway Belt was not transferred until 1880. Because of alterations in the proposed route, the official date of the transfer is considered to be December 19, 1883. [See OCPC 1897-3362]

[79] Sproat encloses "a list of matters requiring the attention of the Provincial Government..." Two of the key issues are water for irrigation and "the intrusion of C. O'Keefe and the Chinamen on Indian lands at Okanagan and Thompson River."

[80] Sproat advises the CCLW that he will be making various reports to the Dominion Government "in a short time." Sproat notes that he is "still without replies from [the CCLW] as to various matters referred to the Provincial Govt during two years past."

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~ Joint Reserve Commission & Gilbert M. Sproat ~
May 1878 to December 1878

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fishery	1055/78,1081/78 [pp. 30,37-38,40-41,53,54-55], 1300/78 [add. corr.],1484/78,1769/78 [pp. 16,22-23]
fishing station	1081/78 [pp. 4-5,7,18,27-28,49-50]
oysters	175/77 [add. corr.]
Graveyard	
1081/78 [p. 34]	
in pre-emption	1081/78 [p. 30],1769/78 [p. 28]
Spuzzum ("Shwimp")	1300/78 [add. corr.]
Spapt-sum Flat	1998/78,2577/78 [add. corr.]
Hudson Bay Co.	1055/78,1300/78 [add. corr.],1769/78 [p. 30]
Indian Groups	
Adams Lake	1081a/78
Bonaparte	1450/78,1769/78 [p. 1],1798/78
Boothroyd	1769/78 [pp. 3,12]
Boston Bar	1300/78 [add. corr.],1769/78 [p. 3]
Cache Creek	1798/78
Clinton	1788/78
Cook's Ferry	1450/78,1798/78
Cowichan	1363/78
Kamloops	1769/78 [p. 30]
Kanaka Flat	1769/78 [p. 3]
Klahoose	1656/78,2382/78
Lytton	1769/78 [p. 3]
Neklakapamuk	1769/78
Neskonlith	1081a/78
New Westminster District	1277/78
Nicola	1769/78 [pp. 19-20]
Saanich	1055/78
Sechelt	2577/78 [add. corr.]
Shuswap	1091/78,1450/78
Siska Flat	1769/78 [p. 3]
Skuppah	1769/78 [p. 3]
Sliammon	2382/78
Spuzzum	1769/78 [p. 3]
Yale District	1277/78
Indians Identified	
Jim	1081/78 [p. 19-20]
Kow-pah, Chief Spuzzum	1300/78 [add. corr.]
Kun-jay, Spuzzum	1300/78 [add. corr.]
In-Kahe-se-wah, Spuzzum	1300/78 [add. corr.]
Michel (Interpreter)[81]	1300/78 [add. corr.]
Chief, Nicola & Okanagan[82]	1656/78,1914/78
Shive-els-sum, Spuzzum	1300/78 [add. corr.]
St. Paul, Lytton (?)	1769/78 [pp. 7,30]
Steach-kein, Clinton	1788/78
Teet-li-neetsa, Cook's Ferry	1998/78

[81] Sproat states that the Interpreter, Michel, "speaks English remarkably well, and ... lived for 9 years as a servant with Mr. O'Reilly, the Magistrate."

[82] Sproat states that the Nicola and Okanagan Chief are the same man, but he does not give a name.

Subject	Correspondence No.
Indian Land	
agriculture/cultivation	1081/78 [pp. 12-13,24,44], 1769/78 [pp. 7,12,16,25,31,32-35,38,39,40-41], 175/77, 1996/78, 1996/78 [add. corr.], 1998/78
campground	1769/78 [pp. 16-17
conveyance	1055/78
housing ("Kekwilly")	1300/78 [add. corr.]
"land question"	1277/78, 1344/78, 1656/78, 2382/78, 2383/78
livestock	1300/78 [add. corr.], 1769/78 [p. 2], 1996/78 [add. corr.]
reserve size	1300/78, 1769/78 [pp. 12,15,22,25
trespass	1278/78, 1363/78, 2347/78
Indian Reserve Commission	
Anderson, A.C., Dominion Comm., JIRC	1363/78, 1484/78
JIRC, authority	1081/78 [pp. 1-2,8,10-11,25,28,39-40,50,52-53]
Sproat, G.M., authority	1277/78, 1450/78, 1655/78, 2382/78, 2383/78
McKinlay, Archibald, B.C. Comm., JIRC	1484/78, 2577/78 [add. corr.]
Indian Title	1278/78
Land Act/Proclamation	1769/78 [p. 29], 175/77, 1994/78, 1998/78
Lease	
Pastoral	1998/78
Mining	1769/78 [pp. 17-19]
Missionary	
Rev. Mr. Garrett	1769/78 [p. 11]
Pasturage	
perpetual right	1081/78 [pp. 36-37,45-48]
Pre-emption	1055/78, 1081/78 [pp. 9-10,19,29-30,32,41,49], 1081a/78, 1300/78 [add. corr.], 1769/78 [pp. 26,29,30], 1788/78, 1833/78, 175/77, 1998/78
abandoned	1278/78, 1300/78, 1300/78 [add. corr.]
by Indians	1769/78 [p. 19]
cancellation	1278/78, 1300/78, 1363/78, 1997/78
exchange	1081a/78
fishery	1769/78 [p. 16]
permission to	1091/78
reserve from	1182/78, 1657/78
reserve/settlement land	1363/78, 175/77 [add. corr], 1994/78
regulations/rights	1769/78 [pp. 7-8,13,16,19,App. A,App. B.]
Railway Belt	1656/78, 175/77, 2382/78
Royal Engineers	1769/78 [pp. 9-10,12-13,16,22
Settlers	See list at end of index
Survey	1055/78, 1081/78 [p. 55], 1277/78, 1769/78 [p. 22], 1833/78, 1856/78, 1995/78
Instructions (colonial)	1769/78 [pp. 6-9,10-16]
Sketch (1862)	1769/78 [p. 26]

Subject	Correspondence No.
Surveyor	
Green, Ashdown H.	1856/78
Landers [sic Launders], J.B. R.E. Sapper	1769/78 [p. 12]
Mohun, Edward, C.E.	1769/78 [pp. 31-35],1995/78
Parsons, Capt. R.M., R.E.	1769/78 [p. 10]
Sanders, Capt.	1769/78 [p. 20]
Turnbull, J., R.E. Sapper, R.E.	1769/78 [p. 10]
Timber	1081/78 [p. 19-20,45],2383/78
Village Settlement/Site	
Sproat definition	1769/78 [p. 21]
protection of	1055/78,1769/78 [pp. 7,11,26-27,29]
Canoe Lake	1081/78 [p. 5]
Eagle Pass	1081/78 [p. 30]
Goldstream, Saanich	1055/78
Inkluckcheen	1996/78
Long Lake-Coldstream	1081/78 [p. 34]
Lytton	1769/78 [pp. 25-26]
Lytton Flat	1996/78 [add. corr.]
May-lal-am-un	1788/78
Head of Okanagan Lake	1081/78 [p. 41]
Shwimp [Spuzzum]	1300/78 [add. corr.]
Spapt-sum Flat (Spatsum)	1997/78,1998/78
Spences Bridge	1998/78
Spept-l-kum ("the prairie)	1300/78 [add. corr.]
Spuzzum	1300/78, 1300/78 [add. corr.]
Water	
Indian right to	1081/78 [p. 8,10-11,15-16,20-21,25,28,39-41,48,50,56],1769/78 [pp. 19-21,30-31,40-41],1788/78,1996/78,1998/78
irrigation	1657/78,1769/78 [pp. 17-20,33,38],1996/78 [add. corr.],2577/78 [add. corr.]
records	1798/78,1997/78,1998/78

Colonial Reserve

Name	Comment	Corr. No.
Adams Lake (Hustalen)	"Old reserve"	1081/78 [pp. 17-18]
In Kaht-sapt	"Indian settlement" 1861	1769/78 [p. 12]
In-Kluck-cheen	"reserve" 1870	1769/78 [pp. 26,37,39(a-c),40],1996/78,1996/78 [add. corr.]
Klahk-a-mich	"land assigned" 1862	1769/78 [pp. 25-26,37,38-39]
Klick-kum-cheen	"land assigned" 1862	1769/78 [pp. 25-26,37,38]
Little Shuswap Lake (Quaaout)	"Old reserve"	1081/78 [pp. 22-23]
Na-ki-i-ya	"old homestead"	1769/78 [pp. 26,31]
Neskonlith	"Old reserve"	1081/78 [pp. 12-14]
No-ho-meen	"old homestead"	1769/78 [p. 26,29,30-31]
Siska	"Indian settlement" 1861	1769/78 [p. 12]
Spuzzum		1300/78 [add. corr.]
Stryne	"old homestead"	1769/78 [pp. 26,31]
Tuck-ko-zaph	"reserve" 1870	1769/78 [p. 26,37]

Settlers

Name	Corr. No.
General	1655/78,2347/78,2383/78
Anderson, Frank	1300/78 [add. corr.]
Ball, Capt. H.M.	1769/78 [pp. 34-39,40-41,App. A];1996/78 [add. corr.]
Barnes, J.C.	1997/78,1998/78
Biesta, Frederick	1300/78,1300/78 [add. corr.]
Kanaka Bill	1055/78
Bohlen, Messrs & Co.	1769/78 [p. 40]
Boothroyd, Mr.	1344/78
Chase, Mr.	1081/78 [p. 16]
Cornwall, Mr.	1798/78
Chung, Ah	1769/78 [pp. 28,32-35],1998/78
Dods, Archibald	1856/78
Dowling, John	1994/78
Earl, Thomas	1769/78 [pp. 28,29,31,33-34]
Ellis, Mr.	1081/78 [p. 43]
Fell, James	1055/78
Fortune, Mr.	1081/78 [pp. 29-30]
Graham, Mr.	1081/78 [p. 14]
Greenhow, Thos.	1081/78 [p. 40],1484/78
Gumby, Mr.	1081/78 [p. 29]
Hanes, I.N.	1769/78 [p. 34]
Hughes, Robert	1833/78,175/77,175/77 [add. corr.],2577/78 [add. corr.]
Kirkpatrick, Thomas	1997/78
Kruger, Mr.	1081/78 [p. 49]
Lequinnem, Mr.	1091/78
Lung, Ah	1769/78 [p. 34]
McBryan, Mr.	1081/78 [p. 14]
McDougall, John	1091/78,2577/78 [add. corr.]
Newman, Bartlett	1081/78 [p. 7]
Norwest, Lazare	1091/78,2577/78 [add. corr.]
O'Keefe, Cornelius	1081/78 [p. 32,40,41-42],1278/78,1656/78,1914/78, 2347/78,2577/78,2577/78 [add. corr.]
Park, Phillip	1798/78,2577/78 [add. corr.]
Pumpmaker, Mr.	1081/78 [pp. 9-10]
Scheidan Ranch	1081/78 [p. 7]
Seward, Thomas	1769/78 [p. 39,40-41],1996/78 [add. corr.]
Sing, Kum	1769/78 [p. 33]
Sutton, William	1363/78
Tookt, Ah	1769/78 [pp. 28,32,34]
Tye, Ah	1769/78 [p. 33]
Walker, F.	1081/78 [p. 19],1081a/78,1275/78
Willard, Ralph	1997/78,1998/78
Yep, Ah	1998/78

1557
78

Indian Reserve Commission

British Columbia
Victoria
4th May 1878

Sir

A settler named "Kanaka Bill" has a pre-emption at the mouth of Goldstream, Saanich Inlet which has come into the possession of Mr James Fell of Victoria.

I beg leave respectfully to express the opinion ~~that~~ this pre emption is invalid as the place is an old Indian Settlement, and the pre emptor

The Honble The
Chief Commissioner of Lands & Works
Victoria

must have made a wrong declaration to obtain a record.

It is the only Salmon stream in the Inlet.

The plan is not only secured against purchase or preemption by the Land laws but as a "fishery" was made the subject of an express written agreement between the Saanich Indians (7 Feby 1852) and the agent of the Hudsons Bay Co acting on behalf of the Crown.

The Indian Reserve Commission visited the place in March 1877 but not wishing to push rights unnecessarily they marked off a small portion of the

land for the Indians, as follows (see the formal Minutes of Decision) and did not assign the whole pre-emption to the Indians as might have been done.

"From a point on right bank of
"Goldstream true east through a
"large fir marked Ind: Res: 15.00
"thence true north 15.00 thence
"true west to shore thence
"up right bank of river to initial
"point.

The Dominion Government are now surveying the reserves on the island, and in a short time will require the Provincial Government to convey the above piece of land to them for the Saanich Indians. I mention the

matter to you, now, for your information and for such action as you may see fit to take in reference to it, so that there may be no delay in making the conveyance when asked for. I have mentioned the matter also to Mr Fell.

I am Sir
Your obedient Servant
Gilbert Malcolm Sproat
Ind Res: Commr.

Indian Reserve Commission

1084
78

British Columbia
Victoria.
May 8.
1878.

The Indian Reserve Commissioners, who acted for the Province, beg to enclose the Commissioners' Minutes of Decision as to Indian reserves in a portion of the district of Yale and at Victoria and Saanich.

The Sketches are unfinished owing to open questions, but will be finished and sent to the Land Office as soon as these questions are settled.

The Hon: The Chief Commissioner
of Lands & Works
Victoria

~~155~~ ~~78~~ 1081 78

Indian Reserve Commission

Fraser Superintendency

1877

See fol 49

(May 13 '78 date)

Minute of Decisions

In virtue of Commissions and instructions issued by the Governments of Canada and British Columbia empowering us to fix and determine the number, extent, and locality of the Reserve or Reserves to be allowed to the Indians of British Columbia, We the undersigned having in each case made full enquiry on the spot

into

into all matters affecting the question

Hereby Declare the following to be the Reserves for the undermentioned Indian tribes respectively.

The date of our decision in each case is stated in the following pages

North Thompson River and Canoe Lake

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

Decision 5 July 1877

3220/Rev

A Reserve situated upon the North Thompson River, bounded as follows, viz. On the south

by a

by a true east and west line running from the left bank of the North Thompson River, through and twenty chains beyond a marked pine tree (near the trail about forty three miles from Kamloops) thence in a northerly direction (so as to make the steep rocky masses on the face of the mountain, the eastern boundary of this portion of the Reserve) to the spot about twenty chains north of the church where the trail strikes the hill side so as to include all the low land thence along trail to the Newby Road stop Creek, to include the whole of the low land bounded on the north by the Chuck-chuck-choo-wats Creek, on the

east

east by the base of the mountains and on the west by the North Thompson River as far south as the initial point

A piece of land forty chains square adjoining the above reserve, and at the New-by-Road-Slow Creek having its centre at the coal outcrop on the bank of the creek, where a small tree is marked with a broad arrow

The following fishing stations for the above Indians and in so far as the Barrière River and Lewis Creek fisheries are concerned also for the Kamloops Indians, viz. Five acres on the left bank of the North Thompson River, near the little Fort and nearly

opposite

opposite the mouth of the Nehalliston Creek, also five acres on the left bank of the Barrière River and about four hundred yards from its mouth, also five acres on the left bank and at the mouth of Lewis Creek

A Reserve is also made of the old Indian settlement at Canoe Lake, but the precise boundaries must be hereafter defined, as the Commissioners have not been able this season to visit Canoe Lake

Kamloops

Kamloops Indians

A Reserve as follows viz. From the southeast corner of township 109 true north, seven miles, thence true west about six and a half miles to the left bank of the North Thompson River, thence down its left bank to its junction with the South Thompson River, thence up the right bank of the latter river to the south west part of Lot 3443, thence up the west bound= =ary of said lot to its north west corner, thence true north to the southern bound= =ary of township 109, thence true east to initial point. The reserve to include

all

Reserve 29 July 1871

all the land within the above bound=
=aries with the exception of a piece on
St Pauls Creek, one hundred and
sixty chains by twenty chains known
as the Scheidam Ranch.

A fishing station at Bartlett
Newman's pre emption on the Kamloops
Nicola Road, also a tract of wood land
on the North Thompson River as may
be hereafter marked out by the Indian
Reserve Commission, as the undersigned
were this season unable to visit the place

Note. These Indians urgently desired
a small hay meadow to the north east
of their reserve but as the Commissioners
were unable to visit the place this season
they promised that the Indian

Reserve

Reserve Commission would on the
first opportunity examine and decide
upon their request.

The prior right of the Indians
as the oldest owners or occupiers of the
soil to all the water which they require
or may require for irrigation and
other purposes from St Pauls'
Creek and its sources and northern
tributary, is, so far as the Commissioners
have authority in the matter, declared
and confirmed to them.

Headman's Creek

Headman's Creek Indians

The boundaries of the Reserve are as follows, vizt. Commencing at the right bank of the Thompson River at the mouth of a gully which passes a little to the westward of the ruins of an old house at Bates' Flat, thence up the gully about three miles and a half, thence in a north westerly direction parallel to the general course of the Headman's Creek valley to the right bank of the western branch of Headman's Creek, thence down the right bank of said branch to its intersection with the western boundary of Mr Pumpmaker

pre emption

Decision 28 July 1877

pre emption claim, thence southerly to
south west post of said claim, thence
along the southern line of claim and
its continuation for a distance of forty
chains easterly from the main creek,
thence south easterly, parallel to the general
course of the Headmans Creek valley
to the right bank of the Thompson River
thence down right bank of river to
initial point.

The prior right of these Indians
to all water they require or may require
for irrigation and other purposes from
Headmans Creek and its tributaries, and
from such adjacent sources of water
supply as may be described by the
Indian Reserve Commissioner on a further
examination

examination is, so far as the Commissioners have authority in the matter, declared and conferred to them.

South Thompson River and Salmon Arm. Great Shuswap Lake.

South Thompson or Niskahmiltk Indians

Niskainlith I.R. No 1

Decision 13 August 1877

Old Reserve on right bank of South Thompson at Niskahmiltk Creek, confirmed as follows. Commencing at the south east corner stake, marked S I R No 1 situated at the junction of the north branch of Niskahmiltk Creek with Thompson River follow the meanderings of the stream to four large cottonwood trees, one of which is broken off half way up, blazed and marked S I R No 1, cross to south branch of Niskahmiltk Creek N 81° W, taking in the Indian potatoe patches

to two

to two large cottonwood trees, one of which is marked S I R No 1 follow the meanderings of the creek to its outlet from a large lake, at which point two large fir trees are blazed, and one marked S I R No 1 for S W corner continue along the meanderings of the east shore of lake to a small creek which feeds it at its northern end follow along creek to a tree blazed on on its bank for N W corner. From this point the northern boundary runs S 30° E to bank of Thompson River, two hundred and nineteen chains, where a stake is placed and marked S I R No 1 for N.E. corner, on the edge of the river immediately below this stake a large

boulder

boulder, fifteen feet square, stands immovable, from this point follow the meanderings of the stream to S.E. corner stake at the mouth of Nistahmilth Creek. In addition a strip of land separated by the South Thompson River from the old Reserve land on the left bank parallel to the general course of the river, commencing at a rocky bluff immediately opposite Mr Grahames' dwelling house, and running northerly to the southern boundary of Mr McBryan's claim, with a width of about a mile, from the bank of the river. This addition to be subject to such provision as the Indian Reserve Commission on further examination may

make

make to enable neighbouring white settlers to obtain timber free of cost for use on their farms for farm buildings fences, and fuel, & for these purposes only.

In addition a Reserve on Salmon Arm, Great Shuswap Lake, hereafter described in this minute is given to the Nistahmilth Indians in common with the Little Shuswap Indians and the Adams Lake Indians

The prior right of the Nistahmilth Indians as the oldest owners or occupiers of the soil to all the water which they require or may require for irrigation and other purposes from Nistahmilth Lake and Creek, is, so far as the Commissioners have authority in the matter, declared

and confirmed to them, subject only to the water requirements of the Adams Lake Indians on their adjacent reserve and as regards the abovementioned addition to the old reserve, the Niskahnilth Indians are to have what they require of the water from the creek which flows into the South Thompson River near the house of Mr Chase, subject to the water requirements of white settlers who have recorded water from said creek.

Adams Lake and South Thompson River & Salmon Arm

Great Shuswap Lake

Adams Lake Indians

Reserve 13 August 1877

Old Reserve confirmed and to be bounded as follows. Commencing at the north west corner stake marked A.L. I.R. situated on the east shore of Adams Lake, ninety seven chains from the outlet of Adams River, follow the meanderings of Lake and Adams River to mouth of small creek at which point a large cottonwood tree is blazed and marked A.L. I.R, follow the meanderings of creek one mile and a quarter to where it forks. The east boundary

boundary runs along the west foot of stream to its rise and across face of mountain until it cuts the north boundary line. From this point the boundary runs to initial point on the lake. Besides the above the Adams Lake tribe have fifteen chains square of land, situated on the west shore of lake, about twelve miles from the outlet of Adams River

An addition of fifteen acres for a fishing station as shown on sketch is given, to include the point formed by the lake and Adams River at the commencement of the right bank of the latter

An addition a tract of land

bounded

bounded on the east by the South Thompson River, on the south by the Niskalmilth Reserve, on the west by the creek falling into Niskalmilth Lake, and on the north by Little Shuswap Lake, and a straight line from the south western corner of lake to the above creek. To include the whole of the land bounded as above, with the exception of a piece of land containing three hundred and twenty acres, said to be owned by Mr F Walker

Also a strip of timber land commencing at the north east corner of the Little Shuswap Lake and extending from the portion of Little Shuswap Lake Indians Reserve (now occupied by Jim)

southerly

southerly, along the eastern shore of
Lake, a distance of two miles with an
average width of a quarter of a mile

In addition a Reserve on Salmon
Arm, Great Shuswap Lake, hereafter
described in this Minute, is given to
the Adams Lake Indians in common
with the Neskainlith Indians and
the Little Shuswap Lake Indians.

The right of the Adams Lake
Indians to all the water which they
require or may require for irrigation and
other purposes from the creek forming
the western boundary of their Reserve
lying adjacent to the Neskainlith Reserve
and from the Neskainlith Lakes, so far as
the Commissioners have authority in

the

the matter, declared and given to them, subject to the water rights possessed by the Nishnabotte tribe, and subject to the water requirements of white settlers, who have recorded water from these sources of supply

Little Shuswap Lake, Great Shuswap Lake & Salmon Arm

Little Shuswap Lake Indians

A Reserve bounded as follows. Thro
the mouth of ~~Salmon~~ Adams Creek, southward
along the shores of the Great Shuswap
Lake, down the right bank of the South
Thompson River to the Little Lake
along the northern and western shores
of Little Lake to a rocky point about
half a mile beyond the southeast post
of the old Reserve, then westerly about
a mile to include the points of the grassy
ridges, thence northerly to the northwest
post of the old Reserve, thence following
base of hill (to include fence) to Adams
Creek

Revision 14th August 1877

Creek, thence down the right bank of creek to initial point

A small reserve at the north eastern corner of Little Lake, and bounded on the west by the left bank of the South Thompson River on the south by the shore of Little Lake and a straight line running from the north east corner of lake through a rocky bluff and on the north east side by a straight line across the valley of a small creek (Jim's Creek) and by the base of the mountains to include a small prairie and all the flat land at the mouth of the creek

Also a tract of about twenty acres about three and a half miles up the

the last mentioned creek where there is a meadow

A tract at Scotch Creek, bounded as follows, from the mouth of Scotch Creek easterly one mile along shore of lake, thence northerly to a rocky bluff, near which the stream leaves the mountains, thence westerly across the valley of the creek, a sufficient distance up and across the creek to include the horse feed and potatoe patches, thence southerly along the hill side to a point in a line with the mouth of creek and head on shore of lake, thence easterly to mouth of creek.

A Reserve on Salmon Arm Great Shuswap Lake, hereafter described

in this Minute, is given to the Little Shuswap Lake Indians, in common with the Nistlahmilth and Adams Lake Indians

The first eight of these Indians (The Little Shuswap Lake Indians) as the oldest owners or occupiers of the soil to all the water which they require or may require for irrigation and other purposes, from Adams Creek, Scotch Creek, Jim's Creek, and also from a lake on the high land at the south west portion of the reserve on west side of Little Shuswap Lake is, so far as the Commissioners have authority in the matter, confirmed and given to them.

Salmon Arm of the Great Shuswap Lake

South Thompson or Nistahmilth Indians, Adams Lake Indians and Little Shuswap Lake Indians in Common

Reserve 16 August 1877

A reserve at the mouth of the Salmon River, commencing at a bluff on the right bank of the river, thence easterly across the valley of the river to base of mountains, thence southerly along base of mountains to lake, so as to include a flat point, thence westerly and northerly along shore of the lake to a point half a mile beyond the mouth

mouth of Salmon River, thence northerly to the aforementioned bluff Should, however the mouth of the Chicktahkt cheen Creek not be within half a mile of the mouth of Salmon River a separate additional reserve, not to exceed twenty acres is assigned to them at the mouth of the Chicktahkt cheen Creek as a fishing station

A Reserve distant by the shore line about seven miles from the mouth of Salmon River on the bay on the eastern side of Salmon Arm, consisting of a strip, one mile deep, across the head of the bay, and its entire width, to be extended

Southward

southward, so as to include a strip on the southern shore of the bay twenty chains wide, and reaching to a conspicuous rocky bluff on shore

The right of the Niskahnilth, Adams Lake, and Little Shuswap Lake Indians, in common, to all the water which they require or may require for irrigation and other purposes from Salmon River and from the two creeks, as shown on sketch, flowing through the reserve into the bay on the eastern side of Salmon Arm, is, as far as the Commissioners have authority in the matter — declared, and given to them.

Spellumcheen and Nelson Valley

Spellumcheen Indians

The following lands viz T34, west half S16 S17 portion of S19 east of Salmon River S20 west half and southeast quarter S21, south half S22, S29, portion of S30 east of Salmon River

T35, west half S27 S28, east half S29 S34, except that portion occupied by Mr Tumbys claim, east half S32, S33, S35, west of creek as far south as the north east corner of Mr Tumbys land

T38, S12, west of the creek and Mr Fortunes claim, and north of the

Decision 13 September 1877

the Spellumcheen River S 3, S 4;
east half S 5, S 10, east of Spellumcheen
River, including peninsula and
island S 11 north of the river and a
narrow strip along the right bank
of the river, running through S 12,
and extending about two miles above
a point opposite Mr Fortunes' house
to include hay meadows.

Also a burial ground contain-
-ing about 3/4 acre in Mr Fortunes
field and seventy five acres on the
Great Shuswap Lake at Eagle Pass
to include at the latter place, the
fishery, house, and improvements

Okanagan Lake, Northern part

Indians head of Okanagan Lake

Revenues as follows. From a point on the right bank of Salmon River intersected by the southern boundary S 19, T 34, true east to north east corner S 18, T 34, thence true south three miles thence true east half a mile, thence true south two miles and a half, thence true east half a mile, thence true South two miles and a half, thence true east three quarters of a mile, thence true south, three quarters of a mile, thence true east a quarter of a mile, thence true south a quarter of a mile, thence true

Revision 15 October 1841

true east to Meadow Creek, thence following down the creek to post, the south west corner of Mc O'Keefes' purchase claim of four hundred and eighty acres, thence true east twenty six chains, thence true south about a mile and three quarters to small lake, thence along western shore of lake to its southern extremity, thence true south to post T 8 S 15, 16, 21 & 22 thence S 45° W (true) to shore of Okanagan Lake, thence following round the shore of the northern arm of that lake, and part of the west side of that lake, so as to include the flat near the mouth of Duck River to a point on the western shore of the lake intersected by the southern boundary of T 13, thence

true

true west to the south east corner of S 6
T 13, thence true north six miles, thence
N 45° E (true) about seven miles to the south
east corner of S 36, T 12, thence true north
six miles, thence N 45° W true, about two
miles and a half, thence down the right
bank of Salmon River to initial point

T 7, all that portion of the south
west quarter of S 23, lying east and
south of Meadow Creek and Spellumcheen
Lake, also the south west quarter of S 13

T 8, a small piece of land bounded
as follows. From the north west corner
of S 24 true east, thirty five chains,
thence true north twenty chains, thence
true east, ten chains, thence true south
to lake, thence along shore of lake

westerly

westerly and southerly, to the southern boundary of the northern half of the north west quarter of 826, thence true west to section line, thence true north, twenty chains to initial point.

T9, a portion of 822 on the shore of Long Lake and on the right bank of the Caldoteam, to include all the Indian houses, fences, and graves, together with a contiguous portion of 823.

T9, a portion of 830 from the shore of the south arm of Okanagan Lake at the mouth of the stream which runs through Priests Valley up the right bank of said stream to its intersection by the northern boundary of Sat 62, thence east along such boundary

83

thence

thence true north towards the hills
and true west to the lake so as to —
include the Indian fisheries and
about fifty acres of land including the
old cultivated patch

T 20, western halves of the north
west and south west quarters of S 2
and eastern halves of the north east and
south east quarters of S 3

457 ac

T 23, eastern half of the north
east quarter S 34, the north west quarter
S 35 and a strip extending northerly
as shown on sketch

T 24, all that portion from
the south east corner of Sec 133, true
55 ac south five chains, thence true east
about thirty two chains, thence true
north

north to northeast corner of Lot 133
thence southwesterly along eastern
boundary of said lot to initial point

A perpetual right of pasturage
so far as the Commissioners have
authority in the matter is given to
these Indians upon the unoccupied
tract of land lying between, on one
side Okanagan Lake, and on the other
side Long Lake and the unnamed lake
from which Long Lake is separated by
the natural causeway, known locally as the
"Railway," the said tract to have its southern
boundary at the narrowest part of it be-
-tween the lakes and to have its northern
boundary adjacent to the lands at
Priest's Valley and head of Long
Lake.

24742

Lake occupied by white settlers as may be determined by the Indian Reserve Commission on further information but the above pasturage right of the Indians on the said tract is to be enjoyed by them in common with those white settlers owning not less than three hundred and twenty acres, actually resident on their farms or represented by actually resident agents, not Indians nor Halfbreeds, carrying on as such agents the business of farming bona fide on the farms of their employers whose lands to the extent of not less than fifty acres, are, or may be within a radius of thirty miles from the post at the north west boundary of the

Priest

Priest Valley Indian Fishery Reserve which is a portion of 830 Sq. If the Provincial Government can take the steps necessary to carry out this arrangement or a similar arrangement with the consent of the Indian Department and if further it can be arranged between the Provincial Government and the Indian Department that this tract of common land is to be grazed in winter only, the Commissioners believe that the arrangement will benefit both the white settlers and the Indians. If the arrangement is not within the powers of the Commissioners or cannot be carried out, the said tract of land to be

Indian

Indian Reserve.

The prior right of these Indians as the oldest owners or occupiers of the soil, to all the water which they require or may require for irrigation and other purposes from Meadow Creek, Lake River, Trout Valley River, Mission River and the other streams flowing through, or partly through the Okanagan Indian Reserve or Reserves into Okanagan Lake or into Spallumcheen Lake, Swan Lake, Long Lake, and from the two streams flowing respectively into and out of the unnamed lake in the northern part of Township 23, is, so far as the Commissioners have authority in the matter, declared and confirmed to them

to them, but so that no use shall be made of the waters of Meadow Creek that shall have the effect of flooding the meadows said to be owned by S Greenhow and C O'Keefe, and so that in respect of the water flowing through Pesenes in Township 20, sections two and three, and in Township 23, sections 34 & 35, the water right of the Indians except as connected with the Indian fisheries there, and cultivation of seventy five acres of the land, shall rank in priority, next after the water requirements of white settlers who have recorded water at these places and so that at the small reserve at the mouth of the Coldstream which

flows past and not through the Reserve, the water right of the Indians, shall, except as connected with their fishing, extend only to agricultural and residential purposes.

Note Mr Cornelius O'Keefe at the head of Okanagan Lake has, since the decision of the Commissioners as to the above lands made a claim to 320 acres of them under a pre-emption record of this dated 29 April 1873. The Commission is of opinion that the land is an old Indian settlement, which could not be legally pre-empted or purchased and moreover that Mr O'Keefe has not complied with the

the pre-emption law as to this land. If he has a title to it, the Provincial Government will be under an obligation of obtaining the land for the Indians, as they require it to make up a reasonable area of arable land for their use, and there is no other such suitable land adjoining their reserve

Okanagan Lake, Okanagan River and Nicola Lake

Penticton Indians

Decision 24th November 1877

From a point on the western shore of Nicola Lake, marked by McEllis's cattle fence westward and southerly along the base of precipitous bluff about one mile and a half thence in a southwesterly direction to Maron River to a point a little above the crossing, thence up Maron River to a small prairie about a mile above the crossing of the brigade trail, so as to include the prairie, thence north across the shoulder of the mountain to the brigade trail, thence northerly up the brigade trail to Trout River, thence down the right bank of

Trout

Trout River to Okanagan Lake, thence southerly down the western shore of Okanagan Lake to Okanagan River, thence down the right bank of Okanagan River to Hog Lake, thence down the western shore of Hog Lake to initial point.

PENTIC.

Also three hundred and twenty acres at Nicola Prairie near the crossing of the creek, a portion of which has already been enclosed and cultivated by the Indians.

A strip about one mile wide and two miles long running from the north east corner of Hog Lake about N. 10° E. there is a cairn of stones at the north west corner. From the cairn, the northern boundary bears about S 80° W

to a

to a solitary tree on a bare hill. This last named piece of land is given as a timber reserve. The wood now growing or to grow is to belong to the Indians. The soil is not to belong to them. The object of this arrangement is to afford them a supply of wood without their having an inducement to locate on the spot. If the arrangement is not within the powers of the Commis-sioners, or cannot be carried out, then the piece of land to be Indian Reserve.

A perpetual right of pasturage so far as the Commissioners have authority in the matter is given to these Indians upon the unoccupied tract of land lying between Trepannier

River

River and Trout River which flow into the west side of Okanagan Lake and extending from the shore of Okanagan Lake to the old "Brigade Trail" and for two miles beyond it following its sinuosities but the above pasturage right of the Indians on the said tract is to be enjoyed by them in common with those white settlers owning not less than three hundred and twenty acres, actually resident on their farms, or represented by actually resident agents, not Indians nor Chinamen, carrying on, as such agents, the business of farming bona fide on the farms of their employers, whose lands to the extent of not less than fifty acres, are, or

must

may be within the district extending twenty miles westward from the general direction of the west shores of Okanagan and Hoy Lakes, and of the right bank of Okanagan River and bounded on the north by Bear River, and on the south by a line drawn west= =ward as a prolongation of the northern boundary of township 50, or such lands to the above extent are, or may be on the eastern side of Okanagan and Hoy Lakes, and Okanagan River, not more than four miles from the mouth of Snake River which flows through the Indian Reserve into the Okanagan River. If this arrangement which in the opinion of the Commissioners would

would benefit the white settlers and Indians alike, is beyond the powers of the Commissioners or cannot be carried out, the said tract of common land take Indian Reserve.

The prior right of these Indians as the oldest owners or occupiers of the soil to all the water which they require or may require for irrigation or other purposes from the streams at Nicola Prairie, Trout, Snake & Maron Rivers, or other water courses within or flowing through or touching their reserves, is, as far as the Commissioners have authority in the matter, declared and confirmed to them

B

Osooyos

\# Vide 244/79

050Y005 IR #1

Decision 16th to 21st November 1877

All the vacant land in Townships #50 51 ~~5~~ and ~~6~~ lying east of the Okanagan River and Osoyoos Lake, also a strip bounded on the south west by Osooyos Lake, on the north east by the mountains, on the north west by the southern boundary of Township 51 ~~6~~ and on the south east by Mr Kruger's pre-emption

Also a fishing station at the foot of Dog Lake, about twenty chains wide, extending from the foot of the lake so as to include both sides of the Okanagan River as far south

as the

as the creek, the northern boundary of Mr Keagan's pre-emption claim.

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

Note. It is understood that as the Indians expressed a strong desire to have a more extended frontage on the Okanagan River, the Indian Reserve Commissioner on returning next season to

to Osoorjas from Victoria may alter the above decision, if they find it possible to effect this object, but such alteration must be made with the full consent of the Indians

Victoria Superintendency

Victoria District

Songish Indians

Reserve 4th May 1875

The land reserved for these Indians in the harbour of Victoria appears to be the private property of the tribe by a written agreement made on 30th April 1850 between the Chiefs and people and the agent of the Hudson's Bay Co acting on behalf of the Crown and by the land having been formally set apart for their perpetual use and benefit, but the Commissioners so far as they have authority in the matter

Confirm

confirm this reserve as surveyed to the Songish Indians, together with Headman's Island in Victoria Harbour and also the northern part of Discovery Island, and the whole of Chatham Island and of the Island immediately west of same, which three latter were reserved for these Indians by Governor Douglas on 10th June 1863.

See 143-7705-123 3/4 re islets

It was part of the above agreement that these Indians should be permitted to carry on their fisheries as formerly.

Esquimalt District

Esquimalt Indians

Decision 4 May 1878

The land reserve of these Indians in the harbour of Esquimalt appears to be the private property of the tribe by a written agreement made on 30th April 1850 between the Chiefs and people and the agent of the Hudson's Bay Co acting on behalf of the Crown and by the land having been formally set apart for their perpetual use and benefit, but the Commissioners so far as they have any authority in the matter, confirm this reserve as surveyed, to the Esquimalt Indians

It was part of the above agreement

agreement that these Indians should be permitted to carry on their fisheries as formerly.

The reserves mentioned in this minute are shown on the accompanying sketches, except the Victoria and Esquimalt Reserves which not having been changed and having already been surveyed do not require to be delineated, and except the common pasture land intended for the Okanagan and Penticton Indians, and portions of the Reserves for the Kamloops Indians the boundaries of which have not yet been finally decided upon.

With respect to the water rights confirmed or assigned to the Indians by the foregoing decisions the Commissioners respectfully express an opinion that the Dominion Government should inform the Provincial Government as soon as practicable, what quantity of water the Indians will require at the reserves, so that the surplus of water available for record by settlers may be known

Alex. C. Anderson
Dominion Commr.

Archd. McKinlay
Prov. Commr.

Victoria May 8 1878

Jn. Sproat
J. Comr.

Indian Reserve Commission

British Columbia.

Victoria.

8 May. 1878.

Sir.

In reference to the Commissioners' Minutes of Decision sent to you to day, we beg to mention that Mr J. Walker has represented to us that his farm on the South Thompson is incommodiously placed between the reserves of the Niskahnilth and Adams Lake Indians.

The land is surrounded by the reserves except on the river frontage, and it would probably be well if an exchange of his farm for unoccupied Crown

The Hon: The Chief Commissioner
of Lands & Works Victoria

Lands could be made, and his farm added to the Adams Lake reserve.

It was impossible for the Commissioners to do otherwise than they did at the place. They have not examined the documents under which Mr Walker claims the farm.

We are Sir.

Your obed: Servts.

Archd McKinlay
Pool Commr.

G.M. Sproat

late Joint Commr

1091/78

British Columbia
Victoria 7th May 1878

Sir

Though not strictly within our duty as Indian Land Commissioners, we wish to mention to you that Mr John McDougall at the mission, Okanagan, complains that his sons have not been permitted to preempt land.

Several of his sons asked the Indian Reserve Commissioners to give them land as Indians, but this could not be done.

Mr McDougall's father was a Canadian, born in Scotland. Mr McDougall himself was born at Red River. His mother was a halfbreed. He has married a Shuswap woman and has 9 sons.

These sons as far as we can judge, are persons entitled to preempt land. Mr McDougall formerly had a farm at Cedar Hill near Victoria, and was recommended by Govr Douglas to go to Okanagan as a district where he probably could get land more easily for his numerous family.

We beg to recommend that Mr Lazare Norwest of the mission who is a British Subject should have permission to own land there. He has an excellent character and has worked for Mr Lequime for 13 years. His father was a halfbreed and his mother an Indian

We are Sir
Your obedient Servants
Alex C. Anderson
Dominion Commr
Archd Mr Kinlay
Provl Commr
G M Sproat
Late Joint Commr

The Hon.
The Chief Commissioner
of Lands & Works
Victoria

Indian Reserve Commission

In Camp: Spuzzum
18 May 1878

1182/78

Sir

I do not find, after conversation with Mr Teague, that he knows of any questions between Indians and white men which he would wish me to lay over for your consideration.

In reference to my letter of 12 apl last on the subject of the Lower Fraser Reserves, I think it will save trouble and expense if you act on the request therein made to reserve from pre-emption all lands near reserves in the New Westminster District until I have examined it.

I will return from the interior as soon as possible with this object.

The Hon.
The Chief Commr of Lands & Works
Victoria

I beg particularly to ask you to reserve the lands as per annexed list from pre-emption or purchase but it would, as above said, be well to reserve temporarily all lands near Indian reserves in the New West Minster District

I have given a copy of this letter to Mr Teague who promises to act upon meantime, so far as the lands in the annexed list are concerned.

I am Sir
Your Obed: Servant:
Gilbert Malcolm Sproat
Ind: Res: Commissioner

Lands adjoining or near to the Cheam Indian Reserve

The land on the left bank of the Fraser from the point of bluff opposite Maria ville Island (about 3 miles below Hope) down to the Scowlitz reservation with a width of two miles back from the river

---

The land on the right bank of the Fraser river from Gordon's ranch (1½ miles below Yale) to American bar with a width of 2 miles back from the river

---

The land on both sides of the river Fraser from the first little Canyon about 1 mile beyond

the tollhouse (above yale) up to
the 4 mile post with a width
of 100 yards on the left bank
and the whole space between
the waggon road and the
river on the right bank.

—

[illegible]

Indian Reserve Commission

1275

In Camp - near Lytton

5 June 1878

Lr 78

Sir

Annexed a copy of letter from Mr
J Walker 10 Apl 1877 to the
Supt Genl of Indn affairs
offering his farm on said Reserve
for $400.

The Supt Genl replied that
the Province was primarily bound,
to provide land for the Indians.

I am Sir
Your respectfully
Gillett Malcolm Sproat
Ind: Res: Commr

The Hon:
The Chief Commr of Lands & Works
Victoria

Thompson river 10 Sept 1877

To The Superintendent of Indian Affairs
Ottawa
Sir

I hereby agree to sell
& convey to you 320 acres of land on
So Thompson river including two log houses
and a field of 2 acres cultivated
and fenced, but not including
moveables in the house, hay and
grain stacks, cedar logs and rails
and 2 boats, for the sum of $400
provided this offer is accepted
within 3 months

I have &c
(sd) J Walker

Indian Reserve Commission

In Camp, near Lytton,
3rd June, 1878

1277
78

Sir

I have the honour to report that I have, so far, found the Indians to be reasonable in their expectations, and willing generally to be guided by my advice, with respect to their Land Questions.

I have reserved certain open questions along the waggon road for my further consideration.

The probable requirements of teamsters and others encamping at accustomed places on the road have not been lost sight of, in defining the reserves, where any

The Hon: The Chief Commissioner
of Lands & Works.

Victoria

alteration has been necessary.

There seems now to be a probability that my progress through the remainder of the Yale District will be rapid, after which I propose immediately returning to deal with Indian questions in the populous and important district of New Westminster where very difficult questions involving possibly expense to the Province, and the checking of white settlement are not unlikely to arise, if the adjustment of the Indian Land question in that district should be delayed.

The New Westminster District Indians strongly objected last year

to the Commrs going part them to visit the Indians of the interior, and several chiefs.

They visited Victoria to represent that they would be very sorry if I should again go past them this year. I promised to come back from the interior to work among them as soon as possible.

As it is a matter of great importance to the Province that the lands in the New Westminster district should, by a settlement of Indian questions be freed from Indian claims which practically hang over them, and, as the change of my work from the Yale to the New Westminster District will involve the discharge of my pack train and attendants and other arrangements necessary to be considered beforehand in view of the different means of transport required on the Lower Fraser

and as further I have to look a good deal ahead to make my movements harmonise with what is necessary to get the best work out of the two Survey parties now employed by the Dominion Government on Indian business, and am bound to do all that I can to prevent delays which would add to the heavy expense now being incurred by the Dominion Govt, I respectfully beg leave to request that you will furnish me at your earliest convenience with an order in council of the Provincial Government, giving me the same powers in the District of New Westminster which I now possess in the district of Yale, in connection with the adjustment of Indian Land Questions. In what remains of this year I am extremely anxious to do good work. I am Sir

Your Obed: Servant

Gilbert Malcolm Sproat

Ind: Res: Comm.

Indian Reserve Commission

1278/78

In Camp near Boston Bar
30th May 1878

Sir,

It has indirectly been mentioned to me that the decision of the Commissioners last year, in Mr O'Keefe's Case at Okinagan may be shortly the subject of an examination by the Supreme Court.

I do not know whether this rumour is true nor what form such an examination would take, nor, if a suit, what parties would be concerned, but under any circumstances I should desire to have an opportunity of stating, either personally in my official capacity, or by counsel on behalf of whom it might concern, the opposite side of the case from that of Mr

The Hon:
The Chief Commissioner of Lands & Wks &c, Victoria

O'Keefe.

I do not at present see the bearing of a suit, except to adjust possible questions of compensation between the Provincial Government and Mr O'Keefe - a question which a suit is an expensive method of settling.

If the compromise effected with the Indians by the Commissioners is not to hold good, the question of the extinguishment of the Indian title to the soil at Okanagan will come up, according to the views already stated by the Dominion Government to the Provincial Govt.

The raising of the question - there may practically mean the raising

of it everywhere, and the ruin of the attempt at Compromise now being laboriously undertaken.

The effect of the delay in dealing with this question of O'Keefe's has been very bad upon the Indian mind from Kamloops to the frontier and seriously embarrasses my work this year. The Indians cannot understand that white men should trespass upon and cultivate land given to them by the Commissioners.

I respectfully think that, upon the Certificate of the Assistant Land Commissioner as to Mr O'Keefe's non occupation and upon the other evidence placed before the Hon the

Attorney General, you should have exercised your judicial powers and cancelled Mr. O'Keefe's record long ago, and, if you thought fit, have compensated him.

It is unfortunate that the Indians should be alarmed, and that a suit should be forced which will inevitably raise questions of the gravest character to the Province.

There will be no end to difficulties if the principle of compromise in these Indian matters is once abandoned.

I am Sir.

Your obed: Servant

Gilbert Malcolm Sproat

Indian Reserve Commissioner

Mr. Drogue instructed to cancel Record & inform Mr. Biesta to that effect 17/6/78

1301
78

Indian Reserve Commission

In Camp, near Boothroyd's
between Yale and Lytton
1878
June 4.

Sir.

I have the honour to submit for your consideration the enclosed memorandum on the subject of the record and certificate of improvement issued on 31st Octr. 1865 to Mr. Frederick Biesta for land at Spuzzum, which according to Mr. Biesta's description and plan, encloses the whole of the ancient homestead of the Spuzzum Indians, known by the name of Shwimp. The

The Hon: The Chief Commissioner
of Lands & Works
Victoria

Indians have never been able to understand why a white man was permitted to settle upon this place, and ask me to get the matter put right.

The facts, I think, are so conclusive that I may request you to cancel the record and certificate or to take such immediate steps as you may think fit to effect that object. This I now do.

I have not yet told the Indians that I would do more than inquire into the matter, but it is most desirable that there should be no delay in

adjusting it and I therefore beg your early attention to my request.

If the Provincial Govt do not agree with my views as stated in the memorandum upon this case, what procedure do they intend to adopt under their proposal for the intervention of a Judge of the Supreme Court! Who is to pay such an arbiter, and had and when will he act in this Case?

If these questions are left over, the work of the Commission is damaged the satisfaction of the Indians is lessened, and a heavy expense is caused to the Dominion Govt by my being delayed, or having again to visit the same Indians. The Dominion Government are now spending $60 or $70 a day on Indian

Land business within the province
, and will naturally look with
some attention to whatever may
have the effect of adding to that
Expenditure. I send this letter
open, through the hands of Mr.
Teague, Government Agent at Yale,
so that he may communicate with
you upon the subject of it.

I am told that Mr. Bieste has not
been in the country, or at least in the
district since 1867, or thereabouts.

I am Sir

Your Obedient Servant

Gilbert Malcolm Sproat

Indian Reserve Commissioner

Copy

Extract from Field Notes.

Spuzzum 23rd May. 1876.

The long gorge, through which the Fraser River flows, widens a little on its right bank, 9 or 10 miles above Yale, so as to make an area of about 3 miles along the river, sloping back ½ a mile to the mountains.

A rapid deep banked stream called the Spuzzum flows, from the West, into the Fraser, and gives its name, among the white people, to the above described expanded area through which it flows.

This is the principal place of residence of the Spuzzum Indians. What they call "their country" is along both sides of the Fraser, from about the 9 mile post, to about the 18 mile post, on the wagon road.

The Spuzzum Indians have much diminished in number, but there are 237 of them still left. I was sorry to notice the absence of many marriageable young women.

They have 109 horses and 13 head Cattle.

It ~~was only in 1870~~ appears, so far as I can ascertain, that it was only in 1870, on the approach of Confederation, 12 years after the rush of white men into the Country, that reserves were assigned to these Indians.

For the above population of 237, including 92 male adults, the total acreage of the Reserves assigned in 1870 was, according to the Schedule of the Pro: Govt. 261 acres, and of this about 175 acres are capable of cultivation, chiefly in patches. That is to say, less than two acres for each male adult.

The land is covered with inferior fir trees. The soil is sandy in some parts, and at other places is ~~gravelly~~ or mixed with

with numerous small boulders. It is tolerably productive, when well farmed; but, as above said, only small patches or fields can be cultivated owing to the nature of the surface in this part of the country.

The Indians had two main complaints to make. They said they had not enough of land, but, first and foremost, they complained that, as they believe, their old tribal homesteads had been taken from them. I will examine this latter complaint first. It is necessary to make the matter clear, that I should call attention to the land on either side at the mouth of the above tributary of the Fraser, called the Spuzzum.

This tributary of the Fraser has formed at its mouth, on its right bank, a 30 or 40 acre "flat" of good soil. This flat is called by the Indians Spept-l-kum, or the prairie. It is inundated when the water in the Fraser is very high.

The land on the left bank of the Spuzzum near its mouth, is called Skwimp. It is 40 or 50 feet higher than the "flat" on the opposite side. The Spuzzum, near its mouth, is, ordinarily, about 15 yards wide. It is a rapid but not very deep stream.

The Spuzzum Indians have lived at Skwimp and Spepb-l-kum from time immemorial. Skwimp, in particular, having been the old tribal homestead. An Indian suspension bridge formerly connected the two places.

I will here remark, that, the valley, or gorge of the main Fraser, closes in above Spuzzum until the country of the Boston Bar Indians is reached. The Indians all along the Fraser have naturally had their chief places of residence at the opener part of its valley. The gorge also closes in below Spuzzum until the country of the Yale Indians is reached. Hemmed in thus, there is no place but Spuzzum for the Spuzzum Indians.

And

and any discerning eye can see, at a glance, at Spuzzum, on first visiting the spot, the most suitable, if not the only place for the winter residence of the Indians, is on both sides of the Spuzzum at its mouth.

In British Columbia, the winter residence is always the tribal home. The Spuzzums were, and are, accustomed to move up the Fraser, for a few miles in summer, to fish salmon at good places, but, merely, form temporary camps on these expeditions.

A closer examination, of the locality at Spuzzum, showed that the above was the case. Numerous disused Kekoilly (dug out, bark covered) houses can be seen about the mouth of the Spuzzum, and, particularly, on the Skwimp side of the stream. The common tribal, graveyard, still in use, is at Skwimp. The last Chief was buried there two years ago.

The story of the Indians is, that Skwimp was the Spuzzum homestead, and, as the tribe increased, some of the people made houses across the Spuzzum, at Spekt-e-kun, and then, for convenience, the Indian bridge, above mentioned, was constructed to connect the two places. On one particular occasion they narrate, that, the Chief bought two large copper kettles from the Lower Fraser Indians, who had got them from up the Coast somewhere, and being proud of his purchase he gave a great feast to his people at Skwimp, and the food was prepared in the kettles. A number of the Indians died, immediately after the feast, and this caused some of those who remained to take up their residence at Spekt-e-kun, largely abandoning Skwimp, temporarily, for superstitious reasons, which is a common occurrence among the Indians in such cases.

It is not necessary to say, that in considering such a question as the present one

I

I have no intention of laying down any such rule as that the traces of Ke-kwilly houses alone suffic to show what are Indian settlements, according to the intention of the Law, which protects them from being pre-empted. Any such rule would be entirely out of the question. These disused houses are found in many parts of the Country where Indian do not now live. At such a place as Spuzzum however, the very marked traces of these houses assistone's mind in coming to conclusions suppor ed by other facts and evidence. I had to consider whether, Shwimp had even ceased to be a settlement, or, had been a settlement within a reasonable period, or, whether, it was merely one of those old traditional residences of Indians. not much appreciated by them even from a sentimental point of view. which, frequently, I have to exclude from my consideration. The conclusion I came to was, that, if there was an "Indian settlement" in the country, within the protection of the Land Ordinances and Acts, that place was Shwimp. I questioned several of the Indians very carefully on this subject, after warning them to speak the truth, and took separately and alone the evidence of the head chief and other respectable Indians. There are only three or four white men in the neighbourhood, and they cannot give evidence on the subject.

The present head chief, Kow. pah. list, aged about 70 years, informed me that he lived at Shwimp when a boy, and that his father and grandfather lived there with the bulk of the tribe, and are buried there, and he himself will be buried there. Shwimp was the old place of the people. When guns, instead of bows and arrows, came into general use among other Indians, the Spuzzums built at Shwimp a sort of imitation of a Hudsons Bay Fort, and he remembers seeing it. The Spuzzums had

small

small gardens, and grew potatoes at Shewinp before and since 1858. (when the white men came.) Some of his people have lived at Shewinp since that date. The bulk of the tribe, temporarily, left the Shewinp side of the Spuzzum and went to the other side, for the reason above stated. When the white men came they did not know what to do about their land.

The Chief's evidence was confirmed by Hun. Jay, aged about 55, and Sa. Kals. se. wah, aged about 60. Shew. els. sum, about 37 years of age, states, he remembers some of the Indians living in houses, not Kekeilly houses, at Shewinp, before, and after the white men came, 1858. Michel, our Interpreter, who speaks English remarkably well, and who lived for 9 years as a servant with Mr O'Reilly, the Magistrate, distinctly remembers seeing an Indian board house at Shewinp 18 years ago - that is in 1860. It was at the back of the present Indian houses at Shewinp where there is about an acre of land in potatoes this year.

After the disastrous flood the next great incident in the modern ~~incidents~~ history of the Spuzzum Indians was the arrival of the white people (in 1858). All the miners and others who flocked to the upper country went by trail, road or river through the mountain-girt home of the Spuzzum Indians. There was a ferry across the Fraser at Spuzzum. A suspension bridge across that river was afterwards made, a few miles above Spuzzum by the Government. It was thought that Spuzzum was going to be a place, and white men, chiefly between 1861 and 1865, recorded land in the neighbourhood. I have perused those records and, as far as possible, have traced the descriptions in some of them on the ground, and it seems to me that the gentlemen, who recorded lands at Spuzzum, thought they were entitled to take up any piece of land that did not touch the houses and graves of the Indians.

The

The Indians at Spuzzum, in 1858, must have numbered 400 or 300 souls, if not more. The old men state that Mr Douglas (I think it must have been in 1861) told them that their lands would be secured to them; but that nothing was done for a long time afterwards, and then they were told that Skwimp had been taken away from them.

I am sorry to say that I have not been able to find that this statement is incorrect. The Colonial Government, as above said, do not appear to have assigned any lands for the Spuzzum Indians until the summer of 1870 on the approach of Confederation. The tribal homestead of Skwimp was not included within the reserves then assigned. The Spatlum was included and some other detached lands of a quality fairly good, but necessarily of limited extent, owing to the nature of the country. There is very little agricultural land about Spuzzum.

If the titles of the white men, who, as above stated, pre-empted land at and near Spuzzum, between 1861 and 1865, had been completed, the Colonial Gov.t would probably have found, in 1870, that there was no land at Spuzzum available for the Indians. The Colony had, however, become depressed soon after 1865, business on the wagon road slackened, and Spuzzum was found to be too near Yale to be a "stopping place", except for heavy wagons. Nearly all the pre-emptors abandoned their claims, and the lands at Spuzzum were thus again, to a large extent, thrown open.

One pre-emption, that of Mr Frederick Reista, followed by a certificate of improvement, requires special mention, because the description of the land recorded includes the whole of the old tribal homestead of Skwimp, except the graves.

The existence of this certificate of improvement may have been the reason why the Magistrate, who laid off the Reserves in 1870, did not deal with

the

the Shrimp question.

Wm. F. Biesta in Sept 1862 made the following Record.

Copy Page 31.

No 45

F. Biesta.

The undersigned F. Biesta of Yale B.C. has pre. emptd on the 22nd Sept A.D. 1862, for garden and business purposes, the following piece of property viz. a certain piece of land situated on the left bank of the Spuzzum Creek, nine or ten miles above Yale, Commencing at the west end of the Bridge which crosses the said Spuzzum Creek, and running in a West South West direction along the left bank of the Creek for five hundred feet, thence running easterly for about sixty hundred feet to the said Spuzzum Creek, thence running West South West along the bank of the said Creek to the point of the beginning.

Recorded by me this 24 day Sept 1862
Signed E. Howard Sanders.
S.M.

The above description, so far as I can judge, does not materially encroach on Shrimp, but as a creek is mentioned. Three years later, that is to say, 7 years after the white men came, and while the Indians were waiting to have their reserves laid off. Wm Biesta (21st August 1865) made a fresh record as follows, and two days later obtained a certificate of improvement therefor.

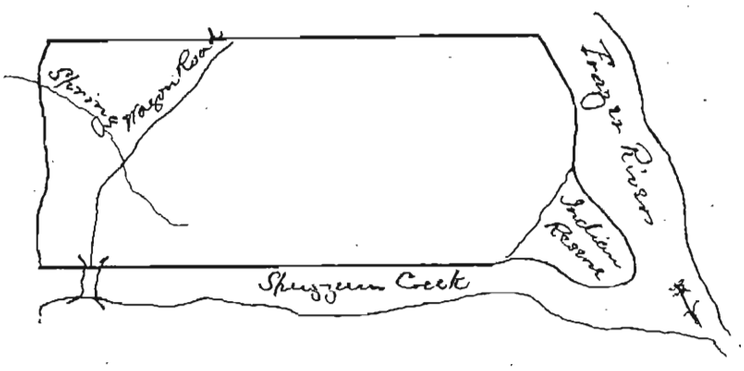
Copy Page 55.
No 81

Frederick Biesta.

The

Certificate of improvement issued 23 Aug. 1865
Sd. E. H. S.

The undersigned Frederick Biesta of Spussum British Columbia has pre-empted 160 acres of land situated, in the district of Yale B.C. viz, commencing at a certain ~~bridge~~ point near the North end of Spussum Creek Bridge and running along the left bank of the Creek, and along the Indian Cemetery, thence along the Frazer River to a deserted Miner's cabin. thence to the North west corner of Mr Frank Andrew's land, thence along the western boundary line of the same Andrew's land and across the Wagon road to the end of an upper flat, and from thence to the point of commencement. The undersigned has likewise claimed from its source the spring of water running on the said Land. The following is a rough plan of the Land pre-empted



Spuzzum Aug. 21st 1865
Sd. F. Biesta

Recorded by me this 23 day of August 1865
Sd. E. H. Sanders
S.M.

The description in this record includes the whole of Shwimp except the Indian graves.

For some reason, probably to amend the description, Mr Biesta on the 31st Oct 1865 made a fresh record, as follows, and on the same day

obtained

obtained a certificate of improvements therefor

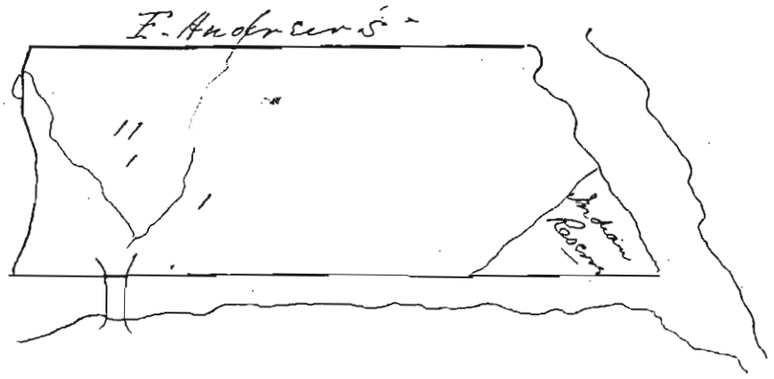
Copy. Page 57.

No 84.

Certificate of Improvements granted Oct 31st 1865 Sd E. N. Sanders J.P.

Frederick Biesta.

The undersigned, Frederick Biesta of Spuzzum British Columbia, has pre-empted one hundred and sixty, 160, acres of land situated in the District of Yale B.C bounded & commencing near the north end of Spuzzum Creek Bridge and running along the left bank of the Creek to and along the Indian Cemetery; then along the Fraser River to a deserted Miners Cabin - then to the North east Corner of Mr. F. Andrews land and across the waggon road to the foot of the mountain, and from thence to the point of commencement, - together with the Spring of water running on the same land



Recorded by me this 31st day October 1865
Sd, E. N. Sanders J.P.

This third named record and certificate form Mr Biestas alleged title to the land. The description includes the whole of Skwimp, except the Indian graves. Mr Biesta had a cross side / public house on the land, and a garden near it, but about a year after his third record (in 1866 I have been told) he left the country, having lease the place, with option of purchase, to some one who, after

after a short trial, also abandoned it. No trace remains of Mr Biesta's improvements, but it is probable that part, if not all, the clearing was done by him.

In 1872 or 1873 several of the Indians, believing that the white man (Mr Biesta) had gone away not to return, began building houses and making gardens at Shoving. There are four or five good frame houses with windows, now there, and enclosed gardens.

The record, which forms the basis of Mr Biesta's alleged title, I may remark was made when the Land Ordinance of 1865 — See Section 12 — was in force. This Ordinance as well as the previous one of 4th Jan'y 1860, prohibits the pre-emption of "Indian Reserves or settlements", and as Shoving is distinctively such an Indian settlement as these Acts must have contemplated, it follows, that by British Columbia law, the record is invalid from the beginning so far as Shoving is concerned, and probably it is entirely invalid.

Under Section 32, 33 and 35, Land Ordinance 1865, Mr Biesta or his heirs could not get a Crown Grant not being able to show the continuous occupation within Section 32, and his right thereto would be challenged under Section 33

Even had no direct breach of any British Columbia law been committed in this case, the Dominion Government have said in equity the Indians should not suffer from the neglect of the Colonial Govern't to mark off Reserves at Sparrowm between 1858 and 1870, nor from the Act of the Colonial Gov't in permitting, if they did permit, during that interval, interests to be grown up at Sparrowm that would conflict with the equitable rights of the Indians, particularly in view of the history of these Land Reserves as above stated

JJ

If Mr Piesta has a legal right the British Columbian Government should extinguish it in whatever way they think fit.

Indian Reserve Commission
In Camp, near Lytton,
12 June 1878

1344
78
answd 24/6/78

Sir,

Will you oblige me by sending me at your convenience, addressed
"Indian Reserve Commission"
"Victoria"

, two or three maps of the Province - one of them showing the electoral districts, in the same way as these were shown on the map you were good enough to give me in Victoria. ;also; a tracing of the boundaries of Mr Boothroyd's land, (between 35 and 37 mile posts on the waggon road). I am told he has a Crown Grant.

I have in the last 3 weeks laid off 30 reserves (some of them old ones) and adjusted the land questions of about 1500 Indians. This rapid progress arises from their leaving matters in my hands, after having stated their views. I do not find the Indians extravagant in their demands.

I am, Sir,
Your obed Servt
G M Sproat
Ind: Res: Commr.

The Hon:
The Chief Commissioner of Lands Works
Victoria

British Columbia

1363 179 D. 78

Indian Office
Victoria June 18th 1878.

Wrote Indian Superintendent 25/6/78

Sir

With respect to my conference with you in company with Messrs Sproat and Anderson on the subject of the land (Sections 11. 12. & 13 Range II Cowichan District) granted to Mr. Wm. Sutton some time after it had been awarded to the Indians by the late joint Commission. Would you have the goodness to send me a copy of Mr. Sutton's application and also acquaint me if any steps have

The Hon
F. G. Vernon
C. C. L. & W.

have been taken to annul the grant given to Mr. Sutton, who, I am informed, is still engaged in clearing, and building upon the land. I may add, that on the 25th April last I wrote Mr. Sutton informing him that he was rendering himself liable to prosecution for trespass, but so far, I am not aware that any notice has been taken of my communication.

I have the honor to be
Sir,
Your obdt. Servt.
J. W. Powell
Indian Superintendent.

Indian Reserve Commission

In Camp, beyond Lytton, 23rd June 1878.

Sir,

A general wish has been expressed that before going from Cook's Ferry into Nicola, I should settle the question of the Bonaparte Indians. Everyone admits that this question should be settled, and as I could not return from Osoyoos to deal with it, I do not know when I shall be be able to give it my attention if I do not do so now.

The difficulty is that the country in which, if anywhere, grass land can, in the opinion of the neighbours, be found, is not in the Yale District, but in the Lillooet District to which my powers from the Provincial Government do not extend. I cannot therefore undertake this most necessary work, unless the Government authorise me by Order in Council, and immediately inform me of the granting of such authority. by telegram to Cooks Ferry.

There is a strong feeling among the Shuswap Indians that their friends at Bonaparte have been too long neglected in the matter of their land questions, and as above said, the white settlers with whom I have conversed think that the Bonaparte Indians have a fair claim to consideration from the smallness of their reserve, and their pastime and good behaviour.

I am, Sir,

Your obedt Servant.

Gilbert M. Sproat.

Ind Res: Commr.

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

Indian Reserve Commission

1484
78

In Camp, above Lytton, 29th June, 1870.

Sir,

I enclose a letter, Thos Greenhow to me 15th June, 1870, sending me a rough sketch of the land he wants under the award of Mr Anderson, Mr M. Kinsey and myself, made last year in adjusting land disputes between Mr Greenhow and the Okanagan Indians.

I enclose this sketch, and also a sketch of the Indian fishing ground at the head of Swan Lake. The last named comes before any grant to Mr Greenhow.

Referring you to the award in this case,

I am, Sir.

Your obedient Servant

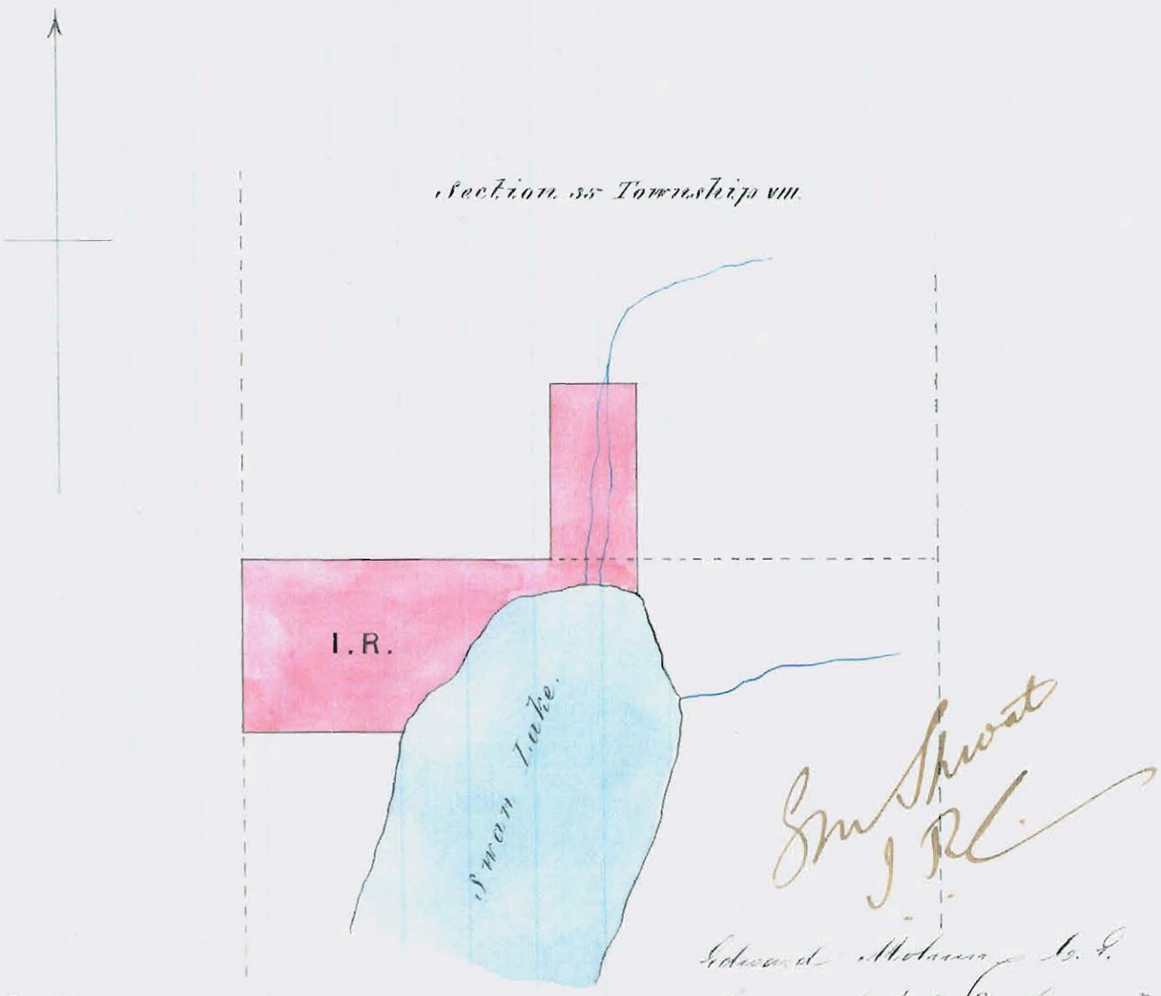
Gilbert Malcolm Sproat

Indian Res: Commr

The Hon: The Chief Commissioner of Lands & Works.

Victoria

Sketch of Indian Fishery, head of Swan Lake, Okanagan.



Sm Shwat
I R C

Edward Mohun C. E.
Surveyor to Indn Res. Commn

Scale Four Inches to One Mile.

Okanagan
June 15th 1878

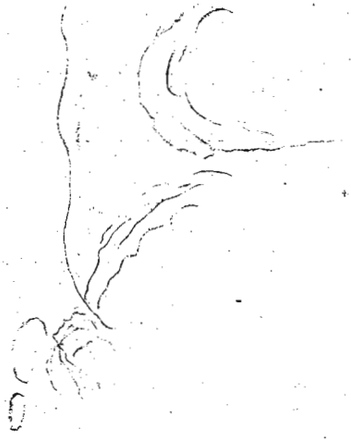
G. M. Sproat Esqr

Dear Sir

With regards to the Land that was awarded to me at the head of Swan Lake there is no Map in the Asst Land Commissioners Office at Coldstream

I have copied the figures on the posts of the sections that I want I think you will have no trouble in making them out on the Map

Yours Very Truly
Thos Greenhow



Jackson Hawes Office

North

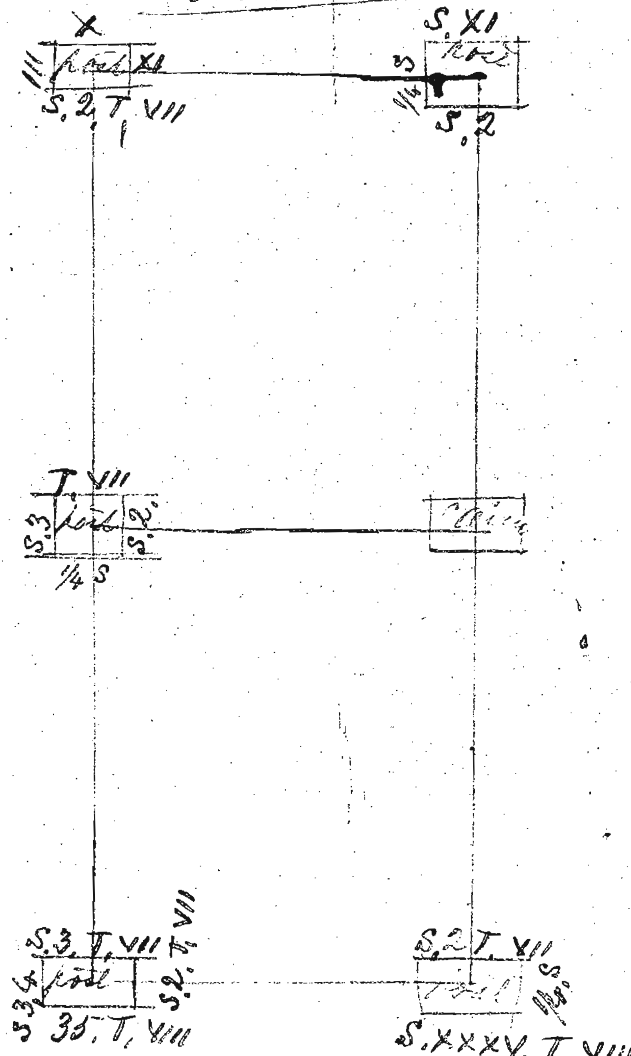


Diagram of [illegible] land showing the posts with the figures correctly copied from the survey

Indian Reserve Commission
British Columbia

Nicola River, near Cook's
Ferry. 17 July 1878.

1555

Sir

The plan of laying off grazing reserves to some extent, in common for both white settlers and Indians is in my judgment, likely to be mutually beneficial and satisfactory in some parts of the Country. But I am not clear if this is within my power though doubtless it is within the spirit of my instructions.

Will you oblige me by stating as soon as you can, whether it is understood by the Govt that I have the power of making common as well as absolute reserves, on terms varying with the circumstances of each case?

I am Sir

Your obedient

Gilbert Malcolm Sproat

Ind: Res: Commr.

The Hon
The Chief Commr of Lds
Victoria

Indian Reserve Commission

P.1

1656/78

British Columbia, In Camp
Nicola River, near Cooks Ferry
17 July 1878

Sir,

Several matters connected with the business I have in hand require immediate attention on the part of the Provincial Government, to enable me to make reasonable progress.

(1) That matter of Mr O'Keefe at Okanagan (see the Commrs. memo on the case sent in Feby 78 to the Attorney General and see my letters to you of 4th and 30th May last). I should immediately be informed by telegram to Cooks Ferry

A. whether you have Cancelled Mr O'Keefe's Record?

B. If not, what do you propose to do?

C. What does the Provl. Govt. desire me to say to the Nicola Chiefs on the subject? (the Nicola chief and the Okanagan chief being the same man)

The Hon.
The Chief Comd. of Ldg. W.R. [illegible]

It is unnecessary for me to say anything as to the effect of inaction in such a matter upon the minds of the Indians, and upon the work which I am endeavouring to do.

(2)

For obvious public reasons, and not less in the interest of the province than the Dominion, I have this summer been desirous of closing all Indian questions along the possible railway route. The only gap of unsettled Indian questions from high up the North Thompson to Yale is between Cook's Ferry and Bonaparte. I wish to close this gap, but as it involves my dealing with lands in Hat Creek and Bonaparte valleys which are just outside the Yale District (to which at present my powers are limited) I cannot do so without an extension of my powers from the Prov. Govt. I asked your predecessor to enable me to undertake this work, and to advise me by telegram to Cook's Ferry, but I do not find any communication waiting me here.

The Dominion Govt is spending now about $90 a day in the adjustment of the Indian Land question in this province outside of their Departmental expenditure, and as the Province is relieved under existing arrangements (which however are much experimented from all expenditure whatsoever, I feel sure that it will be admitted that my movements should be as free as possible and that I should be able to look ahead, and arrange my programme of work, for matters beforehand; otherwise I cannot be responsible to the Dominion Govt for the incurring of the above large amount of money. I am pushing on in the hope of finishing the whole Yale District and New Westminster District during the present year.

Another season might finish the Lillooet, Cariboo and part of the Coast District, and thus the apparently interminable Indian Land question would

be terminated in no very long time.

I beg to refer you to my letters of

12 April
18 May
3 June

} 1870

as to New Westminster District matters,
and to requests made therein.

I also came reference, by way of reminder
to the letter of the Indian Reserve Commrs
27 April 1877, asking you to reserve
temporarily certain lands in places indicated
by the Commrs. The Klahoose Indians
are very anxious about Harwood, Savary and
Cortes Islands, and came to New Westminster
to meet me on my way up to express their
anxiety. Of course it does not follow that they
will get the whole even if any one of these islands
but in the absence of existing interests it is easier
to make good arrangements for the future benefit
and convenience of both whites & Indians.

I am Sir
Your Obed: Servant
Gilbert Malcolm Sproat
Ind Reserve

Indian Reserve Commission

1657

Nicola River, near Cook's Ferry
In Camp. 17 July. 1878.

I have now dealt with the land matters of more than 2000 Indians since leaving Spuzzum, and am glad to be able to report still that they do not place obstacles in my way but behave very well.

The Provincial Government will be sorry to learn that it would be difficult to exaggerate the injustice and indifference shown to these Indians from Spuzzum to Lytton by the Colonial Government, with respect to their land matters. I have used great efforts to effect a compromise that would prevent any necessity for going into old affairs, and in the case of about 2/3rds of these Indians, I think I may say that I have succeeded,

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

but I do not find it possible to settle matters around Lytton in the effectual manner desired by both governments.

I will send you copy of the Field Minute on the subject as soon as I have heard from Mr Ball at Cariboo, in the meantime, until you see what the state of matters is, I beg to recommend that the Provincial Government should not issue nor confirm any titles to land or water for irrigation in the neighbourhood of Lytton. This will not cause any public inconvenience as no settlement is taking place there, and it may prevent the Government from incurring trouble and expense.

I am Sir
Your obedt servant
Sillicit Malcolm Sproat
Ind: Res: Commr

Indian Reserve Commission
British Columbia Yale
District. 100 Mile Post.
24th July 1878.

1878
168

Sir

I enclose copy of my Field Minute on the land and irrigation affairs of the Lytton subgroup of the Nekla-Kapa-a-muk Indians.

The state of matters disclosed by my examination, which has been carefully and impartially made, causes me to request, in this instance, the advice and co-operation of the Provincial Government, before attempting an adjustment by my decision.

If the Provincial Government will have the goodness, at their earliest convenience, to state the principles on

The Hon. The Chief Commissioner
Lands & Works
Victoria

which, in their opinion, my decision
in the matter should be based
– particularly as regards water for irrigation, –
I will, if I approve these principles,
submit a scheme of adjustment
involving the minimum of expenditure
and of disturbance to existing interests
, and show at the same time, as far
as may be, what the practical
effect will be on all Concerned.

I trust that this important
Matter will receive immediate
attention.

I am Sir
Your obedt Servt.

Gilbert Malcolm Sproat

Indian Reserve Commr

1769

Indian Reserve Commission

20 July 1878.

Report on the land and water affairs
of the Lytton subgroup of the
Nekla - Kap - a - mukt
Indians.

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Water 39.

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40

British Columbia.

Indian Reserve Commission.

Copy of Field Minute

On the Lytton subgroup of the Lytton group of Nekla. Kap. a. muk Indians.

In Camp, near Lytton.
British Columbia
20 July 1878

The Nekla. Kap. a. muk division or "Nation" of the Indians of British Columbia occupies the banks of the river Fraser from a few miles below Spuzzum to nearly Lillooet; the banks of the river Thompson from Lytton to the river Bonaparte (but not including the Bonaparte Indians), and the banks of the river Nicola from Cooks Ferry to the foot of Nicola Lake, including the Indians at the last named place.

Since beginning work in the field this year, I have examined the land questions of a portion of these Nekla. Kap. a. muk Indians, namely, those living on both sides of the Fraser from Spuzzum to Lytton, including these places. It is supposed that they have diminished in number by about one third within the last twenty years. No census has been taken of them before my arrival, but in 1862. 1790 Indians were vaccinated between Boston Bar and Foster's Bar. The following is the census which has just been taken.

Census of Indians &c on Waggon Road from Spuzzum to Lytton, both places inclusive. 1878.

Names	Adults		Youths		Children		Total No. in Tribe.	Horses	Cattle
	Males	Females	Males	Females	Males	Females			
Spuzzum Group	92	76	6	7	28	28	237	109	13
Boston Bar do	115	97	12	11	44	37	316	235	23
Boothroyds do	81	76	3	9	45	36	250	150	6
Lytton Group									
Kanaka Flat Subgroup	32	29	.	4	23	18	106	115	.
Siska do do	27	19	.	1	13	5	67	92	3
Skuppah do	22	15	3	2	6	7	55	95	3
Lytton do	183	168	5	25	106	103	590	795	13
	266	231	8	32	148	133	818	1097	19
Males 848									
Females 773									
Totals 1621	554	480	29	59	265	234	1621	1591	61

I have divided the above portion of the Nekla. Kap, a, mak Indians for Census purposes and land appropriations, into four main groups in accordance with the wishes of the Indians themselves, dictated, I imagine, by an old grouping of certain tribes accustomed to use in common particular fishing places on the banks of the river Fraser. They are, as above said, a portion of one people speaking the same language, but the inhabitants of certain villages along the Fraser, containing several hundred Indians, form, as the Indians say, "one family" for some purposes. for instance. the inhabitants of these villages came together to my camp to give their names for the Census, and to talk about their lands. I have called these groups, as follows.

1, The "Spuzzum group" from a few miles below Spuzzum to about the 18 mile post on the waggon road.

2, The "Boston Bar group" from about the 18 mile post to about the 31 mile post.

3, The "Boothroyd group" from about the 31 mile post to about the 44 mile post. at Jackass mountain.

4, The "Lytton group" from about the 44 mile post to about 8 or 10 miles up the Fraser, and a few miles up the Thompson, above Lytton

In accordance further with the wishes of the Indians, I have divided the above Lytton group, No 4, into the following Subgroups.

.A.	Nanaka Flat	Subgroup
.B.	Siska Flat	Subgroup
.C.	Skuppah	Subgroup
.D.	Lytton proper	Subgroup

As regards the land affairs of these Indians, as a whole, between Spuzzum and Lytton, I may say at once that, having come to the examination of the subject with an unprejudiced mind, and the expectation rather of finding that these Indians had little to complain of, I have been disappointed in reviewing the history of their land matters.

My above expectation, in the state of ignorance I was in as to the facts, was based upon the solicitude expressed in the 13th Article of the Terms of Union in 1871 that "a policy as liberal" "as that hitherto pursued by the British Columbia" "Government shall be continued by the Dominion" "Government after the Union"; and it was also based on the following statement made by the Hon: J. W. Trutch lately Lieut: Governor of the Province.

Mr. Trutch, on 29 Jan.y 1870, then being Chief Commissioner of Lands & Works stated in a Memorandum which Gov: Musgrave sent to Earl Granville, Secretary of State, that,

"The Indians"
"have, in fact, been held to be the special wards"
"of the Crown, and in the exercise of this guardian-"
"ship Government has, in all cases where it has been"
"desirable for the interests of the Indians, set"
"apart such portions of the Crown Lands as were"
"deemed proportionate to, and amply sufficient"
"for, the requirements of each tribe; and these"
"Indian Reserves are held by Government, in"
"trust for the exclusive use and benefit of"
"the Indians thereon."

"But the title of the"
"Indians in the fee of the public lands, or of"
"any portion thereof, has never been acknowledg-"
"ed by Government, but, on the contrary, is distinctly"
"denied. In no case has any special agreement"
"been made with any of the tribes of the main-"
"land for the extinction of their claims of possession;"

"but these claims have been held to have"
"been fully satisfied by securing to each tribe,"
"as the progress of the settlement of the country"
"seemed to require, the use of sufficient tracts"
"of land for their wants for agricultural and"
"pastoral purposes".

The part of the Province in which these Indians have been living increased my expectation of finding that their land matter had been well cared for in time past. They lived, as it were, under the eye of the Government, upon the only line of ingress from the head of the navigation of the Fraser to the interior of the mainland. Here, if anywhere in the Province, along a great thoroughfare where white men and Indians came directly together, which was visited by Governors and Heads of Departments, and where the Government could act with efficacy at a comparatively small cost, it seemed to me that it could be reasonable to look for decisive proofs of the actual policy of the Colonial Government towards the native population.

As a necessary part of my work I have examined, on the spot, all lands occupied by white men and Indians between Spuzzum and Lytton. I also have examined, to the best of my ability, every document connected with the history of the dealings of the Government with these people, for twenty years back, that I could find in the Land Office at Victoria, and in the district offices at Yale and Lytton; and I have done this, not to support any preformed opinions, but to establish, as far as possible, the historical truth, which is, of course, what both Governments now wish to know.

It has not been an easy task to disinter facts from under a mass of obscure and loose records

~~99~~
55
28

Rough Sketch of the right bank of Fraser River opposite Lytton.

Scale 60 Chains to 1 Inch.

Edward Mohun
Surveyor & Asst Res Commr

Speaking now of Ho. ho. Keen in particular, there are about 40 Indians at the village. The reserve, as defined in 1870, contains 30 acres of which about 4 or 5 acres could be cultivated. that is to say, if water were provided for irrigation.

The smallness of this reserve is owing to the neglect of the order of Governor Douglas that "anticipatory reserves" were to be laid out at Lytton, and, its singular shape is no doubt owing to inability of the Magistrate who laid off the reserve in 1870 to deal effectively with the state of affairs caused by the Government having permitted lands close to the village to be acquired by non-Indians between 1869 and 1870.

The Magistrate in 1870, who, I dare say, had little discretionary power given to him, appears practically to have assumed that all that had been done in the past was right, and he gave the Indians what remained. As already said he did not declare that any water was appropriated for the Indians

The Assistant Land Commissioner himself among others, he then practically being Indian Agent for the district, purchased on 1st Decr 1869, two pieces of land of 18 acres each, near to Ho. ho. Keen village "all springs of water recorded and purchased with the land". The sanction of the Chief Commissioner of Lands I think was, in the ordinary course of official correspondence, obtained for this transaction, but as the purchase was made under the Land Proclamation 4 July 1860 which forbids any one from acquiring an Indian reserve or settlement, and as the Governor in 1869 had ordered the Lands round the villages of the Indians to be reserved, the purchase, with other purchases by other persons at that place, was I should imagine, not valid. Mr. Thomas Earl has since obtained possession of this land and now occupies it. (see Earl's land on sketch herewith)

Attention may, I think be

"note
The magistrates are, in fact, "Indian Agents" in all but the name" / Memo by Hon. J.W. Trutch, Chief Commr of Lands & Works

fitty, called here to the already quoted letter of the Assistant Land Commissioner 24 March 1860 to Mr McLean, Kamloops, Agent for the Hudsons Bay Co. at that place, in which a different view of the law and of the orders of Gov: Douglas (1 Oct 1859) is taken with respect to Indian lands at Kamloops from the view taken apparently by the Assistant Land Commissioner with respect to Indian lands at ho-ho-meen near Lytton. Ho-ho-meen was more distinctively an old Indian settlement than the place at Kamloops. The latter indeed had once been the site of a Hudsons Bay Fort and had only been occupied by the Indians after the Company had abandoned it. Upon this Kamloops question I may add that Governor Douglas 12 April 1860 wrote to the Chief Commissioner of Lands.

"The ejection of St Paul"
"a native of the country, from his home is a question"
"involving a nice point of law, but my own"
"private opinion is that the estate is vested in him,"
"and that he cannot be ejected, even if the land"
"be confirmed to the Hudsons Bay Company, as any"
"such grant will reserve all Indian rights on the"
"land."

I also may refer here to the copy of the circular (see Appendix A) which Gov: Douglas caused to be sent on 5 April 1861 to the District Magistrates on the subject of abuses of the Pre-emption Law through tracts of land in various localities, and often in different spots in the same locality, having been recorded in the names of servants of the Government.

The ho-ho-meen stream, as the above sketch shows, has been tapped by the ditch of a settler on each side.

The ho-ho-meen stream naturally flows through ho-ho-meen reserve but the Indians at ho-ho-meen would have to make a ditch from a more distant stream to irrigate the small portion of land possessed

by them on ho. ho. meen reserves. One of the settlers, Mr Earl, who is very kind to the Indians, gives them occasionally some water from his ditches as a matter of favour. This good nature in this and in other ways has mitigated the hardship of their position, but still the question exists whether the Ho. ho. meen Indians have, according to Provincial Law, a legal right to take a cup of drinking water out of Ho. ho. meen streams.

The cultivable good land on the Ho. ho. meen, or west side of the river Fraser, is very limited, and this makes the actual history of the Ho. ho. meen reserve the more unsatisfactory.

Up to 1870, the settlers who occupied land and appropriated water close to the Ho. ho. meen Indian settlement did so at their own risk, but in that year the Colonial Government, by deferring the drying of other Indian Reserves, perhaps, relieved the settlers, to some extent, from responsibility.

The land in the neighbourhood of Ha. ti. i, ya and Stryne, the two other Indian settlements on the right bank of the Fraser, being less attractive than the land near Ho. ho. meen has not been the subject of pre-emptions to the same extent. It may be convenient before crossing to the Lytton, or left bank of the Fraser, to say all that is to be said as to lands upon the right bank as a whole.

The following report of Mr Edward Brohm C.E. together with the sketch at page 28 gives a clear account of the state of matters upon the right bank. His observations agree with my own examination of the ground previously made.

Copy

32 ~~37~~

Indian Reserve Commission.
Survey Branch.

Lytton 12 July 1878.

Sir,

"I have the honor to inform you that
"I have, in accordance with your instructions,
"carefully examined the land on the right bank of
"the Fraser River lying between the Ka. ki. i. ya
"and Stryne Reserves and have to report as
"follows -

Commencing at Ka. ki. i. ya Creek
"and crossing a rugged stony patch, the first
"piece of cultivable land is occupied by a
"Chinaman named Ah. Tockt who holds under
"a Bill of Sale a Crown Grant for 56 acres originally
"issued 18 Dec: 1869 to Auguste Thiffray. This
"man's claim may contain four or five acres
"of good soil, but his principal occupation
"appears to be mining. He obtains water from
"Ka. ki. i. ya Creek.

At about a mile from Ka. ki.
"i. ya Creek and immediately opposite Mr Chapman's
"hill is a small Indian garden which is watered
"from the above Creek by a small abandoned miner's
"ditch of which the Indian has taken possession.

On the second bench and to the north
"west of the garden are from two to three acres of
"second class land, which the Indians are
"desirous of acquiring, this piece, however, would
"have to be watered from Ka. ki. i. ya Creek and
"unless water could be procured from the ditch
"claimed and used by Ah. Chung, the probable
"profits from so small a piece of cultivation would
"not justify the necessary expenditure in the construction
"of a new ditch.

Immediately

" above this again there is a small piece
" of land lying at the foot of very steep rocks.
" this the Indians say they can raise grass upon,
" as its position keeps the soil always moist.

Continuing up the river bank from the garden
" above mentioned for about half a mile a small
" flat of about 20 acres is reached of which a portion
" has been fenced by the Indians: close to this, but
" a little higher, is another partially fenced piece,
" and beyond these again another small flat.
" The soil, however, is of a very light character
" and it is considered doubtful whether it will
" pay for cultivation.

Below this bench on the bank
" of the river lies Ah. Chung's farm of 23 acres, on
" which Certificate of Improvement was granted 15 Nov.
" 1867, and which he holds by a Bill of Sale from
" Ah Tye dated 1 Jan.y 1876 who held a Bill of Sale
" from Kum Sing (the original holder) dated 21 May 1870

About half a mile beyond is
" Ah. Wah, or Ah. Ling's farm of 80 acres. This was
" originally pre-empted by W. Hudson, pre-emption
" record No 77 and after passing through several
" hands finally became the property of Ah. Ling.

A Certificate of Improvement was granted
" on 37 acres of this claim 26 Sept. 1870. This farm
" is irrigated from No. 10 Mean Creek. Adjoining
" this claim on the north is the No. 10 Mean
" Reserve of which about four acres are fit for
" cultivation, and through which the No. 10 Mean
" Creek runs; but as the whole of the water
" of the Creek has been recorded by Mr Thomas
" Earl on one side, and the Chinaman on the other,
" the Indians cultivation is entirely at the mercy
" of their neighbours who claim that they are the
" lawful recorders and holders of the whole stream
" on which the Indians had settled prior to the
" immigration of the whites. In justice, however,
" both to Mr Earl and the Chinaman I must state

" that they have always supplied the Indians from
" their ditches free of cost. The fact, however, remains
" that this supply is only considered a matter of
" grace and can only be obtained by the Indians
" when not required by its proprietors.

Adjoining No. 6. to the
" on the north is Mr. Earl's farm of forty four acres.
" This consists of two lots of eighteen acres each
" originally held by Crown Grant to Capt. H. M. Ball,
" and a pre-emption record in name of I. R. Hanes,
" on which Certificate of Improvement dated 28 April
" 1863 was issued and transfered by Bill of Sale
" of same date. On the northern end of Mr Earl's
" farm resides an old Chinaman.

About a quarter of
" a mile beyond Mr Earl's an Indian has fenced and
" cleared a considerable piece of ground, and
" irrigates it from Mr Earl's ditch; the soil, however,
" is of such poor quality that it is doubtful if it
" will pay for cultivating. Ascending on to a bench
" still higher an Indian has fenced and cultivated
" a small patch on it but poor results.

This light sandy soil extends
" to Stuiye River, and is regarded by Mr Earl as
" almost worthless.

To sum up there are about
" 90 acres of good soil between No. 6. & I. R. and
" Stuiye of which about four or five are available
" for the Indians; the remainder being held by
" Mr Earl, Ah. Sing, Ah. Chung and Ah. Jacket.

Ah. Chung has endeavoured
" to cultivate a piece of Crown land, to which he is
" not entitled, of second class quality and containing
" about 12 acres.

Having no other land to fall back
" upon the Indians are desirous of cultivating portions
" of the light sandy benches which they have cleared and
" fenced. Their only pay in labour, if not in money, would,
" however, be considerable in the construction of ditches.

" and it would be hard to find anything more
" disheartening and more calculated to deter Indians
" from engaging in Agriculture than to discover
" that all their labour was thrown away as the
" land given them was worthless.

I would respectfully suggest that an
" experiment should be made to ascertain whether
" these sandy benches are capable of producing
" crops; that a small piece, say one acre, within
" the Indian fence near Ah-Chung's should be ploughed,
" sown and irrigated next season and the capabilities
" of the soil demonstrated. Without such an experi-
" ment the Indians will never believe the soil to
" be worthless and will throw away their labor,
" while, if successful, it would justify the
" construction of ditches. Such an experiment
" under a white man's superintendence would probably
" cost not more than $ 50.00

The small quantity of water
" required for this might be procured without
" trouble from Ah-Chung's ditch close by.

Should this trial
" prove a success, of which I confess I am not sanguine,
" probably 200 acres of agricultural land might be
" obtained between Na-ki-i-ya and Stryne.

I annex a rough sketch of the section
" referred to and

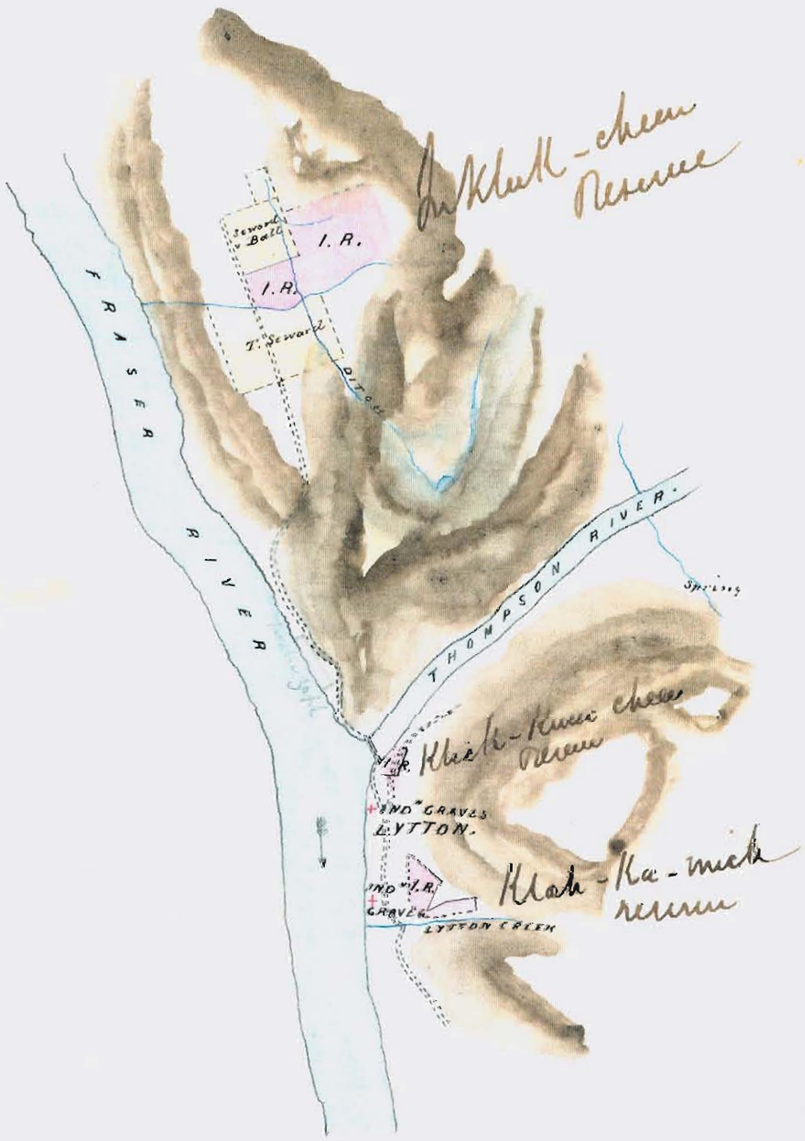
Have the honour to remain
Your obed' Servant
Sd. Edward Mohun C.E.

Crossing now the Fraser to its left, or eastern, bank, on which side the town or hamlet of Lytton is, I will ask attention to another sketch and to some remarks which I will make on Indian questions on this last named side of the Fraser.

The following is a sketch of the lands which it was necessary for me to examine in the immediate neighbourhood of Lytton.

~~42~~
37

Rough Sketch of left bank of Fraser River. Lytton.



Scale 60 Chains to 1 Inch.

Edward J. Richards
Surveyor & Land Rec. Comm.

I have in the above remarks on what has taken place on the right, or western, bank of the Fraser had to deal especially with the "Indian Settlements" and the protection practically afforded to them by law, under the Colonial Regime.

I will now, on the left or eastern bank of the Fraser, proceed to illustrate the kind of protection afforded, practically, to "reserves" under the same regime and that which has succeeded it.

Take the first case of the old reserve of 14 acres beside Lytton, (Klick. kum. steen) where the Indians have lived as a principal place of residence from time immemorial, and which 200 Indians regard as their principal winter residence.

The Indians have no water on this reserve, and use water for domestic purposes from a spring on lower ground outside the reserve. This spring has been several times recorded by our Indians for various purposes. the last record being as late as 11 Nov 1876.

Not having been permitted to take water from Lytton Creek (the only Creek in the neighbourhood) to irrigate the land, it has not been cultivated.

The case of the other reserve of 12 acres, (Klakk. a. mick) beside Lytton, is somewhat different

The ditch brought from Lytton Creek to supply the town or hamlet of Lytton has been taken through the whole length, say 300 yards of this reserve; but, the Indians state they have not been permitted by the townsfolk to use of any of the water in cultivating Klakk, a. mick and the place is lying waste.

The Indians further state, that they have not been permitted by the townsfolk to fence or use this land at Klakk. a. mick, though the reserve was laid out in 1862, and a map of it was in the Court House, and a post marked "Indian

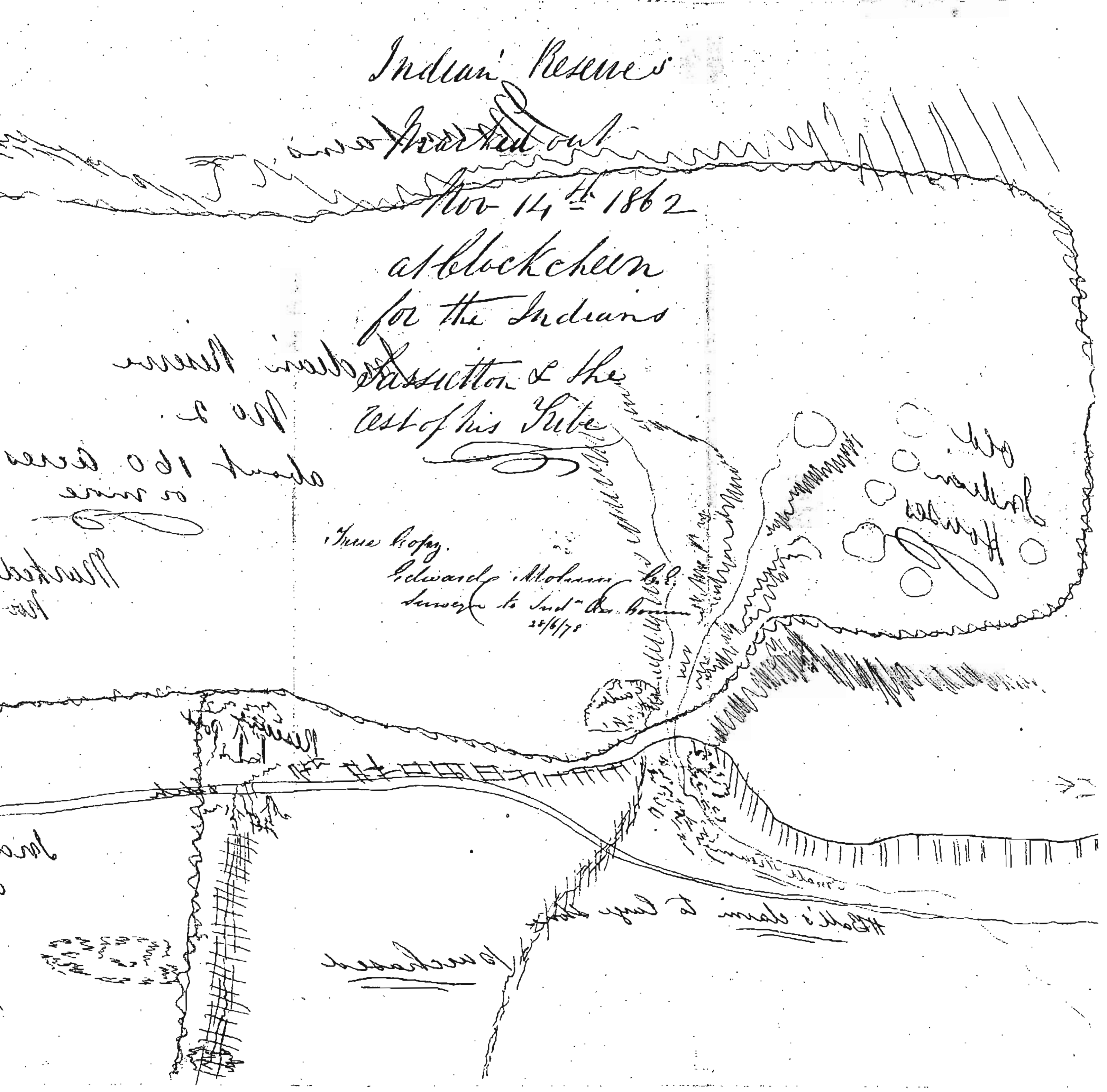
"Reserve" was on the ground. I am bound to say, however, that the townsfolk did not seem to know distinctly that the land was Indian land. Lytton was the official residence of the District magistrate for 8 or 9 years after 1859. The District Magistrate was an Indian Agent.

I have not been able to discover whether Sk. Kluk. chem was so distinctively an Indian settlement as to have brought it reasonably within the class of Indian places round which Gov. Douglas, in 1859, instructed the Assistant Land Commissioner to lay off land. The statement of the Indians, which, in the absence of white testimony, must be taken for what it is worth, is, that they had graves, but no gardens, there before the white men came; but, that, shortly afterwards, several Lytton Indians, still living, and, in particular, one Sak. ke. et. un now dead, cultivated gardens beside a small stream there. The Assistant Land Commissioner, Capt. Ball, they say, told them that he had got the land from the Government and that they must go away, but he would give them land elsewhere.

This lieu-land was the 25 acres on the sketch of the land laid out as a reserve in Oct 1862. (see sketch [illegible] of this page) Sak. ke. et. un, who was the most influential man among these Indians, became very angry, and would not take land elsewhere. The only owners of land at Sk. Kluk. chem are Capt. Ball and Mr Thomas Seward.

I may remark that the above surveyor's sketch in 1862 shows an Indian garden, but it is not within the land described on the Sketch, as Capt. Ball's land, though close to it. The 25 acres of lieu land is of poor quality. A month later than Oct 1862, the larger reserve at Sk. Kluk. chem containing about 160 acres was laid out by Capt. Ball, but, being up the hill, it is gravelly and contains little cultivable soil (see Sketch). The Government at Victoria did not give me any information about the reserve, and it is not in their Schedule. It has not been cultivated as the

Mountains.
Indian Reserve
No 2.
about 160 Acres
or more
Marked out
Nov 14th 1862
By H M Ball
Old
Indian
Houses
Reserve Post
Reserve Post
Indian Reserve No 1.
about 25 Acres
down to Road.
Marked out
by Capt Turnbull
October 13th 1862
Small Stream
H Ball's claim to Cage Stone
Purchased
Thomas Edwards Preemption
Claim of
160 Acres

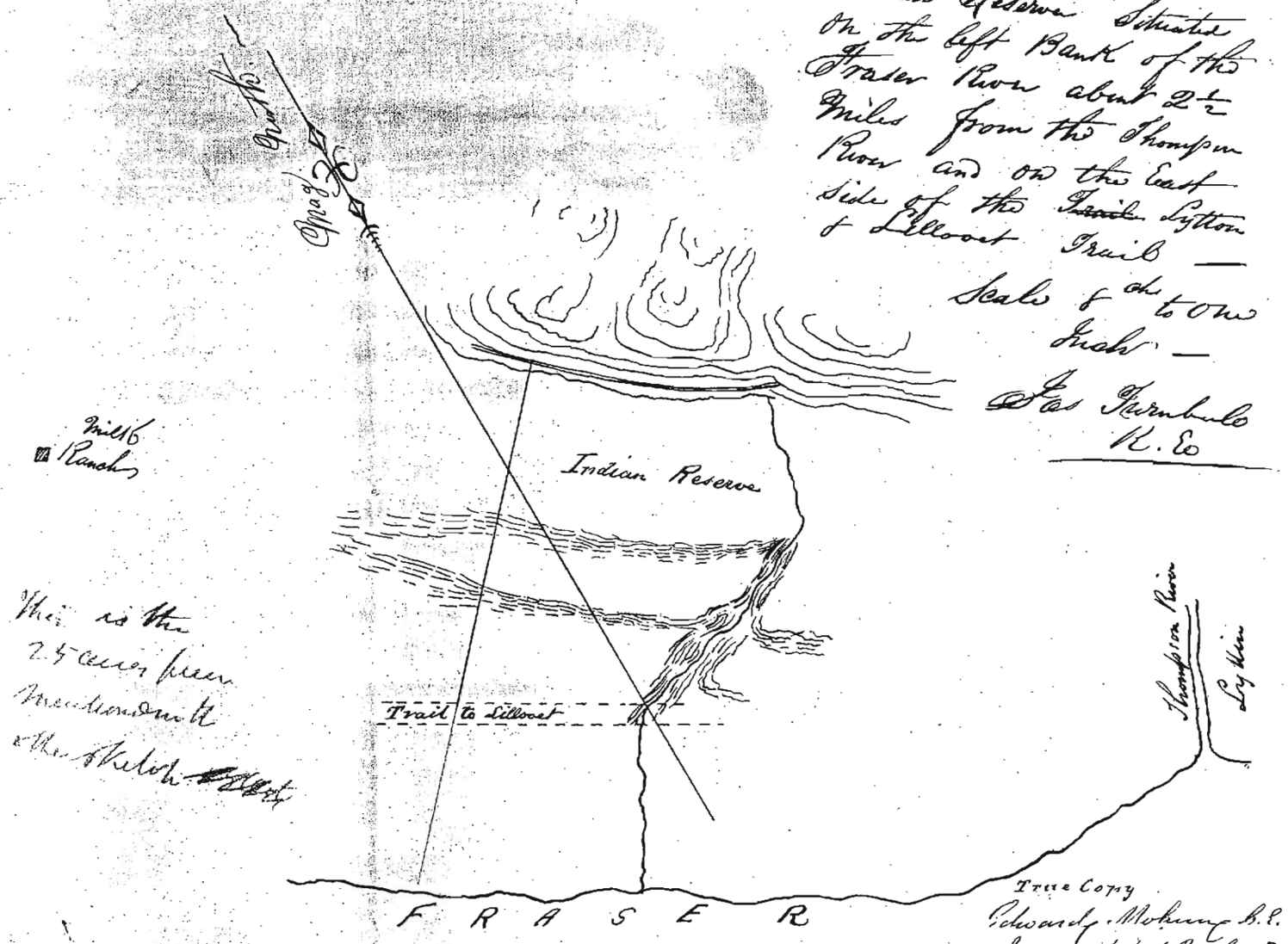


Indian Reserve
Marked out
Nov 14th 1862
at Hlockcheen
for the Indians
Sassietton & the
rest of his Tribe
Indian Reserve
No 2.
about 160 acres
or more
True Copy.
Edward Mohun C.E.
Surveyor to Ind^n Res. Comm.
25/6/78
Old
Indian
Houses

Rough Sketch of Indian Reserve Situated on the left Bank of the Fraser River about 2½ Miles from the Thompson River and on the East side of the ~~Trail~~ Lytton & Lillooet Trail —

Scale 8 ch to One Inch —

Jas Turnbull
R. E.



This is the 2.5 acres piece mentioned with the Sketch ~~[illegible]~~

True Copy
Edward Mohun B.E.
Surveyor to Ind. Res. Commr.
28/6/78

Indians state they did not know that any water had been provided for them. This brings me to the water question at Sn. Kluk. cheen. The two courses of the small stream (see sketch) meet on Cap. Ball's land, but I cannot find that the water in it has been recorded for irrigation. It contains a small quantity of water. As regards the large and only sources of water supply available at, though about 1¾ miles distant from, Sn. Kluk. cheen, the following seems to be the history, so far as it can be gleaned from the record books.

Messrs Bohlen and Co, free miners, it appears, had recorded the first privilege of water from Junction Bar Creek and their right to a ditch, for mining purposes, up to 1865 in which year, on 27 March, a re-record was made by H. Munster.

The following note, in red ink, "is made against the above record in the record book, "by Cap. Ball the Asst. Land Commissioner. "The "surplus water having been recorded by Thomas "Seward and A. M. Ball, the ditch head of the "Bohlen Co ditch must remain in its present state "and dimensions, and not be enlarged to carry "more water than the ditch at this date will hold"

The second privilege here mentioned to the water of Junction Bar Creek was recorded by Thomas Seward and A. M. Ball on 28 November 1864, and was a record for irrigation purposes on land owned by them touching the Indian Reserve.

The date of the record is two years later than the date of the allotment of Sn. Kluk. cheen reserve to the Indians in 1862. The record is as follows.

Copy of record of Messrs Seward and Ball.

"Second privilege. Surplus water of Junction Bar Creek.
"Lytton 28 November 1864.

"This day Thomas Seward "and A. M. Ball have recorded their right to the

"surplus water of the Junction Bar Creek and adjacent
"Creeks emptying into it for irrigation purposes. The
"said water to be carried in a ditch on to their farm
"at Klockt. cheen and the ditch to be commenced
"on the 1st day of April 1865.

The surplus water to be construed
"as all remaining in the Creek after the ditch of Messrs.
"Bohlen & Co has been supplied. the ditch head to be
"of the present dimensions; the holders of the first pri-
"vilege being entitled only to the quantity their ditch
"will at present run with its present ditch head,
"they not having enlarged their ditch sufficient to
"carry their record of 500 inches.

Sd. H. M. Ball
Stipendiary Magistrate.

I have now in conclusion to say that, apart from questions of what may have been done, or left undone, by individuals, and without assuming to judge of their acts in old times, but, looking merely to the broad facts – the disregard, at Lytton, of the legally issued and thoroughly understood, and, so far as I can find, not at any time modified, orders of Governor Douglas ※ – the small area of land given, and the history of water records at No. ho. meen, Klick. kum. cheen, Klahk. a. mich and In. kluk. cheen, I am of opinion that the state of matters around Lytton is not satisfactory, and that it could not have been contemplated as possible, by the Superior Officers of any Government of British Columbia.

Gilbert Malcolm Sproat

Indian Reserve Commissioner

※ See Appendix B

Copy

A

Circular.

British Columbia
Colonial Secretary's Office
5 April 1861.

Sir,

Numerous representations have been made to His Excellency the Governor of abuses of the Pre-emption Law in British Columbia through tracts of land in various localities, and often in several different spots in the same locality, having been recorded in the names of servants of the Government, particularly those attached to the Lands and Works Department; which representations from inquiries instituted by His Excellency he finds to his deep regret to be not without foundation.

His Excellency therefore directs me to explain to you for your information and guidance, both as an officer connected with the Lands Department, and as the District Officer with whom claims under the Preemption Law are recorded, that the object and intent of the Government in enacting that Law, was not to give facilities to the servants of the Government to speculate in land, but, on the contrary, to promote settlement and the development of the country, by rendering the acquisition of land easy to the actual settler, and to the actual settler only.

2, No doubt abuses of Law may arise but it is happily not usual to find participators in those abuses amongst the paid servants of the Crown, and although it is true that the very essence of the Pre-emption Law consists in occupation, and settlement, which Government servants perhaps cannot legally effect, and therefore their claims may be legally untenable, still it is nevertheless certain that their selections as alleged, here and there, of the most eligible spots

may have acted prejudicially to actual settlers, who have refrained from occupying such spots from fear of giving offence, or of being involved in legal proceedings as they considered it against the Government.

,3, Complaints have also been made that spots of land have been set apart as reserves and that some of such reserves have afterwards been thrown open to settlement without any due notice being given, so that only those connected with the Lands Department, taking advantage of their position, having been enabled to benefit by the prohibition being withdrawn.

To obviate in future any circumstance of this kind, as well as to remove any grounds for such complaints, instructions have been issued to the Chief Commissioner of Lands & Works to publish, in three conspicuous places in each district, a description of the Reserves in such district, and should circumstances afterwards arise whereby the necessity for any such reserve may be removed so that the land may be thrown open to settlement, notice of the same is in like manner to be given at least two months before any claims to pre-emption of such land shall be recorded, or any occupation permitted under the Pre-emption Law.

,4, You will endeavour throughout your district to make the object of the Pre-emption Law generally known so as to induce actual settlers to take advantage of that law, and you must, as far as in you lies, use your best influence to discourage any abuses of its privileges, although at the same time you are fully to understand that, as Recording Officer, you cannot constitute yourself a judge of the legality or illegality of any record that may be lodged with you, on the contrary, you are bound to accept all and every record that may be tendered, and it is only afterwards in your capacity as Magistrate, when any dispute may arise

in respect of such record, that you are empowered to exercise judicial functions; still, nevertheless, without proceeding to an absolute refusal, many irregularities and abuses may no doubt be prevented, and much good effected by a consistent and prudential course of action.

I have &c &c &c.
Sd. W. A. G. Young

To
H. M. Bolleisgr
&c &c
Lytton

Appendix B

Note

In Governor Douglas' last speech to the Legislative Council before retiring from Office in April 1864, he said, speaking of the Indian Reserves - "The Areas thus partially defined" "and set apart in no case exceed the proportion of two" "acres for each family concerned." Whatever may have been in Governor Douglas' mind in making this statement the proportion of land mentioned could not have been intended to apply to Indian requirements in the arid and specially grazing parts of the province, where ten acres of the best description of natural grass land are barely sufficient to support a single ox. The context indeed stating that the land was to be held "especially as a provision for the aged, the" "helpless and the infirm" shows that good garden land was meant. I should have been glad, however, to have found the Lytton Indians in the enjoyment of one half of the advantages, which the most limited interpretation of Governor Douglas' supposed wishes as expressed in the above speech, would have assigned to them.

G. M. S.

Indian Reserve Commission

British Columbia.

In Camp, near Ashcroft

30 July. 1878.

1878
Jan 78

Since writing to you (28 July) as to an alleged water record of Mr. P. Park, I have had several visits from Indian chiefs who live above Clinton to ask me if I could visit their district this year, and on my telling them that I could not, they expressed anxiety lest white settlers should take up lands and water before my arrival there next year, which they wished to show me. They begged me to mention the matter to the Government, and I now do so. One of the chiefs Steoch-klein, who lives at a place called May-lal-am-um, is old and paralysed and his long ride to my camp in that condition shows his anxiety. He says there is a piece of land at his village which he would like to get.

Mr J. W. Foster, J.P. Clinton, writes to me that the Indians in that neighbourhood are well behaved & industrious — "the best Indians in the country" he says.

I have to report to you that the Indians, generally, are respectful and reasonable. I have no difficulty with the people; the difficulty is in the facts of the case, owing to the late period of the history of the province at which this work has been undertaken.

The Hon: The Chief Commr
of Lands & Works

James obediently
Gilbert Malcolm Sproat
I.R. Commissioner

Indian Reserve Commission

British Columbia

In Camp, near Ashcroft,
28th July, 1[illegible]

1798
Sir 78

I am told that Mr. P. Parks, a settler near Cache Creek, has quite recently recorded water for irrigation from a stream which can be led into Mr Cornwall's stream or ditch, and thence upon land near the junction of the Thompson and Bonaparte.

The stream, it is said, was found by an Indian of whose information Mr Parks has made use, but that is a matter of little importance.

I had already reserved temporarily, pending my examination and report to you as to Indian Affairs between Cook's Ferry and Cache Creek, the land and water between these places, not alienated from the Crown. If this record has been accepted, I beg that you will cancel it, as it is impossible for me to carry on my work or prevent unprofitable correspondence between the two Governments, ending perhaps in large expense to the Provincial Government if rights are permitted to be created under my nose to embarrass my steps in search of some means of adjusting these Indian affairs.

~~[illegible]~~

The Hon: The Chief Commissioner of
Lands & Works
Victoria

In order to give you some idea of the nature of these affairs, I may here state that there are 263 Indians between Cook's Ferry and Cache Creek (without counting the numerous Bonaparte tribe) and only about 10 acres of cultivable land have been assigned to them, since 1859, by the Government, and without any water rights.

The whole question here is a question of water - at least though much of the good land is taken up the supply of water is the main difficulty. It is natural to suppose that during the past 20 years, the settlers have taken up the available water. The question is embarrassing enough already without any fresh complications and the longer an adjustment is delayed the more difficult will it become.

From what I hear, I think the Bonaparte Indian question, as regards both land and water is likely to be one of the most difficult yet met with. Not having visited their reserve I do not speak of their affairs. I expect a reply to mine of the 17 July in reference to Bonaparte affairs. I hope to be there in a few days.

Looking to the rapid progress of the work of the Commission, and the knowledge which

the Provincial Government know of my movements, and the expectation they may entertain of the completion of the whole work, with reasonable Co-operation, within a time to be estimated, I beg to suggest that it would be well if all records of land and water for irrigation were accepted "subject to Indian requirements", and legislative authority obtained to this effect.

The case of the Province, under the action of the old Colonial Government towards the Indians becomes, as the facts placed and to be placed before you, show, weaker the more it is examined; and though I use every effort to effect a settlement without any need of communicating with the Governments, it will evidently in some parts of the country — and this is one — be impossible to avoid plain issues.

I am, Sir,

Your Obedient Servant

Gilbert Malcolm Sproat

Indian Reserve Commissioner

Indian Reserve Commission.

British Columbia.

1833
78

In Camp. 100 Mile Post C.
1 August 1878.

Re. Robt. Hughes
Oyster Harbour
Chemainus

Sir.

I respectfully beg to say that I am waiting for a reply from the Provincial Government to letter of 21 April 1877 from the Indian Reserve Commissioners to Hon: A. C. Elliott, as to land claimed by Mr Robt. Hughes of Oyster Harbor.

The Dominion Surveyor is rapidly approaching that place to survey the Indian Reserves, and as the matter now has been about fifteen months before the Government, I think an answer might be sent.

I am, Sir,

Your obt. Servant

Gilbert Malcolm Sproat
Indian Reserve Commr

The Hon:
The Chief Commissioner
Lands & Works
Victoria

165/77

Victoria, B. C.

PROVINCIAL SECRETARY'S OFFICE. April 17 1877

April 1877

Sir,

In laying off the reserve on the Chemainis Peninsula for the Indians of Chemainis Bay and the Sick-a-oneen Indians, the Indian Reserve Commissioners included within it 40 acres, subject to any rights which Mr. Robt. Hughes might have to the same, under a letter to him from Mr. B. W. Pearse, Asst. Surveyor General dated 7th. Oct. 1865, of which we enclose a copy. The original application from Mr. Hughes, and the original of Mr. Pearse's letter are lost, but we got a copy of the latter from the Land Office. We enclose also a small Sketch of the reserve, on which the land claimed by Mr. Hughes is coloured yellow.

The Commissioners unanimously are of opinion that it is undesirable that this portion of land should

The Honourable A. C. Elliott
Attorney General
Victoria.

should be in the occupation of a white man, and though, as Provincial Commissioners, we have rather specially to look to the interests of white settlers, we do not think that the letter of Mr Pearse gives Mr Hughes a valid claim. It appears to be a mere temporary license to occupy a piece of ground. It cannot be viewed as a rough pre-emption, for, being made subject to any lease that might be given afterwards, it appears that the government considered they could revoke the license at will, and grant a lease on such terms as they pleased, or refuse to grant a lease.

The letter in short, may probably be interpreted as merely saying "The Crown will not sue you for trespass."

It might perhaps, further be considered that the letter is invalid, seeing that Governor Kennedy, though a Crown Colony Governor, could not grant sell nor lease

sell, nor lease land except under the provisions of the Vancouver Island Land Proclamation, 1862, which we think was in force in 1865. Such a grant as Mr. Hughes says the letter contains is not, so far as we know, provided for in the Proclamation 1862.

If the Commissioners are correct in this view, it will be necessary for the Crown to withdraw the license alleged to be contained in Mr. Pearse's letter.

The land is within the railway belt.

Enclosed are copies of a letter from Mr. Hughes to the Commissioners dated February 20, 1877, and of notes of conversation which they had with him.

We cannot find that Mr. Hughes has pre-empted the 100 acres he mentions in his letter.

Being on the point of proceeding to the

Mainland

The yellow patch is Mr Hughes' claim

mainland, we may not be able to ascertain the view of the Provincial Government on this matter before our departure, and we have therefore given a copy of this letter to Colonel Powell, with whom the Commissioners will be glad if you will communicate on the subject, at your early convenience, as it is important to Mr. Hughes that he should know what his real position is with respect to this land.

The improvements consist of a log cabin and outhouse, and a garden fenced and enlarged by the felling and burning of trees. The Sick-a-meen Indians state that the part of the garden near the shore was formerly a potatoe patch of theirs.

We have the honor to be,

Sir,

Your obedient Servants

Archd McKinlay
Provl Commr

G M Sproat
Joint Commr

Copy

Lands and Works
7 October, 1865

Sir,

In reply to your application of the 25th ulto. I have the honour to inform you that his Excellency has been pleased to grant you permission to occupy that part of the Shore of Oyster Bay mentioned in your letter, also the land adjoining the same the boundaries of which are to be N and S and containing 40 acres.

This grant is subject to existing rights and to actual bonâ fide occupation and working of the Oyster Beds and to any lease that may be hereafter determined upon. Provided always that the navigation of the Bay or Harbour shall not be in any way obstructed.

I have &c
(signed) "B. W. Pearse"
Asst. Surveyor Genl.

Mr. Robt. Hughes

Oyster Harbour
29th Sept. 1877

Dear Sirs,

Yours of the 7th came to hand on Saturday and I have to inform you that three years ago we had a severe frost whilst the tide was out and the oysters were exposed and all the oysters on Oyster Harbour were froze but the young oysters have sprung on and there is sufficient oysters on the harbour if properly culled and planted to supply the Pacific Coast. But the Bay in front of my house must have many oyster on it only what I planted there it is very well adapted for planting on and oysters properly planted will mature in three years all that I have done since the heavy frost has been to keep the Star-fish off and give the young "seed" a good start the spring of the year is the best time for planting In your wish to know how many men I have in my employ at present I have none occasionally market a few but the majority of them are so small they will not pay me to hire help yet awhile. So I have to depend on my garden altogether for my livelihood I have never discontinued work on the oyster beds or garden and I claim two acres of land by pre-emption rights besides the 160 acres specified in my grant from His Excellency Governor Kennedy.

I have the honor to be
Your obedient Servant
(signed) Robert Hughes
Oyster Harbour

To the Indian Commissioners
Messrs. Anderson, Mc. Hinlay and Spreat.

Rough notes of interview between W. R. Hughes and the Commissioner, at Horse Shoe Bay 18th Jan. 1877

Has been in place since 1863 Went to the Bay to Oyster – Got a letter from Governor Kennedy Through W. Pearse - giving 40 acres and exclusive right of working oyster beds in the small bay near his house date of letter probably 1864 Lost the letter overboard in a coal

Cannot say who signed the letter either W. Pearse or Gov. Kennedy

W. Hughes has seen the grant gazelled in the Victoria papers – is an Englishman subject a Gloucestershire man never took oath of allegiance to U S.

Took 40 acres as a small farm or garden spot and house site - at one time say about 1868 Saw W. Pearse and said he would like 100 acres more He, W. Pearse, said he would record it for me W. Hughes never recorded it.

States positively that in 1863 there was no sign of an Indian settlement where his house is

Notes from Indian Reserve Commissioners Journal respecting W. R. Hughes' Claim.

Visit Hughes' place, about 3/4 of a mile from the village - a log cabin, evidently of a good many years standing, with a small picketed enclosure adjacent, a cow-shed &c. The man is absent, we are informed, on a visit to Salt Spring; consequently we can make no further enquiry at present.

This morning W. Hughes (or "Bob Hughes", as he is commonly called) came to our Camp. W. Hughes claims to possess the spot which he now occupies, under a special grant from ex Governor Kennedy. Says that he obtained this grant (of 40 acres) with the privilege of working the Oyster-beds in the vicinity and with the view of "cultivating" oyster in proximity

Says that he had a paper, signed, as he supposed, by ex Surveyor General Pearse - or by Governor Kennedy he forgets which - Says that he has lost the Paper: that it was swept overboard, together with his coat, in the pocket of which it was deposited, on a certain occasion in Nanaimo Harbour - Denies that he has been habitually dealing in Whiskey, to supply the Indians; but admits that 10 or 12 years ago, when first he obtained the license to work the Oyster-beds (at that period, he says, a profitable occupation yielding 4 or 5 dollars a day) he employed Indians to work for him, by night and day, and that, to encourage them, he gave them occasional "nips" of Whiskey. Since then - the then being very vague and indefinite - W. Hughes says that he has scrupulously refrained from the course which he had pursued.

On the whole, W. Hughes adduced a very plausible story: and having listened to it, we dismissed W. Hughes with the assurance that, while the subject would be closely enquired into in Victoria, after our arrival there, due consideration would be given to his statements

Canada

and I respectfully submit my narrative, under these circumstances, with some diffidence, and subject to the effect of better authentic information on any point, if anybody possesses it.

Action of Sir James Douglas
First Governor of the Mainland 1857 to 1864.

The records I have examined show the good intentions of Sir James Douglas towards the Indians during his Governorship.

The Land Proclamation of the 14 Feby. 1859 stated that "it shall also be competent" "to the Executive" (that was in fact the Governor) "at any time to reserve such portions of the" "unoccupied Crown Lands and for such purposes" "as the Executive shall deem advisable."

Acting under this law, Governor Douglas in an official letter to the Assistant Land Commissioner at Lytton dated Fort Yale 1st Oct 1859 and signed with his own hand, drew "earnest and immediate attention to objects" "of a public nature to which his attention in his" "wanderings about the country has been forcibly" "attracted." He wrote. "You will also cause to" "be reserved the sites of all Indian villages and" "the land they have been accustomed to cultivate" "to the extent of several hundred acres around each" "village for their especial use and benefit."

This action of the Governor was in pursuance of a policy which had been deliberately formed. Gov: Douglas, in a letter of 14 March 1859, wholly devoted to Indian affairs, had stated to the Secretary of State for the Colonies, that

"Anticipatory reserves of land for the benefit" "and support of the Indian races will be made" "for that purpose in all the districts of British Colum" "bia inhabited by native tribes."

That the Governors action was reasonable and justified by the disposition which the Indians were showing, or soon showed, to cultivate the soil, may be inferred from the following extracts from letters of the Assistant Land Commissioner at Lytton to the Colonial Secretary.

1860 - 12 May. "The Indians in this "locality are following the example of the white "population and planting potatoes &c for their winter "stocks of food".

1860 - 4 July. "The Indians are" "in many parts cultivating the ground for gardens".

The above instructions from Gov. Douglas were regarded as potential and were acted upon by the Assistant Land Commissioner in some parts of the Lytton District, if not fully at Lytton.

This appears from the following letter of the Ass't Land Commissioner to Mr. D. McLean Kamloops 24 March 1860.

"With regard to your "remarks on Indian Reserves and the right of "pre-emption, no pre-emption rights can be given to "land which the Indians have been accustomed to "cultivate, or occupy as the sites of villages; the "extent of such reserves being several hundred "acres around such cultivated spots or sites of "villages. Therefore, I imagine, the Government "will regard the land cultivated by St Paul as "an Indian Reserve".

Having ordered the formation of "anticipatory reserves" Gov. Douglas further instructed the Lands Department to have them marked off in a cheap, but conspicuous manner, and to have them mapped and gazetted.

On 5 March 1861 the Colonial Secretary officially requested the Chief Commissioner of Lands & Works to take measures for marking out distinctly the sites of the proposed towns and the

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Indian Reserves throughout the Colony. "the "extent of the Indian reserves to be defined as they "may be severally pointed out by the Indians them- "selves"; and, on the 5 April 1861, the Chief Com- missioner was, further, instructed to gazette the position and extent of all the spots of land set apart as Indian Reserves, and to send Maps to the Government.

On 2 August 1861, having received no reply to the above letter of 5 April, the Chief Commissioner again was asked what to be had done, and was requested to send the maps. The Chief Commissioners reply cannot be found.

On 9 June 1862, the Colonial Secretary wrote to the Chief Commissioner that the Governor was under the impression that the work of marking out the Indian reserves had long ago been carried out, where requisite, under the instructions conveyed in the above letter of 5 April 1861.

On 27 April 1863 Sir James Douglas in a letter to the Chief Commissioner, signed with his own hand, wrote as follows.

"Notwithstanding my particular "instructions to you that in laying out Indian "Reserves, the wishes of the Natives themselves, "with respect to boundaries, should in all cases "be complied with, I hear very general complaints "of the smallness of the Areas set apart for "their use. I beg that you will take instant "measures to inquire into such complaints."

Of Sir James Douglas' Indian policy and action in British Columbia it may be said that it would have been difficult to have adopted a policy more suited to the circumstances and the time, or to have given clearer or more emphatic instructions for its being

carried out.

I have shown above that as late as 1863 he was displeased with what had been done by the Departments. In April 1864, however, it appears from the last speech which Gov. Douglas made to the Legislative Council before retiring from office that he then was under the impression that at last greater attention had been given to his instructions respecting the lands of the Indians. How far this was true, as regarded the tribes whose affairs I lately have examined, will appear in the sequel.

The Lands Department in these days.

The Lands Department of the mainland, from 1858 to 1864, was managed by the Commanding and other Officers of the Detachment of the Royal Engineers which was sent to British Columbia by the Home Government.

These gentlemen were of high professional repute. They were occupied with the land arrangements generally of a country just opened for colonization. Road and bridge making forming a large part of their work. I cannot find that the Commissioned Officers, personally, laid out any reserves for Indians. The assignment of the reserves was generally entrusted to those Officers of the Lands Department who were called Assistant Land Commissioners and who acted generally as Government Agents in the several districts. None of these were Officers of the Royal Engineers. Non-Commissioned Officers or Sappers of the Engineers were, however, occasionally employed in this work, under the

supervision of the Assistant Land Commissioners.

The following copy of an order from Capt Parsons R.E. to Sapper Turnbull shows the course pursued, or begun to be pursued in the New Westminster district where the head office of the Land Department then was.

New Westminster 1 May 1861

Sapper Turnbull, -

"You will take an early "opportunity of stating and marking out in the District "you are now stationed in, all Indian villages, "burial places, reserves &c, as they may be pointed "out to you by the Indians themselves, subject, "however to the decision of the District Magistrate "as to the extent of the land so claimed by them.

"Make sketches of the locality and give dimensions "of claim, sending them to this office after acquaint "ing the Magistrate of what you have done.

"Be very careful to satisfy "the Indians so long as their claims are reasonable, "and do not mark out any disputed lands between "whites and Indians before the matter is settled by the "Magistrate, who is requested to assist you in every "assistance. Report your progress from time to "time"

I have &c &c
(Sd) R. M. Parsons Capt. R.E.

The above shows a business like purpose, but on a broad retrospect, it is evident from the frequently expressed dissatisfaction of Sir James Douglas that the work of assigning reserves for the Indians, in those years, was, for some reason or other, not well done.

My own personal knowledge of the country in those earlier days might enable me to guess at several causes for this failure, but as I wish to limit my remarks to what is upon

record, I will only here quote from a letter of the Chief Commissioner upon the subject of Indian reserves, addressed to Sir James Douglas on 28 April 1863. The Chief Commissioner admits that the work had not been satisfactorily performed, indeed, his letter shows that in 1863, nearly five years after the incoming of white men, the first real steps towards adjusting Indian land matters had not in fact been taken by the Lands Department, notwithstanding the earnestness and emphasis, the precision and decision of the orders of Gov. Douglas on the subject.

The Chief Commissioner wrote as follows—

"The interests of the Indian popula-
"tion are scrupulously, I may say jealously,
"regarded by myself and every Officer and Man
"under my command."

"I beg leave earnestly to
"move Your Excellency that some practical
"measures be adopted in respect to the land
"as well as to other interests of the Indians,
"measures that shall effectually guard against
"any misunderstanding. I do not think this
"can be well done by any department. It
"requires also a thorough knowledge of the
"Indian languages."

"Pending better
"arrangements, if even now, for instance, I had
"the able assistance of so judicious a man
"as the Rev. Mr. Garrett to make himself
"acquainted with all the villages, number of
"population in each, and extent of land wanted
"for or requisite, I would attach a man to
"him with proper status &c, and then having
"before me a statement as regards all in the
"valley of the Fraser, below Yale at all events,
"these lands would be safe from invasion, could
"be gazetted at once and surveyed at leisure."

"Several full reserves have already been "made, but I hear incidentally that there are "other Indian villages and potatoe grounds "with the sites of which the Lands and Works "Department is not acquainted."

Sir James Douglas, it appears, did not admit that there were any difficulties to perplex the Chief Commissioner of Lands.

The Colonial Secretary wrote to the Chief Commissioner of Lands on the 11 May 1863 in reply to the above letter, that the Governor considered. "that the instructions contained "in his letter to you of 5 March and 5 April 1861 "and 27 April 1863, cover the whole question, "and he requests that those instructions may be "carried out to the letter, and in all cases "where the land pointed out by the Indians appears "to the Officer employed on the service to be inadequate "for their support, a larger area is to be set "apart."

So much upon the Indian policy of Governor Sir James Douglas and upon the organisation of the Lands Department from 1858 to 1864. Let us now see what the Lands Department actually did during those years in the district between Spuzzum and Lytton.

I have endeavoured to ascertain what work upon Indian Reserves was done between Spuzzum and Lytton by the Lands Dept during the Royal Engineers time. It is difficult to find precisely what was done. In a rough sketch of the line of the new waggon road from Boston Bar to Lytton made by Sapper Landers in 1861, only ~~two~~ two Indian settlements or reserves are shown, namely, those at In Kaht, sahp and Siska. I find, however, separate tracings (undated) by the Royal Engineers, of several other Indian settlements along the waggon road, but I have not been able to find that they were gazetted.

Further enquiry probably would not bring out any new facts. The above letter of the Chief Commissioner, 28 April 1863, shows that the Department did little, and did not consider itself able to do much, in adjusting Indian Affairs, even in the District of New Westminster, where the Chief Commissioner and his staff resided. The reply above quoted of Sir James Douglas shows, that in his judgment, the orders he had issued covered the whole question, and the Department had only to carry them out.

Sir James Douglas left office in 1864 and the services of the detachment of Engineers in connection with the Land Office ended, I believe, in the same year.

I will make a few remarks here on a matter which needs clearing up.

The Hon. J. W. Trutch, who succeeded Col. Moody R.E. as Chief Commissioner of Lands, wrote a report 28 Aug 1867 for the consideration of the then Governor, in which the following statements are made.

"The subject
"of reserving lands for the use of the Indian tribes
"does not appear to have been dealt with on any
"established system during Sir James Douglas'
"administration"

"The rights of Indians to hold
"lands were totally undefined, and the whole
"matter seems to have been kept in abeyance, although
"the Land Proclamations specially withheld from pre-emption
"all Indian Reserves or settlements."

"No reserves of lands specially
"for Indian reserves were made by official notice in the
"Gazette, and those Indian reserves which were informally
"made seem to have been so reserved in furtherance of
"verbal instructions only from the Governor, as there are no
"written directions on this subject in the correspondence on
"record in this office."

Anyone reading the above would think that Sir James Douglas was to be blamed for the state of affairs described, though the words, when scanned, do not necessarily impute blame to him personally, but refer to what took place during his Governorship in the work of a Department to the control of which Mr Trutch had succeeded.

It is not likely that Mr Trutch meant to make Sir James Douglas' successor believe that Sir James was to be blamed personally. The extracts from letters quoted already in this minute show that such an imputation could not be made without injustice.

So far as I can judge of the matter, there would have been no Indian land questions here had Gov: Douglas' orders simply been carried out, unless as the result of what was done after his departure from office.

Returning to my narrative it appears that Indian land matters along the Fraser and Thompson, from Yale to Lytton and Lake Creek, remained, under the governorship of Messrs Seymour and Musgrave, (with Mr Trutch at the head of the Land office) in the state in which the Lands Department left them in 1864, until the approach of Confederation in 1870. 12 years after the incoming of white miners and settlers. "The whole matter "seems to have been kept in abeyance".

As late as 1868, indeed, the Chief Commissioner of Lands wrote to the stipendiary Magistrate that the then was "impracticable to effect any settlement of the "Lytton Reserves".

In 1870 the following order was issued to the Chief Commissioner of Lands.

Colonial Secretary's Office.
29 April 1870.

Sir,

With reference to the subject of the Survey of the Indian Reserves on the Fraser, I am directed by

"the Governor to acquaint you that, as has been
"suggested by you, he approves of the boundaries of
"all the lands which are to be reserved for the use
"of the Indians, from Harrison River to Yale, and
"along the waggon road from Yale to Cache Creek,
"being determined by the Local Magistrates, and
"surveyed under instructions from your Department,
"the Magistrates personally inspecting such survey"
"You will be good enough to
"give the necessary instructions to the Sub Commissioner
"of the district. The surveys in question to be carried
"out at the earliest possible date."
"The sum of $400 is
"duly authorized to be expended on this service."

I have &c &c
Philip J. Hankin

The Hon:
J. W. Trutch
C. Com^r Lands & Works

It will be observed that by these instructions, in 1870, the defining of the reserves was left entirely to the Local Magistrates, whereas Gov: Douglas, in his instructions issued in 1859, stated for the guidance of the local magistrate, that the Indians were to have "several hundred acres around each "village for their especial use and benefit"

As regards the adjustment of Indian land questions in this part of the country attempted in 1870, it may be remarked that the Governor's instructions in the above letter of 29th April are to the effect that "the boundaries of all the lands that are "to be reserved for the use of the Indians" were to be determined and surveyed. From one point of view it might be presumed from this that the lands not included in the assignment and survey made under this order were not to be considered as Indian lands. Now it is a fact (as the already

quoted letter of the Chief Commissioner to Sir James Douglas 28 April 1863 would lead anyone to effect) that some of the oldest Indian settlements between Spuzzum and Lytton were not, so far as I can find, marked off nor delineated by the Royal Engineers, and it also is a fact, that, some of these "omitted" places and other old Indian settlements which had been delineated by the Royal Engineers, were not included in the reserves laid off and surveyed by the Colonial Government in 1870, and do not appear in the Schedule of Reserves furnished by the Provincial to the Dominion Government. If the above presumption is correct it follows that the places above described, as "omitted", and some also of those that were "delineated" were in reality excluded or cut off in 1870. They were not, however, gazetted as open for pre-emption and the Indians have never ceased to occupy them.

Referring, now, to another part of the question I may state that the assignment of necessary fishing grounds at the fisheries of these Indians does not appear to have been dealt with at any time, and not seen in 1870.

The fisheries of the Indians between Spuzzum and Lytton are used, not merely to supply food for the resident Indian but, to furnish them with an exchangable commodity in intertribal traffic. "A hundred salmon for a horse" is an old Indian tariff. It is often said "nobody will touch the Indian fisheries". The camping and cultivable ground at the most valued fishery of the Boston Bar Indians has been pre-empted several times and been the subject of a certificate of improvement, but the occupiers abandoned it when business became depressed along the waggon road.

An equally important matter, which unfortunately has developed into a serious practical question, remains to be mentioned. In a great part

I may say, nearly the whole, of this district water is necessary for the cultivation of the soil. I have not been able to find that it was declared that water was appropriated by the Government for the use of the Indian Reserves or settlements between Yale and Lytton. The Government have permitted much of the available water to be recorded or held by white miners and settlers in the neighbourhood of the Indian settlements and reserves, and thus many of them cannot be cultivated, or can only be cultivated intermittingly, or in part.

The Indians have not had until lately anyone to advise with them as to water for irrigation, and, being fearful of offending against the law, have not interfered with white men and Chinamen apparently in legal possession of all the water near several of the reserves, but they complained much to me that, so far as they knew, no water had been provided for use on their land.

British Columbia being essentially a mining country, it has been necessary to give extensive rights to free miners to divert and use water from lakes, streams and "creeks" for mining purposes. I have found that the exercise of these rights in some places, generally by Chinamen, interferes with the requirements of the Indians under the circumstances of the Indians rights to water not having been defined.

The Chinamen have, for many years, taken up a distinctive position as miners on various parts of the Fraser. On 1 August 1872, the Assistant Gold Commissioner at Lytton wrote as follows to the Colonial Secretary "miners returning "from Cariboo would probably think but Chinese have "taken up all available mining ground, and pur- "chased water privileges also from original owners."

Again, I may remark, that subsequently

to the Land Act of 1865, the land itself, and the water, required for irrigating it, had to be separately recorded, and a water record could only be made by a person lawfully entitled to hold land, under the Land Acts. The Indians, with the exception of perhaps half a dozen who have received permission to pre-empt, were not and are not so entitled, unless they purchase the land; which, speaking generally is beyond their means. It follows that, from one point of view, the great majority of the Indian population have been, and are, practically disabled from acquiring a right to water. They can only get it by the Government providing it for them. The effect of this has not been much felt on the seaboard where fresh water is abundant and is not required for irrigation, but, it is a matter of the gravest concern in the extensive arid interior portions of the Province. Water there is, as above said, the first necessary of agricultural industry. Nothing can be done without it.

It appears nevertheless, as above said, to be true that no special instructions were given by Gov: Douglas, nor any other Governor, nor by any of the Chief Commissioners of Lands respecting the assignment of water to be used in irrigation by the Indians inhabiting the arid portions of the province.

It was probably supposed that the Assistant Land Commissioners, who knew the requirements of their districts, would do what common sense dictated in the matter.

The subject of water for irrigation, I may remark, did not come much to the front in the early days of the Colony. Everybody was thinking of mining. Until 1865, there does not appear to have been any law to regulate the acquisition of water for irrigating farming lands other than the garden plots of miners. Farmers recorded water for irrigation previously to 1865, but I do not know what law

necessitates or validated such records. The practice of miners in recording water under the Gold Mining Acts seems to have been followed by the farmers, and in some instances, it looks as if farmers bought mining ditches that were about to be abandoned and supposed that by buying the ditches they also in some way secured the water without any necessity of recording it for irrigation. The practice amongst whites seems to have been not to re-record water for irrigation though many persons did record annually water for this purpose.

The water question in connection with Indian reserves thus having been left to the Assistant Land Commissioners in the districts it would appear that these gentlemen followed no general rule on the subject. Probably they supposed that in laying off the land they also in fact assigned water.

The unfortunate fact, however, so far as the Indians are concerned, is that there was no distinct declaration in any of the Colonial Land Proclamations or Acts that water as the adjunct of an "Indian settlement" was, like the land itself, to be withheld from pre-emption and purchase. Again the 1865 Land Act (which first dealt with the question of water for irrigation) disabled the Indians from acquiring water (though some few Indians in fact were allowed by Magistrates to record water afterwards) and gave an absolute right in the order of priority to non-Indians recording water. Thus effectually shutting out the Indians from its enjoyment and use (except from large streams common to all) so far as positive law could do this.

That the necessity of a supply of water for the reserves in the interior was present in the minds of some of the Magistrates who laid off reserves may be inferred from the following facts.

In 1868 Mr O'Reilly, Stipendiary Magistrate, laid off reserves at Nicola without mentioning water for irrigation. But in 1871 when the sufficiency of these reserves was questioned Mr O'Reilly stated "I considered it"

"indispensable that these reserves should be well
"supplied with wood and water", and he went on to
argue that the supply of water was ample.

In 1868 also Capt. Ball the Stipendiary Magistrate wrote on the 30 Oct from New Westminster to Mr. Inkster the Chief Commissioner of Lands that "the culture of the land in the Lytton
"district is carried on by irrigation and all the
"available land is eagerly taken up where water can
"be used for irrigation". He ~~therefore~~ considered that it would be advisable that land and water should be secured to the Indians in the coming spring. To this the Chief Commissioner replied, as above said, that the settlement was then impracticable and that the consideration of the matter must be deferred.

In 1869 Dec: 9.
Mr O'Reilly Stipendiary Magistrate, upon an application from two settlers to record water at Kamloops, wrote upon the document a memorandum as follows —
"This record is made subject to the right which
"the Indians possess of using the water opposite
"Kamloops". I do not find that any right to the water was declared to have been given at the time of the assignment of the reserve at Kamloops.

In 1870 Capt. Sanders Stipendiary Magistrate at Lillooet formally assigned water as well as land in laying off several small reserves between Lillooet and Lytton

In 1870 the Chief Commissioner of Lands decided to advise the Governor to do what Capt. Ball in 1868 had recommended with respect to the Lytton reserves but which had been deferred as impracticable.

Capt. Ball in his letter had stated that water was necessary in the cultivation of the Lytton reserves — a fact which was of course well known to the Chief Commissioner and to everybody. The Chief Commissioner employed Mr O'Reilly upon the work

This gentleman, as one of the most experienced Magistrates in the country, also knew well that water was needed in the cultivation of the reserves. He did not declare that any water was assigned with the land.

A fair inference from the above seems to be that both the Chief Commissioner and Mr O'Reilly must have considered that without any formal declaration by the Government the right of the Indians generally in the arid portions of the province to a reasonable supply of water from the nearest available sources was necessarily attached to an Indian settlement or reserve. Mr O'Reilly's above quoted memorandum on the white settlers application to record water at Nicola was probably cautionary, the Indians there being resolute and comparatively powerful.

This is a just view looking to the relations between the Crown and the Indians. An "Indian" "settlement" must mean, not only the soil, but, also, its natural adjuncts, and what is reasonably necessary to fit it for human habitation and industry.

The same remark applies to reserves, which are simply "settlements" that have been defined by the Government. What is essentially inherent in a "settlement" cannot be removed by its transformation into a "reserve".

Surely it must be held that the necessary water for household use, or other reasonable purposes, and for cultivation must be provided for Indian "settlements", and for reserves in the arid parts of the province. A contrary view would have the effect of burdening the uncivilised man in his first steps in a civilised direction, and would involve the proposition, revolting to humanity and common sense, that somebody might record all the water in streams or from springs adjacent to Indian places of residence, so that the Indians would not have a legal right even to water for household use. This state of matters has been nearly reached in some places.

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I will now mention the area of the Reserves as they existed on my visit to this district.

Area of Reserves.

The total area of land in the surveyed Reserves for the Kekla. Kap. a. mutt Indians between Spuzzum and Lytton is, according to the Schedule of the Government of British Columbia 16 Octr. 1871. 1432 Acres, or about $2\frac{3}{5}$ acres to each male adult now living.

Adding to the acreage of the above Schedule the estimated acreage of Indian settlements not included in the Schedule, but for which undated Royal Engineer tracings have been found, the total acreage would be about 1772 acres, or about 3/5 acres to each male adult now living.

This total quantity must be reduced by about 1100 or 1200 acres for land unfit for cultivation, or which could not be cultivated owing to the non-provision of water for irrigation, or the impossibility of getting it at any reasonable cost.

The people are said to have diminished in number since 1870.

My action in part.

The tribes of the above Indians whom I first visited were the Spuzzum, Boston Bar and Boothroyd Groups numbering together about 803 souls. I found many questions requiring adjustment. The Indians complained to me much to me of the smallness of the area of their lands, and of the want of water, and of their fears with respect to their fishing grounds. The country along this part of the Fraser is unpromising and at one time

I thought that it might be for the good of the people if some other place could be found for them. I soon ascertained however that they could not bear the idea of leaving their old places, however unfertile. I therefore had to do what I best could in each neighbourhood, as my Field Minutes show, in the midst of vested interests that had grown up during the 15 or 20 Years which had passed since the work should have been done, which I was now instructed to undertake.

It for some time seemed a hopeless work, however, by finding a place here, and a place there; by inducing appropriators of water to give up some to the Indians; by searching for damp spots in the mountains I may now say that I think that I have adjusted, or can see my way to adjust (subject to a few open questions) land matters generally among the above mentioned four groups of Indians with fair satisfaction to them and without raising any troublesome question between the two Governments which I am very conscious it is desirable to avoid.

It is not therefore necessary at present for me to send to the Prov. Government copies of my Field Minutes as to the Land affairs of the Spuzzum, Boston Bar and Boothroyd groups of Indians.

I may remark here that the above satisfactory result has been achieved because the Indians left the adjustment entirely in my own hands, and because the depression of business generally along the waggon road has caused many holders of lands to abandon them. I do not know how many questions that arose could have been dealt with but for this latter circumstance.

I very deeply regret, however, to have to state that though the "Lytton proper" subgroup of Indians have been as reasonable as the above mentioned groups of Indians further down the Fraser River I have not been able to find a way of settling land

questions for the "Lytton proper subgroup" that could be deemed satisfactory or reasonably final.
The district around Lytton is more arid than lower down the Fraser. I might, perhaps, by personal influence, indeed I may say that I could have induced them to believe that what I found it possible to do was sufficient for them, but this would have been only a preparation for future difficulties, which they themselves cannot foresee. I left them in good humour telling them that there were various questions which had to be examined before my final decision on all points was made, and that the delay was unimportant as the irrigation season had passed for this year.

The state of land matters among the "Lytton proper subgroup" of these Indians is the principal cause of the present Minute, and I will now proceed to remark specially upon it in order to bring the matter before both Governments, but in the first place, before the Government of the Province.

Case of the Lytton Subgroup.

The "Lytton Subgroup of Indians" is numerous, and their white neighbours state that they are well behaved. I was pleased with their appearance and demeanour. Some of them show proofs of a desire to cultivate the soil. A considerable part of their reserves, and also numerous patches here and there outside the reserves have been cultivated. The total area of the reserves, however, is small and no water, so far as I can find, has been formally declared to have been appropriated to those Indians to enable them to cultivate the land.

I subjoin a Census of this subgroup of Indians.

	Adults	Youths	Children	Horses	Cattle
	M. F.	M. F.	M. F.		
Lytton Subgroup	183. 168.	5. 25	106. 103.	795	13

Total — 590 —

The total quantity of land assigned for these Indians between 1859 and 1869 consists of two small reserves at Lytton. Klick. kum. cheen and Klahk. a. mich respectively containing 14 and 12 acres, and another reserve of about 185 acres (not scheduled) at In. Kluk. cheen 2½ miles up the left bank of the Fraser from Lytton. All these reserves were assigned in 1862. The bulk of the land is gravelly or rocky and as no water was formally declared to have been provided for irrigation the land has not been cultivated. Supposing that water had been provided the cultivable land in these reserves would have amounted to less than 1 & 1/5 acre for each male adult (now living).

It does not appear that anything further than the above was done to carry out the instructions of Governor

Douglas 1 Oct. 1859 to the Assistant Land Commissioner at Lytton already referred to in this Minute.

The instructions of the Governor as to the quantity of land do not seem to have been carried out, and indeed all the village sites were not reserved.

The old "homesteads" or principal places of residence of this subgroup of Indians were, and are, at the above mentioned places Klick. kum. cheen and Klahk. a. mich beside the hamlet of Lytton, on the left bank of the Fraser, and at Na. ki. i. ya ~~[illegible]~~, No. ko. meen and Stryne on the right bank of the Fraser near its junction with the Thompson.

The Indians had houses at these places — and also elsewhere for instance, at Tuck. ko. zaph on left bank of the Fraser just above its junction with the Thompson, and at In. Kluk. cheen above mentioned. The Surveyors Sketch in 1862 shows half a dozen houses at In. Kluk. cheen.

Owing to the above mentioned disregard of the specific instruction of Gov. Douglas 1 Oct. 1859 to the Assistant Land Commissioner at Lytton, the comparatively populous Indian settlements at Na. ki. i. ya. Ko. ko. meen and Stryne were left until 1870 to any protection against pre-emption or purchase that was afforded by the law.

In 1890 these "settlements" were made into "reserves", but by that time much of the good land and water in their neighbourhood had been alienated from the Crown.

~~The 1878 reserves and the 1890 reserves, added together would have given, supposing water had been provided for irrigation, [illegible] acres to each male adult (Mr. Tomlinson)~~

An interesting practical question on "reserves" now presents itself. What did the above

mentioned protection of "Indian settlements and reserves" by law practically amount to? I do not know that I can illustrate this more fairly than by reference to the actual history of some of these Indian grounds around Lytton, and particularly in the first place, by the history of an Indian place called Ko. ko. meen on the right bank of the Fraser opposite Lytton which was an "Indian settlement" until 1870 when it was made into a "reserve".

The singular shape of this "reserve" as shown on a map at once draws attention to it. It suggests, as the fact is, that nearly all the good land has been gouged out of the "settlement" before it was made into a reserve.

It may be well perhaps to give here a sketch of the whole of the portion of land on the right or west bank of the Fraser opposite Lytton (including Ko-ko. meen) which in revising these Indian land matters it was necessary for me to examine.

1856
~~255~~
78

Indian Office
Victoria 14th Aug 1878

AUG 14 1878

Sir

Would you be good enough to inform me, if the arrangement made by the Joint and Provincial Indian Reserve Commissioners — as contained in their Report in reference to the disputed lands of Mr Dods of Cowichan, would, if carried out, be agreeable to the Government now. I am notified by Mr Ashdown Green who is now surveying the Reserve that there is likely to be trouble and he has written me to be present, to explain the boundary lines to the Indians. I cannot state, positively, that the Indians will be satisfied in any event, but I propose to see them on Friday and I should be glad to be able to renew a proposal which I consider a very reasonable one — leaving them no real cause for any future dissatisfaction in case of refusal

I have the honor to be
Sir
Your obedient Servant
J. H. Powell Ind Supt

The Honorable
G. A. Walkem
Chief Commissioner Lands & Works

Page 37 March 77 report

1914/78

Clus 24/8/78

No. 2.

British Columbia Telegraph.

The following Message is received in compliance with the rules and conditions of this Company, as endorsed on form No. 1 of this Company, which have been agreed to by the sender.

R. B. McMICKING, General Superintendent.

Dt Spences Bridge Aug 21 1878

Received at Victoria Aug 22 1878 10 20 a.m.

To Hon Chief Com of L & Works

Check 16 paid

Please telegraph me what I have to say to Nicola Chief respecting O'Keefe's matter at Okanagan

Sproat

Indian Reserve Commission
British Columbia
In Camp Nicola River
16 Aug 78

Sir

Mr John Dowling at Oregon Jacks, Thompson River, having made a claim under an alleged purchase of 25 Acres 17 Apl 1868, to land cultivated by the Indians near his farm, but not contiguous to it as required by the 1865 Act, and therefore not in the power of the Government

The Hon: The Chief Commissioner of Lands, Victoria

I beg to say that I have instructed a Surveyor to ascertain the relative positions of the land cultivated by the Indians and of Mr Dowling's pre emption, and I have to request that no further (as alleged) title be given to Mr Dowling until the facts are ascertained by the Survey. The enclosed sketch shows approximately Indians land. They have cultivated it for years, and it seems to be a considerable distance from any boundary of Mr Dowlings.

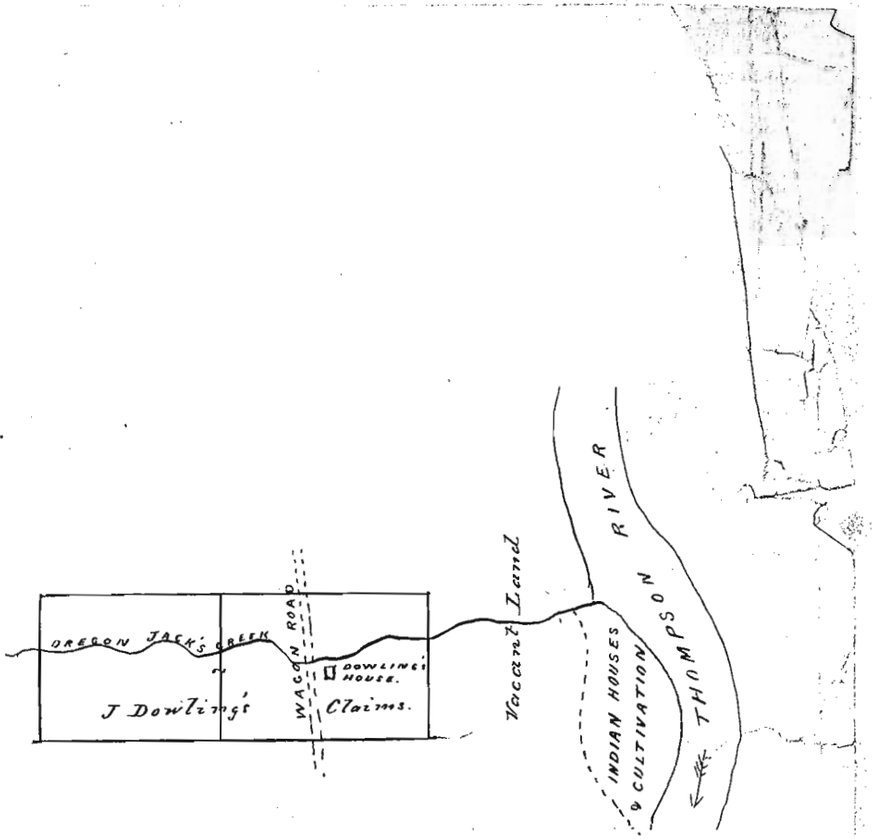
He can get his 25 acres contiguously to his pre emption.

I am Sir.

Your Obed Servant

Gillett Malcolm Sproat

Indian Reserve Commr



Nicola River 15th August 1878

2 Camp.

1995
Lr
78

I have today received your letter of the 2nd about a survey matter at the Deadman Creek Reserve.

You are wrong in having written to me on this subject, as the surveys of the reserves are not under my care, but are under the direction of Mr. E. Mohun as Surveyor in Charge

I have handed your letter and to enclosure to that Gentleman

I am Sir
Your Obed: Servant
Gilbert Malcolm Sproat
Ind. Resc Comm.

The Hon The Chief Commr of Lands
Victoria

1996/78

Indian Reserve Commission
British Columbia
In Camp Nicola
River
1878. Aug 26

Sir

I enclose - as an addition to the Appendix of the Minute on Lytton affairs 24 July last - copy of my letter to Capt H M Ball 15 ~~Aug~~ July and of his reply of 29th idem.

Capt Ball, you will observe, does not comment on the question not in my letter.

His statement that there was no wish nor inclination on the part of the Indians to cultivate the land at Inkluk cheen in 1862, does not agree with the fact that the sketch made by Capt Ball, or signed by him in that year shows half a dozen Indian houses

The Hon: The Chief Commr of Land
Victoria

and also cultivation by Indians at that place. This sketch is in the appendix to the Minutes.

I would also respectfully submit as a reasonable view, that the Crown having disabled the Indians from themselves acquiring land and water by the ordinary method, should assign to them these necessaries irrespectively of their expressing any wish for them.

Their state of imperfect civilisation and want of foresight are I presume, the reasons why the Crown assumed the position of guardian of the Indians, and these are not to be brought forward in answer to an imputed failure of duty on the part of the Crown.

As a matter of fact (see Minutes)

Capt. Ball, as early as 1860, reported to the Colonial Secretary that the Indians generally around Lytton showed a disposition to cultivate the soil.

Thanks the honor &c

Further Sect.

Gilbert Malcolm Sproat
Indian Reserve Commr.

Copy

Indian Reserve Commission

In camp, Cooks Ferry
En route to Kiola,
15 July 1878.

Sir,

(1) In collecting materials at Lytton for a report on Indian matters sent to the Dom. Govt I find that Gov. Douglas, on 1 Oct 1859, wrote to you from Yale as per annexed extract on the subject of assigning land reserves to the Lytton Indians.

See Lytton Journals

His instructions do not appear to have been carried out, and I have not been able to find that they were modified though I have made enquiry and research both at Victoria and Lytton.

(2) Many of the town people at Lytton express a belief that water was set apart for the use of the town, but no record or document can be found in proof of this alleged fact. They asked me to write to you on the subject

(3) With respect to water for irrigating Indian

Capt. H. M. Dale
R.M.
Cariboo

Indian lands there are likely to be some questions at Lytton. It will, I think, be held by both Govts, and certainly by that of the Dominion, that water for the above purpose was, in fact, assigned together with the land, though the land only was mentioned.

I mention this because, in Oct 1862, you officially laid off a Reserve at In.kluk.cheen (where Mr Seward has a farm) and two years afterwards recorded, as per annexed extracts, from the record book, all the surplus water from the only available sources of supply, in your own name and that of Mr Seward.

Will you oblige me by stating whether the said "surplus" was meant to be subject to the requirements of the Indian Reserve at In.kluk.cheen though this was not expressed in the Record?

The Crown, I should imagine, would not give land to the Indians, and withhold from them the first necessity in cultivating it.

I

I trouble you with this letter, as the subject is new to me, and of so much practical importance as to make me desire to have full information from all sources before concluding my report.

I am, Sir,
Your obedt Servt.
G. M. Sproat
I.R. Commr.

Copy

Richfield

July 29 - 1878

Sir,

In reply to your letter of the 15 July with reference to the Indian Reserve at Leyton near Mr Sewards farm made in 1862, I have the honour to inform you that the Land in question was reserved for the use of the few Indian Horses which grazed there during the Spring and that there was no wish or indication on the part of the Indians to cultivate it, therefore no water in connection with the Land was reserved, and the record made by Mr Seward in 1864 of the surplus water of Junction Creek includes all the water not previously recorded.

The few Indians at that time about that locality were cultivating small potatoe patches near the mouth of the Thompson River and would not have gone to the expense and labour of constructing a ditch 3 or 4 miles in length to conduct water from Junction Creek either

To
G. M. Sproat Esqr
Ind. Res. Commissioner
&c &c &c

on

on to the land reserved or their small potatoe patches, therefore it was not considered necessary to reserve any of the water of that Creek for their use.

There was no village or settlement in 1859 at In. Kluk. cheen.

The Indians generally resided on Lytton Flat and on the point on the opposite side of the Fraser, near Thompson River, but were more frequently about fishing and hunting and only remained during the winter months for any length of time in one place. . . . . .

. . . . . I have the honor to be,

Sir,

Your obdt Servt.

Sd. H. M. Ball.

Commission
Indian Reserve British Columbia. In Camp Nicola river.

1997
78

Sir

1878. Aug. 18.

I have to request that you will take steps with a view to the early cancelling of the land and water records of the Chinamen who have illegally taken possession of Indian lands at Spaptsum Flat as stated in the enclosed copy of my Field Minute on the subject.

The evidence of such respectable witnesses as Mr Thos Kirkpatrick, Mr J C Barnes, Mr Ralph Willard and others, together with the information obtained by

The Hon: The Chief Commissioner of Lands Victoria

my own examination of the ground, shows to my satisfaction that the Chinamen have done wrong; and that the grievance of the Indians should be promptly redressed.

Begging that you will give this matter your early attention,

I am Sir.
Your Obd: Servant
Gilbert Madden Sproat
Indian Reserve Commissioner

1998
78

... Commission.

British Columbia.

In camp: 100 mile post
between Cook's Ferry & Cache Ck
1st August 1878.

Field Notes on the dispute respecting certain lands between Lumby, Broken Jaw, Jeet-li-neetsa together with other Indians of the Cook's Ferry tribe, and Ah-Yip and Ah-Chung, who, with Lee-Chung have land and water records, and who farm in partnership residing in a common homestead at "Spapt. sem", or Spoz-an, Flat on the left bank of the river Thompson, opposite the 89 mile post on the waggon road, between Cooks Ferry and Cache Creek.

The following is a sketch of the locality.

Shaft-sun Flat in all probability was, in pre-colonial days, one of the principal winter residences of a considerable section of the Indians now known as Cook's Ferry Indians, but, of course, the evidences of Indians, only, can be obtained on this point. The other winter residences were, of these Indians, at the junction of the Nicola and the Thompson; also, on the left bank of the Thompson opposite the Falls, immediately below Spence's bridge. The winter residence of the chief part of a British Columbia tribe of Indians is regarded, always, as the tribal home-stead. There are old graveyards on the Flat, and the information given by Indians, some of whom were born there, and have not ceased to live there, is to the effect that Shaft-sun Flat or, at least a portion of the upper end of it, is an old Indian settlement.

The information given by respectable white men, who, in early days mined and wintered stock near the Flat, and have since resided in the neighbourhood, shows that the Indians lived on the Flat in 1859; that in 1861 they began to cultivate potatoes; that, subsequently, they extended the area of cultivation adding grain crops to potatoe crops, and, that they have never abandoned the Flat as a place of residence and cultivation. The annual succession of cropping may, between 1861 and 1878, have been interrupted owing to the inability of the Indians to purchase seed; but it is not believed that this compulsory fallowing of the land has been for more than a single year at any time.

In 1869 Ah Yuk a Chinaman, came to mine at the Flat. He mined for 4 years. He was naturalised on 16 October 1873. On 20 Oct 1873 he pre-empted 320 Acres. The land was taken up under the Land Ordinance of 1870 which withholds an Indian settlement from being pre-empted by non-Indians. The greater part, if not the whole, of

the Indian settlement at Spaft. sum, including house-sites and lands which the Indians have been accustomed to cultivate, is included within the pre-emption of Ah. Yep, who, it would thus appear, has occupied the land illegally, and, it is said, that he has endeavoured to maintain possession of it, forcibly, against the rightful occupiers.

I may remark that the Indians have stuck as well as they could to the place hoping, as they say, that the Queen would help them, and not being able to admit that the Chinaman had any right to take their land. They have continued to cultivate a considerable portion of their alleged old land within the boundaries of Ah. Yep's pre-emption since the date of Ah. Yep's record, indeed, it is stated that they did so up to last year. They now cultivate potatoes and grain immediately outside what Ah-Yep calls his boundaries. Ah. Yep's pre-emption has not been surveyed.

The above is the case of Ah-Yep. Now for the case of Ah-Chung

When Ah-Yep began, in 1873, to farm at this place, he employed on his farm an old mining friend of his - a stalwart Chinese laborer called Ah. Chung. A third Chinaman, Sui Chung, appeared, subsequently, upon the scene. The Indians, so far as I know at present, — this can only be determined after a regular survey — have no question as to land with Sui-Chung, but a question arose with Ah. Chung which has now to be mentioned.

The three Chinamen, though claiming separate pre-emptions, are now stated by themselves to be partners in the farming; but, after trying to ascertain when the partnership began, and its nature &c, I gave up the hope of elucidating the mysteries of a Chinese partnership.

Here it should be stated that in December 1873, the first named Chinaman Ah-Yep — he then being naturalised.

was desirous of obtaining a pastoral lease for land on the flat not far from his own pre-emption. He got it surveyed as appears from the following copy of a receipt now in his possession.

$50.00 ..... Received from Ah-Yep, Spatsum, $50.00 for survey of pasture lease adjoining Spatsum Ranch on Thompson River.

(Sd) J. Hunter
6 Decr. 1873.

but no lease appears to have been issued to him. He says he asked Mr. Hunter to request the Government to send him one. Had a pastoral lease been issued to Ah-Yep it would have been invalid, if, as I think, his pre-emption was illegal for the reason above stated.

Whether this lease was applied for by Ah-Yep for himself, or with, or for his alleged partner, Ah-Chung, it is probably unnecessary to inquire. The lease was not granted and the application for it is only now mentioned by me as part of the narrative. Had it been granted, and granted properly, it would have contained a condition making the land liable to pre-emption, or reserve for public purposes.

It further appears that the above second mentioned Chinaman, Ah-Chung, was not naturalised until 6 July 1875. He, on 7 February 1876, pre-empted 160 acres at Spaptsum Flat (being or including the land surveyed, for Ah-Yep, as above, by Mr. Hunter) by a record which purports to have been made under the Land Act 1874 (query 1875).

I think that the date of Ah-Chung's pre-emption, 7 February 1876, must be taken as the date when the rights of Ah-Chung, if any, must have originated. unless he had acquired some right previously under his Chinese partnership, which, I imagine, he could not have done.

I have mentioned above the application,

in 1873, by Ah. Yep for the pastoral lease as part of the narrative, because, Ah. Chung appears to be under an impression that his. Ah Chung's, right began some-how at the date of Ah-Yep's application for the lease, and not at the date of his - Ah Chung's, pre-emption. I cannot understand some of Ah. Chung's statements except on that supposition.

It is as regards Ah. Chung's pre-emption, or a considerable portion of it, that question No 2, exists between the Indians, and chiefly between Teet. Li. neets. a and his uncle, and the pre-emptor Ah-Chung.

The Indians say that they had fenced and cultivated the land before Ah Chung took it up; but this Ah. Chung denies. The Indians story is circumstantial, but the difficulty in this case of Ah. Chung is to fix precisely the dates on which the contending parties rely. The Indians say that, in 1873, they showed their fence to Mr Hunter and asked what he was surveying their land for, and he replied it was only for grass. Mr Hunter's evidence, if he remembers the incidents of that time, might determine approximately, the date of the erection of the fence; but he is temporarily absent from the province. Mr C. Pennie saw Indian holes there - certainly before 1876.

Mr Ralph Willard, formerly in charge of the stable at the 89 mile post, exactly opposite the disputed piece of land, says, that if Ah. Chung's right began only in February 1876 the Indians had cultivated before that time. A white man in Mr Barnes employment giving information to the same effect. Ah-Chung says that the Indians did not cultivate the land, nor erect the fence until some time after the land "was his". The Indian fence is a post and rail fence, and a considerable part of it is still on the ground, and it looks much older than if it had been made "some time" after the date of Ah. Chung's pre. emption (Feb. 1876). This makes me think that Ah-Chung is under an impression that the land "was his" from 1873 - the date of Ah-Yep's application (through Mr Hunter) for the pastoral lease.-

A question of some importance here arises.

Supposing that, in this case of Ah. Cheung, the evidence of Mr Hunter (if obtainable), or Mr Pennie, or the abundant evidence offered by Indians, together with the appearance of the fence now on the ground shows, in fact, that the story of the Indians as to the fence is correct; and supposing further, that their statements and those of Mr Willard and other white men, as to their very considerable cultivation of the ground until stopped by Ah-Cheung, ~~of which cultivation Mr Willard speaks~~, also, are deemed worthy of belief, the question arises what is the effect on Ah. Cheung's pre-emption of the previous occupation and cultivation of the land by the Indians?

(A.) Is such a place as the place in question an "Indian settlement" within the intention of the law?

(B.) If not, is there any, and, if so, what moral claim upon the Provincial Government to regard duly the position of these Indians as first occupiers and cultivators of the land in question?

As regards the above question, A, it is well known that it has not been judicially determined what "an "Indian settlement" is within the intention of the Provincial Law. It is doubtful if any Court would undertake to define this, except in general terms, and, it is perhaps fortunate for all parties concerned that no such attempt has been made.

The withholding of "settlements" from pre-emption, or purchase, was a temporary provision made in 1860 under the idea, probably, that the whole question would be speedily adjusted; but, as no effective, nor more than partial, adjustment of Indian land questions has taken place, the provision of the 1860 act has been continued in all subsequent Land Ordinances & Acts.

A "settlement" is one thing upon the Coast, and another in the partially arid, and, again, in the entirely

and portions of the province. The portion of the Spapt-sum Flat pre-empted by Ah. Ching is not, so far as I can find, an "Indian Settlement" in the sense in which the other portion of the Flat pre-empted by Ah-Ick is; that is to say, it has not a definite known history of continuous residence and cultivation by Indians for 17 years back, and, of probable occupation further back under the different conditions in which the Indians lived in pre-colonial days. But, as a piece of ground which the Indians had occupied and cultivated before Ah-Ching took it up, it may be made the subject of a few remarks.

The position in which these Cook's Ferry Indians were placed between 1859 and 1870, and, also, since 1870, cannot be excluded from consideration.

Though they have largely diminished in number, they now number 263 souls.

They are among the tribes who, by Gov. Douglas' order in 1859, (see my Lytton Field Minute dated 24 July 1878) should have had a considerable piece of land at Spapt-sum Flat; a piece which would have included all the land now in dispute.

But in fact, no land was assigned to them between 1859 and 1870, and, in 1870, only 36½ acres were assigned to them, and of this land probably not more than 10 acres can be cleared as ~~cultivated~~ cultivable land.

The consequence has been that these Cook's Ferry Indians, many of whom are industrious and fond of farming, have occupied Crown land on fertile spots where water for irrigation could be had; chiefly on the left bank of the river Thompson, between Cook's Ferry and Cache Creek. They have over 200 acres in crop this year. Their occupation of these lands may have been technically illegal, but the Indians case is stated by themselves to be as follows.

They say that the Government gave them no land, and they could not get "papers" for land, and they, therefore, did the best that they could do in a self-helping

way, not touching land for which white men had "papers".

It will probably not be contended that, under all the circumstances of the time, and pending the settlement of the Indian land question which, from and after 1873, was being discussed between the two Governments, these portions of land, to which irrigation ditches have been brought by the Indians, and on which so much productive labor has been expended by Indians, (to whom practically no land had been assigned during 19 years ~~since~~ after the formation of the Colony) were, by a narrow technical interpretation of the Provincial Law, really open to pre-emption by non-Indians up to the time of my arrival on the ground.

If this be admitted, then, I beg respectfully to submit that the principle, upon which the lands generally of these Cook's Ferry Indians, now occupied and cultivated by them, must be considered to have been exempted from pre-emption and purchase, would apply to the particular piece of land pre-empted by Ah Chung. The Crown, that is the Provincial Government, should regard tenderly the meritorious efforts in cultivating vacant public lands of men whom the Crown had disabled and made its wards under an implied, if not a direct, promise that they should have lands, which lands have, for some reason or other, not been given to them.

These Indians of whom I now write say by their work, and, indeed, by their words "we want no charity nor pretting, "give us land and water, and let us alone. We know "the law, and we will work." This proper spirit deserves just recognition.

There need not be any fear that such a recognition, in the present case, will involve the admission of too broad a principle by the Provincial Government. It will not necessarily sanction for the work of the Indian Reserve Commission any such general principle as that Indians anywhere

have only had to cultivate and fence a bit of land to shut out pre-emptors, and cause an undesirable dispersion of the Indian population.

The whole work of the Indian Reserve Commission, it has to be constantly borne in mind, is a work of compromise as between the views of the two Governments, and between the claims of individuals, after examination made on the ground.

In each case the circumstances have to be considered.

+ I will state further on in this Minute what I think should be done in the above mentioned two cases. Before doing so I may add one or two other remarks.

It is doubtful if Ah. Chung legally occupies his pre-emption for another reason than the presumption that it is Indian land. He does not live on it. He lives in the partnership house on Ah. Yep's pre-emption. But there does not seem to be any provision in the 1875 Land Act by which, in the case of unsurveyed lands, partners are exempted from residing on their individual pre-emptions. The exemption applies to surveyed land.

This objection, also, would apply to the claim of Qui-Chung - the third named Chinaman (naturalised 6 July 1875 - pre-emption dated 18 Dec. 1875) but, so far as I know at present, Qui-Chung has no dispute with the Indians. though a survey may show that he too is involved.

Again, it would seem that Ah. Yep's water record of 300 inches from Po. Kep stream, 2 August 1873, for irrigation is invalid, as he was not then naturalised, and has never legally held land at Spapt. sun flat.

Now what have I to recommend in this whole matter?

Upon these above facts I think that, as a first step, the records of Ah. Yep for land and water, and of Ah. Chung for land, should be cancelled. A decision, I think, could then be made upon the ground, in a few hours, which should do

x It may not be out of place here to call attention to that clause (No 70) of the Indian Act 1876, which though not applicable in British Columbia provides that no Indian shall be without compensation disturbed in the occupation of any plot of ground on which he has a mayhaw permanent improvements prior to his becoming a party to any treaty with the Crown.

substantial justice with the minimum of disturbance to existing interests. The Chinamen may have been wrong; they may have acted in a wilful high-handed way; but I do not see that any public interest could be served by action towards them which in its effect would be of a highly penal nature. It is unnecessary to break up their home, or spoil their farming business.

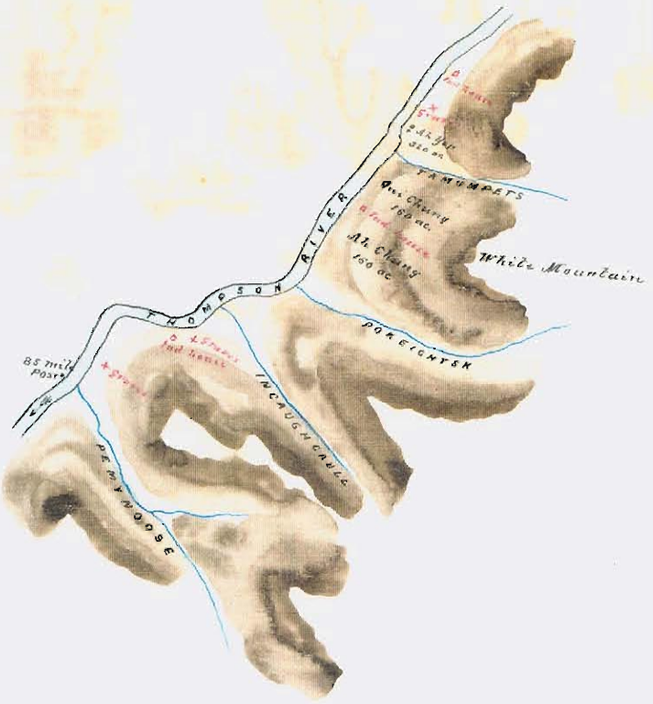
I think that the Indians sense of justice would be satisfied, and a fair compromise made if certain portions of the land outlying from the Chinese homestead were assigned to the Indians. Say, in the Ah. Yep case, from about the graveyard to the upper end of the Flat; and, in Ah. Chung's case, a reasonable portion of the land on which the Indians had expended their labour.

The irrigation water could also be fairly apportioned.

I am able to speak favourably of the industry of those Chinamen and, also, of the Indians in the neighbourhood. It is certain that any land which the Indians get at Skapt-sun Flat will be immediately cultivated. Test. li. nesta, the young Indian who states that Ah. Chung drove him off, has not been idle since that mishap; but with his friend, has made a ditch about 1½ miles long to another piece of land, sandy and lying high, where, unfortunately, the crop has failed - and which is more likely to be productive.

Gilbert Malcolm Sproat

Indian Reserve Commissioner



Scale: Two miles to an inch.

2344 78

Indian Reserve Commission

Hope, 1878

Oct 21.

(Next address. Postmaster Yale)

Sir

During my late visit to Douglas Lake, a deputation of Okanagan Indians came to my camp to complain of the continued trespass of Mr O'Keefe upon their reserve, and to state that they had acted on my advice given to them last year, and had waited for the action of the Government, but that now, they could not understand why the law permitted the white man to do what he liked

The Honble
The Chief Commissioner of Lands &W

with their property, while they, to please the law, (as they were told) had to stand by, doing nothing.

It is evident to me that the present state of matters will not continue much longer, but for reasons of policy, I again renewed my advice to the Indians that they should not meet the proceedings of Mr. O'Reilly by action of a similar character but should continue to act with the prudence and self control which they have hitherto shown.

Mr Vernon, Asst Land Comm^r at Okanagan is now in Victoria on his way to England, and I hope

You will obtain any fresh information from him which you may want before he leaves.

It is needless for me to write further about this question which simply is, whether a man by ploughing a piece of land and putting a fence round it can acquire a legal title to 320 acres.

If so, the land act is useless, and men may multiply their homesteads and preëmptions at will. This has in fact been done in some parts of the upper country, to the discouragement of intending settlers and to the public loss.

Unless the Government have some doubt as to the facts of the O'Hara case and these can be established

easily, I am not able to understand their inaction as regards the Cancellery of the record of Mr O'Leife.

Yours Ever

G M Sproat

Ind: Res: Commr

2382
78

Indian Reserve Commission

Hope, 21st Oct 1878.

(next address care of
Postmaster, Yale)

Sir,

I am in doubt whether I am authorised by the Provincial Government to assign Indian reserves within what is known as the "Railway belt".

The lands are handed over to Canada for "railway purposes" only. Canada may not, therefore, be entitled to authorise me to assign any portion of these lands for "Indian purposes". Do I not require an order in Council from the Provincial Government, giving me on their part authority to deal with these lands for Indian

The Hon The Chief Commr
of Lands & Works

purposes, notwithstanding that the Province has handed them over or agreed to hand them over to Canada for Railway purposes only"? You will oblige me by doing what is necessary in this matter, as soon as possible as I do not wish to lose any time, but to work during the winter in the District or on the Coast.

Indian land questions are not adjusted along the whole projected Railway line (by the late Commission) except as to the New Westminster District, and as to questions elsewhere which have been referred by me to the Provincial Government, and

which I trust will have your attention without delay.

The Klahowa and Siammon questions mentioned in my letter of today have arisen in what I think is known as the "Coast District" (electoral) and I have no powers therein from the Provincial Government.

Indian questions are settled up to Comox and Jarvis Inlet on the East side of the Gulf of Georgia. There are scarcely any white men beyond these places, and it would enable me to carry on my work expeditiously and cheaply as circumstances might permit,

were the Dominion to give me
now authority to deal with Indian
questions anywhere up the coast
of the mainland and on Vancouver
and all the islands as I have
been authorized to do with districts
of Yale.

I may mention that the Indians
much desire to own islands, but
I do not think it right to give
islands to them entirely as the
effect is to strengthen the tribal
~~tribal~~ systems, and to encourage
habits of savage seclusion.

I should not consider it right
either to make an Indian reserve
of choice seaside locations without
reference to the Dominion Govern-
ment, though on the other
hand I think it would be

wise to give ~~them~~ hand logging pieces of land on the coast to some of the tribes, who not having and not being able to get agricultural lands, might combine this useful industry with their fishing occupations

The Klah-hooses and Sliammons — I was told by the Burrard Inlet sawmill people and by Comox traders — they do their shopping at Comox — get out a good many million of feet of logs yearly by hand logging, and as they have to sell them at the regular prices, this addition to the sawmill supplies of the province, got from places never likely to be leased by any white man, is very useful, apart from the encouragement.

of industrious habits among the Indians.

In giving me authority (should the Govt agree with my views as to "islands" and "logging") they might limit my powers so that I could not give the whole of islands above a certain size to the Indians — do not make this dependent on a reference to Victoria or my meanwhile work might be checked — only make it an absolute prohibition and leave me to arrange details of what on the islands shall be kept for white and what for Indians according to the descriptions of islands and the

Indians sometimes have villages or graves on small islands — make it if you like 40 acres or so the limit

that except these small islands no whole island shall be given

habits of the people — and then about the timber — leave the me free to give without reference, fair hand logging pieces of land, which generally are steep places on which the timber grows scattered.

I am Sir
Your obed: Servt
J. M. Sproat
Indian Res Commr

The cost of transporting the Reserve Commission on the coast is so great that it is necessary to have as few "references" or "revisits" as possible. I therefore mention above what I think would be fair as regards the portions of the two sorts respectively.

Smy

Indian Reserve Commission

2383

Hope 21 Oct 1878

(next address
Post Master Yale)

Li 78

Dr. Powell has written to inform me of disputes between the Klah-hoose and Shiammon Indian tribes respecting the cutting of timber in the neighbourhood of their villages, and of the Indians having taken possession of logs which the White men had "got out". He further has stated that you think it best to leave the question over until I get back to Victoria.

The case of these Indians has been mentioned to the Provincial Government in the letter of the

The Hon:
The Chief Commr of Lands.

Indian Reserve Commission

Jul 1877
July 1878

as per Map in.

I have no intention of returning to Victoria being under promise to adjust the land questions in the New Westminster District, but were I authorized to act by the Provincial Government, I might during my work in that District find time to go up the coast to see the Tlakoose and Li-ammon tribes. It is a pity that they should think it necessary to take possession of logs which have been cut, as such irregular

action has not a wholesome
effect from any point of view,
and as the sawmillers no doubt
want to collect all the logs they
can before winter.

You are aware, however,
that I have no authority to
act in that part of the Province.

If you send me authority,
I will soon settle any question
there may be there, on an
opportunity offering to enable me
to go up the Coast

I am Sir
Your obed: Servant
[signature] Frost
J R Coms

2577

Indian Reserve Commission.
British Columbia.
1878. Nov: 26.
In Camp, near Hope,

Sir.

I beg to enclose a list of matters requiring attention by the Provincial Government, as explained in letters sent at different times upon the particular subjects.

These are a few of many questions, the great majority of which I, fortunately, was able to adjust at the

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

time of my visit to the places.

It is very desirable that these questions should be completely settled, and I hope you will be able to give them your immediate attention, particularly those respecting water for irrigation & the intrusion of C. O'Keefe and the Chinamen on Indian lands at Okanagan and Thompson River.

I am Sir
Your obed. Servant
Gilbert Malcolm Sproat
Indian Reserve Commr

Indian Reserve Commission

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Matters unattended to by the Provincial Government.

(Enclosed in G. M. Sproat's letter 26 Nov 1878 to CCLoW.)

Case of Mr Robert Hughes - see letter of A McKinlay and G. M Sproat 21 April 1877 to the Hon: A. C Elliott, Attorney General.

19 months before the Provincial Government

Timber privilege for the Se-shell Indians Jervis Inlet - see letter of G M Sproat to Provincial Secretary Dated Dec 1876 - and copy of Commrs Journal page 13 sent to the Provincial Secretary

2 years before the Provincial Government

Case of Cornelius O'Keefe
Okanagan, brought before
the Attorney General by the
I.R. Commission in Jan.y
1878, and referred to in
letter of G M Sproat
to Chief Commr of Lands
& Works 4 May 1878
and in other letters and
telegrams.

10 months before
the Provincial
Government

Case of John McDougall
and family and Mr
Lazare Norwest, see
letter of M Kinlay and
Sproat to Chief Comm.r
of Lands & Works
7 May 1878

The irrigation water question
in the interior – see
letters of G. M. Sproat to
the Provincial Secretary,
22 nd April 1878 and
to the Chief Commr of Lands
~~&c~~ 24. July 1878
(particularly copy of
Full Minute enclosed
in the latter) and
see other letters say
to Prov Secy 28 July
& 15 Aug
1878.

7 months before
the Provincial
Government

Case of water record of Mr Philip Parks Cache Creek – see letter of Sproat to Chief Commr 28 July 1878

4 months before Provincial Government

Case of Chinamen who have intruded on Indian lands at Spaptsum Flat, Thompson River – see letter of Sproat to Chief Commr of Lands & Works 18 Aug 1878

3 months before the Provincial Government

5

Powers required by Indian Reserve Commr for districts about to be visited - see letter Sproat to the Chief Commr of Lands 3rd June, 1878. — also 21 Oct do

5 months before the Provincial Government

Settlement of account with G M Sproat, as Joint Commr. see his letter of 7 July 1877 to the W Smithe Minister of Finance and subsequent Correspondence

16 months before the Provincial Government.

Policy of making
records of land and
water "subject to
Indian requirements"
until the Reserve
Commission has
passed over the ground
(See ~~letters~~ letters
on this subject)
28 Jul 06

2712
78

Indian Reserve Commission
Care of the Post Master
New Westminster, B.C.

1878
Dec 21.

Sir.

As I shall be making various reports to the Dominion Government in a short time, it will be convenient for me to make at the same time reports upon any action of the Commission during the past season on which the Provincial Government may wish for information.

I am still without replies from You as to various matters referred to the Provincial Govt during two years past.

I am. Sir.
Your Obed: Servant
G M Sproat
Commr

The Hon:
The Chief Commissioner
of Lands & Works
Victoria