
ORDER IN COUNCIL.

SONGHEES INDIAN RESERVE.

Certified Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 9th March, 1895.

On a memorandum dated 4th February, 1895, from the Honourable the Provincial Secretary, reporting on the advisability of coming to some understanding with the tribe of Songhees Indians, who are settled on a reserve in the heart of the City of Victoria, with a view to removing them from the temptations and demoralizing influences of a large city to a more appropriate location, and at the same time to place the land upon which they now reside at the disposal of the Provincial Government, in order that it may be more suitably occupied, states as follows:—

The said tribe of Indians were settled upon the land in question at the time of the occupation of the country by the Hudson's Bay Company. The only agreement they have to show, which entitled them to the use of the land, is one made between the Kosampson tribe and the Hudson's Bay Company, as follows:—

"Know all men, we, the chiefs and people of the Kosampson Tribe, who have signed our names and made our marks to this deed, on the thirtieth day of April, one thousand eight hundred and fifty, do consent to surrender entirely and forever, to James Douglas, the agent of the Hudson's Bay Company in Vancouver Island, that is to say, for the Governor, Deputy Governor, and Committee of the same, the whole of the lands situate and lying between the Island of the Dead in the Arm or Inlet of Camosan, and the head of the said inlet, embracing the lands on the west side and north of that line to Esquimalt, beyond the Inlet three miles of the Colquitz Valley, and the land on the east side of the Arm, enclosing Christmas Hill and Lake, and the lands west of those objects.

"The condition of or understanding of this sale is this, that our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us; and the land shall be properly surveyed hereafter. It is understood, however, that the land itself, with these small exceptions, becomes the entire property of the white people forever; it is also understood that we are at liberty to hunt over the unoccupied lands, and to carry on our fisheries as formerly.

"We have received as payment fifty-two pounds ten shillings sterling.

"In token whereof, we have signed our names and made our marks, at Fort Victoria, on the thirtieth day of April, one thousand eight hundred and fifty."

It will be observed that this agreement surrenders "entirely and forever * * * * * the whole of the lands," &c., and it afterwards recites the condition that certain portions, including the present Songhees Reserve in the City of Victoria, shall "be kept for our own use, for the use of our children, and for those who may follow after us."

No fee simple of the land is given; it is merely reserved for the use of the said Indians.

By the 13th article of the Terms of Union between the Province of British Columbia and the Dominion of Canada, it states, "the trusteeship and management of the lands reserved for their (the Indians) use and benefit shall be assumed by the Dominion Government."

Sub-section (5) of section 29 of the "British North America Act," gives to the Province of British Columbia the management and sale of public lands belonging to the Province.

