

REPORT OF COMMISSIONERS COTE AND McLEOD.

DEPARTMENT OF THE INTERIOR,

OTTAWA, March 29, 1901.

The Honourable CLIFFORD SIFTON, K.C.,
Minister of the Interior.

SIR,—We have the honour to report that in conformity with the commission issued to us bearing date March 21, 1900, and the order in council of the 2nd of the same month, as amended by subsequent orders in council, vesting in us power to investigate and adjudicate upon the claims to land or scrip arising out of the extinguishment of the Indian title, preferred by or on behalf of half-breeds born between July 15, 1870, and the end of the year 1885, in the organized districts of the North-west Territories, or in that portion of territory included in the province of Manitoba as now constituted, which was not within the said province, as constituted under the Manitoba Act, 33 Victoria, Chapter 3, we heard evidence in support of 2,111 individual claims to share in the grant authorized by the aforesaid orders in council and paragraph 'f' of clause 90 of the Dominion Lands Act, as amended by section 4 of the Act 62-63 Victoria, Chapter 16 (1899), at sittings held between May 15 and December 11 last, in the Saskatchewan district, at the following places :—

Prince Albert, St. Louis, Batoche, Snake Plains, Sandy Lake, Devil's Lake, Green Lake, Battleford, Onion Lake, Bresaylor, Fort à la Corne, Sturgeon River, Cumberland, Birch River Portage, The Pas, Cedar Lake, Grand Rapids, Saskatoon and Red Deer Lake.

Having ascertained that there were no half-breeds to come before us at Montreal Lake, we held a sitting at Red Deer Lake instead of at the former place as had been previously arranged.

In accordance with the instructions contained in the letter of May 5, 1900, from the Hon. James Sutherland, then acting Minister of the Interior, we also heard evidence in respect of thirty-five claims from half-breeds who were born prior to July 15, 1870.

All the foregoing claims have been entered in the Registers of Claims, Nos. 1 and 2, in which is also recorded the action taken by us on each case. An alphabetical index to such claims containing all necessary information in relation thereto has also been carefully prepared. These books, the unused blank certificates entrusted to us (C 2093 to 2199, inclusive, D 1873 to 1999, inclusive, E 711 to 799, inclusive, F 359 to 399, inclusive, odd numbers only), the stubs of the certificates we issued and the certificates we cancelled, have been handed into your department.

We issued in all 1,851 certificates (money scrip) calling for scrip redeemable in the purchase of Dominion Lands, aggregating \$344,266.55, and 492 land certificates

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covering an area of 117,680 acres of land. The certificates so issued may be classified as follows :—

974 for \$240 each to persons claiming in their own right.	
343 for \$240 each to the heirs of deceased persons.	
1,317 for \$240	\$316,080 00
18 for \$190 each	3,420 00
1 for \$30	30 00
515 for fractional scrip to the heirs of deceased half-breeds.....	24,736 55
1,851	\$344,266 55
492 Land Certificates covering an area of.....	117,680 acres.
2,343	

Of these 492 land certificates, 487 certificates were for 240 acres each, 164 of which were issued to the heirs of deceased half-breeds, and five were for 160 acres each. The tabulated statement appended hereto shows in detail the scrip certificates issued at each place visited by the commission, as well as the dates of its sittings.

The claims dealt with by us may be classified as follows :—

Claims allowed, preferred by persons in their own right.....	1,352
Claims allowed, preferred on behalf of the heirs of deceased half-breeds.....	638
Claims preferred by persons born before the 15th July, 1870..	35
Claims reserved for further evidence or special recommendation	23
Claims disallowed in addition to those, which, upon preliminary examination, were not entertained	98
	2,146

Lists of disallowed and reserved claims, as well as of the claims preferred by persons born prior to July 15, 1870, have been filed in the department with the records of the commission.

Among the claims which have been allowed, there are 45 which have not been satisfied by an issue of certificates, as the persons entitled thereto were absent. In these cases, however, upon the claimants applying therefor to the department, the scrip can be sent to them. This course may also be followed with respect to shares of scrip which have not yet been delivered to the heirs of deceased persons.

The claims already referred to of persons born prior to July 15, 1870, are barred on account of their not having been presented within the time prescribed by the orders in council of April 20, 1885, and March 12, 1892, the former fixing May 1, 1886, and the latter May 1, 1894, before which dates Manitoba claims and North-west claims, respectively, had to be submitted.

We also find from the evidence taken in these cases, that some of the applicants were residents on July 15, 1870, in a portion of the North-west Territories which has not yet been ceded by the Indians under treaty, but that for many years they have been living in ceded territory, most of them having their domicile in Prince Albert. In view of these facts, we are of the opinion that these claimants should be treated as North-west half-breeds, and if it is proposed to reopen the latter class of claims, that their claims should be dealt with on the merits of the evidence submitted, irrespective of their residence at the transfer in territory not yet ceded.

As it seems to us expedient and in the public interest now that a final settlement is being made with the North-west half-breeds, that all claims, including Manitoba claims as well, which have been refused by the department from time to time, merely on account of their being barred by the two orders in council last mentioned, should

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be allowed, we beg to recommend that steps be taken to deal with this class of claims in the same manner as if they had been presented in due time.

A good deal of evidence also had to be taken in many cases, after a claim had been allowed, with regard to powers of attorney which had previously been obtained—most of them some years ago—by intending buyers of the claimant's scrip, which clearly showed that, with the exception of a few cases, no consideration whatever had been paid, and that the price mentioned in the agreement which was to be paid for the scrip was far below the current price. In dealing with these cases, we were guided entirely by the instructions contained in the order in council of March 13, 1900, which stipulated that, unless we were satisfied that such powers of attorney, or assignments, did not operate to the disadvantage of the half-breed, they were not to be accepted; and in no case did we deviate from the position we took at the outset of exacting the payment in our presence to the claimant of the full current price paid for scrip before delivering the scrip to the holder of a power of attorney or assignment. While this course proved satisfactory to the claimants, strong objection was taken to it by some of the buyers.

Had these powers of attorney been recognized, as a matter of course, much dissatisfaction would have been created among the half-breeds generally, whether personally concerned in the transaction or not; and, in our opinion, a great injustice would have been done to the claimants, who, according to the evidence obtained by us, were ignorant of the purport of the documents they had been induced to sign, and which they most emphatically repudiated.

There were, however, a few bona fide transactions where a substantial sum had been paid on account of the purchase price of the scrip; but, where the powers of attorney in such cases were presented to us and the price agreed upon was found to be below the established price, the attorney was also required, before receiving the scrip certificate from us, to pay over the balance due the claimant at the rate at which scrip was being bought for at the time.

At Green lake we met a number of Isle à la Crosse half-breeds who were very anxious that the Indians of their section of the territories should be treated with, in order that they, the half-breeds, might receive their scrip for themselves and their children. There are also, it was represented to us, a few half-breed families at Stanley Mission and Pelican Narrows, all of which places will, no doubt, be covered by the same treaty when the tract of land lying north of the easterly portion of the land included in Treaty No. 6 is ceded by the Indians of that part of the country.

With the exception of a few isolated claims which were not presented to us last summer on account of the absence of the claimants, our work in the Saskatchewan district has been completed, and we are pleased to be able to state that the settlement made appears to have given entire satisfaction to all concerned.

There still remain, however, to be investigated and dealt with under our commission the claims of half-breeds in that portion of the province of Manitoba, already referred to, which heretofore formed part of the Territories; and we would have proceeded, after the completion of our investigation in the Saskatchewan district, to deal with these claims had we not received instructions to the contrary.

In closing our report, we desire to mention that we received much assistance in the performance of our duties from Messrs. Charles Fisher, M.L.A., and Edouard Bourgeois, the secretary and clerk of the commission, respectively. Mr. Fisher's thorough knowledge of the English, French and Cree languages, and of the people whose claims we had to deal with, rendered his services most valuable to us.

We have the honour to be, sir,

Your obedient servants,

N. O. COTE,
S. McLEOD,

Commissioners.

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STATEMENT OF Scrip issued in the Saskatchewan District.

By Messrs. N. O. Gies and S. McLeod, Commissioners.

Where issued.	When issued.	C.		D.		Total \$ on C and D.	E.		F.		Total of acres E and F.
		\$240	\$190 \$300	Fractional Shares.	\$240		Acres 240	Acres 160	Acres 240	Acres 160	
1900.											
Prince Albert	15th May to 6th June.	303	2	1	133	109,992 32	149	1	36	1	42,560
"	24th July to 31st July.	12			8	5,506 90	23		6		6,960
"	4th to 6th September.	11			3	4,200 00	4		2		1,440
"	23rd October.	2			1	1,117 32	2		1		720
"	26th October to 11th December.	11			2	5,466 60	23	1	18	2	10,320
St. Louis.	8th and 9th June.	17			3	5,066 68	1		2		720
Duck Lake.	11th to 21st June.	140			44	48,037 34	35		44		18,960
Batoche	22nd to 28th June.	80			12	24,620 98	21		26		11,280
Snake Plain	30th June to 3rd July.	29			14	11,254 43	9		7		3,840
Sandy Lake	19th July.	7				1,697 78	1				240
Devil's Lake	5th July.	3				720 00					
Trail to Green Lake.	6th July.	82			28	27,962 86					
Green Lake.	11th to 14th July.	116			37	38,144 62	44		14		13,920
Battleford.	6th to 15th August.	10			3	9,673 28	6		2		1,680
Onion Lake.	20th and 21st August.	10			3	2,400 00	6		4		2,400
Bressayor.	24th August.	3			2	1,047 62	2		1		720
Fort à la Corne.	10th September.	41			1	1,108 37	1				240
Sturgeon River.	14th September.	3			25	18,624 01	1				720
Cumberland	17th to 21st September.	3			5	2,110 00	3				240
Birch River Portage.	22nd September.	31			21	13,775 24	3				240
The Pas	27th and 28th September.	34			11	1,900 00	1				720
Cedar Lake.	3rd October.	2				11,040 00	2		1		720
Grand Rapids.	8th to 10th October.					480 00					
Saskatoon	24th and 25th October.										
		974	18	1	343	344,266 55	323	2	104	3	117,680

Total issued at Prince Albert on: C and D \$126,283.14, E and F \$2,000 acres.

CHAS. FISHER,
Secretary.

OTTAWA, January 16th, 1901.