

insuperable bar to treaty. A good deal of latitude was allowed in switching from scrip to treaty and vice versa. Where a person who had taken scrip subsequently applied for and was admitted into treaty, it would appear his admission in some cases at least was made subject to terms.

I have had some difficulty in determining who in fact took scrip. The viva voce evidence was not conclusive in some cases and it appears to be difficult, if not impossible, to obtain this information from Departmental files.

Subject to observations later on in this report, with respect to particular classes. I find that the individuals listed in the document hereto annexed and marked "Document No. 2", have taken scrip and by reason of this fact are not ordinarily eligible for treaty.

#### *Illegitimate Children of Male Treaty Indians*

I do not see any justification for the exclusion from band membership of illegitimate children of male treaty Indians. Such a child is an Indian under Section 2, ss (d) (II) of The Indian Act. "Any child of such person" should not be restricted to a legitimate child. There may be difficulty in establishing paternity but once it is shown that the father is a treaty Indian his illegitimate child is entitled to band membership. Section 12 of the Act assumes that an illegitimate child is entitled to membership in the band to which its father belongs. If it were otherwise there would be no necessity to confer power on the Minister to exclude it from membership under certain circumstances.

If the illegitimate child has, with the consent of the band, shared in the "distribution moneys" of the band for a period exceeding two years, there is no authority to exclude it from membership. The term "distribution moneys" is general in its scope and includes the annuities to which members of the band are entitled and which is distributed amongst them annually. An illegitimate child who has been paid annuity for the period prescribed and has brought itself within the other requirements of the section cannot be disturbed.

I find that the persons listed in the document hereto annexed and marked "Document No. 3" (not printed herewith) are entitled to membership in their respective bands, and to share in its property and annuities.

#### *Adoptions*

The usual procedure leading to legal adoption in this Province has been complied with in only two cases. The rest of the cases are natural adoptions without resort to the formalities prescribed by Provincial law. There is no suggestion that these adoptions are not bona fides. The usual case is simply that of some unfortunate child who was taken in its early infancy by some compassionate neighbour or relative who supplied it with food, clothing, and shelter, and reared it according to the Indian way of life. The child is taken into treaty and paid year after year with the consent of the band. It is placed on the band rolls by the Government's local agent, and he or some Government official makes the annual payments. Its life is thus designed and circumscribed after the Indian fashion with the knowledge and assistance of officials of the Department. Then after many years, in some cases after the child has grown to manhood, married and has a family of his own, he is informed that he is not entitled to be on the band rolls, that he must remove himself and his family from the reserve, that he must seek his livelihood elsewhere and earn it presumably by arts he has never had an opportunity to acquire.

In many instances members of this class who have been removed from the rolls are male persons of Indian blood who have belonged to a band since their infancy. They are Indians within the interpretation of the term which was accepted without reservation when Treaty No. 8 was negotiated. They are Indians also within the meaning of The Indian Act. They are Indians furthermore because, without any suggestion of misrepresentation, they have been