

In order that our mind regarding this whole subject may be understood, we desire first to make clear what is the actual present position of the Indian land controversy in this Province of British Columbia.

* Throughout practically the whole of the rest of Canada, tribal ownership of lands has been fully acknowledged, and all dealings with the various tribes have been based upon the Indian title so acknowledged.

It was long ago conceded by Canada in the most authoritative way possible that the Indian tribes of British Columbia have the same title. This is proved beyond possibility of doubt by the report of the Minister of Justice, which was presented on January 19, 1875, and was approved by the Governor-General in Council on January 23, 1875. We set out the following extract from that report:

"Considering then these several features of the case, that
 "no surrender or cession of their territorial rights, whether
 "the same be of a legal or equitable nature, has been ever
 "executed by the Indian Tribes of the Province—that they
 "allege that the reservations of land made by the Government
 "for their use have been arbitrarily so made, and are totally
 "inadequate to their support and requirements and without
 "their assent—that they are not averse to hostilities in order
 "to enforce rights which it is impossible to deny them, and
 "that the Act under consideration not only ignores those
 "rights, but expressly prohibits the Indians from enjoying the
 "rights of recording or pre-empting land, except by consent
 "of the Lieutenant-Governor; the undersigned feels that he
 "cannot do otherwise than advise that the Act in question is
 "objectionable as tending to deal with lands which are as-
 "sumed to be the absolute property of the Province, an as-
 "sumption which completely ignores as applicable to the In-
 "dians of British Columbia, the honor and good faith with
 "which the Crown has in all other cases since its sovereignty
 "of the territories in North America dealt with their various
 "Indian tribes.

"The undersigned would also refer to the British North
 "America Act, 1867, section 109, applicable to British Colum-
 "bia, which enacts in effect that all lands belonging to the
 "Province, shall belong to the Province, 'subject to any trust
 "existing in respect thereof, and to any interest other than
 "that of the Province in the same.'