

CHAP. 34.

An Act to amend "The Indian Act, 1876."

[Assented to 15th, May, 1879.]

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

1. Paragraph (e) of sub-section three, of section three of "*This Indian Act 1876*," is hereby amended by adding at the end thereof the words "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 be entitled to receive from the Government."
2. Section sixteen of the Act aforesaid is hereby repealed, and the following section substituted in lieu thereof:-

"16. If any person or Indian, other than an Indian of the band to which the reserve belongs, without the license in writing of the Superintendent-General, or of some officer or person deputed by him for that purpose, trespasses upon any of the said land, roads or allowances for roads in the said reserve, 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, roads or allowances for roads, the person or Indian so trespassing shall, on conviction thereof before any Stipendiary: Magistrate, 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 not 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 not 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."

3. Section seventeen of the said Act is hereby amended by adding thereto the words "and similar proceedings may be had for the recovery thereof as are provided for in the next preceding section."
4. Section sixty-three of the said Act is hereby amended by adding to the fourth subsection thereof the words "also for the protection of sheep;"

And by substituting for the words "maintenance of" in the fifth subsection thereof, the words "construction and maintenance of water courses;"

And by adding to the said section the two following subsections:-

"9. The repression of noxious weeds;

"10. The imposition of punishment, by fine or penalty, or by imprisonment, or both, for infraction of any 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."

5. Section sixty-nine of the said Act is hereby amended by striking out the words "or otherwise, howsoever," in the fourth line thereof, and by adding at the end of the said section the words "If any presents given to Indians or non-treaty Indians, or 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."
6. Section eighty-seven is hereby amended by adding thereto the words "and in such cases compliance with the provisions of sections twenty-five and twenty-six and the sub-sections thereof shall not be necessary."
7. 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.
8. 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, shall be deemed and taken to be the keeper thereof, notwithstanding he or she may not in fact be the real keeper thereof.

1880, c.28, s.112 for repeals.