

## MEMORANDUM.

CANADA—  
LEGAL  
STATUS OF  
BRITISH  
NORTH  
AMERICAN  
INDIANS.

CONTAINING THE INFORMATION RELATING TO THE  
DISABILITIES AND RESTRICTIONS IMPOSED UPON  
BRITISH INDIANS IN CANADA, REQUIRED FOR THE  
PREPARATION OF A RETURN TO AN ADDRESS PRE-  
SENTED BY THE BRITISH HOUSE OF COMMONS TO  
HER MAJESTY ON THE 11TH MAY, 1899.

The furnishing of material, so far as it relates to Canada, required for the preparation of the Return to the Address of the British House of Commons of 11th May, 1899, is a matter of some difficulty, owing to uncertainty as to the nature of the material required.

The word "restrictions" in the Address appears much to extend the scope of the Return asked for.

If used with reference to the limits, within which the laws obtaining in Canada confine the exercise of legal rights of British Indians in Canada, the material furnished would be incomplete without reference to the nature of such rights, inasmuch as the Indians hold a peculiar legal position.

The Provinces which have entered Confederation in accordance with the provisions of the British North America Act, 1867, (Imperial Statutes 30-31 Vic. Cap. 3) have each in accordance with that Act exclusive legislative powers in relation to certain matters, including direct taxation within the Province in order for the raising of the revenue for provincial purposes; the management and sale of the public lands belonging to each Province, the solemnization of marriage in the Province, property and civil rights in the Province, and generally all matters of a merely local or private nature within the Province. (*Vide* Section 98 of the said Act.) The legislature of each Province may also exclusively make laws in relation to education subject, and according to the provisions of Section 93 of the said Act. On the other hand, by Section 91 of the said Act, the exclusive legislative authority of the Parliament of Canada was declared to extend as stated in s.s. 24 to "Indians, and lands reserved for the Indians." The meaning of the expression "Indian" was not defined in the B. N. A. Act, 1867, but the expression "Indian" has, from time to time, been defined by the Parliament of Canada for the purposes of its legislation. The latest definition is that contained in Section 2, Clause (h) of the Indian Act (R. S. C., 1886, Cap. 42).