

Indians to fishing and hunting, but I think—I know the Indians you refer to—it was in Nova Scotia, and covered what is now New Brunswick as well. That case went before the courts and our department supported the contention of the Indians that they might be entitled to some right there. We wanted to have the matter tested out in the courts; but the finding was against the Indians' claim. I cannot give you the citation at the moment, but it was a judgment, I think, of a Judge Paterson in County Court in Nova Scotia; but the matter was not pursued further.¹

Q. I remember reading one treaty about which many Indians down there felt that they had never been rightly treated. The treaty is very clear; but if it were judged that the parties to the treaty had no right to bind the Crown, that is, of course, a different question. They were military governors who made the treaty with the Indians?

The CHAIRMAN: We could probably consider that matter later, Mr. Richard.

By Mr. Matthews:

Q. Has Mr. MacInnes finished his presentation?—A. I think it is unnecessary at this stage, Mr. Chairman, for me to expatiate further on the general question of treaties. There will be an opportunity for questions to be dealt with as they arise; but that concludes my general summary.

By Mr. MacNicol:

Q. Will we have copies of all the treaties entered into by the honourable lairds and the commissioners in the northwest, with the Indians?—A. We have them in book form, but there are not enough copies for every member. We could, however, table them here, if required.

The CHAIRMAN: Perhaps Mr. MacNicol, if you would refer to issue No. 1 of the reports of the proceedings of this committee, you will find, appended to that report, a synopsis of all the treaties.

Mr. CASE: Yes, at page 31.

The CHAIRMAN: It is merely a synopsis.

By Mr. Bryce:

Q. When the governors made these arrangements, did they not do so with the backing of the government of which they were representatives at that time?—A. The facts are rather vague and cloudy as to just what happened in the early 1700's in that area.

Q. It is quite evident that the Indians never got the benefit of the doubt?—A. That, of course, as I said, was passed upon by the courts, so I could not express an opinion. But, in regard to the particular question at issue, that of hunting rights by Indians in the maritime provinces, nothing was conceded by the courts to the Indians as a matter of right.

Mr. MACNICOL: All those agreements were made with the military authorities, and they should have consideration.

By Mr. Matthews:

Q. Which would you consider to be more favourably situated with regard to government protection, the non-treaty Indian or the treaty Indian?—A. Well, that was my general conclusion, I think, Mr. Chairman; I think that the Indians, in so far as the dominion government is concerned, have been treated equally, and been given the same measure of benefit, regardless of whether they are formally under treaty or not. They have all been recognized as though they

¹ R. v. Syliboy, 50 C.C.C. 389 (1929), 1 D.L.R. 307 (N.S.).