

the district hereinafter described and defined, do hereby cede, release, surrender, and yield up to Her Majesty the Queen, and her successors forever, all the lands included within the following limits.

Then follows a description which I do not need to give:

To have and to hold the same to Her said Majesty the Queen, and Her successors forever.

Her Majesty the Queen, hereby agrees and undertakes:—

1. To lay aside and reserve for the sole and exclusive use of the Indians, the following tracts of land for the various bands—

Then comes the description of the lands. —160 acres for each family of five or in that proportion for larger or smaller families;

2. Makes the Indians a present of \$3 for each individual belonging to the bands here represented;

3. Agrees to maintain a school on each reserve hereby made, whenever the Indians of the reserve should desire it;

4. Prohibits the sale of intoxicating liquors on reserves;

5. To take a census of the Indians and annually hereafter pay to each Indian family of five persons the sum of \$15 Canadian currency or in like proportion for larger or smaller family, such payment to be made in such articles as the Indians so require of blankets, clothing, prints, twine or traps or currency if Her Majesty shall deem it advisable.

That is a sample of the treaties entered into with the Indians. I am unable to find within the four corners of that treaty anything which would prevent the enfranchisement of an Indian as provided for by this amendment. Certain references were made during the last debate to the violation of treaty rights, but so far no hon. member has stated in what way those rights would be violated. This amendment provides that if any treaty right is violated, the provisions of this bill shall not apply.

Mr. POWER: The stand I took was not based upon any particular treaty or upon any particular treaty rights; it was based upon the higher ground that as we had taken property from the Indians we had to treat them as wards of the government and we had no right to force them into a position which they did not wish to occupy. I have not before me the Treaty of Paris of 1763, but I have an idea that either in the treaty itself or in the resolutions, the Indians allied to the French—I use the word “allied” advisedly because they were not French subjects—were given certain rights. The Huron Indians now upon the reservation at Lorette were in alliance with the French settlers. They had waged war upon the Iroquois but had been defeated and decimated. The King of France decided that they should settle at Lorette near

Quebec. The French government granted them certain rights and I believe those rights still exist. They are not Canadian citizens in the full sense of the word and I do not know that the Dominion government has ever made a treaty with them. They have always held that traditional position of having been allies of the original French settlers and of the French crown. They did not become British subjects but rather inhabitants of Canada who had entered into, if not a peace treaty at least an agreement not to wage war upon the British government. Their rights go much further back than any document or any arrangement which might have been entered into between the Dominion of Canada and the band to which they belong. In my view they are inhabitants of this country who have certain rights which have been sanctified by custom and we are not entitled to take those rights away. As I say, I have not the documents in connection with the treaty before me but I expect to have them before the debate is over. I protest that this parliament should not take away rights which they have held since the beginning of the British possession of this country.

Mr. STEWART (Edmonton): I am taking exception to the clause from another angle altogether. I do not know of any law that compels a white man to take out naturalization papers and I cannot understand why the department should be anxious to enfranchise Indians by compulsion; whether under the auspices of a judge or under the provisions of section 110, it is the same thing. The government is saying in effect that if an Indian is fit to be enfranchised, he shall be enfranchised. I submit that that is taking very drastic steps in dealing with the Indians. Heretofore the Indian has been enfranchised upon his own application and by his own free will.

Mr. MURPHY: A similar amendment to this was upon the statute book for two years.

Mr. STEWART (Edmonton): Yes, I know, but we had to take it off for the very good reason that it would have caused a lot of trouble. If this bill goes through and my hon. friend attempts to carry out its provisions, I am afraid he will have very serious trouble in certain cases. If an Indian is a non-treaty Indian living outside the reserve and does not desire enfranchisement, I do not think the state should force it upon him. That is the privilege the Indian has always enjoyed and I do not know of any good reason why it should be taken away. It may be said that Indians are taking advantage of the fact that they are not enfranchised, pay no taxes and