

*Supply—Citizenship and Immigration*

the fact that there was last session, and there is this session, a special joint committee of the other house and the House of Commons on Indian affairs. What I want to discuss is a matter which I feel is of such great importance that it goes beyond a study of Indian affairs by a joint committee of the other house and the House of Commons.

Through you, Mr. Chairman, I should like to ask whether the minister in charge of Indian affairs in her time in office has had an opportunity to review the sale of Indian lands over a period of, for instance, 40 years. I refer in particular to the province of British Columbia, and ask whether any thought has been given not only to the studies being made by a special joint committee but to a judicial inquiry to decide whether or not the Indians in British Columbia have been robbed—and I deliberately use those words “have been robbed”—on the sale of land. Has any thought been given to a judicial inquiry into the question of whether an agreement made in 1912 is still in effect or has a bearing on the sale of reserve land nominally held by the Indian bands of British Columbia?

May I at this time through you, Mr. Chairman, and the minister also express my thanks to the director of Indian affairs, who in past weeks has been most courteous and helpful to me in trying to obtain copies of official records. It is only through his courtesy and co-operation that I was able to locate a copy of the proceedings of the royal commission on Indian affairs, volume 1, in 1916, which provides the basis upon which I am making my remarks here this morning.

It is my understanding that prior to 1912 Indian reserves were established and lines of demarcation were set, and that those Indian reserves were the property of the Indians of British Columbia. However, a royal commission was established in 1912 on which was a Mr. McKenna, representing the government of Canada. As a result of this royal commission an agreement was reached in 1912 which is now known as the McKenna-McBride agreement, McKenna being the commissioner representing the government of Canada and McBride the premier of British Columbia.

I was most interested in noting that an order in council was passed on November 27, 1912 and that according to the terms of this order in council, the agreement reached between McKenna and McBride was not to be submitted to the legislature of British Columbia or to the parliament of Canada but was to be decided upon by the government of Canada and the government of British Columbia. I have not yet been able to locate any act of the legislature of British Columbia or any act of the parliament of Canada relative

[Mr. Winch.]

to changes that were made regarding reserve lands. I say that I have not yet located any acts of parliament, but they may be in existence. I do not know; I have not found them yet. All I have at the present time is this order in council passed in Ottawa on November 27, 1912, by which the government concurred in the McKenna-McBride agreement.

You may ask, Mr. Chairman, why this is disturbing and why I ask whether the minister is considering, has considered or will consider, in addition to the study being made by the joint committee, a judicial inquiry to determine whether or not the Indians of British Columbia have been robbed of their lands because of the McKenna-McBride agreement of 1912.

The McKenna-McBride agreement is quoted in the report of the royal commission on Indian affairs, 1916, volume 1. I will read the agreement in part. I will read all that hon. members require, but this is what it says in part, dealing with reserve lands. The commission had the power to add, if they found it proper, or cut down the reserve lands. This is the agreement on how they could cut down the lands which had previously been granted and accepted as being the property of the Indians of British Columbia:

Memorandum of an agreement arrived at between J. A. J. McKenna, special commissioner appointed by the dominion government to investigate the condition of Indian affairs in British Columbia, and the Honourable Sir Richard McBride, as premier of the province of British Columbia.

Then the agreement continues:

(a) At such places as the commissioners are satisfied—

I stress those words “the commissioners are satisfied”:

—that more land is included in any particular reserve as now defined than is reasonably required for the use of the Indians of that tribe or locality, the reserve shall, with the consent of the Indians, as required by the Indian Act, be reduced to such acreage as the commissioners think reasonably sufficient for the purposes of such Indians.

I would like this to be noted; it is in the report:

4. The lands which the commissioners shall determine are not necessary for the use of the Indians shall be subdivided and sold by the province at public auction.

5. 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 is the McKenna-McBride agreement, which was agreed to by order in council in Ottawa and by the lieutenant governor in council in British Columbia. I would like to point out first of all that these lands had been