

*By Mr. McPherson:*

Q. But, do you want it taken to the Privy Council first?—A. That court is the final Court of Appeal.

Hon. Mr. STEVENS: I think your counsel has always taken the position that you should go direct to the Privy Council. But here is your position as stated, and this is one of the things that objection is taken to:—

That immediate steps be taken for facilitating independent proceedings—

Hon. Mr. MURPHY: That is what I have in mind, and that is why I asked my question.

*By Hon. Mr. Stevens:*

—of the Allied Tribes and enabling them by securing reference of the Petition now in his Majesty's Privy Council, and such other independent judicial action as shall be found necessary to secure judgment of the judicial Committee of His Majesty's Privy Council, deciding all issues involved.

That is rather ambiguous language, but the intent of it is there.

WITNESS: That is a very contentious point, and perhaps we will take quite a little time, but I would like to sum it up if I am able to do so. The reason that was put that way was that Canada having entered into that McKenna or McBride Agreement with the Government of British Columbia, and by the text of that agreement, bringing to a final settlement all matters relating to Indian affairs in the Province of British Columbia, put itself in a position where it was not competent to defend the affairs of the Indians. Now, when we say that, it is not just our opinion. In fact, I will go beyond that. It is the opinion of the Hon. Mr. Doherty, the Minister of Justice in the Borden Government. That was the opinion he expressed.

*By Hon. Mr. Stevens:*

Q. You say that is his opinion. Where do you get that?

Mr. O'MEARA: It all appears clearly in the papers that you have.

WITNESS: We have that in black and white, so I am not speaking just from my memory.

Hon. Mr. STEVENS: These things are quoted rather recklessly sometimes.

Hon. Mr. MURPHY: Mr. Kelly says this is in black and white, it is on record.

WITNESS: Yes, it is a record.

The CHAIRMAN: It is in Appendix G of No. 1 of the proceedings of this Committee.

WITNESS: I will get Mr. O'Meara to bring it out. What we want now is Mr. Doherty's opinion.

Hon. Mr. STEVENS: Is this it on page 61, then continuing on page 62 of the proceedings of Wednesday?

Mr. O'MEARA: No, that has nothing to do with it, Mr. Stevens.

Hon. Mr. STEVENS: This happens to bear just on the point we are discussing. On November 14th, 1914:—

As to your remark that it has always been the view of those advising the Nishgas that the only feasible method of securing a judicial determination of the rights of the Indians of British Columbia is that of bringing their claims directly before His Majesty's Privy Council. I wish