

New Brunswick Reserves Agreement

in the province and therefore a valid agreement, after a surrender for sale by an Indian band, could only be made by the province.

The effect of these decisions was far reaching. In the first place, they rendered void the various grants of surrendered reserve lands which Canada had purportedly made between confederation and the date of the court decisions, the last of which was in 1921. They also placed a serious restriction on the Indians' right to use their reserve lands to the best possible advantage, for in effect they stated that a surrender of Indian reserve lands, even when surrendered in trust for sale, operated to free the land from the burden of the Indian title for the benefit of the province without affording the Indians any right of compensation for the loss of their lands. Finally, they established in the province the right to recover from Canada all moneys which Canada had received from the sale of surrendered reserve land, despite the fact that such moneys may have been expended on behalf of the Indians.

The agreement in question is intended to settle the problems arising out of the court decisions. The effect of this ratification and confirmation by parliament and the legislature of the province of New Brunswick will be to validate the effective land grants made by Canada, permit Canada to retain for the benefit of the Indians all moneys received from former sales of surrendered reserve lands, and enable Canada, which is responsible for the administration of Indian affairs, to effectively deal with reserve lands in the province of New Brunswick which may be surrendered for sale in the future.

The agreement was ratified by the legislature of the province of New Brunswick by an act which received royal assent on April 18, 1958. This act is chapter 4 of the statutes of New Brunswick, 1958.

Mr. Speaker: Is the house ready for the question?

Mr. G. R. McWilliam (Northumberland-Miramichi): Mr. Speaker, I wish to thank the minister for her statement. In view of the concentrated effort to wind up the session and also the fact that the minister is scheduled to leave very shortly I shall make only a few remarks. I may first state that the official opposition supports the passage of this bill. This is Bill No. S-6, to confirm an agreement between the government of Canada and the government of the province of New Brunswick. The purpose of this bill is, as the minister said, to ratify and confirm this agreement which was made on March 25, 1958. This agreement was ratified by New Brunswick on April 18, 1958. This bill was introduced in the other place and given first

reading on January 29. It received second reading on February 5 and third reading on February 12.

It is not my intention to go into the background of the events leading up to this agreement. From time to time lands were surrendered, and the position taken down through the years was that the surrendered lands belonged to the crown in the right of the Dominion of Canada. Certain cases were appealed to the privy council, and it was held that these lands were the property of the crown in the right of the province. This means that it was necessary to take action to validate the defective grants, and negotiations between the two levels of government have been going on for some 10 years and have now ended in mutual agreement. The agreement covered by this bill will enable the dominion government, which is responsible for the administration of Indian affairs, to deal in future in a proper and legal way with surrendered lands offered for sale.

The constituency of Northumberland-Miramichi is involved in that eight parcels of Indian lands are involved, namely Indian Point, Eel Ground, Red Bank, two parcels of the Big Hole tract, Tabusintac, Renous and Burnt Church, out of a total of 18 in the province which are covered in this bill. As the federal member for Northumberland-Miramichi I have had representations made to me from time to time by Indians and others in connection with claims to ownership of surrendered lands. Doubts have been expressed as to legal ownership, and dissatisfaction arose in a number of cases which were, in the main, resolved and titles accepted, even if not legal in the strictest interpretation.

The official opposition supports the passage of this agreement and the bill based thereon, because it will clear up the matter of jurisdiction in the sale of surrendered lands, which I think will be a good thing to accomplish and will eliminate a lot of this friction which has existed down through the years.

In the schedule to the bill which spells out the memorandum of agreement between the government of Canada and the government of New Brunswick I read these words, in the fourth paragraph:

—in order to settle all outstanding problems relating to Indian reserves in the province of New Brunswick,—

This, Mr. Speaker, in my opinion is away beyond the scope of this agreement. There are other outstanding problems in connection with Indian reserves in the province of New Brunswick in which the federal and provincial governments have a joint interest, which I will not enumerate at this time.