

British Columbia

Provincial Secretary's Office,
25. October 1876

Sir,
The Memorandum of Instructions from the Hon. The Minister of the Interior to the Dominion and Joint Commissioners having been brought to the notice of this Government by those officers, The Government desires to call the immediate and earnest attention of that of the Dominion to a discrepancy existing between the clauses 5 and 6 of the agreement arrived at between the two

The Hon. ^{ble}

A Mackenzie

" " "

Governments, for the settlement
of the Indian Reserve Question
and the instructions which
if carried out would
tend to render nugatory
the entire agreement and
the effects of the Compromise

Clauses 5 and 6 read
as follows:— while the
Memorandum to the
Commissioners has the
following paragraph
bearing reference to those
Clauses.

"With respect to that part
of Clauses 5 and 6 agreed

note agreement

upon by the two Governments, relating to the diminution or surrender of Reserves once granted to the Indians, you must bear in mind and have it clearly understood ab initio that these clauses must be read by the light of the provisions of the 31. Victoria Chapter 42 extended and made applicable to British Columbia by the 34 Victoria Chapter 21 and reenacted in effect by the Indian act of last Session whereby it is provided distinctly that no part of any Indian Reserve once appropriated can be surrendered or alienated without the sanction of the Indians to whom it has been assigned."

Clauses 5 and 6 of the agreement formally come to between the two Governments since the Commissions full powers to enlarge or diminish the Reserves, but the Memorandum of Instructions dated more than 10 months after the agreement in a short sentence at once places stout of the power of the Commissions to deal with the question of diminution and Surrender of Reserves without the most formal and complicated assent of the Nations concerned and a consequent liquidation of their claim for compensation however enormous they might prove.

The injustices to British Columbia of such a restriction and its utter impracticability, need hardly be dwelt upon for while, the Commissioners have no restrictions placed upon them as to increasing Reserves already made, which may have to be done at an enormous sacrifice of land and money, yet the moment they proceed to cut down or do away with a Reserve or any portion thereof (how ever palpably large or unnecessary) their endeavours will be met by the provisions of the Indian Act which allows of claims for

Compensation to be made
utterly beyond the means
of B. Columbia and such
as would ever startle
the Dominion Government.

The Government of
British Columbia therefore
earnestly hope that this
Question may at once
meet with the frankest
consideration of that of
the Dominion, with a view
to relief being afforded
by an early enactment
repealing such portions of
the Indian Act as may

Conflict with the agreement
between the two Governments
failing which they anticipate
an entire failure of any
results from the appointment
of the Commission.

Awaiting the result of this
application the Government
has instructed the Commis-
sioners in their initial
proceedings not to deal
with any Reserves where
a Surrender or diminution
may be in question.

I have the honor to be
Sir

Your obedient servant
Charles Cook
Dep. Secy. &c.