

Background on Indian Reserves in British Columbia
(modified excerpts from **Our Homes Are Bleeding** website,
<http://www.ubcic.bc.ca/Resources/ourhomesare/>)

Before colonization, **First Nations** were self-governing, self-sustaining nations, with legal, administrative and diplomatic systems that owned and managed their lands and resources. At the time of contact, relationships between First Nations and European explorers and traders ranged from relationships that benefited all, to violent encounters. The **Royal Proclamation of 1763** declared: “any lands whatever, which, not having been ceded to or purchased by us,...are reserved to the ...Indians.” Relationship patterns changed dramatically when British colonies were established and settlement by Europeans and Americans was promoted.

Indian Reserve Creation in Colonial British Columbia

Indian Reserves did not exist in British Columbia until shortly after the region became an official British colony. Before this time, First Nations had no colonial restrictions as to where they lived on the land or how they used the resources that the land and water provided.

Once the colonial powers claimed sovereignty over the land and its resources, **Aboriginal Title and Rights** became a very controversial issue. The first reserves were not created until the 1850's and 1860's after the colony of Vancouver Island was established in 1849 and the mainland of British Columbia became a colony in 1858. During this time period the Hudson's Bay Company was granted control of land and settlement in both colonies by the British colonial authorities.

Sir James Douglas, Chief Factor of the Hudson's Bay Company and governor of the colonies, recognized that in order to promote settlement he would have to **extinguish** Aboriginal Title and stabilize the relationship between First Nations and settlers. Douglas negotiated fourteen agreements for the cession of Title on Vancouver Island from 1850-1854. This process was intended to extinguish Title through **treaty**. These fourteen treaties along with Treaty 8 and the Nisga'a treaty, finalized in the year 2000, are the only treaties that have been signed in British Columbia. After the fourteen Douglas Treaties, the Colonial office in Ottawa stopped funding efforts for the **extinguishment** of Title in British Columbia. However, the British Colonial office still expected Douglas to proceed with extinguishing Indian Title, but at the Colony's own cost. Although the [Royal Proclamation of 1763](#) required the negotiation of treaties to extinguish Title and claim Aboriginal lands for settlement, Douglas created reserves throughout the colony without neither negotiating nor extinguishing Aboriginal Title.

Joseph Trutch became governor of the colony in 1864 and while in power, reduced existing reserves and was unwilling to allot new reserves or add to pre-existing reserves. Trutch refused to recognize Aboriginal Title and, like Douglas, acted without any formal policy. Trutch's reductions to Indian reserves were the first of many "adjustments" or "**cut-offs**" that have been made to reserves.

Ongoing disputes resulted in the establishment of the Indian Reserve Commission in 1876 (first called the 'Joint Reserve Commission') to determine Indian reserves in British Columbia. The reserve commission was authorized to create reserves to be used for the benefit of First Nations. Dominion crown lands were to be used to add land to reserves while any land removed became

Provincial land. The decisions of the Joint Reserve Commission were made without consent from First Nations.

Confederation Onward: Historical Dominion/Provincial Disputes

When British Columbia joined Canada in 1871, the [terms of union](#) detailed the ways the two levels of government would divide their powers. Under [Article 13](#) of the terms, the Dominion (Canadian) government held responsibility for Indians and the trusteeship and management of lands reserved for Indians. However, any lands removed from Indian reserves were to become Provincial crown land (This was called 'reversionary interest'.) It was at this time that the dispute between the Provincial and Dominion governments over Indian land policy began. The governments argued over control of reserve lands and the Provincial government's refusal to commit to a formal Indian policy or to recognize and deal with existing Aboriginal Title.

Dominion (Canadian) and Provincial (BC) governments held very different opinions regarding reserve size. The land surveyed in the province amounted to less than one acre per Indian (settlers were receiving 320 acres per family) although Aboriginal Title had neither been recognized nor extinguished. In the other provinces, the Dominion government recognized Aboriginal Title by signing treaties for land surrender, giving between 160 and 640 acres per Indian family. But British Columbia refused a Dominion government proposal to increase Indian reserves to 80 acres per family. The two governments temporarily agreed to 20 acres per family.

The McKenna-McBride Royal Commission was established in 1913 in order to gather evidence and make recommendations that might resolve the disputes between Canada (the Dominion) and British Columbia (the Province) over aboriginal lands. Commissioners traveled around B.C. gathering testimony on issues of land. This testimony is available on the UBCIC website, and selections are provided for this lesson. The [Dominion Indian Affairs Settlement Act of 1919](#) and the [British Columbia Indian Lands Settlement Act of 1920](#) were passed in an attempt for both governments to claim the power to adopt the recommendations of and make changes to the Royal Commission Report. Through these Acts, the Governments also claimed the power to cut off lands without consent, in opposition to the existing laws requiring consent and ignoring Aboriginal Title and rights. After passing these acts, the governments cut off over 36,000 acres of land from [reserves](#) all over British Columbia without consultation, consent, or [compensation](#).