

The CHAIRMAN: Next is section 91.

91. (1) No person who is

- (a) an officer or employee in the Department,
  - (b) a missionary engaged in mission work among Indians, or
  - (c) a school teacher on a reserve,
- shall, without a licence from the Minister or his duly authorized representative, trade for profit with an Indian or sell to him directly or indirectly goods or chattels.

(2) The Minister or his duly authorized representative may at any time cancel a licence given under this section.

(3) A person who violates subsection one is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(4) Without prejudice to subsection three, an officer or employee in the Department who contravenes subsection one may be dismissed from office.

Hon. Mr. HARRIS: The question was raised, I think, by the clerk as to whether the words "In the department" should read "of the department", and the answer is that "in" is correct. It appears that civil servants are officers and employees of His Majesty in the department.

The CHAIRMAN: Shall the section carry?

Carried.

Section 92:

92. A person who, without the written permission of the Minister or his duly authorized representative,

- (a) removes from a reserve
  - (i) minerals, stone, sand, gravel, clay or soil, or
  - (ii) trees, saplings, shrubs, underbrush, timber, cordwood or hay, or
- (b) has in his possession anything removed from a reserve contrary to this section,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

Hon. Mr. HARRIS: Mr. Applewhaite raised the question as to whether under (b) the word "knowingly" might be inserted. The answer is since this is a penalty clause the magistrate or person trying the charge has the freedom of deciding whether there was in fact mens rea, as they say, and can import the word "knowingly" if he wishes to do so.

Mr. BLACKMORE: Would there be any objection to putting "knowingly" in there?

Hon. Mr. HARRIS: Yes, because it alters the normal criminal law procedure and understanding as to the basis of conviction.

The CHAIRMAN: Shall the section carry?

Carried.

Section 116:

116. An Indian child is not required to attend school if the child

- (a) is, by reason of sickness or other unavoidable cause that is reported promptly to the principal, unable to attend school,
- (b) has passed entrance examinations for high school,