

*By Hon. Mr. Stewart:*

Q. Are you still satisfied that that petition will satisfy the people you represent? That is, you ask for certain things; the latest addition to which I took exception was \$2,000,000; the other was mostly for education and all that sort of thing. You are still in the same position as when you filed that petition?—A. Yes; we have had no occasion to change our minds; we are exactly in the same position we were in then.

Q. That has extinguished the claim you might have to aboriginal title?—A. Yes.

*By Mr. McPherson:*

Q. And you want the Privy Council to fix the terms of the extinguishing?

HON. MR. STEWART: Mr. Kelly and I have discussed that, and I do not know whether or not that should come up here. That is the one thing which caused me to hesitate to suggest to our government, or even later to discuss it in Parliament—a reference to the Courts. In discussing it it developed that Mr. Kelly and others held the view that in all probability, even if it reached the Privy Council—Perhaps I had better preface that by saying this to them; law is usually, when it is obscure, a matter of precedent; a precedent exists all over Canada; the government has dealt with the Indian tribes largely by Treaty, sometimes otherwise; but throughout this, the fact was very apparent that the Crown, whether by conquest or otherwise, claimed the land, and they were dealing with the Indians on the basis of providing them adequately with land to carry on as Indian people, and later, by education, medical attention, and otherwise. That discussion, in my opinion, would be settled by precedent, even if it reached that stage, and then we would be left in a very unsatisfactory position, by the Courts or the Privy Council deciding what the terms were to be; that would still have to be settled. I think that was agreed to very largely by you, Mr. Kelly.

The WITNESS: Yes.

HON. MR. STEWART: If that is the case, that is why I hesitated at once to recommend procedure by law. The reason this has not been settled is that there has been a hope that some grounds of settlement could be arrived at, but as yet it has not been reached, and the British Columbia government, no matter of what political stripe, maintains the position—and we may as well be frank—that all they would do was to provide adequate reserves for the Indians, and the rest of the problem was for the Federal government, leaving the thing in a very obscure position so that we would still have to settle all these things in detail.

The WITNESS: I want to read a couple of paragraphs from the record No. 1 of March 30th, appearing on page 31, appendix A, "Statement of the Allied Indian Tribes of British Columbia for the government of British Columbia; General Introductory Remarks:

The statement prepared by the committee appointed by the conference held at Vancouver in June, 1916, and sent to the government of Canada, and the Secretary of State for the Colonies, contained the following:

The committee concludes this statement by asserting that while it is believed that all of the Indian tribes of the province will press on to the judicial committee, refusing to consider any so-called settlement made up under the McKenna agreement, the committee also feels certain that the tribes allied for that purpose will always be ready to consider any really equitable method of settlement, out of Court, which might be proposed by the governments.

We still maintain that position to-day, and we think it is a fair position to take.

[Rev. P. R. Kelly.]