

INDIAN AFFAIRS BRANCH

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

SUBJECT ESTATE
 CHARLIE CUTSAWOUT
 (NAME) Cowichan
 (BAND) (BAND NUMBER) COWICHAN
 (AGENCY)

ESTATE
 10/10/61
 CLOSED

REFERRED TO		BY	REFERENCE	REMARKS	DATE	PA OR BF	DISPOSAL	BY	DATE	For Records Use
Est 6	15		Re BF	15-3	3-9-59				2-3-60	15-3-25
Est 6	25			BP	16-3-60					17-3-31
Est 6	15		Re BF	16-7	15-7-60				14-9-60	18-7-31
Est 1	14			13-7	15-9-60				11-9-61	15-9-31
EST 5	31			Ref	23-11-60	PA	Frs		23-11-60	24-11-31
Est 5	24									13-3-31
EST 1	31			BF 15-2-61	13-3-61		PA	US	13-3-61	14-3-31
EST 1	31			035133	3-8-61				14-8-61	3-8-31
EST 1	31			BF	14-8-61				11-9-61	11-9-31
EST 1	31			BF 10-9-61	11-9-61				11-9-61	12-9-31
EST 15	29			DT	6-10-61				15-6-10-61	7-12-31

**EXTRACT
ORIGINAL ON**
4-1527

Duncan, B.C., March 10th, 1935.

Re: A. H. Lomas Defalcation Account.

Sir:

I beg to make application for the monies available for distribution in connection with the various Estates under the above account.

The Indians have been pressing me for payment in regard to the various Estates, and I have gone into the matters of the various Estates as listed and held meetings of the Band, in connection with same, and now wish to make application for money due the following Estates,-

	X	X	X	<u>Available</u>
Estate Charley Cutsawout.....		\$196.00.....		\$195.11

X X X

H. Graham.
Indian Agent.

4-1527

DEPARTMENT OF INDIAN AFFAIRS
CANADA



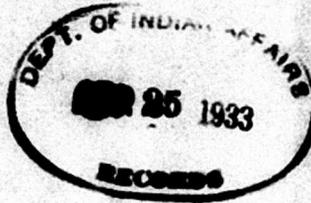
OFFICE OF
INDIAN AGENT

Duncan, B. C.

April 19th, 1933.

103-N-3

Sol Neill



Sir:-

Having further reference to my letter of March 10th, re. certain Estate monies that were being held by the Department, I have to-day had a deputation of the Koksilah Indians in, in connection with the Estate of the late Charlie Cut-saw-out.

This was reported upon by the Auditor Mr. O'Neill, on page 59. Apparently the late Chief Charlie Cut-saw-out died without making a Will, and the late Commissioner Mr. Ditchburn ruled on 20th, July, 1921, that Mrs Cut-sawout, or otherwise known as Mrs Quem should be considered the person entitled to any money that was left by the late Chief Charlie Cutsawout, as they had lived to-gether as man and wife for over 25 years, and it was only after she went blind, that she went away to live with her daughter.

The land owned by the late Chief apparently without any authority just reverted to Machel Sinsaynock, who was a nephew, and had been adopted by the late Chief Charlie, and had lived with him for a great many years. Now this man comes forward and wants to claim the money that was left as well as the land. There are also other distant relatives who think that they should be entitled to a share in the money.

Personally I think that even if this woman is not entitled to any of the land which Machel claims, now, she certainly should be entitled to the money, and I would like to have a ruling from the Department in the matter.

Your obedient servant,

H. Graham
H. Graham

The Secretary,
Department of Indian Affairs,

OTTAWA.

Indian Agent.

000246

Duplicate.

DEPARTMENT OF INDIAN AFFAIRS

Canada

File No...9158-86...

Ottawa, 26th April, 1933...19....

To AGENT H. Graham,

Address:- Duncan, B.C.

Please inform Albert Louis...of...Koksilah...

that his letter has been received here, regarding.....
~~xxx~~

the estate of the late Chief Charlie

and is transferred herewith to you for ~~xxxxxx~~
report.

A. F. MACKENZIE,
Secretary.

4-1521
9152-19

Ottawa, 2nd May, 1933.

Sir,

I beg to acknowledge the receipt of your letter of the 10th March, File No. 787-M-3, with respect to the estates of the late Charley Cutsawout, Dan Daniels, Leo Geo, Mary George and Willie Joe, and note your request that the funds in the Department be forwarded for distribution among those entitled.

In reply I beg to say that while these estates are referred to in Auditor O'Neill's report the only one dealt with by separate departmental file is that of the late Leo George whose will was forwarded to the Department and was approved on the 19th March, 1928. This will provides for the disposal of \$500 in the Bank to be used for funeral expenses. It also provides for the division of the money invested in the B.C. Permanent Loan Co. among three children, Solomon, Alex and Emily. Could you give us any information as to whether any of these provisions have been carried out, also whether the three children are still living and as to what age they now are and what their circumstances are. Kindly state also what disposition you had proposed to make of the money in the Department to the credit of the estate and the names of the persons among whom you propose to have the money distributed.

Your obedient servant,

H. Graham
H. Graham, Esq.,
Indian Agent,
Duncan, B.C.

Secretary.

4-152E

*Accountants as to
cheque (see 3rd page)*

Ottawa, 2nd May, 1933.

Sir,

I beg to acknowledge the receipt of your letter of your letter of the 19th ultimo, File No. 103-N-3, with reference to the estate of the late Chief Charlie Cutsawout.

In reply I beg to say that in view of the facts as set forth in your letter it seems to us that the money in the Department should properly be paid to the recognized wife of the deceased. The nephew has no claim and may consider himself fortunate if he is allowed to keep the property he is now in possession of. You will advise him accordingly.

It is thought a payment of \$50.00 from these funds in favour of Mrs. Cutsawout would be satisfactory for the present and a cheque will be forwarded to you in due course. You might make application for further payments on account as circumstances warrant.

Your obedient servant,

Ch 201
ENTERED SAVINGS LEDGER.

W.M.
No. 4542

3-5-33

Secretary.

1386

H. Graham, Esq.,
Indian Agent,
Duncan, B.C.

A. Serice
May 3/33

*Check \$50.00 favours of Mrs Charlie
Cut-saw-out in care of Agent Graham
from estate of his late husband. D. Wagon*

DEPARTMENT OF INDIAN AFFAIRS
CANADA

9152-26
OFFICE OF
INDIAN AGENT

Duncan, B. C.

May 12th, 1933.

284-N-3

Your No. 9152-26.

Sir:-

In reference to Departmental letter of the 26th, April enclosing letter written to the Department, by Indian, Albert Louie, I beg to say that this was in reference to the Estate of the late Charlie Cutsawout, on which the Department wrote me under date of May 2nd, and in which the Department confirmed the ruling that the funds from this Estate should be paid to be recognised wife.

Your obedient servant,

H. Graham

(H. Graham)
Indian Agent.

*No enclosure
G.M.G.*

The Secretary,
Department of Indian Affairs,
OTTAWA.

9152-28

224 N.

Ottawa, 23rd May, 1933.

Sir,

I beg to acknowledge the receipt of your letter of the 12th instant, File No. 234-N-3, with reference to Departmental letter of the 26th ultimo.

In reply I beg to ask that you return the letter of Albert Louie forwarded to you. Kindly advise Albert Louie of the Department's decision in this matter.

Your obedient servant,

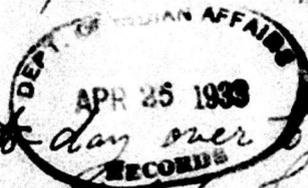
Secretary.

A.S.W.
R.M.D.
E. Graham, Esq.,
Indian Agent,
Duncan, B.C

Hokkalah ⁷³⁶ April 19th 1933

Department of Indian Affairs

Div
R



We had a meeting ^{to day over} of Chief Charlie of Hokkalah who died intestate he was not married about his money and railroad money that went through Hokkalah reserve, why they claim that Mitchel Hokkalah is the nearest relation to Chief Charlie, I would say its not right ^{we} are in the same generation as Mitchel, Charlie Louis and Mitchel, a mother were first cousins, Mitchel ^{and} paid some money to some of Indians to say that he was the nearest relation to Chief Charlie that was the first meeting when Chief Charlie died one Agent ^{know} to not anything about paying one another, but when he puts down anything in his books he goes by it of course I dont blame it to our Agent.

I would claim that I and my brother are not bread right, Mitchel has sold two places on Hokkalah Reserve already he went and drank it up would the Ind in Department look over this matter and see whether I and my brother Philip Louis could share in Chief Charlie's money and the railroad money suppose to be given out yet, Hoping that the Indian Department will make out my letter, Please let me know we are suppose stand on this matter.

Yours truly
Albert Louis

address
Albert Louis
Hokkalah P.O.P.S.

DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

9152-28
Duncan, B. C.
C. A. U.
May 29th, 1935



431-N-3

Handwritten signature/initials

Your No. 9152-28

Sir:-

In reference to your letter of the 23rd, instant, I now return herewith letter written to the Department, by Indian. Albert Louie- in connection with the Estate of the late Charlie Cutsawout.

Your obedient servant,

H. Graham

(H. Graham)
Indian Agent.

The Secretary,
Department of Indian Affairs,
OTTAWA.

AFFIDAVIT OF TIME OF DEATH, AND PLACE OF ABODE OF TESTATOR

In the estate of Mrs Cutsawout (Indian) deceased.

I, Harry James, Indian of

the Nanaimo Band of , in the

County of Nanaimo , make oath and say, that

I knew Mrs Cutsawout (Indian) , late of the

Cowichan Band of Indians , in the County of Nanaimo ,

deceased. That said deceased died on or about the 13th,

day of October A.D. 1933 , at Nanaimo, B. C.

and that the said deceased, at the time of death, had her fixed place

of abode at Nanaimo in the said

County of Nanaimo

SWORN before me at the City

of Nanaimo , in the

County of Nanaimo

the 3rd day of Nov.

A.D. 1933 .

H. Raham

Notary Public, Indian Agent or Commissioner

his Harry James mark

AFFIDAVIT AS TO EXECUTION OF WILL

In the estate of Mrs Cutsawout (Indian) , deceased.

I, Thomas O'Connell of the City of Nanaimo of Nanaimo , in the County of Nanaimo , make oath and say:

1. That I knew Mrs Cutsawout (Indian) , late of the Band , of Cowichan Indians in the County of Nanaimo , deceased.

2. That on or about the 2nd, day of June in the year of our Lord one thousand nine hundred and thirty three I was personally present and did see the paper writing hereto annexed marked A., signed by the said Mrs Cutsawout (Indian) , as the same now appears as and for her last will and testament, and that the same was so signed by the said Mrs Cutsawout (Indian) , in the presence of me and of Paul White , of the Nanaimo Band , of Indians. in the County of Nanaimo , who were both present at the same time; whereupon the said Paul White, and I did at the request of the said Mrs Cutsawout, Indian and in her presence attest and subscribe the said will.

SWORN before me at the

City of Nanaimo in the County of Nanaimo the 3rd day of Nov.

1933.

Thomas O'Connell

H. Rahau
Notary Public, Indian Agent or Commissioner.



This is the last Will and Testament of Me,
Mrs Gutsawout, or sometimes known as Mrs Quemm,

I hereby revoke any Will or Testament previously
made.

I give devise and bequeath my land and improvements on
Lot- No.72 Cowichan Indian Reserve No.1, to Ernest
George, Indian of Khenipsen Band.

To my daughter Mrs Harry James, Indian of Manaimo
Band, I give, devise and bequeath, all my cash assets
whatever they may be.

Mrs Gutsawout
(Quemm) her X mark

Witness:

Paul White
Johnny White

June 24/1933.

Thomas Connell
Don Fontable

9152-28



DEPARTMENT OF INDIAN AFFAIRS
CANADA

OFFICE OF
INDIAN AGENT

Duncan, B. C.

November 17th, 1933.

450-0-3

Sir:-

I beg to enclose herewith the last Will and Testament of Mrs Charley Cutsawout, or sometimes known as Mrs Queem, for the Department's approval. Mrs Cutsawout, Indian of Cowichan tribe died on the 13th, October, and enclosed herewith you will find Affidavit of Time of Death, and Place of Abode of Testator, and Affidavit as to the Execution of Will.

I trust these papers will be found in order.

Your obedient servant,

(H. Graham)
Indian Agent.

The Secretary,
Department of Indian Affairs,
OTTAWA.

copy

This is the last will and testament of me,
Mrs. Cutsawout, or sometimes known as Mrs. Queen,
I hereby revoke any will or testament previously made,

I give devise and bequeath my land and improvements
on Lot No.72 Cowichan Indian Reserve No.1, to Ernest George,
Indian of Khenipsen Band.

To my daughter Mrs. Harry James, Indian of Nanaimo
Band, I give, devise and bequeath, all my cash assets whatever
they may be.

Mrs. Cutsawout

(Queen) Her X Mark

Witness:

Paul White
Johnny White
June 24/1933

Thomas OConnell
Dem. Constable

Ottawa, 30th November, 1933.

Dear Sir,

I beg to acknowledge the receipt of your letter of the 17th instant, enclosing the will of the late Mrs. Charley Cutsawent with the necessary affidavits for approval.

In reply I beg to say that this will has been approved on behalf of the Superintendent General of Indian Affairs, a copy of which will and approval is enclosed.

Yours truly,

A. J. MacKenzie
Secretary.

H. Graham
H. Graham, Esq.,
Indian Agent,
Duncan, B.C.

In the matter of the estate of the late Mrs. Charley Cutsawout of the Cowichan Indian Reserve, in the District of Nanaimo and Province of British Columbia, deceased.

O R D E R

This is to certify that the will of the late Mrs. Charley Cutsawout, dated the second day of June, one thousand nine hundred and thirty-three, is approved on behalf of the Superintendent General of Indian Affairs under the provisions of Section 25, Chapter 98, Revised Statutes, so far as it relates to the interest which the testatrix had at the time of her death in the property referred to in the said will.

Harold W. ...

Deputy Superintendent General
of Indian Affairs.

Dated at Ottawa, this
30th day of November, 1933.

4-152X



DEPARTMENT OF INDIAN AFFAIRS
CANADA

Mont



Duncan, B. C.

August 2nd, 1934.

298-Q-3

Your No.4-152X.

B

Sirs:-

In reference to Department letter dated December 29th, 1933, giving money available to private individuals in connection with A. H. Lomas, Defalcation Account, I would like to make application for a cheque made in favor of Mrs Harry James, covering money standing to the credit of C. Cutsawout Estate.

*4678
336/43*

Under Will dated June 2nd, 1933 the late Mrs Cutsawout gave all her cash assets to her daughter Mrs Harry James, and this Will was approved by Department letter dated November 30th, 1933, No.9152028, and this family ~~is~~ is now very hard up, and I would like to recommend that a cheque be forwarded in her name, covering amount standing to credit under this account.

Your obedient servant,

H. Graham

(H. Graham)
Indian Agent.

The Secretary,
Department of Indian Affairs,
OTTAWA.

Cowichan No. 1. Indian Reserve,

May 29th. 1944., 19

We, the undersigned, Chief and Councillors of the Cowichan Band of Indians owning the Reserve situated at Cowichan I.R. No. 1., in the Cowichan Indian Agency, in the Province of B.C. at a council summoned for the purpose, according to the rules of the Band, and held on the said Reserve, this 29th. day of May, A.D. 1944., in the presence of the Indian Agent for the said Reserve, representing thereat the Minister of Mines and Resources for the Dominion of Canada;

Do hereby for ourselves, and on behalf of the Indian owners of the said Reserve, request that

the Indian Affairs Branch confirm Chief George Queechoult of the Clemlemlutz Band as the owner of the following described lands on the above reserve; and which he purchased from the late Charlie Cutsawout and Misheal Sinsayneck of the Cowichan Band in 1919 and 1920, who were the recognised owners of same. Commencing at a point in Koksilah Indian Village on the line between Lots 109 and 111 thence due west 28 chains to road, thence south 14 chains, thence East 7 chains, thence North 10 chains, thence East to Koksilah river, thence north by east along north bank of river 15 chains to Lot 111 thence North 4 chains to point of commencement.

Signed and sealed in the

presence of

[Signature]
Indian Agent

Chief Fred Thorson
Sandy Dal H.M.
Henry Williams H.M.
Edward Williams H.M.
Edwin Wilson H.M.
L. S. Blarston
Allen Martin
Ed. [unclear]
to Thorne

Chief J. [unclear]

9152-28

INDIAN AGENTS' OFFICE



Duncan, B. C.

June 14th. 1944.

Indian Affairs Branch, Mines & Resources. Ottawa.

IN YOUR REPLY REFER TO
No.
ALSO
TO DATE OF THIS LETTER

Mr. Beaton

Re: Your Files: 4-152 X May 2nd. 1933.
and 9152-28, May 23rd. 1933.

Sir,—

I am writing you regarding the above noted letters which refer to the Estate of the Late Charlie Cutsawout of the Cowichan Band, and as the matter is quite involved I hope that I may be able to make myself understood.

First of all you will please note that this Estate was never Probated, not application to do so made, and for your convenience and possible help at arriving at a decision I beg to attach herewith my complete file on the whole matter.

I also attach herewith a completed Resolution which I trust you will find self explanatory and which refers to certain lands, mostly unimproved and timber thereon, which Chief George Queoquilt purchased over 20 years ago, with the apparent consent and approval of the then Indian Agent, from Chief Charlie and Mechel Sinsaynock and described in the Resolution.

I have been trying to get this matter straightened out ever since I came to this Agency and I feel that I am just as far away from it as ever I was right now, although I have determined that Chief George actually bought the land, the money being paid through this Office, but it was neither sent to or approved by the Department, although the Old Chief thought-and still thinks-that he did all that could be expected of him when the transaction was made through the Indian Office. Chief George is anxious to find out just where he stands and believes that he is actually the owner of the land having paid for it. If the Department considers that he is and so informs me, then I propose to apply for a location ticket in the name of Chief George. If not, then I would like to be advised just who does own the land and how it is proposed to repay the Chief the \$300.00 which he claims he has paid for it. You will by reference to the attached file find a statement dated April 16th. 1921, and also some receipts, evidence of the fact that this money was actually paid by Chief George for land, not only to Cutsawout but also to another Deceased Indian by the name of Meshal Sinsaynock, but no description was given of the land and so after months of endeavour I have finally got the measurements which may or may not be correct but which have been recognised by the Council as the acreage under review.

Kindly take this matter into consideration at your convenience and advise just what I should do so that the Estate may be closed out, for as far as I can find out there was nothing left by way of property at the time old Cutsawout died, and whatever did remain was taken over by his wife and whose Will was approved under date of Nov. 30th. 1933. File No. 9152-28.

R.H. Moore

(R.H. Moore)
Indian Agent.

Please Return Complete File with your reply.

-COPY-

July 31, 1944.

3-20-1.

R. H. Moore, Esq., Indian Agent, Duncan, B.C.

Acknowledging receipt of your letter of the 24th instant with reference to the protest of an Indian woman Mary Whalemstant against the sale of land to Chief George, I would advise that as I do not have the evidence before me I am unable to express an opinion about the matter, but have recommended to the Department that the settlement of the Estate be held in abeyance until the ownership of the land is satisfactorily determined.

Where a dispute of this nature arises, and it is found impossible or difficult to convince the claimant, the proper course is to hold a public hearing at which both sides can present their witnesses, the evidence being taken down in writing, and submitted to this office or the Department.

:M

D. M. MacKay,
Indian Commissioner for B.C.

-COPY-

3-20-1.
May 29th, 1944.

Duncan, B.C.
July 24th. 1944.

Major D. M. MacKay, Indian Commissioner for B.C. Vancouver.

In reference to your letter above noted I wish to advise that this refers to an Estate and was referred to the Department in the usual way, a copy of the letter being made for you but omitted being sent for some unaccountable reason.

However, as the whole thing was rather involved I had to forward the complete file with receipts and other documents proving the sale and purchase by Chief George, direct to the Department along with a Band Council resolution, copy of which was also made for you, so that I could be informed just what action should be taken in the matter and what the proper procedure would be in getting it straightened out.

As soon as I get a reply from the Department I will send you it as well as the file which I sent to the Department so that you will be informed of exactly how the matter stands, and what procedure the Department instructs me to follow. It is regretted that the letter and file were not sent through your office to the Department as apparently that is what you wanted but all previous correspondence had been with the Department and the idea was to kill two birds with one stone in having the letter written in duplicate so that one report would be sufficient. Copies of the letter to Ottawa and Council Resolution is attached herewith.

(Sgd.) R.H. Moore,
Indian Agent.

-COPY-

3-20-1.
May 29/44.

Duncan, B.C.
June 3rd, 1944.

Major D. M. MacKay, Indian Commissioner for B.C. Vancouver BC

Re: Estate of Mrs. Christine Johnson.

The above woman died about 2 years ago and left a Will in favor of certain Indians, but so far I have not had an opportunity to submit it to Ottawa, owing to the fact that I have not been able to get any proof that she was the legal owner of the land, or at least some of it, which she mentioned in the Will. However, this will come before the Band Council in the usual course of events and in the proper manner and if they certify that the land she mentions in the will actually belonged to her the document will go forward to the Department in the usual way along with the application for Probate.

Sgd.) B. H. Moore,
Indian Agent.

- 2nd. Years later Teneet died and she the wife remained single a widow for many years, a man by the name of Johnson seeing the woman wealthy he proposed to Christine widow of the late Teneet and succeeded in getting her and he married her. They both worked hard together and raised the stocks as before when her first husband was living.
- 3rd. Years later Johnson died. Christine becoming widow the second time. She took sick, when she knew she was going to die she made wills as follows. Her land to Francis Bob and to Alice Bob. Christine who was Mrs. Teneet on her first marriage and became Mrs. Johnson on her second marriage, is an Aunt of Mrs. Alice Bob.

On the other will of land she made that to David Charlie all of the Cowichan Band. This land that was willed to David Charlie is near a cemetery.

It would be better if a real board of committee is appointed to settle this matter, as it is the wishes of the parties that the land was willed to. I think myself that it is a good idea, as they claim they have been trying to get settled but could not come to no head ways.

-- Simon Pierre .

To Mr. Coleman:

I may be called over to Duncan early in June for the wedding of my cousin Patrick Charlie's daughter. I will sure call at the office on my way over. Then we may have few minutes to discuss matters.

Simon Pierre.

-COPY-Hammond B.C.
May 26th 1944

I have again been waited upon on my visit to the Catholic Procession at Cowichan by the Edwards and other members of the Band as in regards to the land question at Kuper Island between Mr. Ginn and the Indians.

The Indians would very much appreciate if you were to visit the place in person for they really rely upon the Indian Department for their protection.

I promised them that I was going to call at the Office on my way home but as Wednesday was an Empire holiday so I had to come home.

As there is a lot of disputes over there I would be very much obliged if you would grant them their prayers.

Enclosed you will find some other land troubles

I have the honor to be
Your most obedient servant,
Simon Pierre.

To-Mr. James Coleman
Inspector of Indian Agency,
Vancouver, B.C.

Koksilah Indian Reserve
May 22nd 1944

I the undersigned hereby say as follows I want to say that I do not want any one to take any of my land. The land that Walter George is selling belong to Ettoose not belong Chief Charley, Ta-Ka-Tsa-ot. My late husband Michel Sen-sea-nek was a nephew Ettoose, on his mother side. Ettoose was a brother to her, Charly Ta-Ka-Tsa-ot was a half brother. To this respect I do not consider Walter George has no rights what ever in trying to sell any of the lands at Koksilah for he has no rights whatever or no interest in the Koksilah Reserve. I was legally married to my late husband Michel Sen-sea-nek by Catholic at the stone church.

her
Mary X Wha-lem-ta-nant.
mark.

Witness: Pat Charlie

I the undersigned been the daughter hereby say that what stated above is correct.

her
Kate X Michel
mark.

Taken before me this 22nd day of May 1944.
Simon Pierre.

This question has been brought to my attention Sir which the party or parties wishes to be settled and approved as follows:

1st. A man by the name of Teneet from the Cowichan tribe married a woman by the name of Christine to be his lawful wife. They were both very hard workers and earned money, and had bought some fine cows and horses.

-over-

-COPY-

3-20-1.

May 29, 1944.

R. H. Moore, Esq., Indian Agent, Duncan, B.C.

I enclose herewith a statement received from Simon Pierre of Hammond, B.C., in respect to the estate of Christine Johnson and it would be appreciated if you would please furnish me with a brief report on this matter.

:KT
Enc.

For D. M. MacKay,
Indian Commissioner for B.C.

9152-28

INDIAN COMMISSIONER
BRITISH COLUMBIA



CANADA

INDIAN AFFAIRS
BRANCH

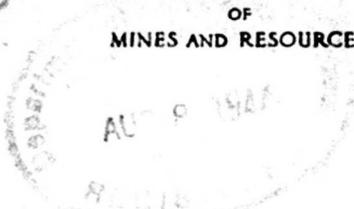
DEPARTMENT
OF
MINES AND RESOURCES

IN YOUR REPLY REFER TO

NO 3-20-1.

ALSO TO DATE OF THIS LETTER

Handwritten signature/initials



P.O. BOX 70
VANCOUVER, B.C. July 31, 1944.

Indian Affairs Branch, Dept., of Mines & Resources,
Ottawa, Ontario.

I enclose herewith a file of correspondence based on the protest of an Indian, Mrs. Kate Michel, against the disposal of an Estate on Cowichan Indian Reserve from which it will be noted that this was forwarded to Mr. Indian Agent Moore on May 29th, 1944 with a request for a brief report to which he replied on the 3rd ultimo that he had not had an opportunity of submitting the matter to you owing to his having been unable to get any proof of ownership of the land. This matter was discussed with him by the Inspector of Indian Agencies on the 21st instant when he stated that he had sent a report and his file to the Department direct, as set out in his letter of the 24th. The Inspector endeavoured to convince the Indian Agent, that once the subject became the matter of discussion or inquiry by this office that all the correspondence to the Department should be routed through me and not direct to the Department, but the Inspector feels that the Agent was not fully impressed with the necessity for this action, as he claimed that he had been instructed to deal with Estates direct and not with the Commissioner's office.

As the file is not available in this office I am unable to comment on the complaint of the Indian woman, but would recommend that the matter be held in abeyance pending disposal of the question of ownership.

I am writing the representative of the Indian woman and will advise you further if she is satisfied with the Agent's statement in the case.

Handwritten signature
D. M. MacKay,
Indian Commissioner for B.C.

:M
Encl.

OFFICE
INDIA
THE
NT



CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

9152-28
Duncan, B. C.

July 19th.



Indian Affairs Branch, Mines & Resources. Ottawa

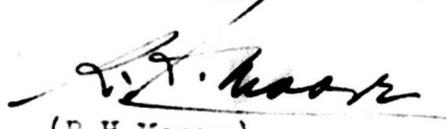
Re: Your File: 4-152 X May 2nd. 1937.
and " " 9152-28. May 23rd. 1933.

Please refer to my letter of June 14th. 1944. with enclosures relative to the above noted files:

You will please remember that I enclosed some receipts at that time for money paid by Chief George to Chief Charlie Cutsawout and Mechel Sinsaynock over 20 years ago for certain lands on the Cowichan I.R. through this office.

The widow, Mrs Mechel, has objected to Mr Coleman that no such payments were ever made and I explained to him that I had sent the receipts to the Department along with the complete file, as a matter of fact a copy of my letter of June 14th. '44 was sent to the Commissioner's Office at the time.

Mr Coleman has had to enquire into the question again and of course was unable to give a ruling until he could study the complete file, and has suggested to me that it might be well if I were to write the Dept. and ask that it be sent back to me as soon as conveniently possible. Anything you can do to expedite this will be appreciated.


(R.H. Moore)
Indian Agent.

c.c. to Major MacKay:

9152-28

OFFICE OF THE
INDIAN AGENT

Mr. [Signature]



CANADA
DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

Duncan, B.C.

November 14th. 1945

Indian Affairs Branch, Mines & Resources. Ottawa.

Re: Your Files: 4-152 & 9152-28 May 2 & 23/33.

Please refer to our letters of June 14th. and July 19th. 1944 & 1945 respectively. As this matter has been held up for quite an extended period and there are other land questions connected with this, it would be appreciated if I might have the file complete, which was sent you for perusal in July 19th. 1944, returned with the information and instructions requested.



J.D. Caldwell
J.D. Caldwell.
Indian Agent.

File - 9152-28

OTTAWA, November 27th, 1945.

J.D. Caldwell, Esq., Acting Indian Agent, Duncan, B.C.

Re: Estate of Chief Charlie Cutsawout

I have for acknowledgment your letter of November 14th with reference to the above estate and also previous correspondence received from Agent Moore and Commissioner MacKay and while we have been somewhat tardy in dealing with this case I would point out that Commissioner MacKay in his letter of July 31st, 1944 recommended that the matter be held in abeyance until he had had an opportunity to discuss the case with Mrs. Kate Michel who was protesting the disposition made of the estate property.

This entire case is ancient history and for that reason and the rather confusing correspondence and notes dated about 1920, it is rather difficult to come to any clear understanding of the matter, but unless we have completely overlooked some pertinent fact or have not all the evidence before us, it appears that Chief George Queeshquolt should be confirmed in his ownership of the parcel of land he purchased from the deceased about 1920.

In the first place the present Council of the Cowichan Band by resolution of May 29th, 1944 recognized Chief George as having purchased the property and the only thing standing in the way of Departmental approval of such resolution is to dispose of the claim of Mrs. Mary Wha-lem-ta-nant.

The said woman claims the land as the heir of Michel Sinsaynock, whom she states inherited the property from the original owner Ettoose by reason of the fact that he was a nephew of the said Ettoose and his sole heir, but Section 29 of the Indian Act definitely states that no interest in land shall pass on an intestacy to any relative further removed than brother or sister, and there is mention that Ettoose made a will. Further more Charlie Cutsawout is definitely stated by

Over.

000273

that the heirs to the Estate would be permitted to dispose of the timber without the consent of the various Bands.

It appears to me that the matter requires further review and possibly extinguishment of the Estate's interest from the funds of the Band. Please advise in your report what improvements were made on these lands if any.

for D.M. Mackay,
Indian Commissioner for B.C.

COPY

To the Department.

3-20-1

March 27, 1946.

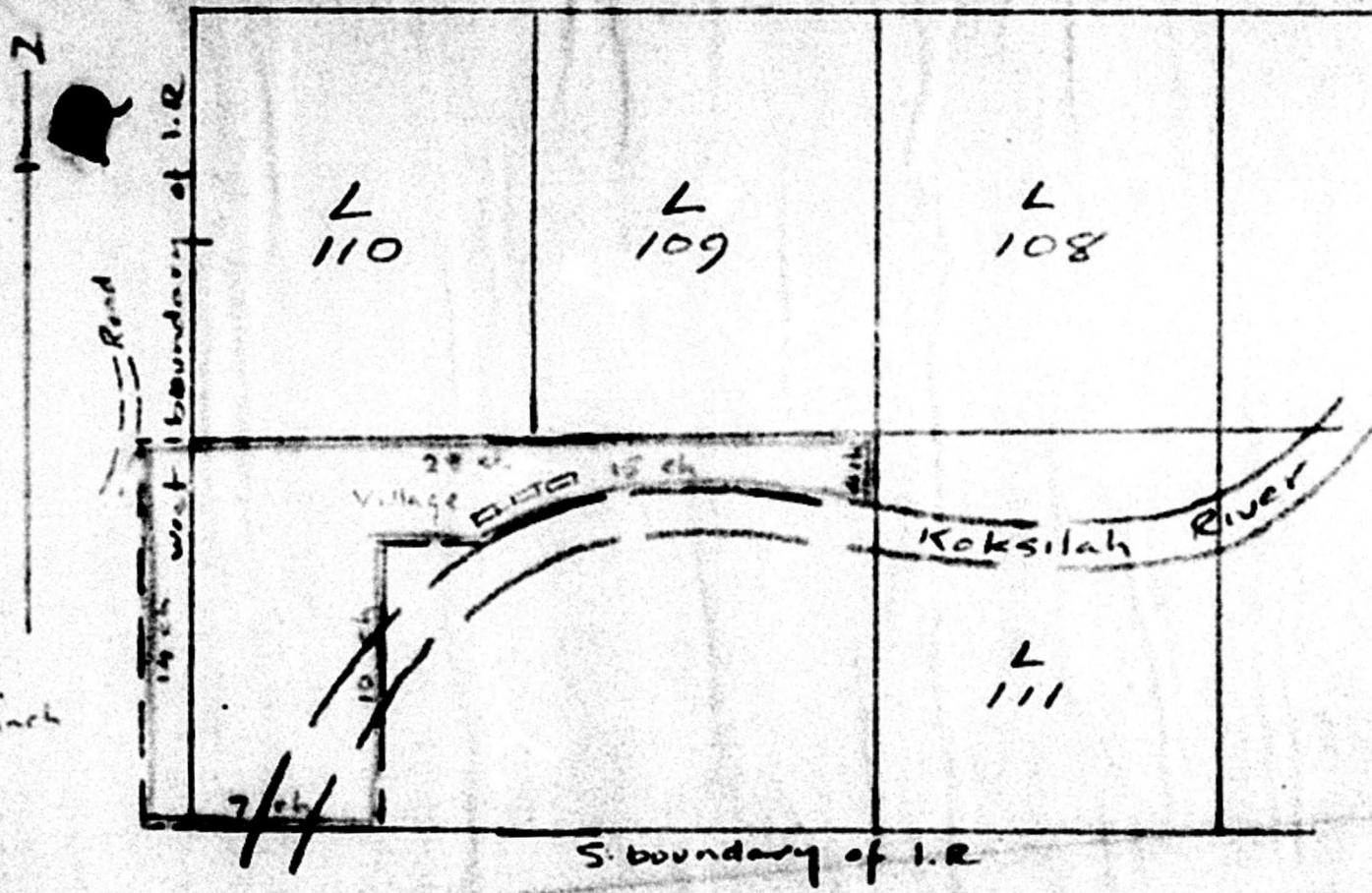
R. H. Moore, Esq, Indian Agent, Duncan, B. C.

Re: Charlie Cutsawout Estate

I am returning your file on this subject and note that the Department ruled in their letter of November 27th, 1945 that Charley Cutsawout was recognized as having purchased the property under discussion and confirmed the heirship of Etloose, a half brother of Cutsawout, basing their decision re ownership to a great extent on the recognition of the purchase by the Council of 1921 and that of May 29, 1944.

It appears to me that in view of the Department's ruling of July 5th, 1945 re the request for authority to expend \$1000.00 of the Band's funds investigating fishing rights which was to the effect that resolutions of the Councillors can only be considered when a duly constituted Council has been elected under Part two of the Indian Act, or assent given by a majority of the Cowichan Bands, the resolutions in this case would have no value. This ruling was conveyed to you in my letter of July 9th, 1945 re the fishing rights investigation.

You will note from the enclosed sketch that the resolution included lands outside of the Reserve. I am also of the opinion that this unnumbered lot was originally intended for village purposes as it is outlined in red on the official plan, similarly to the other village sites on the Reserve. It is unlikely



Scale
10 ch = 1 inch

Adapted from
official survey plan

Part

I would also point out, as was shown Agent Moore with my letter and sketch on July 16th, 1945, that the description of the area in the resolution in question does not fit the survey of the Reserve and extends well outside of the Reserve to include land we do not own, and apparently takes in the old Koksilah village site. A sketch from the official plan is enclosed.

Agent Robertson describes the land in his minutes of the meeting held at Duncan on April 16, 1921 as "timber land", and while the writer did not cruise the area when in the locality in June 1945, he did follow the north boundary and can vouch for the northerly and westerly portions being dense bush and timber, with no evidence of improvements. The question will eventually arise in due course as to the Indian occupants interest in this timber as against that of the Band.

It would appear advisable to defer the issuance of any location ticket for this land until approval can be secured of the Bands interested or a Council is elected in accordance with P.C. 2340, January 30th, 1886.

Handwritten:
Council Meeting
211 32-152
:mh
Enc.
9/9/46

Signature:
James Coleman
For D.M. Mackay,
Indian Commissioner for B.C.

9152-28

INDIAN COMMISSIONER
BRITISH COLUMBIA

INDIAN AFFAIRS
BRANCH



CANADA

DEPARTMENT



IN YOUR REPLY REFER TO
NO 3-20-1
ALSO TO DATE OF THIS LETTER

Mr. B. B. Brown

P.O. BOX 70
VANCOUVER, B.C. March 28, 1946.

Indian Affairs Branch, Dept. of Mines & Resources,
Ottawa.

Your file 9152-28

As the disposition of the Charley Cutsawout and Michel Sen-se-nook Estates has continued to be a matter of complaint by Mrs. Mary Wha-lem-ta-naut I again took the matter up with Agent Moore, who forwarded me a copy of your decision of November 27th, 1945, in which you accept the resolution of the present Council of the Cowichan Band dated May 29, 1944 recognizing Chief George as having purchased the property, also that the Council of 1921 recognized him as owner, confirming the heirship of Ettoose, a half brother of Cutsawout.

From the evidence obtainable it is difficult to see what other decision could be arrived at in respect to the heirship, but it would appear that we are not on such solid ground in basing any decision on a resolution of two Councils (1921 and 1924) that never had legal status, in which connection I would refer you to your letter of July 5, 1945- file 40-152 advising that inasmuch as certain of the Bands having a common interest in the Cowichan Reserves were organized by Order in Council under part 2 of the Indian Act, the existing individual Councils were not legally constituted and their resolutions could not be acted upon. It is observed that the resolution of May 29, 1944 states that it is that of the Chief and Councillor of the Cowichan Band, when actually it is signed by three Chiefs and others, presumably members of the various questionable councils on the Reserve. Apparently the resolution would require confirmation of a majority of the various Bands in common ownership.

OTTAWA, September 11th, 1946.

D. M. Mackay, Esq., Indian Commissioner for B.C.
P.O. Box 70, VANCOUVER, British Columbia.

In reply to your letter of March 28th, 1946, we agree with your suggestion re confirmation by Council and while we would probably be prepared to confirm the title as the "of what has been done", we would prefer to have it now confirmed by the newly elected Council. We would therefore suggest that the resolution of May 29th, 1944, be resubmitted to the Council for approval.

We are enclosing a duplicate copy of this letter which you may wish to forward to R. H. Moore in the event that you agree with our suggested procedure.



Supt. D.J. Allen,
Superintendent,
Reserves and Trusts.

OTTAWA, September 11th, 1946.

D. M. Mackay, Esq., Indian Commissioner for B.C.
P.O. Box 70, VANCOUVER, British Columbia.

In reply to your letter of March 28th, 1946, we agree with your suggestion re confirmation by Council and while we would probably be prepared to confirm the title of the ^{CU} if what has been done, we would prefer to have it now confirmed by the newly elected Council. We would therefore suggest that the resolution of May 29th, 1944, be resubmitted to the Council for approval.

We are enclosing a duplicate copy of this letter which you may wish to forward to R. H. Moore in the event that you agree with our suggested procedure.

D.A.

Gen D.J. Allen,
Superintendent,
Reserves and Trusts.

OFFICE OF THE
INDIAN AGENT



CANADA

DEPARTMENT
OF
MINES AND RESOURCES
INDIAN AFFAIRS BRANCH

PLEASE QUOTE
FILE

Your File 3-20-1
d/September 18th/1946.

Duncan, B.C.
September 27th, 1946.

Major D. W. MacKay
Indian Commissioner for B.C.
Post Office Box 70
Vancouver, B.C.

In reply to your letter of the 18th instant file number above noted I beg to attach herewith in duplicate another Resolution dated September 24th instand and signed by the members of the Cowichan Band Council confirming the previous Resolution dated May 29th, 1944 confirming the title of the late Chief George to certain lands on the Cowichan I.R. #1 which he purchased from Charlie Cutsawout and which I trust may be found in order.

/sr
Encl.

R. H. Moore
Indian Agent.

9152-28

INDIAN AFFAIRS
BRANCH



DEPARTMENT
OF
MINES AND RESOURCES

IN THIS COPY REFER TO
NO. 3-20-1
AND TO ONE OF THE OTHER

R

P.O. BOX 20
WAGGONER, B.C. Sept. 30, 1946.

Indian Affairs Branch, Dept. of Mines and Resources, Ottawa.

Re: Your File 9152-28 (R.4)

I would refer to your letter of the 11th ultimo, regarding the disposition of the Charlie Outsewout and Michel Sen-se-nook estates and would enclose herewith confirmation of the ownership by the heirs of the late Chief George to these lands on Cowichan I.R. No. 1.

Examination of the description of the property, contained in the Council's resolution, will show that it includes lands outside of the Reserve and as pointed out in my letter of March 28th, 1946, an area that appears on the survey to have been set aside for a village site and occupied as such at that time.

:BW
Encl.

James E. Mackay
D. M. Mackay,
Indian Commissioner for B.C.



OTTAWA, October 17th, 1946.

MEMORANDUM TO Surveyor General

EX'D.
A.

Re: Estate of Charlie Cutsawout

On September 24th, 1946, the Chief and Councillors of Cowichan Band of Indians at Cowichan Indian Reserve No.1, confirmed the title of Chief George Queechquilt of the Clemclemaluts Band of Indians as the owner of the following lands:

Commencing at a point in Koksilah Indian Village on the line between Lots 109 and 111 thence due west 28 chains to road, thence south 14 chains, thence east 7 chains, thence north 10 chains, thence east to Koksilah River, thence north by east along north bank of River 15 chains to Lot 111 thence north 4 chains to point of commencement.

According to the Indian Commissioner for British Columbia, there is some doubt as to whether the above description of the property includes lands outside the reserve. From the plans in this Department it is impossible to ascertain whether this is the case.

Will you kindly advise us whether the above description of property is on the Reserve and if not what portion is located off the reserve?

for D.J. Allan,
Superintendent,
Reserves and Trusts.

ADDRESS REPLY TO:
HYDROGRAPHIC AND MAP SERVICE



CANADA

DEPARTMENT
OF
MINES AND RESOURCES
SURVEYS AND ENGINEERING BRANCH
Labelle Bldg.

9152-28
QUOTE FILE 21560.

OTTAWA November 2, 1946

R. [Signature]
Memorandum:

D.J. Allan, Esq.,
Indian Affairs Branch.

With reference to your memorandum of October 17, file 9152-28 (R.4), relevant to the land in Cowichan I.R. No.1 to which the Cowichan band of Indians has confirmed title in the name of their Chief, George Qneechquolt; the point of commencement given in the description quoted in your memorandum is very indefinite; however, if it is interpreted to mean the southeast corner of Location Lot 109 and if the parcel is plotted on our plans T.43 and T.796 from this point, it is found to lie wholly within the exterior boundaries of the reserve as said reserve is shown on plan T-43.

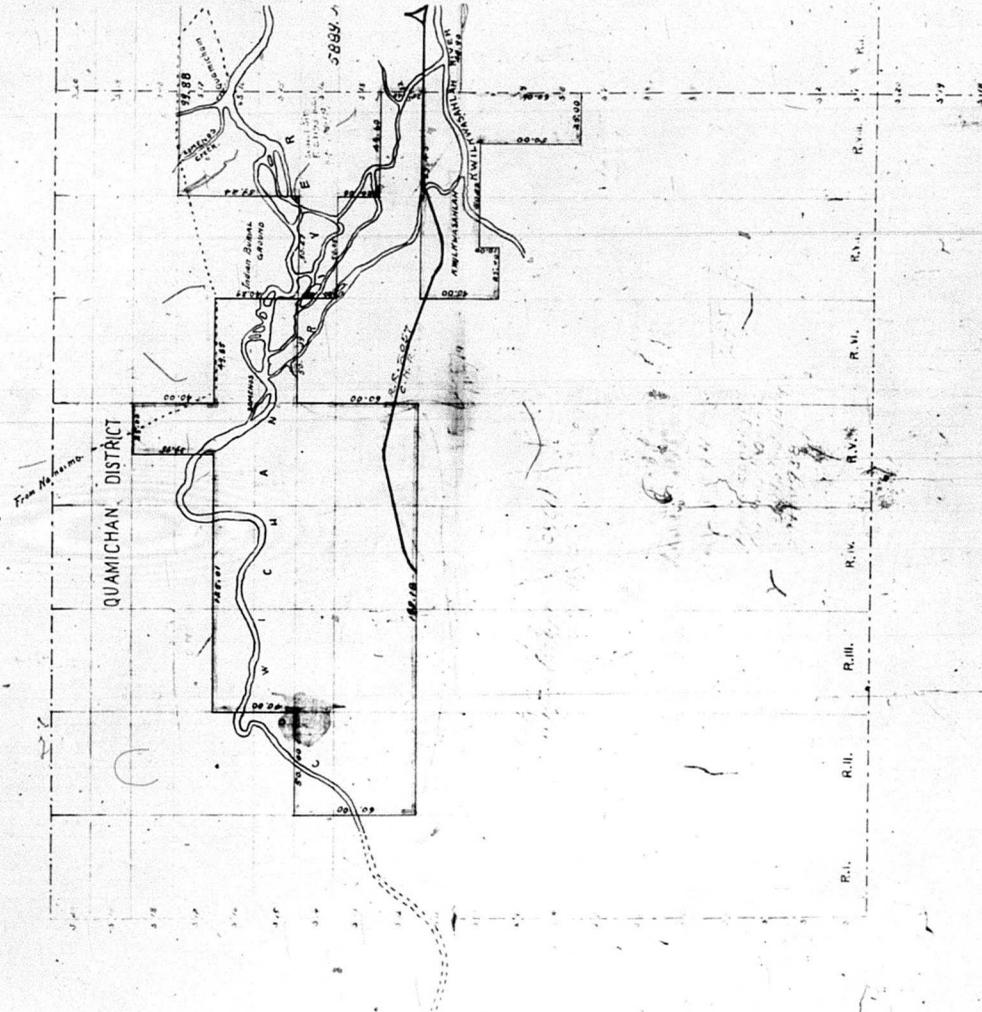
Enclosed herewith are two prints of the above mentioned plans, upon which we have plotted in orange the land covered by the description. From this plotting it will be observed that the parcel includes an area in Kwilkwasahlah or Koksilah river as shown on the above mentioned plans; we doubt if this was the intention of the Indians. We also doubt if the bed of the river within the reserve boundaries is within the jurisdiction of this Department.

In view of the possibility that the parcel as plotted from the description does not correctly represent the intention of the Indians, it is suggested that one set of the accompanying blue prints and a copy of this memorandum be sent to Commissioner McKay for his comments before the Department accepts the description submitted by the Band.

Encls.



F.H. Peters
F.H. Peters,
Surveyor General, and
Chief, Hydrographic Service.



T. Bray
Chief Surveyor
Dept. of Indian Affairs

PLAN
OF THE
INDIAN RESERVE
COWICHAN
B.C.

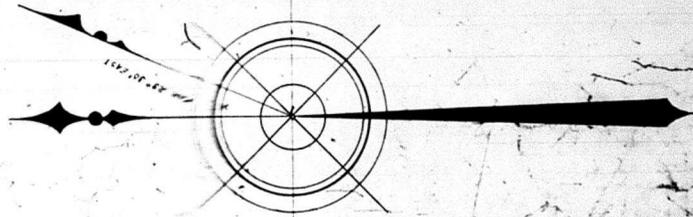
SURVEYED BY E. MOHUN. 1874.
AND A. H. GREEN. 1873.

Scale 40 Chains to 1 Inch.

RP. 14013
S. R. 130
I.R. # 8
I.R. # 7

KAKALATZA

TZARTLAM

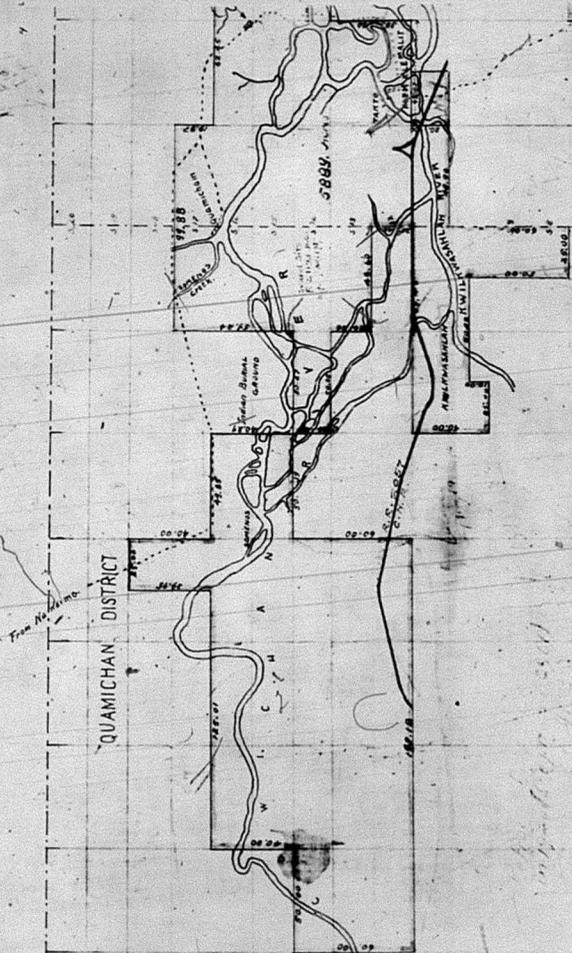


Haanviala
Deputy Superintendent General
of Indian Affairs.



T. Bray
Chief Surveyor
Dept. of Indian Affairs

QUAMICHAN DISTRICT



**PLAN
OF THE
INDIAN RESERVE
COWICHAN
B.C.**

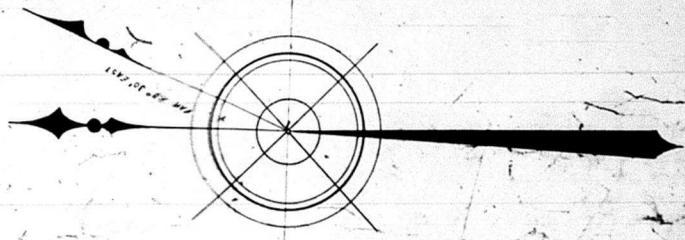
*Surveyed by E. MORUM, 1874
AND A. H. GREEN, 1878*

Scale 40 Chains to 1 Inch.



KAKALATZA

TEARTLAM



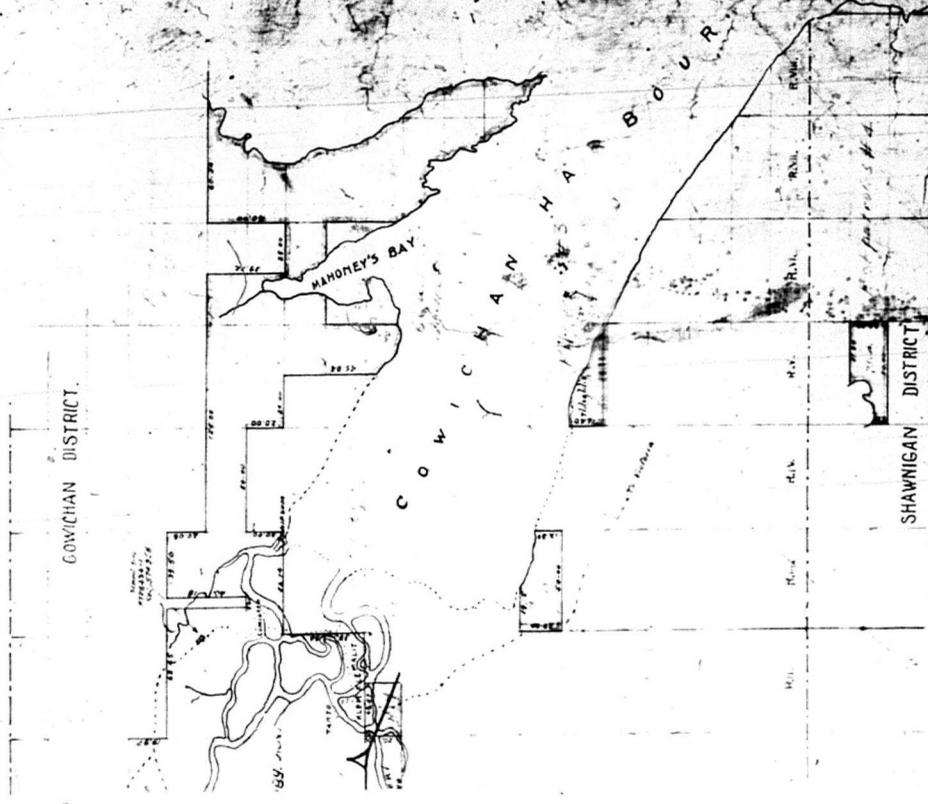
Handwritten signature
Deputy Sub-Commissioner General
of Indian Affairs

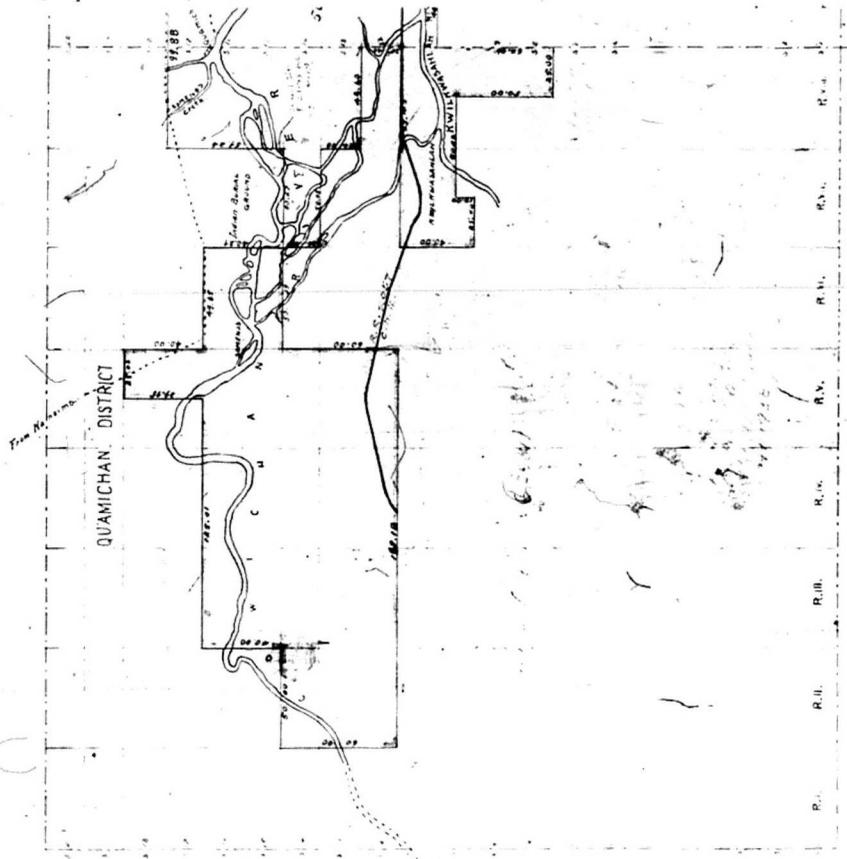
T-43 BC

28
For File 21580

Re: reply to memo 17-10-46

T- B.C. 43





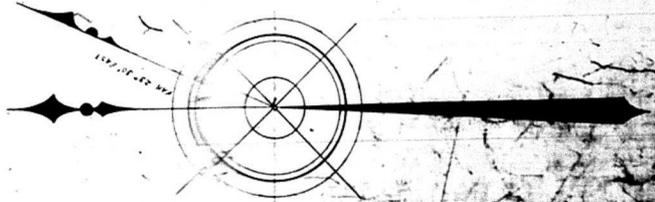
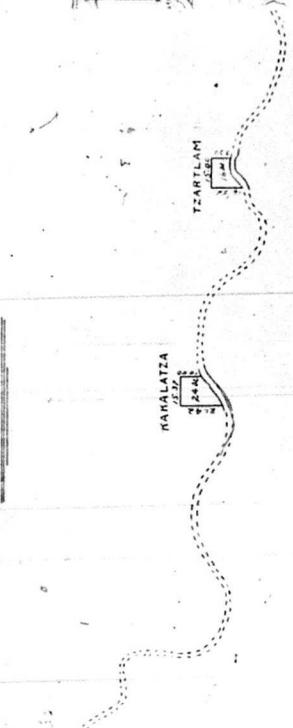
W. Bray
Chief Surveyor
Dept. of Indian Affairs

**PLAN
OF THE
INDIAN RESERVE
COWICHAN
B.C.**

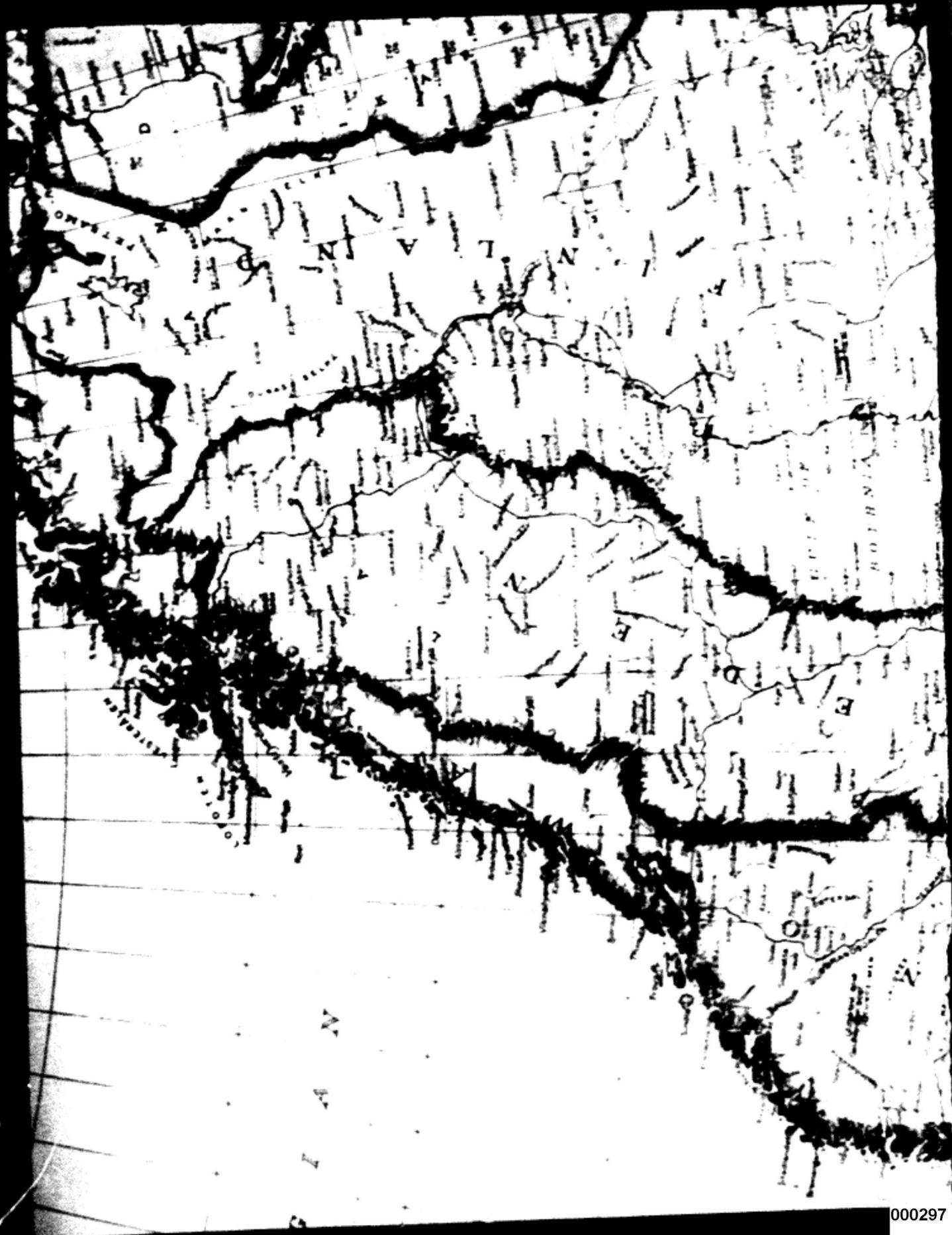
Surveyed by E. MOHUN. 1874
AND A. H. GREEN. 1875

Scale 40 Chains to 1 Inch

JAN 20 1875
R.F. 1875
IR #1
SKUTLE



*Francis Galois
Deputy Superintendent General
of Indian Affairs*



For our file 21560

10003

EXD.
A.

OTTAWA, November 7th, 1946.

Major D. M. MacKay, Indian Commissioner, P.O. Box 70,
VANCOUVER, British Columbia.

In reply to your letter of September 30th, 1946, enclosed find a copy of a letter received from F.H. Peters, Surveyor General and Chief, Hydrographic Service, together with a copy of the plans referred to therein.

Will you kindly advise us if the point of commencement has been correctly interpreted to mean the southeast corner of Location Lot 109. We will be pleased to receive any comments which you may care to make.

DJA

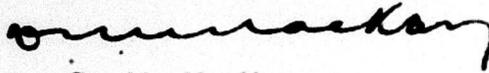
D.J. Allan,
Superintendent,
Reserves and Trusts.

Encls.

-2-

boundary of said Lot 111, 3 chains more or less,
to the point of commencement.

Mr. Indian Agent Moore is being asked to have the
Council endorse this description by resolution in the
regular way. A copy of the new resolution, following
receipt here from the Indian Agent, will be forwarded for
your records.



D. M. Mackay,
Indian Commissioner for B.C.

/EW

9152-28

INDIAN AFFAIRS
BRANCH



CANADA
DEPARTMENT



P.O. BOX 78
VANCOUVER, B.C. Feb. 10th, 1947.

ASSIGNED
CLASSIFIED
3-20-1

[Handwritten signature]

Indian Affairs Branch, Department of Mines and Resources, Ottawa.

Your File 9152-28 (R.4)

I have to refer to your letter of November 7th, 1946, enclosing a copy of a letter with accompanying blueprints from Mr. F. H. Peters, Surveyor General, and Chief, Hydrographic Service, regarding the area of Cowichan Indian Reserve No. 1 claimed by Chief George Queechquilt of the Clemclemalits Band.

This matter has been discussed with Mr. Inspector Coleman and Mr. Indian Agent Moore and I wish to advise as follows:

- (1) The point of commencement given in the description embodied in the Council's resolution of September 24th, 1946, is the south-east corner of location, lot 109.
- (2) The description in the resolution is not satisfactory and the following is submitted as more closely describing the area covering Chief George Queechquilt's location:

Commencing at the south-east corner of Lot 109, thence westerly along the south boundary of said Lot 109 and the south boundary of Lot 110, a total distance of 26 chains more or less, to the south-west corner of Lot 110, thence southerly along the westerly boundary of the Koksilah Village lot, 15 chains more or less, to the south-west corner, thence easterly along the southerly boundary of said lot, 3 chains more or less, to the left bank of the Koksilah River, thence along the left bank of said river to its intersection with the westerly boundary Lot 111, thence northerly along the westerly

3

ever so he sold all his lands, and
wife was well off she had lot of
cattles some times she sells 2 cattles
and she gives her husband the money
for that land say 109.

Well even if my mother wasnt giving
any money to her husband, she was
the only one looking after him
till he died, so she's the one claims
every thing.

Mrs. Chief Cutsowout.

I am getting old and weak as I
want every thing straighten out.

Emma George.

2

is getting now, but she is not

entitled to that land sex 109

two houses got burnt there on that sex 109 Michael Sinsayrock burnt the first house and he burnt the second one, My Mother was blind and still she lived in that house it was in July that house got burnt every day we used to get the old lady to our house and stayed there all day till eight or nine o'clock we bring her to bed we never made a fire, the house got burnt out o'clock in the morning after all the houses got burnt Michael Sinsayrock went down there build a house Harry George, Joe George, went and asked Michael told him you got nothing to do with this place, and you want to build a house, and Michael says I dont want any land or anything just because I have no water at my place or summer time that's why I want to have a house here so they let him build house.

old Cutawout had us some or what

Koksilah P.O.

B.C.

May 2, 1955.

Dear Sir.

I have been trying to settle my Mother's land Mrs. Chief Charlie Cutsawout I asked the concelors to straighten it out but they never did, so I thought I would come to you to please and help me out, Chief Charlie Cutsawout died ahead of his wife, so she lived on that land sex 109, so my Mother Mrs Cutsawout went to his Daughter Mrs Harry Jones in Yaneims, so she got sick, so Andy Paul, and Paul White Indian Agent Graham Mrs Cutsawout willed her Daughter Mrs Harry Jones the money from the C. N. N. on that sex 109, and the younger Daughter Emma George Lake owns the land sex 109.

Another logging road went through that sex 109 Mrs. Malen's road. Well I should have been getting that money every year, I never did a get a penny yet, Ethel Michael have been getting the money from that land sex 109 Ethel died and her Daughter Kate Michael

Kokailah P.O.
B.C.

May 2, 1955

Dear Sir:

I have been trying to settle my mother's land Mrs. Chief Charlie Cutsowout. I asked the counselors to straighten it out but they never did, so I thought I would come to you to please and help me out, Chief Charlie Cutsowout died ahead of his wife, so she lived on that land sex 109, so my mother Mrs. Cutsowout went to her daughter Mrs. Harry James in Nanaimo, so she got sick, So Andy Paul, and Paul White Indian Agent Graham Mrs. Cutsowout willed her daughter Mrs. Harry James the money from the C.N.R. on that sex 109, and the younger daughter Emma George she owns the land sex 109. Another logging road went through that sex 109 M.C. Malen's road. Hell I should have been getting that money every year, I never did a get a penny yet, Ethel Michael have been getting the money from that land sex 109. Ethel died and her daughter Kate Michael is getting now, but she is not entitle to that land sex 109 two houses got burnt there on that sex 109, Michael Sinsaynoek burnt the first house and he burnt the second one, my mother was blind and still she lived in that house it was in July that house got burnt every day we used to get the old lady to our house and stayed there all day till eight or nine O'clock we bring her to bed we never made a fire. The house got burnt one O'clock in the morning after all the houses got burnt Michael Sinsaynoek went down there build a house Harry George, Joe George, went and asked Michael told him you got nothing to do with this place, and you want to build a house, and Michael says I don't want any land or anything just because I have no water at my place on summer time that why I want to have a house here so they let him build house old Cutsowout had no sons or what ever so he sold all his lands, and wife was well off she had lot of cattles some times she sells 2 cattles and she gives her husband the money for that land sex 109, well even if my mother want giving any money to her husband she was the only one was looking after him till he died, so shes the one claims everything.

Mrs. Chief Cutsowout.

I am getting old and weak so I want everything straighten out.

Emma George.

9152 - 28

President
ANDREW PAULL
P.O. Box 211
North Vancouver, B.C.

Vice-President
JOSEPH DELISLE, JR.
P.O. Box 11
Caughnawaga, Que.

Secretary
CHESTER DIABO
9041 Inkster Road
Livonia, Mich.

Asst. Secretary
MRS. MARGUERITE DIABO
9041 Inkster Road
Livonia, Mich.

Executive Secretary
JOSEPH BEAUVIS
Caughnawaga, Que.

Est

GRAND COUNCIL

North American Indian Brotherhood

Treasurer
CHIEF TELFORD ADAMS
R.R. 1
Corunna, Ont.

Office of **PRESIDENT**

May 11th. 1955.

PRINCE EDWARD ISLAND

Chief Frank Jadis

NOVA SCOTIA

Chief Ben E. Christmas
Chief Stephen Knockwood
Chief John Julian

NEW BRUNSWICK

Chief Andrew Francis, Organizer
Chief Thos. Godson
Chief Paul Taylor
Chief Andrew Joe

QUEBEC

Chief Geo. A. Cree
Eddie Beauvais, J. P.
Paul K. Diabo
Chas. K. Canadian
Raymond Diabo
Tom Lefevine
Chief E. A. Cree
Howard Stacey
Tom Two Rivers
Chief Michael Clement

ONTARIO

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Chief Nelson Green
Wm. Smith
James Martin
Jack Manhawk
Chief Solomon Brant
Chief Gilbert Faries
Chief Simon Scott
Chief John Terwin
Chief R. Marsden
Chief T. Favell Sr.
Chief Alex Padguga
Chief W. Shawkence
Chief I. Beberish
Chief Omar Peters
Chief G. Sahaniation
Chief A. Trudeau
John C. Jones
Walter Sands
Dom. Odjig
Chief L. Lababindung
Chief Wm. Minhasiga
Lawrence Pelthier
Wm. Agush
Bazil Grey
Henry Riley

NEW YORK

Mrs. Coelia Thomas
Ernest Benedict
Mike Boots
Angus Horne

MANITOBA

Chief John Thompson
Chief Geo. Barker
SASKATCHEWAN
John S. Teetosis
Chief John Skeebes

ALBERTA

Chief Charlie Ecteman

BRITISH COLUMBIA

Chief Alex McKinnon
Chief Michel Anthony
D. W. Asau
Wm. G. Jeffrey

YUKON, N.W.T.

Louis Woolfe
Billy Smith

HONORARY MEMBERS

Mrs. Louis McCumber
Chief Polkifire
Chief F. E. Barnham

Mr. Len L. Brown
Estates and Trusts
Department of Indian Affairs
Copeland Bldg.

Ottawa, Ont.

Dear Mr. Brown;-

Re: Mrs Chief Charlie Cutsowaut Estate.
Koksilah Reserve, Cowichan Agency.
British Columbia.

I have been instructed by Mrs Emma George to lodge her claim to the Cutsowaut lands on the Koksilah Indian Res. in the vicinity of the town of Duncan B.C.

She claims that houses were wrongfully erected there, and parties not entitled to any revenue have been collecting the rental from a logging road, passing through this land, and she wishes to appeal from any decision, which may now be made, denying her hereditary rights to this estate.

I attach an explanatory letter on this matter, written for Mrs Emma George, by her daughter-in-law.

Yours truly

Andrew Paull
Andrew Paull.
Counsel.

RECEIVED
MAY 11 1955
OTTAWA

May 17, 1955.

Andrew Paull, Esq.,
P. O. Box 211,
NORTH VANCOUVER, B.C.

Re: Estate of Charlie Cutshaw

Dear Mr. Paull:

Your letter dated May 11th, 1955, addressed to Mr. Len L. Brown has been referred to the writer for a reply.

May it be advised we are reviewing our file in this matter and have also written our Indian Superintendent at Duncan, B.C., requesting further information. We have forwarded to him a copy of your letter and also a copy of the letter of Mrs. Emma George which accompanied your above mentioned favour.

We shall be pleased to communicate with you further on completion of our review and the reply of the Indian Superintendent, Mr. J. V. Boys.

Yours very truly,



W. C. Bethune,
Membership & Estates.

ACP/AC

May 17, 1955.

J. V. Boys, Esq.,
Indian Superintendent,
DUNCAN, B.C.

Re: Estate of Charlie Cutsawout

Attached hereto you will please find copy of a letter written by Mr. Andrew Paull, Counsel to the Grand Council, North American Indian Brotherhood, dated May 11th, 1955, and also a copy of a letter dated May 2nd, 1955, from Mrs. Chief Cutsawout for information.

The last letter we have on file is apparently that dated February 10th, 1947, from the Indian Commissioner for B.C. and we are submitting our file to the Officer in charge of Individual Land Holdings in order that the Band Council Resolution dated September 24th, 1946, as amended in the Indian Commissioner's letter dated February 10th, 1947, may receive attention.

In the meantime it would be appreciated if you would let us have your comments and any additional information you can give respecting the matters raised in the enclosed copy correspondence.



W. C. Bethune,
Membership & Estates.

Encls. 2
ACP/US

*C.C. to W. C. Bethune
Ind. Comm. 4.*

May 17, 1955.

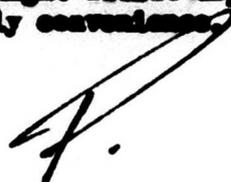
W. S. Arnell, Esq.,
Indian Commissioner for British Columbia,
P.O. Box 70,
VANCOUVER 2, B.C.

Re: Estate of Charlie Cutshaw

We received a letter from Mr. Andrew Paull, Counsel for the North American Indian Brotherhood, with reference to the above estate with which he enclosed a copy of an explanatory letter from Mrs. Emma George. Copies of both of these letters are forwarded herewith for your information together with a copy of our letter to Mr. J. V. Beys, the Indian Superintendent of the Cowichan Agency.

As stated in our letter to Mr. Beys, we are turning our file over to the Officer in charge of Individual Land Holdings for his further action with respect to the Band Council Resolution as amended and he will be writing under separate cover.

If there are any comments you wish to make with respect to the questions raised which might assist us, we shall be pleased to have your views at your early convenience.



W. C. Bethune,
Membership & Estates.

Encls. 3
ACP/EC

File No. 9152-28

May 17/55

MEMORANDUM TO MR. RACHMAN

Re: Approval of Band Council
Resolution

Will you kindly deal with the Band Council Resolution on file hereunder and return file to the Estate Section when this has been done.

Please note amended description in Indian Commissioner's letter dated Feb 10/47 hereunder.

W. F. Bethune
W. F. Bethune,
Membership and Estates.

3-20-1

June 5, 1947.

R.H. Moore, Esq., Indian Agent, Duncan, B.C.

I am returning herewith resolution of the Cowichan Band received under cover of your letter of May 27th in connection with the ownership of land by Chief George Queechuolt. Please note that the description given in the resolution does not agree with the plan attached thereto in that the north boundary of the parcel should be shown on the plan as ten chains which scales this distance.

It is further considered that the written description is inadequate in that if the position of the river is as shown by the Indians the East boundary of the parcel would never reach the bank of the river. It is hardly likely that the original survey was incorrect but it is possible that the river changed its course since the survey was made, in which case in describing the South East boundary it would be as well to refer to the river as shown in the original survey.

I am still not entirely satisfied that the extent and location of the parcel is correct and believe that careful examination might disclose that the area described does not correctly represent the land claimed by the estate.

You might make the necessary amendments to the resolution and return same to this office together with details regarding the evidence submitted at the council meetings on which the new description of the area was arrived at.

The matter might, if you wish, be left for discussion with the Commissioner when he visits your Agency or during your next visit to this office.

D.M. MacKay,
Indian Commissioner for B.C.

-mh
enc.

INDIAN COMMISSIONER
BRITISH COLUMBIA

94923



CANADA

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

INDIAN AFFAIRS BRANCH

1955 MAY 23 PM 12 42

IN YOUR REPLY REFER TO
No. 152/37-2
ALSO TO DATE OF THIS LETTER
YOUR FILE
No. 9152-28 Est.
DATE May 17, 1955.

P.O. BOX 70,
VANCOUVER, B.C.

20th May, 1955.

Est

Indian Affairs Branch,
Dept. of Citizenship & Immigration,
Ottawa, Ont.

Re: Estate of Charlie Cutsawout

With reference to your letter of May 17th with enclosures regarding the above-mentioned estate, it apparently is advisable to withhold any action with regard to the Band Council Resolution, as amended, until a report is received from Superintendent Boys for the reason that since our letter of February 10th, 1947, the Council expressed disagreement with the description as amended and this point has never been clarified. The Council's views as to a proper description of the property were set out in the Resolution referred to and the attached copy of my letter of June 5th, 1947, to the Indian Agent, Duncan, which is the last letter on our file.

A copy of this letter and enclosure is being forwarded to Mr. Boys and I am asking him to report through this office.


W.S. Arnell,
Indian Commissioner for B.C.

Encl.
-PP

RS

-2-

with a correct description. You may explain to them that our purpose of having them amend the resolution is merely for the fact that we require a more adequate description. We are attaching a blue print copy of tracing B.C. 796 which may be of some assistance to you in tracing the description as we received from the Indian Commissioner on February 10th, 1947. Let us have one copy of the resolution and we will endeavour to obtain Department approval.

JR/BC


L. L. Brown,
Superintendent,
Reserves and Trusts.

c.c. W.S. Arneil, Esq.,
Indian Commissioner,
P.O. Box 70,
Vancouver 2, B.C.

9152-28
(R-5)

June 7, 1955.

J.V. Boys, Esq.,
Superintendent, Cowichan Agency,
Duncan, B.C.

Re: Estate of Charlie Cutsawout.

We have been asked by the Estate Section to obtain Department approval to the resolution from the Council of the Cowichan Band dated September 24th, 1946. By this resolution the council requested Department approval in recognizing the chief, George Queechuolt, as the owner of a parcel of land consisting of that portion of the reserve lying south of Lots 109 and 110 in ranges 7 and 8 Cowichan I.R. #1. The description given in the resolution is not satisfactory and by letter of February 19th, 1947, Mr. MacKay, Indian Commissioner, for British Columbia at that time supplied us with a description which appears to be in order and this reads as follows.

Commencing at the south-east corner of Lot 109, thence westerly along the south boundary of said Lot 109 and the south boundary of Lot 110, a total distance of 26 chains more or less, to the south-west corner of Lot 110, thence southerly along the westerly boundary of the Koksilah Village lot, 15 chains more or less, to the south-west corner, thence easterly along the southerly boundary of said Lot, 3 chains more or less, to the left bank of the Koksilah River, thence along the left bank of the said river to its intersection with the westerly boundary of Lot 111, thence northerly along the westerly boundary of said lot 111, 3 chains more or less to the point of commencement.

Therefore, have the former resolution of February 24th, 1946, replaced by resolution passed by the present council

FIELD SERVICE



PLEASE QUOTE FILE

152/37-2

Your file:
9152-28 Est

08522

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

1955 JUN 6 AM 8:45

P. O. Box 396,
DUNCAN, B. C.
June 6th, 1955.

DEPARTMENT OF CITIZENSHIP & Immigration,
Indian Affairs Branch,
OTTAWA.

RE: ESTATE OF CHARLIE CUTSAMOIT

Receipt is acknowledged of your letter of May 17th, 1955 and Mr. Arneil's letter to the Department of that date, File 152/37-2 copy of which was forwarded to this office.

This estate has been the subject of considerable correspondence since July, 1921 and an application for administration of the estate was never completed for submission to the department. It is felt that the simplest method of handling the problem of land dispute is to review the entire estate, have it discussed at a Cowichan Band Council meeting, and submit a complete report, together with an application for appointment of administrator and approval of will form.

J. F. Boys
J. F. BOYS,
Indian Superintendent,
Cowichan Agency.

JM:IE

C.C. to Mr. W.S. Arneil.

9152-28
Est. 2

January 31st, 1956.

J. V. Dwyer, Esq.,
Superintendent,
Cowichan Indian Agency,
P.O. Box 396,
Duncan, B.C.

Re: Estate of Charlie Cutshaw

Kindly refer to your letter of June 6th, 1955,
your file 152/37-2, and indicate whether you are in
a position to submit the usual application for Appointment
of Administrator in the matter of the Charlie Cutshaw
estate.

RF/mob

J. S. P.
W. C. Bethune,
Acting Superintendent,
Reserves and Trusts.

9156-28
(Est.)

Your file 152/37-2.

, October 10, 1956.

J. V. Boys, Esq.,
Superintendent,
Cowichan Indian Agency,
P.O. Box 396,
DUNCAN, B.C.

Re: Estate of Charlie Cutshaw

We have been enquiring on several occasions about progress in this estate over a period.

We would refer you to your letter dated June 6th, 1955, wherein you made certain suggestions which would appear to be the best method of handling the situation.

Would you please let us have this report and Application for Administration.



W.C. Bethune,
Superintendent,
Reserves & Trusts.

ACP/bc
c.c. W.S. Arnell

9152-28
(Est.)

Your file 152/37-2

, December 7, 1956.

J. V. Bays, Esq.,
Superintendent,
Cowichan Indian Agency,
P.O. Box 396,
DUNCAN, B.C.

Re: Estate of Charlie Outavout

Please refer to our letter of October 10th, 1956,
and your letter of June 6th, 1955.

May we please be advised in this connection at
your early convenience.



W.C. Bethune,
Superintendent,
Reserves & Tracts.

9152-20(Rev.)

152/37-2

. April 8, 1957.

J. V. Rye, Esq.,
Superintendent,
Carrick Indian Agency,
P.O. Box 396,
DUNCAN, B.C.

Re: Estate of Charlie Gutzman.

On December 7th, 1956, we asked that you follow up the suggestion made in your letter dated June 6th, 1955. This might be a good time to have this matter followed up during Mr. Huir's visit at the Agency.



W.C. Bethune,
Superintendent,
Reserves & Trusts.

ACF/uo

036011



CANADA

OUR FILE NO. 152/87-2-3

YOUR FILE NO. 9152-28(Est.)

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION
INDIAN AFFAIRS BRANCH

MAY 13 9 07 AM '57
COWICHAN INDIAN AGENCY
INDIAN AFFAIRS

BY TELETYPE

DUNCAN, B.C.
May 7, 1957.

Est

Indian Affairs Branch,
Department of Citizenship and Immigration,
OTTAWA, Ontario.

Re: Estate of Charlie Cutsawout
Cowichan Band.

We acknowledge receipt of your letter of the 8th April, 1957. The estate will be reviewed by the writer and a report made in about a month's time. The main difficulty appears to be a matter of obtaining a good description of the land, once it has been determined exactly what land the late Charlie Cutsawout held.

J.V. Boys
J.V. Boys,
Superintendent,
Cowichan Indian Agency.

AM/bc

[Handwritten signature]
13/57

9152-28(Est.1)

152/47-2-3

OTTAWA, September 4, 1957.

J.V. Hoys, Esq.,
Superintendent,
Cowichan Indian Agency,
P.O. Box 396,
DUNCAN, B.C.

Re: Estate of Charlie Cutsemout,
Cowichan Band.

Reference is made to your letter of May 26, 1957.

and it would be appreciated if we might have your further report.

*This is a copy of the
letter which was written by the
writing for the letter to reply.*

W.C. Williams,
Superintendent,
Reserves & Trusts.

*I will investigate
at Duncan*

W.C. Williams

C. 61.11

DEPARTMENT OF CITIZENSHIP AND IMMIGRATION

Village Site

TO: Administrator of Estates

OUR FILE: 152/33-3-1-Keksilah/
152/37-2-3

FROM: Superintendent, Cowichan Agency

YOUR FILE: 9152-28 (Est.1)

SUBJECT: Estate of Charlie Cutsworth -
Cowichan Band

DATE: 1st August, 1961.

Est. 1

We refer to previous correspondence concerning this estate.

The only property which was ever allotted to the deceased was that shown on Location Ticket 736, the Agency copy of which is enclosed, and described as a "Village site south of the river". This refers to the Keksilah Village area.

You will see that the deceased's heirs were his common-law widow and his nephew, Michael Sinsynock, both of whom are now dead. Neither were lawful heirs and we recommend that the property described on the Location Ticket be conveyed to the Band, which will enable the estate to be concluded.

We do not recommend approval of the Band Council Resolution dated September 24, 1946, as amended, which purported to allot certain property to George Qasechqualt for the following reasons:-

1. George Qasechqualt died in 1946
2. Practically the entire area is timberland.



L.D. Sheppard,
Relieving Superintendent,
Cowichan Indian Agency.

BNH/ar
Encl.

INDIAN AFFAIRS
AUG 9 10 AM '61

3 5 1 5 0

000322

Superintendent, Sevichean Indian Agency.

152/33-3-1-
Koksilah Village Site
152/37-2-3
152-27
(Est.1)

Administrator of Estates.

Estate of Charlie Outanout -
Sevichean Band.

September 6,
1961.

We have your letter of 1st August, 1961 and will arrange for the cancellation of Location Ticket No. 736 in the name of Charlie Koksilah for a parcel described as "Village site south of the river" and which you say refers to the Koksilah Village area.

Having regard also to what you say in your letter with respect to the death of George Queechquelt in 1946 we will not recommend for approval the Band Council Resolution of September 24th, 1946. Any further transactions with respect to the parcel covered by that Resolution will be subject solely to the jurisdiction of the Band Council.

You may now close your file on this estate.


for Administrator of Estates.

RIP/ce



CANADA

PA → FILE # [redacted] (35)

Est 15

INDIAN AFFAIRS BRANCH

TRANSFER OF LAND BY ADMINISTRATOR

I, Administrator of the estate of the late Charlie Outsewout (or Koksilah)

~~XXXX~~ No. Cowichan Band,
Cowichan Agency
~~XXXX~~ who died on or about the XXXX day of before A.D. 19 21

in lawful possession of that certain parcel of land, being Village site south of the
river in Cowichan Indian Reserve No. 1, containing 8 acres more or
less.

and duly registered under Location Right Certificate No. 736
Certificate of Possession

DO HEREBY TRANSFER TO
The said Band

all the interest of the decedent in the said parcel.
Dated at the City of Ottawa this 8th day of September A.D. 19 61

[Signature]
Administrator of Estates

DOCUMENTATION ON FILE
Reversion to Band for lack of heirs.

APPROVED
(Date) Director of Indian Affairs

14/9/61
Band Land
ORIGINAL COPY OF
H. G. VILLAGE
SEP 11 1961

ADMINISTRATOR OF INDIAN ESTATES

MEMORANDUM OF LAND RECORDING

LAND FILE	(1) PARCEL (2) TRANSFEREE	B.C.R.	ADMINISTRATOR'S CONVEYANCE		
		TO D.I.A. (Date)	TO D.I.A. (Date)	TO REGISTRY (Date)	REMARKS
152/33-0-3-1	Village site south of River (Kokontah) Cowichan I.R. #1 to the Band			8-9-61	Recorded 11-9-61

