

105,956

Ottawa, 28th May, 1904.

Sir:-

I have the honour to acknowledge the receipt of your letter of 7th instant and inclosures, and in reply to inform you as follows:-

The view expressed by the Deputy Attorney General for the North West Territories that the provisions of Subsection 2 of Section 134, added to the Indian Act by Section 10, Cap. 29, of the Statutes of 1890 only apply to selling to Indians, and in no way to purchasing from them, appears to be correct, and this is sufficiently demonstrated by the fact that penalties are provided for selling only. The use of the word "barter" is simply to guard against the provisions being interpreted as only applicable to cash sales.

As to the question you raise relative to the provisions of the section as hereinabove interpreted fulfilling their intention and meeting existing conditions, it would appear that the legislation was mainly intended to guard against traders carrying intoxicants concealed among their merchandise on to the reserves, and the enticement of the Indians to buy worthless articles or pay exorbitant prices for others, especially at the time of Treaty Payments, when they are more or less excited by the unwonted possession of ready money.

The

H. Martineau, Esq.,

Indian Agent,

Toughwood Hills,

Kutawa, P.O.

Assn

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