

CANADA—  
LEGAL  
STATUS OF  
BRITISH  
NORTH  
AMERICAN  
INDIANS.

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Since Confederation the Parliament of Canada, in pursuance of Section 91 of the B. N. A. Act, 1867, has exercised legislative authority, in relation to Indians and lands reserved for Indians, by the enactment of various Statutes consolidated in 42 Vic. Cap. 28, which has been subsequently amended. The Dominion Laws in relation to Indians and lands reserved for Indians now obtaining are the Indian Act contained in the Revised Statutes of Canada, 1886, Cap. 43, as amended by 50-51 Vict. Cap. 33, 51 Vic. Cap. 22, 53 Vic. Cap. 29, 54-55 Vic. Cap. 30, 57-58 Vic. Cap. 32, 58-59 Vic. Cap. 35, 61 Vic. Cap. 34, and the Indian Advancement Act, R. S. C., 1886, Cap. 44, as amended by 53 Vic. Cap. 30.

## RESERVES.

### *Formation.*

Each of the present Provinces of the Dominion, prior to its entrance into the Union, followed its own policy in regard to the reservation of lands for the occupancy of Indians.

In Nova Scotia reservations for their benefit had been made from the Crown Lands. Under the provision of Cap. 57 of the Revised Statutes of Nova Scotia, 1864, these reserves were administered by a Commissioner, who was authorised to parcel out a portion of the reservation to each family, with such limited power of alienation as might be authorized by the Governor; and also to enter Agreements for sale or lease to parties who were then in possession, or had squatted on any portion of the reserve. The capital moneys arising from such sale or lease were payable into the hands of the Receiver-General, and the interest thereon was applicable to the exclusive benefit of the Indians; 1st, for the relief of indigent and infirm Indians; 2nd, in promoting their settlement on reserved lands; 3rd, in procuring seed, implements of husbandry and domestic animals as the Governor might direct.

In New Brunswick reservations were made for the benefit of the Indians, and under the Revised Statutes, 1854, Cap. 85, the Governor in Council was enabled to lease or sell, and the annual proceeds or profits from the reserves were applicable to the exclusive benefit of the Indians; 1st, for the relief of indigent and infirm Indians; and 2nd, for procuring seed, implements of husbandry and domestic animals as the Governor might direct. Authority was also given for the laying off of any tract of the reserves, or any part thereof, into villages or town plots for the exclusive benefit of the Indians of each county, the same consisting of not more than 50 acres, nor less than 5 acres; and the Governor in Council had authority to make absolute grants thereof after the Indians had resided upon and improved for at least ten years.