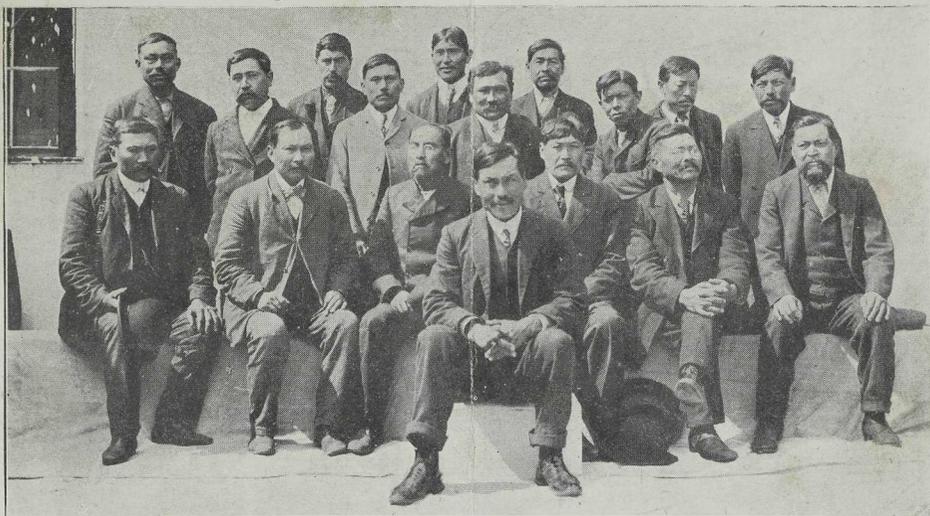


SPAM 4051 1913

British Subjects Seeking British Justice



Nishga Indians, members of the Indian Land Committee of the Naas River, British Columbia. On behalf of this Tribe a petition has recently been presented to His Majesty in Council.



Kitishan Indians, inhabiting the Valley of the Skeena River, British Columbia. The photograph includes residents of several villages, and was taken in front of the building used for native gatherings at Hazelton. This Tribe has resolved to help the Nishga Tribe in every way possible, and to present a petition to His Majesty in Council, if that course should be found advisable.

The Indians and the Commission

Memorial of Nishga Tribe of Indians

At Victoria, on 19th September, 1913, delegates sent by the Nishga Tribe of Indians waited upon the Royal Commission on Indian Affairs, and presented the following Memorial:

TO THE ROYAL COMMISSION ON INDIAN AFFAIRS:

GENTLEMEN:—

1. For more than a quarter of a century the Indians of British Columbia have been asking that their rights be judicially determined. (First request made by Metlakahla Indians in 1886.)

2. In the year 1910 Canada through Sir Wilfrid Laurier and otherwise promised that our claims would be submitted to the Privy Council.

3. Ever since that time the Indians of the Province have been expecting that promise to be fulfilled.

4. During all that time the Government of British Columbia has been seeking to prevent such submission.

5. In the month of August, 1912, in view of the grave constitutional difficulties which had thus been encountered, the Nishga Tribe resolved independently and directly to place a petition before His Majesty's Privy Council.

6. On the 21st May last our Petition, copy of which is herewith laid before you, was lodged in the Privy Council.

7. Subsequently our London lawyers received from the Lord President of the Privy Council a letter relating to our Petition and referring to the alleged fact that "the whole matter raised by the Petition is at present under the consideration of a Royal Commission."

8. We are aware that His Majesty's Privy Council alone can finally determine our rights. We are also informed that in March last the Prime Minister of Canada stated that the Government of Canada did not intend to submit to the Commission the matter of determining our rights. For both these reasons we assume that the two Governments have not asked you to determine what our rights are.

9. At the same time we recognize that our Petition contains a number of statements of fact which might be considered and reported upon.

10. We, therefore, respectfully request you to state to what extent, if at all, you are prepared to consider and report upon the various matters contained in our Petition, and how soon you will be prepared to do so.

The above Memorial was unanimously adopted at a meeting of the Nishga Tribe of Indians, held at Kincolith on the twenty-fifth day of August, 1913.

W. J. LINCOLN,
Chairman.

Answer of Royal Commission

In answer to that Memorial the Royal Commission informed the delegates that at Bella Coola and six other Indian centres, visited upon the trip which had just been completed, the assembled Indians had raised the matter which forms the subject of the Memorial, and that upon each such occasion the Commission had given the answer shown by the following certified extract thereupon handed out by the Commission:

ROYAL COMMISSION ON INDIAN AFFAIRS FOR THE PROVINCE OF BRITISH COLUMBIA.

Extract from stenographic report of meeting
with Indians of the Bella Coola Tribe, held on
the Bella Coola Indian Reserve, on the 18th day
of August, 1913.

THE CHAIRMAN (addressing the Indians):

“The Commission has listened attentively to the document which Mr. Gibson has just read. That paper raises the question of what is known as ‘Indian Title.’ It is the first time that it has been definitely raised before us since we started on our work. I have to tell you that the Commission has not authority as to that. It is not within their jurisdiction. All we have to do is to settle the size of the Reserves, as I have stated before; so it is useless to raise the question of ‘Indian Title’ before us. We have simply to carry out the agreement between the two Governments. We are further authorized to make representations with respect to your conditions and your other wants, and what may be called the ‘Future policy of governing you.’ That is all. The very Commission that appoints us assumes that the title to these lands is ‘In the Crown’ and not ‘In the Indians,’ and we cannot escape it.”

WHAT IS THE RESULT?

In this remarkable document the Commissioners have declared that the agreement between the two Governments, under which they are acting, assumes that the Indians of British Columbia have no aboriginal rights whatever in respect of the land of their forefathers.

WHAT IS CANADA'S PREVIOUS RECORD?

The Department of Justice.

In a report presented in January, 1875, the then Minister of Justice declared that the claim of these Indians was well founded and that they were entitled to an interest in the lands of British Columbia. In that report the Minister expressed the opinion that to treat these lands as the absolute property of the Province is "an assumption which completely ignores, as applicable to the Indians 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."

Lord Dufferin.

In September, 1876, Lord Dufferin, then Governor General of Canada, in the course of an address delivered at Victoria, said:—

"Now, we must all admit that the condition of the Indian question in British Columbia is not satisfactory. Most unfortunately, as I think, there has been an initial error, ever since Sir James Douglas quitted office, in the Government of British Columbia neglecting to recognize what is known as the Indian title."

Sir Wilfrid Laurier.

On 26th April, 1911, the situation arising from the refusal of British Columbia to consent to a reference of the question of Indian title to the Judicial Committee of the Privy Council was brought by the "Friends of the Indians" and the Moral and Social Reform Council of Canada before the then Government of Canada, when Sir Wilfrid Laurier, in the course of the answer given to the delegation, said:—

"The British Columbia Government contends that the Indians have no claim. If the case could be referred to the Supreme Court and the Privy Council it would bring the matter to an issue at once. Unfortunately, Mr. McBride would not agree to that submission. He only agreed to leave out of the question the very thing we want to have a decision upon. We do not know if we can force a Government into court. If we can find a way I may say we shall surely do so, because everybody will agree it is a matter of good govern-

ment to have no one resting under a grievance. The Indians will continue to believe they have a grievance until it has been settled by the court that they have a claim or that they have no claim."

HAS CANADA DEPARTED FROM THIS RECORD?

According to the view of the Royal Commission, the present agreement is in fundamental conflict with the attitude of Canada previously taken with unvarying consistency for forty years, and is based upon the very assumption which was described by the Minister of Justice in the report of 1875.

We do not say that the Canadian Ministers so understand the agreement. On the contrary, we have been assured by the Superintendent-General of Indian Affairs and the Minister of Justice that in entering into the agreement, which deals exclusively with Reserves, the Government of Canada had no intention of injuriously affecting the rights of the Indians.

However, the fact which must be faced is that the Commission appointed by the two Governments so interprets the agreement.

WITH WHOM IS THE ISSUE?

The answer of the Royal Commission is not in its application confined to the Bella Coola Indians and the Naas Indians, but extends to many other Tribes who are asserting and actively pressing the same claims. In fact the Indians of the whole Province are a solid body in taking issue with the assumption so strongly disapproved by the Minister of Justice in 1875, upon which the Commissioners now say that their whole work is being carried on.

THE ONLY SOLUTION.

The "Friends of the Indians" have always advocated as very desirable that there should be secured from the highest Tribunal of the Empire a judgment determining the rights of these Indians upon the basis of which every outstanding question between the Indians and the two Governments might be equitably and finally decided. The recent course of events, culminating in the declaration made by the Royal Commission, has most conclusively proved that to carry through this policy of justice and conciliation is the only possible solution of an increasingly serious situation.

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