

the Indians would feel safer if this section were entirely omitted and, instead, a new section be written assuring the Indians that the game laws or any laws respecting game will not apply to Indians hunting food on their reservations or on unoccupied Crown Land.

PART II

RECOMMENDATIONS RESPECTING THE INDIAN ACT,
R.S.C. 1927, CHAPTER 98, AS AMENDED41. *Wide powers of Governor-in-Council and Superintendent-General.*

The first and most obvious criticism of the Indian Act derives from the extremely wide powers which are thereby invested in the Governor-General in Council, and more particularly in the Superintendent-General. Although Part I of The Indian Act purports to be of wide and general application, section 3 endows the Governor-in-Council with power to:—

Exempt from the operation of this Part. . . . Indians or non-treaty Indians, or any of them, or any band or irregular band of them, or the reserves or special reserves, or Indian lands or any portion of them . . .

Thus, upon mere proclamation, the efficacy of Part I of the Act may be abrogated, and the statutory legislative intent set at naught.

It is submitted that since this clause leaves the way clear for arbitrary judgments by the Governor-in-Council, it should be repealed. The matter of exempting Indians from the rights provided by the Act should, in line with democratic procedure, be a matter not for any one man to decide but one on which only the Courts should rule.

Qualified legal counsel to act in the behalf of the Indians should be provided by the Crown in such matters and a thorough and fair hearing should be extended to them.

Section 18 of the Indian Act provides that "the Superintendent-General (Minister) may, from time to time, upon the report of an officer or other persons specifically appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band.

Sub-section 2 provides that the decision of the Superintendent-General (Minister) in any such matter shall be final and conclusive, subject to an appeal to the Governor-in-Council.

Under this section, the Superintendent and the Governor-in-Council are given sole jurisdiction to determine who is and who is not an Indian and who may or who may not benefit from the treaties and other rights enjoyed by Indians. The Indians of this Organization object to this method of determining who may come under the Treaties. Because of the fact that when the Treaties were signed, the white man was content to leave it entirely to the discretion of the Indian Chiefs and their Councillors to determine who were to enjoy the Treaty rights, they feel that this section cannot be construed as anything but an abrogation of certain Treaty rights. It is necessary that those matters be determined by the Indians themselves according to the customs and traditions of Indian bands. It is therefore, submitted that section 18 of the Indian Act should be repealed and there should be submitted therefor, a provision whereby the determination of the Indian band as to the membership of any person in such band who is entitled to share in the property and annuities of the band should be within the sole jurisdiction of the Indian band itself to determine according to democratic principles. In this regard, reference should particularly