

The CHAIRMAN: Does the section carry?
Carried.

Mr. APPLEWHAITE: Where is the word "provide"?

The CHAIRMAN: After the word "may".

Mr. CHARLTON: "provide for and make regulations to

Hon. Mr. HARRIS: "provide for and make regulations to

(a) provide standards for buildings, equipment, teaching, education ..."
Carried.

The CHAIRMAN: Section 124.

Hon. Mr. HARRIS: This is the new section which is to be inserted. I may say that it has come up as a result of a court decision. I think I will read it and explain it—the section will read:

Where, prior to the coming into force of this Act,

(a) a reserve or portion of a reserve was released or surrendered to the Crown pursuant to Part I of the Indian Act, chapter ninety-eight of the Revised Statutes of Canada, 1927, or pursuant to the provisions of the statutes relating to the release or surrender of reserves in force at the time of the release or surrender of reserves in force at the time of the release or surrender,

(b) Letters Patent under the Great Seal of Canada were issued purporting to grant a reserve or portion of a reserve so released or surrendered, or any interest therein, to any person, and

(c) the Letters Patent have not been declared void or inoperative by any Court of competent jurisdiction.

the Letters Patent shall, for all purposes, be deemed to have been issued at the date thereof under the direction of the Governor in Council.

The position is this: there has been some question raised in the House of Commons about what is known as the St. Anne's lease, at Walpole Island. The details of it need not concern the committee; but there was an action to set aside a lease of certain hunting and fishing privileges on lands which were leased for that purpose by the Indians by resolution.

The lease had been granted many years ago; but when the action was tried, the court referred to section 51 of the present Act which says that lands which have been surrendered may be sold or leased pursuant to an Order in Council for that purpose. But no Order in Council had been passed. So that was the reason why the lease was not upheld by the court.

As a result of the report of that action appearing in the Law Reports, there have been many inquiries by solicitors and others as to the title of land on which they lived and which had been granted off and on for many years.

It was discovered that by inadvertance sales had been made and letters patent had been issued without the formality of an Order in Council. So the matter has resulted in a section of this kind for the purpose of confirming letters patent which have been granted which were not preceded by Orders in Council directing that they should be so granted.

I am sure you have all read the section and you have seen that it does not relate to any question of the surrender of lands. It only relates to the subsequent sale of them by letters patent.

Mr. APPLEWHAITE: Are you satisfied that there is not a typographical error in (a)?

Mr. FULTON: I think there is a line repeated there, Mr. Chairman.

Hon. Mr. HARRIS: That is right. We have one too many lines in (a).