

in the matter, He stated that he had other creditors besides the Dominion Bank, and intimated that he was willing to divide up the money due him amongst all "our" creditors if he could get a settlement, but that he was unwilling to recognise the bank alone.

The matter now having assumed a different aspect the case was submitted to the Department of Justice, which expressed the following opinion—"I do not think the Dominion Bank has as a creditor of ~~Gillespie~~ Gillespie any power to garnishee money in the hands of the Crown, nor do I find in the order of the local Judge of September 23rd, 1902, any thing to show that garnishee process was issued against the Indian Agent. Under these circumstances the Crown is free to pay the money to the Indians if it thinks proper." This Department in reply asked the Deputy Minister of Justice whether if Mr Gillespie obtained a joint agreement from his creditors to accept a proportionate payment of moneys retained from the Indians by the Department there would be any legal objection to paying the moneys to the creditors upon such an agreement. The Deputy Minister of Justice wrote in reply—"If Mr Gillespie can obtain a joint agreement from his creditors to accept a proportionate payment of the moneys retained from the Indians by the Department (which agreement would of course include the Dominion Bank) there would not be any legal objection to paying the money under the agreement". Mr Gillespie was advised to this effect on the 9th August, 1904 (the letter being addressed to him at Vancouver). In August 1905 Messrs Baxter & McLellan of Vancouver wrote the Department asking to have the money paid over to them for Mr Gillespie. A reply was sent to them similar to the letter just referred to addressed to Mr Gillespie. Neither he or his lawyers have since been heard from.

In February, 1906 Mr D. Inglis Grant wrote stating an arrangement had been arrived at and that he held in his possession an order from Gillespie to the Dominion Bank, consenting to the payment by the Department to the bank of the sum of \$500.00 of the amounts held back by the Department or maturing at ~~xxxxxxx~~ that time. He added—"Will you kindly write me stating whether the Department will recognize Gillespie's consent, and will pay the sum of ~~xxxxxxx~~ five hundred dollars to the bank as requested by him." The Department replied