

council does not dispose of any public lands, it does not relate to the disposition of any public lands of the Dominion or of the province. The order in council in question was a communication between the government of the Dominion and the government of the province in regard to a matter in which both were interested.

Mr. R. L. BORDEN. Does it not relate to the disposition of public lands?

Mr. OLIVER. Certainly not.

Mr. R. L. BORDEN. What does it relate to?

Mr. OLIVER. If the hon. gentleman will follow me he will see what it relates to. That this government has no right to make a communication to the government of a province without being held thereby to infringe upon the rights of that province, or in some way to derogate from provincial rights is, I think, a doctrine that must be considered absurd. We surely have a right to discuss in due legal form with the government of a province a matter in which both the province and the Dominion are interested. Now this communication had some relation to an application made by the Grand Trunk Pacific for the acquirement of certain lands the property of the Indians of Metlakhatla in British Columbia, for the purpose of making a terminus of the Grand Trunk Pacific at that point. I do not imagine that this government has to make any apology for having been a party to the Grand Trunk Pacific enterprise, or having given it such a measure of aid as my hon. friend has alluded to. Neither do I think it is necessary to offer an apology for anything we may do to facilitate the securing by that company of a suitable terminus for its great railroad system on the Pacific ocean. I do not think that is a matter which requires any serious discussion. The land of the Indians of Metlakhatla is the property of the Indians; it is not the property of the Dominion government, nor yet of the province of British Columbia, as I understand the matter. The Dominion government has no proprietary rights. No matter how much the Grand Trunk Pacific might wish to acquire or own some part of the Metlakhatla reserve, this government, without the sanction of the Indians, has no authority to give them a foot of it on any terms. Owing to the conditions which exist in regard to Indian lands in the province of British Columbia, while the land is the property of the Indians as long as the Indians live, when there are no more Indians, it reverts to the province of British Columbia. Therefore the province of British Columbia, although it does not own the Metlakhatla reserve at present, does possess what is called a reversionary interest in that reserve.

Mr. R. L. BORDEN. Is the disposition of a reversionary interest a disposition of the public domain?

Mr. OLIVER.

Mr. OLIVER. Certainly not, of the public domain of the Dominion.

Mr. R. L. BORDEN. Of the province?

Mr. OLIVER. If the province saw fit to dispose of it, certainly, but not the Dominion. The province I say has a reversionary interest in the land of the reserve, and the Dominion is charged with the responsibility of caring for the interest of the Indians in any disposition that may be made of their interest in the reserve. Now it must be perfectly plain to my hon. friend and to the House that if the Grand Trunk Pacific approached the Indians with a desire to purchase from them any part of the reserve held by them, the amount that the Grand Trunk Pacific would in reason be able to pay to the Indians would be considerably affected by the existence or non-existence of the reversionary interest the province of British Columbia held in the land. Therefore the Dominion government felt, as having charge of the interest of the Indians, in order that the Indians might receive the highest possible price for their interest in the land, that the British Columbia government should be approached and asked to waive its interest in the land. That is the purpose of the order in council, and I certainly think my hon. friend has entirely gone beyond the understanding of any member of this House when he says that such action on the part of the government, in any degree trespasses on the rights of the province of British Columbia.

Mr. R. L. BORDEN. I understood the hon. member (Mr. Oliver) to say that the Dominion government has no interest whatever in the land?

Mr. OLIVER. Certainly not.

Mr. R. L. BORDEN. Then, why should it interfere?

Mr. OLIVER. Because the Indians have the land, and the Dominion government is the guardian of the Indians. No matter at what price the land may be sold, the Dominion treasury is not entitled to benefit to the extent of a single cent; the only beneficiaries are the Indians. And I claim that the government, in seeking to do the best it could for the Indians, is discharging its duty to them and to the country, and is not at all trespassing on the rights of British Columbia. Had the Dominion gone on, negotiated with the Indians for the reserve with a view to disposing of the land afterwards to the Grand Trunk Pacific, and not taken some means to acquire the reversionary interest of the province of British Columbia, it would not have been doing its duty to the Indians, it would not have been giving the degree of care to its guardianship that it ought to give, and that, I think, it has generally given. The province of British Columbia, in its wisdom, saw fit to refuse—as it had the right—to waive its reversionary interest, and so the Dominion