RETURN

To an Address presented to His Honour the Lieutenant-Governor, praying him to cause to be laid before the House copies of all correspondence which has passed between his Government and the Government of the Dominion of Canada, with reference to the question of the removal of the Indians from the Songhees Reserve since the return dated the 11th February, 1897, was presented to the House.

By Command.

JAMES BAKER,
Provincial Secretary.

Provincial Secretary's Office,
17th March, 1897.

Extract of a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 23rd February, 1897.

On a Report dated 15th February, 1897, from the Superintendent-General of Indian Affairs, stating that he has had under consideration a communication, hereto attached, addressed on the 10th September, 1896, by the Honourable James Baker, Provincial Secretary of British Coulumbia, to the Honourable the First Minister, a copy of which was referred to him on the 12th *idem.* The communication treats, *inter alia*, of the question of the removal of the Songhees Indians, and of the advisability of a revision of the Indian Reserves in British Columbia.

The Minister further states that as to the removal of the Songhees Indians, Commissioners have been appointed both by the Federal and Provincial Governments for the purpose of arranging for an exchange of land and the removal of these Indians, but up to the present, owing to a difference of opinion as to scope of the proposed Commission, no instructions have been sent to the Commissioners to proceed with the work.

The Minister observes that in his communication Mr. Baker suggests, in effect, that the following should be the basis upon which the Commission should proceed :—

1. The Province to bear the entire expenses of the removal of the Indians to any new reserve which may be selected.

2. That in consideration of doubt as to the question of ownership of the fee simple of lands comprising the Songhees Reserve, but without prejudice to any right of ownership of the fee simple of lands comprised in other Indian Reserves in the Province, the Province, in order to promote an early settlement of the question of the removal of the Songhees, shall hand over to the Dominion Government the fee simple of the lands selected as a reserve in lieu of the reserve at present occupied by the Songhees.

3. That the lands vacated by the Indians in the Songhees Reserve shall become the property of the Provincial Government.

The Minister represents, after careful consideration, that while he considers Mr. Baker's statement as to the basis upon which the Commissioners should proceed to be correct as far as it goes, he is of opinion that it is not sufficiently comprehensive to secure a final disposal of the question as the result of the Commissioners' work. The tract of land comprised in the Songhees Reserve is a very valuable one, and it will, therefore, be necessary to have it stipulated that the Commission should value the land comprised in the Songhees Reserve, and the land which the Provincial Government will be prepared to set aside for the Indians in lieu thereof, and assess the difference in value with a view to the Province paying the difference in value to the Dominion Government, to be held in trust for the Indians ; or, in the event of the Provincial Government being adverse to making a money payment, the Provincial Government to set aside such additional land as will fully compensate the Indians for the loss of the Songhees Reserve.

The Minister further represents that it will also be necessary to provide that the Commissioners should value the improvements of the individual Indians upon the Songhees Reserve with the view to the Indians being compensated therefor by the Provincial authorities, either by a money payment through the Dominion Government, or by the making of improvements for such individual Indians upon the land which may be selected as a reserve.

The Minister, therefore, recommends that in reply to Mr. Baker's communication, the Provincial authorities be informed, through the usual channel, that the Dominion Government will be ready to instruct its Commissioner to proceed at once in the matter of the proposed removal of the Songhees Indians, upon the Government of British Columbia intimating its assent to the following statement of the scope of the proposed Commission :—

1. The Commissioners to select a tract of land as a new reserve for the Songhees Indians, and to value such land and the land comprised in the present reserve, assessing the difference in valuation, such difference to be made good by the Province, either by a money payment to the Dominion Government as Trustee for the Indians, or by the allotting of additional land to the satisfaction of the Superintendent-General of Indian Affairs, it being understood that such land as the Province may set apart for the Indians will be conveyed in fee simple to the Dominion Government, and that the land comprised in the Songhees Reserve will revert to the Province.

2. The Commission to value the improvements of individual Indians upon the Songhees Reserve, such Indians to be compensated by the Province therefor by a money payment through the Dominion Government, or by the making, at the cost of the Province, of improvements of equal value upon the land selected as a new reserve.

3. The Commission to negotiate with the Indians as to their removal, and to fix the time, and to make all necessary arrangements for such removal, the expenses of such removal to be borne by the Province.

4. The expenses incurred by each Commissioner to be paid by his respective Government.

5. Nothing which may be agreed to by the two Governments and the Indians in respect to this matter, to in any way affect the claims of either Government as to other Indian Reserves in the Province.

6. The report of the Commissioners to be subject to the approval of their respective Governments, and the Indians of the Songhees Band to be consenting parties to the removal.

The Minister further recommends that as to the revision of Indian Reserves in British Columbia, as suggested by Mr. Baker, the Provincial authorities be informed that it is not thought advisable to deal with the question of revision until the reference to the Supreme Court, respecting the rights of the Province and the Dominion in Indian Reserves in British Columbia has been disposed of.

The Committee, on the recommendation of the Superintendent-General of Indian Affairs, advise that a certified copy of this Minute be transmitted to the Lieutenant-Governor of British Columbia for the information of his Government. All which is respectfully submitted for Your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk of the Privy Council.

His Honour,
The Lieutenant-Governor,
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 15th day of March, 1897.

On a memorandum from the Honourable the Provincial Secretary, dated the 10th of March, 1897, stating that a communication has been received from the Honourable the Secretary of State of Canada covering a report of the Privy Council of the 23rd ultimo, in reference to the negotiations now pending in relation to the removal of the Songhees Indians from the Indian Reserve, which is located in the City of Victoria.

The Minister remarks that the Dominion Government sets forth in the said Minute the details of a letter from the Honourable the Provincial Secretary, dated 10th September, 1896 and bearing on the question as follows :

1. The Province to bear the entire expenses of the removal of the Indians to any new Reserve which may be selected.

2. That in consideration of doubt as to the question of ownership of the fee simple of lands comprising the Songhees Reserve, but without prejudice to any right of ownership of the fee simple of lands comprised in other Indian Reserves in the Province, the Province, in order to promote an early settlement of the question of the removal of the Songhees, will hand over to the Dominion Government the fee simple of the lands selected as a Reserve in lieu of the Reserve at present occupied by the Songhees.

3. That the lands vacated by the Indians in the Songhees Reserve shall become the property of the Provincial Government.

With regard to these suggestions the Honourable the Superintendent-General of Indian Affairs, to whom a copy of the said letter of the 10th of September last was referred, "represents, after careful consideration, that while he considers Mr. Baker's statement as to "the basis upon which the Commissioners should proceed to be correct as far as it goes, he is "of opinion that it is not sufficiently comprehensive to secure a final disposal of the question "as the result of the Commissioners' work. The tract of land comprised in the Songhees "Reserve is a very valuable one, and it will, therefore, be necessary to have it stipulated that "the Commission should value the land comprised in the Songhees Reserve, and the land "which the Provincial Government will be prepared to set aside for the Indians in lieu thereof, "and assess the difference in value, with a view to the Province paying the difference in value "to the Dominion Government, to be held in trust for the Indians; or, in the event of the "Provincial Government being adverse to making a money payment, the Provincial Govern-"ment to set aside such additional land as will fully compensate the Indians for the loss of the "Songhees Reserve.

"The Minister further represents that it will also be necessary to provide that the Com-"missioners should value the improvements of the individual Indians upon the Songhees "Reserve with a view to the Indians being compensated therefor by the Provincial authorities, "either by a money payment through the Dominion Government, or by the making of "improvements for such individual Indians upon the land which may be selected as a Reserve.

"The Minister, therefore, recommends that in reply to Mr. Baker's communication the "Provincial authorities be informed, through the usual channel, that the Dominion Government "will be ready to instruct its Commissioner to proceed at once in the matter of the proposed "removal of the Songhees Indians upon the Government of British Columbia intimating its "assent to the following statement of the scope of the proposed Commission:

"1. The Commissioners to select a tract of land as a new Reserve for the Songhees "Indians, and to value such land and the land comprised in the present Reserve, assessing the "difference in valuation, such difference to be made good by the Province, either by a money "payment to the Dominion Government as trustee for the Indians, or by the allotting of "additional land to the satisfaction of the Superintendent-General of Indian Affairs, it being "understood that such land as the Province may set apart for the Indians will be conveyed in "fee simple to the Dominion Government, and that the land comprised in the Songhees "Reserve will revert to the Province.

"2. The Commission to value the improvements of individual Indians upon the Songhees "Reserve, such Indians to be compensated by the Province therefor by a money payment "through the Dominion Government, or by the making, at the cost of the Province, of im-"provements of equal value upon the land selected as a new Reserve.

"3. The Commission to negotiate with the Indians as to their removal, and to fix the "time, and to make all necessary arrangements for such removal, the expenses of such removal "to be borne by the Province.

"4. The expenses incurred by each Commissioner to be paid by his respective Govern-ment.

"5. Nothing which may be agreed to by the two Governments and the Indians in respect "to this matter to, in any way, affect the claims of either Government as to other Indian "Reserves in the Province.

"6. The report of the Commissioners to be subject to the approval of their respective "Governments, and the Indians of the Songhees Band to be consenting parties to the removal."

The Honourable the Provincial Secretary submits that it would not be equitable nor for the interest of the Province to introduce into the negotiations the question of any compensation to the Indians for their removal other than that of rehabilitation.

The present value of the Songhees Reserve is not ancillary to the transaction of the relocation of the Indians upon ground which would satisfy their desires.

The value of the present Songhees Reserve has been created by causes entirely independent of the said Indians and in spite of their customs, habits and avocations, and although the Songhees Indians claim, by a deed of sale of their lands to the Hudson's Bay Company, dated 30th April, 1850, the use of the lands on the following conditions: "That our villages, 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."

The aforesaid deed does not bar a voluntary surrender by the Songhees Indians of the aforesaid rights of location, in consideration of another location which would be equally satisfactory to them as a Reserve.

The question resolves itself into a voluntary agreement between the Songhees Indians of the first part, and the Dominion and Provincial Governments of the second part and, inasmuch as the Provincial Government has consented to waive, in this particular case, any title in fee of the proposed new location, and agrees that the fee simple of the land of the new location shall be vested in the Dominion for the use of the Songhees Indians, but without prejudice to pending litigation in the Supreme Court respecting the rights of the Province and the Dominion in the Indian Reserves of British Columbia, it is only equitable that the right and title to the fee of the land of the present Songhees Reserve should continue to vest in the Province after the removal of the Songhees Indians to a new location.

If an agreement can be arranged with the Dominion Government in accordance with the aforesaid views of the Province, the remaining clauses, 2, 3, 4, 5 and 6, of the proposal made by the Superintendent-General of Indian Affairs as contained in the aforesaid Report of the Privy Council of the 23rd of February, 1897, may be agreed to by the Province as a basis upon which the Joint Commission may act.

The Committee of Council concur and advise that a certified copy of this Minute, if approved, be transmitted to the Honourable the Secretary of State of Canada.

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

VICTORIA, B. C.:
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