Act will not act as a restraint on him because of the wisdom of the government in introducing section 4 (2), which can be used in order to gradually remove the restrictions of the Indian Act from any band or any group of bands as their progress indicates its desirability. Now, I discussed at the conference the suggestion made by Mr. Fulton in the House a day or two before and it was not followed up, not because it has not merit—we recognize that there is a good deal to be said for looking at the Indians in British Columbia in a different way perhaps than the others because of the difference of their activities in most cases—but we think that in the Act and particularly in sections 4 (2), 64, 66, 80, 81, and 82 we can keep abreast of any progress that any group may make so that they will not be restrained.

The CHAIRMAN: Shall the preamble carry?

Mr. FULTON: There are two other questions I want to ask, Mr. Chairman. I ask this question in view of a letter I received from a lawyer in British Columbia who had a great deal of experience in this type of case to which he refers. I will read the letter:

> Now that the Indian Act is under revision, it might be a good idea to suggest that the provision in the Act whereby a magistrate can demand of an Indian information as to where he obtained liquor on penalty of punishment if the Indian does not tell him, should be deleted.
>
> My reason for this is that the usual answer is "some strange white man I met". If they do give a name it is rarely if ever the real supplier, the Indian knowing too well that if he names the supplier, his future source of supply would be cut off. In consequence, innocent parties are continually being charged with supplying, and are put to trouble and expense in defending themselves, and often they have never seen the Indian who has accused them in their lives before.
>
> It must be apparent that the police can question Indians anyway, without as they have done, telling an Indian that he will have to stay in jail for eight days unless he tells them, in which case he tells them the first name that comes into his head.

Now, I have not been able to find any specific section of the bill which gives that power, yet this is a letter from a lawyer who knows that this is being done. What is the situation in that regard? Is there any amendment to the Act which we could introduce which would deal with the practice to which reference has been made?

Hon. Mr. HARRIS: There is certainly nothing in bill 79 which would make it an offence for an Indian to refuse to make an answer in any court, and the procedure in a magistrate's court is, of course, within the jurisdiction of the attorney general of British Columbia and I am sure if the lawyer were to confer with the attorney general it would be seen that no such a penalty has been imposed in bill 79 and probably the practice would discontinue.

Mr. FULTON: Somebody has pointed out to me that section 137 of the old Act did cover that point. The marginal note to that section is "refusal to state where intoxicant was procured." Perhaps I can shorten it down by asking if that provision has been eliminated in the new Act?

Hon. Mr. HARRIS: Yes.

Mr. FULTON: It is not in the new Act at all?

Hon. Mr. HARRIS: No.

Mr. FULTON: My next question is with reference to cattle trespass, on the subject of which representations have been made from British Columbia particularly, where provincial grazing lands adjoin Indian reserves and neither of them are fenced; that is, a general grazing reserve area is provided on which people quite legitimately turn out their cattle to graze on payment of a fee to