

the question whether it ought not to be referred at once to the Supreme Court. When we have the papers, then the hon gentleman perhaps may make up his mind as to the course he will pursue. Of course I feel the full responsibility of my position as Superintendent General of Indian Affairs. I feel that the red man should be protected against the white men and against their intrusions upon his rights. I believe that the Government, without reference to political changes in Canada, have always tried to do justice to the Indians. The present Government have every desire to do justice to the Indians. We have no object in not doing justice to them. This question is one of very considerable magnitude, as I have already stated, and perhaps, now that the hon. gentleman has brought it before Parliament, we may as well have it decided, so far as Parliament can decide it, and obtain the opinion of Parliament as to how the matter should be finally disposed of. After hearing the facts hon. members will be of the opinion that the case can only be properly decided by a court of law.

Mr. MILLS (Bothwell). Perhaps the First Minister will explain the difference between this case and the one with which he dealt two years ago, the case of the Mississauga Indians, at Trenton. I think the hon. gentleman in that case made provision out of the public Treasury that a very considerable sum, \$40,000 or \$60,000, should be paid to those Indians by way of compensating them for some claim about the same age as this claim. I think in that case the hon. gentleman did not invoke the aid of the courts, did not obtain a judicial expression of opinion on the merits, before he dealt with it; and, perhaps, he will be able to say why in this case a different course is proposed to be pursued from that which the Government took in the case of the Mississauga Indians just before the elections.

Sir JOHN A. MACDONALD. I cannot speak as to the Mississauga case, because I do not remember the circumstance at this moment. The hon. gentleman has got elections on the brain. He says that case was dealt with just before the elections. I am quite sure the Department decided what was right in the matter. In this case there is a series of legal opinions against the claim of the Six Nation Indians. I speak not by way of comparison, but as to what I think is the proper way of dealing with the case at present before us.

Mr. MILLS. All judicial decisions are matters of comparison.

Mr. PATERSON (Brant). The observations of the First Minister are, in effect, that I should change my motion. I do not know that I object to do so very much. I had two reasons in moving as I have done, for one of which the hon. gentleman should give me credit. We on this side of the House are often found fault with for moving for voluminous and costly returns. Before taking action I consulted with the Deputy of the Department, and, in fact, the suggestion came from him—it was thought best to move for a select committee which might have before it the original papers and save the work of copying, which would be a task of great magnitude. The other reason was one which pressed itself strongly on my mind, namely, that the work being so great we might not be able to get the papers before the close of the Session.

Sir JOHN A. MACDONALD. You will get them.

Mr. PATERSON (Brant). Of course, if the First Minister makes me that promise, and will lend me his powerful aid, for he can do almost anything as the House is at present constituted—and he certainly can do it with the help of the Opposition—we can, no doubt, obtain the papers. If the case is to go before the courts it is desirable that all the documents bearing upon it should be printed. I would point out also, with respect to obtaining a legal decision,

that the Indians' case might fail on some technicality. For instance, it might be held, as it has been held, I believe, in some cases in which incidentally the question of a Haldimand patent came up, that the patent was given under the Governor's own seal, and not the Great Seal. What I would desire to secure therefore, is, that the Indians' claim should be considered as one of justice and equity aside from legal technicality. There can be no doubt that Governor Haldimand gave that patent, whether it is formal or informal. The Government are not acting upon that patent, however, for they recognise a subsequent one, the Simcoe deed, dated 1797, I believe. There was a line struck north-west from the head of Burlington Bay. The Indians do not go by that, but always by the Haldimand deed of 1784. A fact that I cannot very well explain, is, why the Indian Department always recognises the Simcoe deed and ignores the Haldimand deed, and why this has been done in all the surrenders the Indians have made; in fact, all the surrenders have been made under the Haldimand deed, which those who administer Indian affairs have set aside. The Indians have furnished me with a copy of one of the surrenders, and I will trouble the House by reading it, in order to emphasise this point. It is dated on 19th November of the 49th year of the reign of His said Majesty:

"Whereas the Sachems, principal Warriors and people of the Mohawk or Six Nation Indians, in consideration of William Dickson, of Niagara, Esquire, had given counsel and advice and done other professional services to and for the said Nations, did in full Council assembled, at the head of the Lake, on the 19th day of November, in the forty-ninth year of the reign of His present Majesty, deeming such services worthy of remuneration, decree, resolve and determine that on reward and compensation thereof, the said Nations would surrender to His said Majesty, his heirs and successors, a tract of land containing by admeasurement about four thousand acres, situate at the mouth or entrance of the Grand River, by virtue of and under the authority of a certain instrument in writing, under the hand and seal at arms of Sir Frederick Haldimand, late His Majesty's Captain General and Governor in Chief of His Province of Quebec and Territories thereon depending, (now His Provinces of Upper and Lower Canada,) done at the castle of St. Lewis, the twenty-fifth day of October, 1784, and in the twenty-fifth year of His said Majesty's reign, to the intent that the said tract of land so to be surrendered should be granted by His said Majesty, his heirs or successors, to the said William Dickson for the purposes aforesaid.

That is a copy of one of the surrenders made by them, and it is an instance, as I am informed, of the fact that in all the surrenders made the Haldimand deed is referred to and not the Simcoe deed. It appears to my lay mind there is a point in the Indians' favor in that circumstance, and it is a point that requires explanation. It has been stated in some of the courts where the question has been incidentally raised, that the Haldimand deed was informal; but that deed, whether informal or not, was some years afterwards registered in the Secretary's office, and the Simcoe deed was not registered. This statement with respect to the Simcoe deed is made on the authority of the hon. member for Bothwell (Mr. Mills), for I do not know it myself. I mention these matters to point out to the House that there is a case for investigation, and as the member for Bothwell (Mr. Mills) said when the First Minister took into consideration the claim of the Mississauga Indians, and without any recourse to the courts, but determined on the authority of the Department, the Department making the award—I say this made them more strong in their belief that their object can be attained by a proper representation of their case. I do not know that it is necessary to say more, after the First Minister has indicated the direction in which he would like this enquiry to proceed. Of course, as the Indians are very much interested in the matter, I rely on his promise that all the papers will be brought down with as much expedition as possible; and I also count on his help to see that they are printed, in order that we may have that advantage in dealing with them.

Motion withdrawn, and the following substituted:—

That an Order of the House do issue for copies of all title deeds, patents and records concerning the claim of the Six Nations Indians, in their petition presented to this House on April 18th, 1837."