

The CHAIRMAN: Section 26?

26. Whenever a Certificate of Possession or Occupation was, in the opinion of the Minister, issued to or in the name of the wrong person, through mistake, or contains any clerical error or misnomer, or wrong description of any material fact therein, the Minister may cancel the Certificate and issue a corrected Certificate in lieu thereof.

Mr. CHARLTON: Concerning section 26, if an Indian did not specifically dispose of his land, or if he should die intestate, would that land automatically revert to the band?

Hon. Mr. HARRIS: No. Would you mind leaving that until we come to the estate section? This has to do with living Indians who for some reason or other cease to be entitled to live on a reserve; for example, an Indian woman marries and goes to live with another band; she has to move to the other band with her husband; or an Indian transfers to another band. That is what section 25 is intended to cover.

Section 26, Correction of certificates.

Hon. Mr. HARRIS: There were three objections and all were on the same basis, so the wording was changed.

Carried.

The CHAIRMAN: Section 27, Cancellation of certificates.

Carried.

Section 28, Grants, etc., of reserve lands void.

28. (1) Subject to subsection two, a deed, lease, contract, instrument, document or agreement of any kind whether written or oral, by which a band or a member of a band purports to permit a person other than a member of that band to occupy or use a reserve or to reside or otherwise exercise any rights on a reserve is void.

(2) The Minister may by permit in writing authorize any person for a period not exceeding one year to occupy or use a reserve or to reside or otherwise exercise rights on a reserve.

Mr. HATFIELD: Has the minister any information with respect to the problem which has arisen between the New Brunswick Hydro Commission and the Tobique band, about the building of a dam?

Hon. Mr. HARRIS: I should think there would be. I should think they would not be permitted to enter upon the reserve without their application having first been cleared.

Mr. HATFIELD: As far as I can learn, the Chief has been called down to Fredericton to talk the matter over. They are doing work on the reserve, yet there have been no damages assessed.

Mr. MACKAY: Is the dam being built?

Mr. HATFIELD: Yes. One end of it is on the reserve and the other end is on private property. The owners of the private property have received very large damages, but the Indian reserve band has received no remuneration, unless something has been carried on in your department. The Indian Chief would like to know what is going on on that reserve. They are going ahead with work on it as if damages had been assessed. I think they should have some arrangement before they allow the Hydro Commission to proceed any further. I think there should be some arrangement made about damages.

Hon. Mr. HARRIS: We shall look into it and let you know.

The CHAIRMAN: Could this matter not be discussed under the estimates? Section 28, subsection (1)?

Carried.