

Section (1) defines the meaning of a person. "It appears under the present Act, Indian is not a person. Therefore in this respect the civil and military laws of the country are not applicable to Indians; in Peace, Indians do not possess the qualifications of a person or man—See Dominion Elections Act."

The Indians are subject to the ruling of the Department of Indian Affairs, presided over by the political head, the honourable Minister of Mines and Resources, and from his decision there is no appeal. The department acts on all matters on the report of the Indian agent, under section 99A of the Indian Act. An agent is appointed through the recommendation of the Department of Indian Affairs and he presides over all meetings of Indian councils and controls all proceedings. He has sovereignty power to govern as he sees fit. The Indians are not at liberty to deliberate over and discuss their own domestic problems. They are tied down to a helpless condition and cannot move unless and until the Indian agent so directs. The fact is, under the present law, the Indians of Canada are unable to legally speak for themselves. They are a subjected race, held down and made helpless by the very Act which is supposed to help and protect them. The Indians cannot go direct to the Department of Indian Affairs for redress of any grievance. All communications must go through the Indian agent, who, in many cases is the direct cause of a grievance. The agent has power to veto any resolutions of the Indian council, and any effort on their part to go over his head will be totally ignored by the Department of Indian Affairs. Expenditures on public health, education and police cannot be made unless recommended by the Indian agent. Under the present administration, council are under the exclusive control of the Indian agent, and the Indian councils are no longer considered as the controlling body of any Indian community. The Indian agent's duties are becoming more and more like a commander of an internment camp of a defeated enemy. That was not meant to be and was not the intention of the British government.

Now, I wish to quote from an old document of April 28, 1792.

The CHAIRMAN: What document is that?

The WITNESS: It was sent to me in this shape. I do not know where they got it from.

The CHAIRMAN: What is written on the outside of the document?

The WITNESS: This is the report of the executive conference of the North American Indian Brotherhood.

The CHAIRMAN: This was printed recently, was it?

The WITNESS: Yes. May I go on?

The CHAIRMAN: Oh, yes.

The WITNESS: I am not an experienced speaker. If you will allow me to go on I think we will get on better. I am not a politician and I cannot speak when I am interrupted. I want to have my own way about it, if you do not mind.

The CHAIRMAN: We want you to feel free to present whatever you want to present; feel that you can do it freely and easy; but what I am asking is what you are reading from. I thought you said you were reading from a document dated 1790.

The WITNESS: It must have been taken from a document.

The CHAIRMAN: I was trying to identify what you are reading from.

The WITNESS: It says:—

April 28, 1792. To the Lords of Trade, re Indians: Britain and France have always considered the Indians as free nations. I further state that the Indians can in no way be deprived of their rights. Their territory and their hunting shall be fully protected.