

(3) From the Despatch of Secretary of State for the Colonies replying to that Petition dated 19th October 1861 the following words are quoted:- "I am fully sensible of the great importance of purchasing without loss of time the native title to the soil of Vancouver Island."

5. In the month of January 1870 the Government of the united Colony of British Columbia deliberately decided to adopt and by report then issued announced the policy of denying that the Indian Tribes of the Province have any title and thus seizing all the lands of the Province without treaty or compensation. By this Report was commenced the Indian land controversy which has been the cause of great and ever increasing trouble.

6. When in the year 1871 British Columbia became part of Canada, the territorial land rights of the Indian Tribes were, as is submitted, expressly preserved by the provisions of the British North America Act and thus became part of the Constitution of the Province of British Columbia. Under Section 109 of the Act the lands of British Columbia except certain particular lands became the lands of the Province "subject to any trust existing in respect thereof and to any interest other than that of the Province in the same." Under Section 146 of the Act Article Thirteen, being one of the "Terms of the Union" and dealing with the matter of lands to be reserved for the use and benefit of the Indians, became subject to all provisions of the Act.

7. Notwithstanding these facts, which as is submitted should have been regarded as alone quite conclusively establishing the land rights claimed by the Indian Tribes, the attitude of local Governments continued to be that which had been announced by the Report of January 1870.