

No. 125.

3d Session, 3d Parliament, 13 & 14 Vict. 1850.

BILL.

**An Act to provide for the Administration
of the Property of certain Indian
Tribes in Lower Canada.**

**Received and Read a first time, Friday, 28th
June, 1850.**

Second Reading, Tuesday, 2nd July, 1850.

Mr. Sol. Gen. DRUMMOND.

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BILL.

An Act for the better protection of the Lands and Property of the Indians in Lower Canada.

WHEREAS it is expedient to make better provision Preamble.
for preventing encroachments upon and injury to the lands appropriated to the use of the several Tribes and Bodies of Indians in Lower Canada, and for the
5 defence of their rights and privilèges: Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, Appointment of Commissioners of Indian Lands.
That it shall be lawful for the Governor to appoint from time to time a "Commissioner of Indian Lands for Lower
10 Canada," in whom and in whose successors by the name aforesaid, all lands or property in Lower Canada which are or shall be set apart or appropriated to or for the use of any Tribe or Body of Indians, shall be and are hereby vested, in trust for such Tribe or Body, and who shall be
15 held in law to be in the occupation and possession of any lands in Lower Canada actually occupied or possessed by any such Tribe or Body in common, or by any Chief or Member thereof or other party for the use or benefit of such Tribe or Body, and shall be entitled to receive and
20 recover the rents, issues and profits of such lands and property, and shall and may, in and by the name aforesaid, but subject to the provisions hereinafter made, exercise and defend all or any of the rights lawfully appertaining to the proprietor, possessor or occupant of such
25 land or property: Provided always, that this section shall extend to any lands in Lower Canada now held by the Crown in trust for or for the benefit of any such Tribe or Body of Indians, but shall not extend to any lands now vested in any Corporation or Community legally establish-
30 ed and capable in law of suing and being sued, or in any person or persons of European descent, although held in trust for or for the benefit of any such Tribe or Body. Proviso.

II. And be it enacted, That all suits, actions or proceedings by or against the said Commissioner shall be brought
35 and conducted by or against him by the name aforesaid only, and shall not abate or be discontinued by his death, removal from office or resignation, but shall be continued by or against his successor in office; and that such Commissioner shall have in each District in Lower Canada,
40 an office which shall be his legal domicile, and whereat any process, notice or like matter may be legally served Suits by or against Commissioner, how brought.

upon him, and may appoint such deputy or deputies, and with such powers as he shall from time to time deem expedient, or as he shall be instructed by the Governor to do: Provided always, that no suit or proceeding shall, during one month next after the passing of this Act, be commenced or proceeded with by or against the said Commissioner or any other party, with regard to any lands or property intended to be hereby vested in him, nor shall any prescription or limitation of time within which any proceeding or thing would otherwise require to be commenced, had or done, run or avail against the said Commissioner during the term last aforesaid. 5

Commissioner
may concede
land, &c.

III. And be it enacted, That the said Commissioner shall have full power to concede or lease or charge any such land or property as aforesaid, and to receive or recover the rents, issues and profits thereof as any lawful proprietor, possessor or occupant thereof might do, but shall be subject in all things to the instructions he may from time to time receive from the Governor, and shall be personally responsible to the Crown for all his acts, and more especially for any act done contrary to such instructions, and shall account for all monies received by him, and apply and pay over the same in such manner, at such times and to such person or officer, as shall be appointed by the Governor, and shall report from time to time on all matters relative to his office in such manner and form, and give such security, as the Governor shall direct and require: and all monies and moveable property received by him or in his possession as Commissioner, if not duly accounted for, applied and paid over as aforesaid, or if not delivered by any person having been such Commissioner to his successor in office, may be recovered by the Crown or by such successor, in any Court having civil jurisdiction to the amount or value, from the person having been such Commissioner and his sureties, jointly and severally. 15 20 25 30 35

Nothing to
derogate from
rights of indi-
vidual Indians.

IV. Provided always, and be it enacted, That nothing herein contained shall be construed to derogate from the rights of any individual Indian or other private party, as possessor or occupant of any lot or parcel of land forming part of or included within the limits of any lands vested in the Commissioner aforesaid. 40

Expenses of
Commissioner.

V. And with regard to the remuneration and the payment of the necessary expenses of the said Commissioner, be it enacted, 45

VI. And for the purpose of determining any right of property, possession or occupation in or to any lands belonging or appropriated to any tribe or body of Indians in Lower Canada, be it declared and enacted: That the 5 following classes of persons are and shall be considered as Indians belonging to the Tribe or body of Indians interested in such lands:

Who shall be considered as Indians.

1st. All persons of Indian blood, reputed to belong to the particular body or Tribe of Indians interested in such 10 lands, and their descendants.

2ndly. All persons intermarried with any such Indians and residing amongst them, and the descendants of all such persons.

3rdly. All persons residing amongst such Indians, 15 whose parents on either side were or are Indians of such body or tribe, or entitled to be considered as such: and

4thly. All persons adopted in infancy by any such Indians, and residing in the village or upon the lands of such Tribe or body of Indians, and their descendants.

20 VII. And be it enacted, That the Interpretation Act shall apply to this Act. Interpretation Act to apply.