

*Indian Act Amendment*

be sued for any wrong inflicted by them, and these resolutions have requested amendments to the Indian Act granting permission to an aggrieved person to sue an Indian for damages, or to compel them to assume the liability assumed by other users of the highway. I should like to get some expression from the minister as to whether consideration has been given this question.

Mr. STEWART (Edmonton): This introduces an entirely new feature, to which we will have to pay considerable attention. We have made laws in order to prevent an Indian from getting into difficulty with his creditors, but just how far we can go in making him liable to the civil actions to which my hon. friend has referred I am not prepared to say. There are cases where the Indian could pay damages, but I am afraid such cases are not very numerous. After all, the Indian is a ward of the government, and if damages were assessed against him I imagine it would become the responsibility of the government to pay those damages. However, I promise my hon. friend to give the question some thought. We have given it some attention, but it is a very difficult and knotty point.

Section agreed to.

The CHAIRMAN: Section 1 was allowed to stand.

On section 1—Eskimo affairs.

Mr. LAPOINTE: My hon. friend the leader of the opposition suggested that there should be some amendment replacing what is being taken away, but I would direct his attention to the fact that this subsection was added to the Indian Act. We could not very well put in the Indian Act a subsection stating that the Eskimos are under the Minister of the Interior. Prior to that amendment of 1924, they were under the Minister of the Interior, because they belong to the northwest. The statute concerning the Department of the Interior states that the Minister of the Interior has supervision over all the affairs of the Northwest Territories. I think if this subsection disappears the situation will be as it was before 1924. If there is any need of an amendment I will consider the matter with the Minister of the Interior, but the amendment will have to be made to some other act. I really think section 1 should carry as it is.

Mr. BENNETT: The Minister of Justice has overlooked the fact that in 1924 this parliament brought the Eskimos under the provi-

[Mr. Barber.]

sions of the Indian Act, and thereby established the responsibility of a minister to the House of Commons for their affairs.

Mr. LAPOINTE: But that responsibility existed before that time.

Mr. BENNETT: Previously the Eskimos did not figure in the matter at all.

Mr. LAPOINTE: They were living in the Northwest Territories, surely?

Mr. BENNETT: Yes, but it was not until about 1924 that the very serious condition of their affairs was drawn to the attention of this parliament and of the people of Canada. As a matter of fact, these people were starving, and it became essential that they should receive some attention, as wards of the nation. It was thought desirable then that they should be brought under ministerial responsibility; that was done and the minister mentioned was the Superintendent General of Indian Affairs. As it now stands, we are repealing this section which the revisers of the statute put in the Indian Act, rightly or wrongly. They placed it as one of the subsections of an act dealing with Indians. We are now repealing that subsection and we have not made any head of government responsible to this parliament for the administration of the affairs of the Eskimos. If the amendment was properly made in 1924, presumably under the advice of my hon. friend, obviously its repeal with respect to the Superintendent General of Indian Affairs will necessitate the naming of some official in his place to assume that ministerial responsibility.

Mr. LAPOINTE: But not necessarily in this act.

Mr. BENNETT: If it were desirable to place it in this act in the one instance it might be equally desirable to replace it in this act.

Mr. LAPOINTE: This act relates only to the Department of Indian Affairs.

Mr. BENNETT: Quite so, but it does not relate any more to the Department of Indian Affairs to-day than it did in 1924, when parliament thought it desirable to place this amendment in the Indian Act. Now when you take away the responsibility of the Superintendent General of Indian Affairs, it would be logical to replace in the act the name of the official who is to assume responsibility. That is all.

Mr. LAPOINTE: But surely my hon. friend realizes that it would look ludicrous to mention some other minister in the Indian Act, with regard to Eskimos. I think if it is necessary to make an amendment it would be necessary to amend the Department of the Interior Act, for instance, or the Northwest Territories Act.