

Mr. IRVINE: Is a pool room the only place in respect of which an Indian would become liable to punishment if he frequented it too much? There are other ways in which he might waste his time, for instance, standing on the sidewalk or sitting under a tree. Are the latter things all right, and must he waste his time in a pool room to be arraigned?

Mr. STEWART (Edmonton): I do not think my hon. friend is serious.

Mr. IRVINE: I am.

Mr. GARLAND (Bow River): I would rather waste my time in a pool room than outside on a cold day.

Mr. STEWART (Edmonton): I think my hon. friends know full well that it is pretty difficult to keep an Indian working—

Mr. IRVINE: Or to keep anybody working.

Mr. STEWART (Edmonton): —just a little more difficult than it is to keep the white man, unless we have provisions for restraining him to some extent. We do not wish to discipline him, because we have provided in this clause that a magistrate must deal with the case—not a superintendent general; not an agent. It may be done, however, by one or two magistrates in the district, and will have the same effect upon the owner of the pool room. There are already in the act a great many provisions for restraining the Indian and endeavouring to get him to obey the laws. This is one of the little difficulties, not provided for in the Indian Act, that we encounter from time to time, and I am asking for the amendment so that we may be able to lessen the difficulty. I do not claim for a moment that the white man has any more right to frequent a pool room than an Indian; that is not the point. But if the Indian persists in spending all his time there, as he frequently does, we want some means of restraining him. That is all we ask. May I add that I am informed that not a very large number of Indians need such restraint. After all, these restrictions are not for the general body of Indians, any more than our laws are for the general body of white men; they are for the Indians that we cannot control without special provision.

Mr. IRVINE: I object to it on the ground of the exception we take in regard to Indians. I do not think we ought to pass a law, even against Indians, which we would not dare to pass against white men.

[Mr. C. A. Stewart.]

Mr. STEWART (Edmonton): May I say to my hon. friend that if the white man loiters in a pool room to the detriment of his family he will find himself in trouble.

Section agreed to.

On section 17—control of public games on the Sabbath.

Mr. IRVINE: This is going even further. The aim of this section appears to be to control the Indian on the Sabbath day. May I ask the minister why these extremes are requested? What is his explanation?

Mr. STEWART (Edmonton): We are simply adding to the powers of the council. I will read the powers that are within the control of the council, which is an elected body of the Indians themselves. This amendment affects section 185, subsection 1, revised statutes of Canada, 1927:

The council may, by by-law, rule or regulation, approved and confirmed by the superintendent general provided that the religious denomination to which the teacher or teachers of the school or schools established on the reserve shall belong, shall be that of the majority of the Indians resident on the reserve; but the Protestant or Roman Catholic minority on the reserve may also have a separate school or schools, with the approval of and under regulations made by the governor in council.

Then they make regulations and by-laws in respect to various things—health, order, disorderly conduct, subdivision of reserve, trespass, school houses, roads, public works, water-courses, removal of trespassers, et cetera. It is in regard to this latter subject to which section 17 of the new act refers. The section in the revised statutes referring to the removal of trespassers reads:

The removal and punishment of persons trespassing upon the reserve or frequenting it for improper purposes—

This is under the control of the council. To that we add the provision outlined in section 17 which gives the council of the band the right to control or prohibit participation in sports, games, athletic tests or other such amusements on the Sabbath day.

Mr. ADSHEAD: It prohibits the Indians from engaging in sports on the Sabbath day?

Mr. STEWART (Edmonton): Yes. To that extent the council have control on the reserves. It is simply an additional power to the ones they already have, such as revenue, assessments, rates, payment of Indian's share on his default, appeals, et cetera. It is adding somewhat to the powers of the Indian council.