

the Department would not, in view of the other facts set forth, have approved of the resolution of Council giving this land to the Millers. It is not therefore a fact that the resolution was disapproved on account of the production of these deeds by Mrs. Carlow.

Even if the resolution of Council had been disapproved by the Department on the ground of the production of these deeds alone, I do not see you could properly claim the right to examine these deeds as you suggest. The resolution of Council had no effect unless and until it was approved on behalf of the Superintendent General. Superintendent Smith recommended that this resolution be not confirmed until an investigation should be held. He was not bound to show the claimant on what grounds he advised this. The fact that he did show them on what grounds he advised this course could give them no right to examine these documents. The result of Superintendent Smith's recommendation was not to deprive the claimants of a proper inquiry on the strength of documents which he alone was able to examine, but on the contrary was to throw the whole matter open to the fullest investigation at which time all parties could be summoned to appear and produce all papers and writings relating to the matter as provided by Section 67 of the Indian Act. This appears to be the only authority that Superintendent General or persons specially authorized to compel the production of documents. The attempt to compel Amelia Carlow to produce her documents to you other than as provided by Section 67 would in my opinion have been an unwarranted exercise of authority, and was properly refused.

Indian Affairs. Letterbook,
9 August 1917 - 24 August 1917, (R.G. 10, Volume 5683)

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