PAPERS

Relating to the protest of the Provincial Government against the issue of a lease by the Department of Indian Affairs to one T. D. Jones, of the coal measures under the Indian Reserve at Nanaimo.

JAMES BAKER,
Provincial Secretary.

Provincial Secretary's Office,
April 28th, 1898.

VICTORIA, B. C., March 1st, 1895.

SIR,—Information has been received by this Government to the effect that a lease for mining purposes of the coal measures in and under the Indian Reserves at Nanaimo, has been granted to you by the Dominion Government.

I have to notify you that the Province refuses to recognize the lease and that steps will be taken to have it recalled.

I have, etc.,
(Signed) GEO. B. MARTIN,
Chief Commissioner of Lands and Works.

T. D. Jones, Esq.,
Nanaimo, B. C.

GOVERNMENT HOUSE,
VICTORIA, 6th March, 1895.

SIR,—I have the honour to transmit to you, herewith, a certified copy of an approved Report of a Committee of my Executive Council, relative to the issue of a lease, by the Dominion Government, for mining purposes, to one T. D. Jones, of the coal measures in and under the Indian Reserve at Nanaimo.

As this action is viewed by my Executive in an unfavourable light, the report recommends that the Dominion Government be requested to recall the said lease or in the event of the said Government insisting upon the right to grant such leases, that the question of the privilege to give such permission be referred to the Supreme Court of Canada for decision.

I have, etc.,
(Signed) E. DEWDNEY,
Lieutenant-Governor.

The Honourable the Secretary of State,
Ottawa, Canada.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 20th day of February, 1895.

On a memorandum from the Honourable the Attorney-General, dated the 18th day of February, 1895, drawing attention to information which has been received by the Department of the Attorney-General to the effect that the Dominion Government, acting through the agency of the Honourable the Minister of the Interior, or through some other Department, had granted a lease for mining purposes to one T. D. Jones, of the coal measures in and under the Indian Reserve situate at Nanaimo.

The Minister views this action on the part of the Dominion Government as a distinct usurpation of Provincial rights and appropriation of Provincial property and recommends that notice be given to the said T. D. Jones, and that the Dominion Government be notified that the Province refuses to recognize the said lease, and that with a view to avoid complications in the matter the Dominion Government be requested to take steps to recall the lease so granted by them, or if it is the intention of the Dominion Government to insist upon the right to grant such leases, that His Excellency the Governor-General in Council be requested to refer the question of the right to give such lease, forthwith to the Supreme Court of Canada for adjudication and determination.

The Committee of Council concurring in this recommendation advise that a copy of this minute (if approved) be transmitted to the Honourable the Secretary of State for Canada for the information of His Excellency the Governor-General.

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

DEPARTMENT OF THE SECRETARY OF STATE,
OTTAWA, 21st June, 1895.

SIR,—Referring to your despatch, No. 22, of the 6th March, 1895, transmitting copy of an approved Minute of the Executive Council of British Columbia, relative to the issue of a lease by the Department of Indian Affairs to one T. D. Jones, for mining purposes, of the Coal Measures in and under the Indian Reserve at Nanaimo, I have now the honour by command of His Excellency the Governor-General in Council, to transmit to you, herewith, for the information of your Government, a certified copy of a Minute of the Honourable the Privy Council, approving of a Report of the Superintendent-General of Indian Affairs, in which he consents to a reference to the Supreme Court of the question of the right of this Government to issue such leases.

I have, &c.,
(Signed) L. A CATELLIER,
Under Secretary of State.

His Honour the Lieutenant-Governor of British Columbia.

Extract from a Report of the Committee of the Honourable the Privy Council, approved by His Excellency on the 10th June, 1895.

The Committee of the Privy Council have had under consideration a despatch, hereto attached, dated 6th March, 1895, from the Lieutenant-Governor of British Columbia, transmitting a copy of a approved Minute of the Executive Council of that Province relative to the issue of a lease by the Department of Indian Affairs to one T. D. Jones, for mining purposes, of the coal measures in and under the Indian Reserve at Nanaimo, B. C.

The Superintendent-General of Indian Affairs, to whom the despatch was referred, states that the mining lease was issued to Mr. Jones in accordance with the advice of the Minister of Justice, but as the Government of the Province of British Columbia disputes the right of the Dominion Government to issue such leases and asks that the question be referred to the Supreme Court of Canada for determination, he recommends that the reference asked for be made.

The Committee, concurring in the above, advise that a certified copy of this Minute, if approved, be forwarded to the Lieutenant-Governor of British Columbia for the information of his Government.

JOHN J. MCGEE,
Clerk of the Privy Council.

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

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