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243/1906.



Ottawa, 12th March 1906.

S i r;

Re Ontario and Minnesota Power Company.

I have the honour to acknowledge receipt of your letter of the 7th instant -53780- and in reply beg to state that in my opinion the consent of the Indians may lawfully be dispensed with in settling their claim in connection with the raising of the waters of the St Frances River by the above Company, and the conveyance to the Company, if that is contemplated, of the flooded part of the reserve.

It appears to be questionable whether section 35 of the Indian Act applies, since under that provision compensation is to be made to the Indians "in the same manner as is provided with respect to the lands or rights of other persons", and there is no provision in the Act, Chapter 139 of 1905 for the payment of compensation. The compensation, however, may be settled by agreement or by a reference to arbitration outside the statute.

I have the honour to be,

S i r,

Your obedient servant,



E. H. McManis

Deputy Minister of Justice.

The Secretary,
Department of Indian Affairs,
O T T A W A.