

*Supply—Citizenship and Immigration*

taken place and it would be interesting to know just what is the current state of affairs.

Before the one o'clock adjournment there was a considerable amount of discussion concerning the land question and extensive references were made to the McKenna-McBride agreement in 1912 and the royal commission which met for some three, four, or five years following 1912 and orders in council passed by both the federal government and the provincial government and the statutory endorsement of the action that was taken with respect to the land.

In so far as British Columbian Indians are concerned, I think this is perhaps the basic objection that exists and around which all these other things rotate, such as the McKenna-McBride agreement, the reversionary rights of the province, and so on. That is the state of affairs which exists, apart from an area in the Peace river district and a similar area on Vancouver island. I am not too clear on this, but I think those are the only two places where treaties as such exist, one with the crown—treaty No. 8, I believe—and another one with the Hudson's Bay Company dealing with the purchase of land in the early days.

Apart from these two there are no treaties in British Columbia which apply to the Indians in British Columbia, as we know treaties as they have been assigned to apply to Indians in other parts of the nation. The claim of the Indians of British Columbia, apart from these two treaties, is that their title and right to the land has never been extinguished. They claim that the McKenna-McBride agreement of 1912 was an invalid agreement because the provincial government and the federal government of that day were dealing with lands which were not the property of either government but were the property of the Indians, because their original title, ownership and occupation of the land had not been extinguished by war, sale, surrender, treaty or any other means except the encroachment of non-Indian people. This is the key point from which all these other objections flow.

As I understand it, the Indians of British Columbia have never accepted or recognized the McKenna-McBride agreement or the decisions which followed as a consequence of that agreement. Even the arrangement in 1926 to pay \$100,000 in lieu of treaty money, as it were, while the money is used in British Columbia the Indian organizations that I know claim they have never given any official recognition to this \$100,000 and have not accepted it as being in lieu of, payment for, or acceptable for the extinguishment of their title to this land. I think this is the key point

[Mr. Howard.]

which must be cleared up in so far as the native Indian people of that province are concerned.

There are a number of suggestions as to how this can be done. One is by a court decision such as was attempted in 1914, I understand, or offered by the federal government, with some strings attached, of course, that were objected to by the native Indian people.

Another alternative—and I think perhaps this is the way in which it should be approached initially—is an offer to negotiate, whether by the federal government, the provincial government or both in concert, a treaty with the Indians of British Columbia for the extinguishment of their title to this land.

I have here a copy of an order in council which the Prime Minister filed with the house on December 7, 1960. It is order in council P.C. 1959-799, approved on June 25, 1959. It establishes a committee of inquiry, as it were, consisting of Mr. Nelson, barrister of Prince Albert; Mr. Valentine of the Department of Northern Affairs and National Resources; Mr. L. L. Brown of the Indian affairs branch; and Mr. James Koe of the Fort McPherson band; and Mr. Baptiste Cazon of the Fort Simpson band. The functions of this commission are set out in the order in council. This has reference to the question raised earlier by the hon. member for Yukon. I will read briefly from the order in council:

(a) Whether the future economic and social welfare of the Indians—

This refers to the Indians of the Mackenzie district, incidentally:

—would be well served by the setting apart of reserves for them in the proportions provided for by the treaties or whether it would be in their future interests to renegotiate the treaties on some different basis:

I say that the cabinet and the privy council, by giving these terms of reference to this particular commission—namely whether it would be in the future interests of the Indians to renegotiate the treaties on some different basis—have indicated a policy of the government to renegotiate a treaty that is in existence. I think it would naturally be expected that an analogous policy of negotiating treaties which had been exchanged would be quite in keeping with the policy of the government in this respect regarding the situation in the Mackenzie district.

I think the government should undertake the immediate establishment of a pretty far-sweeping judicial inquiry into the land question and should take steps to negotiate treaties,