

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- |   |  |
|---|--|
| <input type="checkbox"/> Coloured covers /<br>Couverture de couleur   | <input type="checkbox"/> Coloured pages / Pages de couleur   |
| <input type="checkbox"/> Covers damaged /<br>Couverture endommagée  | <input type="checkbox"/> Pages damaged / Pages endommagées   |
| <input type="checkbox"/> Covers restored and/or laminated /<br>Couverture restaurée et/ou pelliculée  | <input type="checkbox"/> Pages restored and/or laminated /<br>Pages restaurées et/ou pelliculées   |
| <input type="checkbox"/> Cover title missing / Le titre de couverture manque  | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed /<br>Pages décolorées, tachetées ou piquées  |
| <input type="checkbox"/> Coloured maps / Cartes géographiques en couleur  | <input type="checkbox"/> Pages detached / Pages détachées  |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black) /<br>Encre de couleur (i.e. autre que bleue ou noire)   | <input checked="" type="checkbox"/> Showthrough / Transparence   |
| <input type="checkbox"/> Coloured plates and/or illustrations /<br>Planches et/ou illustrations en couleur  | <input checked="" type="checkbox"/> Quality of print varies /<br>Qualité inégale de l'impression   |
| <input checked="" type="checkbox"/> Bound with other material /<br>Relié avec d'autres documents  | <input type="checkbox"/> Includes supplementary material /<br>Comprend du matériel supplémentaire  |
| <input type="checkbox"/> Only edition available /<br>Seule édition disponible   | <input type="checkbox"/> Pages wholly or partially obscured by errata slips,<br>tissues, etc., have been refilmed to ensure the best<br>possible image / Les pages totalement ou<br>partiellement obscurcies par un feuillet d'errata, une<br>pelure, etc., ont été filmées à nouveau de façon à<br>obtenir la meilleure image possible. |
| <input checked="" type="checkbox"/> Tight binding may cause shadows or distortion along<br>interior margin / La reliure serrée peut causer de<br>l'ombre ou de la distorsion le long de la marge<br>intérieure.   | <input type="checkbox"/> Opposing pages with varying colouration or<br>discolourations are filmed twice to ensure the best<br>possible image / Les pages s'opposant ayant des<br>colorations variables ou des décolorations sont<br>filmées deux fois afin d'obtenir la meilleure image<br>possible.                                     |
| <input type="checkbox"/> Blank leaves added during restorations may appear<br>within the text. Whenever possible, these have been<br>omitted from filming / Il se peut que certaines pages<br>blanches ajoutées lors d'une restauration<br>apparaissent dans le texte, mais, lorsque cela était<br>possible, ces pages n'ont pas été filmées. |  |
| <input checked="" type="checkbox"/> Additional comments /<br>Commentaires supplémentaires:  | Cover title page is bound in as last page in<br>book but filmed as first page on fiche.  |

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

<b>10x</b>		<b>14x</b>		<b>18x</b>		<b>22x</b>		<b>26x</b>		<b>30x</b>
									<input checked="" type="checkbox"/>	
	<b>12x</b>		<b>16x</b>		<b>20x</b>		<b>24x</b>		<b>28x</b>	<b>32x</b>

No. 144.

---

---

3rd Session, 8th Parliament, 61 Victoria, 1898

---

---

BILL

An Act further to amend the Indian Act.

---

First reading, May 17th, 1898.

---

MR. SIFTON.

---

OTTAWA

Printed by S. E. DAWSON  
Printer to the Queen's most Excellent Majesty  
1898

## An Act further to amend the Indian Act.

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

1. Section 3 of *The Indian Act*, chapter 43 of the Revised Statutes, is hereby repealed and the following is substituted therefor :—

“**33.** Indians residing upon any reserve shall be liable, if so directed by the Superintendent General, or any officer or person by him thereunto authorized, to perform labour upon the public roads laid out or used in or through, or abutting upon such reserve, which labour shall be performed under the sole control of the Superintendent General, or officer or person aforesaid, who may direct when, where and how and in what manner such labour shall be applied, and to what extent the same shall be imposed upon Indians who are resident upon any of the said lands; and the Superintendent General, or officer or person aforesaid, shall have the like power to enforce the performance of 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 is situate, 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.”

R.S., c. 43,  
new section  
33.

Indians liable  
to labour on  
public roads  
in reserves.

Enforcing  
labour.

Amount of  
labour  
limited.

2. The section substituted for section 38 of the said Act by section 1 of chapter 35 of the statutes of 1895, is hereby repealed and the following is substituted therefor :—

“**38.** 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: provided that the Superintendent General may lease, for the benefit of any Indian, upon his application for that purpose, the land to which he is entitled without such land being released or surrendered, and may, without surrender, dispose to the best advantage, in the interests of the Indians, of wild grass and dead or fallen timber.”

New section  
38.

Sale or lease  
of reserves.

3. Subsection (b) of section 39 of the said Act, as amended by section 2 of chapter 30 of the statutes of 1891, is hereby repealed and the following is substituted therefor :—

Section 39  
amended.

“(b.) The fact that such release or surrender has been assented to by the band at such council or meeting shall be

Proof of  
assent.

certified on oath by the Superintendent General, or by the officer authorized by him to attend such council or meeting, and by some one of the chiefs or principal men present thereat and entitled to vote, before some judge of a superior, county or district court, stipendiary magistrate or justice of the peace, or, in the case of reserves in Manitoba or the North-West Territories, before the Indian Commissioner for Manitoba and the North-West Territories, and in the case of reserves in British Columbia, before the visiting Indian Superintendent for British Columbia, or, in either case, before some other person or officer specially thereunto authorized by the Governor in Council; and when such assent has been so certified, as aforesaid, such release or surrender shall be submitted to the Governor in Council for acceptance or refusal.”

New section  
56.

4. Section 56 of the said Act, is hereby repealed and the following is substituted therefor:—

License must  
describe land  
and kind of  
trees to be  
cut.

“56. Every license shall describe the lands upon which the trees may be cut, and the kind of trees which may be cut, and shall confer, for the time being, on the licensee the right to take and keep possession of the land so described, subject to such regulations as are made; and every license shall vest in the holder thereof all rights of property in all trees of the kind specified, cut within the limits of the license during the term thereof, whether such trees are cut by the authority of the holder of such license or by any other person, with or without his consent; and every license shall entitle the holder thereof to seize, in revendication or otherwise, such trees and the logs, timber or other product thereof, if found in the possession of any unauthorized person, and also to institute any action or suit 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.”

Rights of  
licensees as to  
trespassers.

Continuing  
proceedings.

New section  
66.

5. Section 66 of the said Act is hereby repealed and the following is substituted therefor:—

Sale of trees,  
etc., seized, in  
default of  
notice of  
claim.

“66. All trees, logs, timber or other product thereof seized under this Act, shall be deemed to be condemned, unless the person from whom they 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 them, and unless within one month from the day of giving such notice he initiates, in some court of competent jurisdiction, proceedings for the purpose of establishing his claim; and in default of such notice and initiation of proceedings, the officer or agent seizing shall report the circumstances to the Superintendent General, who may order the sale, by the said officer or agent, of such trees, logs, timber or other product thereof.”

New section  
70.

6. The section substituted for section 70 of the said Act by section 2 of chapter 35 of the statutes of 1895, is hereby repealed and the following is substituted therefor:—

Investment  
and manage-  
ment of

“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 the disposal of Indian lands, or of property held or to be held in trust for Indians, or timber on Indian lands or reserves, or from any other source for the benefit of Indians (with the exception of such sum, not exceeding ten per cent of the proceeds of any lands, timber, or property, as is agreed at the time of the surrender to be paid to the members of the band interested therein), shall be invested from time to time, and how the payments or assistance to which the Indians are entitled shall be made or given; and he may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of and incidental to the management of reserves, lands, property and moneys under the provisions of this Act, and may authorize and direct the expenditure of such moneys for surveys, for compensation to Indians for improvements or any interest they have in lands taken from them, for the construction or repair of roads, bridges, ditches and water-courses on such reserves or lands, for the construction of school buildings, and by way of contribution to schools attended by such Indians.”

Indian funds may be regulated by Governor in Council.

7. Section 72 of the said Act, as enacted by section 4 of chapter 32 of the statutes of 1894, is hereby repealed and the following is substituted therefor :—

New section 72.

“72. The Superintendent General may stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any Indian who is proved, to the satisfaction of the Superintendent General, guilty of deserting his family, or of conduct justifying his wife or family in separating from him, or who is separated from his family by imprisonment; and the Superintendent General may apply the same towards the support of the wife or family of such Indian. The Superintendent General may also stop the payment of the annuity and interest money of any Indian parent of an illegitimate child, and apply the same to the support of such child.”

Payment of annuity may be stopped in case of marital desertion.

8. The section substituted for section 73 of the said Act by section 9 of chapter 33 of the statutes of 1887, is hereby repealed and the following is substituted therefor :

New section 73.

“73. The Superintendent General may also stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the band, any woman who deserts her husband or family and lives immorally with another man, and the Superintendent General may apply the same to the support of the family so deserted.”

Similar provision as to Indian woman.

9. The section substituted for section 75 of the said Act by section 3 of chapter 35 of the statutes of 1895, is hereby repealed and the following is substituted therefor :

New section 75.

“75. Whenever the Governor in Council deems it advisable, for the good government of a band, to introduce the elective system of chiefs and councillors or headmen, he may provide that the chief and councillors or headmen of any band shall be elected, as hereinafter provided, at such time and place as the Superintendent General directs; and they shall in such case be elected for a term of three years. The councillors or head-

Governor in Council may provide for election of chiefs, etc.

Term of office.

Number.	men may be in the proportion of two for every two hundred Indians; but no band shall have more than one chief and fifteen councillors or headmen: provided, however, that any band composed of at least thirty members may have a chief.	5
As to present life chiefs, etc.	<p>“2. Life chiefs and councillors or headmen now living may continue to hold rank until death or resignation, or until their removal by the Governor in Council for dishonesty, intemperance, immorality or incompetency; but in the event of the Governor in Council providing that the chief and councillors or headmen of a band shall be elected, the life chiefs and councillors or headmen shall not exercise powers as such unless elected under the provision aforesaid.</p>	10
Reason for which election may be set aside.	<p>“3. An election may be set aside by the Governor in Council, on a report of the Superintendent General, if it is proved by two witnesses before the Indian agent for the locality, or such other person as is deputed by the Superintendent General to take evidence in the matter, that fraud or gross irregularity was practised at the said election; and every Indian who is proved guilty of such fraud or irregularity, or connivance thereat, may be declared ineligible for re-election for a period not exceeding six years, if the Governor in Council, on the report of the Superintendent General, so directs.</p>	15
Punishment of fraud, etc., at election.	<p>or connivance thereat, may be declared ineligible for re-election for a period not exceeding six years, if the Governor in Council, on the report of the Superintendent General, so directs.</p>	20
Grounds on which chief, etc., may be deposed.	<p>“4. Any elected or life chief and any councillor or headman, or any chief or councillor or headman chosen according to the custom of any band, may, on the ground of dishonesty, intemperance, immorality or incompetency, be deposed by the Governor in Council and declared ineligible to hold the office of chief or councillor or headman for a period not exceeding three years.”</p>	25
		30