

File 312,964.

Ottawa, December 5, 1932.

Sir,-

Re The King vs. Town of Carlyle,
Your reference No. B.5813.

I beg to acknowledge receipt of your letters of the 7th and 26th ultimo, respectively, in the above matter, and for the consideration of your Agents, Messrs. Gordon & Gordon, in Regina, to submit the following observations:

- (1) It is the contention of the Department that the original surrender by the Indians of the White Bear Reserve and dated May 22, 1908, and the lease subsequently issued to the Town of Carlyle, are both invalid.
- (2) The Town of Carlyle is at present in occupation of a considerable portion of the White Bear Reserve not included in the surrender of 1908. This fact is referred to in your Agent's letter of August 26th last.
- (3) In addition to the proposed adjustment of the existing situation, the Town of Carlyle wishes to obtain a lease of an additional portion of the reserve for summer resort development.

The Indian Act provides that leases cannot issue except based upon a surrender or release by the Indian owners, and it will be apparent, therefore, in this case, that any rearrangement or any revision of the existing lease cannot be undertaken or considered pending a re-submission of the whole matter to the Band.

The Deputy Minister of Justice,
O t t a w a.