

*Supply—Citizenship and Immigration*

eviction of a number of Indians on the Hobbema reserve and I am sure we all greeted that decision with some degree of thankfulness, but the letters persist in coming because the people out there believe that this sort of thing should not happen again.

**Mr. Pickersgill:** Mr. Chairman, I wonder if the hon. gentleman would permit me to interrupt at this point because I think we could dispose of this very briefly. I might point out that under the law enacted in 1951 this can never happen again because no protest can be made at any time after the end of the year 1952. The Hobbema reserve case was the last case of establishing a band list so that this is something which cannot happen again.

**Mr. Hansell:** Does the decision of the court determine that it can never happen again because of the decision creating a precedent?

**Mr. Pickersgill:** No, the law itself makes that provision. Perhaps the hon. gentleman will let me remind him that parliament provided that within six months after the posting of the lists a protest could be made by a group of Indians or by the band council and that these protests all had to be settled. They have all been settled now, and it is not competent any longer for any one to make any further protests so that everyone whose name is now on the band list is perfectly secure. His name will continue to be on the band list unless he is voluntarily enfranchised or unless in the case of a woman she marries a non-Indian. There is one exception in the case of the amendment we made last year concerning an illegitimate child. There is a provision that there can be a protest within 12 months that the father was a white person and therefore the child is not an Indian; and there is also death, of course, which comes to all of us. With these exceptions everyone whose name is now on a band list is perfectly secure against any challenge so that this problem just cannot arise anywhere in the future.

To make the story complete perhaps the hon. gentleman will permit me to point out that there are four other cases still before the courts. I mentioned this the other day. Those cases involve—perhaps I had better not give the figures—but the majority are cases where the registrar decided those in question were Indians and the protest was taken to a judge. Once the protests are settled this cannot happen again under the law.

**Mr. Hansell:** I am glad to hear that.

**Mr. Pickersgill:** I am glad to have had a chance to say it, too.

**Mr. Hansell:** The letters we receive, you see, assume that since the court has decided in favour of the Indians therefore the act should be changed to conform with the decision of the court. My understanding of what the minister has said is that there is no need of changing the law now because it protects the Indians from eviction.

**Mr. Pickersgill:** That is quite right.

**Mr. Harkness:** Mr. Chairman, I think the minister has given the house a totally wrong impression in regard to this matter from what he has just said. While it is correct that the time during which Indians in a particular band could protest the band list which was put up for the first time has now elapsed or should have—

**Mr. Pickersgill:** Oh, it has elapsed.

**Mr. Harkness:** —nevertheless here was a case which should have elapsed long before the case came up.

**Mr. Pickersgill:** That protest was made in 1952.

**Mr. Harkness:** Although it was made in 1952 the department kept the thing dragging along for five years; but the main point is this. Under the Indian Act the registrar can post up the name of any Indian to be deleted from the band list if he has reason to believe or if he comes to the conclusion that an ancestor of that Indian took scrip or that he had a certain amount of white blood through his ancestors.

**Mr. Pickersgill:** Oh, no.

**Mr. Harkness:** Oh, yes. I do not have the Indian Act with me or I could quote from it and make it clear to the house.

**Mr. Pickersgill:** I wonder if the hon. gentleman and I should not continue our debate when his bill comes before the house and if perhaps what is taking place now is not out of order.

**Mr. Harkness:** I am quite willing and anxious to debate the matter at that time, but I do not think I should sit here and allow the minister to make the statement that these deletions of names of Indians from band lists have now come to an end, because that is not the case. As the minister well knows, under the Indian Act the registrar can post the name of an Indian who in his judgment should not be a member of that band. Then, of course, there is the prescribed length of time within which that particular Indian or others can protest the deletion of the name. But under the act by no means do we now have the situation where all Indians who are now on the band lists are fully protected and can remain on them. We therefore still have the