

Hon. Mr. HARRIS: It is in a stronger position because the authority of all those corporations may, on non-Indian lands, be exercised under the particular statute, but here even if they have the authority they still must get the consent of the Governor in Council to exercise it.

Mr. HATFIELD: Who protects the Indians' rights?

Hon. Mr. HARRIS: The Governor in Council.

The CHAIRMAN: Shall 35(1) carry?

Carried.

Shall 35(2) carry?

Carried.

Shall 35(3) carry?

Carried.

Shall 35(4) carry?

Mr. HATFIELD: These payments under this Act go to the band fund, do they?

Hon. Mr. HARRIS: Yes.

The CHAIRMAN: Shall 35(4) carry?

Carried.

Section 36.

36. Where lands have been set apart for the use and benefit of a band and legal title thereto is not vested in His Majesty, this Act applies as though the lands were a reserve within the meaning of this Act.

Mr. HARKNESS: What reserves are there of that kind?

Mr. MACKEY: There are very few indeed. There is one in the county of Westmorland and in New Brunswick. I think the title was held by His Majesty for years. It was set aside for Indians but the title was held by His Majesty. The Indians still have the right to live there. There are a few of such reserves in Canada. In those cases the land was set aside by some class of organization for the use of the Indians and the title was held in the organization.

The CHAIRMAN: Shall the section carry?

Carried.

Section 37.

37. Except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of until they have been surrendered to His Majesty by the band for whose use and benefit in common the reserve was set apart.

Mr. HARKNESS: Does the wording "except where this Act otherwise provides", when read along with section 4(2) mean actually that section 37 can in almost any case mean nothing?

Hon. Mr. HARRIS: You do not read that with section 4(2); you read that with section 35, the immediately preceding expropriation clause, and 110(2), lands under enfranchisement.

Mr. HARKNESS: This has nothing to do with enfranchisement. It says "except where this Act otherwise provides, lands in a reserve shall not be sold, alienated, leased or otherwise disposed of—" and I would read that with section 4(2).

Hon. Mr. HARRIS: Section 4(2) has nothing to do with the sale, alienation, or leasing of lands—

Mr. HARKNESS: Yes, under section 4(2) the minister or the Governor in Council may declare the land not to be reserve land.