

DOMINION PARLIAMENT.

FIFTH PARLIAMENT.—FOURTH SESSION.

Mr. O'BRIEN moved for:

Copies of petitions or letters from the Indians on the north shore of Lake Huron or Lake Nipissing with reference to their rights of fishing in those waters, and correspondence on the same subject between the Department of Indian Affairs and the local Superintendents.

He said: This motion has reference to the rights which the Indians retained when they surrendered their lands to the Government of the country. In the treaty which they then made there is a special clause by which the Indians claimed the right to exercise in future their rights of hunting and fishing which they had hitherto enjoyed. It is evident, from the terms of the treaty, that they were apprehensive that that would happen which has since happened, that those agreements by means of which they claimed their rights would be seriously impaired as the progress of the country went on. Although it is evident that, in many respects, it is impossible to get out of the agreements made by treaty, yet if any equitable claim could be established by which it could be shown that the Government of this country, either by its own acts or by the acts of others, has placed the Indians in a worse position than that which they occupied before, I think they are entitled to compensation. The clause in the treaty embraces two things—the right of fishing, and the right of hunting. The right of hunting would be necessarily limited, in the nature of things, as the position of the country changes. It is worth while to look for a moment at the very close connection of the fur trade, from which the Indians at one time derived a very considerable benefit, with the great events which have happened to this country. It was the fur trade, carried on as these Indians were in the habit of carrying it on, which brought about the disputes between the English and French colonies, which resulted in a devastating war, and finally in the conquest of Quebec. It was the fur trade which led to the sending of a number of explorers over the territory which forms a great part of the present Dominion of Canada, and which brought about subsequently a rebellion which we had reason to deplore. And it was the fur trade which brought into this country the company of Gentlemen Adventurers to Hudson's Bay, who exercised until recent years almost a regal authority over the northern portion of this continent. Both with regard to the claim of these Indians, the Government have, for several years, allowed these rights to be impaired. They have established a close season to prevent them from enjoying the right of fishing as it was at the time the treaty was made, when there was no close season. By their legislation in regard to the fisheries, they have practically deprived the Indians of the fishing which they previously enjoyed, because they have issued licenses and encouraged in various ways the trade in fishing, which has destroyed practically the inshore fisheries which were for the benefit of the Indians. While it must be admitted that the hunting, considered by itself, has come to an end, yet the fishing is a matter which is very largely regulated by the action of the Government, and, if it appears, as it must, that the position of the

Indians is very inferior to what it was when the treaty was made, it must be acknowledged that they are entitled to an equitable consideration. There are several ways in which this can be done; and, as I wish this motion to have a practical result, I want to point out to the Minister of Marine and Fisheries, one way in which this can be done. At the time this treaty was made, the Indians could fish where they liked, and I think it would be only fair if the Department would do what they have repeatedly stated they would do—agree to set apart some portions of the coast, conveniently situated to the Indian reserves, where the Indians might have exclusive rights of fishing. That is only a reasonable proposition. By the action of the Government, directly and indirectly, the Indians have lost the control of the fishing, and it would be only fair for the Government now to give them certain places where they would have something like the position in which they stood before. There is another way in which I think the Government might fairly deal with the Indians. There are many of these bands whose reserves are comparatively worthless, from an agricultural point of view. There are others who have had no timber on their reserves, and consequently those living on reserves devoid of timber have not had the same result from the sale of timber which other tribes possess. It would be very simple for the Government, it would be a very inexpensive experiment, and it would encourage the Indians to carry on agricultural operations, which it is most desirable that they should enter into, if the Government would set apart a small sum of money to distribute to the bands, on the principle that, if the bands set apart out of their treaty money any sum for the purpose of purchasing agricultural implements or stock, the Government would set apart a similar sum. Supposing the band sets aside \$50 or \$100, the Government should do the same thing, and place it in the hands of a proper person to purchase these implements or this stock. This would satisfy the Indians to some extent, and would also encourage them in agricultural pursuits. I had the opportunity, a few years ago, of visiting most of the reserves on the shore of Lake Huron, and the House will be gratified to know that those Indians are progressing very favorably. I was surprised to find such comfortable houses, well kept, clean and tidy, well furnished, and comparing very favorably with many of the houses of the white settlers of that locality. I notice in their case that they had every comfort that men living as they do, could possibly possess, and altogether, so far as a casual observation could lead one to form an opinion, they were doing as well as they could desire. Many of them were working in the mills, and many of them go to the lumber camps and earn fair wages for a considerable portion of the year. I think the Government should do every thing they can to encourage them in industrial pursuits, and in so doing they will, to a great extent, remove the present discontent which prevails among them with regard to their rights of fishing and hunting. I can assure the Government that this question is one upon which they feel deeply. Fishing, especially, has always been one of their principal sources of livelihood, and I think the Department of Marine and Fisheries ought to see whether it

cannot, in various localities, set apart a portion of the coast for their special use and benefit. I think the Government generally might also help to remove their distress by adopting some measure to encourage them in their industrial pursuits in the way I have referred to.

Mr. DAWSON. In seconding this motion I may say that it is not very often that the case of the Indians comes before this House, and I am sure the House and the country will feel very much indebted to the hon. gentleman for bringing it up. There is no more important question connected with the Indians than that of their treaty rights to the fisheries. Their right to certain fisheries and to fish everywhere about the great lakes, were secured to them by solemn treaty. By this treaty they were given the right to fish as they had formerly done, when they relinquished to the Government all that vast territory bordering on the great lakes to the north of Lakes Huron and Superior. With the leave of the House I will read a short extract from the treaty by which they relinquished their territorial rights:

"And further to allow the said chiefs and their tribes the full and free privilege to hunt over the territory now ceded by them, and to fish in the waters thereof as they have heretofore been in the habit of doing."

Now, Mr. Speaker, this right of the Indians to fish, thus secured them by treaty, has been rather ignored upon a great many occasions; and I will invite the attention of the Minister of Marine and Fisheries to the fact that that right has been so completely ignored that leases have been given on the grounds where the Indians were accustomed to fish, and licenses have been issued so that people go wherever they choose, and deprive the Indians of the food upon which they have been accustomed to subsist. Now, I am happy to hear the hon. gentleman say that the Indians are progressing well, that they are in a comfortable condition, and that he had seen comfortable Indian houses among them. I can also say, with regard to many parts of the district I have the honor to represent, that the Indians are advancing, that they are becoming materially well off, and that they show every readiness to adopt habits of civilization. Within the bounds of the district which I present, there are 12,000 Indians or more. In Algoma proper there are 5,200, then west of the height of land, on the waters of the Rainy River, there are 4,000, and on the waters of the Moose River, leading towards the Hudson Bay, there are 3,000 more. Now, if I draw attention to the condition of these people for a moment I am sure the House will bear with me. Some of these Indians are engaged in agriculture, and are fairly well off, especially in certain parts of the island of Manitoulin, and also in certain sections along the north shore of Lake Huron; but in some sections on the north coast of lake Huron, where they have been accustomed to depend on the fisheries, they are at present deprived of the means of living because those fisheries have been leased. This last fall new fisheries regulations were published which the Indians did not notice in time. The regulations came upon them unexpectedly, and deprived them of the privilege of fishing in the fall, and it was in the fall of the year that they had formerly been accustomed to lay in their winter store of fish. But last fall