

SEMINAR



Property & Sovereignty: An Indian Reserve in a Canadian City



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Property rights, argued Morris Cohen in 1927, are delegations of sovereign power. They are created by the state and operate to establish limits on the power of the state. As a result, the allocation of property rights is an exercise of sovereignty and a delegation of it. To the extent that property rights confer power on an individual over other individuals, argued Cohen, the state has a responsibility, as sovereign, to assign appropriate limits on that power. Joseph Singer turned Cohen's interpretation of property and sovereignty to an analysis of the US Supreme Court cases involving Native American land, revealing that the Court, in choosing whether to label Native American interests as property interests or sovereign interests, invariably chose to the detriment of the Native Americans. This paper uses the concepts of property and sovereignty as revealed by Cohen and Singer to understand the appearance, disappearance, and reappearance of an Indian reserve in Vancouver.

Douglas Harris joined the UBC Faculty of Law in 2001. He writes and teaches in the areas of property law, legal history, fisheries law, and Aboriginal rights. His published writing includes histories of the fisheries and of relations between Aboriginal peoples and the state in British Columbia, analyses of title registration systems, studies of property law in urban settings, and work on the interpretation of Aboriginal and treaty rights. Among other publications, he is the author of [*Landing Native Fisheries: Indian Reserves and Fishing Rights in British Columbia, 1849-1925*](#) (UBC Press, 2008), winner of the John T. Saywell Prize for Canadian Constitutional Legal History in 2011. In 2013, Professor Harris received the George Curtis Memorial Award for Teaching Excellence from the UBC Law Faculty.

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