

Being a prospector, I know a little about agreements. If a mining company and I had signed an agreement, we both would have to consult each other if we should amend or cancel some terms of our agreement. I could not at my own free will change my contract; the other party would have to give his consent. A treaty is the most solemn contract. A law is an entirely different thing because legislators are over the law and can amend or abolish it at their own free will, but cannot change a treaty without consulting the said party on the agreement.

I shall deal first with the treaty and guarantees on avocations of hunting, trapping and fishing.

This Treaty was signed by representatives of Her Majesty the Queen on one part and representatives for the Indians on the other, in which both parties were bound together by their own signatures. This treaty is known as N. W. Angle Treaty No. 3 and was made on the 3rd day of October A.D. 1873, and the tract surrendered comprised some 55,000 square miles as described in the treaty. I want to remind you that a treaty is a most solemn contract between two parties. No one party can from his authority alter or cancel the said contract unless both parties should at their own free will cancel or abolish the treaty.

We, the N. W. Angle Treaty Indians, contend that the terms of this treaty were violated or abrogated by the Federal Government on or about April 16 1894, when, without notifying the Indians, the federal government transferred the natural resources to the provinces, with whose laws we have to comply since then. The Indians have tried to protest against this; they have made trips here to Ottawa asking the Indian department for protection. The answer has been: "This comes entirely under the provincial governments, and there is no authority whatever vested in our department to change their laws". That of course is true. I appeared in court once for two Indians as interpreter some two years ago at Kenora, who were charged with violation of the game laws of the province. They were caught commercial fishing outside of their licensed territory, and while lifting their nets a game overseer arrested them and seized their equipment—nets, boats and motors. These nets were set alongside Indian reserve, Whitefish Bay, where I reside. These Indians of the Whitefish Bay band have had a commercial fishing licence for several years and there are 36 heads of families fishing on this licence, members of this band. The lake for which the licence is given is small for the number of Indians trying to make a living on it. Now when a white man has a licence, his fishing waters are the same size as given to a band of 36 Indians. Some of the Indians sneak outside this lake to fish, as it is so crowded; and when they are caught they are arrested and found guilty in court; some are thrown in jail if they cannot pay their fines. These two men I referred to were found guilty and were fined. I contended they were fishing alongside the reserve and, according to the terms of our treaty, they, the said accused, claimed it was their right to fish anywhere outside any reserve, as promised in the avocation guarantee contained in our treaty. The presiding magistrate found the boys guilty under violation of the Game and Fisheries Act, and that the treaty no longer existed or was recognized by provincial authorities. Due to the sympathy of this magistrate, through my efforts, the boys in question were given back their equipment and were allowed to continue their fishing. I just mention this as an instance to show the effect of the changes of the one-sided alteration of Treaty No. 3. Several of our nets have been confiscated time and again by the provincial game wardens. I do not need to go into full details; this is just to let the committee know and ask that some protection be given to these Indians of their aboriginal rights which were guaranteed to them by Her Majesty the Queen.