few of those known to be halfbreeds took the land grant because they preferred to "receive such benefits as may accrue to them under the Indian Treaty than wait the realization of any value in their halfbreed grant". As late as 1921 when Treaty No. 11 was concluded, the same course was followed and the report of the Committee of the Privy Council (P.C. 1172) with respect thereto contains the following:—

> It is estimated that there are about fifteen families of Half-breeds resident in that territory who will have to be treated with. The other Half-breeds in this country consisting approximately of seventy-five families mostly living the Indian mode of life, it is anticipated will, in their own interests, be taken into treaty.

When Treaty No. 8, with which we are more directly concerned in this inquiry, was concluded in 1899, a large proportion of those admitted into treaty at that time were of mixed blood. Apparently the policy of the Department which had charge of Indian Affairs at that date was to give treaty rather than scrip to Halfbreeds who lived as Indians on Reserves. In his letter of May 1, 1901, to The Honourable Clifford Sifton, Minister of the Interior, the Scrip Commissioner, J. A. J. McKenna, has this to say:—

> You decided that Halfbreeds living on reserves as Indians should be given treaty instead of scrip . . . It seems to me undesirable that there should be upon reserves any but treaty Indians. The Department has in the past taken back many Halfbreeds who received scrip into treaty and has held their annuity until the amount of the scrip was recouped.

He proceeds to recommend that a certain individual who had been in treaty, was discharged therefrom and given scrip, should, together with his wife, be given the option of taking treaty.

It is clear from the foregoing citations that mixed blood did not necessarily establish white status, nor did it bar an individual from admission into treaty. The welfare of the individual and his own desires in the matter were given due weight, no cast-iron rule was adopted.

In his report dated May 31, 1901, approved by Order P.C. 1182, Commissioner McKenna says:—

> I have taken it that everyone, irrespective of the portion of Indian blood which he may have, who enters into treaty, becomes an Indian in the eye of the law and should, therefore, be treated as an Indian both by the Department of the Interior and the Department of Indian Affairs.

I am quite unable to reconcile this definite pronouncement with the view that individuals of mixed blood who have been in treaty for a great many years can now be removed from the band rolls and from the reserves on which their lives have been spent, on the ground that they are not now and never have been Indians.

It seems to me that the meaning of the word "Indian" is sometimes unduly restricted. The contention was made in the case of The Queen v. Howson, 1 Terr. L. R. page 492, that the words "of Indian blood" in the definition of "Indian" under the Indian Act, meant full Indian blood. This argument was rejected by the Court. The evidence established that the person to whom the defendant had supplied liquor was a Halfbreed, the son of an Indian mother by a white man. It was argued that the blood of the father should govern and should determine the status of the son. This contention was also rejected. Moreover, while it is clear that an Indian woman who marries a white man ceases to be an Indian under the Act, the Court held that this did not affect her blood which she transmitted to her son. I quote the following extract from the judgment of the Court:—