

The CHAIRMAN: It is for the Committee to decide if they want them printed.

Hon. Mr. STEVENS: I think before they are printed they ought to be examined to see the necessity of printing.

Hon. Mr. MURPHY: We could have a round table conference and talk about it.

Mr. O'MEARA: Hon. gentlemen, I consider it a great honour to address you, and I will condense absolutely everything that can be condensed.

The first remark I wish to make is with regard to the telegram that came from the Government of British Columbia, in which the province relies upon section 109 of the British North America Act. I point out that that is the outstanding ground upon which the Allied Indian Tribes are relying to-day. They rely very strongly upon Section 109 of the British North America Act.

The next matter is the statement put before the Committee by the Minister of the Interior, regarding the subject of conquest. Reference was made to some stated facts which seemed to show that the Indian Tribes of British Columbia are in the position of a conquered people.

The first reply to that question is that, as a matter of fact, the Tribes of British Columbia have not been conquered.

The second reply will be found in a very recent judgment of the Judicial Committee of His Majesty's Privy Council. That is a case known as the Southern Nigeria case, in which that matter is distinctly dealt with. I refer especially to page 410, at which it will appear that conquests alone will not destroy the native land rights. In that case the colony of Lagos had been conquered. There had been a cession of the territory to the British Crown and their lordships held that neither the conquest nor the cession made to the British Crown destroyed the native land rights. I rely upon that as distinctly distinguishing the point as to conquest.

The CHAIRMAN: Mr. O'Meara, would you give the name of the case and the reference?

Mr. O'MEARA: It is the case of *Amodu Tijani vs. The Secretary of Southern Nigeria*, reported in *Law Reports, Appeal Cases 1921, Volume 2, at page 399*.

I wish to speak further on that case in a few minutes, but at the present time I am only speaking on the point of conquest.

The additional reply that I wish to make is to be found in a few words quoted from the official report of an interview had by the Minister of the Interior, and others representing the Government of Canada, with the members of the Executive Council of the Allied Indian Tribes, in the month of July, 1922. The Minister addressing the Indians said, "I do not want to go into details, but to say that you are the aboriginal owners of this province as no treaty was ever made with the Indians of British Columbia."

I wish to briefly reply to some outstanding points contained in the memorandum of Dr. Scott, a memorandum upon which I must sincerely congratulate Dr. Scott, as I think it is constructed with very great skill and states in an admirable manner the point of view of the Department of Indian Affairs. But, hon. gentlemen, it will be my duty to place before you the fact that there cannot be shown to be any sound constitutional difference between the position of the Department of Indian Affairs, as thus so ably set forth, and the position taken by the province of British Columbia.

First of all I refer to a few words to be found on Page 3, "No Cession of the aboriginal title claimed by the Indians over the lands of the Province of British Columbia has ever been sought or obtained." I desire to take very strong ground on this, that there is an admission of the first order as to the actual facts upon which the allied tribes stand to-day.

The next is to be found in these words at the bottom of that page, where Dr. Scott says: "The Proclamation of 1763, which is referred to by the advisers