

HON. MR. POWER—Section 2 of the chapter that we are amending says that this Act may be made applicable to any band of Indians in any Province.

HON. MR. ABBOTT—This particular clause must necessarily apply to Indians in the North-West, because the reserves in the older Provinces are already divided into smaller sections.

HON. MR. SCOTT—Only some of them.

HON. MR. ABBOTT—All that I know of are. If any are not divided, this section would apply to them.

HON. MR. MACINNES (Burlington), from the committee, reported the Bill with the amendment, which was concurred in.

The Bill was then read the third time, and passed.

## INDIAN ACT AMENDMENT BILL.

### THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (BB) "An Act further to amend 'The Indian Act.'"

(In the Committee.)

HON. MR. ABBOTT—Section 16 of the old Act provides that no Indian shall be deemed to be lawfully in possession of land until he receives a certificate. He has a qualified right to the land on which he has made improvements, but the issuing of this certificate is a matter which requires considerable delay, and it is thought expedient to give him a temporary certificate of occupancy. This clause simply makes a temporary provision that, pending the issuing of the regular location ticket (which requires the sanction of the band and other formalities), the Indian may be located temporarily on any land that he selects, with the approval of the Superintendent General.

HON. MR. GIRARD—The Indian Commissioner is given the power to cancel certificates at any time. Suppose an Indian makes improvements on a lot and the certificate is subsequently cancelled, is the Indian entitled to any indemnity for his improvements?

HON. MR. ABBOTT—Yes; clause 16 provides for that.

The clause was adopted.

On the 3rd clause,

HON. MR. ABBOTT said: I propose to ask the committee to strike out clauses 3 and 4, with their sub-sections. The difficulty which it was intended to remedy is a trespass which frequently occurs, and which the statute already provides against: but while the statute provides that no trespass by cattle or otherwise shall take place on an Indian reserve, and gives the agent power to remove persons who remain there without justification, it does not, as it now stands, provide any penalty for this, and the attempt to make it penal to this extent has aroused a good deal of opposition from settlers, which seems to be, to a large extent, justified. Of course, in the Territories there are no fences on the Indian reserves, and the farms are not fenced. During the summer season the people protect their crops from the cattle by herding, and during the rest of the year the cattle stray at large. To render it penal to allow cattle to stray upon a reserve when the law does not make it penal to allow cattle to stray upon any other property would seem to be an injustice to begin with, and would probably impose too severe a burden on the settlers. The Minister has concluded that he will not press these clauses creating these penalties until he has further looked into the matter, and consulted the people and ascertained what measure of protection can really be given without injustice. I therefore move that clauses 3 and 4, with their sub-sections, be struck out of the Bill.

The motion was agreed to.

On clause 9,—

HON. MR. ABBOTT said: Clause 9 is a reproduction of the former Act, only the former Act was to protect the Indians in the possession of the animals and other things given them by the Government, and prohibiting them from disposing of them. This is made to include the progeny of such animals, which were held not to be included in the law as it stood.

The clause was agreed to.

On the 11th clause,—

HON. MR. ABBOTT said: Clause 11 is one which makes provision for an Indian deserting his family without just cause. This is a clause which has been