

ments of the minister are not elevating, and not encouraging to the country, nor do they justify his opening, well-prepared criticism which, I am sure, the hon. gentleman himself could not expect to be taken seriously either by myself or by the country. It was the old trick, a little play to the galleries in the hope of drawing the attention of the House and the country away from the serious indictment he was endeavouring, as best he could, to evade or distract. After plenty of time to investigate and consider my remarks of last session, I wish to emphasize the absolute correctness of these charges made against the Indian Department. Every charge then made regarding the treatment of the St. Peter's Indians was supported by sworn statements which have since been verified by reliable men who were on the ground and knew the facts. But, instead of meeting these serious charges fairly and frankly, the minister responds to this House for this outrage contents himself with hurling at my head his opening criticism, and then evades as many of the charges as possible, and denies the correctness of others, but in no case adducing any evidence to substantiate his denial, or in rebuttal of the sworn declarations of his wards which he asks the House to disbelieve. Surely, the House has a right to expect the minister appointed by this government as Superintendent General, the guardian of the Indians, to rather take the side of the Indians in a matter of this kind than to take the side of the men of whom the Indians complain and whom they blame for the transaction I have tried to lay before the House. The Indians state distinctly, in language more forcible than I am permitted to use in this House, that they have been practically bounced out of a reserve worth a million and a half dollars. I do not think it is any exaggeration to state that that reserve is worth every cent of a million and a half of money, and the Indians have not one dollar to-day to show for it. I do not know what is to their credit, but I have not the slightest doubt that it is a very small amount. The Department of Indian Affairs is wholly responsible, and must accept the responsibility, for having allowed these Indians to be practically cheated out of that valuable reserve.

Now, I felt that I could not, in justice to myself, allow the hon. gentleman's speech of last session to go uncorrected. I felt that I owed it to myself, to my friends and to the country, to point out as clearly as I could, that the hon. gentleman had failed entirely to answer the serious indictment laid at his door by the Indians through me in this House last session. Therefore, I have taken up this much of the time of the House for that purpose.

I intend now to refer to another phase of this question which I believe is the most

serious part—the question of the legality of the whole transaction. Last session I stated that I believed the surrender was illegally obtained, that clause 49 of the Indian Act had been violated. That section reads:

Except as in this part otherwise provided, no release or surrender of a reserve, or a portion of a reserve, held for the use of the Indians of any band, or of any individual Indian, shall be valid or binding, unless the release or surrender shall be assented to by a majority of the male members of the band of the full age of 21 years, at a meeting or council thereof, summoned for that purpose.

This clause is very clear and bears out my contention of last year that it means that a majority of the qualified vote of the band must be secured to legalize a surrender, and that vote must be taken at a public meeting properly called for that special purpose, and not at two or three different meetings. The minister said in reference to this:

It is true that the surrender was carried by only a small majority; the vote, I am informed, was 167 to 95. But it was a majority of the voting members of the band who were present there, and the Indian Act recognizes that a surrender agreed to by a majority of the voting members of the band is a legal surrender.

Mr. BRADLEY. The hon. gentleman says that the Indian Act provides that a majority present at the meeting may dispose of the Indian reserve. Now, if that is a proper interpretation of the Act, and if there were only 20 Indians present out of 259, would the hon. gentleman say that the majority of these 20 had a right to vote away the inherited rights of all other Indians?

Mr. OLIVER. As I understand the law, they would have the legal right, but I would not consider they had the equitable right. But I do not think that under the law, when there are 205 out of 259 present, they have not only the legal but the equitable right to decide.

The minister's contention is unwarranted, unbusinesslike, unfair, and far from the spirit or even the letter of the Indian Act. The Act distinctly provides that a majority vote of the male members of the band of the full age of 21 years must be secured to legalize the surrender of a reserve or any part of it, and also provides how that majority shall be obtained. In the case of the St. Peter's Indians there were 259 qualified voters, but according to the minister's statement there were only 205 present at the meeting, and after two days' active canvass on the part of the government and the open bribery already referred to, by the government's agents, they managed to squeeze out nine of a majority or less than 35 per cent of the qualified vote of the band, which was not sufficient to make it a legal surrender under the Indian Act. I am convinced that the sur-