PAPERS

In re removal of the Indians from the Songhees Reserve.

By Command.

JAMES BAKER,
Provincial Secretary.

Provincial Secretary's Office,
11th February, 1897.

PROVINCE OF BRITISH COLUMBIA.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 30th day of January, 1896.

The Committee of Council submit for the approval of His Honour the Lieutenant-Governor the following resolution passed by the Legeslative Assembly during the present session, namely :—

"WHEREAS resolutions have at various times been passed by the Legislature of the Province of British Columbia, in Parliament assembled, urging upon the Dominion Government the desirability of obtaining the removal of the Songhees tribe of Indians from the Reserve to some suitable locality ;

"And whereas it is highly desirable that effective steps be taken to accomplish the object aforesaid :

"Be it resolved that a respectful Address be presented to His Honour the Lieutenant-Governor, to request the Dominion Government's consent to refer the question of removal and settlement to a Special Commission, consisting of three Commissioners, one to be appointed by the Dominion Government, one to be appointed by His Honour the Lieutenant-Governor, the two so appointed to agree upon a third, and in the event of the two so appointed being unable to agree upon a third, some member of the Supreme Court of British Columbia shall be the third Commissioner."

The Committee advise that a copy of this minute, if approved, be forwarded to the Honourable the Secretary of State for Canada.

(Signed) JAMES BAKER,
Clerk, Executive Council.

Victoria, 29th January, 1896.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 1st April, 1896.

The Committee of the Privy Council have had under consideration a despatch hereto attached, dated 31st January, 1896, from the Lieutenant-Governor of British Columbia, transmitting a copy of a report of the Committee of his Executive Council, embodying a Resolution passed by the Legislative Assembly of that Province, asking that the question of the removal of the Songhees Indians from their Reserve to a more suitable locality be referred to a special commission.

The Superintendent General of Indian Affairs, to whom the despatch was referred, reports that the Songhees Indians were settled upon the land now occupied by them, at the time of the occupation of Vancouver Island by the Hudson's Bay Company, and in a cession made by them to James Douglas, the agent of the Hudson's Bay Company in the year 1850, of other territory, they reserved for their own use, and for the use of their children, the land at present comprised in the Songhees Reserve.

The Minister further states that, under the Order in Council of the 16th May, 1871, admitting British Columbia into the Dominion, the Songhees Reserve, and other lands reserved for the use and benefit of the Indians, came under the trusteeship and management of the Dominion Government. An agreement was subsequently come to with the Government of British Columbia respecting the alloting of reserves to Indians in that Province, and under that agreement a Commission was appointed for the purpose. The decision of that Commission, dated the 4th May, 1878, as to the Songhees Reserve, reads as follows:—

"The land reserve of these Indians, in the Harbour of Victoria, appears to be the private "property of the tribe, by a written agreement, made on the 30th April, 1850, between the "Chiefs and people, and the agent of the Hudson's Bay Company 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 this reserve as "surveyed to the Songish Indians."

The Minister observes that the Legislature of British Columbia has, on several occasions, passed resolutions urging upon the Government of that Province the desirability of having the Indians removed, and the question has formed the subject of several communications between that Government and the Government of the Dominion; but as the whole question of the title to Indian Reserves in British Columbia was in an unsettled condition, and as the British Columbia Government set up claims to reservations which the Dominion Government did not feel warranted in admitting, it was not thought desirable to treat of the removal of the Songhees Indians until something definite had been done as to the larger question.

The Minister further observes that the matter of the title of the Dominion Government in reserves in British Columbia has been made, by Order in Council of the 5th of June, 1895, the subject of a reference to the Supreme Court, and it cannot now be affected by any arrangement which might be come to between the two Governments and the Indians interested respecting their removal to a more suitable locality.

The Minister further observes that, if it is premised that the agreement to refer the question of the removal of the Songhees Indians to a Commission be made without prejudice to the claim of the Dominion Government as to all other reserves in the Province of British Columbia, and that the title of the land which may be accepted as a Reserve for the Songhees Indians, in lieu of their present reserve, be conveyed in fee simple to the Dominion Government as the Trustee of the Indians, he (the Minister) would be disposed to recommend that, as suggested in the Resolution of the Legislature of British Columbia, the question of the removal of the Songhees Indians to a more suitable location, be referred to a Commission consisting of three Commissioners, one to be appointed by the Lieutenant-Governor of British Columbia, one by the Dominion Government, and the two so appointed to agree upon a third; and in the event of the two so appointed being unable to agree upon a third, some member of the Supreme Court of British Columbia to be the third Commissioner.

The Minister, in case of the foregoing recommendation being approved, would also recommend that Mr. Peter O'Reilley, Indian Reserve Commissioner, be appointed Commissioner for the Dominion Government.

The Committee advise that a certified copy of this minute be forwarded to the Lieutenant-Governor of British Columbia, for the information of his Government.

(Signed) JOHN J. MCGEE,

Clerk of the Privy Council.

His Honour the Lieutenant-Governor
of the Province of British Columbia.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 1st day of June, 1896.

The Committee of Council have had under consideration a despatch from the Acting Under Secretary of State for Canada, dated the 10th April, 1896, transmitting a copy of a Report of the Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General on the 1st April, 1896, replying to the Resolution of the Legislative Assembly of this Province, asking that the question of the removal of the Songhees Indians be referred to a Special Commission.

The Committee are in doubt regarding the interpretation to be placed on certain observations contained in the Report under consideration as to the effect of any agreement now to be entered into, and in order to avoid future misunderstanding submit that the anticipated result of the labours of the proposed Commission may be summarised as follows :—

(1.) A new reserve will be selected to which the Indians will be removed, and the title to this reserve will be vested in fee simple in the Dominion Government in trust for the Indians, and without any reversion to the Province :

(2.) The lands composing the present Reserve will revert to the Province in accordance with the 5th paragraph of the proposition submitted by the Acting Minister of the Interior, dated 5th November, 1875 :

(3.) This settlement shall not affect any question as to the reversion in the remaining Reserves, which matter is now, in respect of the Nanaimo Reserve, before the Supreme Court of Canada.

The Committee remark that the early settlement of this long-pending question is sufficiently important to justify the concession contained in the 1st paragraph above, and advise that Mr. Dennis Reginald Harris be appointed Commissioner for the Provincial Government.

The Committee further advise that a certified copy of this minute, if approved, be forwarded to the Honourable the Secretary of State for Canada, and to the Honourable the Superintendent-General of Indian Affairs, for the information of the Dominion Government, with a request that Your Honour be furnished with an intimation that the intention of the Minute under consideration is interpreted correctly in the above summary.

(Signed) A. CAMPBELL REDDIE,
Deputy Clerk Executive Council.

[Receipt acknowledged by the Secretary of State on the 10th June.]

OTTAWA, 11th June, 1896.

SIR,—I have the honour to acknowledge the receipt of your letter of the 2nd instant conveying a copy of an approved Minute of the Executive Council of British Columbia, made in reply to an Order of His Excellency the Governor-General in Council of the 1st April last, respecting the reference to a Special Commission of the question of the removal of the Songhees Indians from their present Reserve to a more suitable location.

In reply, I beg to inform you that, pending the receipt of the copy of the Minute of the Executive Council, which has been forwarded to the Hon. the Secretary of State, and which will in due course be referred to the Superintendent-General of Indian Affairs for report, no official action can be taken on the Minute. In the meantime the action of your Government is noted by the Department.

Your obedient servant,
(Signed) D. C. SCOTT,
Acting Deputy Supt.-General of Indian Affairs.

A. Campbell Reddie, Esq.,
Deputy Clerk Executive Council,
Victoria, B. C.

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