

following:-

"The undersigned would also refer to the British North America Act 1867 Section 109, applicable to British Columbia, which enacts in effect that all lands belonging to the Province shall belong to the Province 'subject to any trust existing in respect thereof, and to any interest other than that of the Province in the same.'

"That which has been ordinarily spoken of as the 'Indian title' must of necessity consist of some species of interest in the lands of British Columbia."

"If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to a 'trust existing in respect thereof', at least to an 'interest other than that of the Province in the same.'"

12. In pursuance of recommendation contained in Report made by the Minister of Justice and adopted as above stated, the Land Act of British Columbia was disallowed by the Government of Canada. British Columbia however persisted in carrying out the policy of ignoring and denying Indian title, and in the following year the Land Act was re-enacted. The issue regarding the claims of the Indian Tribes of British Columbia thus raised has never been determined.

13. By the McKenna-McBride Agreement which was entered into in the month of September 1912 and before the end of that year was adopted by the two Governments, the whole position which had previously been taken by Canada in support of the aboriginal land and other rights of the Indian Tribes was reversed. This fact can be established by the clearest official evidence,

INDIAN AFFAIRS  
AFFAIRES INDIENNES  
RG 10, C-11-2, vol. 11047  
File/dossier 33/General  
pt 6

National Archives of Canada  
Archives nationales du Canada

001819