

65. *Mineral Rights.*

It should be noted that no mention of mineral rights was ever made in any of the treaties in which Indians surrendered their rights. In those sections which deal with the surrendering of land rights, the term "land" alone is mentioned. The Indians at no time had any intention of surrendering their mineral rights and the matter was never discussed or ruled upon by the Commissioners.

Through the administration of the Indian Act, Indians have been deprived of their rights to minerals not only in the whole of Canada, but upon lands within the reserves.

The Indians of western Canada believe that it is only just that they should now be entitled to mineral rights not only upon their reserves, but upon all lands in the western provinces. From these they claim royalties, which in the past have never been paid to them, and they claim that failure to pay them such royalties amounts to a breach of treaty rights. This should be rectified by an amendment to The Indian Act, providing for payment of past royalties for mineral development.

Section 2, Clause J, of the Indian Act in defining "reserve", includes in it "any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, on which the legal title is in the Crown, and which remains so set apart and has not been surrendered to the Crown, and includes the trees, woods, timber, soil, stone, minerals, metals and other valuables thereon or therein". However, by Section 50, the Indians themselves have no control over the alienation of this property, and it is believed that such properties should be alienated only by a majority vote of the band.

66. *Homestead disability.*

Section 155 of the Indian Act provides that Indians shall be incapable of acquiring a homestead in the provinces of Manitoba, Saskatchewan and Alberta. It is provided that their occupation under certain circumstances shall not be disturbed, and that in certain cases, they shall be compensated for improvements made upon what otherwise would be homestead property. There appears no valid reason why Indians should be excluded from the application in these provinces of those statutes of general import, which permit of the occupation and ownership of a homestead. This right would appear to be of particular value in Saskatchewan and Alberta where the settlement movement at present is northward and it is submitted that Indians ought to be placed in at least as good a position as other persons in these provinces, in so far as the acquisition of homestead property is concerned.

66A. *Inventions.*

Since many Indians are of an inventive mind and have little means to finance a search for patents, or to obtain patents or to make models for patent purposes, the Indian Affairs Branch should make provision whereby such inventions or models may be investigated, and, if worthy, be patented for the benefit of the Indian concerned.

67. *Wills and Testamentary devises.*

Section 25 of the Indian Act provides that every will and testament of an Indian must be approved by the Superintendent General, and if such will has not been approved, it shall be null and void, and of no effect. The object of this section appears to be to prevent the alienation of lands contained in a reservation and preserved for the use and enjoyment of a band as a whole, and it seeks to prevent the interference with this object. But the provision as it now stands constitutes an unwarranted interference in the right of testamentary disposition, and the same effect could more justly be secured if a provision were substituted for the present section 25 whereby it is stated that any attempt