

Now, if you feel that this parliament now owes something to the Indians, such as a vote in return for some of these past misdemeanors so-called, we would have to go to the trouble of examining them all to see if in fact there is any basis for them.

Remember, from the very beginning of the Indian Act the Indian has been suing the government of Canada to establish his rights and where the court has agreed with him that he has rights he has got them; where the court says that he has not got rights, is it for this committee to say in effect that the court was wrong?

Mr. NOSEWORTHY: There is no dispute in court or out of court that the Indians were here before the white men?

Hon. Mr. HARRIS: That may well be and I am not going to dispute it but I do dispute that living under the jurisdiction of the parliament of Canada it might just as well say there are various grades, starting with the Indian who has the absolute right to vote, and then with the early settler, giving him something else, and then the late comer would not have the right to vote—

Mr. FULTON: That is not the argument at all.

Mr. CHARLTON: It is well known that the Indian was given the right to vote at one time.

Hon. Mr. HARRIS: That is right.

Mr. CHARLTON: Back in the 1880's.

Hon. Mr. HARRIS: 1885.

Mr. CHARLTON: What was the reason given for taking the vote away from him? If that could be stated here it would clear the situation.

Hon. Mr. HARRIS: Well, it is a very simple matter although it takes a certain amount of explanation. The explanation will have to leave out some of the political arguments made at the time. The vote was lost to the Indian because in 1898 the then government decided that instead of having a federal system of making up voters' lists they should be made up by the provincial governments as had been the case prior to 1885. As it happened at the time the Indians were disqualified from voting by legislation of the various provincial governments. That is the answer.

Mr. FULTON: In effect if we were to simply give them back the right to vote without the necessity of signing the waiver we would be restoring the position, with respect to Indians voting rights, as it existed before 1885?

Hon. Mr. HARRIS: No, that is not true. When they were given the vote in 1885—

Mr. FULTON: I am sorry, I should have said before 1898—between 1885 and 1898?

Hon. Mr. HARRIS: No, when they were given the vote in 1885 it was on a comparable basis to a white man. They had to qualify for property holdings. It was an equality of status—it was not a privilege other than the white man had.

The CHAIRMAN: Shall section 86 carry?

Mr. FULTON: No, on division.

An Hon. MEMBER: Where is the division?

Mr. BLACKMORE: The question has been raised as to where the division is. I want a recorded vote and we will soon see where the division is.

(Section carried on recorded vote.)

Hon. Mr. HARRIS: Mr. Jutras had a question in connection with section 11 and whether blood tests could be taken at treaty time by the medical officers of the Indian health services. We are looking into this and will inquire if it would be acceptable to the provincial authorities.

Now, before I am finished, are there any other questions?