

Mr. OLIVER: I might add a word of explanation. In the case of the Songhees reserve we maintained that the Indians had title in fee simple and for the purpose of the transaction the British Columbia Government practically admitted that in the exchange they made for the reserve they gave us title in fee simple.

Mr. BORDEN: Assuming that the hon. gentleman is correct,—I have no knowledge that his statement is incorrect, and I accept it most fully,—who has informed him that the British Columbia Government are not willing to adopt the same attitude in respect to this reserve? The two cases are precisely in the same class, and the attitude of the Government of British Columbia has not altered in that respect since 1911, so far as I understand.

My hon. friend has several times, in the course of his remarks, alluded to this matter as if it were a real estate speculation in the case of the St. Peter's Indian reserve which he was very ready to defend in this Parliament, and as to which he was not willing to grant an investigation, but it is not a case of real estate speculation in the present instance. In this case, the object of the British Columbia Government—as I understand from the clippings which the hon. gentleman has read to the House—is to place the ownership and control of that property in the Crown in the right of the province of British Columbia, for public purposes and so that it may be disposed of in the ordinary way as a part of the public domain of that province. There is a marked difference between the transaction which the hon. gentleman was called upon to defend a few years ago and the transaction which he is good enough to condemn to-day with a zeal which he did not manifest in the previous instance.

Let us consider the position of this mat-

The Indian reserves in British Columbia are, as I understand,—although I have not had an opportunity since the hon. gentleman sent his notice to give particular study to the question—the Indian reserves in the province of British Columbia are vested in the Crown in right of the Government of Canada in trust for the Indians of British Columbia, and that right is subject to the claim of the province of British Columbia, whatever it may be worth, that the reversionary right is in the provincial and not in the federal Government. By section 13 of the proclamation which brought British Columbia into Confederation, it is provided:

The charge of the Indians and the trustee and management of the lands reserved for their use and benefit shall be assumed by the Dominion Government and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the union.

The question of Indian reserves in British Columbia has been to the fore on many occasions in this Parliament. It has happened in British Columbia as in other provinces, that the lands reserved for the Indians a great many years ago have by the rapid development of modern years become situated within the bounds of very prosperous and rapidly developing communities, such as the city of Vancouver, the city of Victoria, and other cities in the western provinces. The difficulty that arose in those cases was no inconsiderable one, because under section 49 of the Indian Act as that Act existed before 1911, no surrender could be obtained except under provisions which required the consent of the Indians to be given under the precautions and safeguards established by that Act. In 1911 the amendment was made to which the hon. gentleman has referred, and by that amendment it was provided that where the consent of the Indians to the surrender could not be obtained the question might be referred to the judge of the Exchequer Court; the amount payable in respect of the lands was to be ascertained by him, and other particulars as to location of the Indians were to be reported on by the judge. But in that same year the hon. gentleman and the Government of which he was a member found it necessary to make a special provision in the case of the Songhees Indian reserve. I would call his attention to the fact that he is not quite accurate, according to my information, as to the relative value of the land which was established as a reserve for the Indians removed from the Songhees reservation as compared with the amount of money that was actually paid to the Indians, by being deposited to their credit in a certain bank. I am informed that the amount paid to the Indians was \$450,000 or \$475,000 and that the value of the land established as a reserve was \$220,000 or \$225,000, but I would bow to the superior knowledge of my hon. friend.

Mr. OLIVER: I probably was wrong in making the comparison; my right hon. friend is right in his proportions but possibly not his amounts.

Mr. BORDEN: Well, of course that is by the way; it does not much affect the principle we are discussing. I come to the situation as it is to-day. The hon. gentleman has brought to the attention of the Government the newspaper reports of what has been proceeding in the province of British Columbia. I want to point out to him that the rights of the Indians in the province of British Columbia or elsewhere are capable of being dealt with only under the provisions of the Indian Act and the amending Act of 1911 or by a