

Mr. O'MEARA: Pardon me. I humbly submit simply this: that Canada took there a position of trusteeship toward the Indian tribes.

Hon. Mr. McLENNAN: There is no dispute about that.

Mr. O'MEARA: I did not suppose that any one would dispute that. Now, then, the second point is that by that article there was given to the Dominion of Canada a power, and that power was to demand land from the Province of British Columbia.

And my third point is that the result of that Article is also to give to the Secretary of State for the Colonies a power, and that is a power to decide on the lands to be reserved, and the extent of them, in face of the Act, the power to set aside lands, or rather, Canada had the power to demand lands from British Columbia.

Hon. Mr. STEVENS: Let us get that right according to the Article, and not according to your interpretation. "A policy as liberal as that hitherto pursued by the British Columbia Government."

Mr. O'MEARA: Yes, exactly.

Mr. PAULL: Mr. O'Meara's contention, Hon. Mr. Stevens, is this: that article 13 only deals with lands to be reserved as reserves for Indians. It does not touch upon the prior or aboriginal title. It does not touch on that at all.

Mr. O'MEARA: The fact is, there is really nothing between Mr. Stevens and myself at all.

Hon. Mr. STEVENS: Except that I would like you to read quotations correctly.

Mr. O'MEARA: I think I have stated my point sufficiently. There is a power conferred upon Canada, and a power conferred upon the Secretary of State for the Colonies. Now, hon. gentlemen, may I ask somewhat special attention to this; and to what has been done under that.

Hon. Mr. STEVENS: What power do you claim is placed in the Secretary of State for the Colonies?

Mr. O'MEARA: The power to finally decide the matter.

Hon. Mr. STEVENS: Decide what?

Mr. O'MEARA: Decide what lands shall be set aside for the Indian tribes.

Hon. Mr. STEVENS: Or reserved?

Mr. O'MEARA: Reserved, set aside and conveyed.

Hon. Mr. STEVENS: According to the policy hitherto carried on by the British Columbia Government?

Mr. O'MEARA: According to the policy, hitherto, yes. Now, before referring to the authorities upon that, I have two matters that relate to the facts of the case, to bring before the Committee. The first is that I submit to the Committee some brief historical evidence answering the contentions that there were certain limited lands to be set aside because at a certain time, British Columbia set aside 20 acres per man and so on. I propose to give historical evidence to show that up to the year 1864, in which year Sir James Douglas seems to be Governor of the two Colonies—up to that time, the Colonial policy was radically different. That is my first point that I wish to bring before the Committee. I have here some brief extracts from historical evidence establishing that, and I will hand in this paper. It all consists of historical evidence, but I will read certain parts of it that are the most material. Here is a despatch from the Secretary of State to the Colonies to Governor Douglas, dated the 31st July, 1858.

The CHAIRMAN: Where is that despatch to be found?

Mr. O'MEARA: I have taken this from the records in the Parliamentary library. They are there in big volumes, and I have taken this very brief extract from it.

The CHAIRMAN: Can you give the number of the volume and the page?

[Mr. O'Meara.]