

his minor children shall also be included, omitted, added or deleted, as the case may be.

Hon. Mr. HARRIS: There are two objections to clause 10. The Sarcee Indian band of Alberta rejected this clause entirely on the theory I gave you before that there should be no change in the band list. Secondly, from the Queen Victoria Treaty Protective Association came the suggestion that the wife and minor children of a person whose name is deleted should be considered in their own right.

In other words loss of band membership by an Indian should not thereby lead to loss of membership by the wife and children. Now, our answer to that is should the wife herself have any claims on membership her claim would, of course, be given consideration but if the father is not an Indian undoubtedly the children are not Indians and therefore we are obliged to remove them with the person who goes out.

Mr. APPLEWHAITE: Are you really considering the qualifications of the wife? This section says that her name shall be included, omitted, added to, or deleted—

Hon. Mr. HARRIS: The only difficulty I foresee is this, that at the time of the marriage the woman is herself an Indian and she marries what she considers to be an Indian who at a later time turns out not to be an Indian. I do not suggest we would necessarily retain her membership but I think that is a consideration that should be taken into account at that time.

Mr. BLACKMORE: Is Clause 9, subclause (4) standing?

The CHAIRMAN: We are on clause 10.

Mr. NOSEWORTHY: On clause 10, would there not be cases where the wife would be deserted or separated from the husband who is not an Indian and who would herself be entitled to membership? Just what would her status be?

Hon. Mr. HARRIS: Her status would come under clause 11, the definition of Indian.

Mr. NOSEWORTHY: She would not be affected by the removal of her husband from the band list?

Hon. Mr. HARRIS: Not necessarily.

Mr. HARKNESS: In the case of a woman brought up in an Indian band who marries a man who is also considered a member of that band but subsequently he is put out of Indian status because his grandfather, let us say, took script money or something or other, it seems to me that her position is a wrong one. She marries a man in good faith thinking he was an Indian and then suddenly he and she and the children are put out of the reserve, and as you know in a very large number of cases when they are put off the reserve they have an extraordinarily difficult time. They are not equipped to make their way in general society outside of their reserve and about the only thing they can do often is that the woman under those circumstances will go with her children to live on the reserve, living with her people. That is what she does do and it constitutes a burden on them. It would seem to me that in cases of that kind the woman and the children should be protected as far as their Indian status is concerned.

Hon. Mr. HARRIS: The practical problem is one of her having a home and maintenance and the practice is that when she goes back to the reserve—I do not say in every case—she is allowed to stay there; but in most cases she does, in fact, find a home on the reserve but that of itself need not carry with it band membership. It is a matter of compassionate interest in the woman and her children but to say that she should then be able to resume her band membership after marrying a person she thought was an Indian, we do not agree with that.