

WITNESS: Well, once again, I maintain, if you say that we have not established our position, then just in the same measure the Government cannot show—either this Government or the Provincial—cannot show by what instrument the Indian title has ever been extinguished.

Mr. McPHERSON: In a great number of the provinces, titles have been extinguished in thirty years. That is, title to land has been lost by right of occupation, by an adverse occupant.

Hon. Mr. STEVENS: Squatters' rights.

WITNESS: Then white men who came to British Columbia were squatters?

Mr. McPHERSON: We might say that.

Hon. Mr. STEVENS: There are lots of squatters in British Columbia now. There are some right in the heart of Vancouver.

WITNESS: If you take that position, then may I say this?

Mr. McPHERSON: I am not taking that position, I am suggesting that the extinguishment of title by occupation is not an unheard of statement.

WITNESS: Then the land that has not been squatted upon is the land of the Indians.

Mr. McPHERSON: No, the King took possession of the whole territory.

Mr. PAULL: Mr. Chairman, if I may interrupt for the moment?

The CHAIRMAN: No, wait until Mr. Kelly finishes.

WITNESS: Mr. Chairman, I began with a plea for tolerance on behalf of our counsel to present his argument, just to meet such questions as are now being brought to the surface; to present a constitutional argument so that, whether it be strong or weak, the constitutional side of our stand may be presented in a full way. Then, gentlemen, I would take it that you would be in a position to decide in a very fair, unbiased way, whatever you wish to decide upon this very important question.

The CHAIRMAN: The Committee will take that into consideration.

By Hon. Mr. Stewart:

Q. Mr. Kelly, supposing Dr. Scott has made an estimate based upon a settlement by treaty of a certain portion of Vancouver Island; if he has taken the amount of that settlement and has calculated it on that basis, that if the rest of the title had been settled at that time by treaty, and the amount had been claimed—that has not been discussed this afternoon, but what would your opinion be? Have you seen that statement?—A. No, I have not.

Q. It would be unfair then to ask you the question?—A. I have not studied that at all.

Mr. PAULL: May I ask which statement that is?

Hon. Mr. STEWART: It is a statement in Dr. Scott's memorandum, indicating what your title would have been worth at that particular time on the basis of the other.

Mr. PAULL: He estimated that in twenty years, it would have been worth, \$2,472,000.

Dr. SCOTT: No, that is not what the Minister referred to at all. He refers to the comparative statement that I made when I was addressing the Committee, and which appears on page 15.

Hon. Mr. STEWART: This is on the Treaty for Vancouver Island.

Dr. SCOTT: It appears on page 15 of the proceedings of March 30, and the following pages 16 and 17.

Hon. Mr. STEWART: I do not want to delay the Committee to ask Mr. Kelly that question.