

"That which has been ordinarily spoken of as the 'Indian title' must of necessity consist of some species of interest in the lands of British Columbia.

"If it is conceded that they have not a freehold in the soil, but that they have an usufruct, a right of occupation or possession of the same for their own use, then it would seem that these lands of British Columbia are subject, if not to a 'trust existing in respect thereof,' at least 'to an interest other than that of the Province alone.'"

Since the year 1875, however, notwithstanding the report of the Minister of Justice then presented and approved, local governments have been unwilling to recognize the land rights which were then recognized by Canada, and the two governments that entered into the McKenna-McBride Agreement failed to recognize those land rights.

If now the two governments should be willing to accept the report and Order-in-Council of the year 1875 as deciding the land controversy, they would thereby provide what we regard as the only possible general basis of settlement other than a judgment of the Judicial Committee of His Majesty's Privy Council.

By means of the direct and independent petition of the Nishga Tribe, we now have our case before His Majesty's Privy Council. We claim that we have a right to a hearing, a right which has now been made clear beyond any possibility of doubt. Sir Wilfrid Laurier, when Prime Minister, on behalf of Canada, met the Indian Tribes of Northern British Columbia, and promised without any condition whatever that the land controversy would be brought before the Judicial Committee. Moreover, the Duke of Connaught, acting as His Majesty's representative in Canada, gave positive written assurances that if the Nishga Tribe should not be willing to agree to the findings of the Royal Commission, His Majesty's Privy Council will consider the Nishga petition. In view of Sir Wilfrid Laurier's promise, and the Duke of Connaught's assurances, both of which confirm what we regard as our clear constitutional right, we confidently expect an early hearing of our case.

Before concluding these introductory remarks, we wish to speak of one other matter which we think very important. No settlement would, we are very sure, be real and lasting un-