

C A P . X I V .

An Act respecting Indians and Indian Lands.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

SELLING STRONG LIQUORS TO INDIANS.

1. No person shall sell, distribute, or otherwise dispose of, to any Indian within Lower Canada, or to any other person for their use, any rum or other strong liquors, of what kind or quality soever, or shall knowingly or willingly suffer the same, in any manner, to come to the hands of any Indian :

Sale of strong liquors to Indians prohibited.

2. Every person offending herein shall, for the first offence, forfeit the sum of twenty dollars, and suffer imprisonment for any time not exceeding one month, and for the second and every subsequent offence, shall forfeit forty dollars, and suffer an imprisonment for any time not exceeding two months;

Penalty for contravention.

3. If the person so offending, be a publican, innkeeper, or retailer of strong liquors, he shall, over and above the said penalty and imprisonment, be rendered incapable, from the day of his conviction, of selling or retailing liquors to any person whatsoever, notwithstanding any license he has for that purpose, which license shall be null and void from the day of his conviction; 17 G. 3, c. 7, s. 1-23 V. c. 33.

If offender be a retailer of liquors, he shall also forfeit his license.

4. And nothing in this section shall prevent the effect of the Act twenty-third Victoria, chapter thirty-eight, applying to both Upper and Lower Canada; but an offender convicted under that Act or under this, shall not afterwards be convicted under the other Act for the same offence. 23 V. c. 38.

This Act not to prevent the effect of 23 V. c. 35.

2. No person shall purchase, or receive in pledge or in exchange, any clothes, blankets, fire-arms or ammunition belonging to any Indian within this Province, under a penalty of twenty dollars, and imprisonment for any time not exceeding one month, for the first offence, and of forty dollars, and imprisonment for any time not exceeding two months, for the second and every other subsequent offence. 17 G. 3, c. 7, s. 2.

Purchase of clothing and fire arms belonging to Indians prohibited.

SETTLING IN INDIAN VILLAGES.

obtain a license.

3. No person shall settle in any Indian village or in any Indian country, within Lower Canada, without a license in writing from the Governor, under a penalty of forty dollars for the first offence, and eighty dollars for the second and every other subsequent offence. 17 G. 3, c. 7, s. 3.

Settlers among Indians must

Such settlers may be ordered to remove.

Penalty on refusing.

4. The Governor may, by a written instrument, order any person who has become resident in any of the Indian villages in Lower Canada, to remove from such village ; and in case of default by the said person so to remove from such Indian village, within seven days from such order being signified to him, he shall forfeit the sum of twenty dollars, for each day after the said seven days, during which he continues to remain in such Indian village, with all costs of prosecution, and shall suffer imprisonment for a period not less than one month and not exceeding two months, and further, until he has paid the said last mentioned penalty and costs. 3, 4 V. c. 44, s. 2.

How penalties
may be reco-
vered.

5. All the penalties imposed by this Act, for the offences therein specified, may be recovered by information on behalf of Her Majesty, before any two or more of Her Majesty's Justices of the Peace, for the district in which the offence is committed ; and such two or more Justices of the Peace shall hear and determine such information in a summary manner, and upon the oath of one credible witness, and shall levy the said penalties, together with the costs of suing for the same by a warrant to seize and sell the goods and chattels of the person or persons offending, and shall inflict the said imprisonment in the manner hereinbefore provided ; and all the said pecuniary penalties shall be paid into the hands of the Receiver General, for the public uses of this Province. 3, 4 V. c. 44, s. 3.

Their appro-
priation.

Informations
under this Act
to be laid
with-in six
months.

6. All informations under and by this Act, shall be brought within six months from the time that the offence is committed, and not afterwards. 3, 4 V. c. 44, s. 4.

PROTECTION OF PROPERTY OF INDIANS.

Appointment
of a Commis-
sioner of In-
dian Lands.

His powers and
duties.

7. The Governor may appoint from time to time a Commissioner of Indian Lands for Lower Canada, in whom and in whose successors by the name aforesaid, all lands or property in Lower Canada, appropriated for the use of any tribe or body of Indians, shall be vested in trust for such tribe or body, and who shall be 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 recover the rents, issues and profits of such lands and property, and shall, in and by the name aforesaid, 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 lands or property :

2. This section shall extend to any lands in Lower Canada 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 vested in any Corporation or Community legally established 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. 13, 14 V. c. 42, s. 1.

Powers to ex-
tend to certain
lands.

8. All suits, actions or proceedings by or against the said Commissioner shall be brought 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 :

Flow suits,
&c., must be
brought.

2. Such Commissioner shall have in each civil district in Lower Canada, an office which shall be his legal domicile, and whereat any process, notice or like matter may be legally served upon him, and may appoint such deputy or deputies, and with such powers as he, from time to time, deems expedient, or is instructed by the Governor to do. 13, 14 V. c. 42, s. 2, *except proviso.*

Domicile of
Commissioner.

9. The said Commissioner may concede or lease or charge any, *such* land or property as aforesaid, and 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 moneys received by him, and apply and pay over the same in such manner, at such times and to such person or officer, as may 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 moneys 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. *Ibid*, s. 3.

Commissioner may concede, lease or charge lands.

He shall give security.

10. 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 ^Pparcel of land forming part of or included within the limits of any land vested in the Commissioner aforesaid. *Ibid*, s. 4.

Rights of individual Indians, &c, saved.

the meaning of this Act.

11. For the purpose of determining what persons are entitled to hold, use or enjoy the lands and other immoveable property belonging to or appropriated to the **use of the various tribes** ^b bodies of Indians in Lower Canada, the following persons **an** ^bcheeses of person and none other, shall be considered as Indians belonging to the tribe or body of Indians interested in any such land or immoveable property :

Who shall be deemed "Indians" within

Firstly. All persons of Indian blood, reputed to belong to the particular tribe or body of Indians interested in such lands or immoveable property, and their descendants';

Secondly. All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians, or an Indian reputed to belong to the particular tribe or body of Indians interested in such lands or immoveable property, and the descendants *of* all such persons ; And

Thirdly. All women lawfully married to any of the persons included in the several classes hereinbefore designated ; the children issue of such marriages, and their descendants. 14, 15 V. c. 59, s. 2.

LANDS SET APART FOR INDIANS.

Certain lands
to be set apart
for Indians.

12. Tracts of land in Lower Canada, not exceeding in the whole two hundred and thirty thousand acres, may, (in so far as the same has not been already done under the Act 14, 15 Victoria, chapter 106) under orders in council to be made in that behalf be described, surveyed and set out by the Commissioner of Crown Lands, and such tracts of land shall be respectively set apart and appropriated to and for the use of the several Indian tribes in Lower Canada, for which they are respectively directed to be set apart in any order in Council, made as afore-said, and the said tracts of land shall accordingly, by virtue of this Act, and without any price or payment being required therefor, be vested in and managed by the Commissioner of Indian lands for Lower Canada, under this Act. 14, 15 V. C. 106, S. 1.

Annual grant
for Indian
Tribes.

13. There shall be paid yearly out of the Consolidated Revenue Fund of this Province, a sum not exceeding four thousand dollars, to be distributed amongst certain Indian tribes in Lower Canada by the Superintendent General of Indian affairs, in such proportions amongst the said Indian tribes, and in such manner as the Governor in Council may from time to time direct. *ibid*, s. 2.