

1184

# REPORT

OF THE

## ROYAL COMMISSION ON INDIAN AFFAIRS

FOR THE PROVINCE OF

### BRITISH COLUMBIA

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# KOOTENAY AGENCY

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## DETAILED REPORT

## KOOTENAY AGENCY

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Field operations in the Kootenay Agency were prosecuted from the 11th to the 22nd September, 1914, the examination of Mr. Agent Galbraith as to affairs of his Agency following, on the 28th and 29th October of the same year.

At the time of its appointment, the Commission found Reserves of the Kootenay Agency Indians (including temporary reservations) of an aggregate area of 46,170.31 acres, 2370 acres of Temporary Reserve No. 1A, Lower Kootenay, Addition, proving upon investigation, however, to be unavailable for Indian purposes, by reason of being covered by Perpetual Timber Licences.

The Kootenay Indians have in the past depended for their living principally upon the hunting, they having originally migrated from the Eastern slopes of the Rockies, and being in type dissimilar from the great majority of the Indian peoples of the Pacific Province. With the advance of settlement and industrial development in their ancient hunting grounds, their hereditary avocation is rapidly becoming impossible of pursuit; and in the reorganization imperative to meet the new conditions, cattle raising and farming would seem to offer the best opportunities for their self-maintenance and future progress, a fact of which cognizance must be and has been taken in consideration of the measure of their land requirements.

Reserves as heretofore established have been confirmed by the Commission insofar as such lands have been found available, the areas thereof aggregating 43,771.38 acres. There have been also allowed eight new reserves—two of these representing acreage lost by reason of the unavailability of the greater portion of Temporary Reserve 1A of the Lower Kootenay Tribe—with a total area of 8,260.00 acres, making the Reserve area for the Agency, upon approval of the Commission's allowances, 52,031.38 acres, or 87 acres per capita, in comparison with a previous per capita of 73.20 acres, the Agency population being five hundred and ninety-eight.

The utility of a considerable proportion of the Indian lands of the Lower Kootenay, as well as other lands contiguous thereto, being largely contingent upon reclamation work on a necessarily large scale, the Commission has felt justified in placing itself upon record as of opinion that the Government of Canada, as guardian of the Indians concerned, should contribute pro rata to the cost of any work of reclamation of valley lands at Creston or in connection with lands recommended to be added to the Reserve thereat, on the same being approved of by such Government, after such expert inquiry as it may cause to be made.

With respect to land in the vicinity of Robson occupied by a small group of the Kootenay Tribe, referred to in the Official Schedule as a Temporary Reserve, the Commission found it was not within its disposing power, being used for Indian purposes by suffrance of the Doukhorbor Community; and has made such representations to the Dominion Government as will, it is hoped, result in the necessities of these Indians being provided for.



SINCLAIR HOT SPRINGS, DISCOVERED AND CLAIMED BY INDIANS



CANYON NEAR WINDERMERE



INDIANS OF THE KOOTENAY AGENCY

# KOOTENAY AGENCY

# ANALYSIS OF EVIDENCE

TRIBE OR BAND	RESERVE	No.	OCCUPIED OR UNOCCUPIED	PAGE SCHEDULE	VISITATION AND INSPECTION	ACREAGE
Kootenay	St. Mary's	1	Occupied	69	Sept. 14-15, 1914 Oct. 28-31, 1914	17426
Do	Tobacco Plains	2	Do	69	Sept. 17, 1914 Oct. 28-31, 1914	10360
Do	Columbia Lake (Windermere)	3	Do	69	Sept. 21, 1914 Oct. 28-31, 1914	8359.81*
Do †	Isidore's Ranch	4	Do	70	Do	680*
Do *	Miyuket	5	Do	70	Do	160 §
Do	Bummer's Plat*	6	Do	70	Do	190
Lower Kootenay	Creston	1	Do	70	Sept. 21, 1914 Oct. 28-31, 1914	1831.5*
Do	Do Ty.	1a	Unoccupied	70	Do	2735
Do	Do Ty.	1b	Occupied	70	Do	1215
Shuswap Tribe Kinbasket Bd.	Shuswap		Do	70	Sept. 21, 1914 Oct. 28-31, 1914	2759*
Arrow Lake	Arrow Lake		Do	70	Oct. 28-31, 1914	255*

APPENDIX—TABLE A—REFERENCE AND GENERAL

AGE	PER CAP. ACREAGE	GENERAL CONDITION	COMMUNITY BUILDINGS	FACILITIES OF ACCESS	VALUE	SPECIAL
15	107.4	Poor farming lands and range—Bottomlands and bench.	R. C. Church	Crow's Nest Pass Railway and Public Road	At \$8.00 per ac.=\$139,400.00	
50	Do	Grazing range, partially cultivated and partly fenced.	R. C. Church	Public Road	At \$10.00 per ac.=\$105,600.00	
31*	Do	One of the best reserves of the Agency and excellently utilized.	R. C. Church	Do	At \$12.00 per ac.=\$100,320.00	*Less 28.5 ac. for Kootenay Valley Railway right-of-way.
*	Do	Potential farming land with considerable alkali.	None	Do	At \$10.00 per ac.=\$6,800.00	*Less sloughs. †Wrongly described in Schedule.
§	Do	Fenced farm land	Do	Do	At \$12.00 per ac.=\$1,881.00	*Wrongly described in Schedule. †Also erroneously named in Schedule Cassi-mayooks. §Less deduction for C.N.P.R. right-of-way, 3.2. ac.
	Do	Marshy meadow.	Do	Road to within one mile	At \$10.00 per ac.=\$1,900.00	*Indians regard as a community property and resent residence thereon.
5*	35	Good land if reclaimed by general and pretentious drainage project; benchlands if cleared good for grain and fruits.	R. C. Church	Public road	At \$8.00 per ac.=\$14,652.00	*Less deduction for C.N.P.R. right-of-way traversing reserve for its entire length.
5	Do	Range land now in timber limits.	None	Do	At \$12.00 per ac.=\$32,820.00	
	Do	Do	Do	Do	At \$12.00 per ac.=\$14,580.00	
*	42.5	Fairly good dry prairie land.	R. C. Church	Do	At \$12.00 per ac.=\$33,108.00	*Schedule gives as 2706, allowing for K. C. R. right-of-way which was not taken owing to a change of route.
	12	Indifferent farming land.	None	Steamboat	At \$8.00 per ac.=\$2,040.00 Total - - - \$453,101.00	*Agent says 266 acres.

# ANALYSIS OF EVIDENCE

RESERVE	No.	CHARACTER OF SOIL	ESTIMATED PROPORTION UTILIZED	
			INDIANS	AGENT, ETC.
St. Mary's	1	Bottomlands and bench, former alluvial and cultivable; latter requiring irrigation—600 ac. in all cultivable.		598 ac.
Tobacco Plains	2	Indians: Poor and dry. Agent: Generally grazing land with thin, poor soil.	Fenced area	
Columbia Lake	3	Indians: Swampy and stony, cultivable only with abundant rainfall. Agent: Light and shallow, will not stand continuous cropping.		
Isidore's Ranch	4	Bottomlands cultivable, of indifferent quality.	50 ac.	50 ac.
Miyuke	5	Indians: 50% cultivable. Agent: 40 ac. cultivable but too cold; 50 or 60 ac. swamp.		10-15 ac.
Bummer's Flat	6	Hay meadow, inundated at certain seasons.		200 tons hay cut annually
Creston *	1	Indians: Good land but subject to constant overflow and containing considerable alkali. Agent: 200 ac. cultivable—swampy; bottomlands, if drained good for root crops, bench lands when cleared good for fruits and grain.		
Creston Ty	1a	Range land with some cultivable soil when not overflowed.	Gardens	Gardens
Creston Ty	1b	Do	Do	Do
Shuswap	1	Indians: Stony and shallow with inadequate water; less than 50% cultivable. Agent: Open prairie; light soil not adapted to dry farming.	All cultivable with present irrigation facilities	
Arrow Lake		Light and sandy	Gardens	Gardens



CE—TABLE B—PHYSICAL CONDITIONS, RESERVES

CHIEF PRODUCTS	PROPORTION TIMBERED	GRADE OF TIMBER	STOCK, ETC.	REMARKS
Vegetables, wheat, oats and rye	Small	\$30,000 worth merchantable fir, pine, tamarack and cottonwood—also firewood and fencing.	Indians: 800 cattle. Agent: 522 cattle, 500 horses.	
Oats, wheat, timothy and vegetables	20 or 30 ac.	\$8,000 to \$10,000 worth merchantable pine, fir and tamarack.	211 cattle, 390 horses, agricultural implements, etc.	Agent reports water records of 100 ins. each on Willie Phillips, Reserve, Cemo (or Simon), Michael Phillips Creeks; also on Springs on the Reserve.
Oats, vegetables and fruit	Small	\$2,000 to \$3,000 worth of fir and tamarack.	Indians: 400 cattle, 1,000 horses. Agent: 359 cattle, 255 horses.	Agent reports water records of 100 ins. each on Windermere or Moregeon, Sams, Tatla or Terry's Creeks, also application for record of 100 ins. on Lytle Lake.
Oats, hay and vegetables	Do	\$300 worth or less—fencing or firewood.	130 to 140 cattle, 150 horses.	
Do	Do	\$1,000 worth of yellow pine and fir.	60 cattle, 40 horses	Grain and vegetables cannot be grown on account of cold.
Wild hay	None			
Vegetables, fruit, Corn, etc.	Small	\$2,000 to \$3,000 worth of fir, cedar and pine, of merchantable grade, also posts, fencing and firewood.	Indians: 800 cattle, 200 horses. Agent: 200 cattle, 192 horses.	*General reclamation project for the district under consideration, to cost of which the Dominion Government is expected to contribute, for the Indians, in proportion to the benefit to their lands.
Vegetables and Hay	Reserve covered by timber lease		Do	
Do Also grain	Do		Do	
Potatoes and other vegetables, oats, wheat, rye, timothy and clover.	Small	Firewood and fencing.	Swine, 500 cattle, upwards of 500 horses.	
Fruit and vegetables	Generally	Cottonwood, spruce, cedar and fir.		

# ANALYSIS OF EVIDENCE—TA

RESERVE	No.	POPULATION	HEADS OF FAMILIES	YOUTHS OVER 18	WIDOWS	ORPHANS	CHIEF OCCUPATIONS
St. Mary's	1	209*	52				Stockraising, fishing, hunting and trapping.
Tobacco Plains	2	Inds. 60 Agt. 58	15				Do
Columbia Lake	3	80	21				Do
Isidore's Ranch	4		2				Do
Miyuke	5		1				Do
Bummer's Flat	6		1				Do
Creston *	1	Inds. 180 Agt. 165	40				Stockraising, farming, hunting and trapping, fruit picking and packing.
Creston Ty	1a						Do
Creston Ty	1b						Do
Shuswap	1	65	21				Stockraising, farming, hunting and trapping.
Arrow Lake	1	21	5				Farming and trapping.

TABLE C—POPULATION, SOCIAL CONDITIONS, ETC.

	CONDITION OF INDIANS	FACILITIES OF EDUCATION	VIEWS OF INDIANS RE EDUCATION	REMARKS
and	Industrious and progressive, but handicapped by barren character of their reserve.	Industrial School at St. Eugene.	Well pleased with present facilities, but would like a farming instructor.	*Increasing. In report of January, 1914, Agent gives as 212.
	Industrious, progressive and fairly comfortable.	Do	Indians complain of distance from school. Farming instruction desired.	
	Industrious, progressive, comfortable and contented.	Do	Satisfied	
	Do	Do	Do	
	Do	Do	Do	
	Do	Do	Do	
and king.	Do	Do	Satisfied: do not desire Reserve Day School.	*Indians of Eustace Band live outside the Reserve.
	Do	Do	Do	
	Do	Do	Do	
and	Do	Do	Satisfied with educational facilities, but say the school is too far from the Reserve.	
	Industrious and progressive but poorly situated.			

# CORRECTION OF INDIAN RESERVES AREAS

## KOOTENAY AGENCY

TRIBE OR BAND	RESERVE	NUMBER	ACREAGE AS SHOWN BY SCHEDULE OF INDIAN RESERVES, 1913	ACREAGE AS PASSED UPON BY COMMISSION	REMARKS
Kootenay	Tobacco Plains	2	10,366.00	20,557.93	2.97 acres acquired by Department of Customs for Custom House site.
Do	Cassimayooks	5	166.00	156.79	Right-of-way of Kootenay Central Railway takes 3.21 acres.
Shuswap Tribe, Kinbasket's Band	Shuswap		2,759.00	2,736.25	Right-of-way of Kootenay Central Railway takes 22.75 acres.

# KOOTENAY AG

TRIBE OR BAND	LAND APPLIED FOR	PURPOSE	
1. Kootenay Tb. (St. Mary's, etc.)	Application for commonage range or pasture reserve, preferably a narrow strip of land west or northwest of St. Mary's I. R., on Cherry Creek.	Pasturage	Pp. 12, 79, 90 Eviden Seco Myuk Adria Also Galbr 691a.
2. Do	Application for confirmation of long occupied Indian holdings (individual) outside reserve.	General	
3. Kootenay Tb. Tobacco Plains	Application for additional range land of undefined area and location.	Pasturage	Pp. 37, Chief Agent
4. Kootenay Tb. Columbia Lake or Columbia- Kootenay Band	Application for additional bottomland of undefined area and location.	General	Pp. 59 Eviden Ignati dence specia of 12 691a.
5. Do	Application for indefinite area of range land contiguous to reserve.	Pasturage	
6. Kootenay	Re. status of land at junction of the Columbia and Kootenay rivers, right bank, appearing in Schedule of Indian Reserves, 1913, as: "Temporary: Occupied by consent of Doukhobors."	General	Pp. 8, Galbr C. Fil
7. Shuswap Tribe Kimbasket's Band	Application for an enlargement of reserve by the addition thereto of an undefined area on the eastern side of the river.	General and range	Pp. 48 ment Kinb Galbr Speci bratt File

\*Pages of reference are those of the typewritten transcript of evidence for the Agency accompanying the Report.

# AGENCY—ADDITIONAL LANDS APPLICATIONS

REFERENCE *	PER CAP. ACREAGE OF APPLICANT INDIANS	STATUS OF LAND DESIRED	DECISION OF COMMISSION
p. 12, 13, 17, 24, 72, 75, 77 to 79, 90, 91, 98 (Statements and Evidence of Chief Francois, Second Chief Pierre, Alex. Myuac, Indians Luke and Adrian, and Agent Galbraith); Also special report of Agent Galbraith on R. C. File No. 691a.	83.36	"Vacant and Available: Lots Nos. 6620, 6621, 6625, 8019, and 8020. There is a T. L. held by the Staples Lumber Co., on Lot No. 5985, a portion of which has been logged off and might be available. This is the land which Chief Francois suggested might be set aside as Commonage, but it is now considered that a smaller area should be added to the reserve for the Indians exclusively. The land, so far as known, is fit only for grazing."—Report of Agent Galbraith, 12/2/1915. Lots Nos. 1819 and 1820 in reserve, by reason of expired T. Ls. Nos. 39355 and 39350 respectively, vacant and available; Lots Nos. 6620, 6621 and 6625 sub-divided for settlement prior to specification thereof, and not available for Indian reserve purposes. (See letter of Deputy Minister of Lands, B.C., 7/12/1915, on R. C. File 691A).	Minute of Decision of 25/3/1915, as amended 17/1/1916: "ORDERED: That the lands contained in Lots Nos. 8019 (640 ac. more or less), and 8020 (640 ac. more or less), a total of 1280 ac. more or less, be constituted Indian reserve lands and be added to the Kootenay or St. Mary's I. R. No. 1 of the Kootenay Tribe." Reserved by Lands Department of B. C., 12/12/1914. (Surveyed).
As above	83.36	Included in above.	Included in above.
p. 31, 81 (Statement of Second Chief Francois, Evidence of Chief Paul, and Evidence of Agent Galbraith.)	182		Not granted, as not reasonably required.
p. 59, 81, 82, (Statement and Evidence of Chief Arbel and Ignatius Eaglehead, and Evidence of Agent Galbraith); also special report of Agent Galbraith of 12/2/1915, R. C. File No. 691a.	104.5	Not available.	Do
See above	104.5	"The only available land I find near the reserve is north of Lots Nos. 122, 115 and 124, and is partially covered with very small timber and is not fit for cultivation."—Agent Galbraith's Report, 12/2/1915, on R. C. File No. 691a.	Minute of 25/3/1915: "ORDERED: That the lands shewn upon plan and described as follows, viz.:—Commencing at the northeast corner of Lot 122, East Kootenay District, and running north therefrom 380 chains; thence west 160 chains to the northeast corner of the Kootenay I. R. No. 3; thence south 80 chains; thence east 80 chains; thence south 120 chains; thence east 40 chains; thence south 180 chains; and thence east 40 chains to the place of commencement, containing an area of 2960 ac., more or less, be constituted a reserve to be added to Columbia Lake I. R. No. 3 of the Kootenay Tribe or Band." Reserved by Lands Department of B. C., 10/4/1915. (Subject to survey).
p. 85-86 (Evidence of Agent Galbraith); also material on R. C. File No. 691a.	Nil	Crown Granted.	See Special Minute of 24/3/1915, as follows: The Commission having before it the Schedule of Indian Reserves, 1913, and finding therein appearing at Page 70 as one of those allotted for the use and benefit of the Indians of the Kootenay Tribe, a Reserve named "Robson" of undefined acreage and marked "temporary": "Occupied by consent of Doukhobors," it was, upon inquiry, ascertained that, inasmuch as the land contained therein has been alienated by the Crown, the Commission has no disposing power thereover; notwithstanding which, the Commission is of opinion that the Indian occupants thereof have suffered grievance both as to the land holding and as to their graves, and with a view to the Government of Canada taking such action therein as such Government may deem possible and desirable for the remedy of such Indian grievances, it is therefore ORDERED: That copies of the declaration of the Indian Alexander Christie, dated the 25th June, 1914, and of the statement of Abraham Hirst, J.P., dated the 6th June, 1914, thereto attached, together with extracts from the Evidence of Mr. R. L. T. Galbraith, Agent of the Department of Indian Affairs for the Kootenay Agency, in relation thereto, be transmitted to the Government of the Dominion for the information of that Government and such action in the premises as may be deemed proper and necessary."
p. 48, 49, 54, 125, 126 (Statement and evidence of Alexander Kinbasket; Evidence of Agent Galbraith); also Ex. M1 and Special Report of Agent Galbraith of 12/2/1915, on R. C. File No. 691a.	41.48	"The only vacant and available land apparently is near Stoddart Creek, north and east of Lots 100, 68 and 53353, dry bench land running close to the mountains."—Agent Galbraith's Report of 12/2/1915, on R. C. File No. 691a.	Minute of 25/3/1915: "ORDERED: That the lands shewn upon plan and described as follows, viz.: 'Commencing at the northeast corner of Lot No. 76, East Kootenay District, and running north 160 chains; thence west 180 chains to the eastern boundary of Lot No. 9248; thence south to the northern boundary of Lot 288; thence east to the northeast corner of the said Lot No. 288; thence south to the north-west corner of Lot No. 5353; thence east to the northeast corner of said Lot No. 5353; thence south to the north-west corner of Lot No. 100; thence east 80 chains to the northeast corner of Lot No. 68; thence south 40 chains to the southwest corner of the said Lot No. 68, and thence east 40 chains to the place of commencement, containing an area of 1940 acres, more or less, be constituted a reserve to be allotted for the use and benefit of the Indians of the Shuswap Tribe or Band." Reserved by Lands Department of B. C., 10/4/1915. (Subject to survey).

# KOOTENAY AGE

TRIBE OR BAND	LAND APPLIED FOR	PURPOSE	
8. Lower Kootenay Tribe	Application for confirmation as a reserve of a tract of land in Nelson District, south-east of Creston I. R. No. 1, allotted by Commissioner A. W. Vowell 8/10/1908, and appearing in the Schedule of Indian Reserves, 1913, as "1a, Lower Kootenay, (Addition)."	General	See 1
9. Do	Application for confirmation as a reserve of a tract of land in Nelson District, north of Creston I. R. No. 1 allotted by Commissioner A. W. Vowell, 8/19/1908, and appearing in the Schedule of Indian Reserves, 1913, as "1A, Lower Kootenay," (Addition).	See above	
10. Do	Application for additional land along the Kootenay river, the area applied for being bounded by a line running easterly from Corn Creek to Goat River, and following Goat River to a small creek flowing in from the south; thence easterly up this small creek to the Township line where it passes to the south of Sec. 34, Tp. 8, and to a point on that line where this creek intersects it; thence easterly about 12 miles—3 miles south and westerly to T. L. No. 22670, Tp. 7, and thence northerly to the place of commencement.	Do	Pp. 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

\*Pages of reference are those of the typewritten transcript of evidence for the Agency accompanying the Report.  
 +Including Temporary Reserves 1a and 1b (now confirmed) 35 ac. per capita.  
 §Covered by Interim Report No. 79 of 18/1/1916.

# AGENCY—ADDITIONAL LANDS APPLICATIONS

REFERENCE *	PER CAP. ACREAGE OF APPLICANT INDIANS	STATUS OF LAND DESIRED	DECISION OF COMMISSION
See R. C. File No. 691a.	†11.09 (Exclusive of temporary holdings)	Temporarily reserved by British Columbia Government, but not approved. "In Tp. 7: The N. 1/2 and the N. 1/2 of the E. 1/2, Sec. 12, Sec. 13, Sec. 24 and Sec. 25, covered by T. L. in good standing. Secs. 11 and 14 apparently vacant. All reserved from any alienation, in 1884." See letter of Deputy Minister of Lands of 16/4/1914, on R. C. File No. 691a.	Minute of Decision of 24/3/1915, as amended 17/1/1916: "ORDERED: That that portion of Indian Reserve No. 1A, Lower Kootenay (Addition) as now described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, being all those portions of Sections Eleven (11) and Fourteen (14), Township Seven (7), West Division of Kootenay Land District, lying to the East of the Kootenay River and South of Creston Indian Reserve No. 1, containing an area of three hundred and sixty-five (365) acres, more or less, BE CONFIRMED, subject to survey, as Indian Reserve No. 1A, Lower Kootenay (Addition), Sections Twelve (12), Thirteen (13), Twenty-Four (24), and Twenty-Five (25), in the said Township Seven (7), West Division of Kootenay Land District, which Sections were included by Mr. Commissioner Vowell in his location of Indian Reserve No. 1A, Lower Kootenay (Addition), with a view to the same being constituted a Reserve, being unavailable for such use and purpose by reason of the same being covered by Timber Leases or Licences, renewable in perpetuity. §
See above	See above	Temporarily reserved by British Columbia Government, but not approved. "Secs. 26, 27, 28, 33, 34 and 35, Tp. 7; and Secs. 3 and 4, Tp. 8, apparently vacant. Reserved from any alienation in 1884."—See letter of Deputy Minister of Lands 16/4/1914, on R. C. File No. 691a.	Minute of Decision of 24/3/1915, as amended 17/1/1916: "ORDERED: That Indian Reserve No. 1B, Lower Kootenay (Addition), described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, BE CONFIRMED, subject to survey, as containing an area of twelve hundred and fifteen (1215) acres, more or less, situate in Townships Seven (7) and Eight (8), West Division of Kootenay Land District, and comprising all those portions of Sections Twenty-Six (26), Twenty-Seven (27) and Twenty-Eight (28), Township Seven (7), North of Creston Indian Reserve No. 1, and bounded by the Kootenay River, Creston Indian Reserve No. 1 of the Lower Kootenay Tribe or Band, and the Anderson sub-division; that portion of Section Thirty-Three (33), Township Seven (7), East of the Kootenay River; that portion of Section Thirty-Four (34), Township Seven (7), South of Goat River; that portion of Section Thirty-Five (35), Township Seven (7), bounded on the North by Goat River and on the East by the Anderson sub-division; and that portion of Section Three (3), Township Eight (8), lying South of Goat River. §
2, 5, 7, 8, 135, 136, (Statements of second Chief Alexander and Chief Arbel, Evidence Chief Alexander and Agent Jbraith), also material on R. File No. 691a.	Do	<p>Lot No. 339 of 2560 ac., Crown Granted to Columbia Kootenay R. &amp; N. Co., 4/5/1892; Lot No. 340 of 2560 ac. ditto; Lot No. 341 of 2560 ac. ditto; Lot No. 5985 of 10855 ac., covered by T. L. in good standing held by the Otis Staples Lumber Co.; Lot No. 6033 of 25748 ac., covered by T. L. in good standing held by the Crow's Nest Pass Lumber Co.; Lot No. 6620 of 534 ac. covered by expired T. L. No. 34408 examined by the Forest Branch and surveyed for the purpose of it being opened for settlement; Lot No. 6621 of 640 ac. in reserve by reason of expired T. L. No. 34407; Lot No. 6623 of 915 ac. Crown-granted to E. C. Cummings 17/5/1912; Lot No. 6625 of 377 ac. in reserve by reason of expired T. L. No. 33294; Lot No. 8018 of 640 ac. covered by T. L. No. 39354 in good standing; and Lot No. 8970 of 640 ac. subdivided and opened for pre-emption 1/5/1914. See letter of Deputy Minister of Lands 12/12/1914, on R. C. File No. 691a.</p> <p>NOTE:—In this connection it was on 24/3/1915, upon motion—"ORDERED: That the Commission in dealing with the reserve lands of the Lower Kootenay Tribe or Band, places itself upon record (as in the terms of the Minute of 31/10/1914) as of opinion that the Government of the Dominion of Canada should contribute pro rata, as guardian of the Indians concerned, to the cost of any work of reclamation of valley lands at Creston, or in connection with any lands which the Commission may recommend to be added to the reserve thereat, on the same being approved of by such Government after such expert inquiry as it may cause to be made; and that a copy of this Minute be attached to any Interim, Special or other Report of the Commission dealing with such lands as aforesaid." Reserved by Lands Department of B.C., 10/4/1915.</p>	<p>Minute of Decision of 24/3/1915, as amended 17/1/1916: "ORDERED: That an area of twelve hundred (1200) acres, more or less, of land described as follows, viz.: All that portion of Section Four (4), Township Eight (8), West Division of Kootenay Land District, lying to the West of Goat River and North of the Kootenay River; all of Section Five (5), Township Eight (8), and the East quarter (1/4) of Section Six (6), Township Eight (8), BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe or Band, to be known and designated as 'I. R. No. 1C, Lower Kootenay (Addition), 1200.00 acres.' §</p> <p>Minute of Decision of 24/3/1915, as amended 17/1/1916: "ORDERED: That an area of two hundred (200) acres, more or less, of land described as follows, viz.: All those portions of Sections Sixteen (16) and Seventeen (17), Township Eight (8), West Division of Kootenay Land District, lying between the Kootenay River and the Goat River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe or Band, to be known and designated as 'I. R. No. 2, Lower Kootenay, 200.00 acres.' §</p> <p>Minute of Decision of 24/3/1915, as amended 17/1/1916: "ORDERED: That an area of one hundred and thirty (130) acres, more or less, of land described as follows, viz.: All that portion of the South-east quarter (1/4) of Section Twenty (20), Township Eight (8), West Division of Kootenay Land District, lying East of the Kootenay River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe or Band, to be known and designated as 'I. R. No. 3, Lower Kootenay, 130.00 acres.' §</p> <p>Minute of Decision of 24/3/1915, as amended 17/1/1916: "ORDERED: That an area of one hundred and ninety-five (195) acres, more or less, of land described as follows, viz.: All that portion of the North half (1/2) of Section Twenty (20), Township Eight (8), West Division of Kootenay Land District, lying West of the Kootenay River; and all that portion of the South half (1/2) of Section Twenty-nine (29), Township Eight (8), lying south of the Kootenay River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe or Band, to be known and designated as 'I. R. No. 4, Lower Kootenay, 195.00 acres.' §</p> <p>Minute of Decision of 24/3/1915, as amended 17/1/1916: "ORDERED: That an area of three hundred and fifty-five (355) acres, more or less, of land described as follows, viz.: All that portion of Section Thirty-two (32), Township Eight (8), West Division of Kootenay Land District, lying to the East of the Kootenay River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe or Band, to be known and designated as 'I. R. No. 5, Lower Kootenay, 355.00 acres.' §</p>



# CONFIRMATIONS OF RESERVES

## KOOTENAY AGENCY

TRIBE OR BAND	RESERVE	NUMBER	DESCRIPTION	ACREAGE	DATE OF CONFIRMATION
Arrow Lake	Arrow Lake		Nelson District, on the west shore of Lower Arrow Lake, about five miles below Burton City, West Kootenay District	255.00	24th March, 1915
Kootenay	Kootenay or St. Mary's	1	Cranbrook District, on the right bank of the Kootenay River, at the mouth of St. Mary's River, opposite Fort Steele.	17425.00	24th March, 1915
Do	Tobacco Plains	2	Cranbrook District, in Kootenay Valley, adjacent to the international boundary line.	10560.00—less 2.97 acres surrendered and sold to Department of Customs—10557.03	Do
Do	Columbia Lake	3	East Kootenay District, in the Columbia Valley, on Windermere Lake.	8359.81	Do
Do	Isidore's Ranch (S. of No. 4)	4	Cranbrook District, in the Kootenay Valley.	680.00	Do
Do	Cassimayooks (S. of No. 1)	5	Cranbrook District, in the Kootenay Valley.	160.00—less allowed right-of-way of K. C. R. Co., 3.214 acres—156.79.	Do
Do	Bummers Flat	6	Cranbrook District, on the left bank of the Kootenay River, 3 miles above the mouth of St. Mary's River.	190.00	Do
Lower Kootenay	Creston	1	Nelson District, on the right bank of the Kootenay River, about 3 miles north of the international boundary line.	1831.50	17th January, 1916
Do	Lower Kootenay (Addition)	1A	All those portions of Sections Eleven (11) and Fourteen (14), Township Seven (7), West Division of Kootenay Land District, lying to the east of the Kootenay River and South of Creston Indian Reserve No. 1.	2735.00—less reduction of 2370.00 acres—365.00 acres	25th March, 1915, as amended 17th January, 1916.
Do		1B	In Townships Seven (7) and Eight (8), West division of	1215.00	17th January, 1916

Do	Do	1B	<p>In Townships Seven (7) and Eight (8), West division of Kootenay Land District, and comprising all those portions of Sections Twenty-six (26), Twenty-seven (27) and Twenty-eight (28), Township Seven (7), north of Creston Indian Reserve No. 1 and bounded by the Kootenay River, Creston Indian Reserve No. 1 of the Lower Kootenay Tribe or Band, and the Anderson subdivision; that portion of Section Thirty-three (33), Township Seven (7), East of the Kootenay River; that portion of Section Thirty-four (34), Township Seven (7), South of Goat River; that portion of Section Thirty-five (35), Township Seven (7), bounded on the north by Goat River and on the east by the Anderson sub-division; and that portion of Section Three (3), Township Eight (8), lying south of Goat River.</p>	1215.00	17th January, 1916
Shuswap Tribe, Kinbasket's Band	Shuswap		<p>East Kootenay District, on the right bank of the Columbia River, opposite the mouth of Toby Creek.</p>	<p>2759.00 — less allowed R.-W. of K. C. R. Co., 22.75 — 2736.25</p>	<p>24th March, 1915, as amended 21st February, 1916.</p>

NOTE:—Re Robson i. R. of the Kootenay Tribe, referred to in the Schedule of Indian Reserves, 1913, at P. 70 thereof:—Minute of the 25th March, 1915: "The Commission having before it the Schedule of Indian Reserves, 1913, and finding therein appearing at Page 70 as one of those allotted for the use and benefit of the Indians of the Kootenay Tribe, a Reserve named 'Robson' of undefined acreage and marked 'temporary.' Occupied by consent of 'Dunkhobors,' it was, upon inquiry, ascertained that inasmuch as the land contained therein has been alienated by the Crown, the Commission has no disposing power thereover; notwithstanding which, the Commission is of opinion that the Indian occupants have suffered grievance both as to the land holding and as to their graves, and with a view to the Government of Canada taking such action therein as such Government may deem possible and desirable for the remedy of such Indian grievances, it is therefore ORDERED: That copies of the declaration of the Indian Alexander Christie, dated the 25th June, 1914, and of the statement of Abraham Hirst, J.P., dated the 3th June, 1914, thereto attached, together with extracts from the Evidence of Mr. R. L. T. Galbraith, Agent of the Department of Indian Affairs for the Kootenay Agency, in relation thereto, be transmitted to the Government of the Dominion for the information of that Government and such action in the premises as may be deemed proper and necessary."

Confirmations—Kootenay

# REDUCTIONS AND CUT-OFFS OF RESERVES

## KOOTENAY AGENCY

TRIBE OR BAND	RESERVE	NUMBER	DESCRIPTION	ACREAGE	REDUCTION OR CUT-OFF	DATE OF REDUCTION OR CUT-OFF
Lower Kootenay	Lower Kootenay (Addition)	1A	Nelson District, south-east of Creston Reserve No. 1.	2735.00	Minute of Decision of 24th March, 1915, as amended 17th January, 1916: ORDERED—That that portion of Indian Reserve No. 1A, Lower Kootenay (Addition) as now described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, being all those portions of Sections Eleven (11) and Fourteen (14), Township Seven (7), West Division of Kootenay Land District, lying to the East of the Kootenay River and South of Creston Indian Reserve No. 1, containing an area of Three Hundred and Sixty and (365) acres, more or less, BE CONFIRMED, subject to survey, as Indian Reserve No. 1A, Lower Kootenay (Addition), Sections Twelve (12), Thirteen (13), Twenty-four (24) and Twenty-five (25), in the said Township Seven (7), West Division of Kootenay Land District, which sections were included by Commissioner Vowell in his location of Indian Reserve No. 1A, Lower Kootenay (Addition), with a view to the same being constituted a Reserve, being unavailable for such use and purpose by reason of the same being covered by Timber Leases or Licences, renewable in perpetuity.	17th January, 1916

# NEW RESERVES

## KOOTENAY AGENCY

AGENCY APPLICATION NUMBER	TRIBE OR BAND	RESERVE	NUMBER	DESCRIPTION	ACREAGE	DATE OF MINUTE OF DECISION
1	Kootenay	St. Mary's	1A	Lots Nos. 8019 (640 acres, more or less) and 8020 (640 acres, more or less), a total of 1280.00 acres, more or less.	1280.00	25th March, 1915, as amended 17th January, 1916.
5	Kootenay, Columbia Lake or Columbia-Kootenay Band.	Columbia Lake (Addition)	3A	A certain tract or parcel of land described as follows, viz.: Commencing at the northeast corner of Lot No. 122, East Kootenay District, and running north therefrom 380 chains; thence west 160 chains to the northeast corner of Kootenay I. R. No. 3; thence south 80 chains; thence east 80 chains; thence south 120 chains; thence east 40 chains; thence south 180 chains; and thence east 40 chains to the place of commencement.	2960.00, more or less, subject to survey	25th March, 1915
7	Shuswap Tribe, Kinbasket's Band		2	A certain tract or parcel of land described as follows: Commencing at the northeast corner of Lot No. 76, East Kootenay District, and running north 160 chains; thence west 180 chains to the eastern boundary of Lot No. 9248; thence south to the northern boundary of Lot No. 288; thence east to the northeast corner of the said Lot No. 288; thence south to the northwest corner of Lot No. 5353; thence east to the northeast corner of said Lot No. 100; thence south to the northwest corner of Lot No. 100; thence east 80 chains to the northeast corner of Lot No. 68; thence south 40 chains to the southwest corner of the said Lot No. 68, and thence east 40 chains to the place of commencement.	1940.00, more or less, subject to survey	Do
10	Lower Kootenay	Lower Kootenay (Addition)	1C	A certain tract or parcel of land described as follows, viz.: "All that portion of Section Four (4), Township Eight (8), West Division of Kootenay Land District, lying to the west of Goat River and north of the Kootenay River; all of Section Five (5), Township Eight (8) and the East quarter (1/4) of Section Six (6), Township Eight (8).	1200.00, more or less, subject to survey	25th March, 1915, as amended 17th January, 1916.
10	Do	Lower Kootenay	2	All those portions of Sections Sixteen (16) and Seventeen (17), Township Eight (8), West Division of Kootenay Land District, lying between Kootenay River and Goat River.	200.00, more or less, subject to survey	Do
10	Do	Do	3	All that portion of the southeast quarter (1/4) of Section of Twenty (20), Township Eight (8), West division of	130.00, more or less, subject to	Do

10	Do	Do	Do	?	All that portion of the southeast quarter ( $\frac{1}{4}$ ) of Section Twenty (20), Township Eight (8), West division of Kootenay Land District, lying east of the Kootenay River.	130.00, more or less, subject to survey	Do
10	Do	Do	Do	4	All that portion of the north half ( $\frac{1}{2}$ ) of Section Twenty (20), Township Eight (8), West Division of Kootenay Land District, lying West of the Kootenay River; and all that portion of the South half ( $\frac{1}{2}$ ) of Section Twenty-nine (29), Township Eight (8), lying South of the Kootenay River.	195.00, more or less, subject to survey	Do
10	Do	Do	Do	5	All that portion of Section Thirty-two (32), Township Eight (8), West Division of Kootenay Land District, lying to the East of the Kootenay River.	355.00, more or less, subject to survey	Do

NOTE:—In connection with the constitution and establishment of the above New Reserves it was, on March 24th, 1915, upon motion, ORDERED: That the Commission in dealing with the reserve lands of the Lower Kootenay Tribe or Band, places itself upon record (as in the terms of the Minute of 31/10/1914) as of opinion that the Government of the Dominion of Canada should contribute pro rata, as guardian of the Indians concerned, to the cost of any work of reclamation of valley lands at Creston, or in connection with any lands which the Commission may recommend to be added to the Reserve theret, on the same being approved of by such Government after such expert inquiry as it may cause to be made and that a copy of this Minute be attached to any Interim, Special or other Report of the Commission dealing with such lands as aforesaid.

THE ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF  
BRITISH COLUMBIA, 1916

MINUTES OF DECISION

In virtue of powers and instructions from the Governments of the Dominion of Canada and the Province of British Columbia contained in Commissions issued under the Great Seal of Canada respectively on the 23rd day of April, in the year of Our Lord one thousand nine hundred and thirteen, and the 7th day of April, in the year of Our Lord one thousand nine hundred and fourteen, to us directed, authorizing and empowering us as a Commission to fix, determine and establish the number, extent and locality of the Reserves to be set aside, allowed, established and constituted for the use and benefit of the Indians of the Province of British Columbia, we, the undersigned, having in each case made due enquiry into all matters affecting the requirements of the said Indians, do hereby declare the following to be the Reserves for the undermentioned Indian Tribes respectively, the date of our decision being in each case stated.

Dated at Victoria, British Columbia,  
this 31st day of May, in the year  
of Our Lord one thousand nine  
hundred and sixteen.

N. W. WHITE, *Chairman*,  
J. A. J. MCKENNA,  
S. CARMICHAEL,  
J. P. SHAW,  
D. H. MACDOWALL,  
*Commissioners.*

Kootenay Agency—Arrow Lake Tribe

ORDERED: That Arrow Lake Indian Reserve of the Arrow Lake Tribe, described in the Official Schedule of Indian Reserve, 1913, at Page 70, BE CONFIRMED as now fixed and determined and shewn on the Official Plan of Survey, viz.:

Arrow Lake, 255.00 acres.

Victoria B.C., March 24th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*

Kootenay Agency—Kootenay Tribe

ORDERED: That the Indian Reserves of the Kootenay Tribe, numbered One (1) to Six (6) inclusive, described in the Official Schedule of Indian Reserves, 1913, at Pages 69 and 70 thereof, BE CONFIRMED as now fixed and determined and shewn on the Official Plans of Survey, viz.:

- No. 1—Kootenay or St. Mary's, 17425.00 acres;
- No. 2—Tobacco Plains,\* 10560.00 acres;
- No. 3—Columbia Lake, 8359.81 acres;
- No. 4—Isidores Ranch (S. of No. 4), 680.00 acres;
- No. 5—Cassimayooks (S. of No. 1), 160.00 acres,\*\*
- No. 6—Bummers Flat, 190.00 acres.

\*Area reduced to 10557.03 acres by allowance of 2.97 acres for Custom House purposes by Interim Report No. 52, of October 20th, 1914. \*\*Less allowed right-of-way of Kootenay Central Railway Co., 3.21 acres—156.79.

ORDERED: That the lands contained in Lots Nos: Sixty-six Hundred and Twenty (6620), containing an area of Six Hundred and Thirty-four (634) acres, more or less; Sixty-six Hundred and Twenty-one (6621), containing an area of Six Hundred and Forty (640) acres, more or less; Sixty-six Hundred and Twenty-five (6625), containing an area of Three Hundred and Seventy-seven (377) acres, more or less; Eight Thousand and Nineteen (8019), containing an area of Six Hundred and Forty (640) acres, more or less; and Eight Thousand and Twenty (8020), containing an area of Six Hundred and Forty (640) acres, more or less, a total of Twenty-nine Hundred and Thirty-one (2931) acres, more or less, be constituted Indian Reserve Lands and be added to the Kootenay or St. Mary's Indian Reserve No. One (1), of the Kootenay Tribe.

Victoria, B.C., March 24th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

ORDERED: That the Minute and Resolution of the Commission of the 24th March, 1915, dealing with additions to the Reserve lands of the Kootenay Tribe or Band, BE RECONSIDERED and AMENDED as follows, viz.: By striking out of the description therein contained of such additional lands, in the third (3rd), fourth (4th), fifth (5th), sixth (6th), seventh (7th), eight (8th), ninth (9th), tenth (10th), and eleventh (11th) lines of the Minute and Resolution hereby amended, the words "Sixty-six Hundred and Twenty (6620), containing an area of six hundred and thirty-four (634) acres, more or less; Sixty-six Hundred and Twenty-one (6621), containing an area of six hundred and forty (640) acres, more or less; Sixty-six Hundred and Twenty-five (6625), containing an area of three hundred and seventy-seven (377) acres, more or less," and in the sixteenth (16th), and seventeenth (17th) lines the words "Twenty-nine Hundred and Thirty-one (2931)" and substituting for the latter words so struck out the words "Twelve Hundred and Eighty (1280)," inasmuch as, prior to the selection of the said lands as additional lands for the Indians of the said Kootenay Tribe or Band, the Government of the Province of British Columbia had arranged for the said Lots Nos. Sixty-six Hundred and Twenty (6620), Sixty-six Hundred and Twenty-one (6621) and Sixty-six Hundred and Twenty-five (6625) being sub-divided and thrown open for settlement; and, as the constitution thereof as Indian Reserve would, in the opinion of the said Government of the Province of British Columbia, seriously handicap and interfere with the settlement and development of that portion of the Province of British Columbia of which the said Lots form part.

Victoria, B.C., January 17th, 1916.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

ORDERED: That the lands shewn upon plan, and described as follows, viz.:

"Commencing at the North-east corner of Lot One Hundred and Twenty-two (122), East Kootenay District, and running North therefrom Three Hundred and Eighty (380) chains; thence West One Hundred and Sixty (160) chains to the North-east corner of the Kootenay Indian Reserve No. Three (3); thence South Two Hundred and Eighty (280) chains; thence East One Hundred and Twenty (120) chains; thence South One Hundred and Twenty (120) chains to the North-west corner of the aforementioned Lot One Hundred and Twenty-two (122); and thence East Forty (40) chains to the place of commencement, containing an area of Three Thousand and Forty (3040) acres, more or less, be constituted a Reserve to be added to Columbia Lake Indian Reserve No. Three (3), of the Kootenay Tribe, of the Kootenay Agency.

Victoria, B.C., March 25th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*

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ORDERED: That the Minute of the 25th inst., *re* additional Reserve lands for the use and benefit of the Indians of the Kootenay Tribe BE RESCINDED and the following substituted in lieu thereof:

ORDERED: That the land shewn upon Plan and described as follows, viz.:

"Commencing at the North-east corner of Lot One Hundred and Twenty-two (122), East Kootenay District, and running north therefrom Three Hundred and Eighty (380) chains; thence West One Hundred and Sixty (160) chains to the North-east corner of Kootenay Indian Reserve No. Three (3); thence South Eighty (80) chains; thence East Eighty (80) chains; thence South One Hundred and Twenty (120) chains; thence East Forty (40) chains; thence South One Hundred and Eighty (180) chains; and thence East Forty (40) chains to the place of commencement, containing an area of Two Thousand Nine Hundred and Sixty (2960) acres, more or less, be constituted a Reserve to be added to Columbia Lake I. R. No. Three (3) of the Kootenay Tribe of the Kootenay Agency.

Victoria, B.C., March 29th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*

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### Kootenay Agency--Lower Kootenay Tribe

ORDERED: That the Indian Reserves of the Lower Kootenay Tribe numbered One (1), One A (1A and One B (1B) described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, BE CONFIRMED as now fixed and determined and shewn on the Official Plans of survey, viz.:



- No. 1 —Creston—1831.50 acres;  
 No. 1A—Lower Kootenay (addition), 2735.00 acres;  
 No. 1B—Lower Kootenay (addition), 1215.00 acres.

Victoria, B.C., March 24th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

ORDERED: That action taken on the 24th March, 1915, in respect to confirmations of and additions to the Reserves of the Lower Kootenay Tribe, and of the Kootenay Tribe, of the Kootenay Agency, BE RECONSIDERED.

ORDERED: That the Minute of the 24th March, 1915, *re* confirmation of Indian Reserve No. One (1) Creston, No. One A (1A), Lower Kootenay (Addition), and No. One B (1B) Lower Kootenay (Addition), and the Minutes of the said day and date constituting and defining certain additional Reserves for the use of the said Lower Kootenay Tribe, BE RESCINDED.

ORDERED: That Indian Reserve No. One (1) Creston, of the Lower Kootenay Tribe, Kootenay Agency, described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, BE CONFIRMED as now fixed and determined and shown on the Official Plan of Survey, viz.:

I. R. No. 1—Creston, 1831.50 acres.

Victoria, B.C., January 17th, 1916.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

ORDERED: That that portion of Indian Reserve No. One A (1A), Lower Kootenay (Addition), as now described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, being all those portions of Sections Eleven (11) and Fourteen (14), Township Seven (7), West Division of Kootenay Land District lying to the East of the Kootenay River and South of Creston Indian Reserve No. One (1), containing an area of Three Hundred and Sixty-five (365) acres, more or less, BE CONFIRMED, subject to survey, as Indian Reserve No. One A (1A), Lower Kootenay (Addition); Sections Twelve (12), Thirteen (13), Twenty-four (24), and Twenty-five (25), in the said Township Seven (7), West Division of Kootenay Land District, which sections were included by Mr. Commissioner Vowell in his location of Indian Reserve No. One A (1A), Lower Kootenay (Addition), with a view to the same being constituted a Reserve, being unavailable for such use and purpose by reason of the same being covered by Timber Leases or Licences, renewable in perpetuity.

ORDERED: That Indian Reserve No. One B (1B), Lower Kootenay (Addition), described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, BE CONFIRMED, subject to survey, as containing an area of Twelve Hundred and Fifteen (1215) acres, more or less, situate in Townships Seven (7) and Eight (8), West Division of Kootenay Land District, and comprising all those portions of Sections Twenty-six (26), Twenty-seven (27) and Twenty-eight (28), Township Seven (7), North of Creston Indian Reserve No. One (1) and bounded by the Kootenay River, Creston Indian Reserve No. One of the Lower Kootenay Tribe and the Anderson sub-division; that portion of Section Thirty-three (33), Township Seven (7), East of the Kootenay River; that portion of Section Thirty-four (34), Township Seven (7), South of Goat River; that portion of Section Thirty-five (35), Township Seven (7), bounded on the North by Goat River and on the East by the Anderson sub-division; and that portion of Section Three (3), Township Eight (8), lying South of Goat River.

ORDERED: That an area of Twelve Hundred (1200) acres, more or less, of land described as follows, viz.:

All that portion of Section Four (4), Township Eight (8), West Division of Kootenay Land District, lying to the West of Goat River and North of the Kootenay River; all of Section Five (5), Township Eight (8), and the East Quarter ( $\frac{1}{4}$ ) of Section Six (6), Township Eight (8), BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe, to be known and designated as

I. R. No. 1C, Lower Kootenay (Addition), 1200.00 acres.

ORDERED: That an area of Two Hundred (200) acres, more or less, of land described as follows, viz.:

All those portions of Section Sixteen (16) and Seventeen (17), Township Eight (8), West Division of Kootenay Land District, lying between the Kootenay River and the Goat River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe, to be known and designated as

I. R. No. 2, Lower Kootenay, 200.00 acres.

ORDERED: That an area of One Hundred and Thirty (130) acres, more or less, of land described as follows, viz.:

All that portion of the Southeast Quarter ( $\frac{1}{4}$ ) of Section Twenty (20), Township Eight (8), West Division of Kootenay Land District, lying East of the Kootenay River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe, to be known and designated as

I. R. No. 3—Lower Kootenay, 130.00 acres.

ORDERED: That an area of one hundred and ninety-five (195) acres, more or less, of land described as follows, viz.: All that portion of the North half ( $\frac{1}{2}$ ) of Section Twenty (20), Township Eight (8), West Division of Kootenay Land District, lying West of the Kootenay River; and all that portion of the South half ( $\frac{1}{2}$ ) of Section Twenty-nine (29), Township Eight (8), lying south of the Kootenay River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe or Band, to be known and designated as

“I. R. No. 4, Lower Kootenay, 195.00 acres.”

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ORDERED: That an area of Three Hundred and Fifty-five (355) acres, more or less, of land described as follows, viz.:

All that portion of Section Thirty-two (32), Township Eight (8), West Division of Kootenay Land District, lying to the East of the Kootenay River, BE CONSTITUTED, subject to survey, a Reserve of the Lower Kootenay Tribe, to be known and designated as

I. R. No. 5—Lower Kootenay, 355.00 acres.

Victoria, B.C., January 17th, 1916.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

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### Kootenay Agency—Shuswap Tribe

ORDERED: That Shuswap Indian Reserve of the Shuswap Tribe, Kinbasket's Band, described in the Official Schedule of Indian Reserves, 1913, at Page 70 thereof, as containing Two Thousand Seven Hundred and Six and Sixty-six One-hundredths (2706.66) acres, which said Reserve is found upon reference to the Plan of Survey to contain an area of Two Thousand Seven Hundred and Forty-nine (2749) acres, BE CONFIRMED as now fixed and determined and shewn on the Official Plan of Survey, viz.:

“Shuswap, 2749.00 acres.”

Victoria, B.C., March 24th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

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WHEREAS the Department of Indian Affairs has advised the Commission as to an error in the given acreage of Shuswap I. R. of the Shuswap Tribe, Kinbasket's Band, it was

ORDERED: That the Minute and Resolution of the 24th March, 1915, covering confirmation of Shuswap Indian Reserve, of the Kootenay Agency, BE RECONSIDERED and AMENDED by striking out of the ninth line thereof, the word "four" and figure "4" and inserting in lieu thereof the word "Five" and figure "5," also by adding to the resolution the following words and figures, viz.: "Less area of allowed right-of-way of the Kootenay Central Railway, i.e., Twenty-two and Seventy-five One-hundredths (22.75) acres."

Victoria, B.C., February 21st, 1916.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

ORDERED: That the lands shewn upon plan and described as follows, viz.:

"Commencing at the North-east corner of Lot Seventy-six (76), East Kootenay District, and running north therefrom One Hundred and Sixty (160) chains; thence West One Hundred and Eighty (180) chains to the Eastern boundary of Lot 9248; thence South to the Northern boundary of Lot 288; thence East to the Northeast corner of the said Lot 288; thence South to the Northwest corner of Lot 5353; thence East to the Northeast corner of the said Lot 5353; thence South to the Northwest corner of Lot 100; thence East eighty (80) chains to the Northeast corner of Lot 68; thence South Forty (40) chains to the Southeast corner of the said Lot 68; and thence East Forty (40) chains to the place of commencement, containing an area of 1940 acres more or less be constituted a Reserve to be allotted for the use and benefit of the Indians of the Shuswap Tribe or Band of the Kootenay Agency.

Victoria, B. C., March 25th, 1915.

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary*.

## WATER RIGHTS OF INDIANS IN B. C.

MINUTE and RESOLUTION of the 15th June, 1916:

“WHEREAS former Indian Reserves Commissioners, acting under joint Governmental Agreements, allotted defined Water Rights to certain Tribes or Bands of Indians in British Columbia;

“WHEREAS this Commission has been unable to obtain any advice from the law officers of the Crown in right of the Dominion of Canada as to the authority of the said former Commissioners to allot such Water Rights;

“AND WHEREAS this Commission desires that any right or title which Indians may have to such allotted Water Rights may not be adversely affected by inaction on its part,

“BE IT RESOLVED: That, to the extent to which the allotting Commissioners had authority to allot such Water Rights, this Commission, insofar as the power may lie in it so to do, CONFIRMS the said allotted Water Rights as set forth in the Schedule hereto appended:

### SCHEDULE

#### Kootenay Agency

Upper Kootenay Tribe: Minute of Decision of July 18th, 1884, constituting Tobacco Plains Reserve No. 2: . . . “All water flowing through this Reserve is allotted to the use of the Indians.”

Minute of Decision of August 9th, 1884, constituting Columbia Lake Reserve No. 3: . . . “All water flowing through this Reservation is assigned to the use of the Indians.”

Shuswap Tribe, Kinbasket's Band: Minute of Decision of August 14th, 1884, constituting Shuswap Reserve: . . . “The water of Shuswap Creek (which flows through this Reserve) and 100 inches of water from Aylmer Creek are also allotted for use on this Reserve.”

CERTIFIED CORRECT,

C. H. GIBBONS, *Secretary.*