



No. 59.

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3rd Session, 6th Parliament, 23 Victoria, 1860.

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**BILL.**

An Act respecting the Indian Lands in the  
Township of Durham, in the County of  
Drummond.

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Received and Read, 1st time, Wednesday,  
14th March, 1860.

Second Reading, Thursday 15th March,  
1860.

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Mr. DUNKIN.

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QUEBEC :  
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An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.

**W**HEREAS, by the Act hereinafter mentioned, it was and is in effect provided, that certain descriptions of deed or instrument therein enumerated affecting any portion of the lands in the Township of Durham, in the County of Drummond, granted by Letters Patent in the year  
 5 one thousand eight hundred and five to divers Indians, should be held valid, notwithstanding any thing in such Letters Patent to the contrary, provided a certain amount of ground rent should have been stipulated thereby, but no provision was made as to the validity of any other description of deed or instrument affecting such lands, or whereby any ground rent  
 10 or other right thereon might have been, in whole or part, redeemed, ceded or released; and whereas it is expedient to remedy this omission, and in other respects to make better provision than by the said Act is made for assuring, so far as may be possible, the titles and rights of all the parties interested in such lands: Therefore, Her Majesty, &c., enacts as follows:

Preamble.

**1.** The Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign intituled, "An Act to change the tenure of the Indian Lands in the Township of Durham," is hereby repealed, but the repeal thereof shall not revive any act thereby repealed.

19 & 20 Vic.,  
cap. 4, repealed.

**2.** No deed or instrument in writing whatsoever, for the passing of title to such lands or any thereof, or in any wise affecting the same, or having reference to any ground rent or other right whatsoever, on, to or in respect of the same, whenever or by whomsoever executed, shall be held for null, either as a whole or as touching any stipulation or matter  
 25 therein set forth, by reason of any restriction whatsoever in the premises imposed by the said Letters Patent granting the said lands, or of any provision or clause whatsoever in the said Letters Patent contained, or of any disability or supposed disability of the Indians, grantees thereunder, or of their heirs or other representatives, as being Indians,  
 30 to contract in any wise in the premises.

Conveyances of the said lands not valid for certain causes.

**3.** Any contestation whatsoever between Indians, or whereto any Indian may be a party, as to, or arising out of, any such deed or instrument, may by the parties, or by any Court seized of such contestation, be deferred for the decision of the Superintendent General of Indian  
 35 Affairs; and his decision thereon shall be final and conclusive.

Whenever Indians are parties, Superintendent to decide.

**4.** The Superintendent General of Indian Affairs, if satisfied of the right of property in any such land, under any such deed or instrument, of any person being in lawful possession of such land, may accept payment from such person, of the capital, or of any unredeemed remainder  
 40 of the capital, of all ground rent which he may find to be secured thereon in favor of any Indian, calculated at the rate of six per centum per annum: and may thereupon grant to such person a certificate

Superintendent if satisfied of title may accept payment and grant a certificate.

in the form of Schedule A, to this Act annexed; or, if satisfied further that there subsists thereon no such ground rent, may thereupon grant to such person a certificate in the form of Schedule B, to this Act annexed.

Effect of  
certificate  
when regis-  
tered.

5. Every certificate granted under the foregoing Section, being en-  
registered in the Registry Office of the County of Drummond, within  
three months from the date thereof, shall absolutely cut off all adverse  
title or claim whatsoever to the land therein mentioned, or to any part  
part thereof, or to any rent or other right whatsoever affecting the  
same, whether by any Indian whomsoever or by any other person re-  
quiring to trace such title or claim through any Indian,—and shall be  
*prima facie* proof of the title to such land, of the person to whom the  
same is granted, as against all other persons; but if not so enregistered  
within such three months, the same shall thereafter be held for null.

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Former re-  
ceipts to re-  
main valid.

6. Every receipt heretofore granted by the Superintendent General  
of Indian Affairs, and duly enregistered in terms of the Act hereby re-  
pealed, shall remain of the same force and effect as though this Act had  
not been passed; and any such receipt not yet so enregistered, if en-  
registered, in the said Registry Office within three months after the  
passing of this Act, shall also have the like force and effect; but otherwise,  
shall thereafter be held for null.

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7. The Superintendent General of Indian Affairs shall keep an  
account of all sums received by him, whether under the Act hereby  
repealed or under this Act; and may pay over the same or any balance  
thereof, with interest, to any Indian or claimant under an Indian, of  
whose right thereto he may be satisfied; or, in his discretion, may, for so  
long as he shall see fit, simply pay over yearly the interest accruing on  
any such sum or balance.

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#### SCHEDULE A.

I, the undersigned A. B., Superintendent of Indian Affairs for the  
Province of Canada, do hereby certify, that I am satisfied of the right  
of property thereto, of \_\_\_\_\_, of \_\_\_\_\_,  
now in possession of the hereinafter described part of the lands in the  
Township of Durham, in the County of Drummond, which were granted  
by Letters Patent in the year one thousand eight hundred and five, to  
divers Indians, that is to say, of [*here deribe the land*], and further that I  
have this day accepted payment from him of the sum of \_\_\_\_\_,  
being the capital [*or the unredeemed remainder of the capital, as may be,*]  
of all ground rent which I find to be seured thereon in favor of any  
Indian.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand  
eight hundred and \_\_\_\_\_, under the Act passed in the twenty-  
third year of Her Majesty's reign, intituled, "*An Act respecting the  
Indian Lands in the Township of Durham, in the County of Drum-  
mond.*"

A. B.

#### SCHEDULE B.

I, the undersigned A. B., Superintendent of Indian Affairs for the  
Province of Canada, do hereby certify that I am satisfied of the right  
of property thereto, of \_\_\_\_\_, of \_\_\_\_\_, now in possession of the  
hereinafter described part of the Lands in the Township of Durham, in  
the County Drummond, which were granted by Letters Patent in the  
year one thousand and five to divers Indians, that is to say, of [*here*

*describe the land*]; and further, that I do not find that there is now any ground rent secured thereon in favor of any Indian.

Certified this        day of        , in the year one thousand eight hundred and        , under the Act passed in the Twenty-third year of Her Majesty's Reign, intituled "*An Act respecting the Indian Lands in the Township of Durham, in the County of Drummond.*"

A. B.