

out, no compensation need be given on account of issue of patents in settlement of settlers' claims.

This Department, however, has always held that the Reserve was allotted to the Band of an area proportionate to the number of souls therein at the time when the Treaty was negotiated, and there and then became the property of the Band in common, without reference to future augmentation or decrease of number, and such view was so generally understood by officials in the west to be the correct one that the Indians were always given to believe that they would be compensated for any lands of which they might be deprived.

When a similar question was raised to a Reserve in Treaty No. 6 from the Band for which it has been set apart, many members went out, the late Sir John A. Macdonald expressed the opinion that it was advisable to keep these lands until surrendered by the Band, when "so surrendered the lands should be sold and the proceeds funded for the benefit of the Band. In this way the public treasury would be pro tanto relieved from the cost of any articles furnished or benefits conferred, beyond the Treaty obligations."

The department of Justice expressed the following opinion :

"I am of opinion that in such cases, under the provisions of the Treaty No. 6 and of the Indian Act, the lands in a Reserve belong, as a Reserve, to