RETURN

To an Address of the Legislative Assembly for a Report of the Indian Reserve Commissioners on the complaints made by Messrs. Chase, Macpherson, McBryan, and Williams, of Shuswap, relative to the action of said Commissioners.

By Command,

F. GEO. VERNON,

Chief Commissioner of Lands and Works.

Lands and Works Department,
28th February, 1878.

Mr. A. McKinlay to the Chief Commissioner of Lands and Works.

The Indian Reserve Commissioners, acting for the Province, have read Mr. Alexander McBryan's letter to the Honourable the Chief Commissioner of Lands and Works, dated 27th September, 1877; also the statement which Mr. McBryan enclosed, signed by himself, W. Chase, C. C. Williams. R. McLeod, Andrew Anderson, and D. G. Macpherson; and they now have the honour to report thereon, as follows:—

The subject of the above writings is a piece of woodland given by the Commissioners to the South Thompson Indians, immediately opposite their former reserve.

The enclosed rough sketch shows the relative situations of the farms occupied by the above gentlemen and of the piece of land in question. This piece of land, which bears the marks of having been an ancient Indian winter settlement, is, according to the above statement, "utterly worthless" for purposes other than the grazing of a few cattle, owing to the "poverty of the soil" and the entire "absence of water." The fact is inconsistent with the opinion expressed by these gentlemen that the inclusion of this unattractive piece of land within the Indian Reserve must check white settlement. Mr. McBryan indeed states that he knows of a settler who was going to take up this piece of land, but the land has long been vacant, and it obviously is not a piece of land on which a white family could make a living. A white settler in fact had made the attempt and had abandoned the place.

The Commissioners do not understand how a narrow strip of woodland, touching Mr. McBryan's pre-emption for a short distance on its south-western side, and extending longitudinally from Mr. McBryan's pre-emption in a south-westerly direction can "corral," that is, surround his own and two other farms lying to the north-east of Mr. McBryan's land.

Outlet for Stock.

The whole south-eastern or mountain side of the woodland strip, and of the farms lying to the north-east of the woodland strip, occupied by several of the above gentlemen, continues to be part of the public domain, so far as any action of the Commissioners is concerned, and if it is the case that the mountain side is too steep for cattle to ascend, it is in the power of the Provincial Government, at any time, to make a road through the narrow reserve from the public highway near Mr. McBryan's farm, to improve means of access to that open public domain, should the convenience of the settlers require it. Mr. McBryan and his neighbours will therefore not be in a worse position than they were in before the visit of the Commissioners, so far as an outlet for their stock to the public domain is concerned, and they will be in the same position as they would have been had a white settler taken up the land in question.

Firewood.

As regards firewood, the Commissioners, though they had not the pleasure of seeing Mr. McBryan, made an examination of his farm and attended to his interests in this important matter. Their minutes of decision will show that the white settlers are to have, without cost, a license exclusively to cut wood for buildings, fences, and fuel, on a defined portion of the Indian land adjoining Mr. McBryan's farm. The Indians know that this arrangement was made, and asked to have the dividing line clearly drawn so that they should not get into difficulties with their white neighbours. The Commissioners in fact have done, of their own accord, pretty much what Mr. McBryan asks the Chief Commissioner of Lands and Works to endeavour to get done. As far as firewood is concerned, Mr. McBryan appears now to be better off than if a white settler had taken the land in question, because he and his neighbours might not, in that case, have enjoyed the wood cutting privilege which the forethought of the Commissioners has gratuitously secured to them.

The opinion expressed by Mr. McBryan that no land should have been given to the Indians on the left side of the river, would have been received by the Commissioners with the attention due to the opinion of an experienced, intelligent settler, but it raises a question of general policy and of the history of past dealings with the Indians, and is connected with facts which perhaps may be dealt with more fittingly in a separate report of the Commissioners, should any information be desired on the point.

It may only be here said that Mr. McBryan, and his neighbours on the left side of the river, naturally look to their own interests, but there also are white settlers on the right side of the river, and the Provincial Commissioners, in agreeing to the very moderate extension of the reserve for these Indians—by adding a piece of land described above as "utterly worthless"—had, nevertheless, to take the interests of both groups of white settlers into consideration, as well as the just requirements of the Indians, among which, it will be admitted, a supply of firewood is not the least. They number 140.

The Commissioners acting for the Province feel bound, in the interests of the white settlers of the interior generally, to express regret that it should have been necessary to submit to such a mixed body as the Commission, the statement signed by Mr. McBryan and the five gentlemen above-named, and enclosed in his letter.

Couched as their statement is in exaggerated language, and laying down principles which cannot be approved, it will tend to give the Canadian Government, who are the trustees and guardians of the Indians, a wrong impression of the sentiments of the white settlers in the interior as regards the Indians.

The Commissioners do not believe that the statement expresses these sentiments truly, and they may be permitted respectfully to doubt if the signers themselves really mean what might be inferred from their protest, namely, that in their opinion, Indian Reserves should never adjoin the land of white men nor be near a highway.

Whether Indians in a stock-farming country are desirable neighbours or not, and the Provincial Commissioners believe that in many respects they, in their present condition, are very undesirable neighbours indeed, they are, for good or evil, part and parcel of the general population of the Province, and it would be impossible to find suitable land for them that did not now touch, or would not in the future touch the lands of white men. As a matter of fact the lands of Indians, in all the settled districts, generally are contiguous to the lands of white men, and are near the highways; these latter in may districts following for the most part old Indian trails between their villages. Without going into any questions as to who was first on the ground, and regarding the Indians merely as consumers of taxed commodities, and as important constituents of the numerical basis on which the Canadian subsidies to the Province were estimated at Confederation and are now paid, by means of which, in part, the highways are made or repaired, the Commissioners must think that the right of the Indians to the highway is as good as that of any other persons, unless it can be shown that their presence makes traffic "dangerous or impossible," which the Commissioners do not believe to be the case.

With respect to the statement that, in this particular place, the contiguity of the piece of Indian land must necessarily lead to "bad feeling," "strife" and "litigation," the Commissioners think it unlikely that the Indians will reside on Mr. McBryan's side of the river, as their arable land and irrigation ditches are on the other side, and the piece on his side is, according to his own statement, utterly worthless and without water.

"Bad feeling," will certainly be produced under any circumstances if a merely selfish and masterful view of their mutual relations should be taken by the Indians or by the white settlers, but as regards "strife" and "litigation," nothing is more likely to diminish these evils than a clear recognition of their respective rights and positions by the parties concerned. This, it is hoped, will now be secured.

In conclusion, the Provincial Commissioners respectfully express an opinion that, in some respects, though not as affecting their action, the apprehensions, of which the statement signed by the above gentlemen is an exaggerated expression, deserve the attention of the Provincial Government. The proper management of the Indians is a branch of Dominion administration very important to the Province if good neighbourly relations between the whites and the Indians are to be established and maintained. The Indians are amenable to advice from those to whom they give their confidence, and good advice might often save trouble and appeals to law. The Provincial Commissioners have done what they could to promote the above object by pointing out from time to time what seems to be required in the common interest.

The questions of local agents, and of the survey of the exterior boundaries of the reserves, the water question, the trespass question, the "settlement question," the dog question, and every Indian question interesting to white settlers in the interior have received the unremitting study and care of the Provincial Commissioners during the past half year, and have been pressed by them on the attention of the Dominion Commissioners, and the latter, it is believed, have made the necessary representations to the Indian Superintendents and to the hon. the Superintendent-General of Indian affairs at Ottawa.

The dog nuisance is a great nuisance in all parts of the Province, and the Commissioners have spoken very seriously about it to every tribe they have visited, though the checking of such nuisances is an administrative or police concern and is not connected with their duties.

(Signed) ARCHIBALD MCKINLAY,
Provincial Commissioner.

Victoria, B. C., 9th January, 1878.