

a Torrens system, and when application is made for the title for land, the government on issuing the title guarantees every title they issue. The purchasers of this land made application to the Registrar General of Manitoba for Torrens titles and he refused to issue certificates. I have in my hand the report of the Registrar General to his minister giving the reasons why he refused to issue certificates on those transactions. It is as follows:

Winnipeg, Nov. 3, 1910.

Sir,—I beg to acknowledge your letter of the 26th of October last referring to lands in St. Peter's Indian reserve, and to make the following report as to my reasons for delay in issuing certificates of title therefor to purchasers from the Indians.

One difficulty met with has been in regard to surveys, or more properly speaking, in regard to the plans which have been filed showing these surveys. I have reason to believe that representations have been made that this office has condemned in toto the surveys made by the Dominion government of this reserve as being entirely below standard; but such is by no means the case.

In 1909, when first we were asked to issue titles according to recently filed plans, these plans on being examined did not appear at all satisfactory, and consequently I obtained a report on them after an inspection had been made on the ground by a surveyor employed by this office. Referring to the parish lot surveys, this report has the following statement: 'In fact, with regard to the parish survey, I see no objection to its being used as a basis for the issue of titles, provided proper plans are prepared and filed.'

Referring to the survey of the rest of the reserve, the surveyor making this report draws attention to what appears to have been an incorrect retracement on the ground of the boundaries of the reserve at the southeast corner, but approved of by far the greater portion of the work done on the ground, adding: 'Except for the points referred to, the survey of the reserve outside the parish limits appears to be satisfactory throughout; but here again plans are far from satisfactory.' Summarizing, he says: 'The plans as a whole cannot in any sense be considered as completed plans of survey, but rather as sketch plans, prepared apparently rather to show ownership than to define boundaries.' Acting on this report, I have refused to issue titles until such time as proper plans are filed of the surveys made; and in all of the several interviews on the subject which I have had with representatives of the Indian Department, or applicants for titles, I have distinctly stated that with the comparatively small exception referred to, the surveys made are in themselves satisfactory to me, but that I do ask that plans properly representing those surveys should be filed before titles issue.

After such correct plans are filed here, I may find it necessary to ask the Indian Department to call in all patents issued according to the incorrect plans, and to issue new patents according to the corrected plans. As to this, however, I cannot speak definitely until I see the new plans.

Another difficulty is that the double question has been raised before me: Firstly, of the validity of the surrender itself; and secondly, of the validity of each separate purchase from the Indians. As regards the first of these, a caveat has been filed as the foundation of a test case before the courts to try the validity of the surrender; and until that caveat and test case are disposed of, I am prohibited from dealing with any of these titles.

On the second of these questions it is alleged that the dealing with the Indians in most cases has been of such a questionable character that in itself it amounts to fraud. Were such dealings with a white man, I could dispose of the question by serving notice upon the grantor in each case, and if he did not choose to act upon the notice and contest the matter, I would be justified in considering the transaction a bona fide one and proceeding accordingly; but in the case of an Indian, I am satisfied that such service of notice would be held by the courts to be of no effect whatever, and I would be left exactly where I am now with the question of fraud unsettled. If there were only a few isolated cases, even though dealing with an Indian, I would be disposed to make such inquiry as I personally could and act upon the result of my inquiry, taking whatever chances were to be taken; but in the case of this Indian reserve there are hundreds of these cases involving property to the value of a million or more dollars. If I issued certificates of title for this land, all these titles would be guaranteed by the province, and in the event of the titles being successfully attacked on either of the grounds mentioned the province would be liable to pay the whole present value of the lands, amounting to a million or more.

Under the circumstances, I decline to assume any such responsibility.

Yours truly,

(Sgd.) W. E. MACARA,  
Registrar General.

It is evident that the government itself is directly responsible for the tangle that exists relating to these titles. Although four years or more have elapsed since the surrender was taken the government has not yet filed proper plans of this survey. This fact makes it absolutely impossible for the Registrar General to issue certificates of title. The government, in its desire to assist its political friends to get hold of these Indian lands, wrote the following letter, which was published broadcast and which had the effect of frightening away the general public:

Ottawa, January 21, 1908.

In connection with Indians disposing of or pledging their holdings, I beg to say that no transfer nor pledge by any Indian will be in any way recognized by the department, and when it has been determined what land each Indian is entitled to receive, a patent for the same will be issued to such Indian, without regard to any claims by white men or others.

It is necessary to make this position of the department clear and as widely known as possible, as any recognition of rights by