

purpose is to cut out one-quarter bloods in the future. As far as I can make out (a) (iv) would cut out any person even though he were entirely an Indian if his family ancestors were not considered legitimate. It says here:—"whose mother and whose father's mother are not persons described in paragraph (a), (b) or (d) of section 11."

(b) of course is an illegitimate child and (a) and (b) we do not need to go into. They are people who are recognized as Indians and there is no argument on that, but this clause means that any person, even though entirely of Indian blood, is cut out if his mother and grandmother were not considered legitimate.

Hon. Mr. HARRIS: We are going by persons who are Indians under the definition contained in the Act, and we do not try to find out how much so-called Indian blood there may be in a given Indian. We provide for band membership on the basis of legitimacy of marriage and where, as it says here, there are two successive mothers who are not of Indian status according to the Act, then the issue of that later marriage is undoubtedly one-quarter blood for our purposes.

Mr. HARKNESS: It may not.

Hon. Mr. HARRIS: We say yes.

Mr. HARKNESS: Well the point I am getting at is whilst your purpose in this is to prevent any quarter bloods or less in future from being regarded as Indians, actually under this particular subparagraph you can put out of Indian status people who are entirely of Indian blood.

Hon. Mr. HARRIS: We are putting out of status today people who think they are entirely Indian. We do not admit to the band lists certain persons although they may very well have fifteen-sixteenths of what you would call Indian blood—we do not admit them if they are not Indians according to the definition.

Mr. HARKNESS: But if the purpose as you stated is in future to cut out people of less than one-quarter Indian blood, why have you in the section of the Act cut out people who may be entirely of Indian blood solely on account of the fact that the person's mother and grandmother are not considered legitimate—particularly as there is considerable ambiguity about "legitimacy".

Mr. APPLEWHAITE: It only refers to (a), (b) and (d).

Mr. HARKNESS: You say it does not include (d)?

Mr. WHITESIDE: It includes (d) but not (c)?

Mr. HARKNESS: That is right, and it does not include (e). In other words the fact is, as I see it, that if for any reason the mother and grandmother are to be considered illegitimate then the person is cut out.

Hon. Mr. HARRIS: If they are illegitimate persons who are not entitled to be members in the first instance then naturally you would not expect us at a later stage to put back into this Indian Act people whose parents themselves were not Indians.

Mr. APPLEWHAITE: I think perhaps the minister could settle the question if he could answer why sub-paragraph (e) of clause 11 was not included in clause 12(1) (iv)?

Hon. Mr. HARRIS: You mean that we should include (a), (b), (d) and (e)?

Mr. APPLEWHAITE: I am not saying you should.

Mr. HARKNESS: If you include (e) you would get away from the question we have brought up.

Mr. WHITESIDE: We do not want to get away from it.

Hon. Mr. HARRIS: We will have a look at that; let it stand for the moment.

The CHAIRMAN: We will let subsection (iv) stand.