

to do with the Indian department, for I was a member of the commission that approached that department many years ago and made the joint arrangement under which these schools from one end of Canada to the other are being carried on. The interest of the Indian department in the Indians, and the sympathetic manner in which they have dealt and are dealing with these people, are in my judgment a guarantee as to whether the rights of the Indians will be transgressed or not in any part of Canada. But after all these things have been done for them, if they insist on accepting one position that has been provided and refuse the other, then the Indian department should be clothed with responsibility and should say to them, "Now that we have brought you to this stage you must accept your responsibilities." I think the Minister of Justice should make that point clear with regard to these people. I know from personal knowledge that hundreds of them for the last forty or fifty years have been following the ordinary life of the white man and have not lived as Indians in any sense whatever. I am not a lawyer but I understand that the statute makes reference to treaty Indians, Indians living on a reserve, members of a band of Indians, or an irregular band, or men and women following the Indian's mode of life. But these people have not been following that mode of life in this generation, and many did not do so in the last.

Mr. ELLIOTT: I wish to say a word or two in answer to some remarks made by my hon. friend (Mr. Nicholson). There is a clear distinction between the rights in this country of what is known as the non-treaty Indian and those of the Indian as defined by the Indian Act. The treaty Indian obtained his rights as a result of treaties which were made, by which the government of this country agreed, as my hon. friend from Quebec South said, to give to the Indian certain protection in return for what was taken away from him. The non-treaty Indian stands in a different class; he belongs to what is known as an irregular band. That is a band that does not hold lands under location ticket, which is the way Indians belonging to bands hold their lands in this country. The non-treaty Indian belongs to an irregular band which has no land, and he is known as an Indian largely by the fact that he follows the Indian mode of life. He may be only a temporary resident in Canada.

Personally I would not object to the amendment which has been proposed being made applicable to non-treaty Indians because the country does not owe them the same obliga-

tions that were imposed upon the government by the treaties with the treaty Indians. There is a clear distinction. It is a breach of faith if the government of this country goes back on the rights which the Indians thought they obtained under their treaty, not merely with respect to the privileges that have been referred to but with respect to what I regard as the greatest privilege of all which the Indian enjoys, namely, his privilege of being protected against the guile and cunning of the white man who makes certain deals with him that are not in his interest. That is why the Indian Act was drawn as it is. That is the reason that in this country we have not the right to issue execution against the lands of an Indian who is not a non-treaty Indian. Living on the border of a couple of reserves as I have done for many years, and knowing very intimately the difficulties in which the Indian becomes involved at the hands of the not-too-scrupulous white man, I say it is a grave breach of the fundamental principles that underlie the treaty between the representatives of the people of this country and the Indians if you compulsorily take out of that class people who have for generations had that protection and say to them, "We will now compel you to become ordinary citizens and, whether you want it or not, to accept the obligations and responsibilities of white people to whom we owe no obligation such as we owe to you under our treaties." Every hon. member who lives near the borders of a reserve knows that some very attractive lands have been set aside for the Indians. These lands are particularly attractive because of the waters which run through them or the timber or the grasses which grow upon them. These lands are a credit to the people who selected them for the Indians. Certain portions of these lands may be wanted for timber or for pasture. The protection which the Indian has had in the past will be taken away by this amendment. Previously no man could obtain a lease of any land from an Indian without first having it approved by the Indian department. I do not think the minister realized what he was doing by removing this safeguard from the Indian. It is proposed to give him this land in fee simple and not to have it held in trust by the government.

Mr. MURPHY: Enfranchisement will be given only after a proper investigation.

Mr. ELLIOTT: After it has been obtained in a way never hitherto intended.

Mr. MURPHY: Pardon me, a similar amendment was passed in 1920.