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33-6-1632

July 23, 1945.

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

Your File 27156-48  
13156-26

I have to refer to your letter of March 2nd regarding the proposed transfer from the Admiralty of Sandy and Seal Islands to the Department for the use of the Comox Band of Indians.

The position of the Province with respect to the foreshore is as set out in the letter of the Provincial Superintendent of Lands dated May 21, 1945, addressed to this office, a copy of which was forwarded to the Department with my letter dated June 21, 1945, file 33-6-5043, and is briefly that in the event of such an exchange the Province would claim the foreshore of these Islands but that no disposition would be made of same without first consulting our Department.

The foregoing arrangement would not be satisfactory to the Indians inasmuch as it would leave the matter of ownership of the foreshore in question and open to the Province to dispose of the rights thereon should they wish to do so, and the matter appears to be deadlocked on this issue.

With respect to the points raised in the last four paragraphs of your letter, I would advise as follows:-

1. (a) The Province would claim the foreshore once ownership passes from the Admiralty.  
(b) The Indians would not be interested unless title to the foreshore passed with the Islands.