

Hon. Mr. HARRIS: That would be a new interpretation of 4(2).

Mr. HATFIELD: You are on section 37 are you?

The CHAIRMAN: Yes.

Mr. HATFIELD: Does the minister sell the land if the band surrenders it to His Majesty, without making any investigation?

Hon. Mr. HARRIS: No, no, the provisions as to surrender come later. This is a general statement that no land shall be sold except by surrender to the Crown. The means whereby the land is later sold by the Crown comes along later. This says that the band council cannot sell their land without selling it to the Crown for sale to the public.

Mr. APPLEWHAITE: Is it not a fact that the lands in these Indian reserves are not registered or recorded in the provincial land registry offices and such registration is dependent upon a grant by the Crown; and therefore to sell it you have got to go through that procedure?

Hon. Mr. HARRIS: The actual title to the land is now in the Crown. It was provided in the beginning that Indians could not dispose of land for the reasons given this afternoon in connection with other matters, and the Crown would only be free to sell the land for the Indians, and there is therefore restriction placed upon that, and the Crown can only sell it after the Indians surrender it.

Mr. BLACKMORE: That means the Crown as represented by the Dominion of Canada.

Hon. Mr. HARRIS: Right.

Mr. HARKNESS: The words "except where this Act otherwise provides" you take to mean section 35 and section 110(2). To what does 110(2) refer?

Hon. Mr. HARRIS: That under certain conditions an Indian on becoming enfranchised may take his land with him.

Mr. HARKNESS: What would you think of the suggestion that instead of having "except where this Act otherwise provides" to have "except as provided by sections 35 and 110"?

Hon. Mr. HARRIS: We can refer that to Justice and see what they say about it.

Mr. HARKNESS: I think that would remove a considerable amount of fear which exists in the minds of some Indians that "except where this Act otherwise provides" will be read along with section 4(2) and they may lose their land.

Mr. BLACKMORE: I think so too.

Mr. HARKNESS: I think it would be much better as far as the Indians are concerned if the change was made.

Hon. Mr. HARRIS: No one has made that representation so I will have to give consideration to it.

The CHAIRMAN: 37 will stand.

Section 38.

Shall section 38(1) carry?

Carried.

Shall section 38(2) carry?

Carried.

Section 39?

39. (1) A surrender is void unless

(a) it is made to His Majesty,

(b) it is assented to by a majority of the electors of the band at

(i) a general meeting of the band called by the council of the band, or