

61. *Agreement between the Indian Bands and the Government should be sought.*

The Organization is of the opinion that in cases in which the white man's cities and towns grow and expand into areas owned by the Indians, suitable arrangements can be made by agreement between the Indian Bands concerned and the Government of Canada and/or the provincial or municipal government which may be interested in the area. The Indian population of Canada has no desire to thwart progress of any nature. On the contrary, it is desirous of becoming a material force in the development of the country. This end, however, can be achieved only by agreement, and the practice of compulsion, in the movement of Indian Bands from land inalienably theirs, can cause nothing but bitterness and antagonism between the Indian and the white man—a situation which this Organization and all other Indian groups are desirous of avoiding.

62. *Expropriation for schools.*

Section 11 of the Indian Act, which relates to the taking of lands for purposes of schools, provides as follows:—

11. The Governor in Council may take the land of an Indian held under location ticket or otherwise, for school purposes, upon payment to such Indian of the compensation agreed upon, or in case of disagreement such a compensation as may be determined in such manner as the Superintendent General may direct.

This power of expropriation is a considerable one, and it is improper that it should be exercised in relation to Indians, in a manner different from that exercised in relation to other persons in a community. Similar expropriation legislation in Ontario, for example, provides for a Board of Arbitration in such cases, and the Expropriation Act of the Parliament of Canada provides that in case of dispute as to the valuation of lands, the matter shall be resolved by the Exchequer Court of Canada in a proper judicial manner. Section 11 opens the door for arbitrary action in cases in which it is sought to expropriate Indian lands for school purposes.

63. *Right to dispose of produce.*

Sections 40 and 41 of the Indian Act, added by amendment of 1932-1933 Canada Statutes, cap. 42, impose certain restrictions upon the sale of cattle, etc., grown on the property of a band. The object of these restrictions appears to be to prevent the wrongful dissipation of the assets of the band by any one member thereof. However, restrictions of an oppressive nature, such as those contained in these sections, have the inevitable effect of weakening the ability of persons to develop independence and self-reliance, and, far from achieving the avowed purpose of the sections, they encourage the wrongful disposition of the produce of reservations. By encouraging the band council itself to impose regulations upon the disposition of such produce, it appears that the object of the enactment would more readily be achieved, and in addition, that the benefits accruing to such bands in their practice of self-discipline and self-regulation would be considerable.

64. *Power to dispose of property.*

Section 108, subsection (5) imposes a restriction similar to that in sections 40 and 41 in respect of the sale and barter of any animal by an Indian without the consent of the Indian agent. Here again, it is submitted that what restrictions are to be imposed upon any dealing in the assets of the band, ought to be imposed by the council of the band, and not by the Indian Agent or any other agent of the Crown. Freedom of trade among Indians of the reserves should be encouraged.