

Instead of accepting the offer thus made by the Government, it was rejected and Counsel for the Indians kept up a correspondence on irrelevant issues with the then Minister of Justice until the latter gentleman ended the controversy with the following letter:

OTTAWA, 14th November, 1914.

The Reverend ARTHUR E. O'MEARA, B.A.,
Prince George Hotel,
Toronto, Ont.

SIR: It is in my view unnecessary to correct the narrative of your letter of the 26th ultimo, because except in the two points which I am going to mention it is immaterial to any question now under consideration.

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 you would realize and endeavour to convince those whom you describe as advising the Nishgas that this Government has no power or authority to refer a question directly to His Majesty's Privy Council; that the only constitutional method of obtaining the judicial view of His Majesty in Council relating to a question limited to the internal affairs of Canada is by appeal from the local tribunals, and that His Royal Highness' Government is determined for these reasons, which have been so often explained to you and those whom you profess to represent, not to advise or concur in any proceedings looking to a decision in which the courts of the Dominion shall not have an opportunity to express their views. If, therefore, it be possible for me to make any statement here which can consistently with the amenities of official correspondence, impress you with the futility of urging upon this government a reference direct to the Judicial Committee, I beg of you to consider that statement incorporated in this letter.

The policy of the Government with regard to the British Columbia Indian question is very clearly stated in the Order in Council of 20th June last, and you should, I think, be able to perceive that one of the conditions upon which further progress may be made is that the Indians shall come under the obligation defined by the first enumeration of the Order in Council. You state that the Order in Council has been brought before the Nishgas Indians, and that they will, as soon as possible, place their answer before the Government. So far it is well, but when you say that it is clearly necessary that before the Nishgas answer they should be advised regarding the procedure of the courts, and demand to be informed under the authority of what enactment and for what reasons a reference to the Exchequer Court is proposed, I may I trust be permitted to observe that the essential question for consideration of the Nishgas is as to whether, if their alleged title be upheld by the ultimate tribunal, they are willing to surrender that title in consideration of benefits to be granted in extinguishment according to the ancient usage of the Crown. I think it would be a pity that this question should be obscured or involved in the difficulties which you have encountered about the procedure, and which the Indians presumably would be no better able to understand. Therefore, without making any further attempt to explain the procedure which perhaps could not succeed within the compass of an ordinary letter, I suggest that the Indians should be permitted to consider the question in which they are really interested