

sent stage of the dispute in the Oka Indian case, and along what lines does he hope to succeed in effecting a settlement?

Mr. OLIVER. I need not go into the merits of the dispute in the Oka case. But the Indians take the position that they want their rights defended and carried to the highest court, that is the Privy Council in England, and whatever the highest court may decide they are willing to abide by. But they say they will not abide by anything short of that, and they will accept nothing less than a judgment by the highest court in the empire. A test case has been entered, and proceedings are now in progress in the city of Montreal, and will be carried forward to a finish.

Mr. SPROULE. What is the test case proposed by the government? Is the case based on what the Indians claim is an infringement of their rights?

Mr. OLIVER. It is a case arranged by the government, but the case is founded upon an alleged infringement of the rights of the Indians. It is a concrete case, and is in the Superior Court of Quebec before Judge Hutchinson.

Mr. DANIEL. The minister has made a reference to the Oka Indian litigation. Was anything paid on that account last year? I find no reference to it under general legal expenses in the Auditor General's Report, although last year \$13,500 was asked for legal expenses. The only expense charged in the Auditor General's Report was \$1,093. It seems strange that with only \$1,000 of expense the minister should be asking for a vote of \$13,500. And the same way last year. If this litigation has been going on for several years one would expect to see some charge or payment relating to it in the Auditor General's Report. Has the minister any explanation in regard to the matter? There is nothing in the Auditor General's Report with regard to any payment for the whole year for litigation in connection with the Oka Indians?

Mr. OLIVER. I have already said that the \$3,500 in the vote is the amount estimated for ordinary legal expenses. In addition to that the \$10,000 that was taken last year was taken with the expectation that we would have been able to get the case forward last year, but the circumstances were that it was not possible to get the case forward last year or to make an expenditure beyond the amount that my hon. friend has mentioned. It was only possible to get the case to court quite recently. When I spoke of the case having been in progress for many years I meant to say that the dispute in regard to the Oka reserve was of many years' standing, but this particular case in court by which we hoped to get a final settlement has only had

Mr. SPROULE.

its beginning within this last year. It is a new case although it is an old dispute, but we have actually now got to trial. Of course, there will be an appeal and it will be carried to the highest court.

Mr. S. SHARPE. How much of the \$13,500 did you use last year?

Mr. GEORGE TAYLOR. That is the year before last.

Mr. OLIVER. In the year ended March 31, 1908, we expended \$1,093.95.

Mr. GEORGE TAYLOR. How much have you expended in 1908-9?

Mr. OLIVER. We have about the same expenditure for this year as for last year up to date.

Mr. J. A. CURRIE. Is there also litigation pending in reference to the Indians of the Grand River reserve? The Brant Indians have been claiming for many years that they were unjustly dealt with in that the government invested their funds in some Welland canal bonds, or something like that, and lost their money.

Mr. OLIVER. A claim is being spoken of as being made by or on behalf of the Six Nation Indians with regard to a transaction which took place some time in the 1830's, I think. That matter is under the consideration of the department at the present time.

Mr. J. A. CURRIE. Any hope of doing Justice to these Indians?

Mr. OLIVER. Yes.

Mr. J. A. CURRIE. The facts are historical, I may say.

Mr. OLIVER. Of course, this department only takes responsibility to do justice with regard to what rests upon it, and it does not take the responsibility of doing justice with respect to that for which it is not responsible.

Mr. J. A. CURRIE. Quite right.

Mr. SPROULE. In this Oka Indian dispute, is the government supplying counsel for both sides of the case and paying the cost out of the Indian fund? Who are the counsel on behalf of the Indians?

Mr. OLIVER. The government is paying the whole of the costs in order to get a decision that will be satisfactory to the Indians and, it is presumed, equitable. The government is paying the cost of both sides to the suit.

Mr. SPROULE. Do you not think it is a great injustice to the Indians? The Indians claim that these others are trespassing and the litigation is to determine the question between the trespasser and the original owner. That the costs of the litigation should come out of the fund belong-