

COPY

BRITISH COLUMBIA

Indian Office
Victoria Sept. 3rd, 1877.

Sir,

I have the honor to enclose copy of a letter from
the Hon. the Superintendent General respecting
Indian Affairs in the Province of British Columbia.

I have the honor to be,

Sir,

Your obedt. Servant,

"I. W. Powell"

Indian Superintendent.

The Honble.
A.C.Elliott
etc. etc.

1 Recd Telegram

C O P Y

Ottawa 2nd August 1877.

Sir,

I telegraphed you today, briefly indicating the line which I believed the Government of Canada would feel themselves obliged to take if the Land Commissioners do not deal with the Indians of British Columbia in the most liberal spirit, completely satisfying them as to the extent of land set apart as reserves.

A copy of the telegram referred to is herewith enclosed.

I never have been able to understand why the Local authorities in British Columbia should hesitate to deal with the Indians in the most generous manner in regard to any lands which they may desire.

The country is of immense extent; the white population few in numbers; the Indians contribute by far the greater proportion of the public revenue; and it is not less in the interest of the people of British Columbia than it is in the interest of the people of the other Provinces of the Dominion that nothing should be done to give rise to an Indian war.

In reading over some of the communications which you formerly sent to this Department, I observe that, a policy has been pursued towards the Indian population of British Columbia wholly at variance with the course that it has been thought necessary to pursue towards the aboriginal inhabitants in every other part of the Dominion.

You mentioned one instance in which the Indians of Nicolai Lake had been subjected to the greatest cruelty at the hands of the white settlers by whom they were surrounded; that their lands, which they had always cultivated, had been taken from them; and that in the absence of the Chief, a small reserve had been made for them by Mr. O'Reilly, one of the Stipendary Magistrates.

In another case you relate how an Indian whose cattle wandered upon an open field of grain that was not two inches high,

was prosecuted for damages, before this same Mr. O'Reilly and was fined \$111.00 with costs amounting to \$140.00

I only refer to these cases, mentioned in your former communications, as evidence of the spirit in which the Indian population of British Columbia has been dealt with. And I might here say that my principal reason for declining to agree to the proposition of the Local Government, to authorize the Stipendary Magistrates throughout the Province to act as Agents for locating the Indian Reserves, and thus avoid the continuance of the Commission, was that I did not think it right or proper to place the Indians at the mercy of any one who would deal with them in the manner described.

injustice

I am not at all surprised that the Indians should become discontented, and that when driven to the wall by treatment so cruel, they should at least, impelled by a sense of injustice and a feeling of indignation, have undertaken to secure to themselves that measure of protection which is necessary to their existence and which seems better to have been denied them.

Should anything so disastrous as an Indian war overtake the Province of British Columbia, I do not believe that the Provincial authorities would be permitted to deal with any portion of the lands claimed by the Indians until the Indian title had been first extinguished by making them reasonable compensation.

It is perfectly apparent, from all the information received at this Department, that the discontent of the Indian population, and the dangers which this discontent is likely to give rise to, are wholly due to the treatment which the Indians have received in reference to the lands which they have heretofore occupied.

I do not know whether the Government of Canada were fully aware of the condition of things at the time British Columbia was admitted into the Union, whether they were aware that the Government of British Columbia had undertaken to deal with the public lands of that Province without first having extinguished the Indian title. But, however this may be, there can be no doubt whatever that no arrangement between the Government of Canada and the Government of British Columbia could take away the rights which the crown has always recognized as belonging to the Indian Natives.

So far as I know, in no colony that the Government of Great Britain has established upon this Continent, with the single exception of British Columbia, has it been undertaken to dispose of the public domain without first having treated with the Indians for its session. In the various colonies of New England, in Virginia, in New York, and in the Southern Colonies,

as well as those (with the exception named) which now form the Dominion of Canada, the proprietary rights of the Indians in the soil have invariably been respected.

The Government have no desire to raise this question if it can be avoided; and, in my opinion, if the Government of British Columbia will instruct their Commissioner to deal with the Indians in the same liberal spirit that the Indians on the east side of the Rocky Mountains have been dealt with by the Government of Canada, there will be no necessity for raising it. But it would be indeed unreasonable to expect that the Government could remain indifferent to the rights of the Indians, while a policy is being pursued towards them which must inevitably lead to an Indian war, to a massacre of the white population in the interior of the Province, to enormous additional burdens upon the population, and to the disgrace of the country in the eyes of all men who become acquainted with the circumstances.

The Government of British Columbia have retained possession of the waste lands of the Crown within the limits of the Province, but they have never extinguished the Indian title, nor have they made any provision for annuities, to the Indian population. I have no doubt whatever, that, as guardians of the aboriginal inhabitants of the Dominion the Government of Canada have the right to insist upon the extinguishment of this title before the Provincial Government assume absolute control of these lands; and if it becomes necessary, in order to prevent an Indian war, to assert this right on behalf of the Indians, there can be no doubt as to the course which it will be the duty of the Federal Government to pursue. I sincerely trust, however, that the Local authorities will be prepared to deal with the Indians in so liberal a spirit that they will be contented with the lands set apart for their use, and that the discredit and calamity of an Indian war may be avoided.

I have not deemed it necessary as yet to bring this matter formally before my colleagues, with a view to entering into any discussion with the Local Government, as to the Indian title to the Crown Domain in British Columbia; and I earnestly hope that, with the present danger so plainly before them, the Local Government will take such steps as to render any discussion of the subject unnecessary.

I am,
Sir,
Your obedient Servant
"David Mills"
Minister of the Interior.

Lieut. Col. I.W. Powell
Indian Superintendent
Victoria, B.C.

C O P Y

By Telegram

Ottawa 2nd Aug/77.

To

Dr. Powell
Indian Agent
Victoria, British Columbia.

Indian rights to soil in British Columbia have never been extinguished. Should any difficulty occur, steps will be taken to maintain the Indian claims to all the Country where rights have not been extinguished by treaty. Dont desire to raise the question at present but Local Government must instruct Commissioners to make Reserves so large as to completely satisfy Indians.

Present condition necessary consequence of British Columbia policy. Write you to day. Send Governor Richards copy of this telegram.

(Sgd.) "David Mills"