
PAPERS

Relating to the application of the Grand Trunk Pacific Railway Company to the Department of Indian Affairs for the purchase of 13,579 acres of land in the neighbourhood of Port Simpson.

By Command.

HENRY ESSON YOUNG,
Provincial Secretary.

*Provincial Secretary's Office,
20th March, 1907.*

Extract from a Report of the Committee of the Privy Council, approved by the Governor-General on the 2nd April, 1906.

On a Report, dated 28th March, 1906, from the Superintendent-General of Indian Affairs, stating that the Grand Trunk Pacific Railway Company has applied to the Department of Indian Affairs for the purchase of certain land on Kaien Island, Digby Island and part of the Tsimpsean Peninsula, in the neighbourhood of Port Simpson, B. C., comprising in all about 13,519 acres, as shown on the accompanying plan, the land to be used in connection with the Company's terminals on the Pacific Coast.

The Minister submits that the land applied for forms part of the lands reserved for the Metlakatla Indians, and before the same can be disposed of to the Grand Trunk Pacific Railway Company it will be necessary to obtain from the Indians a surrender in accordance with the provisions of the Indian Act; but before submitting the question of surrender to the Indians, it is considered advisable to ask the British Columbia Government to waive its claim to any reversionary interest it may have in the land under the agreement come to between the Province of British Columbia and the Dominion in 1876, as regards the setting aside of reserves for the Indians in that Province.

The Minister further submits that if the Indians are asked to surrender this land to be sold for their benefit to the Grand Trunk Pacific Railway Company, the Province will not be asked to give them land in lieu thereof; and it is further considered that as it will be in the public interest of the Dominion as well as of the Province that the Grand Trunk Pacific Railway Company should be allowed to acquire this land for terminal purposes, thereby affording a great benefit to both the Dominion and the Province generally, as well as enhancing the value of the lands adjacent thereto and in the vicinity thereof and of the remaining portion of the reserve (comprising an area of about 16,000 acres), to such an extent as to realise a sum equal to or greater than the present value of the reserve as now constituted, the Province should be willing to waive any interest it may claim in the land applied for.

The Minister, therefore, recommends that a copy of this Minute be communicated through the Secretary of State to the Government of British Columbia, with a view of obtaining at the earliest possible date the consent of that Government to its waiving any reversionary interest the Province may claim to have in the land of which it is proposed to obtain a surrender.

The Committee submit the same for approval.

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

His Honour the Lieutenant-Governor of British Columbia.

(Signed) HENRI G. JOLY DE LOTBINIÈRE.

Approved 7th May, 1906.

To His Honour the Lieutenant-Governor in Council :

The undersigned has the honour to report that on the 4th day of May, 1904, a Minute of Council, a copy of which is appended hereto, was approved by the Lieutenant-Governor, authorising the grant to Ernest Victor Bodwell, of the City of Victoria, representing the Grand Trunk Pacific Railway Company, of not exceeding 10,000 acres of land on Tsimpsean Peninsula, in the vicinity of Tuck Inlet, for terminal and townsite purposes, at the nominal price of \$1 per acre, and on the terms and conditions therein set out; it being considered to be in the public interest of the Province that the Grand Trunk Pacific Railway Company should locate its terminus on this land :

That the said 10,000 acres of land contains an area of about 9 miles in extreme length by $3\frac{3}{4}$ miles in extreme width, and comprises about 25 miles of shore line :

That on the 6th day of March, 1905, an agreement, a copy of which is appended hereto, was executed by Frank W. Morse, Vice-President and General Manager of the said Grand Trunk Pacific Railway Company, approving of the terms and conditions of the said Minute of Council, and declaring that the western terminus of the said Grand Trunk Pacific Railway would be located on some portion of the said lands, and that the townsite surrounding the said terminus would be located on the said lands :

That on the 10th day of March, 1905, a Crown grant, a copy of which is appended hereto, was issued to the said Grand Trunk Pacific Railway Company in pursuance of said Minute of Council, granting 10,000 acres of land on Tsimpsean Peninsula and Kaien Island, on the terms and conditions therein set out, including provisoes for the reconveyance to the Province of one-fourth of all the blocks of town lots into which the said lands might be subdivided, and also for the reconveyance of one-fourth of the water-front blocks and one-fourth of all lands not divided into town lots or water front blocks :

That on the 3rd day of August, 1905, the said Grand Trunk Pacific Railway Company entered into an agreement with the Government of the Province of British Columbia, a copy of which is appended hereto, agreeing, subject to the approval of the Governor-General in Council, to establish the western terminus of the National Transcontinental Railway upon the said lands, and that construction thereon of the wharves, docks, stations, yards, round-houses and other facilities proper and suitable for such terminus should be commenced on or before the thirtieth day of June, 1906, and thereafter actively prosecuted to completion :

That one of the chief considerations which induced Your Honour's Government to recommend the partially free grant of the said lands to the Grand Trunk Pacific Railway Company was the belief that, if the western terminus of the said railway were located on the said lands, the value of the Provincial Government Reserve adjacent thereto, and of the reversionary interest of the Province in the Indian Reserve in the vicinity, would be greatly enhanced, great benefit to the Province thereby ultimately accruing :

That Your Honour's Government has carefully considered the extract from a report of the Committee of the Privy Council, approved by the Governor-General on the 2nd April, 1906, whereby it is proposed that about 13,519 acres of Indian Reserve lands on Kaien Island, Digby Island and the Tsimpsean Peninsula be disposed of to the Grand Trunk Pacific Railway Company for terminal purposes, and suggested that the Province of British Columbia should waive any interest it may claim in the land applied for :

The undersigned, therefore, for the reasons above set out, recommends that the suggestion that the Province of British Columbia should waive its reversionary interest in the said 13,519 acres of land be not approved, and that a copy of this Minute be communicated to the Secretary of State.

(Signed) R. F. GREEN,
Chief Commissioner of Lands and Works.

The Committee of Council concur, and submit the same for Your Honour's approval.
Dated this 2nd day of May, A.D. 1906.

(Signed) F. CARTER-COTTON,
Presiding Member of the Executive Council.

Approved 4th May, 1904.

(Signed) HENRI G. JOLY DE LOTBINIÈRE
Lieutenant-Governor.

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the Honour to report that—

1. Whereas section 39 of the Land Act provides that it shall be lawful for the Lieutenant-Governor in Council to make such special free, or partially free, grants of unoccupied and unappropriated Crown lands of the Province for the encouragement of immigration, or other purposes of public advantage, not being bonuses for the construction of railways, with and under such provisions, restrictions and privileges as to the Lieutenant-Governor in Council may seem most advisable:

2. And whereas the establishment of the Western Terminus of the Grand Trunk Pacific Railway Company upon unoccupied Crown lands in this Province is a public advantage within the meaning of said section:

3. And whereas certain lands on the Tsimpsean Peninsula, in the vicinity of Tuck Inlet, are suitable for the purpose of said terminus:

4. And whereas Ernest Victor Bodwell, of the City of Victoria, Barrister-at-Law, acting under instructions from and who in this matter represents the Grand Trunk Pacific Railway Company, and is not acting in his individual capacity, has made a proposition with respect to a partially free grant of the said lands:

5. And whereas it is desirable that his proposal be accepted:

6. And whereas it is advisable that the terms upon which the said grant of lands shall be made shall be stated; the undersigned has the honour to submit as follows:—

1. The said Ernest Victor Bodwell may select from the unoccupied Crown Lands of the Province situate on Tsimpsean Peninsula, in the vicinity of Tuck Inlet, an amount not exceeding ten thousand (10,000) acres of land, which he shall, in his judgment, deem to be most suitable for the purposes of a terminus for the said railway.

2. The said Ernest Victor Bodwell shall, immediately after such selection, have the said lands surveyed by a surveyor who shall be approved of by the Chief Commissioner of Lands and Works.

3. The said lands may be surveyed in one or more blocks, and it shall only be necessary to run the outside lines of the said blocks; but in other respects the survey shall conform to the system of surveys prescribed by the Land Act.

4. In surveying the said lands, the said Ernest Victor Bodwell shall also be at liberty to survey and plat the foreshore and the beach and land below high-water mark, where any of the said lands abut upon or form the shore of any tidal or other waters.

The grants hereinafter referred to shall convey all the foreshore and riparian rights which the Crown may have in the lands so described, and which are situated below high-water mark.

5. When the surveys are completed the said lands shall be platted in the Land Department, and Crown grants thereof, in such parcels as the Chief Commissioner shall direct, shall be executed conveying the said lands to the said Ernest Victor Bodwell, acting in the before-mentioned capacity, in fee.

6. Whenever any of the lands so to be granted form part of the shore of any tidal waters, or the banks of any river, lake or stream, the said grant shall convey in fee the lands below, as well as above, high-water mark, and shall also contain a grant to the said Ernest Victor Bodwell, acting in the before-mentioned capacity, in fee of all foreshore and riparian rights which the Crown, in right of the Province, has in respect of any lands covered by waters which are described or referred to in the said grants.

7. The said grants shall also reserve to the Crown the rights referred to in section 32 of the Land Act, which rights shall be deemed to include an undivided one-quarter interest in all lands described in the said grants, including the lands mentioned in clauses four (4) and six (6) hereof provided, however, that the land fronting on the sea or other waterway shall be divided into blocks having a frontage on the sea or waterway of not less than 1,000 feet, and the selection of the water front lands so divided shall be in conformity with section 32 of the Land Act.

8. Upon the execution and delivery of the said grants to the said Ernest Victor Bodwell, the said Ernest Victor Bodwell shall pay in to the credit of the Chief Commissioner of Lands

and Works the sum of ten thousand (\$10,000) dollars in cash, as one of the terms upon which the said grants are to be made, and as a guarantee of good faith, and as security for the performance by the said Ernest Victor Bodwell of the further conditions referred to in this Minute, and unless the Crown shall require the reconveyance of the said lands from the said Ernest Victor Bodwell under the further conditions of this Minute, the said sum of ten thousand dollars (\$10,000) shall be and remain the property of the Government.

9. The said grant, when so executed and delivered as aforesaid, shall also be deemed to have been issued subject to the following conditions:—

(1.) The said Ernest Victor Bodwell shall not dispose of the said lands to any person or corporation except for the purposes of establishing thereon the western terminus of the Grand Trunk Pacific Railway:

(2.) The said Ernest Victor Bodwell shall, within the period of nine (9) months from the date hereof, cause the western terminus of the said Grand Trunk Pacific Railway to be established upon the said lands, or some portion thereof, or shall produce evidence to the satisfaction of the Chief Commissioner of Lands and Works that the said terminus will in due course be permanently established upon the said lands, or some portion thereof, and that the said lands conveyed as aforesaid shall constitute the townsite surrounding the said terminus:

(3.) If the said Ernest Victor Bodwell shall fail in procuring the establishment of the said terminus as aforesaid, or shall fail within the time aforesaid to produce the evidence referred to in the sub-section last above mentioned, then the said lands shall, upon demand by the Crown, be reconveyed by the said Ernest Victor Bodwell to the Crown; and if the Crown shall demand the reconveyance of the said lands, then the said sum of ten thousand (\$10,000) dollars, without interest, shall be repaid to the said Ernest Victor Bodwell; but he shall not be allowed any sums spent by him on account of surveys or other expenses connected with the grant of the said lands:

(4.) Before the Crown grants referred to are actually delivered to the said Bodwell, there shall be filed with the Chief Commissioner of Lands and Works a written approval of the terms of this order, signed by the proper officer in that behalf of the Grand Trunk Pacific Railway Company.

The undersigned recommends that the said proposal be accepted, subject to the terms and conditions aforesaid.

(Signed) R. F. GREEN,
Chief Commissioner of Lands and Works.

The Committee of Council concur and submit the same for Your Honour's approval.

Dated this 30th day of April, A. D. 1904.

(Signed) RICHARD MCBRIDE,
Presiding Member of the Executive Council.

Whereas, on the 3rd day of May, 1904, an Order in Council was passed, a copy of which is hereto annexed:

And whereas the lands referred to in such Order in Council have been surveyed and Crown grants thereof have been issued and are now ready for delivery:

And whereas the sum of ten thousand dollars (\$10,000), referred to in clause 8 of the said Order in Council, has been duly paid:

And whereas evidence has been produced, satisfactory to the Chief Commissioner of Lands and Works, that the terminus of the Grand Trunk Pacific Railway will be located on some portion of the said lands, and that the townsite surrounding said terminus will be created as referred to in clause 2 of the said Order in Council:

And whereas it is expedient to file with the Chief Commissioner of Lands and Works a written approval of the terms of the said Order, signed by the proper officer in that behalf of the Grand Trunk Pacific Railway Company:

And whereas Frank W. Morse, whose signature is attached hereto, is the Vice-President and General Manager of the said Grand Trunk Pacific Railway Company, and is the officer of the said Company properly authorised to give the said approval, and hereby undertakes to do so:

Now, therefore, it is witnessed by these presents that I, Frank W. Morse, Vice-President and General Manager of the Grand Trunk Pacific Railway Company, do hereby certify that

the Company approves of all the terms and conditions expressed in the Order in Council of the 3rd day of May, 1904, a copy of which is attached hereto; and further declare that the lands in question are to be taken over by the Grand Trunk Pacific Railway Company, on the terms and conditions expressed in the said Order in Council, and that the western terminus of the Grand Trunk Pacific Railway will be located on some portion of the said lands, and that the townsite surrounding the said terminus will be located on the lands so to be conveyed in the said Crown grants; and, further, that the Company will observe all the conditions expressed in the said Order in Council to be performed by it, and will accept the conveyance of the said lands on the conditions mentioned in the said Crown grants; and, further, that if the Chief Commissioner of Lands and Works shall so request, I will in due course procure a formal ratification of this certificate by the Directors of the Company:

As witness my hand at the City of Victoria, Province of British Columbia, the 6th day of March, A.D. 1905.

(Signed) FRANK W. MORSE.

(Signed) HENRI G. JOLY DE LOTBINIÈRE,
Lieutenant-Governor.

(Signed) HENRI G. JOLY DE LOTBINIÈRE.



LAND ACT.

PROVINCE OF }
BRITISH COLUMBIA. }

(Signed) W. S. GORE,
Deputy Commissioner of Lands and Works.

No. $\frac{743}{162}$

EDWARD VII., by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, KING, Defender of the Faith, &c., &c.

To all to whom these presents shall come, Greeting:

KNOW YE, that We do by these presents, for Us, Our Heirs and Successors, in consideration of the fulfilment of the terms of an Order in Council, approved by His Honour the Lieutenant-Governor on the fourth day of May, 1904, and of the sum of Ten Thousand Dollars to Us paid, give and grant unto the Grand Trunk Pacific Railway Company, its successors and assigns, all those parcels or lots of land situated in Coast District, said to contain ten thousand (10,000) acres, more or less, and more particularly described on the map or plan hereunto annexed and coloured red, and numbered Lots Two hundred and fifty-one (251), Four hundred and forty-three (443), and Four hundred and forty-four (444), Range Five (5), on the official plan or survey of the said Coast District, in the Province of British Columbia, To HAVE and To HOLD the said parcels or lots of land, and all and singular the premises hereby granted, with their appurtenances, TOGETHER with (where any of the lands so described abut upon, or form the shore of, any tidal waters, or the bank of any river, lake or stream) all the foreshore and riparian rights which We, in the right of Our Province of British Columbia, may have in the said lands, including the lands below as well as above high-water mark, unto the said Grand Trunk Pacific Railway Company, its successors and assigns, for ever.

1. PROVIDED, NEVERTHELESS, that it shall at all times be lawful for Us, Our Heirs and Successors, or for any person or persons acting in that behalf by Our or their authority, to resume any part of the said lands which it may be deemed necessary to resume for making roads, canals, bridges, towing-paths, or other works of public utility or convenience; so never-

theless that the lands so to be resumed shall not exceed one-twentieth part of the whole of the lands aforesaid, and that no such resumption shall be made of any lands on which any buildings may have been erected, or which may be in use as gardens or otherwise for the more convenient occupation of any such buildings.

2. PROVIDED, also, that it shall at all times be lawful for Us, Our Heirs and Successors, or for any person or persons acting under Our or their authority, to enter into and upon any part of the said lands, and to raise and get thereout any minerals, precious or base, including coal and petroleum, which may be thereupon or thereunder situate, and to use and enjoy any and every part of the same land, and of the easements and privileges thereto belonging, for the purpose of such raising and getting, and every other purpose connected therewith, paying in respect of such raising, getting and use reasonable compensation.

3. PROVIDED, also, that it shall be lawful for any person duly authorised in that behalf by Us, Our Heirs and Successors, to take and occupy such water privileges, and to have and enjoy such rights of carrying water over, through, or under any parts of the hereditaments hereby granted, as may be reasonably required for mining or agricultural purposes in the vicinity of the said hereditaments, paying therefor a reasonable compensation to the aforesaid Grand Trunk Pacific Railway Company, its successors or assigns.

4. PROVIDED, also, that it shall be at all times lawful for any person duly authorised in that behalf by Us, Our Heirs and Successors, to take from or upon any part of the hereditaments hereby granted, without compensation, any gravel, sand, stone, lime, timber or other material which may be required in the construction, maintenance or repair of any roads, ferries, bridges or other public works.

5. PROVIDED, also, that in the event of any of the lands hereby granted being divided into town lots, one-fourth of all the blocks of lots, to be selected as provided in section 32 of the "Land Act," shall be re-conveyed to Us and Our successors.

6. PROVIDED, further, that the land hereby granted fronting on the sea or other waterway shall be divided into blocks having a frontage on the sea or waterway of not less than one thousand (1,000) feet, and the selection of the water front lands so divided shall be in conformity with section 32 of the "Land Act," and shall be re-conveyed to Us and Our Successors, together with the land appurtenant thereto above and below low-water mark, upon the request of the Chief Commissioner of Lands and Works.

7. PROVIDED, further, that there shall be re-conveyed to Us and Our Successors, upon the request of the Chief Commissioner of Lands and Works, one-fourth of all the land embraced in this grant that shall not be divided into town lots or water front blocks, the said lands to be divided into blocks containing not more than eighty acres, and the selection of said lands to be in conformity with section 32 of the "Land Act."

8. PROVIDED, further, that any re-conveyance to Us and Our Successors of any of the lots hereinbefore mentioned shall include (when the lands so described abut upon or form the shore of any tidal waters, or the bank of any river, lake or stream) all the foreshore and riparian rights, including the lands above and below low-water mark.

9. PROVIDED, also, that all travelled streets, roads, trails and other highways existing over or through said lands at the date hereof shall be excepted from this grant.

IN TESTIMONY WHEREOF, We have caused these Our Letters to be made Patent, and the Great Seal of Our Province of British Columbia to be hereunto affixed; WITNESS, His Honour the Honourable SIR HENRI GUSTAVE JOLY DE LOTBINIÈRE, K. C. M. G., Lieutenant-Governor of Our said Province of British Columbia, at Our Government House, in Our City of Victoria, this Tenth day of March, in the year of Our Lord One thousand nine hundred and five, and in the fifth year of Our Reign.

By Command.

(Signed)

FRED. J. FULTON,

Provincial Secretary.

THIS INDENTURE made this third day of August, A.D. 1905, between the Grand Trunk Pacific Railway Company, hereinafter called "the Company," of the one part, and His Majesty the King, in right of His Province of British Columbia, of the other part :

Whereas the Government of the Province of British Columbia, acting for and on behalf of His Majesty in right of His Province of British Columbia, on the 10th day of March, A.D. 1905, granted certain lots to the Company upon the terms and conditions then expressed :

And whereas by an antecedent agreement it was provided that the terminus of the Company's railway should be established on the lots in question :

Now, this Indenture witnesseth, and it is hereby expressly agreed and declared,—

1. That the Company will, subject to the approval of the Governor-General in Council, establish the western terminus of the National Transcontinental Railway upon the hereditaments conveyed to them by the hereinbefore recited Indenture of the tenth day of March, A.D. 1905, and will thereon construct, of a substantial and permanent character, the wharves, docks, stations, yards, round-houses and other facilities proper and suitable for such terminus.

2. That some substantial work will be begun upon the construction of the said wharves, docks, stations, yards, round-houses, and other facilities, on or before the thirtieth day of June, A.D. 1906, and thereafter actively prosecuted to completion.

3. That this Agreement shall be read with and form part of the said Indenture of the tenth day of March, A.D. 1905.

In witness whereof, pursuant to a resolution of the Directors of the Company, dated the third day of August, 1905, this Company has hereunto set its corporate seal, countersigned by the proper officer in that behalf.

(Signed) THE GRAND TRUNK PACIFIC RAILWAY COMPANY,

Signed, Sealed and Delivered
in presence of

D. E. GALLOWAY.

by CHARLES M. HAYS,
President.

(Signed) HENRY PHILIPS,
Secretary.

(Seal of the Company.)

Extract from Minutes of Meeting of the Directors of the Grand Trunk Pacific Railway Company, held in the Directors' Room, No. 503, of the General Offices, McGill Street, Montreal, Thursday, August 3rd, 1905, at eleven o'clock a.m., Charles M. Hays, Esq., President, in the Chair.

An Agreement was submitted between the Company and the Province of British Columbia, and on motion of Mr. Frank W. Morse, seconded by Mr. Hugh A. Allen, it was

Resolved, That the Agreement dated the third day of August, 1905, between the Grand Trunk Pacific Railway Company and the Province of British Columbia, providing for the establishment of the western terminus of the National Transcontinental Railway upon the hereditaments conveyed to the Company by the above-recited Indenture, be executed on behalf of the Company.

(Signed) CHARLES M. HAYS,
President.

(Signed) HENRY PHILIPS,
Secretary.

(Seal of the Company.)

[TELEGRAMS.]

VICTORIA, B.C., March 8th, 1907.

Superintendent-General Indian Affairs, Ottawa, Ont.

Understand patents have been issued to Grand Trunk Railway of certain lands included in Indian Reserves. Kindly send copies of such patents or agreements.

(Signed) RICHARD McBRIDE.

OTTAWA, Ont., 9th March, 1907.

Hon. R. McBride, Victoria, B.C.

Your wire 8th received. No patent issued. Am forwarding terms of surrender by Indians.

(Signed) F. OLIVER.

VICTORIA, March 13th, 1907.

*Hon. Frank Oliver,
Minister of the Interior, Ottawa, Ont.*

DEAR SIR,—I beg to acknowledge with thanks your message of the 9th inst., which reads as follows:—

“Your wire 8th received. No patent issued. Am forwarding terms of surrender by Indians.”

Yours very truly,
(Signed) RICHARD McBRIDE.

OTTAWA, March 11th, 1907.

SIR,—Referring to your telegram of the 8th and to reply of the 9th instant, I have the honour to enclose herewith copy of a surrender by the Metlakatla Band of the Tsimpsean Indians of 13,519 acres of the Reserve on Kaien Island, Digby Island, and portion of mainland reservation, bordering on Tuck's Inlet and Venn Passage.

I have, etc.,
(Signed) FRANK PEDLEY,
Deputy Superintendent-General of Indian Affairs.

*Hon. Richard McBride, Premier,
Victoria, B. C.*

[ENCLOSURE.]

Know all men by these presents that we, the undersigned, Chief and principal men of the Metlakatla Band of the Tsimpsean Indians, resident on our reserve at Metlakatla, in the Province of British Columbia, and Dominion of Canada, for and acting on behalf of the whole people of our said band in Council assembled, do hereby release, remise, surrender, quit claim and yield up unto Our Sovereign Lord the King, his heirs and successors forever, all and singular that certain parcel or tract of land and premises situate, lying and being in the County of Atlin, and Province of British Columbia, containing, by admeasurement, thirteen thousand five hundred and nineteen acres (13,519), be the same more or less, and being composed of certain portions of their reservation on Kai-en Island, Digby Island, and a portion of the Mainland reservation bordering on Tuck's Inlet and Venn Passage, as hereinafter described:—

Beginning at the southern post of the eastern boundary line of the Mainland Indian Reservation; thence running north two (2) miles; thence west about two and three-quarter ($2\frac{3}{4}$) miles to the point of intersection with a western boundary line as hereinafter defined (viz.): A line running north from the shore of the Mainland, which, when extended south across Venn Passage, will be immediately to the west of the islands of LakWilgiapsh and Lak-Anian, so that these islands are included in the portion to be surrendered; thence from this point of intersection, as above defined, south to the shore of the Mainland; thence in an easterly direction, following the shore line to the point of commencement.

On Digby Island, all land lying south of a line drawn east and west, which is determined by the high water mark at the head of the bay on the east side of Digby Island, known as Sh-Kueak, and also the triangle of land lying to the east of the line, which is determined by the extension south to Digby Island of the north and south line, which lies immediately west of the islands of Lak-Wilgiapsh and Lak-Anian.

The Indian reservation of or on Kaien Island as per survey.

To have and to hold the same unto His said Majesty the King, his heirs and successors forever, in trust, to dispose of the same to such person or persons, and upon such terms as the Government of the Dominion of Canada may deem most conducive to our welfare and that of our people.

And upon the further condition that all moneys received from the disposal or sale thereof shall, after deducting the usual proportion for expenses of management, be dealt with as follows (viz.): Fifty (50%) per cent. of the proceeds of the sale to be paid direct to the Indians of the said band, the remaining fifty (50%) per cent. to be funded for the benefit of the said band, and the interest thereon, at the Government rates, to be paid annually to the said band through the office of the Indian Agent, in accordance with resolution hereto annexed.

And we, the said Chief and principal men of the said Metlakatla Band of the Tsimpsean Indians, do, on behalf of our people and for ourselves, hereby ratify and confirm, and promise to ratify and confirm, whatever the said Government may do, or cause to be lawfully done, in connection with the lands hereinbefore described.

In witness whereof, we have hereunto set our hands and affixed our seals this 17th day of August, in the year of Our Lord one thousand nine hundred and six.

Signed, sealed and delivered in the presence of :

A. W. VOWELL,
Indian Superintendent, B. C.

F. H. DUVERNET,
Bishop of Caledonia.

ALBERT LEIGHTON,	(Seal)	EDWARD A. LEIGHTON,	(Seal)
CHAS. P. RYAN,	"	F. PARK,	"
PETER VENN,	"	JOSEPH O'REILLY,	"
WM. LEASK,	"	ALFRED AUCKLAND,	"
MATTHEW AUCKLAND,	"	his	"
CHAS. VENN,	"	JOHN X MCKAY,	"
his	"	mark	"
SOLOMAN X AUMOIL,	"	his	"
mark	"	THOMAS X MASON,	"
his	"	mark	"
CHARLES X POWELL,	"	his	"
mark	"	PATRICK X PARNELL,	"
his	"	mark	"
JOHN X RICHMOND,	"	DAN PEARSON,	"
mark	"	his	"
his	"	PETER X ROBINSON,	"
ROGER X PEARSON,	"	mark	"
mark	"	G. S. LEIGHTON,	"
his	"	CHAS. AUCKLAND,	"
DANIEL X LEQUZANTIC,	"	PETER HALDANE,	"
mark	"	JOHN D. LEIGHTON,	"
his	"	his	"
JOSHUA X LEIGHTON,	"	EDMUND X VERNEY,	"
mark	"	mark	"
MARK VERNEY,	"	LEWIS POWELL,	"
STEPHEN RYAN,	"	his	"
JOHN CAMPBELL,	"	CHARLES X RYAN,	"
PETER LEIGHTON,	"	mark	"
REUBEN LEIGHTON,	"	WILLIAM D. LOUTH,	"
W. M. LEIGHTON,	"		

DOMINION OF CANADA.
 PROVINCE OF BRITISH COLUMBIA,
 COUNTY OF ATLIN.
 To WIT: }

Personally appeared before me, A. W. Vowell, Indian Superintendent in the Province of British Columbia, and Albert Leighton, one of the principal men of the said band of Indians.

And the said A. W. Vowell for himself saith :—

That the annexed release or surrender was assented to by a majority of the male members of the said band of Indians of the Metlakatla Band, of the full age of twenty-one years, then present:

That such assent was given at a meeting or council of the said band, summoned for that purpose and according to its rules:

That he was present at such meeting or council and heard such assent given:

That he was duly authorised to attend such council or meeting by the Superintendent-General of Indian Affairs:

That no Indian was present or voted at said council or meeting who was not a member of the band or interested in the land mentioned in the said release or surrender.

And the said Albert Leighton says :—

That the annexed release or surrender was assented to by him and a majority of the male members of the said band of Indians, of the full age of twenty-one years, then present:

That such assent was given at a meeting or council of the said band of Indians summoned for that purpose according to its rules, and held in the presence of the said Albert Leighton:

That no Indian was present or voted at such council or meeting who was not a habitual resident on the reserve of the said band of Indians, or interested in the land mentioned in the said release or surrender.

That he is one of the principal men of the said band of Indians and entitled to vote at the said meeting or council.

Sworn before me by the Deponents, A. W. Vowell and Albert Leighton, at the Village of Essington, in the County of Atlin, this 17th day of August, A.D. 1906. The contents of this affidavit having been read over and explained by me to the said Albert Leighton, who appeareth to understand the same, and signed in my presence.

R. L. McINTOSH, P. M.

A. W. VOWELL.

ALBERT LEIGHTON.

Resolutions by the Band of Metlakatla Indians, as taken from the Book of Minutes of a meeting held at Metlakatla, August 16th, 1907 :—

“Resolved, That the 50 % to be paid for the land surrendered shall be divided in equal proportions amongst the members of the band of 21 years and upwards, male and female.”

The above resolution was moved by Peter Haldane and seconded by John Leighton and carried by a unanimous vote.

“Resolved, That the interest accruing from the remaining 50 %, funded for the benefit of the band with the Department, shall be paid as follows (viz.) : the sum of (\$200) two hundred dollars each to the minors, male and female, as they reach the age of (21) twenty-one years, as a first charge, and the balance of said interest shall be paid through the Indian Agent, annually, for municipal repairs, improvements, maintenance, and other work.”

The above resolution was moved by Daniel Lequizantic and seconded by Roger Pierson and carried by unanimous vote.

Certified correct.

A. W. VOWELL,
 Indian Supt., B. C.

Metlakatla, B. C., August 17th, 1906.

VICTORIA, B. C., March 18th, 1907.

Frank Pedley, Esq.,

Deputy Superintendent-General of Indian Affairs, Ottawa, Ont.

SIR,—By direction of the Hon. the Premier, I beg to acknowledge your favour of March 11th, enclosing a copy of a surrender by the Metlakatla Band of the Tsimpsean Indians of 13,519 acres of Reserve on Kaien Island, Digby Island and portion of the Mainland Reservation bordering on Tuck's Inlet and Venn Passage.

I have etc.,
(Signed) LAWRENCE MACRAE,
Private Secretary.

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 19th day of March, 1907.

To His Honour

The Lieutenant-Governor in Council:

The undersigned has the honour to report for the consideration of the Council the following:—

It would appear that by Order in Council, dated September 21st, 1906, the Dominion Government assumed to surrender certain portions of the Tsimpsean Indian Reserve, shown on the annexed blue print, and thereon coloured green, in order that the same might be sold to the Grand Trunk Pacific Railway Company:

and to recommend that a formal notice be forwarded to the proper official of the Grand Trunk Pacific Railway Company that such portions of the said Indian Reserve have been surrendered, became, by virtue of such surrender, the property of the Government of British Columbia, and are now vested in the Province, and that a copy of this Minute, if approved, be forwarded to the Grand Trunk Pacific Railway Company.

Dated this 9th day of March, A.D., 1907.

(Signed) FREDK. J. FULTON,
Attorney-General.

Approved this 11th day of March, A.D., 1907.

(Signed) F. CARTER-COTTON,
Presiding Member of the Executive Council.

VICTORIA, B. C.:

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1907.