





Canada. Laws, Statutes, etc.

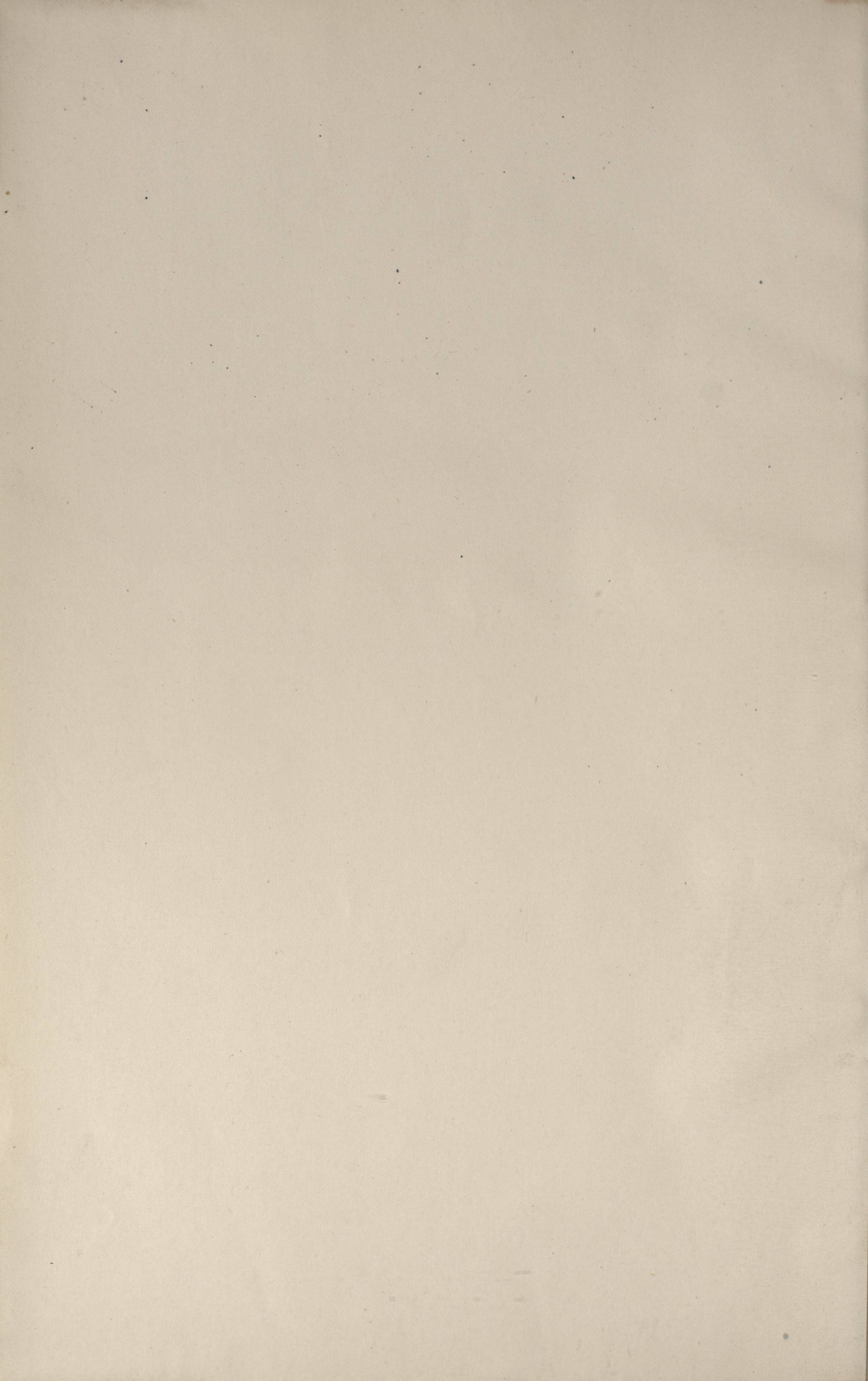
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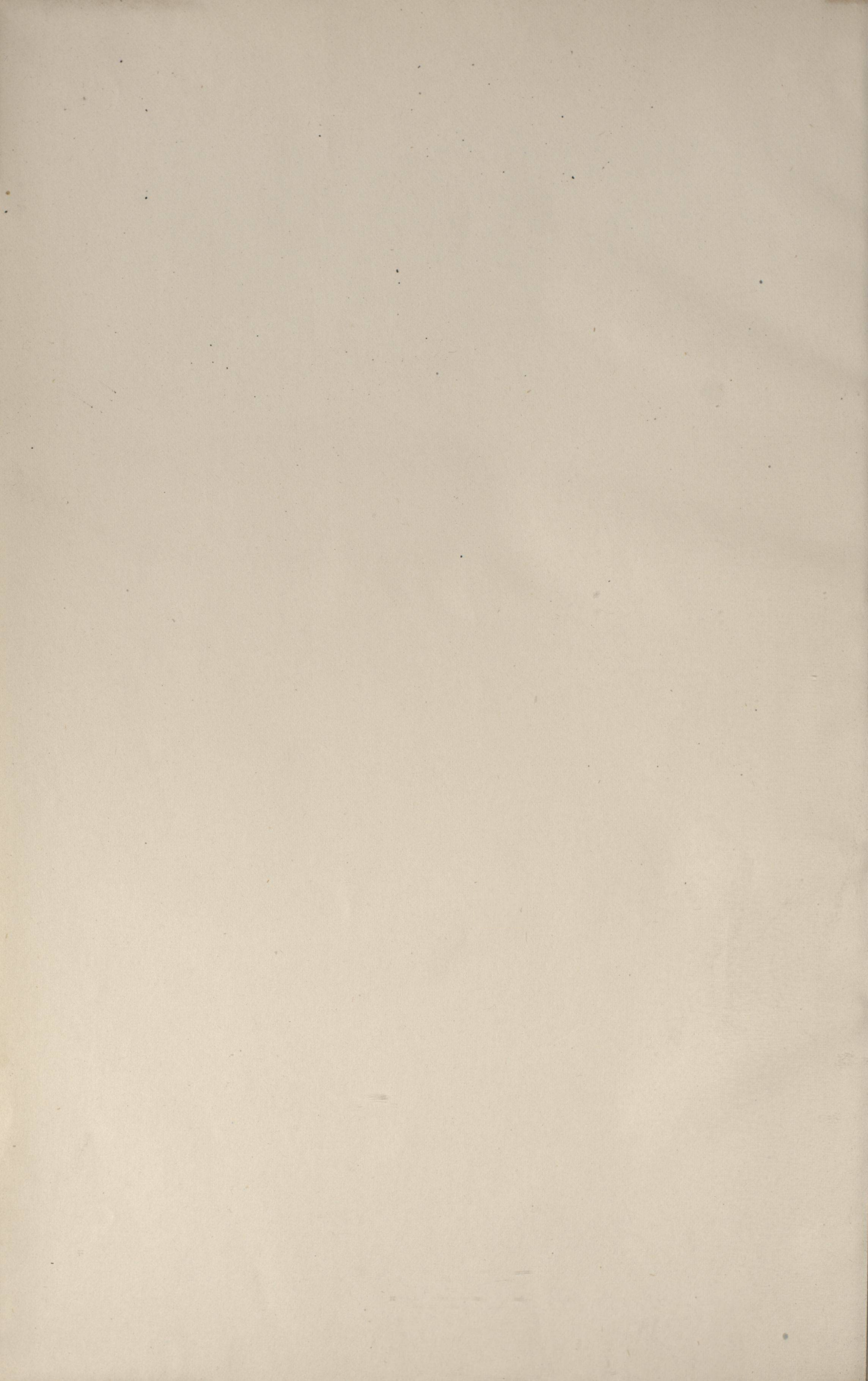
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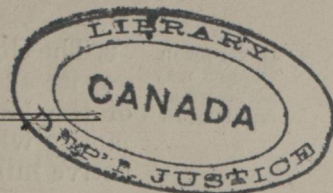
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Bill A-

2004







BILL.

An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada.

IN amendment of the Acts respecting the Militia and Defence of Canada: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The sub-section of the first section of the Act passed in 5 the forty-second year of Her Majesty's reign, and intituled "*An Act further to amend the Acts therein mentioned respecting the Militia and Defence of the Dominion of Canada,*" is hereby repealed and the following substituted therefor:—

Sub-section of the first sec., 42 V., c. 35, repealed.

2. The next enrolment of the Militia under the Act passed 10 in the thirty-first year of Her Majesty's reign, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada,*" shall be made and completed on or before the twenty-eighth day of February, one thousand eight hundred and eighty-two, and such enrolment shall be made and com- 15 pleted on or before the like day in every fifth year thereafter, in the manner provided by the same Act; and so much of the sixteenth section of the said Act as would require such enrolment to be made at any earlier or other time is hereby repealed: Provided always, that in case of war or other 20 emergency, the enrolment mentioned in the said section may be made at any time by order of the Governor in Council."

New sub-section substituted. When next enrolment under 31 V., c. 40, shall be made.

Proviso, for cases of emergency.

2. The active militia or any corps thereof, or any part of a corps, shall be liable to be called out for actual service with their arms and ammunition under special or general 25 regulations to be made by the Governor General in Council, to act as guards of honour, escorts, or as guards and sentries, or to fire salutes in any of the following cases:—

Certain cases in which the Active Militia may be called out for actual service.

(a). The opening or closing of any session of the Parliament of Canada or of the Legislature of any Province of Canada;

30 (b). For the purpose of attending the Governor General of Canada, or any member of the Royal family while in Canada;

(c). For the purpose of guarding any armoury or other place where arms, guns, ammunition, or other military stores are kept;

35 (d). Upon any other occasion on which it may be considered proper by the Governor General in Council by special order in that behalf.

Governor in Council may make certain regulations.

2. The Governor in Council may make regulations for calling out for actual service as guards or sentries at the residence of the Governor General, or of any member of the Royal family while in Canada, any corps or part of a corps of the active militia.

5

Officers and men to obey orders, and to be special constables, on all such occasions.

3. Every officer, non-commissioned officer, and man of such active militia or portion thereof shall, on every such occasion, obey the orders of his immediate commanding officer ; and the officers, non-commissioned officers, and men, when so called out shall without any further or other appointment and without taking any oath of office be special constables and shall be considered to act as such so long as they remain so called out, but they shall act only as a military body and shall be individually liable to obey the orders issued by their immediate military commanding officer only.

15

Section 79 of 31 V., c. 40, amended.

3. The seventy-ninth section of the Act thirty-one Victoria, chapter forty, is hereby amended by the insertion of the words "or any person whatsoever" after the word "private" in the first line of the said section.

Canteens may be opened in camps of the Active Militia in certain cases, and under certain regulations.

4. When any part of the active militia is encamped for annual training or on actual service it shall be lawful for the commanding officer of the camp to establish for the convenience of the troops in camp, under regulations to be made by the Governor General in Council, canteens, and to authorize the sale therein or thereby of such things as are usually sold in canteens connected with a camp in Her Majesty's regular army: Provided always, that nothing shall be sold in or by such canteen except by retail for consumption within the limits of such camp, and only to officers, non-commissioned officers, and men, while encamped as above-mentioned: Provided also, that nothing herein contained shall authorize the sale of liquors contrary to the provisions of the Canada Temperance Act, 1878.

Proviso.

Proviso.

2nd Session, 4th Parliament, 43 Victoria,

A

BILL.

An Act further to amend the therein mentioned respecting Militia and Defence of the Dominion of Canada.

Received and read, first time, Tuesday, February, 1880.

Second reading, Thursday, 26th Febr 1880.

Hon. Sir ALEXANDER CAMPBELL

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO. 1880.

BILL.

Act respecting "The President, Directors and Company of the Bank of New Brunswick."

WHEREAS the President, Directors and Company of the Bank of New Brunswick have by petition prayed for the passing of an Act to extend and amend the Act of Incorporation of the said Bank, and to change the corporate name of the Bank, and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The Act of the Legislature of the Province of New Brunswick, passed in the sixtieth year of the reign of His late Majesty King George the Third, chapter thirteen, and intituled: "An Act to incorporate sundry persons by the name of 'The President, Directors and Company of the Bank of New Brunswick,'" and the several Acts subsequently made relating thereto, except as altered or amended by this or any previous Act, and also the provisions of this Act and so much of the provisions of an Act passed by the Parliament of Canada in the thirty-fourth year of the reign of Her Majesty, chapter five, and intituled: "An Act relating to Banks and Banking," as applies to the said Bank (the said Bank having come under the provisions of the said "Act relating to Banks and Banking" by virtue of the provisions contained in the seventy-third section thereof), shall further continue and be in force until the day of , which will be in the year of Our Lord, one thousand and from thence to the end of the then next session of Parliament.

Certain Acts relating to the bank continued in force.

2. So much of the third section of the said Act passed in the sixtieth year of the reign of His late Majesty King George the Third, chapter thirteen, as limits the amount of real estate to be held by the said Corporation in fee simple is hereby repealed.

Part of s. 3 of Act of New Brunswick 60 Geo. 3, c. 13, repealed.

3. The corporate name and designation of "The President, Directors and Company of the Bank of New Brunswick" shall be "The Bank of New Brunswick," as the same is designated in an Act passed by the Parliament of Canada in the Session thereof held in the thirty-second and thirty-third years of the reign of Her present Majesty, chapter fifty-seven, intituled: "An Act to authorize an addition to the capital stock of the Bank of New Brunswick and for other purposes connected with the said Bank."

Corporate name of the said bank changed.

4. The said Bank under its new name shall not be deemed to be a new Corporation, and such change of name shall not

The bank under its new

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be a new
corporation.

be construed in any way to abrogate or affect any of the rights which the said Corporation had or has, nor in any way to affect the liabilities of the said Corporation or that of its shareholders, or any suit, action or proceeding pending at the time when this Act shall come into force, but the same shall continue as if this Act had not been passed; but any new proceeding which may hereafter be adopted by or against the said Corporation shall be had by the name of "The Bank of New Brunswick." 5

2nd Session, 4th Parliament, 43 Victoria, 1880.

B

BILL.

An Act respecting "The President, Directors and Company of the Bank of New Brunswick."

Received and read, first time, Friday, 27th February, 1880.

Second reading, Monday, 1st March, 1880.

Hon. Mr. LEWIN.

OTTAWA:

PRINTED BY J. MACLEAN, ROGER & Co.

1880.

BILL.

An Act to amend and consolidate the laws respecting
Indians.

WHEREAS it is expedient to amend and consolidate the Preamble.
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:

5 **1.** This Act shall be known and may be cited as "*The* Short title
Indian Act, 1880;" and shall, subject to the exceptions and extent of
herein contained, apply to all the Provinces, and to the Act.
North-West Territories, including the territory of Keewatin.

10 **2.** The following terms contained in this Act shall be held Meaning as-
to have the meaning hereinafter assigned to them, unless signed to
such meaning be repugnant to the subject or inconsistent terms in this
with the context:— Act.

15 **1.** The term "band" means any tribe, band or body of Band.
Indians 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 an-
nuities 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,"
20 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 Irregular
body of persons of Indian blood who own no interest in any Band.
reserve or lands of which the legal title is vested in the
Crown, who possess no common fund managed by the Gov-
25 ernment of Canada, or who have not had any treaty rela-
tions with the Crown.

3. The term "Indian" means— Indian.

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

Secondly. Any child of such person;

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

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

- Enfranchised Indian.** 5. The term "enfranchised 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. 5
- Reserve.** 6. The term "reserve" means any tract or tracts of land 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 and other valuables thereon or therein. 10
- Special Reserve.** 7. The term "special reserve" means any tract or tracts 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. 15 20
- Indian lands.** 8. The term "Indian lands" means any reserve or portion of a reserve which has been surrendered to the Crown.
- Intoxicants.** 9. The term "intoxicants" means and includes all 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. 25 30
- Superintendent-General.** 10. The term "Superintendent-General" means the Superintendent-General of Indian Affairs. 35
- Agent.** 11. The term "agent" includes a commissioner, superintendent, agent, or other officer acting under the instructions of the Superintendent-General.
- Person.** 12. The term "person" means an individual other than an Indian, unless the context clearly requires another construction. 40
- Superintendent-General of Indian Affairs.** 13. The Minister of the Interior shall be *ex-officio* the Superintendent-General of Indian Affairs.
- Department of Indian Affairs.** 14. There shall be a Department of the Civil Service of Canada to be called the Department of Indian Affairs, over which the Superintendent-General of Indian Affairs shall preside. 45

5. The Governor General in Council may, by commission under the Great Seal, appoint a Deputy of the Superintendent-General of Indian Affairs, who shall be charged under the Superintendent-General with the performance of his Departmental duties, and with the control and management of the officers, clerks and servants of the Department, and with such other powers and duties as may be assigned to him by the Governor in Council.

Deputy Superintendent-General of Indian Affairs, his powers and duties.

6. Schedule A of the "*Canada Civil Service Act, 1868*," is hereby amended by adding thereto the words "Deputy of the Superintendent-General of Indian Affairs."

Schedule A of 31 V., c. 34 amended.

7. Upon the passing of this Act, so much of the business of the Department of the Interior as relates to Indian Affairs, and which has hitherto been conducted in what is usually known as the "Indian Branch" of that Department, shall fall under the management, charge and direction of the Department of Indian Affairs; and the Governor in Council may from time to time assign to the Department of Indian Affairs any of the present officers and employees of the Department of the Interior, or may direct any one or more of the officers and employees of the last-named Department to act as an officer of both Departments.

Division of present business, and of officers and employees of Department of the Interior between it and the Department of Indian Affairs.

8. The Governor in Council may also appoint, subject to "*The Canada Civil Service Act, 1868*," such officers, clerks and servants as may be requisite for the proper conduct of the business of the Department of Indian Affairs.

Appointment of officers, clerks and servants of the Department of Indian Affairs.

9. The Governor in Council may appoint an Indian Commissioner for Manitoba, Keewatin and the North-West Territories, or an Indian Commissioner for Manitoba and Keewatin and an Indian Commissioner for the North-West Territories, with such powers and duties as may be provided by Order in Council. The Governor in Council may also appoint an Indian Superintendent for the Province of British Columbia, with such powers and duties as may be provided by Order in Council.

Appointment of an Indian Commissioner and of an Indian Superintendent.

10. Any illegitimate child, unless having shared with the consent of the band whereof the father or mother of such child is a member 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 Superintendent-General.

Exclusion of natural children from bands.

11. Any Indian having for three years continuously resided in a foreign country without the consent in writing of the Superintendent-General or his agent, shall cease to be a member of the band of which he or she was formerly a member, nor shall he or she become again a member of that band, or become a member 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.

Loss of membership through residence in a foreign country.

Effect of marriage of an Indian woman with any other than an Indian or a non-treaty Indian.

12. 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. 5

Effect of marriage of an Indian woman with an Indian of any band but her own, or with a non-treaty Indian.

13. 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; but should she marry a non-treaty Indian, while becoming a member of the irregular band of which her husband is a member, she shall be entitled to share equally with the members of the band of which she was formerly a member in the distribution of their moneys; but this income may be commuted to her at any time at ten years' purchase with the consent of the band. 10 15

As to half-breeds in Manitoba.

14. No half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian; and 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; and any half-breed who may have been admitted into a treaty shall be allowed to withdraw therefrom on refunding all annuity money received by him or her under the said treaty, or suffering a corresponding reduction in the quantity of any land, or scrip, which such half-breed as such may be entitled to receive from the Government. 20 25 30

Reserves to be subject to this Act.

15. All reserves for Indians or for any band of Indians, or held in trust for their benefit, shall be deemed to be reserved and held for the same purposes as before the passing of this Act but subject to its provisions. 35

Surveys, plans, reports and sub-division into lots of reserves may be authorized.

16. 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. 40

What Indians only to be deemed lawful possessors of land in reserves.

17. No Indian shall be deemed to be lawfully in possession of any land in a reserve, unless he or she has been or shall be located for the same by the band or council of the band, with the approval of the Superintendent-General: Provided that no Indian shall be dispossessed of any land 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 45 50

land, or from the funds of the band, as may be determined by the Superintendent-General.

18. 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 also cause the same to be copied into a register of the band to be provided for the purpose.

Location ticket in triplicate; how dealt with.

19. 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, and such title shall be transferable only to an Indian of the same band, and then only with the consent and approval of the Superintendent-General, whose consent and approval shall be given only by the issue of a ticket in the manner prescribed in the next preceding section.

Effect of such ticket limited.

20. Upon the death of any Indian holding under location or other duly recognized title any 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 (if any), and the remainder upon his children in equal shares, and such children shall have a like estate in such land as their father had. During the minority of such children the administration and charge of such land and goods and chattels as they may be entitled to under this clause, shall devolve upon the widow (if any) of such deceased Indian. As each male child attains the age of twenty-one, and as each female child attains that age, or marries before that age with the consent of the said widow, his or her share to be handed to him or her: Provided always, that the Superintendent-General may at any time remove the widow from such administration and charge, and confer the same upon some other person, and in like manner remove such other person and appoint another, and so on as occasion may require. 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 he 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 of the land, the claimant or claimants shall not be held to be legally in possession until he, she or they obtains or obtain a location ticket from the Superintendent-General in the manner prescribed in the case of new locations: Provided always, that the Superintendent-General may, whenever there be minor children, appoint a fit and proper person to take charge of such children and their property, and remove such person and appoint another, and so on as occasion may require; Provided also, that the Superintendent-General shall have power to decide all questions which may arise respecting the dis-

Distribution of lands, goods and chattels of deceased Indians provided for.

Proviso.

Proviso.

Proviso.

tribution among those entitled of the land and goods and chattels of a deceased Indian; also to do whatever he may under the circumstances think will best give to each claimant his or her share, according to the true meaning and spirit of this Act, whether such share be a part of the lands or goods and chattels themselves, or be part of the proceeds thereof, in case it be thought best to dispose thereof; regard always being had in any such disposition to the restrictions upon the disposition of property in a reserve. 5

Privileges of Indians and non-treaty Indians having improved lands included in reserves in certain Provinces and places previously to the selection of such reserves provided for.

21. Any Indian or non-treaty Indian in the Province of British Columbia, in the Province of Manitoba, in the North-West Territories, or in the District 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. 15

Only Indians of the band may settle, reside and hunt upon the reserve of the band. All permissions to the contrary to be void.

22. 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 hypothecs 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. 20 25

Power to remove persons unlawfully occupying land, etc., in reserves.

23. 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 thereunto 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 process; and the expenses incurred in any such removal or notification shall be borne by the party removed or notified, and may be recovered from him as the costs in any ordinary suit: 30 35 40 45 50 55

Provided that nothing contained in this Act shall prevent **Proviso.**
 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
 5 residing on the reserve or receiving a location thereon.

24. If any person or Indian, after having been removed **Removal and**
 or notified as aforesaid, returns to, settles, resides or hunts **punishment**
 upon or occupies, or uses as aforesaid, any of the said land, **of persons**
 marsh or lots or parts of lots; or settles, or resides upon or **returning**
 10 occupies any of the said roads, allowances for roads, or lots **after having**
 or parts of lots, the Superintendent-General, or any officer or **been remov-**
 person deputed and authorized as aforesaid, upon view, or **ed.**
 upon proof on oath made before him, or to his satisfaction,
 that the said person or Indian has returned to, settled, re-
 15 sided 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
 20 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 forth-
 with to arrest such person or Indian, and commit him to the
 common gaol of the said county or district, or if there be no
 25 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 for the first offence, and thirty
 days additional for each subsequent offence.

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

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

40 27. If any person or Indian, other than an Indian of the **Punishment**
 band to which the reserve belongs, without the license in **of persons**
 writing of the Superintendent-General, or of some officer **trespassing**
 or person deputed by him for that purpose, trespasses upon **on Indian**
 any of the said land, roads, or allowances for roads in the **reserves.**
 45 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
 50 shall, on conviction thereof before any Stipendiary Magis-
 trate, Police Magistrate or Justice of the Peace, 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, with costs of prosecution in all cases; and in default of immediate payment of the said penalties and costs, the Superintendent-General, or such other person as he may have authorized in that behalf, may issue a warrant, directed to any person or persons by him named therein, to levy the amount of the said penalties and costs by distress and sale of the goods and chattels of the person liable to pay the same; and similar proceedings may be had upon such warrant as if it had been issued by the Magistrate or Justice of the Peace before whom the person was convicted; or the Superintendent-General, or such other person as aforesaid, without proceeding by distress or sale, may, upon non-payment of the said penalties and costs, order the person liable therefor to be imprisoned in the common gaol of the county or district in which the said reserve or any part thereof lies, for a period not exceeding thirty days when the penalty does not exceed twenty dollars, or for a period not exceeding three months when the penalty 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, or such other person as aforesaid, may commit the person in default to the common gaol, as aforesaid, for a period not exceeding thirty days, if the sum claimed upon the said warrant does not exceed twenty dollars, or for a time not exceeding three months if the sum does exceed twenty dollars: all such penalties shall be paid to the Receiver-General to be disposed 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.

Recovery of penalty if not forthwith paid.

Power to commit to gaol as an alternative in such cases,

or in default of levy of amount under warrant.

Application of penalties.

Punishment of Indians so trespassing.

28. 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 recognized 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, and similar proceedings may be had for the recovery thereof as are provided for in the next preceding section.

29. 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 5 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 10 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 man- 15 ner 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.

Name of offender need not be inserted in the warrant in certain cases.

30. All sheriffs, gaolers or peace officers to whom any 20 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.

Sheriffs, etc., to assist Superintendent-General.

31. If any railway, road or public work passes through 25 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 30 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 on any matter relating to the settlement of such compensation; and the 35 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.

Superintendent-General to name arbitrator on behalf of Indians when property is taken from them for any public improvement.

32. In all cases of encroachment upon, or of violation of 40 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.

Her Majesty's name may be used in proceeding in certain cases.

33. If by the violation of the conditions of any such 45 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 succession of trusteeship, in whom the title to a special reserve is held in trust, the said title lapses or becomes void in law, then the legal title shall 50 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. The trustees of any special reserve may at any time surrender the same to

Surrender of Special re-

serve to Her Majesty in trust.

Her Majesty in trust, whereupon the property shall be managed for the band or irregular band previously interested therein as an ordinary reserve.

Indians liable to labour on public roads in reserves and to what extent.

34. 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 labour on the public roads laid out or used in or through, or abutting upon such reserve,—such labour 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 labour 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 labour 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 labour; but the labour 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 labour and the performance thereof.

Powers of the Superintendent-General.

Proviso as to the amount of such labour.

Band to cause roads to be put and kept in order.

Power of the Superintendent-General.

Provisions respecting sale or lease of reserves.

Conditions precedent for validity of release or surrender of a reserve.

Assent of band.

35. 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.

36. 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, excepting that in cases of aged, sick and infirm Indians and widows or children left without a guardian, the Superintendent-General shall have the power to lease the lands to which they may be entitled for their support or benefit.

37. 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 individual Indian, shall be valid or binding, except on the following conditions:—

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 : Proviso.
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 ;

5 2. The fact that such release or surrender has been Proof of as-
assented to by the band at such council or meeting, shall be sent.
certified on oath before some judge of a superior, county, or
district court, or stipendiary magistrate, by the Superin-
tendent-General, or by the officer authorized by him to attend
10 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 License to
15 prevent the Superintendent-General from issuing a license cut trees, etc.,
to any person or Indian to cut and remove trees, wood, timber may be issu-
and hay, or to quarry and remove stone and gravel on and ed.
from the reserve ; Proviso. Provided he, or his agent acting by his
instructions, first obtain the consent of the band thereto in
20 the ordinary manner as hereinafter provided.

38. It shall not be lawful to introduce, at any council or No intoxicant
meeting of Indians held for the purpose of discussing or of to be intro-
assenting to a release or surrender of a reserve or portion duced at any
thereof, or of assenting to the issuing of a timber or other council or
25 license, any intoxicant ; and any person introducing at such meeting of
meeting, and any agent or officer employed by the Superin- Indians held
tendent-General, or by the Governor in Council, introducing, under the
allowing or countenancing by his presence the use of such next preced-
30 intoxicant among such Indians a week before, at, or a week ing section.
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.

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

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

41. No agent for the sale of Indian lands shall, within his
45 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
308 such land, during the time of his agency; and any such
purchase or interest shall be void ; and if any such agent
50 offends in the premises, he shall forfeit his office and the sum
of four hundred dollars for every such offence, which may

Agents not to
become inter-
ested in or
owners of
Indian lands.

be recovered in action of debt by any person who may sue for the same.

Effect of former unrescinded certificates of sale or receipts. 42. 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 thereunder, 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.

Evidence of possession.

Proviso.

Registers of assignments to be kept.

Entries therein on what proof to be made.

Their effect.

Proviso

If subscribing witness be dead, etc.

43. 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 any 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 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. But any assignment to be registered as aforesaid must be unconditional in its terms.

44. 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.

15 **45.** 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 the Heir, Devisee and Assignee Commission*," being chapter twenty-five of the Revised Statutes of Ontario.

Patent to issue after proof.

Proviso.

R.S., O., c. 25.

15 **46.** 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 heretofore made by the Governor in Council or the Superintendent-General shall continue valid until altered.

Duty of the Superintendent-General in cases of fraud.

Cancellations confirmed.

25 **47.** 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 in Ontario or Quebec, or to any judge of a superior court of law or any county judge of the 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 *habere facias possessionem* 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 *habere facias possessionem*, 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.

Obtaining possession after such cancellation in case of resistance.

Order in the nature of a writ of possession.

Execution.

50 **48.** 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

Enforcing payment of rent.

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.

Who to act or give notice for the Crown.

49. 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.

Cancellation of erroneous letters patent and issue of corrected ones in their stead.

50. 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.

Lands patented twice over.

51. In all cases in which grants or letters patent have 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.

Repayment of price in certain cases.

Limitation of time for claim.

Cases of deficiency of land provided for.

Compensation.

52. Whenever by reason of false survey or error in the books or plans in the Department of Indian Affairs, or in the late 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
 5 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.

Limitation of time for claim.

53. In all cases wherein patents for Indian lands have
 10 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
 15 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
 20 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.

Certain courts may void patents issued in error, etc.

Practice in such cases.

54. If any agent appointed or continued in office under
 25 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
 30 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.

Punishment of agents giving false information as to lands.

Penalty.

Recovery.

55. If any person, before or at the time of the public sale
 35 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
 40 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.

Punishment for preventing sale.

Misdemeanor, fine and imprisonment.

56. The Superintendent-General, or any officer or agent
 45 authorized by him to that effect, may grant licenses to cut trees on reserves and ungranted 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
 50 Council, such conditions, regulations and restrictions to be adapted to the locality in which such reserves or lands are situated.

Licenses to cut trees; by whom and how to be granted.

- For what time. **57.** 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 un- 5
granted 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. 10
- As to error in description, etc. **58.** Every license shall describe the lands upon which the trees may be cut and the kind of trees to 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 estab- 15
lished; and every license shall vest in the holder thereof all rights of property whatsoever in all trees of the kind specified cut within the limits of the license during the term thereof, whether such trees are cut by authority of the holder of such license or by any other person, with or with- 20
out his consent; and every license shall entitle the holder thereof to seize in revendication or otherwise, such trees and the logs, timber or other product thereof 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 25
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 pending at the expiration of any license may be continued to final termination as if the license had not expired. 30
- License must describe the land and kind of trees to be cut; its effect. **59.** 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 kinds of trees cut, and of the quantity and description of saw-logs, or of the number and description of sticks of 35
square or other 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 40
Order in Council, shall be held to have cut without authority, and the timber or other product made shall be dealt with accordingly.
- Further rights of holders of licenses as to trespassers. **60.** All trees cut and the logs, timber or other products thereof, shall be liable for the payment of the dues thereon, 45
so long as and wheresoever the same or any part thereof may be found, whether in the original logs or manufactured into deals, boards or other stuff; and all officers or agents entrusted with the collection of such dues may follow and seize and detain the same wherever it is found, until the 50
dues are paid or secured.
- Return to be made by licensee. **61.** Any instrument or security taken for the dues, either before or after the cutting of the trees, as collateral security
- Punishment for not making return or for evasion of regulations. **61.** Any instrument or security taken for the dues, either before or after the cutting of the trees, as collateral security
- Trees cut and their products to be liable for the payment of dues. **61.** Any instrument or security taken for the dues, either before or after the cutting of the trees, as collateral security
- Security taken for dues **61.** Any instrument or security taken for the dues, either before or after the cutting of the trees, as collateral security

or to facilitate collection, shall not in any way affect the lien, but the lien shall subsist until the said dues are actually discharged.

not to affect
lien.

62. 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 Superintendent-General, may order a sale of the said timber to be made after sufficient notice,—and the balance of the proceeds of such sale, after retaining the amount of dues and costs incurred, shall be handed over to the owner or claimant of such timber, upon his applying therefor and proving his right thereto.

Sale of seized
timber after a
certain delay.

63. If any person without authority cuts, or employs or induces any other person to cut, or assists in cutting any trees of any kind on Indian lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away, any trees of any kind so cut from Indian lands aforesaid, he shall not acquire any right to the trees 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 trees or logs or timber, or other products thereof, have been removed, so that the same cannot, in the opinion of the Superintendent-General, conveniently be seized, 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.

Punishment
for unlaw-
fully cutting
trees; their
forfeiture.

Additional
penalty in
case of
removal of
trees.

64. 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 trees have been cut without authority on Indian lands, and describing where the same or the logs, timber or other products thereof can be found, the said Superintendent-General, officer or agent, or any one of them, may seize or cause to be seized the same in Her Majesty's name, wherever it is found, and place the same under proper custody, until a decision can be had in the matter from competent authority;

Seizure of
trees cut
without
authority.

2. And where the wood, timber, logs or other products thereof so reported to have been cut without authority on Indian lands, have been made up or intermingled with other wood, timber, logs or other products thereof into a crib, dram, or raft, or in any other manner, so that it is difficult to distinguish the timber cut on reserves or Indian land without license, from the other timber with which it is made up

Presumption
of law in case
of mixture of
these and
other trees.

or intermingled, the whole of the timber so made up or intermingled shall be held to have been cut without authority on Indian lands, and shall be seized and forfeited and sold by the Superintendent-General, or any other officer or agent acting under him, unless evidence satisfactory to him is adduced shewing the probable quantity not cut on Indian lands. 5

Seizing officer may command assistance in the name of the Crown.

65. Any officer or person seizing trees, logs, timber or other products thereof, in the discharge of his duty under this Act, may in the name of the Crown call in any assistance necessary for securing and protecting the same; 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, shall, on conviction thereof in a summary manner before a justice of the peace or other proper functionary, be liable to a fine not exceeding _____ dollars, or to imprisonment not exceeding _____ months, or to both, in the discretion of the convicting justice or other functionary. 10 15 20

Punishment for resisting or obstructing him.

Taking things seized from seizing officer without his leave felony.

66. 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 trees, logs, timber, or other product thereof, 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 the same, as being the property of the Crown, and guilty of felony, and is liable to punishment accordingly; 25 30

Burden of proof in certain cases to lie on claimant, not on prosecutor or seizing officer.

2. And whenever any trees, logs, timber or other products thereof are 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 or whether the same were cut on other than any of the lands aforesaid, the burden of proving payment, or on what land the same were cut, shall lie on the owner or claimant and not on the officer who seizes the same, or the party bringing such prosecution. 35 40

Sale of trees, etc., seized, may be ordered in default of notice of claim.

67. All trees, logs, timber or other products thereof seized under this Act shall be deemed to be condemned, unless the person from whom the same are 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 same by the said officer or agent. 45 50

Proceedings for trial of

2. And any judge of a superior, county or district court, or any stipendiary magistrate, may, in a summary way,

and following the procedure on summary trials before justices of the peace out of sessions, try and determine such seizures, and may, pending the trial, order the delivery of the trees, logs, timber or other products thereof to the alleged
 5 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
 10 and kept by the Superintendent-General; and if such seized trees, logs, timber or other products thereof are 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.

15 **68.** 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.

Attempts to evade payment of dues to entail forfeiture of timber.

69. All moneys or securities of any kind applicable to the support or benefit of Indians, or any band of Indians, and all
 20 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
 25 before the passing of this Act.

Indian moneys to be dealt with as before.

70. 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,
 30 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
 35 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
 40 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.

Governor in Council may direct how Indian funds shall be invested and managed and payments made therefrom.

45 **71.** 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.

Proceeds of sales to be paid to the Receiver-General.

72. Whenever the Governor in Council deems it advisable for the good government of a band to introduce the election system of chiefs, he may by Order in Council provide that the chiefs of any band of Indians shall be elected,
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Governor in Council may provide for election of Chiefs.

as hereinafter provided, 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 : Provided, that no band shall have more than six head chiefs and twelve second chiefs, but any band composed of thirty Indians may have one chief : Provided always, that all life chiefs now living shall continue to hold the rank of chief until death or resignation, or until their removal by the Governor for dishonesty, intemperance, immorality or incompetency : Provided also, that in the event of His Excellency ordering that the chiefs of a band shall be elected, then and in such case the life chiefs shall not exercise the powers of chiefs unless elected under such order to the exercise of such powers.

Proviso.

Proviso.

Proviso.

How and by whom Chiefs may then be elected.

73. 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 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 :

Proviso.

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.

Chiefs to make regulations for certain purposes.

74. 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 profligacy ;
4. The prevention of trespass by cattle, also for the protection of sheep, horses, mules, and cattle ;
5. The construction and maintenance of water-courses, 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 ;

9. The repression of noxious weeds :

10. The imposition of punishment, by fine or penalty, or by imprisonment, or both, for infraction of any of such rules or regulations ; the fine or penalty in no case to exceed thirty dollars, and the imprisonment in no case to exceed thirty days ; the proceedings for the imposition of such punishment to be taken in the usual summary way before a justice of the peace, following the procedure on summary trials before a justice out of sessions.

75. No Indian or non-treaty Indian shall be liable to be taxed for any real or personal property, unless he holds real estate under a 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 situate.

Liability to taxation.

76. 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.

Exemptions from taxation.

77. 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 seventy-five 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.

Security not to be taken on exempted property.

Proviso.

78. 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.

Rights of action of Indians.

79. 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.

Things pawned by Indians for drink, etc, not to be retained.

80. 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, 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

Restrictions on traffic with Indians for presents given to them or things got by means of their annuities.

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-General or his agent; and whosoever buys or otherwise acquires any presents or property purchased as aforesaid, without the written consent of the Superintendent-General, or his agent, as aforesaid, is guilty of a misdemeanor, and is punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, in any place of confinement other than a penitentiary. If any presents given to Indians or non-treaty Indians, or any property purchased or acquired with or by means of any annuities granted to Indians, be unlawfully in the possession of any person, within the true intent and meaning of this section, any person acting under the authority (either general or special) of the Superintendent-General, may, with such assistance in that behalf as he may think necessary, seize and take possession of the same, and he shall deal therewith as the Superintendent-General may direct.

DISABILITIES AND PENALTIES.

Indians may not have homesteads in Manitoba, the North-West Territories or Keewatin.

81. 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 pre-emption 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 therefor from 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.

Indian undergoing sentence for crime not to receive share of annuity while imprisoned.

82. 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 confine-

ment, 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.

83. 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 the support of any family, woman or child so deserted; also to stop the payment of the annuity and interest money of any woman having no children, who deserts her husband and lives immorally with another man.

Payment of annuity may also be stopped in cases of an Indian husband deserting his wife, or an Indian wife deserting her husband.

84. 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.

Sick, &c., Indians may be relieved out of the funds of the band.

85. 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.

Evidence of unbelieving Indian may be received on his solemn affirmation.

86. Provided that in the case of any inquest, or upon any enquiry 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.

Substance of his evidence to be reduced to writing and signed by him and by judge, and interpreter.

87. 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.

Indian to be cautioned to tell the truth.

Written declarations, etc., of Indians may be used as evidence when those of other persons would be so used.

88. 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 affidavit, examination deposition or confession of any other person, might be lawfully read and received as evidence. 5

Effect of solemn affirmation, etc., of Indian.

89. 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. 10

Punishment for furnishing Indians with intoxicants.

90. Whoever sells, exchanges with, barter, 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 connives or attempts thereat, 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 found 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, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories or in the Province of British Columbia, upon the evidence of the informer alone if he be a credible person, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour, or 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, or he shall be liable to both fine and imprisonment in the discretion of the convicting judge, stipendiary magistrate or justices of the peace; 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, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories or in the Province of British Columbia, upon the evidence of the informer alone if he be a credible person, to be fined not less than fifty nor exceeding three hundred dollars for each such offence, with costs of prosecution,—the moieties of the fine to be applicable as hereinafter 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 15 20 25 30 35 40 45 50 55

Penalties and their application.

Of commanders of vessels on board of which the same are furnished.

Penalties and their application.

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 labour, or until such

5 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 other Indian or non-treaty Indian in Canada any kind of intoxicant, shall, on conviction

10 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, or in the Province of Manitoba, in the District of Keewatin, in the North-West Territories, or in the Province of British Columbia, upon

15 the evidence of the informer alone if he be a credible person, be liable to imprisonment for a period of not less than one month nor more than six months, with or without hard labour, or a fine of not less than *twenty-five* or more than

20 *one hundred dollars*, or to both fine and imprisonment in the discretion of the convicting judge, stipendiary magistrate or justices of the peace; 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

25 sickness where the intoxicant is made use of under the sanction of a medical man or under the directions of a minister of religion.

Punishment of Indians making such or selling the same to other Indians.

Proviso.

91. 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

30 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

35 or brought into and upon any reserve or special reserve, or into the house, tent, wigwam or place of abode, or on the person of any Indian or non-treaty Indian, may be searched for, and if found seized by any Indian superintendent, agent or bailiff, or other officer connected with the Indian Department, or by any constable wheresoever found on such land

40 or in such place or on the person of such Indian or non-treaty Indian, 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

45 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

50 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 labour,

55 for any time not exceeding six nor less than two months, unless such fine and costs are sooner paid.

Keg, etc., in which intoxicants are carried to be forfeited.

Intoxicants and vessels containing them may be searched for seized and destroyed by order of J.P.

Persons in whose possession they are found subject to penalty from \$50 to \$100.

Imprisonment in default of payment.

Vessels used conveying intoxicants in contravention of this Act subject to seizure and forfeiture.

92. 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 thereof paid to Her Majesty for the purposes hereinbefore mentioned.

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Articles exchanged for intoxicants may be seized and forfeited.

93. 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 ninety-first 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.

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Intoxicated Indians may be arrested, imprisoned until sober; and fined; and further punished on their refusal to say from whom they got the intoxicants.

94. 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 one month; 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.

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Penalties on keepers of boarding houses committing certain offences.

95. If any person, being the keeper of any house, allows or suffers any Indian woman to be or remain in such house, knowing, or having probable cause for believing, that such Indian woman is in or remains in such house with the intention of prostituting herself therein, such person shall be deemed guilty of an offence against this Act, and shall, on conviction thereof, in a summary way, before any stipendiary magistrate, police magistrate or justice of the peace, be liable to a fine of not less than ten dollars, or more than one hundred dollars, or to imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding six months.

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Who shall be deemed the master or mistress of such house.

96. Any person who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any house in which any Indian woman is, or remains for the purpose of prostituting herself therein,

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shall be deemed and taken to be the keeper thereof, notwithstanding he or she may not in fact be the real keeper thereof.

97. No appeal shall lie from any conviction under the seven next preceding sections of this Act, except to a judge of any superior court of law, county, or circuit, 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 adjudicated 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.

To what judges only appeal shall lie from conviction under any of the next preceding seven sections.

98. 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.

Want of form not to invalidate conviction.

99. 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 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.

Report of agent when Indian obtains consent of band to be enfranchised.

Inquiry thereupon.

Location ticket on favorable report.

(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 Dominion to practice law either as an Advocate or as a Barrister or Counsellor, 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, may, upon petition to the Superintendent-General, *ipso facto* become and be enfranchised under this Act, and he shall then be entitled to all the rights and privileges to which any other member of the band to which he belongs would be entitled were he enfranchised under the provisions of this Act; and the Superintendent-General may give him a suitable allotment of land from the lands belonging to the band of which he is a member.

Indians admitted to degrees in Universities.

100. 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

Patent after certain period of probation.

Indian in fee simple the land which had, with this object in view, been allotted to him or her by location ticket. And in such cases compliance with the provisions of sections thirty-six and thirty-seven and the sub-sections thereof shall not be necessary.

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Indian to declare name chosen; and to be known by it.

Wife and minor children also enfranchised.

Effect of such enfranchisement.

Proviso as to children attaining their majority before their father's probation expires.

Proviso as to children found unqualified; or being married.

Case of Indian failing to qualify, or dying before expiration of probation. As to children of probationary or enfranchised widows.

101. 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 hereafter 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 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.

102. 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 seventeenth, eighteenth, nineteenth and twentieth sections of this Act.

103. 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.

5 **104** 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
 10 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.

Rules for allotting lands to probationary Indians.

Proviso as to power of band in this behalf.

15 **105.** 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
 20 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
 25 Indian any right to participate in the annuities, interest moneys, rents and council of the band.

As to Indians not members of the band but permitted to reside on their reserve.

Proviso.

106. Whenever any band of Indians, at a council summoned for the purpose according to their rules, and held in
 30 the presence of the Superintendent-General, or 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
 35 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
 40 immediately succeeding the date on which he or she was granted letters patent, or for any longer period that 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
 45 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
 50 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

Provision when band decides that all its members may become enfranchised.

Or when Indian becomes qualified by exemplary conduct.

If such Indian be a married man or widow.

And as to unmarried children of any such enfranchised and married Indians.

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 5 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 10 principal moneys of their band as aforesaid, shall thenceforward 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.

Provision as to Indians in British Columbia Manitoba, the N. W. Territories or Keewatin.

107. Sections ninety-nine to one hundred and six, both in 15 clusive, of 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 20 be, to any band of Indians in any of the said provinces or territories.

Before whom affidavits to be used under this Act may be made.

108. All affidavits required under this Act, or intended to be used in reference to any claim, business or transaction in connection with Indian Affairs, may be taken before the 25 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 his Deputy, or any Inspector of Indian Agencies, or any Indian Agent, or any Surveyor duly licensed and sworn, ap- 30 pointed 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 municipality, or before 35 any Notary Public ; and any wilful false swearing in any such affidavit shall be perjury.

Certified copies of official papers to be evidence.

109. 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 40 or of his Deputy shall be competent evidence in all cases in which the original records, documents, books or papers, could be evidence.

Governor in Council may exempt from operation of this Act ; and remove such exemption.

110. The Governor in Council may, by proclamation from time to time, exempt from the operation of this Act, or from 45 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, 50 or in either of them, and may again, by proclamation from time to time remove such exemption.

111. The Governor may, from time to time, appoint other 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.

Governor to appoint officers, etc., to be paid out of moneys appropriated by Parliament.

112. Section fifty-six of chapter sixty-one and section fifty of chapter sixty-eight of the Consolidated Statutes of Canada, section twenty-nine of chapter forty-nine of the Consolidated Statutes of Upper Canada, and so much of chapter eighty-one of the said Consolidated Statutes of Upper Canada as relates to Indians or Indian lands, sections five to thirty-three, inclusive, and sections thirty-seven and thirty-eight of an 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, and the Act passed in the thirty-ninth year of Her Majesty's reign and chaptered eighteen, and the Act passed in the forty-second year of Her Majesty's reign and chaptered thirty-four, 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.

Acts and parts of Acts repealed, viz.: s. 56 of c. 61, and s. 50 of c. 68, Con. Stat. Can. s. 29 of c. 49 of Con. Stat. U. C., part of c. 81 of Con. Stat. U. C., ss. 5 to 33, and ss. 37, 38 of 31 V., c. 42. Acts 32, 33 V., c. 6, and 37 V., c. 21, 39 V., c. 18, and 42 V., c. 34.

Saving clause as to things done, etc.

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

Repealed Acts not to revive.

2nd Session, 4th Parliament, 43 Victoria, 1880.

C

BILL.

An Act to amend and consolidate the
laws respecting Indians.

Received and read, first time, Wednesday, 3rd
March, 1880.

Second reading, Wednesday, 10th March, 1880.

Hon. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.
1880.

MEMORANDUM

On the subject of Bill C, "*to amend and consolidate the laws respecting Indians.*"

Most of the clauses of this Bill are taken, word for word, from "*The Indian Act, 1876*" (39 V., c. 18), and the "*Act to amend the Indian Act, 1876*" (42 V., c. 34.)

The principal alterations and additions are as follows:—

Sections 2 and 3 of 39 V., c. 18, are transposed in this Bill; the former is very much shortened, and the five provisos in sub-sec. 3 of the latter are left out, for the purpose of being brought in further on.

Clauses 4, 5, 6, 7, 8 and 9 are new.

Clauses 10, 11, 12, 13 and 14 are the five provisos omitted as above, with alterations in 10, 11, 13 and 14 only, all but the first four lines of 13 being new, and the latter half of 14 being taken from section 1 of 42 V., c. 34.

Clause 20 is new from "had" in line 26 to "should" in line 38, and from "locations" in line 48 to the end; the rest is sec. 9 of 39 V., c. 18.

Clause 27 is section 16 of 42 V., c. 34.

The provision for the surrender of a special reserve, at the end of clause 33, is new.—See 39 V., c. 18, s. 22.

The exception at the end of clause 36 is new.—See 39 V., c. 18, s. 2.

Sub-section 2 of clause 63 is sub-sec. 2 of sec. 53 of 39 V., c. 18 re-made.

In clause 65, the words after "Act" in line 15, are substituted for the words "is guilty of felony and liable to punishment accordingly" in the corresponding section (54) of 39 V., c. 18.

In sub-section 2 of clause 67, jurisdiction is given to certain judges in particular, instead of to judges in general, as in sub-sec. 2 of 39 V., c. 18, s. 56.

Clause 72 is sec. 62 of 39 V., c. 18, with two provisos added, and some change in the wording of the first portion.

In clause 74, section 4 of 42 V., c. 34, is incorporated with sec. 6 of 39 V., c. 18, the words "horses, mules and cattle" are added to subject 4, and all the words after "days" in page 21, line 8, are added to subject 10.

Clause 80 is section 69 of 39 V., c. 18, with the addition made to it by sec. 5 of 42 V., c. 34.

In clause 90, the provisions for conviction on the evidence of the informer alone in certain places, for the (discretionary) imposition of both fine and imprisonment, and for the imposition of the fine mentioned in italics in lines 18 and 19 of page 25, are new, not being in sec. 79 of 39 V., c. 18.

In clause 91, the power to search for intoxicants and the power to seize them on the persons of Indians, are new.— See 39 V., c. 18, s. 80.

Clauses 95 and 96 are sections 7 and 8 of 42 V., c. 34.

Clause 97 is section 84 of 39 V., c. 18, but extending the provisions as to appeals from convictions under them to the two last clauses, as well as to the five preceding those two.

In clause 99, (1) all the words after "Gospel" in page 27, line 40, are new.

Clause 108 differs but slightly, and in unimportant particulars, from sec. 95 of 39 V., c. 18.

In clause 112, the two Acts to be consolidated are added, of course, to the list of those to be repealed.

E. L. MONTIZAMBERT,

Law Clerk of the Senate.

Law Clerk's Office,
The Senate, 15th March, 1880.

2nd Session, 4th Parliament, 43 Victoria, 1

MEMORANDUM

On the subject of Bill C, "to amend
consolidate the laws respecting India

(Printed by Order of Parliament.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO

1880.

BILL.

An Act to provide for the winding up of "*La Banque Ville Marie*," and the reduction of its capital stock.

- W**HEREAS "*La Banque Ville Marie*," has by its petition Preamble.
represented that it has met with great losses, after
which it had to suspend its regular banking business, par-
ticularly the discounting of bills and notes, although not in
a state of insolvency, and that it is the frequently-expressed
5 wish of a great number of its shareholders that its affairs
should be wound up; and whereas the said Bank has by its
petition prayed to be authorized to that effect; and whereas
it may be for the interest of the said Bank, in order the
better to effect the said winding up and subserve the interests
10 of its shareholders, to name special liquidators and to reduce
the shares of the capital stock of the said Bank by one half:
Therefore Her Majesty, by and with the advice and consent
of the Senate and House of Commons of Canada, enacts as
follows:—
- 15 **1.** The shareholders of *La Banque Ville Marie* may, at any
special general meeting called for that purpose, appoint Liquidators
may be ap-
pointed at a
special gener-
al meeting.
three persons as liquidators to realize the assets and wind
up the affairs of the said Bank. These liquidators shall ap-
point one of their number to be their chairman, and shall
20 have all the administrative powers of directors; but no busi-
ness shall be transacted by the said Bank other than such as
shall be requisite for the winding up of its affairs in the
manner directed by this Act. These liquidators shall pro- Their duties
and powers.
ceed, according to their discretion, with the realization of
25 the assets of the bank as speedily as possible, without undue
sacrifices. For that purpose they may make such arrange-
ments with any other bank for the collection of debts due to
the said *Banque Ville Marie*, upon such terms and conditions
as they may deem reasonable. From and out of the proceeds Payment of
debts.
30 of such assets they shall pay all the ordinary liabilities of
the bank, after having first discharged all the privileged
claims against it. And, after having paid in full all such Division of
surplus.
privileged and ordinary liabilities, and provided for the pay-
ment of any of such liabilities that shall not have been
35 claimed, they shall divide the balance of all sums of money
and of the proceeds of the collection of the debts due to the
Bank, and of the sale or realization of all other assets whatso-
ever belonging to the said *La Banque Ville Marie*, among the
shareholders of the said Bank, in manner and form as here-
40 inafter provided.
- 2.** Immediately after entering into office the liquidators Provision for
doing away
shall proceed to do away with the existing inequality be-

with inequalities between shareholders who have paid up their shares in full and those who paid for them in part only.

tween those shareholders of the said Bank who have paid up their shares in full and those of them who have only partly paid up theirs. They shall first calculate, at the rate of eight per cent., the interest accrued on the instalments of subscriptions for shares remaining unpaid, place the amount of such interest to the debit of the shareholders by whom it is due, and exact the immediate payment of it in full, unless it shall be evident, from the state of the affairs of the Bank, that its assets will produce more than the amount required for the reimbursement of the other shareholders, so that default in the payment of such interest will not be at all injurious to them. Then the sums of money successively arising from the sale of the assets of the Bank shall be, from time to time, distributed in the form of dividends among the shareholders. But those who have not paid in full for their shares shall be excluded from participating in these dividends, so long as those who have paid in full for theirs have not been reimbursed in full for the excess of instalments paid by them. And if at any time in the course of their operations in liquidation, the said liquidators ascertain (as it shall be their duty to do as speedily as possible), in a satisfactory manner, from a general statement of the affairs of the Bank, that the payments on account made on any number of shares of the capital stock of the said Bank are so small that it is probable that the assets of the Bank will not produce enough to make good to the other shareholders the difference which exists between the proportion of the payments made by them and that of the payments made by the shareholders in arrears, then it shall be the duty of the said liquidators to prepare at once a statement showing what amount per share the shareholders in arrears will have to pay, allowing for cost of collection, for contributions for making good the amounts due by insolvent shareholders, and for an amount sufficient to cover unforeseen cases, in order to make things equal between shareholders in arrears and shareholders who have paid more than them. The said liquidators shall send a copy of such statement, by mail, to each of the said shareholders in arrears, with a demand of the sum which, according to it, such shareholder will have to pay. This demand of payment shall, for all legal purposes, be equivalent to a call; and fifteen days after the mailing thereof in the Post Office at Montreal, the liquidators shall have a right to sue in the name of the Bank for the said sum, without its being necessary that they should prove, nor even allege, the making of any other call. And a copy of the said statement, with the ordinary certificate of the cashier of the said Bank, or the certificate of the said liquidators, to the effect that, according to the books of the said Bank, the defendant is the owner of so many shares in the capital stock of *La Banque Ville Marie*, and that he has only paid so many instalments on the said shares, shall be *prima facie* evidence of the said claim, and shall entitle the said Bank to a judgment against the defendant for the amount so ascertained: Provided always, that nothing herein contained shall affect any pending case or be in any way prejudicial to the rights which the said Bank already has against its shareholders for the recovery of the amounts of calls already made on their shares.

3. If any portion of the liabilities of the Bank, either in the shape of ordinary debts or in that of notes in circulation not redeemed, shall remain unpaid when the last dividend payable to the shareholders is declared, the amount which shall have been reserved as a provision for such liabilities shall be retained on deposit at interest by the liquidators in the name of the said *La Banque Ville Marie*, in some other bank offering all the desirable guarantees for its safety, or in the hands of the Provincial Treasurer of the Province of Quebec, until more than five years shall have elapsed from the incurring of ordinary liabilities, or from the passing of this Act in the case of outstanding bills; and thereupon, after one month's notice in the *Canada Gazette* and in one newspaper published in French and another in English, in the City of Montreal, the intention of the liquidators to distribute such reserve among the shareholders, any balance then remaining unclaimed shall be distributed accordingly, with all the interest received thereon.

Provision with respect to liabilities in suspense.

Deposit to be made for the purpose of securing the payment of these debts during a limited time.

Notice of the lapse of that time.

Distribution of the reserve among the shareholders.

4. The liquidators shall be responsible each for his own acts and deeds only, and otherwise in like manner as the Directors of the said Bank would be. They shall be indemnified out of the assets of the Bank for all reasonable expenses incurred in the winding up thereof, and shall receive such remuneration as shall be voted them by the shareholders at the meeting at which they shall have been appointed, or at the last meeting of the shareholders, and they shall be subject to instructions from the shareholders, and to be removed and replaced by others from time to time by the shareholders at any special general meeting called for that purpose, in the mode provided by the charter of the Bank. But if a vacancy occurs from any cause, the remaining liquidators or liquidator shall continue the winding up of the Bank, with all the powers conferred upon all of them, until such vacancy is filled. The majority of the liquidators, if there are more than two of them, shall form a quorum.

Responsibility and remuneration of liquidators.

They shall be subject to instructions from the shareholders.

In the event of a vacancy or vacancies the remaining liquidators or liquidator shall continue to act.

5. In the event of the death, refusal to act, or incapacity of any kind, of one or more of the liquidators, it shall be the duty of the other liquidator or liquidators at once to call, in the manner prescribed by law, a meeting of shareholders for the purpose of proceeding to the appointment of a new liquidator, or new liquidators. And in case such liquidator or liquidators refuse or neglect to call such meeting within fifteen days from the date of the death, resignation, ceasing to act or becoming incapable of acting of any of the liquidators, or in case all the liquidators have died, resigned, or refused to act, the president of the said Bank, or any member of the board of directors thereof will have a right to call such meeting.

Mode of replacement of liquidators dying, refusing to act, or becoming incapacitated.

6. The liquidators shall keep their office as such in the present offices of the said Bank, or in any place which the shareholders may assign to them or authorize them to select, which office shall be the seat of business of the said Bank and of its board of directors.

Where the liquidators shall keep their offices.

Entry into office of the liquidators— They shall be put in possession of the books, &c., by the directors.

7. The directors shall immediately deliver up to the liquidators, when appointed, all the books, title deeds, documents and papers, as well as the keys of the safes and all sums of moneys in their possession, at the time of the entering into office of the liquidators: Provided always, that during all the time the liquidation lasts, the directors shall always have access to the books, during the usual office hours, and may refer thereto, but without impeding the work of the liquidators. 5

The liquidators shall render an account of their doings yearly to a meeting of the shareholders called by them.

8. It shall be the duty of the liquidators to call, at least once a year, in the mode prescribed by law, a general meeting of the shareholders of the said Bank, and to submit to such meeting a statement of the affairs of the said Bank, and of the progress made in the work of liquidation. If the said liquidators refuse or neglect to call such a meeting of the shareholders, at least once a year, or to submit to such meeting such a statement of affairs as is above mentioned, or if the directors see in the manner of acting of the liquidators, grave subjects of complaint, they may at any time themselves call a general meeting of the shareholders, in the usual way, to take into consideration the conduct of the liquidators. 10 15 20

In certain cases such meeting may be called by the directors.

Power to shareholders to dismiss liquidators and appoint others in their stead, &c.

9. It shall at all times be lawful for the shareholders, or a majority of them, present or duly represented at such a regular meeting of the said shareholders called according to law, to dismiss any liquidator and appoint another in his place, or to appoint others in the places of all three of them, or even to give to the board of directors any right of control and supervision over the operations of the liquidators that the said shareholders may think it to be for the interest of the Bank that they should exercise. It shall also be lawful for them to suspend for a time, if they think fit, the winding up of the affairs of the said Bank, in case it appears to the said shareholders that it is for their interest to do so; and instructions to that effect may be given to the liquidators by regular resolutions adopted at the said meeting. 25 30 35

Assets may be sold *en bloc* by authority of shareholders.

10. If, pending the realization of the assets of the Bank, an offer should be made for the purchase of the whole of the remaining assets *en bloc*, the liquidators may submit such offer to a special general meeting of the shareholders called for the purpose, and if authorized so to do by such meeting, may accept the same with or without modification as they may be instructed to do by such meeting; and thereupon may execute a valid conveyance thereof to the purchaser thereof. 40

Reduction of the capital stock.

11. The capital stock of *La Banque Ville Marie* is hereby reduced from one million of dollars to five hundred thousand dollars. It shall henceforth be divided into ten thousand shares of fifty dollars each, and the nominal value of each of the said shares is hereby reduced from one hundred dollars to fifty dollars: Provided, that the liability of the present holders of the said shares to third parties is not in any way altered. 45 50

Proviso.

12 The final dividend for the distribution of the balance of the proceeds of the winding up of the affairs of the Bank shall be disposed of in such a way as to do away with all inequality between the shareholders, according to the proportion paid by each of them on the instalments on his shares, and the proportion returned to each of them in previous dividends.

Final dividend.

13. After having finally wound up the affairs of the said Bank, the liquidators shall make a final report to a general meeting of the shareholders called for that purpose; and the adoption of the said report will put an end to the powers of the said liquidators. At the same meeting, if called for that purpose also, and notice given accordingly, or at any subsequent meeting called by the directors, or by five of the shareholders of the said Bank, holders of at least ten shares each, the shareholders shall then have power to break up the bank and surrender its charter, which shall thereupon become null and void. At such final meeting the shareholders may make such orders as they may think fit on the subject of the disposal and custody of the books, records and documents of the Bank.

Final report of liquidators and end of their powers.

Breaking up of the bank.

14. Nothing in this Act contained shall affect the rights and privileges or the organization of the said *La Banque Ville Marie*, as they now exist, in virtue of the law and of the charter of the said Bank, but the same shall remain in full force and virtue until the shareholders of the said Bank have decided to surrender their said charter, as provided for in the next preceding section.

Charter of bank to remain in force until surrendered.

2nd Session, 4th Parliament, 43 Victoria, 1880.

D

BILL.

An Act to authorize the winding up of
La Banque Ville Marie, and the reduc-
tion of its capital stock.

Received and read, first time, Wednesday, 10th
March, 1880.

Second reading, Friday, 12th March, 1880.

Hon. Mr. TRUDEL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.
1880.

BILL.

An Act to incorporate the "Sault Ste. Marie Railway and Bridge Company."

WHEREAS the persons hereinafter named and others Preamble.
have petitioned for incorporation as a Company to
construct a railway from the Village of Sault Ste. Marie, in
the District of Algoma, to connect with existing or projected
5 railways in the Dominion of Canada, at or near Lake
Nipissing, with power to construct a railway bridge across
the River Ste. Marie at or near the Sault Ste. Marie, to connect
with the railway system of the United States of
America; and whereas the construction of such a railway
10 and bridge would be a work for the general advantage of
Canada, and it is expedient to grant the prayer of the
petitioners: Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of Canada,
enacts as follows:—

15 **1.** James Saurin McMurray, James D. Edgar, the Honorable Frank Smith, Donald McInnes, R. R. Dobell, Charles James Campbell, and William Edward O'Brien, Esquires, with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic by the name of the "Sault Ste. Marie Railway and Bridge Company," and shall have all the powers incident to railway corporations in general, and the powers and privileges conferred on such corporations by "*The Consolidated Railway Act, 1879*," subject, however to the provisions hereinafter contained. Certain persons incorporated.

20 **2.** The said Company shall have full power and authority to lay out, construct and complete a double or single iron or steel railway, of a gauge of four feet eight and one-half inches in width from Sault Ste. Marie, in the District of Algoma, eastward to a point at or near Lake Nipissing, to connect with the railways in Canada and to construct a Railway Bridge across the River Ste. Marie at or near the Sault Ste. Marie to connect with the railway system of the
25 United States of America. Objects and powers of company.

3. The Railway Bridge to be built under the authority of this Act across the River Ste. Marie, shall or may be used by any other railway company on such terms as may be mutually agreed on; and in the event of dispute the terms
30 shall be settled by arbitration, each disputing party to select an arbitrator, and the two so chosen to select a third, a Use of bridge by other companies. Arbitration in case of dispute.

majority of whom shall decide. Should either disputing party, after ten days' demand in writing, neglect or refuse to appoint an arbitrator, then upon application to a judge of any of the superior courts of law or equity in Ontario, accompanied by an affidavit of an officer of the Company having appointed an arbitrator that the opposite party so refuses to appoint an arbitrator, the judge shall appoint an arbitrator for the party so refusing.

Agreement
for amalgama-
tion.

4. The said Company shall have power to unite with any other company incorporated or which may be incorporated by the laws of the State of Michigan, one of the United States of America, in building the said bridge over the Ste. Marie River, and to enter into a contract or agreement with such company respecting the construction and maintenance thereof.

Running ar-
rangements
with other
companies.

5. The said Company shall have power to make running arrangements with any railway lines situate on the line hereby authorized, or crossing or connecting with the same, upon terms to be approved by two-thirds of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said Company to enter into any agreement with any other railway company whose line is situated on the line hereby authorized or whose line can connect therewith for leasing the said Sault Ste. Marie railway and bridge or any part thereof or the use thereof at any time or times, or for leasing or hiring from such other company any railway or part thereof or the use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock or other property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, or for amalgamation with any other railway company, if the arrangements and agreements shall be approved of by two-thirds of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose; and every such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges in this charter conferred.

To be ap-
proved.

Company may
accept aid.

6. The said Company may accept assistance in money or debentures, or by the guarantee of their bonds or debentures by the other company or companies, from any railway company or companies in the Province of Ontario or the United States of America, with whom the said Company is empowered to make running arrangements or to amalgamate; and for such assistance the said Company may grant to such other company or companies such security by mortgage or in any other way as the companies may agree upon.

Agreement
for construct-

7. The Company may, under agreement, join with any other railway company in constructing such portion of the

line and the bridge as shall be common to both companies; and for that purpose, may contribute out of its stock to such common railway and bridge and may issue joint debentures for any balance of the cost of construction thereof, creating
 5 such liens and charges thereon as shall be designated in such debentures; and may agree with such company as to the mode of using such common railway and bridge and of building a second track thereon, and may make all requisite arrangements for the management of such common railway
 10 and bridge, and for subsequently dividing their property therein; all such agreements and arrangements shall be established from time to time by deed, which deed, however, shall have no force or effect until approved by the shareholders at a special general meeting called for that
 15 purpose.

ing bridge in
common.

8 The said Company shall have power to construct, charter and navigate, for the purpose of crossing the said Ste. Marie River until the bridge over the river shall be completed, scows, boats, sail or steam vessels, for the purpose of
 20 carrying passengers and goods across the said river to and from any railway on the opposite side of the river in the State of Michigan; and shall also have power to construct, purchase, charter and navigate steam vessels and other water craft on any lake, river or stream near to or touched
 25 by the railway hereby authorized to be constructed or any of its branches for the purpose of traffic in connection with the railway or any of its branches.

Power to hold
and use ves-
sels.

9. The capital stock of the said Company shall not exceed in the whole the sum of one hundred thousand dollars to be
 30 divided into shares of one hundred dollars each, which stock shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said stock; and the money so raised shall be applied in the first place to the payment of all fees, expenses and
 35 disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway and bridge, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and bridge and other
 40 purposes of this Act, with power to increase the capital stock to one million dollars by a two-thirds vote of the shareholders present in person or represented by proxy at any meeting of the Company called for that purpose.

Capital stock
and shares.

Increase.

10. It shall be lawful for the said Company to receive
 45 either by grant from Government or from any private individuals or corporations, as aid in the construction of the said railway, any vacant lands in the vicinity thereof, or any other real or personal property, or any sums of money, either as gifts or in payment of stock, and legally to dispose of the
 50 same and alienate the lands or other real or personal property for the purposes of the said Company in carrying out the provisions of this Act.

Aid in land,
etc., may be
received.

Ten per cent.
to be paid on
subscription.

11. No subscription for stock in the capital of the Company shall be binding on the Company unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Provisional
Directors and
their powers.

12. James Saurin McMurray, James D. Edgar, the Honorable Frank Smith, the Honorable John Beverly Robinson, Charles James Campbell, William Edward O'Brien, and the successor or successors of them shall be and are hereby constituted a Board of Directors of the said Company with power to add to their number, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of "The Company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of shareholders for the election of other directors as hereinafter provided, and generally to do all such other acts as such Board, under the *Consolidated Railway Act, 1879*," may lawfully do. The said directors are hereby empowered to take all necessary steps for opening the stock books for the subscription of parties desirous of becoming shareholders in the said Company, and all parties subscribing to the capital stock of the said Company shall be considered proprietors and partners in the same.

First meeting
of share-
holders.

13. When and so soon as one half of the capital stock of the said Company shall have been subscribed and twenty per cent. of the amount so subscribed paid in, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Toronto, for the purpose of electing directors of the said Company, giving at least two weeks' notice, by advertisement in the *Canada Gazette*, of the time, place and purpose of the said meeting.

Proceedings
at such meet-
ing.

14. At such general meeting the subscribers for the capital stock assembled who shall have paid up twenty per cent. of the amount so subscribed by them as aforesaid, with such proxies as may be present, shall choose nine persons to be directors of the said Company (of whom five shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and "*The Consolidated Railway Act, 1879*."

45

Annual and
special gen-
eral meetings.

15. Thereafter the annual general meeting of the shareholders of the said Company shall be held at such place in the City of Toronto and on such day and at such hour as may be directed by the by-laws of the Company, and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette* and in one or more newspapers published at the City of Toronto and special general meetings of the

shareholders of the said Company may be held at such places in the City of Toronto and at such times, and in such manner and for such purposes as may be provided by the by-laws of the Company.

5 **16.** The said Board of Directors may employ one or more of their number as paid director or directors: Provided, however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said Company and shall have paid up all calls
10 upon such shares.

Paid director and qualification of director.

17. The directors may at any time call upon the shareholders for instalments upon each share which they or any of them may hold in the capital stock of the said Company in such proportion as they may see fit, no such instalment
15 exceeding ten per cent.; and the directors shall give one month's notice of such call in such manner as they may appoint.

Calls on shares.

18. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for
20 sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a majority of a quorum of the directors, shall be
25 binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill
30 of exchange, nor shall the said President or Vice-President, or the Secretary and Treasurer be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors as herein provided and
35 enacted: Provided however, that nothing in this section shall be construed to authorize the said Company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Company may become parties to promissory notes

Proviso; as to bank notes.

19. The directors of the Company are hereby authorized
40 to issue bonds under the seal of the Company, signed by its President or other presiding officer and countersigned by its Secretary, and such bonds may be made payable in such money or moneys, at such times, in such manner, and at such place or places in Canada or elsewhere and bearing
45 such rate of interest as the directors shall think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds, at such price and upon such terms and conditions as they may think fit, for the purpose of raising money for prosecuting the said undertaking:
50 Provided, that the amount of such bonds shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed or under contract to be constructed.

Company may issue bonds.

Proviso; amount limited.

To be a first charge on the undertaking.

Proviso in case of non-payment.

Proviso; bonds to be registered.

How bonds may be transferred.

Lands may be held for certain purposes.

and water-courses utilised.

Telegraph line may be constructed.

20. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the Company including its rolling stock and equipments, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer upon the undertaking and property of the Company as aforesaid, *pro rata* with all the other bondholders; and in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing annual general meeting of the said Company all holders of bonds so being and remaining in default shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders: Provided nevertheless, that such rights shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the Company, and nothing in this section contained shall in any way impair the other rights of bondholders

21. All the bonds hereby authorized and the coupons and interest warrants thereon may be made payable to bearer, and shall in that case be transferable by delivery; and any holder of any such bonds or coupons so made payable to bearer may sue at law thereon in his own name, unless and until registry thereof in manner provided in the next preceding section; and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the Company shall be bound to register on the demand of the registered holder for the time being.

22. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for constructing, maintaining and using the said railway, or for opening a street to any station from any existing highway, the said Company may purchase, hold, use or enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient, and may also make use for the purposes of the said railway, of the water of any stream or water-course on or near which the said railway passes, doing however no unnecessary damage thereto and not impairing the usefulness of such stream or water-course; and the compensation to be paid to the owners for such lands or the use of such water, as also the powers of the said Company to take possession thereof, shall in case of difference be ascertained and exercised in the manner provided in "*The Consolidated Railway Act, 1879.*"

23. The said Company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said

telegraph line the powers conferred upon telegraph companies by the "*Act respecting Telegraph Companies*," being chapter one hundred and fifty-one of the Revised Statutes of Ontario, are hereby conferred upon the said Company.

- 5 **24.** Subject to anything contained in "*The Consolidated Railway Act, 1879*," the said Company may acquire land and water-lot property for the purpose of their undertaking in the manner provided for by the said Act, and may acquire under the provisions in that behalf of the said Act and
 10 hold such width of land on the sides of the railway and its branches at any point, as may be needed for the erection of snow-drift fences or barriers at a sufficient distance from the track to prevent the obstruction of the line by drifting snow; and the compensation to be paid to the owners for
 15 such lands, as also the power of the Company to take possession thereof, shall in case of difference be ascertained and exercised in the manner provided by the sections of the said Railway Act respecting lands and their valuation.

Land for snow drift fences.

- 25.** All shareholders in the said Company, whether
 20 British subjects, or aliens or residents of Canada or elsewhere, have and shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office as Directors in the said Company.

Equal rights of shareholders.

- 26.** Any deed of conveyance of land to the said Company
 25 may be in the form of Schedule A to this Act annexed and may be enregistered at full length upon the affidavit of one of the witnesses to the execution thereof made before the officers usually authorized to receive the same, and a deed in such form or in words of like import shall be a legal and
 30 valid conveyance of the land and immovables therein mentioned to all intents and purposes.

Form of conveyance of land.

- 27.** The powers given by this Act shall be exercised by the commencement of the said railway or bridge within five
 years after the passing of this Act and the completion thereof
 35 with-in ten years therefrom.

Limitation of time.

- 28.** This Act shall be known and cited as "*The Sault Ste. Marie Railway and Bridge Act*."

Short title.

SCHEDULE A.

FORM OF DEED OF SALE.

Know all men by these presents that I, A.B., in consideration of _____ paid to me by the Sault Ste. Marie Railway and Bridge Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Sault Ste. Marie Railway and Bridge Company, their successors and assigns, all that tract or parcel of land (*describe*

the land), to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my hand and seal this _____ day of
one thousand eight hundred and _____

Signed, sealed and delivered, }
in presence of

C. D.
E. F.

A. B.

(L. S.)

2nd Session, 4th Parliament, 43 Victoria, 1880.

F

BILL

An Act to incorporate the Sault Ste. Marie Railway and Bridge Company.

Received and read the first time, Wednesday, 17th March, 1880.

Second reading, Friday, 19th March, 1880.

Hon. Mr. ALLAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1880.

BILL.

An Act for the relief of Permanent Building Societies and Loan Companies

WHEREAS, acting under the authority of the Act passed Preamble.
in the thirty-seventh year of Her Majesty's reign,
chapter fifty, intituled "An Act to make further provisions
for the management of Permanent Building Societies carry-
5 ing on business in the Province of Ontario," the Minister of
Finance has from time to time furnished to building, loan
or savings societies or companies in Ontario, on their appli-
cation, printed forms purporting to be forms of statement in
accordance with the provisions of the said Act in that behalf;
10 and whereas, on account of some difference in the language
used in the said forms as compared with the language of the
said Act, and by reason of affidavits not having been made
verifying such statements, doubts have arisen as to whether
returns made upon the said forms are a compliance with the
15 said Act, and it is desirable to remove such doubts and to
relieve societies whose officers have made their returns upon
the said forms from being harassed by suits for penalties
under the said Act, and also to further amend the said Act
above cited: Therefore Her Majesty, by and with the advice
20 and consent of the Senate and House of Commons of Canada,
enacts as follows:—

1. Every statement transmitted to the Minister of Finance,
at any time previous to the passing of this Act, by any
Building Loan or Savings Society or Company incorporated
25 under chapter fifty-three of the Consolidated Statutes of
Upper Canada, or any Act thereby consolidated, or otherwise
incorporated, which statement purports to have been filled
up according to the said printed forms, or otherwise in
substantial compliance with the provisions hereinafter
30 mentioned, whether the same has or has not been attested
by oath or affirmation, shall be deemed and taken to be, and
to have been, a sufficient statement, and in compliance in all
respects with the provisions of the nineteenth section of the
said Act, intituled "An Act to make further provision for the
35 management of Permanent Building Societies carrying on
business in the Province of Ontario," or of the said section
as amended by the third section of the Act passed in the
fortieth year of Her Majesty's reign, chapter forty-nine, as
the case may be, and to have been properly made, filled up
40 and attested according to the provisions of the said Acts,
whether such statements were attested or not, or whether or
not the said statement or the affidavit verifying the same
was transmitted in due time to the said Finance Minister;

Certain state-
ments trans-
mitted to
Minister of
Finance
to be deemed
sufficient
under sec. 19
of 37 Vic., c.
50.

Societies
which trans-
mitted them
indemnified.

and every society or company incorporated as aforesaid, the officers of which shall have transmitted such statement, shall be and is hereby indemnified, exonerated, freed and discharged of and from all pecuniary penalties and forfeitures whatsoever (if any) which may have been incurred by such company or society by reason of its having neglected to transmit any other, or further, or differently attested statement, or to perform the obligations imposed on it by the said Acts or any of them in that behalf. 5

As to actions
for penalties
commenced
after or before
the passing of
this Act.

2. In case any action, suit or proceedings shall, after the passing of this Act, be brought, carried on or prosecuted against any society or company for or on account of any pecuniary penalty or forfeiture whatever incurred or to be incurred by any such neglect, as is intended to be relieved against by this Act, such society or company may plead the general issue, and upon their defence give this Act and the special matter in evidence upon any trial to be had thereupon; and in any action or suit commenced before the passing of this Act or now pending against any society or company for or on account of any such neglect, the court or judge thereof shall order all proceedings in such action or suit to be stayed on payment of the costs thereof to the plaintiff therein. 10 15 20

Effect on such
actions
of subsequent
receipt by the
Minister of a
sufficient
statement.

3. No action brought against any society or company incorporated as aforesaid for any past or future failure to comply with the provisions of the said Act, or by the said Act as amended as aforesaid, as the case may be, shall be maintained if such action was or is commenced at any time subsequent to the receipt by the Minister of Finance of the statement required by the said Act, or of the statement, whether attested as aforesaid or not, declared valid by this Act, unless such action is brought by the Crown, or by the Minister of Justice suing on behalf of the Crown. 25 30

Statement
not required
in case
society has
ceased to do
business.

4. The provisions of the said nineteenth section of the said Act, intituled "An Act to make further provision for the management of Permanent Building Societies carrying on business in the Province of Ontario," shall not, nor shall those of the said section as amended as aforesaid, be held to apply, or to have applied, to any society or company which has ceased or shall have ceased, to carry on business prior to the year for which the return is or was required, nor to any society or company which, though incorporated, never carried on business; and upon its being proved that any society or company incorporated as aforesaid did not loan any money, or receive any deposit, or issue any debenture during the year for which it is alleged a return in accordance with such section, or with such section as amended as amended as aforesaid, has not been made, such society or company shall be deemed to have ceased to carry on business within the meaning of this section. 35 40 45 50

Section 19 of
37 Vic., c. 50
as amended
by sec. 3 of

5. The nineteenth section of the said Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty, as amended by the third section of the said Act, passed in the

fortieth year of Her Majesty's reign, chaptered forty-nine, and the said last mentioned section, are hereby repealed, and the following substituted therefor:—

40 V., c. 49,
repealed, and
a new section
put in its
place.

- “19. Such society shall, on or before the first day of March
5 “in each year, transmit to the Minister of Finance a full and
“clear statement of the society's assets and liabilities on some
“day to be stated therein; and such day shall not be more
“than twelve months prior to the said first day of March, or
“earlier than the end of the last preceding financial year of
10 “such society; and such statement shall contain, in addi-
“tion to such other particulars as the Minister of Finance
“may require, the following:
- “*(a.)* The amount of stock subscribed;
- “*(b.)* The amount paid in upon such stock;
- 15 “*(c.)* The amount borrowed for the purposes of investment
“and the securities given therefor;
- “*(d.)* The amount invested and secured by mortgage
“deeds;
- “*(e.)* Amount of mortgages payable by instalments;
- 20 “*(f.)* The number and aggregate amount of mortgages
“upon which compulsory proceedings have been taken dur-
“ing the past year; and also the value of mortgaged proper-
“ty held for sale, and the amount chargeable against it.”
- “*(g.)* The present cash value of the society's investments
25 “on mortgages and other securities, and the rate or rates per
“cent. at which the future repayments are discounted in as-
“certaining such present cash value; which rate or rates
“shall be at least equal to the rate of rates which such
“mortgages or other securities respectively bear, or were
30 “originally calculated to yield.”
- “2. Such statement shall be attested by the oath (taken be-
“fore some justice of the peace, or commissioner for taking
“affidavits in the superior courts) of two persons, one being
“the president, vice-president, manager or secretary, and the
53 “other the manager, secretary or auditor of such society, each
“of whom shall swear distinctly that he holds such office as
“aforesaid, that the statement has been prepared by the pro-
“per officers of the company, that the deponent believes that
“it has been prepared with due care, and that he believes it
40 “to be true in every particular; and such statement shall be
“published by the Minister of Finance in such manner as he
“thinks most conducive to the public good; and for any
“neglect to transmit such statement in due course of post,
“within five days after the day upon which the same should
45 “be transmitted, such society shall incur a penalty of fifty
“dollars per diem, but not exceeding in the whole one
“thousand dollars.”

Annual state-
ment trans-
mitted to
Minister of
Finance.

Statement to
be attested
on oath.

And shall be
published by
the Minister
of Finance.

Penalty for
non-trans-
mission.

Proceedings
by Minister
of Finance
under Order
in Council in
certain cases.

“ 3. If such statement is not transmitted within a month
“ after the said first day of March, or if it appears by the state-
“ ment that such society is not in a condition to justify its con-
“ tinuance in business with the powers theretofore possessed
“ by such society, the Minister of Finance may, under the 5
“ authority of, or by order of the Governor-General in Coun-
“ cil, by a notice in the *Canada Gazette*, declare the business
“ of such society to have ceased, so far as regards borrowing
“ money, and any other matters mentioned in the Order in
“ Council and notice aforesaid.” 10

Certain state-
ments made
under this
Act or under
the sections
it repeals to
be deemed
sufficient.

6. Any statement heretofore made, or which may be here-
after made by any society or company with reference to a
financial year of such society or company ending prior to the
passing of this Act, shall be deemed sufficient if such return 15
is made, either in accordance with the provisions of the said
section nineteen hereinbefore repealed, or of the said sec-
tion as amended as aforesaid, as the case may be, or in
accordance with the provisions of this Act.

Extension of
time for
making
statements.

7. If any officer of a society or company shall, when called
upon to attest the statement required under this Act, find 20
himself unable to make the required affidavit of attestation
on account of his having doubts as to the correctness of the
statement presented to him for attestation, and further time
is needed in order to permit of an examination of the items
making up such statement, then, upon application of such 25
officer, or of any one on his behalf, or on behalf of the society
or company, made at any time before the sixth day of March
of the proper year, the Minister of Finance may enlarge the
time for transmitting such statement to a day not later than
the first day of May of such year, and the day so fixed by the 30
said Minister of Finance shall thereupon become the day
within five days of which the said statement, attested as re-
quired by this Act, shall be transmitted by such society or
company to the Minister of Finance, under the like penal-
ties, in case of omission to make the same within such time, 35
as if such day had been inserted in the nineteenth section of
the said Act as amended by this Act, in lieu of the first day
of March: Provided that the said enlargement of time shall
not prevent proceedings being taken under the nineteenth
section of the said Act as amended hereby, if the Governor- 40
General in Council shall so order.

Proviso.

As to state-
ments due on
1st March,
1880.

(2) It shall be sufficient, if the statement required to be
furnished on or before the first day of March, one thousand
eight hundred and eighty, is transmitted to the Minister of
Finance on or before the first day of May next following, 45
with power to the said Minister of Finance, under the like
circumstances, to enlarge such time to a day not later than
the first day of June of such year.

Extension of
provisions of
sections 5 and
7 of this Act.

8. The provisions contained in section five of this Act,
from the figure 19 to the end thereof, and in section 50
seven of this Act, shall apply to every Investment Loan or
Savings Society or Company incorporated by Act of Parliam-
ent of Canada and to every institution or corporation in-

corporated without the Dominion of Canada and authorized under the provisions of the Act passed in the thirty-seventh year of Her Majesty's reign, chapter forty-nine, to lend and invest money in Canada, and to the officers in Canada of
5 every such society or company, institution or corporation, and to the Minister of Finance with relation to every such society or company, institution or corporation ; and for that purpose the word "society" in the said sections shall mean
also and include company, institution or corporation, as the
10 case may require.

Interpreta-
tion.

2nd Session, 4th Parliament, 43 Victoria, 1880.

F

BILL.

An Act for the relief of Permanent Building Societies and Loan Companies.

Received and read, first time, Wednesday,
17th March, 1880.

Second reading, Friday, 19th March, 1880.

HON. MR. AIKINS.

OTTAWA:

Printed by MACLEMAN, ROGER & CO., Wellington Street

1880

B I L L .

An Act respecting Dorchester Penitentiary.

WHEREAS buildings and premises at or near Dorchester, in the Province of New Brunswick, have been provided for the purposes of a penitentiary for the Provinces of New Brunswick, Nova Scotia, and Prince Edward Island, and the same will soon be ready for occupation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

- 1.** From and after the day the Governor in Council, pursuant to the provisions of the Statute in that behalf, declares by proclamation certain land at or near Dorchester aforesaid to be a penitentiary, the same shall be known as, and may be referred to as, Dorchester Penitentiary, and shall be the penitentiary for the Provinces of New Brunswick, Nova Scotia and Prince Edward Island, for the confinement and reformation of persons, male and female, lawfully convicted of crime before any court of criminal jurisdiction in any of said Provinces, and sentenced to confinement for life, or for a term not less than two years; and such persons shall be imprisoned therein accordingly.
- 2.** No person sentenced to imprisonment for less than two years shall be sentenced to the Dorchester Penitentiary; but this shall not prevent the reception and imprisonment therein of any prisoners lawfully sentenced for any period of time, and liable to imprisonment therein, by any military, naval, or militia court-martial, under any Act of Her Majesty's Imperial Parliament, or of the Parliament of Canada.
- 3.** The provisions of all Acts and laws of Canada respecting the conveyance of convicts from the place of conviction to the penitentiary, and their delivery to and reception by the Warden thereof, shall extend and apply in the case of all persons convicted in any of said Provinces, and liable to imprisonment in the said penitentiary.

Provision for the proclamation, under 38 Vic., c. 44, s. 15, of land near Dorchester B. to be a penitentiary.

What convicts shall be sentenced to be imprisoned in such penitentiary.

Extension of the provisions of certain Acts to the cases of convicts liable to be imprisoned therein.

2nd Session, 4th Parliament, 43 Victoria, 1880.

G

BILL.

An Act respecting Dorchester Penitentiary.

Received and read, first time, Thursday, 18th March, 1880.

Second reading, Tuesday, 30th March, 1880.

Hon. Mr. AIRKINS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co,
1880.

B I L L .

An Act to amend the Dominion Lands Act, 1879.

IN amendment of the Dominion Lands Act, 1879: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble,
42 V., c. 31.

1. Section twenty-three of the said Act is hereby amended as follows:—

Sec. 23
amended.

By inserting immediately after the words "provided that" in the first line, of sub-section one, the words "except as hereinafter mentioned."

And by adding the following as an additional sub-section:

10 "4. Provided further, that should any school lands be
"intersected by the Canadian Pacific Railway, or by any
"Government colonization railway, and it should be expedient to secure such lands for a town plot or other public purpose, such lands may, by the Governor in Council, be
15 "transferred and dealt with as railway lands to be laid out
"and sold by the Minister of the Interior by public auction
"or otherwise, as he may deem expedient, the school lands
"funds being credited from the railway lands fund for any
20 "lands so taken, at a rate per acre equal to the highest price
"at which ordinary railway lands may be sold in the same
"Township."

Sub-section
added, as to
school lands
intersected by
Government
Railway.

2. Sub-sections two and three of section thirty-four are repealed and the following substituted for them:

New sub-secs.
for 2 and 3 of
sec. 24.

25 "2. When two or more persons have settled on and seek to obtain a homestead entry for the same land, the homestead right shall belong to him who made the first settlement on such land.

Two or more
claiming a
homestead.

30 "3. Provided that in cases where contending parties have made valuable improvements on Dominion land then unsurveyed, the Minister of the Interior may, on the survey of the township in which such land is situate, order a division of such land, in legal sub-divisions, in such manner as will preserve to the contending parties, as far as practicable, their several improvements, and further may direct that what the
35 land of each of such parties as so divided may want of a quarter section, shall be made up to them respectively from unoccupied quarter sections adjoining."

Provision in
case of im-
provements
on unsur-
veyed lands.

3. Sub-section fourteen of the said section thirty-four of the said Act is hereby amended by inserting between the

Sub-sec. 14
of sec. 34
amended.

words "not" and "be" in the eighth line, the following words: "Except in special cases in the discretion of the "Minister," and also by striking out the word "more" in the eighth line, and the word "than" in the ninth line.

Certain secs. repealed and new secs. substituted. 4. Sections thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-four, forty-five and forty-six are hereby repealed, and the following section is substituted for the said sections so repealed : 5

Mineral and coal lands to be disposed of under Order in Council. "Lands containing minerals or coal, whether in surveyed or unsurveyed territory, shall not be subject to the provisions of this Act respecting sale or homestead, but shall be disposed of in such manner and on such terms and conditions as may from time to time be fixed by the Governor in Council." 10

Provision added to sub-sec. 7 of sec. 52. 5. Section fifty two of the said Act is hereby amended by adding to sub-section seven thereof, the following words: 15

Reservation as to minerals and coal in timber limits. "Provided that such lease shall be subject to the right of the Government to deal with any and all minerals and coal which may be found in the land described therein, in accordance with the provisions of this Act and the regulations to be made under it by the Governor in Council, respecting mineral and coal lands; and this proviso shall operate retrospectively, that is to say, it shall apply to the several leases of timber heretofore granted under this Act, as if it had been contained in this Act when it was passed : 20 25

And of power to authorize roads to the same. "Provided further, that the Government shall have the right in dealing, as above provided, with any minerals or coal in lands leased as timber limits, to authorize the persons to whom such minerals or coal may be granted, to take possession of and occupy such extent of the land so leased as may be necessary to work such minerals or coal, and to open necessary roads through any such timber limit, paying the lessee of the limit the value of any and all timber necessarily cut in connection with or by reason of such mineral or coal workings or roads ;" 30 35

How this amendment shall be construed. And this amendment shall be construed with reference to the amendment to the said Act made by the next preceding section of this Act, as if the provisions thereby made had been contained in the said Act when it passed.

Section 78 amended. 6. Section seventy-eight of the said Act is hereby amended 40 by striking out the word "for" in the first line of the said section, and inserting in the place thereof the words "leases or other instruments respecting."

Alteration of Form D where the pupil is an adult. 7. Whenever the pupil of a Dominion Land Surveyor is, at the time of his entering into articles in writing, in compliance with the provisions of section ninety of the said Act, a person of full age, the form D referred to in the said Act may be altered to suit the case, by leaving out so much as relates to the father or other person by whose consent and 45

approbation the pupil enters into articles, by making the pupil himself take upon himself the obligations in the said form imposed on such father or other person, by stating that the consideration money has been paid by the pupil, and by
5 otherwise so varying the form as to suit the circumstances of the case.

2nd Session, 4th Parliament, 43 Victoria, 1880.

H

BILL

An Act to amend the Dominion Lands
Act, 1879.

Received and read, first time, Thursday,
18th March, 1880.

Second reading, Tuesday, 30th March, 1880.

Hon. Mr. AIKINS.

OTTAWA.

PRINTED BY MACLEAN, ROGER & Co.
1880.

BILL.

An Act further to continue in force for a limited time
“The better Prevention of Crime Act, 1878.”

HER MAJESTY, by and with the advice and consent of Preamble.
the Senate and House of Commons of Canada, enacts
as follows:—

1. The Act passed in the forty-first year of Her Majesty's Act 41 Vic. c.
5 reign, chapter seventeen, and intituled “*An Act for the* 17, continued
better prevention of crimes of violence in certain parts of to end of next
Canada, until the end of the next Session of Parliament,” Session.
which was continued by the Act passed in the forty-second
year of Her Majesty's reign, chapter forty-one, shall further
10 continue in force until the end of the now next ensuing
Session of Parliament; and any proclamation heretofore
issued thereunder shall continue in force until such procla- As to any
mation is revoked by proclamation in the manner provided proclamation
under it
15 whichever shall first happen.

2nd Session, 4th Parliament, 43 Victoria, 1880.

H

BILL

An Act to amend the Dominion Lands
Act, 1879.

Received and read, first time, Thursday,
18th March, 1880.

Second reading, Tuesday, 30th March, 1880.

Hon. Mr. ATKINS.

OTTAWA.

PRINTED BY MACLEAN, ROGER & Co.
1880.

BILL.

An Act further to continue in force for a limited time
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year of Her Majesty's reign, chapter forty-one, shall further
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Session of Parliament; and any proclamation heretofore
issued thereunder shall continue in force until such procla- As to any
mation is revoked by proclamation in the manner provided proclamation
under it
15 whichever shall first happen.

2nd Session, 4th Parliament, 43 Victoria, 1880.

I

An Act further to continue for a limited time "The better Prevention of Crime Act, 1878."

Received and read, first time, Thursday, 18th March, 1880.

Second reading, Tuesday, 30th March, 1880.

Hon. Mr. AIKINS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.
1880.

BILL.

An Act to repeal the Act extending "The Dominion Lands Acts" to British Columbia, and to make other provision with respect to certain Public Lands in that Province.

WHEREAS it has been ascertained that the conformation Preamble.
of the country upon and in the vicinity of the located
line of the Canadian Pacific Railway, through the Province
of British Columbia, is such that it is inexpedient to attempt
5 to apply the provisions of the Dominion Lands Acts to
the survey, administration and management of the Lands
hereinafter mentioned: Therefore Her Majesty, by and with
the advice and consent of the Senate and House of Commons
of Canada, enacts as follows:—

10 1. The Act passed in the thirty-eighth year of Her Majesty's Act 38 V., c.
reign, chaptered fifty-one, and intituled "*An Act to extend to* 51, repealed.
the Province of British Columbia 'the Dominion Lands Acts,'"
is hereby repealed.

15 2. The Governor in Council shall have full power and Governor in
authority by Orders to be made from time to time, to regulate Council to
the manner, terms and conditions in and on which any regulate the
lands which have been or may be hereafter transferred to management,
the Dominion of Canada under the terms and conditions of &c., of lands
the admission of British Columbia into the Dominion, shall be in B C trans-
20 surveyed and laid out, administered, dealt with and dis- ferred to the
posed of, and from time to time to alter or repeal any such Dominion.
order and the regulations therein made and make others in
their stead.

2nd Session, 4th Parliament, 43 Victoria, 1880.

J

BILL.

An Act to repeal the Act extending
"The Dominion Lands Acts" to British
Columbia, and to make other provision
with respect to certain Public Lands
in that Province.

Received and read, first time, Tuesday, 30th
March, 1880.

Second reading, Thursday, 1st April, 1880.

Hon. Mr. AIKINS.

OTTAWA:

PRINTED BY MACLEAN ROGER & Co.,
1880.

B I L L .

An Act to remove doubts as to the true intent and meaning of sub-section two of section nine of "The Canada Temperance Act, 1878," and to further amend the said Act.

WHEREAS by sub-section two of section nine of "The Preamble.
Canada Temperance Act, 1878," it is provided that no polling of votes under the said Act shall be held in any city, county or district on the same day that any election may take
5 place in such city, county or district for members to serve in the Parliament of Canada or in any of the local Legislatures ; and whereas doubts have arisen as to the interpretation of the said sub-section, which doubts it is expedient to remove : Therefore Her Majesty, by and with the advice and consent
10 of the Senate and House of Commons of Canada, enacts as follows :—

1. The true intent and meaning of sub-section two of section nine of "*The Canada Temperance Act, 1878,*" was and is that the word "election" therein refers only to the polling
15 of votes for members to serve in Parliament or any local Legislature. True intent and meaning of sub-sec. 2 of sec. 9 of 41 V., c. 16, explained.

2. The ninety-sixth section of the said "*The Canada Temperance Act, 1878,*" is hereby amended by adding thereto the following words : " And in case no license for the sale of
20 spirituous liquors be in force in such county or city, then the Governor General in Council may, at any time after the expiration of sixty days from the day on which the petition was adopted by the electors, declare, by Order in Council published in the *Canada Gazette,* that the second part of this
25 Act shall be in force and take effect in such county or city, upon, from and after a day to be named in such Order in Council ; such day not to be less than ninety days from the date of such Order in Council." Addition made to sec. 96 of 41 V., c. 16.

2nd Session, 4th Parliament, 43 Victoria, 1880.

K

BILL.

An Act to remove doubts as to the true intent and meaning of sub-section two of section nine of "The Canada Temperance Act, 1878," and to further amend the said Act.

Received and read, first time, Friday,
April, 1880.

Second reading, Monday, 5th April, 1880.

Hon. Mr. AIKINS.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.
1880.

B I L L .

An Act to repeal the Act intituled "An Act to provide that persons charged with common assault shall be competent as witnesses," and to amend the Act intituled "An Act respecting offences against the person."

HER MAJESTY, by and with the advice and consent of Preamble.
the Senate and House of Commons of Canada, enacts
as follows:—

1. The Act forty-first Victoria, chapter eighteen, intituled Act 41 Vic.,
5 "An Act to provide that persons charged with common c. 18, re-
assault shall be competent as witnesses," is hereby re- pealed.
pealed.

2. The Act thirty-second and thirty-third Victoria, chapter Act 32, 33
twenty, intituled "An Act respecting offences against the Vic., c. 20,
10 person," is hereby amended by adding at the end thereof the amended.
following sections:

82. On the summary or other trial of any person upon any Defendant
complaint, information or indictment for common assault, or competent as
for assault and battery, the defendant shall be a competent witness.
15 witness for the prosecution or on his own behalf.

83. On any such trial the wife or husband of the defendant Or the wife
shall be a competent witness on behalf of the defendant. or husband
of the de-
fendant.

84. Where another crime is charged, and the Court having As to where
power to try the same is of opinion, at the close of the evi- another
20 dence for the prosecution, that the only case apparently crime is
made out is one for common assault, or for assault and bat- charged but
tery, the defendant shall be a competent witness for the not proved.
prosecution or on his own behalf, and his wife, or her
25 husband if the defendant be a woman, shall be a competent
witness on behalf of the defendant, in respect of the charge
of common assault, or assault and battery.

35. Except as in the next preceding section mentioned, Application
this Act shall not apply to any prosecution where any other of this Act.
crime than common assault, or assault and battery, is charged
30 in the information or indictment.

2nd Session, 4th Parliament, 43 Victoria, 1880.

I

BILL.

An Act to repeal the Act intituled "An Act to provide that persons charged with common assault shall be competent as witnesses," and to amend the Act intituled "An Act respecting offences against the person."

Received and read, first time, Thursday,
8th April, 1880.

Second reading, Monday, 12th April, 1880.

Hon. Mr. BELLEROSE.

OTTAWA:

Printed by MACLEAN, ROGER & Co., Wellington Street.

1880

BILL.

An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

WHEREAS it is expedient to provide for the extension of Preamble.
the charters of certain Savings Banks in Ontario and Quebec granted under the Act hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Upon the petition of the Directors of any Savings Bank which has received a charter under the provisions of the Act passed in the thirty-fourth year of Her Majesty's reign, intitled "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*," it shall be lawful for the Governor in Council to grant such Bank a charter for a further period not to extend beyond ten years from the date fixed for the expiration of its existing charter; and all the provisions of the said cited Act and of all Acts amending it, shall apply to the said Savings Bank and to such new charter, as fully as if the said cited Act had authorized a charter to be granted in the first instance for a period of twenty years, and the existing charter had been granted for that period.
2. The first section of the Act passed in the thirty-sixth year of Her Majesty's reign, and intitled "*An Act to amend the Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*," is so amended that the proviso to the said section shall read as follows:—"Provided always, that every such Savings Bank shall always hold at least twenty per cent. of the moneys deposited with it, in Dominion or Provincial Government securities, or deposits in chartered Banks on call."
- Charters granted under 34 Vic., c. 7, may be renewed for ten years, upon petition.
- Proviso to section 1 of 36 Vict., c. 72, amended.

2nd Session, 4th Parliament, 43 Victoria, 1880.

M
BILL.

An Act respecting certain Savings
Banks in the Provinces of Ontario and
Quebec

Received and read first time, Tuesday, 4th
May, 1880.

Second reading, Wednesday, 5th May, 1880.

Hon. Sir ALEXANDER CAMPBELL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.
1880.

