

The CHAIRMAN: I think that Mr. MacInnes, the Secretary of the Department, might answer questions. Would you come up here now, Mr. MacInnes?

Mr. T. R. L. MACINNES, Secretary, Indian Affairs Branch, called.

The CHAIRMAN: Ladies and gentlemen, Mr. MacInnes is Secretary of the Indian Affairs Branch of the Department of Mines and Resources.

The WITNESS: Mr. Chairman, will I await questions or shall I lead off?

The CHAIRMAN: Mr. MacInnes has certain questions which he has been asked to supply the answers to. I think perhaps you better proceed with them.

Mr. Chairman, with your permission, I will begin by reading the questions because they are separated into parts and each one is to be answered separately.

VII. Are tribes allowed to organize themselves for their mutual benefit, and when so organized, may they enjoy a measure of self-government or responsibility for reservation organization and administration under federal guidance or guardianship? e.g. Can they produce and market co-operatively direct to consumers? and can they hold special courts to try defendants for the lesser offences according to Indian conceptions of justice, or must they conform strictly to white man's conception of justice?

The answer is yes, if I understand the wording of the question correctly. Under the Indian Act there is provided a system of local autonomy which in varying degree according to the advancement of the Indian community concerned corresponds to local rural municipal organizations and other legislative bodies with local jurisdiction of that kind; with this qualification that the actions of those elected in the Indian bodies are subject to supervision and control by the Governor-in-Council except in the case of more advanced groups under what is known as the Indian Advancement Act, which have more extended powers and which are under the control of the minister only and not under the control of the Governor-in-Council.

I have here particulars if desired in connection with the application and method of procedure under the election system of the Indian Act. I might explain that this advanced measure is only applied from time to time as it is found that conditions of development and progress warrant that action and that has to be done by order in council. Such orders in council have been applied to the eastern provinces in Canada from Ontario inclusive to the east. In the western provinces with a few exceptions the Indians are still under their own tribal form of organization under a measure of departmental supervision. They choose their own chiefs and counsellors, sometimes by hereditary methods and others by holding meetings at which they make selections, these meetings being supervised by the Indian agent. As you may know, we have a staff of Indian agents dividing up the country, the whole country being divided into agencies or local zones for Indian purposes and their local measure of autonomy is under the supervision of the Indian agent and the agents are under the supervision of headquarters at Ottawa.

Mr. Ross (*Calgary East*): Could they hold courts and try people?

The WITNESS: I was coming to that, that is the second part of your question. No. There is only one law for Indians and white people in Canada; but it is true that in the United States in some parts of the country the Indian laws are followed on reservations (as they call them over there—we call them reserves here). But there is a good deal of dissatisfaction with that and I would like to express the opinion if I may that there would be a great deal of discontent and dissatisfaction among the Indians themselves if they had to be placed under special tribal laws which would be open to abuse and in some cases even to personal persecution. I think the Indians feel that they should have the right to claim, and that they should get the same measure of enlightened justice