

## MINUTES OF EVIDENCE

HOUSE OF COMMONS,  
April 30, 1951.

The Special Committee appointed to consider the Indian Act met this day at 10:00 a.m. The Chairman, Mr. D. F. Brown, presided.

The CHAIRMAN: Gentlemen, the meeting will now come to order. Mr. Fulton?

Mr. FULTON: Mr. Chairman, I was wondering if we could have a list of those sections with which we still have to deal.

Hon. Mr. HARRIS: I can give it to you. It is a long list. It includes some sections which have not actually been carried, but questions have been asked on those sections. There are about 17 of them with respect to which either information was asked or which really have not been carried. I propose to start now and run through them.

Mr. FULTON: How many sections have not been carried yet?

Hon. Mr. HARRIS: I think seven.

The CHAIRMAN: First, Section 9, subsection (4)

(4) The judge of the county or district court shall inquire into the correctness of the Registrar's decision, and for such purposes may exercise all the powers of a commissioner under Part I of the Inquiries Act; the judge shall decide whether the person in respect of whom the protest was made is, in accordance with the provisions of this Act, entitled or not entitled, as the case may be, to have his name included in the Indian Register, and the decision of the judge is final and conclusive.

Hon. Mr. HARRIS: Mr. Blackmore asked if the judge, under this section, could award costs. The answer is: he can under the Judges Orders Enforcement Act, for example. That is an Ontario statute. And as a commissioner, he also, as judge of his own court, whether it be a county or a superior court, has the power to award costs.

The CHAIRMAN: Does subsection (4) carry?

Carried.

Next?

Hon. Mr. HARRIS: Section 11.

11. Subject to section twelve, a person is entitled to be registered if that person

(a) on the twenty-sixth day of May, eighteen hundred and seventy-four, was, for the purposes of *An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands*, chapter forty-two of the statutes of 1868, as amended by section 6 of chapter 6 of the statutes of 1869, and section eight of chapter twenty-one of the statutes of 1874, considered to be entitled to hold, use or enjoy the lands and other immovable property belonging to or appropriated to the use of the various tribes, bands or bodies of Indians in Canada,

(b) is a member of a band

(i) for whose use and benefit, in common, lands have been set apart or since the twenty-sixth day of May, eighteen hundred and seventy-four have been agreed by treaty to be set apart, or