

Mr. HARKNESS: Yes, that is whether he should get any compensation or not on the amount of improvements.

Mr. ASHBOURNE: Does not this protect him and give him some rights?

Mr. MACKEY: Of course you have the case of white people who deliberately go to reserves. They may have been encouraged by some of the Indians to take up residence on the reserve. They go there, and establish themselves. This applies particularly to some of the remote areas, and those people use Indian lands over a period of years. Suddenly, we are confronted with the fact that they are in trespass and have no right there and they must be removed. Are you going to compensate them?

Mr. HARKNESS: I would not compensate that individual but the fellow I am thinking of is the fellow who has considered himself an Indian from his birth. Then, he is suddenly told that he is not an Indian and he is put off the reserve. He can be compensated or not compensated to quite an extent just depending on whether the agent likes him or does not like him. In other words I do not see any reason why he should not have an appeal to a county court judge in the same way that an Indian has an appeal over whether he should be put off the band. At the same time he has an appeal over whether he should be put off he could enter his claim for his improvements. Is there any reason why he should not be able to appeal? If he is the type of case Major MacKay has mentioned, of a white man who has just moved on a reserve, naturally, the judge is going to throw his case out. He would have no ground for compensation either. On the other hand, if he is a man who has lived on a reserve all his life and considers himself an Indian until he is pushed off, then he should have some appeal?

Mr. NOSEWORTHY: If his appeal is not sustained in court what legal ground has he for claiming compensation?

Hon. Mr. HARRIS: I was going to say on what ground has he any right to his improvements if he is not a member of the band—except compassionate grounds.

Mr. HARKNESS: He has been considered a member of the band and has been treated as an Indian for a number of years and then he is suddenly pushed out.

Hon. Mr. HARRIS: That is a matter of compassion, for decision after the decision is made as to his status.

Mr. HARKNESS: During the time he has been a member of the band he made improvements on the land and under this he may or may not be compensated for those improvements. He may be compensated or compensated very little, but I see no reason why he should not have an appeal. For example, in ordinary law, if a white man goes and squats on a piece of land, as you know, if he is there for a number of years he establishes squatter's rights and the land is ordinarily allotted to him.

Mr. MURRAY: In what province?

Mr. HARKNESS: In our province, Alberta. I think it is true in almost every other province.

Hon. Mr. HARRIS: If you tried to assert that you would have every band council in this country coming down to protest.

Mr. HARKNESS: I am not trying to assert that. I am saying that is the law as far as white persons are concerned.

Hon. Mr. HARRIS: You are trying to import that into the law here?

Mr. HARKNESS: No, I am not. As I have said several times the person I am thinking of is the man who has been looked upon as an Indian and then is put out of Indian status.

Hon. Mr. HARRIS: The number of cases in which that will arise have been perhaps unusual in your province but the number of cases in which a person