

of this Bill is not to enlarge the rights of the Indians, or to make them more free than they are to-day. If the Indians were free, like the white people of this country, the hon. gentleman would not be so anxious to push this measure through. It is because they are so completely under the control of the Prime Minister as their Superintendent-General that he and his supporters are so anxious to push this measure through, for they know that with the machinery the hon. gentleman possesses he can to a large extent control the votes of these people. Am I wrong in saying that the Indian is not a free man, subject to the same liabilities as other citizens of this country? Sir, the law of the land is as plain as daylight; and if hon. gentlemen opposite would only read that law under a sense of the responsibility that they owe to the people they represent they would rise *en masse* and declare that the hon. First Minister should not push this measure a step further. Let us go to the law, and see what is the difference between the enfranchised Indian and the Indian to whom it is proposed to give the vote. The enfranchised Indian is an Indian to whom letters patent have been issued. They must be issued with the approval of the Indian Superintendent General. By the Indian Act:

"(j). The expression 'enfranchised Indian' means any Indian, his wife or minor unmarried child, who has received letters patent granting to him in fee simple any portion of the reserve which has been allotted to him or to his wife and minor children, by the band to which he belongs, or any unmarried Indian who has received letters patent for an allotment of the reserve."

And section 88 declares the effect of such letters patent, as follows:—

"From the date of such letters patent the provisions of this Act and of any Act or law making any distinction between the legal rights, privileges, disabilities and liabilities of Indians and those of Her Majesty's other subjects, shall cease to apply to such Indian, or to the wife or minor unmarried children of such Indian as aforesaid, so declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as regards their right to participate in the annuities and interest moneys, and rents and councils of the band to which they belonged."

Now, I proceed to prove from the Indian Act that these men, to whom it is proposed by this Bill to give the highest right that belongs to a free people, are not free; and we intend that hon. gentlemen opposite shall stay here until we have given them a full opportunity of knowing the full extent of the responsibility they will incur from passing this measure when they go before the people for their verdict. I will read a few sections of the Act to show the subservient position these Indians occupy under the first Minister as Superintendent General. While an Indian lives he has no control over any of his property or his private affairs; and when he dies, he cannot make a will like other people. After the Indian is dead, the Superintendent General does not cease to exercise his influence over him, though it will not perhaps be from that elevated position from which the hon. First Minister said he expected to look down upon the Canadian Pacific Railway. He may make a will, but section 20 declares:

"Provided the said will, after his death, is consented to by the band owning the said reserve, and approved of by the Superintendent General."

Then by section 30:

"The Governor in Council may make such regulations as, from time to time, seem advisable for prohibiting or regulating the sale, barter, exchange or gift, by any band or irregular band of Indians, or by any Indian of any band or irregular band, in the Province of Manitoba, the North-West Territories or the District of Keewatin, of any grain or root crops, or other produce grown upon any Indian reserve in the Province of Manitoba, the North-West Territories or the District of Keewatin; and may further provide that such sale, barter, exchange or gift shall be null and void, unless the same are made in accordance with regulations made in that behalf."

These are the people who are to be entrusted with the franchise—people who have not the right to buy and sell their own bread, unless in accordance with the regulations of the Government. They are not free to sell in the

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open market, and more than that, no man is free to buy from them.

Mr. WHITE (Hastings). Where is that.

Mr. FLEMING. That is on the reserves of Manitoba, Keewatin, and the North-West Territories, as I have already stated.

Mr. WHITE. They have the right to buy and sell in Ontario.

Mr. FLEMING, I will read the clause again (quotation).

Mr. HESSON. I myself have witnessed the Indians in Manitoba selling fruit and other articles on the trains. I would ask if such a regulation was ever made.

Mr. FLEMING. The hon. gentleman is feeling uneasy. I know he has been in the North-West.

Mr. HESSON. I have asked a simple question, will you answer it?

Mr. FLEMING. The hon. gentleman does not know the statute law of the country. Have I not been reading the law on the subject?

Mr. HESSON. I ask if the order was passed, read it again?

Mr. FLEMING. I would have to read it one hundred and twenty times for the hon. gentleman to understand it. That is the trouble; they have no apprehension of what the law is, and though we may read, and expound, they are the blind who will not see. No one is free to buy from these Indians; by sub-section 2:

"Every person who buys or otherwise acquires from any such Indian or band, or irregular band of Indians, any such grain, root crops or other produce, contrary to any such regulations, shall, on summary conviction before a stipendiary magistrate, police magistrate, or two justices of the peace, or an Indian agent, be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both."

The hon. gentleman for Perth (Mr. Hesson) asked me if any regulation had been passed with reference to this Act, and we know it was only the other day that the Government received petitions from some Indians in the North-West asking that they might be permitted to sell their surplus produce.

Mr. HESSON. That was the North-West and not Manitoba.

Mr. FLEMING. The same Act applies, and the same control is exercised over the Indians all over the Dominion. I will now quote section 72:

"The Superintendent General may stop the payment of the annuity and interest money of any Indian who is proved, to the satisfaction of the Superintendent General, guilty of deserting his family; and the Superintendent General may apply the same towards the support of any family, woman or child, so deserted."

The hon. gentleman said the other night that he was only in the position of a trustee, but I would ask what trustee has any right to withhold the moneys in his trust, at his own discretion. The hon. gentleman is not a trustee, but he is in the position of a father with reference to the Indians; they are minors and children under him, and we know the hon. gentleman too well to expect that he will withhold annuities from those who vote in favor of the Tory candidate, or that he will be too liberal with those who would have the temerity to vote for the Liberal candidate. I will now read section 74.—

Mr. SPROULE. Question.

Mr. FLEMING. The hon. gentleman says "question."

Mr. SPROULE. It is not the Indian Act we are now discussing.

Mr. FLEMING. Is it possible that we are speaking to people who do not understand the subject before the House?