

On section 7—Enquiry as to fitness for enfranchisement.

Mr. MURPHY: I have a further amendment to this bill, Mr. Chairman, and I would ask for leave to withdraw the present amendment.

The CHAIRMAN (Mr. Cowan, Port Arthur): Is it the pleasure of the committee that the amendment be withdrawn?

Amendment withdrawn.

Mr. SUTHERLAND: Then I beg to move that section 7 be amended to read as follows:

Section 110 of the said act is amended by adding thereto the following subsection:

(14) In respect of an Indian or Indians of any band who has not or who have not made application for enfranchisement under this section or under section 114 of this act, the Superintendent General may appoint a board to consist of any judge of any superior court or any judge of any circuit, district or county court, an officer of the department and a member of the band to which the Indian or Indians under investigation belongs or belong, to make inquiry and report as to the fitness of any Indian or Indians to be enfranchised, and such report shall have the same force and effect and shall be dealt with in the same manner as if the same had been made upon the application of an Indian or Indians under this section; provided, that no enfranchisement of any Indian or Indians shall be made under this subsection in violation of the terms of any treaty that may have been entered into between the crown and the Indians of the band in question.

Mr. POWER: May I ask if this implies that an Indian may be enfranchised without his consent?

Mr. MURPHY: Yes.

Mr. POWER: Then I am "agin" it.

Mr. GRAY: So am I. May I ask if the minister received a protest from the Indian band on Walpole island, in the constituency of West Lambton, urging that this legislation be not proceeded with and, if so, what action the minister took?

Mr. MURPHY: No, I received no communication from the Indians on Walpole island.

Mr. McINTOSH: How can an Indian be enfranchised without his consent if there is a member of the band sitting on this board and that member is representative of the band? It must be a peculiar type of Indian government without much responsibility to it, I would imagine.

Mr. MURPHY: The board is to consist of three members, a judge of any superior court or any circuit, district or county court,

an officer of the department and a member of the band to which the Indian or Indians under investigation may belong, and the board makes inquiry as to the fitness of any Indian or Indians to be enfranchised. The Superintendent General may appoint a board to make the investigation.

Mr. McINTOSH: I should imagine, from what the minister has said, that the representative of the department and the judge in question possess the superior weight in the court and overrule the representative of the band, so that an Indian who does not want to be enfranchised will be. That does not look good to me. The board is more representative than ever, and in that respect I endorse the idea; but I do not think we are getting over the difficulty if we enfranchise an Indian who does not want to be enfranchised.

Mr. MURPHY: It does not necessarily follow that the Indian does not want to be enfranchised.

Mr. McINTOSH: That question was asked by the hon. member for Quebec South.

Mr. MURPHY: No. The question asked by the hon. member for Quebec South was whether an Indian could be enfranchised against his will. The Indian under investigation might be quite willing to be enfranchised.

Mr. ELLIOTT: Can the minister tell us what the effect is of the various treaties entered into with the Indians—the treaties referred to in this amendment?

Mr. MURPHY: There are various treaties entered into between the Dominion government and the different bands of Indians throughout Canada, eleven in number.

Mr. ELLIOTT: What are the dates?

Mr. MURPHY: I do not know that I can give them all. I have these dates: August 3, 1871; August 23, 1875; August 23-28, 1875; September 8, 1875.

Mr. ELLIOTT: Is that the list of treaties providing for surrender of land to the crown by the Indians?

Mr. MURPHY: Yes; under these treaties areas were surrendered to the crown.

Mr. ELLIOTT: Those are not the treaties that have any bearing whatever upon the amendment that is now before the house. There are a great many treaties that have been entered into from time to time by these various Indians, sometimes individuals, and always assented to by the band, providing for surrender to the crown of certain areas, some-