

when by virtue of the Act 23 Vict. c. 151, s. 1, the Commissioner of Crown Lands became the Chief Superintendent of Indian Affairs. After the Union, the Secretary of State was Superintendent-General of Indian Affairs from 1868 to 1873, and since the latter year the office has been held by the Minister of the Interior. Subject to the terms and conditions of the several agreements or treaties with the Indians, or of the surrenders from them, and to the provisions of the statutes from time to time in force respecting Indians and Indian Lands, the Superintendent-General of Indian Affairs has, under the Governor-in-Council, the management and control of Indian lands, property and funds.

"For the manner in which the affairs of the Indians are administered the Government of the Dominion and the Superintendent-General are at all times responsible to Parliament; and whenever in respect of such matters any power, authority or discretion is vested in and exercised by the Governor-in-Council, or in the Superintendent-General of Indian Affairs, Parliament alone has the authority to review the decision come to or the action taken. In all such cases the Court has no jurisdiction. Then there is this further difference between the Crown as a trustee and an ordinary trustee; the Crown is not bound by estoppels; and no laches can be imputed to it; neither is there any reason why it should suffer from the negligence of its officers. In short it adds nothing to the argument to state that the Crown is a trustee. Where it is a trustee the Court has no jurisdiction to impose any obligation upon it, or to declare that any such obligation exists, unless the statute gives jurisdiction, and where the statute gives jurisdiction it is immaterial whether in the particular case the Crown is held to be a trustee or not."