

gestion to the minister that if we can get prompt action by giving the province of British Columbia a quid pro quo for its reversionary interests in the shape of lands, and you have plenty of land in the province of British Columbia, owned by this government, it would be an easy and satisfactory method of settling the difficulty.

Mr. OLIVER. I only want to say a word as to the suggestion that we ought to be able to arrive at a satisfactory and amicable solution of this difficulty by agreement with the province of British Columbia. There was a time when we hoped to be able to do that. But, in view of, what seems to me, the very extraordinary attitude taken by the province in this matter—that is, its view that whatever the Indians do to release any portions of the lands that act thereby transfers that land to the ownership of the province—as long as the province maintains that attitude we have nothing to negotiate; we are not in a position to make any bargain in regard to any thing. We believe that that is not warranted under the law, and, believing that, and being guardians of the Indians, we are not able to accept it. But, should it be decided by the privy council that the contention of the province is right, of course we should accept it, and we would then be in a position to negotiate with the province, acknowledging that the land was theirs.

Mr. FOWLER. Is there any question as to the reversionary right of the province, say in case of abandonment of the land by the Indians? Is not that settled?

Mr. OLIVER. There are many questions.

Mr. PUGSLEY. It is not admitted that if the Indians sell out the land it goes to the province.

Mr. FOWLER. It is only in case of the dying out of the tribe?

Mr. PUGSLEY. Yes, that is very different from the selling out of their rights by the Indians.

Mr. OLIVER. Speaking generally, and without prejudice—I want that to be understood, because I am not familiar with all the details—it is admitted that on the dying out of a band of Indians, in the case of certain of the reserves of the province, their land would thereby become the sole property of the province. But that is not the point at issue. The point is in regard to portions of the reserve not in use by the Indians. We believed, at the time we entered into this transaction with regard to the Metlakatla reserve, that it was perfectly within the right of the Indians to alienate that part of the reserve which they thought it was more in their interest to alienate than to hold. But the province of British Columbia holds that, it matters not under what condition, as soon as the Indian lets go, their right steps in. That,

Mr. D. ROSS.

of course, puts negotiation out of possibility. The only course is to submit the matter to the courts. Once it is decided, we shall know our position. I can assure the House and the country that this government has no intention or desire to contest any right of the province of British Columbia. But it must discharge the duty placed upon it of maintaining the rights of the Indians. To go into the matter a little deeper, there are several classes of cases in these reserves in British Columbia. There are reserves which were set apart when British Columbia was a crown colony—set apart by imperial authority and direction. There are reserves which were set apart by the province before it entered the Dominion. There are reserves which were set apart after the province entered the Dominion. And the question of the reserves within the railway belt is in a somewhat different position from the others. Having these four or five different classes of reserves, everybody will agree, I think, that it is very desirable, in the interests of the province on the one hand and of the Indians on the other, that there should be a judicial decision in regard to it.

Mr. FOWLER. I suppose the province had the reversionary right after the Indians where it was a case of the extinction of the tribe or abandonment. But, if, as has been pointed out, this is not a case of the extinction of the tribe, the matter ought to be finally settled by the courts.

Mr. HERRON. I would like to call the attention of the minister to a matter of great importance to the settlers in the country in which I live. This may not be exactly the best time to discuss it, but the importance of the case is my justification for speaking of it now. I speak of the shipping of cattle from the Piegan reserve and an incident which occurred there during the month of November. The Minister of the Interior (Mr. Oliver) is aware of the situation of this reserve, and knows that it is surrounded on all sides by an agricultural and stock country, and that the railway—the only railway in that southern country—passes through this reserve. The stock men this year, for the first time, sold their cattle by weight. The only scale on the railway for a distance of a hundred miles is situated on the reserve. The settlers who had cattle to ship drove their cattle as usual to the corral on that reserve where the scale is. They have been shipping there for a number of years and never had any trouble until this particular case arose in November. They were marking and shipping their cattle for about three days when the police came along and arrested the man in charge of the shipment of cattle. This man was taken as a prisoner to the agency and fined \$10 a day for the time they were on the reserve, besides costs of \$5.75. The accused wanted the