

Mr. HARKNESS: Well, considering the purpose for which this clause is in here—which is essentially for road easements, public works and so forth—I would think your suggestion of a little while ago might be a wise one; that the thing might stand and have further consideration given to how it might be amended. Further consideration might be given to what you have thought of by putting in words along the line of “for the purpose of public works, road easements”. The purpose of the subclause would be quite definite and the Indians or any particular band would be protected from things such as Mr. Hatfield has been talking about, or from people’s cattle being turned in to graze on the reserve whether the Indians wanted it or not.

Hon. Mr. HARRIS: We have never had complaints along that line, at least in my time. As I said before we were conscious of all these arguments—we made them to each other—and we have tried to devise a wording which would be all-inclusive to give the minister powers to do these things which he should do for the benefit of the Indian band—because that is what he is supposed to be doing. However, we found that it was difficult, if not impossible to draft this all-inclusive wording.

Mr. BLACKMORE: I do think it would be better to let it stand and let the minister give a little more thought to making the provision more specific.

Mr. HARKNESS: I have no objection whatever to the minister having the power taken under this particular clause to give road easements or something along that line, but I do think, as has been indicated by the conversation this afternoon, that there should be some protection as far as other uses to which Indian lands might be put or given out under this clause.

Hon. Mr. HARRIS: It is a vast improvement over the old Act. We struck out the word “hunting”, and we have limited the powers of the minister to one year, whereas under the old Act it was unlimited.

Mr. NOSEWORTHY: The purpose for which such permit is granted is stated or specified in the permit?

Hon. Mr. HARRIS: Oh, yes.

Mr. NOSEWORTHY: The Act, as stated here, gives permission to use the reserve or exercise rights on the reserve, but I presume that would be specified in the permit?

Hon. Mr. HARRIS: Yes—“that the John Smith Lumber Company may have a logging road for this season—”

Mr. GIBSON: I know of one case near Port Alberni in which you took possession for the purpose of giving the Department of Transport permission to put up a fog alarm. The Indians would not give it themselves and the minister had to step in and do it in the public interest.

The CHAIRMAN: Shall section 28 (1) carry?

Carried.

Section 28 (2) will stand.

Agreed.

Section 29.

29. Reserve lands are not subject to seizure under legal process.

Mr. APPLEWHAITE: I wonder if the minister would just confirm or dispel my fears in this connection. Reading the old Act over very sloppily I came to the conclusion that reserve lands were lands in the possession of a band. Now I gather it also applies to lands in possession of an Indian under a certificate of possession, or something of that sort. It is not very clear, as there is no definition of the expression “reserve lands” in the definition section. I may be