

void. To take away from Indians every right to dispose of their land and to vest that power in a superintendent is to stultify the power of the Indian to deal with his own affairs.

55. *No leases without consent.*

Subsection (3) of section 93 empowers the Superintendent General to lease any part of reserve lands, if he is of opinion that the individual Indian requires to cultivate it, neglects to do so. The question of an Indian's neglect is one resolved entirely by the Indian Agent or the Superintendent, and there is no right to impeach that decision. Upon reaching such decision, the lands alleged to be uncultivated may be leased without the consent of any of the persons concerned, including the band occupying the particular reserve. The Organization strongly disapproves this method of dealing with portions of reserve land, and recommends that henceforth no leases whatsoever of reserve land shall be entered into without the consent of the band itself, and thereafter, only according to the terms agreed to by the band.

56. *No use of Indian land without consent.*

The Organization recommends further, that no use whatsoever of Indian lands, whether under lease or otherwise, shall be made without the consent first received, from the band concerned. Farm instructors at present operate government machinery on reserves for instructional and experimental purposes, and land is cultivated by such instructors. To this, the Organization raises no objection. However, some instructors at present cultivate land for their own private use on the reserves, and bring their own equipment and machinery thereon. The Organization recommends that farm instructors confine their effort to instruction alone. No servant or agent of the Crown should henceforth operate on a reserve, any farm equipment, except for demonstrative purposes, nor should they use or consume any products of the land belonging to the band, except such as they may produce from the land and require for their own personal needs, and for those of their families.

57. *No employment of persons without consent.*

Section 94A of the Indian Act empowers the Superintendent General to employ such persons on farms of Indian reserves, as to him may seem proper and desirable. To this practice, the Association raises the serious objection that frequently, a band will find it impossible to co-operate with unsuitable instructors and agents or persons chosen and appointed by the Government. The employment of assistants on the farms and in the reserves should be a matter determined in co-operation with the Indians affected, and this Organization recommends that in all cases, the matter of personnel on reserves be referred to the band for approval, and, if the band disapproves of the hiring of any particular person, such person shall not be appointed to a post in the reserve in question. Common sense, reason and fundamental justice demand that in matters of appointments, the Indians concerned should be heard, and their wishes respected.

58. *Expropriation in or near town or city is a denial of treaty rights.*

Section 52 of the Indian Act provides that—

In the case of an Indian reserve which adjoins or is situated wholly or partly within an incorporated town or city having a population of not less than eight thousand, and which reserve has not been released or surrendered by the Indians, the Governor in Council may, upon the recommendation of the Superintendent General (Minister), refer to the judge of the Exchequer Court of Canada for inquiry and report the question as to whether it is expedient, having regard to the interest of the public and the Indians of the band for whose use the reserve is held, that the Indians should be removed from the reserve or any part of it.