

the Indians and military commanders of the forces which are referred to as treaties; but they really did not have Royal Sanction as treaties, and those Indians in the maritimes are not under treaty.

The same thing applied in British Columbia because there had been an established arrangement whereby, under the old province of British Columbia and the Crown Colony of British Columbia the Indians had been settled on reserves. There were not treaties there except one of the agreements, on Vancouver Island, with Governor Douglas, first as a factor in the Hudson's Bay Company, and then Sir James Douglas, later as Governor of the Island. But the Indians in Canada were brought under the treaty as Canada went forward into previously unorganized areas. And that began in south western Ontario, from the Niagara Peninsula south-west and all along the Bay of Quinte. That is where the treaty system began, and it spread from there throughout Ontario to northern Ontario and the Northwest Territories, and to the new areas of Manitoba and Saskatchewan, and Alberta as they were opened up as new Canadian areas. But where the Indians had already been under previous dispensation, it was not considered to be necessary for the Dominion government to make new treaties with them.

*By Mr. Castleden:*

Q. How about their rights? What guarantee did they have of their rights supposing there was some area which was set aside under an arrangement with the French government?—A. They were all protected by the Statute of 14 and 15 Victoria, along about 1851. The reserves in lower Canada were formed as Indian reserves. That was under the United Province of Canada, after the Act of Union, but there was a complication there and in some of the other provinces; and as a result of the decision of the Privy Council in the *Star Chrome* case, to the effect that the reversionary interest was in the province, and that if any Indian lands were disposed of and sold, no longer being used by the Indians, that goes back again to the old idea that the Indian title was not a beneficial interest but rather a usufructuary title, when they did not revert to the province, with the result that where we had gone ahead and sold, for the benefit of the Indians, some lands which had been surrendered in the regular way, by them, we found that the money had to be paid back to the province, and we did pay it back to the province. Parliament voted it to the province of Quebec, but the Indians did not have to pay. But apart from that consideration, and the reversionary interest to the province, the Indians have had their rights fully protected; not only the reserves they originally had were conserved for them, but additional reserves have been acquired for them by the Dominion, as interest demanded from time to time.

Q. At this time I believe there are some Indians who would differ with that. They believe that certain areas which they thought belonged to them have been taken away from them. It is likely that the Quebec Indians will draw the attention of the committee to that matter.

The CHAIRMAN: I think we were agreed, at first, that we were to hold our interrogations until after the presentation of the report. Now, may I ask for a recess for a few minutes, if you do not mind.

The CHAIRMAN: It is now one o'clock and the meeting will now be adjourned until Thursday next at 11 o'clock, that is, of course, without dismissing Mr. MacInnes, but he will be excused now until next Thursday at 11 o'clock when we will convene in this room.

The Committee adjourned at 1 o'clock to meet again on Thursday, June 6, at 11 o'clock a.m.