

British Columbia Indian Conference

Held at Vancouver, 20th to 23rd June, 1916

STATEMENT

Issued by the Committee appointed by the Conference, 28th June, 1916

(Note.- This statement was put into the hands of the Government of Canada and the Secretary of State for the Colonies, was published in the press of Vancouver and was sent to each Indian Tribe.)

The Indian Tribes of British Columbia have always claimed tribal ownership of the lands of the Province as the lands of their forefathers, and under Royal proclamation, but since the days of Sir James Douglas the local Government has not admitted their claims.

All the Indians of the Province have for many years desired that this land question should be decided, and to that end in the year 1909 sent a petition to the late King Edward VII., and his Imperial Minister, the Secretary of State for the Colonies, asking that the Imperial Government refer the land question to the Judicial Committee of His Majesty's Privy Council.

When, by reason of refusal of British Columbia to agree to a reference, and the McKenna Agreement afterwards entered into by the Governments of Canada and British Columbia, it seemed that the door of the Judicial Committee had been closed against the Indians, the Nishga Tribe was advised that if one tribe presented a direct and independent petition to the King's Great Court, His Majesty's Privy Council, the door of the Judicial Committee might in that way be opened, not only for that one tribe, but for all other tribes. The Nishgas therefore decided to take the responsibility of presenting such a petition for the benefit of all the tribes.

With the approval of the Counsel for the Indian Rights Association, and after full consultation with the Government of Canada, the Petition of the Nishga Tribe was lodged in the Privy Council in May, 1913. That action was taken by the Nishgas with the earnest hope that the other tribes would unite in recognizing their petition as a test case relating to the claims of all the tribes.

After the Nishga Petition had been lodged, the London lawyers of the Nishga Tribe received from the Lord President of the Privy Council a letter stating as reason for not referring it to the Judicial Committee the supposed fact that the Royal Commission appointed under the McKenna Agreement was considering the aboriginal claims, which are the subject of the Petition. Soon afterwards the Nishgas presented to the Royal Commission a memorial in answer to which they were informed that the Commissioners were not considering, and had no power to consider these claims.

Subsequently the Nishga Petition was very fully considered at Ottawa, and as result in June, 1914, the Government passed an Order-in-Council asking that the Indian Tribes accept the findings of the Royal Commission, and agree to surrender their rights if the courts should decide that they have any, taking in place of them benefits to be granted by the Government of Canada.

The Nishga Tribe and the Interior Tribes allied with them, were unwilling to accept these conditions, but made proposals of their own, suggesting that the matter of lands to be reserved be finally dealt with by the Secretary of State for the Colonies and that the matter of fixing compensation for lands to be surrendered be dealt with by the parliament of Canada.

These counter proposals the Government of Canada rejected by Order-in-Council passed in June, 1915, mainly upon the ground that the Government was precluded by the McKenna Agreement from accepting them.

The Nishga and Interior Tribes being still unwilling to accept the Government's terms, and believing that all or nearly all of the tribes of the Province would be unwilling to accept them, in April last sent delegations to Ottawa.

The delegates spent six weeks in Ottawa, and placed the case squarely before the Prime Minister of Canada, the Minister of the Interior, and the Deputy Superintendent-General of Indian Affairs. They also interviewed Sir Wilfred Laurier, who when Prime Minister promised that the land question would be brought before the Judicial Committee.

The delegates devoted much attention to the expected report of the Royal Commission, and asked that the report be not finally dealt with until the issues contained in the Nishga Petition should have been decided, or at least until the Indian tribes should have an opportunity of making representations regarding its findings.

Having failed to secure any definite answer from the Government, the delegates, before leaving Ottawa, in a statement placed in the hands of the Governor-General of Canada, the Prime Minister of Canada, and the Minister of the Interior, and sent to the Secretary of State for the Colonies, declared their determination to do all in their power by independent efforts to secure that the Nishga Petition shall be referred to the Judicial Committee.

After making some progress at Ottawa, the delegates sent to the Executive Committee of the Indian Rights Association an invitation to join them in a conference for the purpose of considering the interviews had with the Government of Canada, and the whole position reached in efforts being made for the Indian cause, with a view to securing the fullest possible harmony and co-operation. This invitation was accepted and the Conference opened in Vancouver on Tuesday, June 20. At a number of meetings held from that day until the following Friday, outstanding features of the situation were discussed with some fullness. The members of the Conference also attended a gathering of natives held on Thursday, June 22nd, addressed by Mr. Duncan C. Scott, Deputy Superintendent-General, whose views then expressed were carefully considered at subsequent meetings of the Conference.

The main result of the Conference was that unanimously the following resolutions were adopted, the first on Tuesday, June 20th, and the second on Friday, June 23rd:

1. That this meeting of the Chiefs of the Indians of British Columbia with the Executive of the Indian Rights Association assembled, repudiate any suggestion that we are satisfied with the terms of the Order-in-Council passed in June, 1914, and Mr. Clark, K.C., of Toronto, quite misunderstood our instructions if he stated to Hon. Dr. Roche that the Indian Rights Association accepted the terms of such Order-in-Council.

2. That a committee be appointed to agree on a general plan of action for the Indians of British Columbia and report to all tribes the result of their deliberations, with power in

meantime to take any necessary steps to preserve all rights and claims on the lines of co-operation with the Nishga Tribe.

The Conference also considered other serious matters of dissatisfaction. The two Governments are claiming that the Indians of British Columbia do not own the foreshores of their reserves, and the Government of British Columbia is claiming that the Province still has a reversionary interest in all reserves which it was understood had been extinguished by the agreement made in 1912 between the two Governments. Later it was explained that the British Columbia Government intended to give up its reversionary claim on the reserves, only after the Indians had agreed to accept the findings of the Royal Commission regarding portions of existing reserves to be relinquished. Other matters concerning which there was the utmost dissatisfaction were the hunting and fishing rights claimed by the tribes. The Government in its proposals had made no mention of these, and they were evidently intended to be left out of the proposed settlement. The Indians were of the opinion that no settlement should be made with the Governments until all these questions were dealt with in some way satisfactory to them.

The Committee appointed by the Conference in pursuance of the second resolution consists of the following: Rev. Peter R. Kelly, of Hydah Tribe, Chairman; J.A. Teit, Spence's Bridge, Secretary; Charles B. Barton, of Nishga Tribe; John Tedlenitsa, of the Thompson Tribe; Dennis Peter, of Lower Fraser Tribe, and William Nahinee of Squamish Tribe.

This Committee has held several meetings, has after full consideration agreed to recognize the Nishga Petition as a test case for the land claims of all the tribes, and has made plans for informing the tribes and otherwise co-operating with the Nishgas.

The Committee also decided to prepare this statement to be placed in the hands of the Governments concerned, as well as each Indian tribe.

In connection with the land question, and all other matters considered at the Conference, the Committee thinks it important to point out that, while the Indians of this Province are subjects of His Majesty, and an obligation for their protection has been placed upon and accepted by Canada, they are neither wards of the Government nor citizens of the Dominion, and that to this day there is no real relation between the Indian tribe and the people of Canada, the tribe remaining a community not yet part of the Canadian people.

The Committee is sure that the Indian tribes will continue to insist upon the right of free assembly and free speech. It should also be known to all concerned that the Indian tribes will continue to jealously guard and freely exercise the right of collecting from members of the tribe, or otherwise securing all funds needed for protecting their rights and promoting their interests.

There is another right which the Committee is satisfied that the Indian tribes of British Columbia will very jealously guard, that of being advised and represented by counsel chosen by themselves. Under ordinary circumstances, of course, this should be at their own expense. For a test case, like the Nishga Petition, containing issues affecting the Indians of the whole Province, it has been generally thought that parliament may reasonably be asked to provide all funds needed. But what the Committee regard as all important is to preserve the right of choosing counsel. The Committee, therefore, on behalf of the Indian tribes of this Province makes an earnest protest against any interference whatever with this right on the part of the Government of Canada, or the

Indian Department, and particularly against the condition relating to appointment of counsel contained in the Order-in-Council of June, 1914.

The Committee concludes this statement by asserting that, while it is believed that all of the Indian tribes of the Province will press on to the Judicial Committee, refusing to consider any so-called settlement made up under the McKenna Agreement, the Committee also feels certain that the tribes allied for that purpose will always be ready to consider any really equitable method of settlement out of court which might be proposed by the Governments.

The above statement has been issued on behalf of the Committee by the undersigned.

PETER R. KELLY, Chairman
J.A. TEIT, Secretary