

MR. McMASTER: "Must, of course, relieve the Crown"--- those are the words of Mr. Justice Watson.

MR. CRAIG: That was not discussed, though, in the argument.

MR. McMASTER: I will finish up in a moment.

THE CHAIRMAN: What was not discussed in the argument?

MR. CRAIG: That was not discussed, Mr. Chairman, in the argument. That was merely an obiter dictum. There was no argument on the point, at all, before the Court. This other case came up subsequently.

THE CHAIRMAN: We have had, all through this controversy, all kinds of obiter dicta, which we do not want to be confronted with later on, you know.

MR. McMASTER: That obiter dictum of Lord Watson's would appear to be consonant with the principles of natural justice.

THE CHAIRMAN: Yes, I know, but what did the judgment decide? That is the point.

MR. McMASTER: Oh, the judgment decided that the beneficial interest in this land went to the province and not to the Dominion. That was the decision.

THE CHAIRMAN: Without compensation? Is that it?

MR. McMASTER: There was no compensation. The question of compensation did not arise---

THE CHAIRMAN: It did not arise?

MR. McMASTER: ---as I understand it, in this case. It arose in another case, which I will mention in a moment.

MR. CRERAR: What time was that decided?

MR. McMASTER: This was decided in 1888.

MR. CRERAR: Now, as a matter of fact, has any compensation been paid to the Federal Government?

MR. McMASTER: In regard to this special case?

MR. CRERAR: Yes.