

Mr. GIBSON: Did you decide that parliament should appropriate that money out of the Consolidated Revenue Fund rather than taking it out of the band funds? After all, they get the benefit of those improvements. Did you decide it was better this way?

Mr. MACKAY: There are a good many bands without any funds.

The CHAIRMAN: Shall subclause (4) carry?

Mr. HARKNESS: Well, it is entirely discretionary whether he receives any compensation or not and I think that was hardly fair unless he had the right to appeal and have it determined by a court.

Hon. Mr. HARRIS: He is a person who in the first instance has no rights.

Mr. HARKNESS: That is what you say now, but cases come up such as that in Alberta where several hundred people in northern Alberta considered themselves Indians for a very long time, and they were suddenly thrust out of Indian status. That is the type of person to whom this would apply.

Mr. MACKAY: It is a question of whether those persons, Colonel Harkness, had made substantial improvements on the reserve.

Mr. HARKNESS: Whether it is questionable about those people or not, nevertheless cases can readily occur where men would have made considerable improvements, and it would seem to me that they should have the same right and not just be at the discretion, essentially, of the officials of the department. Naturally the minister is not going to know anything about these cases personally?

Mr. MACKAY: Is it not your difficulty that you are dealing with a group of people who have been found not to be entitled to do what they are doing? They will vary all the way from the chap who was warned before going that he would not be so entitled but nevertheless decided to take his chance, all the way down to the person who in all innocence put improvements on that land thinking he was entitled so to do. To take care of all of those groups I doubt if you could devise, by statute, a rule which would apply. There must be some discretion so as to make the compensation accordingly. Certainly I am quite sure that you would call the minister to account in the House if there was an injustice. I think this is as good a protection as you can get for the innocent, and you do not need any protection for the relatively guilty.

Mr. HARKNESS: You are dealing with persons who are not innocent but you are also dealing with persons who were innocent and put off the reserve in Alberta anyway. A judge was appointed as commissioner and in a very large number of cases made recommendations in favour of the Indians but those recommendations were never carried out and those people are still off the reserve. They have no recourse and under this they still have no recourse. In other words it is going to apply to people who have been evicted, but according to the judicial commissioner appointed these people should never have been put off the reserve.

Hon. Mr. HARRIS: Under this there is first to be a decision by the registrar and secondly by a county court judge. Supposing the person is not entitled to be on the reserve, are you then going, in every case, to give him compensation to the fullest extent of the claim that he would make?

Mr. HARKNESS: No, naturally, I would not give him the compensation to the degree that he might claim, but I would think that he should have some appeal.

Hon. Mr. HARRIS: From—

Mr. HARKNESS: From essentially the decision of the officials of the department.

Hon. Mr. HARRIS: As to the amount of the improvement?