An Act to amend and consolidate the laws respecting Indians.

[Assented to 12th April, 1876.]

WHEREAS it is expedient to amend and consolidate the laws respecting Indians: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act shall be known and may be cited as "The Indian Act, 1876;" and shall apply to all the Provinces, and to the North West Territories, including the Territory of Keewatin.

2. The Minister of the Interior shall be Superintendent-General of Indian Affairs, and shall be governed in the supervision of the said affairs, and in the control and management of the reserves, lands, moneys and property of Indians in Canada by the provisions of this Act.

TERMS.

3. The following terms contained in this Act shall be held to have the meaning hereinafter assigned to them, unless such meaning be repugnant to the subject or inconsistent with the context:

1. The term "band" means any tribe, band or body of persons of Indian blood who own or are interested in a reserve or in Indian lands in common, of which the legal title is vested in the Crown, or who share alike in the distribution of any annuities or interest moneys for which the Government of Canada is responsible; the term "the band" means the band to which the context relates; and the term "band," when action is being taken by the band as such, means the band in council.

2. The term "irregular band" means any tribe, band or body of persons of Indian blood who own no interest in any reserve or lands of which the legal title is vested in the Crown, who possess no common fund managed by the Government of Canada, or who have not had any treaty relations with the Crown.

3. The term "Indian" means

First. Any male person of Indian blood reputed to belong to a particular band;

Secondly.
Secondly. Any child of such person;

Thirdly. Any woman who is or was lawfully married to such person:

(a) Provided that any illegitimate child, unless having shared with the consent of the band in the distribution moneys of such band for a period exceeding two years, may, at any time, be excluded from the membership thereof by the band, if such proceeding be sanctioned by the Superintendent-General:

(b) Provided that any Indian having for five years continuously resided in a foreign country shall with the sanction of the Superintendent-General, cease to be a member thereof and shall not be permitted to become again a member thereof, or of any other band, unless the consent of the band with the approval of the Superintendent-General or his agent, be first had and obtained; but this provision shall not apply to any professional man, mechanic, missionary, teacher or interpreter, while discharging his or her duty as such:

(c) Provided that any Indian woman marrying any other than an Indian or a non-treaty Indian shall cease to be an Indian in any respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the band to which she formerly belonged, in the annual or semi-annual distribution of their annuities, interest moneys and rents; but this income may be commuted to her at any time at ten years’ purchase with the consent of the band:

(d) Provided that any Indian woman marrying an Indian of any other band, or a non-treaty Indian shall cease to be a member of the band to which she formerly belonged, and become a member of the band or irregular band of which her husband is a member:

(e) Provided also that no half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian; and that no half-breed head of a family (except the widow of an Indian, or a half-breed who has already been admitted into a treaty), shall, unless under very special circumstances, to be determined by the Superintendent-General or his agent, be accounted an Indian, or entitled to be admitted into any Indian treaty.

4. The term “non-treaty Indian” means any person of Indian blood who is reputed to belong to an irregular band, or who follows the Indian mode of life, even though such person be only a temporary resident in Canada.

5. The term “enfranchised Indian” means any Indian, his wife or minor unmarried child, patent granting him in fee simple which may have been allotted to children, by the band to which he is Indian who may have received element of the reserve.

6. The term “reserve” means set apart by treaty or otherwise for granted to a particular band of Indian title is in the Crown, but which includes all the trees, wood, timber, metals, or other valuables thereon.

7. The term “special reserve” of land and everything belonging to use or benefit of any band or in the title of which is vested in a community legally established, a being sued, or in a person or persons, but which land is held in trust for to be used by, such band or irrevocably.

8. The term “Indian lands” means all lands which have been Indian reserve or held for the same purposes as under Act, but subject to its provisions.

9. The term “intoxicants” means spirits, strong waters, spirituous compounded liquors, any kind whatsoever, and any intoxicating solid, and any other intoxicating tobacco or tea mixed or compounded opium or with other intoxicating and whether the same or any of

10. The term “Superintendent-General of India” means

11. The term “agent” means an Indian, unless the context of the Superintendent-General.

12. The term “person” means an Indian, unless the context constriction.
such person; who is or was lawfully married to illegitimate child, unless having of the band in the distribution a period exceeding two years, added from the membership thereof proceeding be sanctioned by the 

Indian having for five years continued country shall with the sanction of the band, cease to be a member thereof to become again a member thereof, unless the consent of the band with intendent-General or his agent, be first obtained. This provision shall not apply to any missionary, teacher or interpreter or his duty as such:

Indian woman marrying any other treaty Indian shall cease to be an Indian in the meaning of this Act, except to share equally with the members of her tribe of any annuities, interest, moneys or other property which may be commuted to her at any time with the consent of the band:

Indian woman marrying an non-treaty Indian shall cease and be to which she formerly belonged, and the band or irregular band of which:

A half-breed in Manitoba who is in the service of half-breed lands shall and that no half-breed head of any Indian, or a half-breed who into a treaty), shall, unless otherwise determined by the Superintendent, be accounted an Indian, or the Indian treaty.

Indian" means any person of said to belong to an irregular band, mode of life, even though such a resident in Canada.

Indian" means any Indian, his wife or minor unmarried child, who has received letters patent granting him in fee simple any portion of the reserve which may have been allotted to him, his wife and minor children, by the band to which he belongs, or any unmarried Indian who may have received letters patent for an allotment of the reserve.

6. The term "reserve" means any tract or tracts of land Reserve. set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the legal title is in the Crown, but which is unsurrendered, and includes all the trees, wood, timber, soil, stone, minerals, metals, or other valuables thereon or therein.

7. The term "special reserve" means any tract or tracts Special Reserve. of land and everything belonging thereto set apart for the use or benefit of any band or irregular band of Indians, the title of which is vested in a society, corporation or community legally established, and capable of suing and being sued, or in a person or persons of European descent, but which land is held in trust for, or benevolently allowed to be used by, such band or irregular band of Indians.

8. The term "Indian lands" means any reserve or portion Indian lands. of a reserve which has been surrendered to the Crown.

9. The term "intoxicants" means and includes all Intoxicants. spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind whatsoever, and any intoxicating liquor or fluid, as also opium and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drugs, spirits or substances, and whether the same or any of them be liquid or solid.

10. The term "Superintendent-General" means the Superintendent-General of Indian Affairs.

11. The term "agent" means a commissioner, superintendent, etc. Agent, or other officer acting under the instructions of the Superintendent-General.

12. The term "person" means an individual other than Person. an Indian, unless the context clearly requires another construction.

RESERVES.

4. All reserves for Indians or for any band of Indians, or Reserves subject to this Act, shall be deemed to be reserved and held for the same purposes as before the passing of this Act, but subject to its provisions.
5. The Superintendent-General may authorize surveys, plans and reports to be made of any reserve for Indians, shewing and distinguishing the improved lands, the forests and lands fit for settlement, and such other information as may be required; and may authorize that the whole or any portion of a reserve be subdivided into lots.

6. In a reserve, or portion of a reserve, subdivided by survey into lots, no Indian shall be deemed to be lawfully in possession of one or more of such lots, or part of a lot, unless he or she has been or shall be located for the same by the band, with the approval of the Superintendent-General:

Provided that no Indian shall be dispossessed of any lot or part of a lot, on which he or she has improvements, without receiving compensation therefor, (at a valuation to be approved by the Superintendent-General) from the Indian who obtains the lot or part of a lot, or from the funds of the band, as may be determined by the Superintendent-General.

7. On the Superintendent-General approving of any location as aforesaid, he shall issue in triplicate a ticket granting a location title to such Indian, one triplicate of which he shall retain in a book to be kept for the purpose; the other two he shall forward to the local agent, one to be delivered to the Indian in whose favor it was issued, the other to be filed by the agent, who shall permit it to be copied into the register of the band, if such register has been established:

8. The conferring of any such location title as aforesaid shall not have the effect of rendering the land covered thereby subject to seizure under legal process, or transferable except to an Indian of the same band, and in such case, only with the consent of the council thereof and the approval of the Superintendent-General, when the transfer shall be confirmed by the issue of a ticket in the manner prescribed in the next preceding section.

9. Upon the death of any Indian holding under location or other duly recognized title any lot or parcel of land, the right and interest therein of such deceased Indian shall, together with his goods and chattels, devolve one-third upon his widow, and the remainder upon his children equally; and such children shall have a like estate in such land as their father; but should such Indian die without issue but leaving a widow, such lot or parcel of land and his goods and chattels shall be vested in her, and if she leaves no widow, then in the Indian nearest akin to the deceased, but if he have no heir nearer than a cousin, then the same shall be vested in the Crown for the benefit of the band: But whatever may be the final disposition or claimants shall not be held until they obtain a location ticket from the Superintendent-General in the manner prescribed.

10. Any Indian or non-treaty British Columbia, the Province West Territories, or in the Territory for and shall have, previously to possession of and made personal plot of land which has been surrounded by a reserve, shall neither more nor less, in respect enjoy who holds under a location.

PROTECTION OF INDIANS.

11. No person, or Indian of a band, shall settle, reside or resettle on any land or marsh, or shall use any road, or allowance for a reserve belonging to or occupied by mortgages or hypotheses given and all leases, contracts and agreements to be made by any Indian other than Indians of the band or hunt upon such reserve, shall.

12. If any person or Indian of a band, without the license of (which license, however, he may be) resides or hunts upon or occupies any marsh, or settles, resides upon or uses allowances for roads, on such illegally in possession of an subdivided reserve, the Superintendent-General, as he shall, on complaint made to him, in his satisfaction, issue his warrant to the sheriff of the proper county, to have such person directed to present any literate person commanding him forthwith to leave the marsh, or roads or allowances of any such person or Indian as directed by the占用 the same, to notify such person to remove or notify such person to cease using as aforesaid the said lands, roads, and such sheriff or person to the contrary, such person shall have the same power.
ever may be the final disposition of the land, the claimant or claimants shall not be held to be legally in possession until they obtain a location ticket from the Superintendent-General in the manner prescribed in the case of new locations.

10. Any Indian or non-treaty Indian in the Province of British Columbia, the Province of Manitoba, in the North West Territories, or in the Territory of Keewatin, who has, or shall have, previously to the selection of a reserve, possession of and made permanent improvements on a plot of land which has been or shall be included in or surrounded by a reserve, shall have the same privileges, neither more nor less, in respect of such plot, as an Indian enjoys who holds under a location title.

PROTECTION OF RESERVES.

11. No person, or Indian other than an Indian of the band, shall settle, reside or hunt upon, occupy or use any land or marsh, or shall settle, reside upon or occupy any road, or allowance for roads running through any reserve belonging to or occupied by such band; and all mortgages or hypotheces given or consented to by any Indian, and all leases, contracts and agreements made or purporting to be made by any Indian, whereby persons or Indians other than Indians of the band are permitted to reside or hunt upon such reserve, shall be absolutely void.

12. If any person or Indian other than an Indian of the band, without the license of the Superintendent-General (which license, however, he may at any time revoke), settles, resides or hunts upon or occupies or uses any such land or marsh; or settles, resides upon or occupies any such roads or allowances for roads, on such reserve, or if any Indian is illegally in possession of any lot or part of a lot in a subdivided reserve, the Superintendent-General or such officer or person as he may thereto depute and authorize, shall, on complaint made to him, and on proof of the fact to his satisfaction, issue his warrant signed and sealed, directed to the sheriff of the proper county or district, or if the said reserve be not situated within any county or district, then directed to any literate person willing to act in the premises, commanding him forthwith to remove from the said land or marsh, or roads or allowances for roads, or lots or parts of lots, every such person or Indian and his family so settled, residing or hunting upon or occupying, or being illegally in possession of the same, or to notify such person or Indian to cease using as aforesaid the said lands, marshes, roads or allowances for roads; and such sheriff or other person shall accordingly remove or notify such person or Indian, and for that purpose shall have the same powers as in the execution of criminal
Costs of removal.

Provided that nothing contained in this Act shall prevent an Indian or non-treaty Indian, if five years a resident in Canada, not a member of the band, with the consent of the band and the approval of the Superintendent-General, from residing upon the reserve, or receiving a location thereon.

13. If any person or Indian, after having been removed or notified as aforesaid, returns to, settles upon, resides or hunts upon or occupies, or uses as aforesaid, any of the said land, marsh or lots, or parts of lots; or settles, resides upon or occupies any of the said roads, allowances for roads, or lots or parts of lots, the Superintendent-General, or any officer or person deputed and authorized as aforesaid, upon view, or upon proof on oath made before him, or to his satisfaction, that the said person or Indian has returned to, settled, resided or hunted upon or occupied or used as aforesaid any of the said lands, marshes, lots or parts of lots, or has returned to, settled or resided upon or occupied any of the said roads or allowances for roads, or lots or parts of lots, shall direct and send his warrant signed and sealed to the sheriff of the proper county or district, or to any literate person therein, and if the said reserve be not situated within any county or district, then to any literate person, commanding him forthwith to arrest such person or Indian, and commit him to the common gaol of the said county or district, or if there be no gaol in the said county or district, then to the gaol nearest to the said reserve in the Province, or Territory there to remain for the time ordered by such warrant, but which shall not exceed thirty days.

Warrant to arrest.

14. Such sheriff or other person shall accordingly arrest the said party, and deliver him to the gaoler or sheriff of the proper county, district, Province, or Territory, who shall receive such person or Indian and imprison him in the said gaol for the term aforesaid.

Arrest and imprisonment.

15. The Superintendent-General, or such officer or person as aforesaid, shall cause the judgment or order against the offender to be drawn up and filed in his office, and such judgment shall not be removed by certiorari or otherwise, or be appealed from, but shall be final.

Punishment of others than Indians trespassing on reserves.

16. If any person or Indian other than an Indian of the band to which the reserve belongs, without the license in writing of the Superintendent-General or of some officer or person deputed by him for that purpose, trespasses upon any of the said land, roads or aforesaid reserve, by cutting, carrying away or removing from any of the trees, saplings, shrubs, hay or other valuable off the said land, or for roads, the person or Indian so offending shall be liable to a fine not exceeding twenty dollars; and for carrying away or removing from any of the saplings, shrubs, under the value of one dollar, the sum of one dollar, and in case of removing any of the stone, soil and other valuable aforesaid, the sum of one dollar, then the sum of twenty dollars; and if the same be recovered by the Superintendent-General or person by him deputed, by distress and sale, on the common gaol as aforesaid, for a period not exceeding thirty days, when the fine does not exceed twenty dollars, and for thirty days if the sum claimed does not exceed twenty dollars; and after the expiration of thirty days, if any part of it remains unpaid, the Superintendent-General, officer or person, may upon such warrant, to the common gaol as aforesaid, for a period not exceeding thirty days, the Superintendent-General, upon the said reserve, or within thirty days, the Superintendent-General, or such officer or person as aforesaid, shall cause such fines shall be paid to the use and benefit of the Indian, whose benefit the reserve is and the Governor in Council may direct.
any of the said land, roads or allowances for roads in the
said reserve, by cutting, carrying away or removing there-
from any of the trees, saplings, shrubs, underwood, timber or
hay thereon, or by removing any of the stone, soil, minerals,
metals or other valuables off the said land, roads or allowances
for roads, the person or Indian so trespassing shall, for every
tree he cuts, carries away or removes, forfeit and pay the sum of
twenty dollars; and for cutting, carrying away or removing
any of the saplings, shrubs, underwood, timber or hay, if under
the value of one dollar, the sum of four dollars, but if over the
value of one dollar, then the sum of twenty dollars; and for
removing any of the stone, soil, minerals, metals or other
valuables aforesaid, the sum of twenty dollars, such fine to be
recovered by the Superintendent-General, or any officer or
person by him deputed, by distress and sale of the goods
and chattels of the party or parties fined; or the Superintend-
ent-General, or such officer or person, without proceeding by
distress and sale as aforesaid, may, upon the non-payment of
the said fine, order the party or parties to be imprisoned in the
common gaol as aforesaid, for a period not exceeding thirty
days, when the fine does not exceed twenty dollars, or for a
period not exceeding three months when the fine does exceed twenty dollars; and upon the return of any warrant
for distress or sale, if the amount thereof has not been made,
or if any part of it remains unpaid, the said Superintendent-
General, officer or person, may commit the party in default
upon such warrant, to the common gaol as aforesaid for a
period not exceeding thirty days if the sum claimed by the
Superintendent-General, upon the said warrant does not exceed twenty dollars, or for a time not exceeding three
months if the sum claimed does exceed twenty dollars; all
such fines shall be paid to the Receiver-General, to be dis-
posed of for the use and benefit of the band of Indians for
whose benefit the reserve is held, in such manner as the
Governor in Council may direct.

17. If any Indian, without the license in writing of the Superintendent-General, or of some officer or person deputed
by him for that purpose, trespasses upon the land of an
Indian who holds a location title, or who is otherwise recog-
nized by the department as the occupant of such land, by
cutting, carrying away, or removing therefrom, any of the
trees, saplings, shrubs, underwood, timber or hay thereon,
or by removing any of the stone, soil, minerals, metals or other
valuables off the said land; or if any Indian, without license
as aforesaid, cuts, carries away or removes from any portion
of the reserve of his band for sale (and not for the immediate
use of himself and his family) any trees, timber or hay thereon,
or removes any of the stone, soil, minerals, metals, or other
valuables therefrom for sale as aforesaid, he shall be liable
to all the fines and penalties provided in the next preceding
section in respect to Indians of other bands and other persons.
18. In all orders, writs, warrants, summonses and proceedings whatsoever made, issued or taken by the Superintendent-General, or any officer or person by him deputed as aforesaid, it shall not be necessary for him or such officer or person to insert or express the name of the person or Indian summoned, arrested, distrained upon, imprisoned, or otherwise proceeded against therein, except when the name of such person or Indian is truly given to or known by the Superintendent-General, or such officer or person, and if the name be not truly given to or known by him, he may name or describe the person or Indian by any part of the name of such person or Indian given to or known by him; and if no part of the name be given to or known by him he may describe the person or Indian proceeded against in any manner by which he may be identified; and all such proceedings containing or purporting to give the name or description of any such person or Indian as aforesaid shall prima facie be sufficient.

19. All sheriffs, gaolers or peace officers to whom any such process is directed by the Superintendent-General, or by any officer or person by him deputed as aforesaid, shall obey the same, and all other officers upon reasonable requisition shall assist in the execution thereof.

20. If any railway, road, or public work passes through or causes injury to any reserve belonging to or in possession of any band of Indians, or if any act occasioning damage to any reserve be done under the authority of any Act of Parliament, or of the legislature of any province, compensation shall be made to them therefor in the same manner as is provided with respect to the lands or rights of other persons; the Superintendent-General shall in any case in which an arbitration may be had, name the arbitrator on behalf of the Indians, and shall act for them in any matter relating to the settlement of such compensation; and the amount awarded in any case shall be paid to the Receiver General for the use of the band of Indians for whose benefit the reserve is held, and for the benefit of any Indian having improvements thereon.

SPECIAL RESERVES.

21. In all cases of encroachment upon, or of violation of trust respecting any special reserve, it shall be lawful to proceed by information in the name of Her Majesty, in the superior courts of law or equity, notwithstanding the legal title may not be vested in the Crown.

22. If by the violation of the conditions of any such trust as aforesaid, or by the breaking up of any society, corporation, or community, or if by the death of any person or persons without a legal successor, the title to a special reserve is abandoned or becomes void in law, the same may be managed for the benefit of the band or person interested therein, as an ordinary reserve.

REPAIR OF RESERVES.

23. Indians residing upon the pursuit of agriculture as support, shall be liable, if so directed by the Superintendent-General, or any officer or person authorized to perform labor on the reserve or through, or abutting upon the lands of the said Superintendent-General, officer or person, who shall show how and in what manner the labor shall be performed under the sole control and direction of the Superintendent-General, or officer or person, as to the extent of the same, and to what extent the same shall be performed by any person who may be resident upon and dependent on the said Superintendent-General, or officer or person, or by any other person holding the same province, territory, or part thereof, without the non-performance of statutory duties, or in such manner as may be required of any such band of Indians, as to the extent and manner of performing the same province, territory, or part thereof.

24. Every band of Indians may erect roads, bridges, ditches and fences, and maintain in proper condition, and any improvements received from the Superintendent-General, or from the Receiver General, and whenever the Superintendent-General the same is so directed, he may cause the work on the reserve to be performed by the labor of the band of Indians, and if the work be abandoned or divided among the different parts of the reserve, or if the work be otherwise disposed of, the same may be, either out of their own property or otherwise.

SURRENDER.

25. No reserve or portion thereof shall be alienated or leased until after having been rendered to the Crown for public use.

26. No release or surrender of a reserve, held for the use of the Indians,
warrants, summonses and process issued or taken by the Superintendent or person by him deputed as necessary for him or such officer or the name of the person or Indian upon, imprisoned, or otherwise, except when the name of the person to or known by the such officer or person, and if the name or known by him, he may name an Indian by any part of the name of the person to or known by him; and if no person to or known by him he may proceed against in any manner or form, and all such proceedings to give the name or description in as aforesaid shall

or peace officers to whom any by the Superintendent-General, by him deputed as aforesaid, or other officers upon reasonable execution thereof.

or public work passes through or belonging to or in possession if any act occasioning damage or the authority of any Act of nature of any province, compensate therefor in the same manner to the lands or rights of other General shall in any case in be had, name the arbitrator or shall act for them in any matter of such compensation; and the shall be paid to the Receiver and of Indians for whose benefit the benefit of any Indian having

RESERVES.

ment upon, or of violation of reserve, it shall be lawful to the name of Her Majesty, in the equity, notwithstanding the in the Crown.

of the conditions of any such breaking up of any society, or if by the death of any person or

or persons without a legal succession of trusteeship, in whom the title to a special reserve is held in trust, the said title lapsed or becomes void in law, then the legal title shall become vested in the Crown in trust, and the property shall be managed for the band or irregular band previously interested therein, as an ordinary reserve.

REPAIR OF ROADS.

23. Indians residing upon any reserve, and engaged in the pursuit of agriculture as their then principal means of support, shall be liable, if so directed by the Superintendent-General, or any officer or person by him thereunto authorized, to perform labor on the public roads laid out or used in or through, or abutting upon such reserve, such labor to be performed under the sole control of the said Superintendent-General, officer or person, who may direct when, where and how and in what manner the said labor shall be applied, and to what extent the same shall be imposed upon Indians who may be resident upon any of the said lands; and the said Superintendent-General, officer or person shall have the like power to enforce the performance of all such labor by imprisonment or otherwise, as may be done by any power or authority under any law, rule or regulation in force in the province or territory in which such reserve lies, for the non-performance of statute labor; but the labor to be so required of any such Indian shall not exceed in amount or extent what may be required of other inhabitants of the same province, territory, county, or other local division, under the laws requiring and regulating such labor and the performance thereof.

24. Every band of Indians shall be bound to cause the roads, bridges, ditches and fences within their reserve to be put and maintained in proper order, in accordance with the instructions received from time to time from the Superintendent-General, or from the agent of the Superintendent-General; and whenever in the opinion of the Superintendent-General the same are not so put or maintained in order, he may cause the work to be performed at the cost of such band, or of the particular Indian in default, as the case may be, either out of their or his annual allowances, or otherwise.

SURRENDERS.

25. No reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown for the purposes of this Act.

26. No release or surrender of a reserve, or portion of a reserve, held for the use of the Indians of any band or of any
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render to be valid.

1. The release or surrender shall be assented to by a majority of the male members of the band of the full age of twenty-one years, at a meeting or council thereof summoned for that purpose according to their rules, and held in the presence of the Superintendent-General, or of an officer duly authorized to attend such council by the Governor in Council or by the Superintendent-General; Provided, that no Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near and is interested in the reserve in question;

2. The fact that such release or surrender has been assented to by the band at such council or meeting, shall be certified on oath before some judge of a superior, county, or district court, or stipendiary magistrate, by the Superintendent-General or by the officer authorized by him to attend such council or meeting, and by some one of the chiefs or principal men present thereat and entitled to vote, and when so certified as aforesaid shall be submitted to the Governor in Council for acceptance or refusal;

3. But nothing herein contained shall be construed to prevent the Superintendent-General from issuing a license to any person or Indian to cut and remove trees, wood, timber and hay, or to quarry and remove stone and gravel on and from the reserve; Provided he, or his agent acting by his instructions, first obtain the consent of the band thereto in the ordinary manner as hereinafter provided.

27. It shall not be lawful to introduce at any council or meeting of Indians held for the purpose of discussing or of assenting to a release or surrender of a reserve or portion thereof, or of assenting to the issuing of a timber or other license, any intoxicant; and any person introducing at such meeting, and any agent or officer employed by the Superintendent-General, or by the Governor in Council, introducing, allowing or countenancing by his presence the use of such intoxicant among such Indians a week before, at, or a week after, any such council or meeting shall forfeit two hundred dollars, recoverable by action in any of the superior courts of law, one half of which penalty shall go to the informer.

28. Nothing in this Act shall confirm any release or surrender which would not have been invalid if this Act had not been passed; and no release or surrender of any reserve to any party other than the Crown, shall be valid.

MANAGEMENT

30. No agent for the sale of any such land, during the time such purchase or interest shall be held, shall be deemed to be held for the purposes of this Act; and shall be deemed to be held by the Governor in Council as the Governor in Council may direct.

31. Every certificate of sale on the sale of Indian lands, shall be granted or made by the agent of the Governor in Council, under the power and authority to sell, or become the property of the party to whom the same is sold, or to his assignee, by instrument, or in the manner provided by law for the sale of lands; and no such certificate shall be voidable for want of form, or for any other reason whatsoever.

32. The Superintendent-General, or any agent of the Governor in Council, may sell, lease or assign any such lands, or lands held under the power of this Act, in the same manner as regards lands in the province.
MANAGEMENT AND SALE OF INDIAN LANDS.

29. All Indian lands, being reserves or portions of reserves surrendered or to be surrendered to the Crown, shall be deemed to be held for the same purposes as before the passing of this Act; and shall be managed, leased and sold as the Governor in Council may direct, subject to the conditions of surrender, and to the provisions of this Act.

30. No agent for the sale of Indian lands shall, within his division, directly or indirectly, unless under an order of the Governor in Council, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency; and any such purchase or interest shall be void; and if any such agent offends in the premises, he shall forfeit his office and the sum of four hundred dollars for every such offence, which may be recovered in action of debt by any person who may sue for the same.

31. Every certificate of sale or receipt for money received on the sale of Indian lands, heretofore granted or made or to be granted or made by the Superintendent-General or any agent of his, so long as the sale to which such receipt or certificate relates is in force and not rescinded, shall entitle the party to whom the same was or shall be made or granted, or his assignee, by instrument registered under this or any former Act providing for registration in such cases, to take possession of and occupy the land therein comprised, subject to the conditions of such sale, and thereafter, unless the same shall have been revoked or cancelled, to maintain suits in law or equity against any wrongdoer or trespasser, as effectually as he could do under a patent from the Crown;—and such receipt or certificate shall be prima facie evidence for the purpose of possession by such person, or the assignee under an instrument registered as aforesaid, in any such suit; but the same shall have no force against a license to cut timber existing at the time of the making or granting thereof.

32. The Superintendent-General shall keep a book for registering (at the option of the parties interested) the particulars of any assignment made, as well by the original purchaser or lessee of Indian lands or his heir or legal representative, as by any subsequent assignee of such lands, or the heir or legal representative of such assignee; and upon any such assignment being produced to the Superintendent-General, and, except in cases where such assignment is made under a corporate seal, with an affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of the witnesses, or, as regards lands in the province of Quebec, upon the production

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duction of such assignment executed in notarial form, or of a notarial copy thereof, the Superintendent-General shall cause the material parts of every such assignment to be registered in such book of registry, and shall cause to be endorsed on every such assignment a certificate of such registration, to be signed by himself or his deputy, or any other officer of the department by him authorized to sign such certificates;—And every such assignment so registered shall be valid against any one previously executed, but subsequently registered, or unregistered; but all the conditions of the sale, grant or location must have been complied with, or dispensed with by the Superintendent-General, before such registration is made.

If a subscribing witness be dead, &c. 33. If any subscribing witness to any such assignment is deceased, or has left the province, the Superintendent-General may register such assignment upon the production of an affidavit proving the death or absence of such witness and his handwriting, or the handwriting of the party making such assignment.

Proof on application for patent. 34. On any application for a patent by the heir, assignee or devisee of the original purchaser from the Crown, the Superintendent-General may receive proof in such manner as he may direct and require in support of any claim for a patent when the original purchaser is dead, and upon being satisfied that the claim has been equitably and justly established, may allow the same, and cause a patent to issue accordingly; but nothing in this section shall limit the right of a party claiming a patent to land in the province of Ontario to make application at any time to the commissioner, under the Act respecting claims to lands in Upper Canada for which no patents have issued.

Duty of Superintendent in case of fraud. 35. If the Superintendent-General is satisfied that any purchaser or lessee of any Indian lands, or any assignee claiming under or through him, has been guilty of any fraud or imposition, or has violated any of the conditions of sale or lease, or if any such sale or lease has been or is made or issued in error or mistake, he may cancel such sale or lease, and resume the land therein mentioned, or dispose of it as if no sale or lease thereof had ever been made; and all such cancellations hereinafter made by the Governor in Council or the Superintendent-General shall continue valid until altered.

Cancelling patent. 36. When any purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale or lease as aforesaid, or when any person is wrongfully in possession of any Indian lands and refuses to vacate or abandon possession of the same, the Superintendent-General may apply to the county judge of the county, or to a judge of the superior court in the circuit, in which the land lies, or to a superior court of law in any county in which the land lies, for an order in facies possessionis, or for a writ, for the judgment of a superior court of law, or for an order or judgment of a superior court of law against any person named therein, and in the manner therein directed, to deliver up possession of the said lands, or the possession thereof, to the person entitled thereto, either by the act of God or by the order of any court of competent jurisdiction.
in which the land lies in Ontario or Quebec, or to any judge of a county in which the land lies in any other province, or to any stipendiary magistrate in any territory in which the land lies, for an order in the nature of a writ of habeas corpus, or writ of possession, and the said judge or magistrate, upon proof to his satisfaction that the right or title of the party to hold such land has been revoked or cancelled as aforesaid, or that such person is wrongfully in possession of Indian lands, shall grant an order upon the purchaser, lessee or person in possession, to deliver up the same to the Superintendent-General, or person by him authorized to receive the same; and such order shall have the same force as a writ of habeas corpus, or writ of possession; and the sheriff, or any bailiff or person to whom it may have been trusted for execution by the Superintendent-General, shall execute the same in like manner as he would execute such writ in an action of ejectment or possessory action.

37. Whenever any rent payable to the Crown on any lease of Indian lands is in arrear, the Superintendent-General, or any agent or officer appointed under this Act and authorized by the Superintendent-General to act in such cases, may issue a warrant, directed to any person or persons by him named therein, in the shape of a distress warrant as in ordinary cases of landlord and tenant, or as in the case of distress and warrant of a justice of the peace for non-payment of a pecuniary penalty; and the same proceedings may be had thereon for the collection of such arrears as in either of the said last mentioned cases; or an action of debt as in ordinary cases of rent in arrear may be brought therefor in the name of the Superintendent-General; but demand of rent shall not be necessary in any case.

38. When by law or by any deed, lease or agreement relating to any of the lands herein referred to, any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given and act done by or by the authority of the Superintendent-General.

39. Whenever letters patent have been issued to or in the name of the wrong party, through mistake, or contain any clerical error or misnomer, or wrong description of any material fact therein, or of the land thereby intended to be granted, the Superintendent-General (there being no adverse claim) may direct the defective letters patent to be cancelled and a minute of such cancellation to be entered in the margin of the registry of the original letters patent, and correct letters patent to be issued in their stead, which corrected letters patent shall relate back to the date of those so cancelled, and have the same effect as if issued at the date of such cancelled letters patent.
40. In all cases in which grants or letters patent have been issued for the same land inconsistent with each other through error, and in all cases of sales or appropriations of the same land inconsistent with each other, the Superintendent-General may, in cases of sale, cause a repayment of the purchase money, with interest, or when the land has passed from the original purchaser or has been improved before a discovery of the error, he may in substitution assign land or grant a certificate entitling the party to purchase Indian lands, of such value and to such extent as to him, the Superintendent General, may seem just and equitable under the circumstances; but no such claim shall be entertained unless it be preferred within five years from the discovery of the error.

41. Whenever by reason of false survey or error in the books or plans in the Indian Branch of the Department of the Interior, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Superintendent-General may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or, if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of a deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon from the time of the application therefor, to be paid to him in land or in money, as he, the Superintendent-General, may direct;—But no such claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted.

42. In all cases wherein patents for Indian lands have been issued through fraud or in error or improvidence, the Exchequer Court of Canada, or a superior court of law or equity in any province may, upon action, bill or plaint, respecting such lands situate within their jurisdiction, and upon hearing of the parties interested, or upon default of the said parties after such notice of proceeding as the said courts shall respectively order, decree such patents to be void; and upon a registry of such decree in the office of the Registrar General of Canada, such patents shall be void to all intents. The practice in court, in such cases, shall be regulated by orders to be from time to time made by the said courts respectively; and any action or proceeding commenced under any former Act may be continued under this section, which, for the purpose of any such action or proceeding shall be construed as merely continuing the provisions of such former Act.

43. If any agent appointed under this Act knowingly and falsely informed, any person applying within his division and agency been purchased, or refuses to purchase the same according, such agent shall be liable therefor in the sum of five dollars for every person so applying offered to purchase debt in any court, having excess to the amount.

44. If any person, before or after sale of any Indian lands, by want of endowment, or due management, hides to hinder or prevent, any person purchasing any lands so offered, his, her, or their said, or by any such offence, be guilty or conviction thereof shall be liable for any sum of money exceeding two years, or both.

MANAGEMENT AND REGULATION.

45. The Superintendent General shall be authorized by him to that cut timber on reserves and such rates, and subject to such restrictions, as may be made by the Governor in Council, such restrictions to be adapted to the reserves or lands situate.

46. No license shall be so granted Indian lands, or twelve months from the date of any incorrectness of survey, if otherwise, a license is found to have been granted at a prior date, or land granted Indian lands, the same in so far as it comprises the proprietors of the license so claim upon the Government by reason of such avoidance.

47. Every license shall be cut, and a permit upon the licence, the right to select the land so described, restrictions as may be established, the interest in the holder thereof to the in all trees, timber and lumber.
43. If any agent appointed or continued in office under this Act knowingly and falsely informs, or causes to be informed, any person applying to him to purchase any land within his division and agency, that the same has already been purchased, or refuses to permit the person so applying to purchase the same according to existing regulations, such agent shall be liable therefor to the person so applying in the sum of five dollars for each acre of land which the person so applying offered to purchase, to be recovered by action of debt in any court, having jurisdiction in civil cases to the amount.

44. If any person, before or at the time of the public sale of any Indian lands, by intimidation, combination, or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any lands so offered for sale, every such offender, his, her, or their aiders and abettors, shall, for every such offence, be guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding two years, or both, in the discretion of the court.

MANAGEMENT AND SALE OF TIMBER.

45. The Superintendent-General, or any officer or agent authorized by him to that effect, may grant licenses to cut timber on reserves and unreserved Indian lands at such rates, and subject to such conditions, regulations and restrictions, as may from time to time be established by the Governor in Council, such conditions, regulations and restrictions to be adapted to the locality in which such reserves or lands are situated.

46. No license shall be so granted for a longer period than twelve months from the date thereof; and if in consequence of any incorrectness of survey or other error, or cause whatsoever, a license is found to comprise land included in a license of a prior date, or land not being reserves or unreserved Indian lands, the license granted shall be void in so far as it comprises such land, and the holder or proprietor of the license so rendered void shall have no claim upon the Government for indemnity or compensation by reason of such avoidance.

47. Every license shall describe the lands upon which the timber may be cut, and shall confer for the time being on the nominee, the right to take and keep exclusive possession of the land so described, subject to such regulations and restrictions as may be established;—And every license shall vest in the holder thereof all rights of property whatsoever in all trees, timber and lumber cut within the limits of the license.
license during the term thereof, whether such trees, timber
and lumber are cut by authority of the holder of such license
or by any other person, with or without his consent;—And
every license shall entitle the holder thereof to seize in re-
vengeance or otherwise, such trees, timber or lumber where
the same are found in the possession of any unauthorized
person, and also to institute any action or suit at law or in
equity against any wrongful possessor or trespasser, and to
prosecute all trespassers and other offenders to punishment,
and to recover damages, if any;—And all proceedings pend-
ing at the expiration of any license may be continued to
final termination as if the license had not expired.

48. Every person obtaining a license shall, at the expiration
thereof, make to the officer or agent granting the same,
or to the Superintendent-General a return of the number and
count of trees cut, and of the quantity and description of saw-
logs, or of the number and description of sticks of square
timber, manufactured and carried away under such license;
and such statement shall be sworn to by the holder of the
license, or his agent, or by his foreman; And any person
refusing or neglecting to furnish such statement, or evading
or attempting to evade any regulation made by Order in
Council, shall be held to have cut without authority, and
the timber made shall be dealt with accordingly.

49. All timber cut under license shall be liable for the
payment of the dues thereon, so long as and whereover the
said timber or any part of it may be found, whether
in the original logs or manufactured into deals, boards or
other stuff, and all officers or agents entrusted with the col-
lection of such dues may follow all such timber and seize
detain the same wherever it is found, until the dues are
paid or secured.

50. Bonds or promissory notes taken for the dues, either
before or after the cutting of the timber, as collateral
security or to facilitate collection, shall not in any way affect
the lien of the Crown on the timber, but the lien shall subsist
until the said dues are actually discharged.

51. If any timber so seized and detained for non-payment
of dues remains more than twelve months in the custody
of the agent or person appointed to guard the same,
without the dues and expenses being paid,—then the Super-
intendent-General, with the previous sanction of the Gover-
nor in Council, may order a sale of the said timber to be
made after sufficient notice,—and the balance of the pro-
ceeds of such sale, after retaining the amount of dues and
costs incurred, shall be handed over to the owner or claimant
of such timber.

52. If any person without authority induces any other person to cut,
take, log, transport, carry away or employs or induces or ass-

cists in removing or carry away any timber or saw-logs,
so cut from Indian lands, or induces any right to the timber so cut,
remuneration for cutting, preparing, or conveying the same to
the owner or residing agent, in any court
or matter to the amount of the case, it shall be incumbent on
the owner of such timber, to sue the person or
prosecuting, that he is duly charged with the
inducement of the Act, shall be sufficient
in the matter.

53. Whenever satisfactory in
satisfaction made before a justice of the
competent authority, is received
or any other officer or agent,
any timber or quantity of timber
Indian lands, and said timber can be found, that
any officer, or agent, or any one
be seized, in Her Majesty’s
have been cut without authority,
and the same under power
be had in the matter.

2. And where the timber
without authority on land,
any other manner than by
where, as to render it impos-
guish the timber so cut on a
license, from other timber
whole of the timber so cut,
without authority of the
liable to seizure and forfei-
torily separated by the

54. Any officer or perso
52. If any person without authority cuts or employs or induces any other person to cut, or assists in cutting any timber of any kind on Indian lands, or removes or carries away or employs or induces any other person to remove or carry away any merchantable timber of any kind so cut from Indian lands aforesaid, he shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing the same for market, or conveying the same to or towards market,—and when the timber or saw-logs made, has or have been removed out of the reach of the officers of the Indian Branch of the Department of the Interior, or it is otherwise found impossible to seize the same, he shall in addition to the loss of his labour and disbursements, forfeit a sum of three dollars for each tree (rafting stuff excepted), which he is proved to have cut or caused to be cut or carried away,—and such sum shall be recoverable with costs, at the suit and in the name of the Superintendent-General or resident agent, in any court having jurisdiction in civil matters to the amount of the penalty;—And in all such cases it shall be incumbent on the party charged to prove his authority to cut; and the averment of the party seizing or prosecuting, that he is duly employed under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary.

53. Whenever satisfactory information, supported by affidavit made before a justice of the peace or before any other competent authority, is received by the Superintendent-General, or any other officer or agent acting under him, that any timber or quantity of timber has been cut without authority on Indian lands, and describing where the said timber can be found, the said Superintendent-General, officer, or agent, or any one of them, may seize or cause to be seized, in Her Majesty’s name, the timber so reported to have been cut without authority, wherever it is found, and place the same under proper custody, until a decision can be had in the matter from competent authority.

And where the timber so reported to have been cut without authority on Indian lands, has been made up with other timber into a crib, dran or raft, or in any other manner has been so mixed up at the mills or elsewhere, where, as to render it impossible or very difficult to distinguish the timber so cut on reserves or Indian lands without license, from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority on Indian lands, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder.

54. Any officer or person seizing timber, in the discharge of his duty, shall be indemnified from all liability or damage, and shall not be liable to the person or persons whose property has been seized, for any damage by reason of the seizure, unless such damage results from the negligence of the officer or person in acting in good faith.
of his duty under this Act, may in the name of the Crown call in any assistance necessary for securing and protecting the timber so seized; and whosoever under any pretence, either by assault, force or violence, or by threat of such assault, force or violence, in any way resists or obstructs any officer or person acting in his aid, in the discharge of his duty under this Act, is guilty of felony, and liable to punishment accordingly.

**55.** Whosoever, whether pretending to be the owner or not, either secretly or openly, and whether with or without force or violence, takes or carries away, or causes to be taken or carried away, without permission of the officer or person who seized the same, or of some competent authority, any timber seized and detained as subject to forfeiture under this Act, before the same has been declared by competent authority to have been seized without due cause, shall be deemed to have stolen such timber being the property of the Crown, and guilty of felony, and is liable to punishment accordingly; 2. And whenever any timber is seized for non-payment of Crown dues or for any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and any question arises whether the said dues have been paid on such timber, or whether the said timber was cut on other than any of the lands aforesaid, the burden of proving payment, or on what land the said timber was cut, shall lie on the owner or claimant of such timber, and not on the officer who seizes the same, or the party bringing such prosecution.

**56.** All timber seized under this Act shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure, gives notice to the seizing officer, or nearest officer or agent of the Superintendent-General, that he claims or intends to claim the same; failing such notice, the officer or agent seizing shall report the circumstances to the Superintendent-General, who may order the sale of the said timber by the said officer or agent, after a notice on the spot, of at least thirty days:

2. And any Judge having competent jurisdiction, may, whenever he deems it proper, try and determine such seizures, and may order the delivery of the timber to the alleged owner, on receiving security by bond with two good and sufficient sureties to be first approved by the said agent, to pay double the value in case of condemnation,—and such bond shall be taken in the name of the Superintendent-General, to Her Majesty’s use, and shall be delivered up to and kept by the Superintendent-General,—and if such seized timber is condemned, the value thereof is entitled to the Superintendent-General, otherwise the penalties shall be enforced and recovered.

**57.** Every person availing himself or her of oath to evince the payment of or to forfeit the timber on which dues

**MONEY.**

**58.** All moneys or securities otherwise given, support or benefit of Indians, and all moneys accruing or hereafter to be paid to any Indian lands or any Indian lands shall, subject to the provisions of this Act, be applicable to the same manner as they might have been applied before the passing of this Act.

**59.** The Governor in Council may, when the provisions of this Act, direct how, or from whom the moneys arising from any other source for the benefit of any small sum not exceeding any lands, timber or property, upon the surrender of the lands interested therein, at what time, and how the payments of money under the provisions of this Act, may be entitled shall provide for the general management, and upon the management of the moneys under the provisions of this Act, the construction or repair of roads, and by way of compensation thereof shall be the male and female
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The proceeds arising from the sale or lease of any Indian lands, or from the timber, hay, stone, minerals or other valuables thereon, or on a reserve, shall be paid to the Receiver General to the credit of the Indian fund.

COUNCILS AND CHIEFS.

At the election of a chief or chiefs, or the granting of any ordinary consent required of a band of Indians under this Act, those entitled to vote at the council or meeting thereof shall be the male members of the band of the full age

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timber is condemned, the value thereof shall be paid forthwith to the Superintendent-General, or agent, and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered.

57. Every person availing himself of any false statement or oath to evade the payment of dues under this Act, shall forfeit the timber on which dues are attempted to be evaded.

MONEYS.

58. All moneys or securities of any kind applicable to the support or benefit of Indians, or any band of Indians, and all moneys accrued or hereafter to accrue from the sale of any Indian lands or of any timber on any reserves or Indian lands shall, subject to the provisions of this Act, be applicable to the same purposes, and be dealt with in the same manner as they might have been applied to or dealt with before the passing of this Act.

59. The Governor in Council may, subject to the provisions of this Act, direct how, and in what manner, and by whom the moneys arising from sales of Indian lands, and from the property held or to be held in trust for the Indians, or from any timber on Indian lands or reserves, or from any other source for the benefit of Indians (with the exception of any small sum not exceeding ten per cent. of the proceeds of any lands, timber or property, which may be agreed at the time of the surrender to be paid to the members of the band interested therein), shall be invested from time to time, and how the payments or assistance to which the Indians may be entitled shall be made or given, and may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart from time to time, to cover the cost of and attendant upon the management of reserves, lands, property and moneys under the provisions of this Act, and for the construction or repair of roads passing through such reserves or lands, and by way of contribution to schools frequented by such Indians.

60. The proceeds arising from the sale or lease of any proceeds of Indian lands, or from the timber, hay, stone, minerals or other valuables thereon, or on a reserve, shall be paid to the Receiver General to the credit of the Indian fund.

61. At the election of a chief or chiefs, or the granting of votes at any ordinary consent required of a band of Indians under this Act, those entitled to vote at the council or meeting thereof shall be the male members of the band of the full age.
age of twenty-one years; and the vote of a majority of such members at a council or meeting of the band summoned according to their rules, and held in the presence of the Superintendent-General, or an agent acting under his instructions, shall be sufficient to determine such election, or grant such consent;

Provided that in the case of any band having a council of chiefs or councillors, any ordinary consent required of the band may be granted by a vote of a majority of such chiefs or councillors at a council summoned according to their rules, and held in the presence of the Superintendent-General or his agent.

62. The Governor in Council may order that the chiefs of any band of Indians shall be elected, as hereinbefore pro-

vided, at such time and place, as the Superintendent-

General may direct, and they shall in such case be elected for a period of three years, unless deposed by the

Governor for dishonesty, intemperance, immorality, or incompetency; and they may be in the proportion of one head chief and two second chiefs or councillors for every two hundred Indians; but any such band composed of thirty Indians may have one chief: Provided always, that all life chiefs now living shall continue as such until death or resignation, or until their removal by the Governor for dishonesty, intemperance, immorality, or incompetency.

63. The chief or chiefs of any band in council may frame, subject to confirmation by the Governor in Council, rules and regulations for the following subjects, viz.:

1. The care of the public health;

2. The observance of order and decorum at assemblies of the Indians in general council, or on other occasions;

3. The repression of intemperance and profanity;

4. The prevention of trespass by cattle;

5. The maintenance of roads, bridges, ditches, and fences;

6. The construction and repair of school houses, council houses and other Indian public buildings;

7. The establishment of pounds and the appointment of pound-keepers;

8. The locating of the land in their reserves, and the establishment of a register of such locations.

Privileges

64. No Indian or non-treaty Indian shall be taxed for any real or personal property, outside of the reserve or reservation; in case he shall be liable to be taxed for any property at the same rate at which it is situate.

65. All land vested in the Indian body corporate, in trust for non-treaty Indian, or any band or non-treaty Indians shall

66. No person shall take any lien or charge, whether private or public, on any person property subject to tax under this Act: Provided always, that the Governor in Council may, on good reasons, authorize the exercise of such a lien.

67. Indians and non-treaty Indians shall not be subjected to any debts due to them or any fines or penalties inflicted upon them, or to any proceedings or penalties connected with the law.

68. No person shall be taken in pawn for any intoxicant, unless the drunken person be sober and recovered, or non-treaty Indian who has been convicted of crime.

69. No presents may be given in lieu of any property purchased, or in lieu of any annuities granted, or otherwise bestowed or disposed of, by any band or irregular band, or by any individual, to Indians, or otherwise, by the Governor in Council, except when such annuity or present shall be given by the Governor in Council.

70. Nor the Governor in Council, or any agent acting under his instructions, shall be absolutely null and void, or exchange or gift be made, except by order of the Governor in Council.
PRIVILEGES OF INDIANS.

64. No Indian or non-treaty Indian shall be liable to be taxed for any real or personal property, unless he holds real estate under lease or in fee simple, or personal property, outside of the reserve or special reserve, in which case he shall be liable to be taxed for such real or personal property at the same rate as other persons in the locality in which it is situated.

65. All land vested in the Crown, or in any person or body corporate, in trust for or for the use of any Indian or non-treaty Indian, or any band or irregular band of Indians or non-treaty Indians shall be exempt from taxation.

66. No person shall take any security or otherwise obtain any lien or charge, whether by mortgage, judgment or otherwise, upon real or personal property of any Indian or non-treaty Indian within Canada, except on real or personal property subject to taxation under section sixty-four of this Act: Provided always, that any person selling any article to an Indian or non-treaty Indian may, notwithstanding this section, take security on such article for any part of the price thereof which may be unpaid.

67. Indians and non-treaty Indians shall have the right to sue for debts due to them or in respect of any tort or wrong inflicted upon them, or to compel the performance of obligations contracted with them.

68. No pawn taken of any Indian or non-treaty Indian for any intoxicant shall be retained by the person to whom such pawn is delivered, but the thing so pawned may be sued for and recovered, with costs of suit, by the Indian or non-treaty Indian who has deposited the same, before any court of competent jurisdiction.

69. No presents given to Indians or non-treaty Indians, nor any property purchased, or acquired with or by means of any annuities granted to Indians or any part thereof or otherwise howsoever, and in the possession of any band of such Indians or of any Indian of any band or irregular band, shall be liable to be taken, seized or distrained for any debt, matter or cause whatsoever. Nor in the province of British Columbia, the province of Manitoba, the North-West Territories or in the territory of Keewatin, shall the same be sold, bartered, exchanged or given by any band or irregular band of Indians or any Indian of any such band to any person or Indian other than an Indian of such band; and any such sale, barter, exchange or gift shall be absolutely null and void, unless such sale, barter, exchange or gift be made with the written assent of the Superintendent-
 Penalty for contravention.

70. No Indian or non-treaty Indian, resident in the province of Manitoba, the North-West Territories or the territory of Keewatin, shall be held capable of having acquired or acquiring a homestead or preemption right to a quarter section, or any portion of land in any surveyed or unsurveyed lands in the said province of Manitoba, the North-West Territories or the territory of Keewatin, or the right to share in the distribution of any lands allotted to half-breeds, subject to the following exceptions:

(a) He shall not be disturbed in the occupation of any plot on which he has or may have permanent improvements prior to his becoming a party to any treaty with the Crown:

(b) Nothing in this section shall prevent the Government of Canada, if found desirable, from compensating any Indian for his improvements on such a plot of land without obtaining a formal surrender therefrom the band:

(c) Nothing in this section shall apply to any person who withdrew from any Indian treaty prior to the first day of October, in the year one thousand eight hundred and seventy-four.

71. Any Indian convicted of any crime punishable by imprisonment in any penitentiary or other place of confinement, shall, during such imprisonment, be excluded from participating in the annuities, interest money, or rents payable to the band of which he or she is a member; and whenever any Indian shall be convicted of any crime punishable by imprisonment in a penitentiary or other place of confinement, the legal costs incurred in procuring such conviction, and in carrying out the various sentences recorded, may be defrayed by the Superintendent-General, and paid out of any annuity or interest coming to such Indian, or to the band, as the case may be.

72. The Superintendent-General shall have power to stop the payment of the annuity and interest money of any Indian who may be proved, to the satisfaction of the Superintendent General, to have been guilty of deserting his or her family, and the said Superintendent-General may apply the same towards

EVIDENCE OF NO

73. The Superintendent-General, or aged and destitute of any Indian or non-treaty Indian, as af

74. Upon any inquest, on matter involving a criminal crime or offence whatsoever, it shall be lawful for any magistrate, coroner or justice of the peace of any Indian or non-treaty Indian, or for the evidence or information of God and of any Indian or non-treaty Indian, and of the Indian, or non-treaty Indian, or for the evidence or information of the knowledge of God and of any Indian or non-treaty Indian, unless the evidence or information is supplemen
ded by such court, coroner or justice of the peace, and not the truth, and nothing but the truth, proved by such court, coroner or justice of the peace, science of such Indian or not.

75. Provided that in the inquiry into any matter involved in the trial of any crime or offence, the evidence or information of a treaty Indian, as af

76. The court, judge, or any of the peace shall, before the evidence or information of a treaty Indian, as af

77. The written declaration and verified in manner of non-treaty Indian as aforesaid received as evidence upon proceedings, when under
towards the support of any family, woman or child so deserted; also to stop the payment of the annuity and interest of money of any woman having no children, who deserts her husband and lives immorally with another man.

73. The Superintendent-General in cases where sick, or disabled, or aged and destitute persons are not provided for by the band of Indians of which they are members, may furnish sufficient aid from the funds of the band for the relief of such sick, disabled, aged or destitute persons.

EVIDENCE OF NON-CHRISTIAN INDIANS.

74. Upon any inquest, or upon any enquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever or by whomsoever committed, it shall be lawful for any court, judge, stipendiary magistrate, coroner or justice of the peace to receive the evidence of any Indian or non-treaty Indian, who is destitute of the knowledge of God and of any fixed and clear belief in religion or in a future state of rewards and punishments, without administering the usual form of oath to any such Indian, or non-treaty Indian, as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth and nothing but the truth, or in such form as may be approved by such court, judge, stipendiary magistrate, coroner or justice of the peace as most binding on the conscience of such Indian or non-treaty Indian.

75. Provided that in the case of any inquest, or upon any inquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, the substance of the evidence or information of any such Indian, or non-treaty Indian, as aforesaid, shall be reduced to writing and signed by the person (by mark if necessary) giving the same, and verified by the signature or mark of the person acting as interpreter (if any) and by the signature of the judge, stipendiary magistrate or coroner, or justice of the peace or person before whom such evidence or information has been given.

76. The court, judge, stipendiary magistrate, or justice of the peace shall, before taking any such evidence, information or examination, caution every such Indian, or non-treaty Indian, as aforesaid, that he will be liable to incur punishment if he do not so as aforesaid tell the truth.

77. The written declaration or examination, made, taken and verified in manner aforesaid, of any such Indian or non-treaty Indian as aforesaid, may be lawfully read and received as evidence upon the trial of any criminal suit or proceedings, when under the like circumstances the written
Chap. 18.  Indians.  39 Vict.

10 ten affidavit, examination, deposition or confession of any other person, might be lawfully read and received as evidence.

78. Every solemn affirmation or declaration in whatever form made or taken by any Indian or non-treaty Indian as aforesaid shall be of the same force and effect as if such Indian or non-treaty Indian had taken an oath in the usual form, and he or she shall in like manner incur the penalty of perjury in case of falsehood.

INTOXICANTS.

79. Whoever sells, exchanges with, barters, supplies or gives to any Indian, or non-treaty Indian in Canada, any kind of intoxicant, or causes or procures the same to be done, or commits or attempts thereof or opens or keeps, or causes to be opened or kept, on any reserve or special reserve, a tavern, house or building where any intoxicant is sold, bartered, exchanged or given, or is in possession of any intoxicant in the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, shall, on conviction thereof before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labor, and be fined not less than fifty nor more than three hundred dollars, with costs of prosecution,—one moiety of the fine to go to the informer or prosecutor, and the other moiety to Her Majesty to form part of the fund for the benefit of that body of Indians or non-treaty Indians, with respect to one or more members of which the offence was committed; and the commander or person in charge of any steamer or other vessel, or boat from or on board of which any intoxicant has been sold, bartered, exchanged, supplied or given to any Indian or non-treaty Indian, shall be liable, on conviction thereof before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, to be fined not less than fifty nor exceeding three hundred dollars for each such offence, with costs of prosecution,—the moiety of the fine to be applicable as hereinbefore mentioned; and in default of immediate payment of such fine and costs any person so fined shall be committed to any common gaol, house of correction, lock-up, or other place of confinement by the judge, stipendiary magistrate or two justices of the peace before whom the conviction has taken place, for a period of not less than one nor more than six months, with or without hard labor, or until such fine and costs are paid; and any Indian or non-treaty Indian who makes or manufactures any intoxicant, or who has in his possession, or concealed, or who sells, exchanges with, barter, supplies, or gives to any Indian, or non-treaty Indian in Canada, any kind of intoxicant, shall, on conviction before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness who sells, exchanges with, barter, supplies, or gives to any Indian, or non-treaty Indian in Canada, any kind of intoxicant, shall, on conviction before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness, who shall in like manner incur the penalty of perjury in case of falsehood.

80. The keg, barrel, case, box, package, receptacle can be identified, and any factured or brought into reserve, or into the house of abode of any Indian or non-treaty Indian, any constable or justice of the peace of any credible witness or notary public in respect thereto, be forfeited, and cause the same to be seized and may condemn the same in case of immediate payment, the costs of prosecution, and may condemn the same in case of immediate payment, the costs of prosecution, and may condemn the same in case of immediate payment, the costs of prosecution, and may condemn the same in case of immediate payment, the costs of prosecution, and may condemn the same in case of immediate payment, the costs of prosecution.

81. When it is proved that any Indian or non-treaty Indian who makes or manufactures any intoxicant, or who has in his possession, or concealed, or who sells, exchanges with, barter, supplies, or gives to any Indian, or non-treaty Indian in Canada, any kind of intoxicant, shall, on conviction before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness, who shall in like manner incur the penalty of perjury in case of falsehood.
who sells, exchanges with, barters, supplies or gives to any other Indian or non-treaty Indian in Canada any kind of intoxicant shall, on conviction thereof, before any judge, stipendiary magistrate or two justices of the peace, upon the evidence of one credible witness other than the informer or prosecutor, be liable to imprisonment for a period of not less than one month nor more than six months, with or without hard labor; and in all cases arising under this section, Indians or non-treaty Indians, shall be competent witnesses; but no penalty shall be incurred in case of sickness where the intoxicant is made use of under the sanction of a medical man or under the directions of a minister of religion.

**S9.** The keg, barrel, case, box, package or receptacle whence any intoxicant has been sold, exchanged, bartered, supplied or given, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such barrel, keg, case, box, package, receptacle or vessel aforesaid respectively, can be identified, and any intoxicant imported or manufactured or brought into and upon any reserve or special reserve, or into the house, tent, wigwam or place of abode of any Indian or non-treaty Indian, may be seized by any constable whatsoever found on such land or in such place; and on complaint before any judge, stipendiary magistrate or justice of the peace, he may, on the evidence of any credible witness that this Act has been contravened in respect thereof, declare the same forfeited, and cause the same to be forthwith destroyed; and may condemn the Indian or other person in whose possession they were found to pay a penalty not exceeding one hundred dollars nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor and the other half to Her Majesty for the purposes hereinbefore mentioned; and in default of immediate payment, the offender may be committed to any common gaol, house of correction, lock-up or other place of confinement with or without hard labor, for any time not exceeding six nor less than two months unless such fine and costs are sooner paid.

**S1.** When it is proved before any judge, stipendiary magistrate or two justices of the peace that any vessel, boat, canoe or conveyance of any description upon the sea or sea coast, or upon any river, lake or stream in Canada, is employed in carrying any intoxicant, to be supplied to Indians or non-treaty Indians, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited, as in the next preceding section, and sold, and the proceeds
proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

S2. Every article, chattel, commodity or thing in the purchase, acquisition, exchange, trade or barter of which in contravention of this Act the consideration, either wholly or in part, may be any intoxicant, shall be forfeited to Her Majesty and shall be seized as in the eightieth section in respect to any receptacle of any intoxicant, and may be sold and the proceeds thereof paid to Her Majesty for the purposes hereinbefore mentioned.

S3. It shall be lawful for any constable, without process of law, to arrest any Indian or non-treaty Indian whom he may find in a state of intoxication, and to convey him to any common gaol, house of correction, lock-up or other place of confinement, there to be kept until he shall have become sober; and such Indian or non-treaty Indian shall, when sober, be brought before any judge, stipendiary magistrate, or justice of the peace, and if convicted of being so found in a state of intoxication shall be liable to imprisonment in any common gaol, house of correction, lock-up or other place of confinement, for any period not exceeding fourteen days. And if any Indian or non-treaty Indian, having been so convicted as aforesaid, refuses upon examination to state or give information of the person, place and time from whom, where and when, he procured such intoxicant, and if from any other Indian or non-treaty Indian, then, if within his knowledge, from whom, where and when such intoxicant was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days.

S4. No appeal shall lie from any conviction under the five next preceding sections of this Act, except to a Judge of any superior court of law, county, or district court, or to the Chairman or Judge of the Court of the Sessions of the Peace, having jurisdiction where the conviction was had, and such appeal shall be heard, tried, and adjudged upon by such judge without the intervention of a jury; and no such appeal shall be brought after the expiration of thirty days from the conviction.

S5. No prosecution, conviction or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true meaning of this Act.

S6. Whenever any Indian man, or unmarried woman, of the full age of twenty-one years, obtains the consent of the band of which he or she is a member to become enfranchised, and

ENFRANCHISEMENT

and whenever such Indian shall report such suitably to the Superintendent-General of the Dominion to provide land of the character for interior, or she bears, appears, of land in fee simple, person, the Superintendent-General to locate ticket as a person to him or her by the

(1) Any Indian Doctor of Medicine, of Learning, or who the Dominions to practice. Barrister or Counsel Notary Public, or who be licensed by any person of the Gospel, shall under this Act.

S7. After the expiration as the Super of the event of such the Governor may General, order the of the Indian in fee simple, view, been allotted

S8. Every such letters patent may declare to the Super by which he or she is known, and on his such name and such enfranchised, and his name or surname, wife and minor unenfranchised; and visions of this Act the liabilities of India shall cease to apply to unmarried children to be enfranchised within the mean except in so far as interest money
and whenever such Indian has been assigned by the band a suitable allotment of land for that purpose, the local agent shall report such action of the band, and the name of the applicant to the Superintendent-General; whereupon the said Superintendent-General, if satisfied that the proposed allotment of land is equitable, shall authorize some competent person to report whether the applicant is an Indian who, from the degree of civilization to which he or she has attained, and the character for integrity, morality and sobriety which he or she bears, appears to be qualified to become a proprietor of land in fee simple; and upon the favorable report of such person, the Superintendent-General may grant such Indian a location ticket as a probationary Indian, for the land allotted to him or her by the band.

(1.) Any Indian who may be admitted to the degree of Doctor of Medicine, or to any other degree by any University of Learning, or who may be admitted in any Province of the Dominions to practice law either as an Advocate or as a Barrister or Counselor or Solicitor or Attorney or to be a Notary Public, or who may enter Holy Orders or who may be licensed by any denomination of Christians as a Minister of the Gospel, shall ipso facto become and be enfranchised under this Act.

§ 77. After the expiration of three years (or such longer period as the Superintendent-General may deem necessary in the event of such Indian's conduct not being satisfactory), the Governor may, on the report of the Superintendent-General, order the issue of letters patent, granting to such Indian in fee simple the land which had, with this object in view, been allotted to him or her by location ticket.

§ 88. Every such Indian shall, before the issue of the letters patent mentioned in the next preceding section, declare to the Superintendent-General the name and surname by which he or she wishes to be enfranchised and thereafter known, and on his or her receiving such letters patent, in such name and surname, he or she shall be held to be also enfranchised, and he or she shall thereafter be known by such name or surname, and if such Indian be a married man his wife and minor unmarried children also shall be held to be enfranchised; and from the date of such letters patent the provisions of this Act and of any Act or law making any distinction between the legal rights, privileges, disabilities and liabilities of Indians and those of Her Majesty's other subjects shall cease to apply to any Indian, or to the wife or minor unmarried children of any Indian as aforesaid, so declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as their right to participate in the annuities and interest moneys, and rents and councils of the band of Indians are concerned.
Proviso as to children attaining majority before their father's probation expires.

Proviso as to children found unqualified, or being married.

Case of Indian dying before expiration of probation or failing to qualify.

Proviso as to power of Band in this behalf.

As to children of widows probationary or enfranchised.

Rules for allotting lands to probationary Indians.

Proviso as to Band not members of the Band, but permitted to reside on their reserve.

Indians to which they belonged is concerned: Provided always, that any children of a probationary Indian, who being minors and unmarried when the probationary ticket was granted to such Indian, arrive at the full age of twenty-one years before the letters patent are issued to such Indian, may, at the discretion of the Governor in Council, receive letters patent in their own names for their respective shares of the land allotted under the said ticket, at the same time that letters patent are granted to their parent: and provided, that if any Indian child having arrived at the full age of twenty-one years, during his or her parents' probationary period, be unqualified for enfranchisement, or if any child of such parent, having been a minor at the commencement of such period, be married during such period, then a quantity of land equal to the share of such child shall be deducted in such manner as may be directed by the Superintendent-General, from the allotment made to such Indian parent on receiving his probationary ticket.

89. If any probationary Indian should fail in qualifying to become enfranchised, or should die before the expiration of the required probation, his or her claim, or the claim of his or her heirs to the land, for which a probationary ticket was granted, or the claim of any unqualified Indian, or of any Indian who may marry during his or her parents' probationary period, to the land deducted under the operation of the next preceding section from his or her parents' probationary allotment, shall in all respects be the same as that conferred by an ordinary location ticket, as provided in the sixth, seventh, eighth and ninth sections of this Act.

90. The children of any widow who becomes either a probationary or enfranchised Indian shall be entitled to the same privileges as those of a male head of a family in like circumstances.

91. In allotting land to probationary Indians, the quantity to be located to the head of a family shall be in proportion to the number of such family compared with the total quantity of land in the reserve, and the whole number of the band, but any band may determine what quantity shall be allotted to each member for enfranchisement purposes, provided each female of any age, and each male member under fourteen years of age receive not less than one-half the quantity allotted to each male member of fourteen years of age and over.

92. Any Indian, not a member of the band, or any non-treaty Indian, who, with the consent of the band and the approval of the Superintendent-General, has been permitted to reside upon the reserve, or obtain a location thereon, may, on being assigned a suitable allotment of land by the band for enfranchisement, be entitled to the rights and privileges, and become liable for the disabilities and liabilities of such Indian band, but such enfranchised Indian shall not be entitled to any interest in the lands or money of such Indian band, as aforesaid, save and except such as are used for the common purposes of the band.
for enfranchisement, become enfranchised on the same terms and conditions as a member of the band; and such enfranchisement shall confer upon such Indian the same legal rights and privileges, and make such Indian subject to such disabilities and liabilities as affect Her Majesty's other subjects; but such enfranchisement shall not confer upon such Indian any right to participate in the annuities, interest moneys, rents and councils of the band.

93. Whenever any band of Indians, at a council summoned for the purpose according to their rules, and held in the presence of the Superintendent-General or of an agent duly authorized by him to attend such council, decides to allow every member of the band who chooses, and who may be found qualified, to become enfranchised, and to receive his or her share of the principal moneys of the band, and sets apart for such member a suitable allotment of land for the purpose, any applicant of such band after such a decision may be dealt with as provided in the seven next preceding sections until his or her enfranchisement is attained; and whenever any member of the band, who for the three years immediately succeeding the date on which he or she was granted letters patent for the period of ten years, or, if Indian, becomes qualified by exemplary conduct of the Superintendent-General may deem necessary, by his or her exemplary good conduct and management of property, proves that he or she is qualified to receive his or her share of such moneys, the Governor may, on the report of the Superintendent-General to that effect, order that the said Indian be paid his or her share of the capital funds at the credit of the band, or his or her share of the principal of the annuities of the band, estimated as yielding five per cent. out of such moneys as may be provided for the purpose by Parliament; and if such Indian be a married man then he shall also be paid his wife and minor unmarried children's share of such funds and other principal moneys, and if such Indian be a widow, she shall also be paid her minor unmarried children's share; and the unmarried children of such married Indians, who become of age during either the probationary period for enfranchisement or for payment of such moneys, if qualified by the character for integrity, morality and sobriety which they bear, shall receive their own share of such moneys when their parents are paid, and if not so qualified, before they can become enfranchised or receive payment of such moneys they must themselves pass through the probationary periods; and all such Indians and their unmarried minor children who are paid their share of the principal moneys of their band as aforesaid, shall thenceforth cease in every respect to be Indians of any class within the meaning of this Act, or Indians within the meaning of any other Act or law.

94. Sections eighty-six to ninety-three, both inclusive, of this Provision as to Indians in
this Act, shall not apply to any band of Indians in the Province of British Columbia, the Province of Manitoba, the North-West Territories, or the Territory of Keewatin, save in so far as the said sections may, by proclamation of the Governor-General, be from time to time extended, as they may be, to any band of Indians in any of the said provinces or territories.

MISCELLANEOUS PROVISIONS.

95. All affidavits required under this Act, or intended to be used in reference to any claim, business or transaction in the Indian Branch of the Department of the Interior, may be taken before the judge or clerk of any county or circuit court, or any justice of the peace, or any commissioner for taking affidavits in any of the courts, or the Superintendent-General, or any Indian agent, or any surveyor duly licensed and sworn, appointed by the Superintendent-General to enquire into or take evidence or report in any matter submitted or pending before such Superintendent-General, or if made out of Canada, before the mayor or chief magistrate of, or the British consul in, any city, town or other municipality; and any wilful false swearing in any such affidavit shall be perjury.

96. Copies of any records, documents, books or papers belonging to or deposited in the Department of the Interior, attested under the signature of the Superintendent-General or of his deputy shall be competent evidence in all cases in which the original records, documents, books or papers, could be evidence.

97. The Governor in Council may, by proclamation from time to time, exempt from the operation of this Act, or from the operation of any one or more of the sections of this Act, Indians or non-treaty Indians, or any of them, or any band or irregular band of them, or the reserves or special reserves, or Indian lands or any portions of them, in any province, in the North-West Territories, or in the territory of Keewatin, or in either of them, and may again, by proclamation from time to time, remove such exemption.

98. The Governor may, from time to time, appoint officers and agents to carry out this Act, and any Orders in Council made under it, which officers and agents shall be paid in such manner and at such rates as the Governor in Council may direct out of any fund that may be appropriated by law for that purpose.

99. Section fifty-six of chapter sixty-one and section fifty of chapter sixty-eight of the Consolidated Statutes of Canada, Acts and parts of Acts repealed, viz.: A. 56 of c. 61; section twenty-nine of chapter forty-nine of the Consolidated Statutes.
Statutes for Upper Canada, and so much of chapter eighty-one of the said Consolidated Statutes for Upper Canada as relates to Indians or Indian lands, sections five to thirty-three, inclusive, and sections thirty-seven and thirty-eight of the Act passed in the session held in the thirty-first year of Her Majesty’s reign, chaptered forty-two, and the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty’s reign, chaptered six, and the Act passed in the thirty-seventh year of Her Majesty’s reign, chaptered twenty-one, are hereby repealed, with so much of any Act or law as may be inconsistent with this Act, or as makes any provision in any matter provided for by this Act, except only as to things done, rights acquired, obligations contracted, or penalties incurred before the coming into force of this Act; and this Act shall be construed not as a new law but as a consolidation of those hereby repealed in so far as they make the same provision that is made by this Act in any matter hereby provided for.

100. No Act or enactment repealed by any Act hereby repealed shall revive by reason of such repeal.

CHAP. 19.

An Act to amend the Dominion Lands Acts.

[Assented to 12th April, 1879.]

In further amendment of “The Dominion Lands Act,” and of the Act thirty-seventh Victoria, chapter nineteen, intituled “An Act to amend the Dominion Lands Act,” hereinafter called and referred to as “the Act of 1874,” Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sub-section two of section two of the Dominion Lands Act passed in the thirty-fifth year of Her Majesty’s reign, chapter twenty-three, is hereby amended by inserting after the word “Surveyor-General” where it occurs in the said sub-section, the words “and of plans or documents in any Dominions or Surveys Office in Manitoba or the North-West Territories, attested by the signature of the Agent or Inspector of Surveys, as the case may be, in charge of such office.”

2. Sub-section three of the said section two of the said Act is hereby amended by adding thereto the words “or shall locate military bounty land warrants, or land scrip, or act as the agent of any other person or persons in such behalf.”