

Another difficulty is that the double question has been raised before me: Firstly, of the validity of the surrender itself; and secondly, of the validity of each separate purchase from the Indians. As regards the first of these, a caveat has been filed as the foundation of a test case before the courts to try the validity of the surrender; and until that caveat and test case are disposed of, I am prohibited from dealing with any of these titles.

On the second of these questions it is alleged that the dealing with the Indians in most cases has been of such a questionable character that in itself it amounts to fraud. Were such dealings with a white man, I could dispose of the question by serving notice upon the grantor in each case, and if he did not choose to act upon the notice and contest the matter, I would be justified in considering the transaction a bona fide one and proceeding accordingly; but in the case of an Indian, I am satisfied that such service of notice would be held by the courts to be of no effect whatever, and I would be left exactly where I am now with the question of fraud unsettled. If there were only a few isolated cases, even though dealing with an Indian, I would be disposed to make such inquiry as I personally could and act upon the result of my inquiry, taking whatever chances were to be taken; but in the case of this Indian reserve there are hundreds of these cases involving property to the value of a million or more dollars. If I issued certificates of title for this land, all these titles would be guaranteed by the province, and in the event of the titles being successfully attacked on either of the grounds mentioned the province would be liable to pay the whole present value of the lands, amounting to a million or more.

Under the circumstances, I decline to assume any such responsibility.

Yours truly,

(Sgd.) W. E. MACARA,
Registrar General.

It is evident that the government itself is directly responsible for the tangle that exists relating to these titles. Although four years or more have elapsed since the surrender was taken the government has not yet filed proper plans of this survey. This fact makes it absolutely impossible for the Registrar General to issue certificates of title. The government, in its desire to assist its political friends to get hold of these Indian lands, wrote the following letter, which was published broadcast and which had the effect of frightening away the general public:

Ottawa, January 21, 1908.

In connection with Indians disposing of or pledging their holdings, I beg to say that no transfer nor pledge by any Indian will be in any way recognized by the department, and when it has been determined what land each Indian is entitled to receive, a patent for the same will be issued to such Indian, without regard to any claims by white men or others.

It is necessary to make this position of the department clear and as widely known as possible, as any recognition of rights by

transfer would cause endless complications, and in order to prevent same it is incumbent on the department to issue grants only to the Indians found entitled to receive same.

F. PEDLEY.

In face of this letter and nearly a year before the survey was made or patents were issued the government officials were active in assisting the speculators who were buying lands to locate them by the use of the old parish plans. It was the use of the old parish plans that was the cause of the delay on the part of the Registrar General. He dare not take the responsibility of issuing certificates on these plans. The surrender was obtained on the 24th of September, 1907, and the land speculators began buying Indian allotments a very short time after, nearly a year before any survey was made or patents issued. The government through its agents at Selkirk, was apparently so anxious to assist the men who were getting the Indians' lands that they located and described these lands from the old parish plans, which act has really caused all the delay in the issuing of the titles by the Registrar General of Manitoba. After the new survey was made it was found by the Registrar General of Manitoba that the old parish plans did not fit in with the survey. So, he refused, and quite correctly, to issue certificates until a proper plan was filed, which has not been filed up to the present time, and as he pointed out it may make necessary the recalling of all patents that had been issued. Something over 400 patents—I think I speak advisedly and the minister can correct me if I am wrong—have been issued and apparently issued on plans that were improper and consequently he would likely find that the descriptions of these separate lots would be entirely wrong. The Registrar General points out that it will likely be necessary to ask the government to recall all these patents and to make them out under a proper survey. This state of affairs was brought about, as I have said before, by the government's anxiety to get the lands away from the Indians and into the hands of a few friends.

The government through its agents assisted the land speculators at every turn to get the Indian allotments and this fully a year before the patents were issued, although Mr. Pedley the Superintendent General had written the letter I referred to, warning the general public that the Indian had nothing to sell until his patent issued. After that letter was written and after it was published broadcast and after the public were frightened to invest a dollar, being told plainly the Indian had nothing to sell until his patent issued, in face of that, the government's agents with the three or four men in whose favour this