

Supply—Citizenship and Immigration

granted by law as the reserve lands of the native Indians of British Columbia. I know it is a long time back, but I can assure the minister through you, sir, that I have travelled across British Columbia for 27 years and I know the Indian lands, Indian bands and Indian people. Right to this day they feel that over the years they have been robbed on land sales.

One point is this; that in 1912, although they already held reserves by right and by law, a decision by a commission and approved by order in council held that any lands which the commission decided were not required by Indian bands would be sold by auction by the province, the province to retain 50 per cent of the moneys and the federal government to receive 50 per cent and distribute it to the bands. In my studies I have found that in all sales the federal government has, under the order in council, distributed this money to the bands. But I am certain you will understand what is causing this feeling on the part of the Indians that they have been dealt with unfairly. This is because 50 per cent of the money goes to the province after the sale of their own lands, and no distribution is made to the Indians. If these were Indian lands and by agreement they were to be sold by auction, why should only 50 per cent of the proceeds go back to the Indians? These lands were all theirs originally by law, and certain parts were allocated for reserves.

As I say, this was in 1912. One half of this volume 1 outlines the lands declared surplus. Was it all handled that year? The answer is no. I have not had time to study how this matter has developed since 1912, but I wish to show what happened in one instance. There was a report agreed to by order in council in 1912 concerning Indian reserve lands. Order in council No. P.C. 48/2838 was passed in Ottawa on September 26, 1939. I would like to place this order in council on record:

The board had under consideration a memorandum from the honourable the minister of mines and resources reporting:

"That pursuant to the report of the royal commission on Indian affairs for the province of British Columbia, a portion of Capilano Indian reserve No. 5, of the Squamish band, Vancouver agency, province of British Columbia, was cut off the reserve;

That the McKenna-McBride agreement of 1912 provided that reserves or portions of reserves so cut off were to be sold by the province at public auction, and that 'the net proceeds of all such sales shall be divided equally between the province and the dominion, and all moneys received by the dominion under this clause shall be held or used by the dominion for the benefit of the Indians of British Columbia';

That in 1936 the province of British Columbia disposed of a portion of the cut-off area in the Capilano reserve to the First Narrows Bridge Company for a net sum of \$6,048 and remitted

\$3,024, being 50 per cent, to the Receiver General of Canada, which was placed in the capital account of the Squamish band, and

That the council of the Squamish band, in a resolution dated April 25, 1938, requested that 50 per cent of the dominion's share be distributed to the members of the band on a per capita basis, as provided by section 92 of the Indian Act.

The undersigned, therefore, recommends that he be authorized to approve a per capita distribution of 50 per cent of the moneys received from the province to the Indians of Squamish band, as provided under section 92 of the Indian Act."

The board concur in the above report and recommendation, and submit the same for favourable consideration.

There was the McKenna-McBride agreement in 1912 under which what were previously Indian lands were dealt with. Under the orders of the commission, according to all the plans submitted in this report, lands could be cut off and sold by the province at auction, the province to receive 50 per cent of the sale moneys and the federal government to receive 50 per cent. The federal government distributes its share, but since 1912 the Indians have received nothing with respect to the 50 per cent return on the sale of land that goes to the province of British Columbia.

I used an order in council passed in 1939 as an illustration. Although the order in council enumerates the relevant sections of the agreement, it does not say that the land cannot be sold without the consent of the band. I have previously expressed appreciation to the minister for the work of the director of Indian affairs. A few days ago I asked the director if he would try to find for me the authority for the consent of the band in this particular case. I am convinced that if it had been found I would have been advised by this date. It is felt that the Indian agent exercises authority in these sales.

I will not speak at great length, but I do want to emphasize this point. Although this problem goes back to 1912, it is a source of disturbance to the Indians of British Columbia. I have had only a few weeks in which to study the matter in addition to dealing with all the other problems which confront a member.

On the basis of my examination of the royal commission report on British Columbia Indian affairs, on the basis of the agreement, and on the basis of the type of order in council passed with respect to reserve land sales in British Columbia, I am definitely of the opinion, unless evidence to the contrary is produced, that the Indians have ground for complaint. I question the legality of the way in which this matter has been handled, and am of the opinion that the Indians of British Columbia have been morally, if not legally, wronged in the sale of their reserve land. I am interested in learning if the agreement