

CORRESPONDENCE

In connection with the Mission of the Honourable Wm. Smithe to Ottawa, relating to the Eastern Boundary of the Province, Chinese Immigration, and other questions.

By Command.

JNO. ROBSON,
Provincial Secretary.

*Provincial Secretary's Office,
20th May, 1884.*

LANDS AND WORKS OFFICE,
Victoria, May 25th, 1884.

*To His Honour the Honourable Clement Francis Cornwall,
Lieutenant-Governor of the Province of British Columbia.*

MAY IT PLEASE YOUR HONOUR:

I have the honour to submit, for your information, a Report on my visit to Ottawa, for the purposes mentioned in the Order of Your Honour in Council, dated the 19th of February last.

On the morning of the 20th February I left Victoria and proceeded by way of Portland and the Northern Pacific Railway, arriving at Ottawa after a tedious journey, owing to constant delays consequent on the bad condition of the road, on Sunday the 2nd of March. On the day following, I had interviews with His Excellency the Governor-General, the Premier, the Minister of Justice, the Secretary of State, and other Members of the Dominion Government, during which I explained briefly and unofficially the object of my visit. I was very cordially received by all; and throughout the negotiations which ensued and were continued during my stay at the capital, I found the Government at all times ready to discuss, in a fair and friendly spirit, the several questions affecting the Province which I had the honour to lay before them.

After several preliminary interviews with individual Ministers, I attended by appointment a meeting of the Privy Council on the 15th March, when, at a lengthened conference, I submitted verbally the views of your Government upon the questions of the Eastern Boundary of the Province, the Halifax Fishery Award, the prohibition of Chinese Immigration to the Province, and the administration of Indian Affairs.

The result of the discussion upon the foregoing and other matters on that and subsequent occasions are, in substance, embodied in the letters dated 4th and 10th April respectively, between the Right Honourable Sir John A. Macdonald and myself, which, with other correspondence, I beg to append hereto.

I have the honour to be,

Sir,

Your obedient, humble servant,

WM. SMITHE,

Chief Commissioner of Lands & Works.

CORRESPONDENCE

In connection with the Mission of the Honourable Wm. Smithe to Ottawa, relating to the Eastern Boundary of the Province, Chinese Immigration, and other questions.

By Command.

JNO. ROBSON,

Provincial Secretary.

*Provincial Secretary's Office,
20th May, 1884.*

Copy of a Report of a Committee of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor the 19th February, 1884.

The Committee of Council have had under consideration the Memorandum of the Honourable Provincial Secretary, dated the 18th February, 1884, representing,—

That in view of the immediate prospect of a large influx of population into the Upper Columbia and Kicking Horse Pass country, it is of the most urgent importance that the eastern boundary of the Province in those localities should be at once defined, in order that the laws may be properly enforced and revenues collected;

That the administration of Indian affairs is in an extremely unsatisfactory condition, both as regards the peace and good government of the aborigines themselves, and the undue expense they entail upon the revenue, towards which they contribute absolutely nothing;

That while British Columbia has an undoubted claim to participate in the Halifax Fishery Award, no official reply has been vouchsafed to a Minute of Council setting forth that claim, forwarded to Ottawa several months ago;

That the presence of a large and still increasing Chinese population is subversive of the best interests and threatens the peace of the country, and it is of vital importance that an earnest effort be made to induce the Dominion Government to recognize the right of the Province to legislate on this subject, as it has done during the past session, or failing in that object then to induce the Dominion to substitute effective Federal legislation calculated to remedy the evil;

That the "Settlement Bill" is about to occupy the attention of the Dominion Parliament, and it is most desirable that the vital interests of the Province therein involved should be personally watched at Ottawa by one thoroughly conversant therewith.

The Committee concur in the above, and advise, should this Report be approved, that the Honourable William Smithe at once proceed to Ottawa for the purpose of watching and furthering the interests of the Province in respect to the above-mentioned and other matters requiring attention.

Certified,

(Signed)

T. ELWYN,

Deputy Clerk Executive Council.

The Honourable William Smithe to the Right Honourable Sir John A. Macdonald, K.C.B.

RUSSELL HOUSE, OTTAWA,
7th March, 1884.

SIR,—As you have doubtless been officially advised, I have come to Ottawa for the purpose of discussing with your Government, and, if possible, of arranging, on a satisfactory basis, several important matters affecting the interests of the Province of British Columbia.

The location of the eastern boundary of the Province is imperatively required, more particularly in the vicinity of the line of the Canadian Pacific Railway, where valuable mineral discoveries have been made which have already attracted a number of miners, and which will, it is expected, during the present season, cause a large influx of population into that section of

the Province which is drained by the Upper Columbia River. Following recent developments, it has become necessary to provide for the proper maintenance of law and order in that region, and it is desirable that there should be no doubt as to any question of jurisdiction where authority is exercised by Provincial Officers.

The Administration of Indian affairs is in anything but a satisfactory condition, and radical changes in the treatment of the aborigines would appear to be necessary. The Indian Act, framed especially to provide for the protection and government of the native race in Eastern Canada and the North-West Territory, where the habits, and customs, and character of the people are entirely dissimilar to those found among the tribes of British Columbia, would appear to be, in many respects, quite inapplicable to the Indians in the Pacific Province. The lamentable failure to establish an agency at Metlakatlah, and the open resistance of a large body of Indians there to the application of the Indian Act to their community, is fraught with danger to the peace and welfare of the entire Indian population of the North-West Coast of British Columbia, and indeed to the whole community in that vicinity of white traders and settlers also. The Indians are wards of the Dominion Government, and a conflict between the Indian Department and the Indians ought not to be allowed to continue to the extent of seriously jeopardizing the interests of the white community or of imposing upon the Provincial Authorities the necessity of incurring heavy expenditure for the administration of justice and the maintenance of law and order among a people who contribute nothing to the Provincial revenue. The Dominion Government have taken the management of Indians on the reserves into their own hands, and I submit that there must be something radically wrong when a number of refractory wards, openly and avowedly resisting Federal authority, are allowed to flaunt with bravado before other tribes their successful defiance of the Indian Office.

I regret exceedingly to have learned since my arrival that the Honourable the Privy Council, acting on the report of the Honourable the Minister of Marine and Fisheries, has refused to concede to British Columbia the reasonable claim preferred to participate to some extent in the benefits accruing under the Halifax Fishery Award. It is not attempted to be denied that British Columbia has been unfairly treated in having been excluded from the advantages enjoyed under the treaty by other Maritime Provinces of the Dominion, of free import of fish and fish oil into the United States. Successive Governments of Canada have, since the ratification of the treaty, regarded the refusal of the United States Government to allow free import of fish and fish oils from British Columbia as unjust and illegal. It is therefore difficult to conceive how, admittedly taking that view of the matter, and not having secured to us the advantages to which we are entitled, the Government of the Dominion can fairly deny us some compensation for the losses we have continuously sustained through our rights under the treaty not having been secured. I trust that the claim of British Columbia in this regard may be reconsidered, and that a meed of justice may be done to a young Province whose immense fishery resources require so much at the present time to be developed and protected.

I would urge upon your Government, with the utmost earnestness, the necessity of dealing with the question of Chinese Immigration in British Columbia. The Provincial Legislature passed several measures during the past session upon the Chinese question, and it is extremely desirable that the action of the Province should be approved. It is probably best, as it is a question at present only affecting the Pacific Province, and one which eastern people can scarcely be expected to properly appreciate or understand, that the Province of British Columbia should be left to regulate a matter affecting only its own welfare and destiny. Should, however, the Federal Government think it necessary to take the subject in hand, then I would urge upon you to remember the action which has been taken in all countries where the Chinese evil has been experienced. First the Australian Colonies, and next the United States, were compelled to take measures to stem the devastating tide of Mongol immigration. The shores of British Columbia alone are now free to the hordes of Chinese who cross the Pacific, and, in increasing volume, they surge in upon the country and carry with them the elements of disease and pestilence and degradation over the face of the fair land.

I should be glad to have a conference with yourself and colleagues, at your convenience, upon the above and other matters which I desire to submit for your consideration. I am aware that during the session of Parliament your time is fully occupied, but it occurs to me that time may be saved by the course suggested.

I have, &c.,
(Signed) WM. SMITHE.

The Right Honourable Sir John A. Macdonald, K.C.B., to the Honourable William Smithe.

EARNSCLIFFE, OTTAWA,
11th March, 1884.

SIR,—I have the honour to acknowledge the receipt of your letter of the 7th inst., on several subjects connected with the interests of British Columbia.

The Privy Council will be glad to hear you on these and such other subjects as you think well to bring before them, on Saturday next, at three o'clock.

I have, &c.,

(Signed) JOHN A. MACDONALD.

The Honourable Sir Alexander Campbell, G.C.M.G., to the Honourable William Smithe.

DEPARTMENT OF JUSTICE, CANADA,
OTTAWA, 20th March, 1884.

DEAR MR. SMITHE,—The Sub-Committee of Council will be glad to meet you on Friday, at noon, in the Privy Council Chamber, to confer with you on matters affecting British Columbia.

Yours, &c.,

(Signed) A. CAMPBELL.

The Honourable William Smithe to the Right Honourable Sir John A. Macdonald, K.C.B.

OTTAWA, March 19th, 1884.

SIR,—With a view of facilitating the consideration of, and expediting an arrangement concerning, the eastern boundary of the Province of British Columbia, I have thought it desirable to submit in writing a few of the reasons which have induced the Provincial Government to prefer a claim to have the eastern base line of the Rocky Mountains accepted as the boundary of the Province, from the 49th parallel to a point where said eastern base line intersects the 120th meridian of west longitude.

The boundaries of British Columbia having been defined by an Imperial Statute before Confederation, when, as a Colony, it stood in the same relation to the Empire as other North American Colonies, it follows that it is entitled to hold intact whatever territory it was possessed of at the date of Union. If the language of the Act were sufficiently explicit, it would require only a location survey to be made in order to determine the line of the eastern boundary of the Province. The language, however, is indefinite, and, at the very outset of the consideration of the question, we are brought face to face with a difference of opinion as to what was really intended by the framers of the Act to be the eastern boundary of British Columbia.

On the one hand, the Provincial Government are impressed with the belief that the eastern base of the Rocky Mountains could alone have been meant to be the boundary; on the other hand, I gathered from your remarks on Saturday last, when I had the honour to submit my views to yourself and colleagues, at a conference then held upon the subject, that you thought it possible that the water-shed of the mountains may have been intended as the line. Under the circumstances it would seem that the only course open, to enable a definite and impartial decision to be arrived at upon the point at issue, would be to submit the matter for settlement to the Imperial Government. It is probable that in the archives of the Colonial Office reports and correspondence may be found which will clearly indicate what territory was intended to be secured to British Columbia under the terms of the Statute.

Previous to 1858 British Columbia was, in common with the great North-West, a wild waste territory, over which the Hudson's Bay Company, under charter from the Crown, held sway. Consequent on the discovery of gold in the country, and the influx of a large mining population in that year, it was separated from the rest of the Hudson's Bay Company's territory, and made a Colony, having its boundaries defined by an Imperial Statute (21 and 22 Viet.); section 1 of which reads as follows:—

“British Columbia shall, for the purposes of this Act, be held to comprise all such Territories within the Dominion of Her Majesty as are bounded to the South by the Frontier of the United States of America, to the East by the main chain of the Rocky Mountains, to

“the North by Simpson’s River and the Finlay Branch of the Peace River, and to the West by the Pacific Ocean, and shall include Queen Charlotte’s Island and all other Islands adjacent to the said Territories, except as hereinafter excepted.”

When the above Act was passed, little was known of the structure of the Rocky Mountains or the surface of the territory of the proposed Colony. The Imperial Government shared the popular notion that there was such a distinguishable “main chain” as might make a frontier, in the collection of mountain and hilly ranges known as the “Rocky Mountains.”

It became known, subsequently, that no such chain exists in British territory, but that the so-called Rocky Mountains are composed of many longer and shorter ranges with a general parallelism N. W. and S. E., though running transversely in parts, and are not, in fact, orographically separated from the general surface of the whole territory westward to the Pacific Ocean. There are lakes among these mountains, and many rivers that flow for long distances both northerly and southerly.

Accordingly, and for other reasons, the Act of 1858 was repealed in 1863, so far as it defined the boundaries of the Colony; and an Act (26 and 27 Vict.) passed which declared the boundaries of British Columbia to be as follows:—

“British Columbia shall, for the purposes of the said Act, and for all other purposes, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories in North America, to the North by the Sixtieth Parallel of North Latitude, and to the East from the Boundary of the United States northward by the Rocky Mountains and the One Hundred and Twentieth Meridian of West Longitude, and shall include Queen Charlotte’s Island and all other Islands adjacent to the said Territories, except Vancouver Island and the Islands adjacent thereto.”

In this amendment, the words “main chain” used in the Act of 1858, are omitted, it having become known, as above said, that there was no chain existing structurally in such a manner as to form a possible eastern boundary of the territory lying to the west. The north, west, and south boundaries, respectively, in the above description, are capable of astronomical or territorial definition.

Under these circumstances, it seems reasonable to construe the Act of 1863 in reference to well-known physical facts.

The importance of such facts in cases of territorial dispute, and particularly in the case of a disputed British Columbian boundary, has been recognized by high authority, not long ago.

In the boundary question that arose under the Oregon Boundary Treaty of 1846, respecting the channel which separates the continent from Vancouver Island, the decision of the Emperor of Germany, as arbitrator between Great Britain and the United States, was governed by the recognition of a great physical fact, namely, that, naturally, outlying islands belong to the adjacent continent. It is unquestionable that the Rocky Mountains belong, territorially, to British Columbia. They are the main feature of the country, giving a character to its entire surface. It could not have been intended to detach from the peculiar and continuously similar surface of British Columbia a comparatively narrow strip along its eastern edge, and attach that strip to a transmontane plain region lying easterly from British Columbia, with entirely different physical and climatic characteristics.

The point of view of the Imperial Government was an eastward point of view. They considered the surface of the continent in making the new Colony. All the peculiar and continuously similar territory from and including the Rocky Mountains to the Pacific Ocean was to be included in it.

Similarly, it may be remarked, the Andes in South America, to their eastern base, are included within the countries of Peru and Chili.

No such boundary—straggling diversely amidst an aggregation of longer and shorter ranges of mountains and hills—and no boundary in any way resembling it, except perhaps, somewhere, as the result of conquest, and for purely military considerations, exists in any part of the world.

That the eastern base of the mountains was meant by the Act of 1863, may be inferred from the conjunction of the meridian with the mountains in describing the eastern boundary. The eastern base of the mountains was to be followed until the meridian, coming from the N. N. E. first struck that base line. It could not have been meant that the intersection of the mountain line from the southward and the meridian, should be in the midst of a mass of mountains and hills affording nothing for a frontier.

The following extract from Report of G. M. Dawson, Geologist and Botanist to the British

North American Boundary Commission, 19th July, 1875, furnishes strong evidence that the eastern base of the Rockies is the natural and proper eastern boundary of the Province:—

“They (the Rocky Mountains) are composed, not of a single upheaved ridge, but of a number of more or less nearly parallel ranges, which have a general direction a little west of north, and a breadth of over 60 miles extending to the valleys of the Columbia and Kootenay rivers.

“In the vicinity of the 49th parallel the geological continuity of the country is as sharply broken by the line of their eastern base as its physical character, and we pass suddenly from the little altered or disturbed strata of Cretaceous and Tertiary Age to scarp mountain sides of paleozoic rocks metamorphosed and crumpled in a violent manner. Southward the mountains have not the same abrupt character on their eastern slope, and to the north, after having culminated between the 51st and 52nd parallels, the ranges not only become more diffuse but decrease rapidly in height till, on the border of the Arctic Ocean, they are represented by comparatively low hills.

“In intimate connection with this change in the character of the mountains is the remarkable fact, first clearly pointed out by Dr. Hector, that the rivers flowing into Hudson’s Bay and the Arctic Ocean have their sources farther back among the mountains as we proceed northward.

“Near the boundary line the tributaries of the Missouri and South Saskatchewan rise in the abrupt eastern valleys of the first range. The Kananastes river, 100 miles to the north, rises in the first longitudinal valley or at the foot of the second range; Bow river from the third range; the North Saskatchewan from the fourth range; the Athabasca from the fifth, and the Peace river still farther to the west.”

From the foregoing extract we gather that a sharp change takes place in the physical character of the country when the base of the Rocky Mountains is reached from the east, that the Rockies are not composed of one range but of five ranges running more or less parallel with each other, and that the streams flowing east rise respectively in the 1st, 2nd, 3rd 4th, and 5th ranges. If the first base be not taken, but, as suggested by you, the water-shed should be adopted as the boundary, then it would ensue that the first range would be followed for some distance, then a sudden jump to the second range would be made, then to the third, and so on through the series. It is not, I respectfully submit, reasonably probable that the Imperial Government intended that such a sinuous line, winding in and out among an aggregation of hills, should be adopted as the eastern frontier line of British Columbia. Your argument—your only one if I remember rightly—that it would be desirable to give the country through which a stream flows the control of that stream’s sources, if applied generally would entitle Manitoba to claim an extension of its western boundary to the water-shed of the adjoining territory.

I submit that the question of water-shed, except possibly in the case of the northern boundary of the Province of Quebec, has seldom, if ever, been considered in determining the boundaries of states. In the adjoining territory of the United States the water-shed of the Rocky Mountains has generally not been taken on either the Pacific or Atlantic side as the boundary of states or territories, and it is very unlikely that those who framed the Imperial Act defining British Columbia’s limits, considered the water-shed, or intended otherwise than to include in one state, under one Government, all that characteristically similar country; all that region with continuously similar features of surface and climate, lying between the great transmontane plain of the North-West and the Pacific Ocean.

As it will take some time to obtain a settlement of the question by reference to the Imperial Government, I would suggest that a provisional arrangement should be made at once, under which the laws may be administered in a part of the country where recent developments are causing a large influx of population.

I have, &c.,

(Signed) WM. SMITHE.

The Honourable W. Smithe to the Right Honourable Sir John A. Macdonald, K.C.B.

RUSSELL HOUSE, OTTAWA,
29th March, 1884.

SIR,—Referring to the question of the eastern boundary of the Province of British Columbia, upon which I have already had the honour to express the views of the Provincial Government to you, I now beg to submit, for your consideration, such further evidence bearing

upon the subject as I have been able to gather from reports of the debates and proceedings in the House of Lords and House of Commons, England, respectively, when the Acts defining the boundaries of the Province were under discussion.

It is made abundantly clear that the discovery of gold on the Fraser and Thompson rivers, which brought about a sudden influx of miners into the territory, was the immediate cause of the country being erected into a Colony; the intention having been to provide for the establishment and maintenance of law among—what the Right Honourable the Colonial Secretary of that day described as—“a motley inundation of immigrant diggers.”

Moved to action by the arrival, in large numbers, of excited gold seekers in the new mining region, the Imperial authorities felt it to be necessary to establish a Government which would exercise a jurisdiction over all the country where immigrants had settled in consequence of gold having been discovered, and where they were likely to settle in consequence of further discoveries, which might reasonably be expected to be made, further to the north and east. The intention was clearly to wrest from the control of the Hudson's Bay Company all the auriferous country between the Rocky Mountains and the sea, and to place it under a Government which would administer law with a vigorous hand and secure to the territory, at the earliest moment possible, the advantages of orderly government, development, and civilization. Confessedly, the Colonial Office, at that date, knew very little of the extent of the area of the new gold field; but it was apparently assumed that, as gold had alone been found in the streams flowing to the west and south, the limit would naturally be the sources of those streams to the north and east. Accordingly, the Bill introduced by Sir Edward Bulwer Lytton to the Commons, on the 1st day of July, 1858, provided that the water-shed of the mountains should be the eastern boundary, and if the Bill had been passed as it was introduced there could have arisen no doubt as to the exact line thereof. As the debate upon the measure proceeded, however, information was furnished and representations made which induced the Government and Parliament to amend the Bill, with the clearly expressed intention of extending the limits of the Colony, by striking out the word “water-shed” and inserting, in lieu thereof, the words “main chain of the Rocky Mountains.” Section 1 of the Bill as originally introduced read as follows:—

“New Caledonia shall, for the purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of America, to the East by the Water-shed between the Streams which flow into the Pacific Ocean and those which flow into the Atlantic and Icy Oceans, to the North by the Fifty-fifth Parallel of North Latitude, and to the West by the Pacific Ocean; and shall include Queen Charlotte's Island, and all other Islands adjacent to the said Territories, except as hereinafter excepted.”

Section 1 of the Bill as it eventually passed both Houses of Parliament reads as follows:—

“*British Columbia* shall, for the purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of America, to the East by the *main chain of the Rocky Mountains*, to the North by *Simpson's River and the Finlay Branch of the Peace River*, and to the West by the Pacific Ocean; and shall include Queen Charlotte's Island, and all other Islands adjacent to the said Territories, except as hereinafter excepted.”

The amendment was made on the motion of Mr. Christie, and his remarks upon the subject distinctly demonstrate that his sole object was to extend the boundaries of the Colony to the north and east. Speaking to the second reading of the Bill, the Hon. gentleman is reported in Hansard (page 1116, vol. CLI.) to have said “With respect to the measure before the House, he certainly thought that in its main features it was a good one. He had some objections, however, to the geographical arrangement proposed, and on a future stage he should move an amendment with regard to the boundaries of the Colony, which he hoped would commend itself to the approval of the Government. He gathered from those men who had been in the territory that the gold which was found in the Frazer River was merely the débris of the gold that existed in the Rocky Mountains, and he therefore thought it desirable that the boundaries of the new Colony should be extended further north—up to Finlay's River, and to the main chain of the Rocky Mountains that ran east and west. In accordance with Mr. Christie's expressed intention when speaking to the second reading of the Bill, when the measure came before the Committee of the Whole, on the 12th July, he moved an amendment making the “*eastern boundary 'the main chain of the Rocky Mountains,' and the northern boundary 'Simpson's River, and the Finlay branch of the Peace River.'*” The amendment was concurred in by the Colonial Secretary, who had charge of the Bill, and adopted by the

Committee and the House. The contention, therefore, that the water-shed of the Rocky Mountains should now be taken to be the eastern boundary of the Province is utterly at variance with the facts, as demonstrated by the proceedings upon the Act of 1858 which created the Colony of British Columbia and defined the boundaries thereof.

It now becomes necessary to consider the changes effected by the Act of 1863, which amended the Act of 1858, in so far as it affected the boundaries of the Colony; and, upon reading the clause providing for the alteration of the boundary and the discussion which arose thereupon in the Imperial Parliament, it is plainly seen that the gold mining area of the Colony having been very widely extended by the rich discoveries of gold which had been made in 1861-62, in Cariboo and elsewhere in the interior, the Government determined to extend the boundaries still further to the north and east, so as to leave no mining camp then established, or likely to be established, outside of the limits of the jurisdiction of the Government of the new Colony of British Columbia. Accordingly, a Bill was introduced in the House of Lords, by the Colonial Secretary, the Duke of Newcastle, on the 19th June, 1863, and read a first time without debate. On the 2nd of July, the measure came up for second reading, and, in speaking to the question, the Duke of Newcastle said (see Hansard, page 54, CLXXII.) "With regard to the present Bill, the Act of 1858 had prescribed certain limits to the Colony of British Columbia which were amply sufficient at that time. But since then very large gold districts had been discovered north of that boundary, and it was necessary to have some laws there, and a magistrate to enforce them. It was now proposed, therefore, to add that district to the Colony of British Columbia."

Section 3 of the Bill, as introduced, reads as follows:—"British Columbia shall, for the purposes of the said Act, and for all other purposes, be held to comprise all such Territories within the Dominions of Her Majesty, as are bounded to the South by the the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories in North America, to the North by the Sixtieth Parallel of North Latitude, and to the East by the Rocky Mountains and the one hundred and twentieth Meridian of West Longitude, and shall include Queen Charlotte's Island and all other Islands adjacent to the said Territories, except Vancouver Island and the Islands adjacent thereto."

It will be observed that the words "main chain" are omitted. I have already, in my former communication, explained why, in my opinion, the omission was made. There is nothing whatever in the words of the Duke of Newcastle, nor in the remarks of any speaker in the House of Lords, nor in the House of Commons, which can in any way be taken as indicating the slightest intention to alter the line of boundary from the 49th parallel northwards to its intersection with the 120th meridian. On the contrary, the sole object was evidently to enlarge the area of the Colony, not only by moving the boundary northwards from the Finlay Branch of Peace and the Simpson Rivers to the sixtieth parallel of north latitude, but by extending the eastern boundary from the Rocky Mountains a distance, along the Peace River to the east, of about 100 miles, to the 120th meridian of west longitude.

In the entire absence of evidence to indicate anything of the kind, it would be unreasonable to think that, while the boundary was being moved to the east entirely beyond the mountains at Peace River, it was being moved west along the line a little to the south of that point. For further evidence that the sole object of the Imperial Government, in altering the boundaries of British Columbia by the Act of 1863, was to extend, and not in any way to curtail, the boundaries of the Colony, I would refer you to the statements made by the Under Colonial Secretary, Mr. Chichester Fortescue, in the House of Commons, when the measure was under consideration there. In moving that the House should go into Committee on the Bill, the Hon. gentleman stated (see Hansard, page 1322, vol. CLXXII.) "That its object was to extend the boundaries of British Columbia to the north, so as to include a tract of country in which there were indications of rich gold veins." When in Committee, Mr. Fortescue said (page 1328 Hans.) "The Bill was merely for the continuance of an existing Act, and the annexation of a tract of country to the north of Columbia, and did not require much discussion." If "indications of rich gold veins" existing outside of the limits of British Columbia were sufficient to induce the Government to annex the territory to the Colony, even to the extent of taking in a large area of prairie country to the east of the mountains, surely it cannot be denied that the intention was clearly to include all the mineral region in that portion of Her Majesty's dominions in one State. If that be the case, and I think it cannot be doubted, then it follows, that it would be a complete reversal of the policy indicated by that course, to move back, between the 55th and 49th parallels of latitude, the frontier of the Colony from where it

was established by the Act of 1858, to the water-shed of the mountains; particularly when it was known that the geological formation of that part of the country which would have been excluded from British Columbia by such action, is similar to that which would remain as part of the Colony, and that, as a matter of fact, gold had at that time been discovered on the eastern slope of the Rockies, and was referred to, during the discussion upon the Bill in the House of Lords, by the Earl of Donoughmore (see Hans., page 54, vol. CLXXII. "The last despatches stated that gold had been discovered on the eastern side of the Rocky Mountains, on the head waters of the Saskatchewan River, as well as on the western side. He was not informed whether the yield at present was abundant; but the geological formation being somewhat similar to that on the other side of the ridge, he thought large quantities of gold would be found there."

Now, with the evident anxiety which existed to administer law in the mining region of North America (then being opened up) through the agency of the Government of British Columbia, it is unlikely in the extreme that the thought would ever occur to the Imperial authorities to detach from British Columbia a narrow strip of known mineral country which they had in 1858 attached to it when they *extended* the boundary from the water-shed to the main chain of the mountains. If there be anything that can be recognized among the Rocky Mountains as a continuous chain, it is the chain of paleozoic rocks, which Dr. Dawson reports as extending from the 49th to beyond the 51st parallel, and which is represented on a map issued by the Geological Survey Department of your Government in 1883 as stretching northerly from the United States frontier in a very nearly straight and almost unbroken line, for a distance approaching 150 miles; and although the map referred to, which I beg herewith to append, does not show the extension of this chain, it is well known that it continues on to the Arctic regions, and presents a clearly cut, well-defined and natural boundary, from the United States territory to where the 120th meridian intersects it. This line of paleozoic rocks, presenting as it does in many places an almost perpendicular face to the east, overlooking the great plain country, and having a wall-like appearance, may be taken as the eastward limit of the metaliferous country which, alike in 1858 and 1863, the Imperial Government and Parliament intended to include, and as a matter of fact, I take it, did include, within the boundaries of the Colony of British Columbia. I have, &c.,

(Signed) WM. SMITHE.

The Honourable W. Smithe to the Right Honourable Sir John A. Macdonald, K.C.B.

RUSSELL HOUSE, OTTAWA,
4th April, 1884.

SIR,—The consideration which you and other members of your Government have been good enough to give to the several questions affecting the interests of the Province of British Columbia, which I have had the honour to submit to you at various conferences, requires, in order to be productive of practical and beneficial results, that whatever has been agreed upon should be embodied in writing. I submit, then,—

1. With reference to the eastern boundary of the Province, that we are agreed that the question can only be satisfactorily decided by the Imperial Government; that it shall, at as early a date as possible, be submitted to the Colonial Office, and that the decision shall be ratified and consummated by an Imperial Act, in which the language shall be so explicit and definite that no question or doubt could subsequently arise with regard to it. That, in the meantime, the line as laid down on what is commonly known as "Trutch's Map" of British Columbia shall be taken, entirely without prejudice, as a provisional eastern boundary of the Province.

2. That your Government having definitely decided not to extend the Canadian Pacific Railway beyond Port Moody as a Government work, the Crown lands which are located to the west of Port Moody shall revert to the Province, and shall be open to be dealt with as may be deemed best by the Government and Legislature of the Province.

3. That you undertake to submit, at the next session of Parliament, a measure to restrict and regulate the immigration of Chinese into the Province.

4. That you will provide a suitable salary for a Stipendiary Magistrate to be appointed by the Provincial Government to reside at Metlakatlah, or some other point on the north-west coast of British Columbia.

5. That you concede the justice of the claim of the Provincial Government to collect the Provincial poll tax from all Indians who are employed as labourers at fish-canneries, saw-mills, and collieries, or on steam or sailing vessels, or on farms, or engaged at any kind of permanent or regular remunerative employment off their reserves; that Indians should not be exempt from payment of road tolls; that no portion of Indian liquor fines should be claimed by the Dominion; and that whatever legislation may be necessary to provide for the payment of taxes and tolls as above, and the remission of Indian Liquor Act fines by the Dominion Government, will be undertaken by you during the present session of Parliament.

6. That the Fisheries Department of your Government will undertake to make a survey of the bays and gulfs and banks off the island and mainland seaboard of British Columbia, with a view of discovering, locating, and defining the extent of our deep sea fishing grounds and aiding in the development of our fisheries there, and that the introduction of new varieties of food fish, as lobster, shad, black bass, &c., will be undertaken at an early period.

7. That, upon the written consent of the contractors for the construction of the Vancouver Island Railway having been obtained, as required by an Order of the Privy Council of Canada, authority shall be given to the Government of British Columbia to dispose of timber lands within the Island Railway Belt, in similar manner to that provided in the Settlement Act for disposing of lands for settlement purposes.

8. That you agree to accept the lands which the Settlement Act requires to be conveyed to the Dominion, in the Peace River country, in one square block, and that you will cause the selection and survey to be made without delay.

I shall be glad to learn your decision upon the proposition I have made in regard to the Chilliwack and Sumass Dyking Scheme.

As I am anxious to return to British Columbia immediately, I beg that you will do me the favour of informing me, as soon as possible, whether I have understood aright the verbal agreements we have arrived at, as I have herein enumerated them.

I have, &c.,

(Signed) W. M. SMITHE.

The Right Honourable Sir John A. Macdonald, K.C.B., to the Honourable William Smithe.

OTTAWA, 10th April, 1884.

SIR,—I have the honour to acknowledge the receipt of your favour of the 4th instant, stating the various questions affecting the interests of your Province, which have been the subject of discussion between the Government here and yourself, as First Minister of British Columbia. The result of our conversations are considered to be in substance as follows:—

1. With reference to the Eastern Boundary of the Province, it was arranged that Sir Charles Tupper, the Canadian High Commissioner in England, should, immediately on his return, apply to the Colonial Office for all the information procurable, relating to the intentions of the Imperial Government in passing the last Act fixing the Boundary. I understood that you would give similar instructions to Mr. Beeton, your agent, and that that gentleman and Sir Charles Tupper might act either separately or together, as they might think best. If, after these investigations, it should be found that the question of location is still a matter of doubt, it was agreed that the solution should be left to Her Majesty's Government, whose decision would be final. It was also arranged that, if it were thought necessary, this decision should be ratified by an Act of the Imperial Parliament. In the meanwhile, the line laid down on what is commonly known as "Trutch's map" should be taken, entirely without prejudice, as the provisional eastern boundary of your Province. I may say that a Bill has passed the Canadian Parliament recognising this provisional boundary, so far as it could do so, which now awaits the Royal assent.

2. Port Moody having been fixed upon by the Canadian Parliament, in the Act incorporating the Canadian Pacific Railway Company, as the Pacific terminus of that Railway, the Canadian Government have no claim on any lands in your Province except those included in what is known as the Railway Belt under the Terms of Union, and the tract of land lately granted east of the Rocky Mountains.

3. With respect to what is known as the "Chinese Question," it has been announced in Parliament that, during the coming recess, the Government will cause an investigation, by Commission or otherwise, to be made into the whole question, and communication will be had

with Her Majesty's Government as to the Treaty obligations existing between England and China on the subject. Should no impediment exist in consequence of such obligations, the Canadian Government will be prepared to submit to Parliament, at its next session, a measure to restrict or regulate the immigration of Chinese into Canada.

4. The Indian troubles at Metlakatlah, on the North-West Coast, render the appointment of a Stipendiary Magistrate necessary for the preservation of peace and the enforcement of law and order. If British Columbia will make an appointment of a Stipendiary Magistrate satisfactory to the Government here, a suitable salary will be provided for him from the Dominion Treasury, the payment of such salary to be continued so long as in our opinion it is necessary.

5. The Canadian Government concedes the justice of the claim of the Province to collect the same poll tax from Indians employed as labourers in fish canneries, collieries, and in steam or sailing vessels, or on farms not situate within a reserve, or engaged in any kind of permanent or regular remunerative employment off their reserves, in the same manner and to the same extent as it may be imposed on other inhabitants of the Province.

There is nothing in any Dominion Act affecting Indians, to exempt them from the payment of tolls on roads outside of their reserves, and they would seem to be liable to such tolls, unless protected by Provincial legislation from their exaction.

With respect to fines imposed for breaches of the laws prohibiting or regulating the sale or use of spirituous liquors or other intoxicants, the Government here will, during the recess, consider that matter fully, with the desire to meet the views of the Provincial Government on the matter.

6. The Minister of Marine and Fisheries will, during the vacation, consider and report upon the suggestion made by you for a survey of the bays, gulfs, and banks, off the island and mainland seaboard of the Province, with the view to aiding in the development of its fisheries.

7. With respect to the disposal of timber lands within the Island Railway belt, it would seem that the consent of the Island Railway Company having been obtained to such disposition, there is nothing to prevent the Provincial Government from disposing of such timber lands. We will adopt for this purpose the same provisions as are found in clause F of the agreement embodied in the legislation here and in British Columbia, concerning moneys arising from sales of land in the railway belt on the island.

8. The Government here desire to adhere to the terms of the B.C. Settlement Act, passed last session, by which a tract of land in the Peace River country was conveyed to the Dominion. The selection and survey will be made with all convenient speed.

The Dominion Government, as at present advised, is not prepared to carry out, as a Government work, the Chilliwack and Sumass Dyking Scheme.

I have, &c.,

(Signed) JOHN A. MACDONALD.

The Honourable William Smithe to the Honourable Sir Hector Langevin, G.C.M.G.

RUSSELL HOUSE, OTTAWA,
7th March, 1884.

SIR,—Agreeably to your request, I have the honour to forward to you a memorandum upon the subject of Messrs. McNamee & Co.'s claims and liabilities in connection with the Esquimalt Graving Dock Contract. In June, 1882, the work not being, in the opinion of the Chief Commissioner of Lands and Works, carried on with sufficient dispatch, was, under the terms of the contract, taken over by the Provincial Government and prosecuted by day labour. The sum of \$10,000, deposited as security for the due performance of the contract, was appropriated by the Government, and the contractors' plant and material on the ground were taken possession of, and the contractors were not paid anything therefor. Under the arrangement made between the Governments of the Dominion and of the Province of British Columbia, the Graving Dock at Esquimalt has been assumed as a Dominion work, and all that was expended by the Provincial Government for work or material, from June, 1882, to the date of the taking over of the work by the Dominion Government, has been paid upon certified vouchers forwarded to your Department at Ottawa. The plant taken from Messrs McNamee & Co., and the material which they had on the ground at the time, have been turned over to the Dominion under the agreement; but as nothing was paid by the Provincial Government for the said plant and material, so nothing has been paid by the Dominion. The Dominion

Government have thus very valuable plant necessary for the prosecution of the work on the Dock at Esquimalt, and a considerable quantity of valuable material ready to be put in the work, for which they have not paid. I therefore respectfully submit that some allowance might fairly be made to Messrs. McNamee & Co. on that plant and material.

The hardship and loss, I may remark, extends beyond the contractors. The local business firms in the Province, which supplied material for the Dock, are creditors of Messrs. McNamee & Co. The contractors represent their inability to pay said creditors the amounts due to them, but express their willingness to allow any payments which may be made to them on account of their plant and material, etc., to be expended in liquidation of all liabilities against the firm in British Columbia.

I brought the matter to the notice of the Honourable Sir Alexander Campbell when he was in Victoria, and he explained that he had no doubt, if the subject were submitted to the consideration of your department, that whatever might be found to be right and equitable in the premises would be done.

I have, &c.,
 (Signed) WM. SMITHE,
*Chief Commissioner of Lands & Works,
 British Columbia.*

Mr. F. H. Ennis to the Honourable William Smithe.

DEPARTMENT OF PUBLIC WORKS,
 Ottawa, 13th March, 1884.

SIR,—I have to acknowledge the receipt of your communication, dated the 7th instant, submitting statements *Re* McNamee & Co.'s claim, Esquimalt Graving Dock, B.C.; and suggesting that some allowance be made to the claimants for the use of their plant and material.

Your obedient servant,
 (Signed) F. H. ENNIS,
Secretary.

The Honourable William Smithe to the Honourable J. H. Pope.

OTTAWA, 8th March, 1884.

SIR,—Referring to our conversation upon the subject of the erection of immigrant sheds at Victoria, B.C., I have now the honour to submit to you in writing the proposition I made verbally, that the Dominion Government contribute the sum of \$2,000 towards the erection of a large hall and sheds, to be used as an Agricultural Hall, Immigrants' Home, and Museum for the permanent exhibition of all kinds of agricultural, mineral, and other products of the Province. The building is estimated to cost \$8,000 or \$10,000, and the Provincial Government, the Provincial Agricultural Society, and the Corporation of the City of Victoria have undertaken to contribute proportionate sums. The Agricultural Society will require the use of the hall and buildings once in two years, for about a week. The Provincial Government will place on exhibition the various natural products of the country, and the whole would be at the service of the Dominion Government for immigrant sheds. The advantages of the proposed combined arrangement would be, that each party to it would get what it requires at a small cost. Agriculture and Immigration are naturally intimately related to each other; and the exhibition of the agricultural products of the various districts of the Province, where immigrants could readily inspect them, could not but be of very considerable advantage in assisting intending settlers to decide in what particular section of the Province they should locate themselves. The Public Park is considered to be the most suitable place for the erection of the buildings, and a site at a point nearest to the wharves and to the centre of the city has been selected.

The Provincial Government, last year, made an arrangement with the Corporation of the City of New Westminster, similar to that now proposed, and the result was the erection of a

building in which the Provincial Agricultural Exhibition was held in September last, and since then it has been used as an Immigrants' Home, under the charge of the Provincial Immigration Agent at New Westminster.

For economic as well as other reasons, the proposition, I trust, will commend itself to the favourable consideration of your department.

I have, &c.,

(Signed) WM. SMITHE,
*Chief Commissioner of Lands and Works,
British Columbia.*

The Secretary Department of Agriculture to the Honourable William Smithe..

DEPARTMENT OF AGRICULTURE, OTTAWA,
CANADA, 3rd April, 1884.

SIR,—I have the honour to inform you that an official letter, dated on the 18th ultimo, was addressed to the Secretary of the Department of Public Works, stating to him, for the information of the Honourable the Minister of Public Works, that the Minister of Agriculture, upon a consideration of facts verbally submitted by the Honourable Wm. Smithe, the First Minister of the Province of British Columbia, had agreed it would be advisable, for the service of Immigration, to contribute the amount of the vote for the erection of an Immigration Building at Victoria, British Columbia, towards a larger building to be erected by the Provincial Government; such building to be used once in the fall in each alternate year, that is, once in two years, as an exhibition building, and at all other times as an Immigration reception house, in which provincial products would also be exhibited.

The Minister of Agriculture therefore desired that the Minister of Public Works should be requested to have the goodness to give effect to such arrangement.

I have, &c.

(Signed) JOHN LOWE,
Secretary Department of Agriculture.

The Deputy Superintendent-General of Indian Affairs to the Honourable William Smithe.

DEPARTMENT OF INDIAN AFFAIRS,
OTTAWA, 12th March, 1884.

DEAR SIR,—I had the honour of calling on you yesterday and leaving my card, as I failed to find you at your hotel.

My object in wishing to see you is with reference to several matters affecting Indian interests in British Columbia, in regard to which Mr. Superintendent Powell and Mr. Indian Reserve Commissioner O'Reilly have suggested that arrangements might be made by you while visiting Ottawa.

I presume that you would require to see the papers in these matters; and I shall be glad to show them to you, and give you any information in my possession, at any time that you may be pleased to call at the Indian Department, which is in the brick building on the south side of Wellington Street, west of the Post Office.

Believe me, &c.

(Signed) L. VANKOUGHNET.
Deputy Superintendent-General Indian Affairs.

The Honourable William Smithe to the Deputy Superintendent-General of Indian Affairs.

RUSSELL HOUSE, OTTAWA,
11th April, 1884.

SIR,—I have carefully read the voluminous correspondence, which you submitted to me, upon several questions connected with Indian affairs in British Columbia, which, from various causes, are in an unsatisfactory position.

Referring to Cormorant Island, I must say that I consider the difficulty there to be entirely the creation of the Indian Reserve Commissioner, who, without any right, legal or otherwise, to do so, assumed authority to place under reservation land which was at the time of action under lease to Messrs. Huson and others. Mr. Commissioner O'Reilly intimates that provision is made in the lease for cancellation upon two months' notice being given. A copy of the lease is not among the papers you placed in my hands, but doubtless the power of cancellation exists as is stated. It would, however, be obviously unfair to the lessees, who have vested interests on the Island, to cancel the lease unceremoniously or without full compensation for losses caused thereby being provided. I do not think that an unwarranted assumption of authority, such as was exercised by the Commissioner, demands such action, and certainly under any circumstances the compensation necessary in the event of such cancellation, should not be expected to be furnished by the Province. The British Columbia Government are anxious to deal justly and generously with the Indians of the Province, but I respectfully submit that unauthorized interference with private rights by Commissioners should be firmly resisted.

The Indians at Alkali Lake, as well as at Soda and Canoe Creeks, certainly would seem to have urgent claims for relief at the hands of the Dominion Government; and I cannot but think that that Government have not fully realized their responsibilities in respect of the Indians who are in their charge. It is manifestly wrong that the Indians, whose guardianship the Federal Government assumed at Confederation, should be left, in some instances, to starve, simply because the Provincial Government cannot afford to do that which never ought to have been expected, never asked for at their hands, that is, to purchase improved property at high prices, and give it to the Dominion Government for Indian purposes. The Indians are a heavy burden to the Province as it is. It would not be an exaggeration to say that the cost of administration of justice is doubled to the Province on Indian account, and yet as wards of the Dominion they contribute nothing to the Provincial Treasury. It is quite different however with the Federal Government in that regard. The Indians are large consumers of goods upon which heavy duties are paid to the Dominion; and if there were no other or better reason, the fact that the Indians contribute more to the exchequer of the Dominion than is expended on their behalf, ought to be sufficient to induce the Dominion Government to make such expenditure in the interest of their Indian wards as the circumstances demand. The Province is ready to give such areas of Crown land for Indian Reserves as are necessary and reasonable; but it is not fair to expect that it can take of its small and inadequate revenue and purchase improved farms for either the Indians or the Dominion Government.

With regard to the alleged sale to Mr. J. C. Haynes of lands on the Okanagan River, which it is said had been apportioned by the late Reserve Commissioners for the Osoyoos Indians, I cannot at present say anything. I know nothing of the matter except what I have gathered from a perusal of the correspondence you were good enough to place in my hands. One side only of the case is presented, however, in the papers before me, and until I shall have had an opportunity to consult records in the Lands and Works Department, Victoria, I must decline to express an opinion.

The case of Mathieson, of Naas River, whose pre-emption claim was taken possession of by Mr. Commissioner O'Reilly, seems to me to be one which should have been promptly settled by the Dominion Government paying the amount recommended by Mr. O'Reilly. This is another instance of exceeded authority. The Commissioner had no more right to take the pre-empted land from this man, than he would have had to do so if a Crown grant had already issued. A pre-emption title is, to all intents and purposes, as valid as a title in fee, so long as the requirements of the pre-emption law are fulfilled by the pre-emptor. The only way, it seems to me, by which the land in question could properly have been acquired from Mathieson was by purchase. This appears to have been Mr. O'Reilly's idea; and if the Dominion Government desired the Indians, their wards, to have that particular piece of pre-empted land, they should have paid most promptly the purchase money, and not have despoiled in his old age a poor, hard working and, apparently, most deserving settler of the little property which he had acquired as the result of years of toil.

With reference to the subject of the payment of fines under the Indian Act, upon which Mr. Agent Lomas writes, I may say that I have represented to the Right Honourable the Premier of Canada, that it is most desirable that a change should be made in the Act in order to remove the present unfair and anomalous condition of things under which fines are required to be paid to the Dominion, but when not paid by those who have violated the Act the expense of their conveyance to, and maintenance while in, gaol is required to be borne by the

Province. The Right Honourable Minister has promised to amend the Act at next session of Parliament, so as to remove the objectionable feature referred to.

I herewith return all the papers you placed in my hands. I am sorry that other matters have so fully occupied my time during my stay in Ottawa, that I have not been able to go more into the details of the various subjects treated upon in the correspondence. Everything appertaining to the well-being and advancement of the large Indian population of British Columbia is interesting to me, and it seems to me to be desirable that more careful consideration should be given to the relative duties and responsibilities of the Dominion and Provincial Governments respectively in regard to Indian Affairs.

I have, &c.,
(Signed) Wm. SMITHE,
*Chief Commissioner of Lands & Works,
British Columbia.*

The Honourable William Smithe to the Honourable Sir Charles Tupper, K.C.M.G.

RUSSELL HOUSE, OTTAWA,
6th April, 1884.

SIR,—I have the honour to request that “The Esquimalt and Nanaimo Railway Company,” referred to in the arrangement which has been entered into by the Dominion Government with the Province of British Columbia, respecting the “Island Railway, the Graving Dock, and Railway Lands of the Province,” shall now be incorporated, in the manner provided by the Act which gives effect to the aforesaid arrangement.

I have, &c.,
(Signed) Wm. SMITHE.