

Hon. Mr. BELCOURT: No, it has a meaning in law.

Mr. O'MEARA: Usufructuary? I think it will be found in the decisions, and in the judgments that it is used in that sense, Mr. Chairman, but this point that has arisen is more a question of fact than of constitutional law, and once the Committee is satisfied that the facts are according to what I have said, I am quite satisfied.

Hon. Mr. STEVENS: You will be a long time persuading some of the Committee.

Mr. O'MEARA: I will hand this in to the chairman and ask him to look at it himself. I have tried and I will try again to point out that the St. Catherine's Milling case did not deal with reserved lands, in the sense of reserves, such as are ordinarily called reserves. It does deal with the large lands, the lands that have been occupied for a long time under the Proclamation, by the tribes. I will be pleased to have this confirmed before I pass on, because I would not like any hon. member to think for a moment that there is anything misleading about it. The case speaks for itself.

Hon. Mr. STEVENS: It is not misleading. That is your opinion, so I suggest that you go on.

The CHAIRMAN: What we are listening to, is your statement of your case, Mr. O'Meara, on behalf of your clients. We do not deny, nor do we accept, your statement of the case. That is the position of the Committee. We think you should finish as soon as you can.

Mr. KELLY: Mr. Chairman, may I make this explanation? According to the well-defined statement here, it does not refer to lands reserved in the sense of a "Reserve" that we have now; such as for instance "Squamish Reserve", which is a reserve in the ordinary sense of those words; but, the reserved lands referred to in this decision were not set apart as the reserved lands on which Indian villages are situated now. They were rather "Common" lands.

Hon. Mr. BELCOURT: Is it not this: that the "Reserve" reserved the whole territory, and subsequently, this territory was carved up into special reserves, to which a special name was given, but there is no change in title or in interest by that at all. They were subdivided and given certain names, but the title remaining exactly what it was before. Is not that the case?

Mr. O'MEARA: That might be done, but that is not the St. Catherine's Milling case.

Hon. Mr. MURPHY: The report of that decision speaks for itself. Let us go on.

Hon. Mr. STEVENS: That case is well understood.

Mr. MCPHERSON: May I occupy my time by looking over the report of that case, if I may have the book?

Mr. O'MEARA: Certainly. The next matter to be placed before the Committee, Mr. Chairman, is the judgment delivered by their lordships in the Southern Nigeria case.

Hon. Mr. McLENNAN: We had that before, had we not?

Mr. O'MEARA: The reference has already been given, but I refer to the same case for another matter.

Hon. Mr. STEVENS: That case, Mr. Chairman, is well known to the Committee. Mr. Bennett, who unfortunately is ill just now and unable to be present, referred to it the other day, I think, and merely to state that they claim this case as supporting their argument would be sufficient. I do not think it is necessary to go over it. It is a well established case, and the Committee will know just what value to place upon it.

Hon. Mr. MURPHY: Mr. O'Meara has already stated it.

Mr. O'MEARA: Not on this point. I cited it with regard to conquest. Now, I refer to it and ask attention to the full dealing with the whole subject of native title to be found in that case. As the judgment is quite long, I will

[Mr. O'Meara.]