

30/8199

Nov. 22, 1926.

Your file 97-1 A

Dear Sir:

I beg to acknowledge receipt of your letter of the 12th instant referring to the printing of cards, badges, etc. and instructing that printing of this ~~notice~~ shall not be locally done. The letter also refers to notices or advertisements being placed in the local newspapers only after authority has first been obtained from the Department.

In reply I beg to inform you that no printing or advertising is ordered by this office without special instruction from you in regard to the matter.

No doubt, if you sent copies of this circular to all Indian agents they would be governed by the stipulations contained in it. I would, however, like to point out to you that the regulation on the matter of advertising should not apply to the advertising of Water Notices, otherwise, the delay in obtaining authority from Ottawa might seriously affect our Indian Agents in obtaining Water Licences, for reasons hereunder set forth.

The procedure for obtaining a Water Licence is that the Indian Agent must first post notices at conspicuous points in a district, stating that it is his intention to apply to the Water Recorder for a licence to take water from a ~~water~~ named source, a copy of the Water Notice is also sent to the Water Recorder of the district. Section 26 of the British Columbia Water Act states, that forthwith after the posting of these notices an applicant must publish the same once a week for four weeks in a local newspaper in any district affected. Section 27 of the said Act states, that within ten days after the first appearance of the advertisement the Indian Agent must then file with a Water Recorder his application for a licence to take water from the source mentioned in the Water Notice above referred to.

You will, therefore, see that any delay in having the Water Notice advertised means also a delay in filing of the application for the license, and delay in such a matter would be fatal. If another party desired to obtain the same water as the Indians, and posted his notice shortly after the Indian Agent, he would be in a position to publish his advertisement before that of the Indian Agent, and, consequently, also file his application with the Water Recorder before the Indian Agent could possibly be in a position to file his application.

Priority of filing the application with the Water Recorder is what counts in such matters, and for this reason I would recommend that all Indian Agents be informed that the stipulation contained in your letter, with regard to advertising, does not apply to the matter of advertising of Water Notices required under the B. C. Water Act.

The Secretary,
Department of Indian Affairs,
Ottawa

Your obedient servant,

WED/AMC

W.E.DITCHBURN
Indian Commissioner for B. C.

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