

hardship. If there is any property belonging to an Indian his wife or children ought to get it.

Hon. Mr. MACDONALD (B.C.)—There is \$10,000 of that money in the hands of the government now.

Hon. Sir MACKENZIE BOWELL—There may be some restrictions as to the mode of disposing of it at the death of the Indian. However, I give no opinion. The hon. gentleman from St. Boniface calls my attention to another point. I do not know whether he understands the meaning of the word "superintendent" in the Act—if he means the superintendent of the Indians on the reservation, the clause does not apply. It gives the power to the Superintendent-General—that is the head of the department in Ottawa, who would have to instruct his subordinate what should be done. The clause as it reads now contains these words:

Indians engaged in occupations which interfere with their cultivating the lands on the reserve, and all sick, infirm or aged Indians and all widows and orphans or neglected children.

These are words which are struck out of the new clause. You could only lease for the benefit of Indians included in the words which I have just read. The present clause reads:

No reserve or portion of the reserve shall be sold, alienated or leased until the same has been released or surrendered to the Crown for the purposes of this Act, but the Superintendent General may lease for the benefit of any Indian, land to which he is entitled without the same being released or surrendered.

Under the old Act land could not be leased or re-leased unless it had been surrendered. The Indian holding the land now can have it leased for his benefit whether he has surrendered it or not, and it also can be leased for the benefit of any Indian. It is not restricted to those who are cultivating the land on the reserve, who are sick, infirm or aged, or widows or orphans or neglected children. It simply gives the superintendent general power to lease land for the benefit of an Indian who does not desire to live or work upon it.

Hon. Mr. BERNIER—Without the interference or consent of the Indian himself?

Hon. Mr. SCOTT—Oh, no; presumably on his application.

Hon. Sir MACKENZIE BOWELL—It only gives a wider power.

Hon. Mr. POWER—I think that there is some force in the objection made by the hon. gentleman from St. Boniface, because, while it is true that this Act is supposed to be done by the superintendent general, who is the Minister of the Interior, everybody knows that the minister at Ottawa acts upon the recommendation of his inferior officer on the spot.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. POWER—He cannot be on the spot himself and he must act on the recommendation of his subordinate. I wish to point out to the leader of the government, with a view to his considering it between the present time and the time when the House is in Committee, the possibility that this privilege might be abused in this way—that the superintendent general might lease land which continues to be a portion of the reserve (that is what the latter part of the clause applies to) for the benefit of any Indian without the same being released or surrendered. That would enable the superintendent general, on the recommendation of a local officer, to lease, nominally for the benefit of the Indian, land in the middle of a reserve. There is no limitation as to the person to whom the land might be leased, and you can imagine a white speculator leasing land in the middle of a reserve, a thing which would be very objectionable and which has caused serious difficulties in some of the older provinces. The Minister might consider whether, when the bill goes before the committee, he could not provide against that. Then, I think that clause 141, which is proposed to be added to the Act, gives a very sweeping power to the Governor in council, and although no doubt the leader of the House has the utmost confidence in the present Governor in council, there might arise a Governor in council in whom he would not have the same confidence and to whom he would not like to give so much power. It seems to me that it would be judicious to add to this proposed section 141 a provision that a yearly return, showing the case in which the action proposed in this new section had been taken, should be laid before parliament so that an opportunity would be