

serious part—the question of the legality of the whole transaction. Last session I stated that I believed the surrender was illegally obtained, that clause 49 of the Indian Act had been violated. That section reads:

Except as in this part otherwise provided, no release or surrender of a reserve, or a portion of a reserve, held for the use of the Indians of any band, or of any individual Indian, shall be valid or binding, unless the release or surrender shall be assented to by a majority of the male members of the band of the full age of 21 years, at a meeting or council thereof, summoned for that purpose.

This clause is very clear and bears out my contention of last year that it means that a majority of the qualified vote of the band must be secured to legalize a surrender, and that vote must be taken at a public meeting properly called for that special purpose, and not at two or three different meetings. The minister said in reference to this:

It is true that the surrender was carried by only a small majority; the vote, I am informed, was 107 to 98. But it was a majority of the voting members of the band who were present there, and the Indian Act recognizes that a surrender agreed to by a majority of the voting members of the band is a legal surrender.

Mr. BRADBURY. The hon. gentleman says that the Indian Act provides that a majority present at the meeting may dispose of the Indian reserve. Now, if that is a proper interpretation of the Act, and if there were only 20 Indians present out of 289, would the hon. gentleman say that the majority of these 20 had a right to vote away the inherited rights of all other Indians?

Mr. OLIVER. As I understand the law, they would have the legal right, but I would not consider they had the equitable right. But I do not think that under the law, when there are 205 out of 289 present, they have not only the legal but the equitable right to decide.

The minister's contention is unwarranted, unbusinesslike, unfair, and far from the spirit or even the letter of the Indian Act. The Act distinctly provides that a majority vote of the male members of the band of the full age of 21 years must be secured to legalize the surrender of a reserve or any part of it, and also provides how that majority shall be obtained. In the case of the St. Peter's Indians there were 289 qualified voters, but according to the minister's statement there were only 205 present at the meeting, and after two days' active canvass on the part of the government and the open bribery already referred to, by the government's agents, they managed to squeeze out nine of a majority or less than 38 per cent of the qualified vote of the band, which was not sufficient to make it a legal surrender under the Indian Act. I am convinced that the sur-

Mr. BRADBURY.

render was not legal and would not stand the test of any properly constituted court in Canada. The minister talks about the equitable right to make the surrender. Let us look for a moment at this side of the question. There were absent 84 voters, nearly one-third of the total vote who had not been notified and consequently could not have known anything about the meeting. Fully 90 per cent of the absentees were the younger men, the backbone of the band and its most intelligent members. They were the support of their respective families, men who were away working on Lake Winnipeg in the fisheries, and some in the harvest fields and some in other parts of the province. They knew nothing in regard to this meeting which was called to vote away their birthright, their inheritance. That is one reason why I contend that this was an illegal surrender. Considering these facts and the further disgraceful fact that only one day's notice was given of the calling of this important meeting, and that nearly one-third of the qualified voters were not notified, and knew nothing about the meeting until weeks after it had taken place—and I am informed by many of these young men that had they been at the meeting they would have voted against the surrender as they were not in favour of it—the action of the department was entirely unjustifiable. Although I am not a lawyer I must take issue with the minister when he makes the assertion that he considers that the Indian Act gives his department power to accept a surrender with less than a majority of the qualified vote of the band. If the hon. gentleman is correct in his interpretation of section 49, the Indians would have no protection whatever against a dishonest or crooked Indian agent who could put up just such a scheme as apparently was put up on this occasion to rob the poor Indian of his inheritance by a snap verdict in favour of the surrender which apparently had been done in this case.

After close investigation of this matter I am firmly convinced that the St. Peter's Indians have not surrendered their reserve on the Red river according to the true meaning and intent of the Act, and further that everything that has been done to move the Indians or to alienate the land has been done illegally. The whole transaction was illegally and unjust, worse to my mind, even than the deporting of the Acadians by King George's men. There was perhaps some excuse for that cruel act, but there was no excuse for the cruel act which this government has perpetrated on this band of Indians except it may be that the friends of the government required these lands and they got them.

As is well known the titles of these lands have been withheld. In Manitoba we have