

of course, to the provisions of this Act as well as to the provisions of existing provincial laws, I am going to move that section 29 be amended by adding, after the word "lands" the words:

whether held under a certificate of possession, a certificate of occupancy, or by a band or otherwise.

I do not think I am interfering in any way with the principle of the bill or with the administration of the Act by the Indian department. I feel in the case of a lawsuit, which is necessary before there can be legal process, in view of the facts I have stated, a court might decide that lands held by an individual Indian, although located on an individual reserve, are subject to legal process. If they were so subject the department would have to rescue the situation by retroactive legislation or something of that sort—and that is what I am trying to avoid.

The CHAIRMAN: The amendment by Mr. Applewhaite is: that section 29 be amended by inserting after the word "lands" the words "whether held under certificate of possession, certificate of occupancy, or by a band or otherwise—"

Hon. Mr. HARRIS: If Mr. Applewhaite will let this stand we will go on and come back to it.

Mr. BLACKMORE: I would be pleased to second that.

Hon. Mr. HARRIS: Next we have section 30. Mr. Murray suggested that the fine under this section was not high enough. We carried the section but I just want to point out for the record that the corresponding penalty section in the Indian Act, section 115, provides for imprisonment not exceeding one month and a penalty not exceeding \$10 and not less than \$5. In this section the maximum fine has been increased to \$50 or one month imprisonment or both.

The CHAIRMAN: Shall the section carry?

Carried.

Hon. Mr. HARRIS: Next is section 37.

Mr. FULTON: While we are commenting on section 30, that amalgamates four sections of the earlier Act. Is it the opinion of the Minister of Justice that all of the provisions of the earlier sections are embraced in this quite short section?

Hon. Mr. HARRIS: Well, we have an omnibus section towards the end providing for offences for which there is no specific penalty. It is section 100.

Mr. FULTON: It is under a considerably greater fine or penalty—\$200 or three months?

Hon. Mr. HARRIS: Yes.

Mr. FULTON: What I was wondering about is the question of cattle trespass which has been a matter of some considerable correspondence between myself and the minister. It was specifically provided for in the earlier sections. Would the effect of its not longer being specifically provided for under section 30 be that cattle trespass would be removed from this lighter penalty given by section 30 and would only now be included under section 100?

Hon. Mr. HARRIS: No, I think all forms of trespass would be tried under section 30.

The CHAIRMAN: Next is section 37?

37. Except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to His Majesty by the band for whose use and benefit in common the reserve was set apart.