

unable to provide for themselves in a white community. Consequently, they drifted back to Indian reserves, where they were allowed to remain, although not legally entitled to do so, and over the years they and their families came to be recognized as treaty Indians.

Section 5 of the Indian Act provides for an Indian register, consisting of band lists and general lists, in which shall be recorded the name of every person who is entitled to be registered as a Indian. The section is short, and I will read it:

An Indian register shall be maintained in the department, which shall consist of band lists and general lists and in which shall be recorded the name of every person who is entitled to be registered an Indian.

Section 7 of the act provides that the registrar may at any time delete from a band list or a general list, which together make up the Indian register, the name of any person who is not entitled to have his name included in that list. Subsection 1 of section 7 reads as follows:

The registrar may at any time add to or delete from a band list or a general list the name of any person who, in accordance with the provisions of this act, is entitled or not entitled, as the case may be, to have his name included in that list.

Subsection 2 provides:

The Indian register shall indicate the date on which each name was added thereto or deleted therefrom.

Section 12 sets out certain classes of persons not entitled to be registered as Indians, and includes a person who has received or has been allotted half-breed lands or money scrip, and his descendants. Subsection 1 reads:

The following persons are not entitled to be registered, namely, a

- (a) a person who
 - (i) has received or has been allotted half-breed lands or money scrip,
 - (ii) is a descendant of a person described in subparagraph (i).

Section 12 contains other provisions, but these are the important ones pertaining to this bill.

Honourable senators, the purpose of the proposed legislation is to revoke the authority which the Registrar of Indians has under section 7 of the Indian Act to delete the name of a person from the Indian register, on the ground that he received half-breed lands or money scrip or is a descendant of such a recipient, and thereby deprive that person of his Indian status.

Section 8 of the act, provides as follows:

Upon the coming into force of this Act, the band lists then in existence in the department shall constitute the Indian register, and the applicable lists shall be posted in a conspicuous place in the superintendent's office that serves the band or

persons to whom the list relates and in all other places where band notices are ordinarily displayed.

Section 9 of the act provides for a period of protest, six months in extent, during which time the council of the band or other members may protest the inclusion or omission of any name. This section also provides that the registrar shall investigate such protests and render a decision, which is subject to appeal for three months to a county court judge. Honourable senators will remember the dispute which arose about a year ago among the Hobbema Indians and which went before the courts.

Arising out of the original posting of membership lists in 1951, there were 409 protests against inclusions and 220 against omissions. These were investigated by the registrar and decisions were rendered. In 100 cases requests were made to have the registrar's decision referred to a judge for review. This was done in each case, and the final result of the protests and appeals was that 2,245 individuals were found to be entitled to be registered, and 21 individuals were not entitled to be registered. Of the latter group, 12 were found not entitled to be registered on account of non-Indian paternity, and 9 because they descended from persons who had received scrip.

Now I come to the bill itself, which is very simple. Section 12 of the act provides in subparagraphs (i) and (ii) of paragraph (a) that persons who have received or have been allotted half-breed lands or money scrip, and their descendants, are not entitled to be registered as Indians. The purpose of the amendment proposed in the bill is to make this provision inapplicable to persons who are now registered and to their descendants. I hope the amendment will meet with the approval of this chamber.

Hon. Mr. Roebuck: May I ask the sponsor of the bill if there are any persons not registered under the act, but who desire to be registered, and will not therefore benefit by the bill? Are there any persons who have the same right to be registered as those who are registered? Does the bill go far enough?

Hon. Mr. Aseltine: This only goes so far as to certify to the list as it stands at the present time. If there are any persons not on the list I cannot see how they can get on, because they had three months in which to make their appeal.

Hon. Mr. Roebuck: Yes, they had three months in which to make their appeal. Were there any who appealed but were not put on the list?

Hon. Mr. Aseltine: Only 100 appealed. It was found that 2,245 were entitled to be registered, and they were.