

policy treating the Indians on exactly the same footing as I would treat the whites, and would if necessary advise the Government of the Province to give the Indian Department a written assurance to that effect. I am, however, of the opinion that no such assurance is necessary, as I think the principle of Riparian Rights would apply to any Indian reserves having water frontage to the same extent as Riparian Rights would apply to the same lands were such lands subject to the private ownership of any person other than an Indian. In other words, Riparian Rights would accrue to the Indians (through the Indian Department) to the same extent as they would apply to a white owner. I should be pleased if you would obtain the advice of your legal Department on this phase of the situation.

I am,

Yours faithfully,

(Signed) JOHN OLIVER.

(9) That if the Governments and the Allied Tribes should not be able to agree upon a standard of lands to be reserved that matter and all other matters relating to lands to be reserved which cannot be adjusted in pursuance of the preceding conditions and by conference between the two governments and the Allied Tribes be referred to the Secretary of State for the Colonies to be finally decided by that Minister in view of our land rights conceded by the two Governments in accordance with our first condition and in pursuance of the provisions of Article 13 of the "Terms of Union" by such method of procedure as shall be decided by the Parliament of Canada.

It would appear to be a sufficient answer to this condition to state that under the provisions of Article 13 of the "Terms of Union" a reference to the Secretary of State for the Colonies was only to be resorted to if the two governments failed to agree. They have agreed under statutory authority and the allotment of reserves is therefore concluded.

(10) That the beneficial ownership of all reserves shall belong to the Tribe for whose use and benefit they are set aside.

When the reserves are conveyed by the Province to the Dominion, which procedure is now in progress, they shall belong to the Indian Bands for which they are set apart. Tribal ownership is not recognized unless by desire of the Bands comprising the Tribe. If any such case arises due consideration will be given to all the surrounding circumstances.

(11) That a system of individual title to occupation of particular parts of reserved lands be established and brought into operation and administered by each Tribe.

Provision is already made in the Indian Act for the issue of location tickets which are equivalent to a title in fee simple. Indians of British Columbia are at liberty to take advantage of this provision at any time.

(12) That all sales, leases and other dispositions of land or timber or other natural resources be made by the Government of Canada as trustee for the Tribe with the consent of the Tribe and that of all who may have rights of occupation affected, and that the proceeds be disposed of in such a way and used from time to time for such particular purposes as shall be agreed upon between the Government of Canada and the Tribe together with all those having rights of occupation.

Apart from the emphasis which seems to be placed upon tribal ownership in this paragraph, it merely contains a statement of what is now the procedure of the Department as provided by statute.