

Mr. BLACKMORE: Does not the department build roads sometimes for their own special use?

Hon. Mr. HARRIS: Yes, we build roads and we take care of the maintenance of them sometimes.

Mr. BLACKMORE: I think Mr. Harkness' objection applies with a great deal of force in Alberta. There is a first class highway running right across the reserve.

Hon. Mr. HARRIS: There is no change in the subclause.

Mr. HARKNESS: There have been complaints coming in for many years over this, or a similar provision in the old Act.

Mr. JUTRAS: Is it not a fact that in a case like that, where white people use a road through a reserve, that the Indians are in a position either to block them off, or to make a deal such as you and I or anybody else would make with the municipality concerned, so that they would pay for a share of the road?

Mr. APPLEWHAITE: They would be trespassers if the road was in a reserve and in the possession of the Indians.

Hon. Mr. HARRIS: They would be trespassers if the road had not been declared a public road, and to do that you would require to have a surrender in the first instance.

Mr. BLACKMORE: Then in that case this stipulation would not apply.

Hon. Mr. HARRIS: That is right. If it is a public road it has already been surrendered, and this would not apply.

Mr. NOSEWORTHY: Are not provincial highways, county roads and township roads running through Indian reserves maintained by the province, the county, or the township concerned?

Mr. WELBOURN: If it is declared to be a public road, then the Indians would not be liable for its maintenance. Is not that right?

Hon. Mr. HARRIS: There are instances where agreements have been made whereby some portion of the cost would be taken care of under certain circumstances.

Mr. BLACKMORE: I do not see any protection under the present wording in the case of a public road. It just says: where the road is within a reserve.

Mr. APPLEWHAITE: Well, if it is a public road, it cannot be within a reserve within the meaning of the Act. For example, if it is a public road, you can transport liquor over it. But if you transport liquor in a reserve, you will commit an offence. However, you are not committing any offence if you transport liquor over a provincial highway in most provinces. Therefore if it has been gazetted as a provincial road, then it ceases to be on a reserve.

Hon. Mr. HARRIS: That is true, because it has been surrendered by the band in the first instance.

The CHAIRMAN: Section 34.

Mr. HARKNESS: Apart from Mr. Applewhaite's argument, as the minister knows and as Major MacKay knows, this has been a matter of complaint for some years in Alberta; and whether it is legally a public road or whether it is not, the Indians have in many cases been obliged to use their band funds to maintain the roads which they, at least, consider were chiefly for the convenience and use of white people and not for themselves.

Hon. Mr. HARRIS: They are part of the community. You do not think of charging people coming into Calgary, for instance, for travelling on your roads. And it may well be, as Mr. Jutras suggests, that the white man has no right to go on the reserve and drive on the road. But on the other hand the remedy lies