

The Indians have, in fact, been held to be the special wards of the Crown, and in the exercise of this guardianship government has, in all cases where it has been desirable for the interests of the Indians, set apart such portions of the Crown lands as were deemed proportionate to, and amply sufficient for, the requirements of each tribe; and these Indian Reserves are held by Government, in trust, for the exclusive use and benefit of the Indians resident thereon.

And further, and even more emphatic:

But the title of the Indians in the fee of the public lands, or of any portion thereof, has never been acknowledged by government, but on the contrary, is distinctly denied. In no case has any special agreement been made with any of the tribes of the mainland for the extinction of their claims of possession; but these claims have been held to have been fully satisfied by securing to each tribe, as the progress of the settlement of the country seemed to require, the use of sufficient tracts of land for their wants for agricultural and pastoral purposes.

The first Lieutenant-Governor of the province of British Columbia was the Honourable J. W. Trutch, and in a letter addressed to Sir John Macdonald in October of 1872, he wrote as follows:

Then as to Indian policy I am fully satisfied that for the present the wisest course would be to continue the system which has prevailed hitherto only providing increased means for educating the Indians and generally improving their condition, moral and physical. The Canadian system—

—that is, the Eastern system—

—as I understand it will hardly work here. We have never bought out any Indian claims for lands, nor do they expect we should, but we reserve for their use and benefit from time to time tracts of sufficient extent to fulfil all their reasonable requirements for cultivation or grazing. If you now commence to buy out Indian title to the lands of British Columbia you would go back of all that has been done here for thirty years past and would be equitably bound to compensate the tribes who inhabited the districts now settled, formed by white people equally with those in the more remote and uncultivated portions. Our Indians are sufficiently satisfied and had better be left alone as far as a new system towards them is concerned. Only give us the means of educating them by teachers employed directly by the Government as well as by aiding the efforts of the missionaries now working among them.

Some time after British Columbia entered Confederation, what is known as the "Land Question" became a vital issue in the province. The Dominion Government had granted to the Indians east of the Rockies reserves amounting to a grant per family of some 80 acres, while on the western slope of the Rockies, where reserves had been granted, it had amounted to some 20 acres per family.

While this may appear on the face of it to suggest larger generosity on the part of

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the Dominion than obtained in the province, a knowledge of local hunting conditions and the comparative value of the land concerned would remove such a criticism. However, leaving that aside, the Indians complained that they had not received as much land as had been granted to other tribes across the Rockies, and many of them and others who were supporting their claims pressed very strongly for a recognition of an Indian title and for treatment similar to that which the Indians to the east of the Rocky mountains received.

As great dissatisfaction existed over the allotment of reserves, the Provincial and Dominion Governments made an agreement in 1875, which led to the appointment of Reserve Commissions, whose duty it was to set aside reserves under agreement, one of the provisions of which reads as follows:

That each reserve shall be held in trust for the use and benefit of the nation of Indians to which it has been allotted and in the event of any material increase or decrease hereafter of the members of a nation occupying a reserve, such reserve shall be enlarged or diminished, as the case may be, so that it shall bear a fair proportion to the members of the nation occupying it. The extra land required for any reserve shall be allotted from Crown lands and any land taken off a reserve shall revert to the province.

This provision gave rise to what is known as the reversionary interest of British Columbia in Indian reserves.

As time passed, the claim of the Indians and their friends that they had title to the provincial lands was constantly pressed and in more recent years has been advocated by counsel in the employ of certain Indians and their friends.

Shortly after the appointment of the present Deputy Superintendent General of Indian Affairs, the question of the Indian title in British Columbia became urgent by reason of strong representations made to the Government by certain influential persons and interested organizations. Recommendations were, in consequence, made to the Government, which were adopted by an Order in Council dated June, 1914, and which still stand as the proposition of the Government to the Indians, and the conditions of the Order in Council are as follows:

1. The Indians of British Columbia shall, by their chiefs or representatives, in a binding way, agree, if the court, or, on appeal, the Privy Council, decides that they have a title to lands of the province, to surrender such title, receiving from the Dominion benefits to be granted for extinguishment of title in accordance with past usage of the Crown in satisfying the Indian claim to unsurrendered territories, and to accept the finding of the Royal