

title to which, *as occupants*, blest with the unshared usufruct, thenceforward, should be clear and infeasible. The soil, in addition, was to be of good arable quality—to be endued with a productiveness such as should permit of a comfortable subsistence, at least, being derived from it.

As bearing upon this arrangement, that *cause célèbre*, the St. Catharines Lumber and Milling Company *vs.* The Queen—litigation that reached the Privy Council—determined that, after their *surrender* to the Crown, “to the extent of the whole right and title of the Indian inhabitants therein,” no Indian title to lands situate upon the Manitoba frontier, at what was called the north-west angle; and whose occupancy had been guaranteed to the tribes settling thereon by Royal Proclamation, issued in 1763, remained to be extinguished by this Province. It was further established by the judgment that, “by force of the Proclamation, the tenure of the Indians was a personal and usufructuary one, dependent upon the good-will of the Crown; and that the entire beneficial interest in the lands, subject to the privilege, reserved in the instrument of surrender, of hunting and fishing, was transmitted to the Province, by virtue of Section 109 of the B.N.A. Act.”

The writer believes, however, that it would be