

British Columbia. . . . A party of Royal Engineers will be despatched to the Colony immediately. It will devolve upon them to survey those parts of the country which may be considered most suitable for settlement, to mark out allotments of land for public purposes, etc.

Here again is evidence of the recognition of the lands as belonging to the Crown. And the record shows that the land was surveyed and lots were later put on sale.

It is claimed that no conquest had ever been made of the territory of British Columbia. The historic records would seem to indicate that this is not accurate. All the posts of the Hudson's Bay Company were fortified and the officers and servants of the Company were prepared to resist hostile attacks. When a fort was established at Victoria a band of Cowichan Indians under Chief Tzouhalen seized and slaughtered several animals belonging to the whites. The official in charge, Roderick Finlayson, demanded payment for the animals, which was peremptorily refused. In this action Chief Tzouhalen was upheld by Chief Tsilatchach of the Songhees and the Indians attacked the fort, but were easily over-awed by artillery and later approached the fort to sue for peace. The historic records contain numerous other like references. The fort just mentioned was established at Victoria in 1848, and in 1849 Vancouver was made a Crown Colony. British Columbia (the mainland and Queen Charlotte Islands) was made a Crown Colony in 1858, and the two colonies were united in 1866. British Columbia entered Confederation on the 20th July, 1871.

The Report of your Committee on the proceedings may now be resumed.

At the outset it was made evident that the Indians were not in agreement as to the nature of their claims. For instance, the representatives of the Indian Tribes in the interior of British Columbia did not make any claim to any land of the Province based on an aboriginal title. The representatives of the Allied Indian tribes, on the other hand, practically rested their whole case upon an alleged aboriginal title through which they claimed about 251,000 square miles out of a total area of approximately 355,855 square miles in the Province of British Columbia. This latter point, for the sake of convenience, should be first dealt with, as its elimination will leave for consideration only matters in regard to which the Indians of British Columbia may be said to have a common interest.

Early in the proceedings it developed that the aboriginal title claimed was first presented as a legal claim against the Crown about fifteen years ago. The claim then began to take form as one which should be satisfied by a treaty or agreement with the Indians in which conditions and terms put forward by them or on their behalf must be considered and agreed upon before a cession of the alleged title would be granted. Tradition forms so large a part of Indian mentality that if in pre-Confederation days the Indians considered they had an aboriginal title to the lands of the Province, there would have been tribal records of such being transmitted from father to son, either by word of mouth or in some other customary way. But nothing of the kind was shown to exist. On the contrary the evidence of Mr. Kelly goes to confirm the view that the Indians were consenting parties to the whole policy of the government both as to reserves and other benefits which they accepted for years without demur. (See page 224 for Mr. Kelly's evidence, also the dispatch of Mr. Pearse at page 227 to be found in full in a dispatch dated 21st October, 1868, from B. W. Pearse to the Chief Commissioner of Lands and Works in the Sessional paper of British Columbia 1876, 39 Vic. page 212-13). The fact was admitted that it was not until about fifteen years ago that aboriginal title was first put forward as a formal legal claim by those who ever since have made it a bone of contention and by some a source of livelihood as well.

The Committee note with regret the existence of agitation, not only in British Columbia, but with Indians in other parts of the Dominion, which