

stipulation is not contained in Treaties Nos. 1 and 2, to the former of which the Peguis band belongs, although a promise to the same effect was made by the Commissioners.

No doubt the Commissioners thought that the jurisdiction of the Dominion Government over the territories would continue, but when the provinces were created they began to make and administer game laws under the provisions of the British North America Act, sub-section 16 of section 92, and the right of legislation has been conceded by the Dominion and none of these acts have been disallowed as ultra vires of the provinces.

In order to ascertain the validity of the claims advanced by the Provincial Governments as to the right to make and administer the game laws, opinions have been obtained from the Department of Justice, the highest authority open to the Department for securing advice on this subject.

One of these opinions states that it has always been thought that the provisions of the Acts passed by the Province of Manitoba regarding the killing of game in close seasons were within the legislative authority of the legislature and for this reason His Excellency the Governor General was not advised to disallow them.

A further opinion received on this subject states that the legislature could enact laws for the preservation of game within the province and that such laws passed by the legislature and not disallowed would be valid and binding even if they operated to deprive the Indians of the rights assured to them by treaty.

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