> It is notorious that there are persons in these bands who are not full blooded Indians, who are possessed of Caucasian blood, in many of them the Caucasian blood very largely predominates, but whose associations, habits, modes of life and surroundings generally are essentially Indian; and the intention of the Legislature is to bring such persons within the provisions and object of the Act, and the definition is given to the word "Indian" as aforesaid with that object.

The Commissioners who negotiated Treaty No. 8 observe that while the Indians of the North are further advanced in civilization than other Indians were when treaties were negotiated with them, nevertheless they stand as much in need of protection afforded by the law to aborigines as do any other Indians of the country, and are as fit subjects for the paternal care of the Government.

It is a reasonable inference from the evidence that no striking change in the condition of these people has taken place in the years that have intervened since the treaty was signed. They are still fit subjects for the paternal care of the Government.

An Indian treaty, or for that matter any formal arrangement entered into with a primitive and unlettered people, should not be construed according to strict or technical rules of construction. So far as it is reasonably possible, it should be read in the sense in which it is understood by the Indians themselves. When Treaty No. 8 was signed the Indians were well aware that the Government took a broad and liberal view with respect to the class of persons eligible for treaty. Many of them taken into treaty at that time were themselves of mixed blood. They knew that individuals of mixed blood who had adopted the Indian way of life were encouraged to take treaty. They cannot reconcile the removal from the band rolls of a large number of individuals who have been in treaty for many years, with their understanding of the situation as it existed when the treaty was signed.

The Indian Act is loosely drawn and is replete with inconsistencies. I venture to say that flexibility rather than rigidity and elasticity rather than a strict and narrow view should govern its interpretation.

I can find no justification for the view that delay in applying for treaty is or ever was an effective bar to admission into treaty. The correspondence marked Exhibit 6, as well as numerous other letters on the files of the Department make it clear that up to and including September, 1932, the Department was prepared to give favourable consideration to requests for admission into treaty by Indians living in different parts of the territory covered by Treaty No. 8.

Apart from particular classes or groups with which I will deal later on, I find the individuals listed in the document hereto annexed and marked "Document No. 1" are entitled to membership in their respective bands and to share in the properties and annuities thereof.

Scrip

I have considered with care the position of persons who took scrip. There have been rumours down the years that Halfbreeds were frequently victimized by unscrupulous speculators and that in some cases scrip was issued on forged applications. I mention this merely to say that I have no opportunity at all to probe this phase of the question, and that so far as I know I am dealing with cases where scrip was issued pursuant to a bona fide application therefor.

Ordinarily the issue of scrip to an individual bars his right to treaty. This appears to be the view by the Department for many years. When an Indian or Halfbreed takes scrip his aboriginal rights are extinguished and, strictly speaking, that is the end of the matter. However, the practice followed in the years immediately following the conclusion of Treaty No. 8, makes it clear that the Government did not take the position that the issue of scrip was an