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## REPORT OF SELECT COMMITTEE

APPOINTED TO ENQUIRE INTO MATTERS RELATING TO WEST HALF OF  
SECTION 11, RANGE 2, COWICHAN DISTRICT.

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### MR. SPEAKER :

Your Select Committee appointed to enquire into all matters connected with the west half of Section 11, Range 2, Cowichan District, beg to report as follows :—

That your Committee have obtained from the Lands and Works all the information in the possession of that department relating to this land, and find that it was never actually reserved by any authority for the use of the Indians, but the land was pre-empted on 17th February, 1874, and the same was on 16th November, 1876, conveyed by Crown grant to Archibald Dods, and the Government has collected taxes thereon up to the present time.

We find, however, by reference to correspondence, as reported in Sessional Papers of 1876, pages 244, 264, 288, 289, 292, 293, 310, and 324, that Mr. Dods was never permitted by the Indians to take possession of his purchase, they claiming it as part of their settlement, and having some buildings and potato patches thereon, refused to move off the said land on to their reserve. Mr. Dods persisted in trying to hold possession, and was forcibly driven off by the Indians, and it was only by his yielding to their demands and going quietly, that a threatened breach of the peace was prevented.

The correspondence, which is very voluminous, between Mr. Dods and the Chief Commissioner, the Indian Reserve Commissioners and the Indian Department, has been submitted to and carefully perused by us.

In April, 1886, Mr. T. Fell, without knowledge of the claim put forward by the Indians to the land, relying upon the perfect title shewn by the Crown grant, loaned to Mr. Dods \$200, on the security of a mortgage on the said land.

Shortly afterwards, Mr. Dods' equity of redemption in the said land was sold by the Sheriff to Thomas J. Williams for \$160, and Mr. Fell, to protect himself, bought the said interest from Thomas J. Williams.

An action of ejectment was commenced in Mr. Dods' name against the Indians residing on the land, and on 21st December, 1886, the said action came on for trial before Sir M. B. Begbie, who refused to allow the trial to proceed unless the Indian Commissioner was made a party, on the ground that the Indians were the wards of the Crown, and, therefore, in the same position as infants.

Mr. Fell's actual cash outlay and expenses of suit, including interest and taxes, is stated by him to be \$800.

Your Committee are of opinion—

1. That if the Indians are removed from the land by process of law, they will return again, or revenge themselves on the settler who lives on the land.

2. That the Government should take into their serious consideration the advisability of acquiring the land from the present owner, and making the same part of the Indian Reserve.

The evidence taken by your Committee is submitted herewith.

HENRY FRY,  
*Chairman.*

*28th March, 1889.*

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 MINUTES AND EVIDENCE.
 

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SATURDAY, 23rd March, 1889.

Present—H. Fry (Chairman), G. B. Martin, H. Croft, T. Davie

Mr. H. MOFFATT, of the Indian Department, was present and deposed :—

I remember the dispute with Mr. Dods and the Indians; I think it began in 1874. There were some letters written to our department on the matter, and it was the intention of the Indian Reserve Commissioners to settle the dispute, but when they got there in 1876 Mr. Dods shewed them a Crown grant of the land, and they (the Commissioners, Messrs. Anderson, Sproat, and McKinlay) then considered the matter as taken out of their hands. I know that Dr. Powell has sent (in 1884) a report on this matter to the Superintendent-General of Indian Affairs at Ottawa, but am not aware of any answer having been received to this. I have heard a good deal about this land, and know that it has always been occupied by Indians, and although omitted from the reserve made 4th July, 1867, it was nevertheless an Indian settlement, and there were several Indian houses on it and Indians living there. I would respectfully suggest, as a solution of the difficulty, that the Provincial Government purchase the improvements made by the Indians, and so obtain peaceable possession, or purchase the claim of Dods or his successors to the fifty acres and include it in the reserve.

H. MOFFATT,  
*Acting Indian Superintendent.*

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THURSDAY, 28th March, 1889.

Present—H. Fry (Chairman), H. Croft, G. B. Martin, and T. Davie.

Mr. THORNTON FELL appeared before the Committee and deposed :—

On 19th April, 1886, Mr. Dods applied to me for a loan of \$200, and produced his Crown grant to the land in dispute. Not knowing anything about the Indian trouble at that time, I advanced him the money at 12 per cent. interest, and he gave me a mortgage over the land to secure the same. This money and interest is still unpaid. Some time afterwards Dods told me about the Indian trouble, and I commenced an action of ejectment in Dods' name to recover possession of the land. The action came on for trial before the Chief Justice on 21st December, 1886, and the Indians' counsel having withdrawn from the case, the Chief Justice refused to allow the action to proceed unless the Superintendent of Indian Affairs was made a defendant, on the ground that the Indians were the wards of the Crown, and as to their reserves, &c., were in the same position as infants. Since that time the action has remained in abeyance, but I have corresponded with and interviewed Mr. Lomas, Indian Agent at Cowichan, and Mr. Powell at Victoria, with a view to buying out the Indians' claim. On 3rd July, 1886, Mr. Dods became financially involved, and his equity of redemption in the said land was sold at sheriff's sale to T. J. Williams, and on 24th July, 1886, to protect my interest under the mortgage in the said land, I bought the said equity of redemption from Mr. Williams for \$160. I have paid the taxes on the said land up to the present date. I am willing to pay the Indians the sum of \$400 for their improvements. The moneys paid and advanced by me as aforesaid, with interest, costs of the said action, taxes and other incidental matters, come to about the sum of \$800. I am afraid that if I succeed in putting the Indians off the land by process of law, no settler's life would be safe who resided on the land.

H. FRY,  
*Chairman.*

THORNTON FELL.

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## REPORT OF SELECT COMMITTEE.

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### ARTESIAN WELL BORING EXPERIMENT.

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*Mr. Speaker :*

Your Select Committee appointed to enquire into all matters connected with the artesian well boring experiment beg to report as follows :—

1. Your Committee held six formal meetings, exclusive of the trip to Oyster Bay, and arrived at the following conclusions :—

2. An experimental artesian well was sunk on the south side of the South Thompson River, adjoining the farm of Mr. Martin, M. P. P., the work covering a period of about five months.

3. The well has been sunk about 116 feet, and the experiments so far have cost the sum of \$2,371.21.

4. Your Committee are of the opinion that the machinery used is not the best for the purpose of well boring.

5. Your Committee are further of the opinion that there is more modern machinery for artesian boring, by the use of which more expeditious, economical, and satisfactory results can be attained.

6. Your Committee are of the opinion that the failure to obtain water by sinking in one place is not a sufficient test of so important a matter.

All of which is respectfully submitted.

WM. H. LADNER,

*Chairman.*

*29th March, 1889.*

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