

KOMIASKET, a member of the Okanagan Band addressed the Commissioners as follows:

This land belongs to my Chief, and anything that is on top of the earth is his, therefore I tell you that this land is mine, therefore I will not sell it, and I don't want to have my land cut up. You can see that it is from my land that I am good and strong and big— That is all I have to say.

SAM PIERRE of the Okanagan Band addressed the Commissioners as follows:

I am glad to see the Royal Commissioners. I have two youngsters, and I always think how I am going to feed them young ones. This land, it is true, is my parents, and if it was not for my land here, I would not be so good and alive; therefore I cannot sell the land.

The Okanagan Band lost a further 246 acres.

For over fifty years, the Provincial Government refused to admit any doubt about the justice of the McKenna McBride Commission's cutting off 33,000 acres from Indian Lands without the consent of the Bands involved. Finally, after heavy pressure from Indian leaders in 1975, the NDP Provincial Government promised to return all the cut-off lands. Negotiations under the present government are continuing. Twenty-three Bands are involved in all: Alexandria, Beecher Bay, Chemainus, Clinton, Kincolith, Kitwanga, Lower Kootenay, Metlakatla, Nawitti, Nazko, Quatsino, Seton Lake, Sheshaht, Songhees, Squamish, Upper Similkameen and Westbank.

SQUAMISH BAND CLOSE TO SETTLEMENT

Closest to satisfactory settlement, it seems, is the Squamish Band in North Vancouver. Chief Philip Joe is positive that their land will be returned back to his people in the very near future. In 1913, the land in

THE CUT-OFF LANDS

question was valued at \$359,000.00 Today it has been estimated as being worth over three and a half million dollars. However, the Squamish people are not that concerned over the dollar value; says Chief Joe, "we want the land, all 133 acres."

THE STORY SO FAR

The story of the "Cut-Off Lands" is just one part of the larger Land Claims question. The Cut-off lands refer to those pieces of land that have been chopped away from the first reserves that were set up, and specifically to those cut off by the McKenna McBride Commission. Over the years, these first reserves have been reduced to a very small part of their original size. Land Claims deals with the fact that, outside of the Treaty areas, we have never surrendered, given away or sold our title to any B.C. lands or resources.

THE FIRST RESERVES

Before the 1850's, our people shared the land and its resources. The first reserves were set by James Douglas, the first Governor of B.C., Douglas made some treaties but when he ran out of money and blankets, he continued to negotiate reserves, recognizing Aboriginal Rights to the land, and recognizing that Bands could choose the size of their reserves. They were set up in the South Island, Fraser Valley, Fraser Canyon and Thompson River areas.

THE FIRST BROKEN PROMISES

In 1865, Joseph Trutch became B.C.'s Commissioner of Lands and Works. He broke the promises that Douglas made. He reduced the size of the reserves already set up, refused to recognize our Aboriginal Title to land or resources and would not allow Indians to buy land outside the

Reserve. Trutch's only concern was to make way for the white settlement of B.C. Our leaders protested angrily and war nearly broke out. Trutch's policies also led to disputes with the Federal Government.

The Federal Government, responsible for "Indians and lands reserved for Indians" under the new B.N.A. Act, disputed the Province's allotments for Indian reserves. The main issue was the amount of land allowable per family. Under the Federal Treaties in the Prairies, an Indian family was allotted 160 acres. Because most B.C. Indians relied so deeply on their fishing, our forefathers were concerned in protecting all their fishing stations and full aboriginal fishing rights. With this in mind, the Federal Government proposed eighty acres of land per family with fishing rights. The Province proposed ten. Later, they finally agreed on twelve acres per family.

INDIAN RESERVE COMMISSION

Chief Paul Kladak opposed cut-offs and testified about the Gitzault Reserve:

"I am putting before you... the grievances of my land... of my village. It is a great grievance and trouble to us... there are too many white people trying to take the land from me. They have practically run all over the Indian Reserve notwithstanding the word of the government that no white man shall come. From now on I want this to cease... I want the reserve to cover the whole waterfront."

However the 202 acre reserve was cut-off because the commission said that it was: "conveniently situated near mining properties promising early development."

Indian protests against Trutch's policies forced the two Governments to form the Indian Reserve Commission in 1873. Its job was to review the size of Trutch's reserves and set up reserves in areas that had none. Over 35 years it allotted, or "re-allotted" most of the reserves in B.C. Sometimes it made them smaller by re-surveys; sometimes the Province refused to approve reserves and in other cases, the reserves were set up without any proper consultation with the Bands. Continued protests by Bands, the Province's attempts to get Indian land and the continued argument over control and management of the reserves, ended the work of the Reserve Commission in 1910.

All during this time, Indian reserves were also being reduced because of the DIA land policies: land sales, rights-of-ways, re-surveys, churches and lands taken for other "public purposes." There has been little change in these policies.

THE MCKENNA-MCBRIDE CUT-OFF LANDS

The McKenna-McBride Commission was set up to finalize the Indian land disputes. Under the terms of the Commission, any reduction in land was to be made **only with the consent of the Indians concerned.** The Commission also had the power to recommend additions to the reserves and also to cut off lands for "public purposes." From 1913 to 1916, the Commission travelled throughout B.C., hearing evidence from Chiefs, Band spokesmen, Indian Agents and also white businessmen.

In 1919, before the Royal Commission's report became official, it had to be approved by both the Federal and Provincial Governments. By passing the Federal Indian Affairs Settlement Act and the British Columbia Indian Land Settlement Act, the governments took the authority to adopt the Commission's report and to make all the changes that were recommended. The terms of

the Commission were altered by this legislation and the governments claimed the right to cut off lands from Indian reserves without the consent of the Bands involved.

Through the McKenna McBride Commission, the Squamish people lost six entire reserves and over one thousand acres to "corrections" and surrenders to Great Pacific Eastern Railway Company for station grounds and other railway purposes.

The UBCIC started the struggle for the return of the lands cut-off by the McKenna-McBride Commission. Then the Bands involved formed their individual committees to continue their battles. Most were confident that the land would eventually be returned. But it was always dependent on the good will of the governments of the day, especially the Provincial Government. Even though the lands were taken away in an unjust way, it was still "legal". A just settlement of the McKenna-McBride cut-off lands will be an important step towards the recognition of our aboriginal right to land title in B.C.

A number of bands refused to deal with the McKenna-McBride Commission because it had no authority to deal with the question of Title.

The position taken by some Bands was that the issue of Indian Title should be dealt with first, then questions of the size and location of Indian Reserves could be settled. Chief Joseph of Port Simpson Band said:

"We are sorry that we expected to go more fully into the land question with the Commission thinking that they had power to deal with the larger land question, but seeing that they are not empowered to do so, it would be useless... to say more."

As with other Bands Port Simpson gave NO consent to cut-offs, yet the McKenna-McBride Commission made four cut-offs totaling over 11,000 acres.