

Mr. ELLIOTT: No.

Mr. MURPHY: I beg the hon. member's pardon, it was.

Mr. ELLIOTT: The minister does not get my point. This amendment contains for the first time the evil of which I complain. By it, an Indian can be compelled against his own will to be enfranchised and to be made liable to have his land and his chattels taken in execution. I ask the committee to listen to the provisions of the previous subsection, which reads:

Upon the application of an Indian of any band, or upon the application of a band on a vote of a majority of the male members of such band of the full age of twenty-one years at a meeting or council thereof summoned for that purpose, according to the rules of the band and held in the presence of the Superintendent General or of an officer duly authorized to attend such council, by the governor in council or by the Superintendent General, a board may be appointed by the Superintendent General to consist of two officers of the department and a member of the band to which the Indian or Indians under investigation belongs, to make inquiry and report as to the fitness of any Indian or Indians to be enfranchised.

It is proposed that the following be substituted for that subsection:

The Superintendent General may appoint a board to consist of two officers of the department and a member of the band to which the Indian or Indians under investigation belongs, to make inquiry and report as to the fitness of any Indian or Indians to be enfranchised.

The action would not be a voluntary one by the Indian, it would be compulsory and would be in violation of all treaties. The government would cease to be the protector of the Indian. He would be left at the mercy of crafty and designing people who wished to make contracts with him. It would be possible to obtain a judgment against an Indian which would have consequences which were not possible formerly. There has never been a time when the people need as much protection against sheriffs and executions. There has never been a time when the privileges enjoyed by our people, whether white people or Indians should be more carefully guarded than now. This action would be a terrible mistake and a breach of faith against this great body of people.

Many of the prizes given at the ploughing matches in western Ontario are won by Indian boys and by older Indians. These people are very capable in many ways but they are not so capable of taking care of themselves in the making of contracts. They should not be robbed of the protection that has been thrown round them for generations. In some cases they need to be protected from their own

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improvidence. I would follow the suggestion made by the Minister of Justice (Mr. Guthrie) to this extent, that this amendment should be limited to non-treaty Indians. We do not owe them the same obligation that we owe to the treaty Indians.

Mr. MURPHY: I do not think the Minister of Justice suggested that it should apply only to non-treaty Indians.

Mr. ELLIOTT: If the minister had been listening to me he would know that I did not suggest that the Minister of Justice made that statement. I am making a suggestion that it should be limited to non-treaty Indians because otherwise we would be guilty of a breach of the treaty. The Minister of Justice thought that a compromise might be arrived at and he suggested that they should be left the right to make application for enfranchisement and that there would also be the power in certain cases to compel them to accept enfranchisement. My suggestion is that the right of compelling enfranchisement should be limited to the non-treaty Indians. We should not go back on the obligations we undertook years ago to the ancestors of the present Indians.

Mr. MURPHY: The hon. member is in error when he makes the statement that this is the first time that such an amendment has been proposed.

Mr. ELLIOTT: If the minister will pardon me, I said that this subsection—

Mr. MURPHY: I did not interrupt my hon. friend and he should allow me to complete my remarks. He is in error when he says that this is the first time the proposal has been made to give this power to the Superintendent General and the department. This same amendment was passed in 1920 and it remained upon the statute books of this country for two years.

Mr. DUPUIS: Why was it withdrawn?

Mr. MURPHY: I do not know what motives actuated the minister at that time in taking that action. In order to make some progress and to meet the suggested amendment of the Minister of Justice, perhaps this section could stand for the time being.

Mr. MERCIER (St. Henri): How many Indians were enfranchised during the past two years?

Mr. MURPHY: I have not the figures for the last two years, I have them only for the last ten-year period. I do not think any