

APPENDIX EK

Judges' Chambers

THE SUPREME COURT OF ALBERTA

The Court House,
Calgary, Alberta
August 7, 1944.

The Honourable T. A. CRERAR,
Minister of Mines and Resources,
Ottawa, Canada.

SIR,—I have the honour to present my report following an enquiry directed under Section 18 of The Indian Act, Chapter 98, Revised Statutes of Canada, 1927, and amendments thereto, and in accordance with the commission issued to me under order of the Governor in Council of the 19th of May, 1944.

In the course of my investigation I held sittings at the following places: Wabasca, from June 12 to June 17; Whitefish Lake on June 17; Lubicon Lake on June 18; Brownvale on June 19; Horse Lakes and Clear Hills on June 21; Sturgeon Lake on June 22; Grouard and Sucker Creek on June 23; Driftpile on June 24; Kinuso on June 26 and Slave Lake on June 26. Owing to transportation difficulties I was unable to visit Hay Lake, Little Red River or Fort Vermilion.

I found it necessary to dispense with the services of a Court Reporter because of limited accommodation in the plane. However, immediately on our return to Edmonton on the morning of June 27, I conferred with counsel representing the Department, and the individuals removed from the band rolls, compared my notes with their notes of evidence, and with their assistance dictated the evidence to a stenographer who transcribed it, and the book containing the typewritten evidence is forwarded with this report. Counsel desired an opportunity to examine the evidence as well as Departmental documents and correspondence, and the Inquiry was adjourned to be resumed at Edmonton on July 17. I sat in Edmonton on July 17 and 18 when the evidence was reviewed and discussed, and the issues involved were argued by Counsel. Mr. D. J. Allan, Superintendent of Reserves and Trusts, was also in attendance, and I wish to express my appreciation of his assistance.

It would appear that whenever it became necessary or expedient to extinguish Indian rights in any specified territory, the fact that Halfbreeds also had rights by virtue of their Indian blood was invariably recognized. These rights co-existed with the rights of the Indians. It was considered advisable wherever possible to extinguish the rights of Halfbreeds and Indians by giving them compensation concurrently.

It is well known that among the aboriginal inhabitants there were many individuals of mixed blood who were not properly speaking Halfbreeds. Persons of mixed blood who became identified with the Indians, lived with them, spoke their language and followed the Indian way of life, were recognized as Indians. The fact that there was white blood in their veins was no bar to their admission into the Indian bands among whom they resided.

In negotiating the various Indian treaties from time to time the aboriginal inhabitants of mixed blood were given the right to elect whether to take treaty or scrip. This is clearly shown in the report of the Indian Commissioner, W. M. Simpson, who negotiated Treaties numbered 1 and 2. He points out that very