

Chap. 34.

An Act further to amend the Indian Act.

[assented to 13th June, 1898.]

Her Majesty, by and with the advise and consent of the Senate and House of Commons of Canada, enact as follows:--

1. Section 33 of *The Indian Act*, chapter 43 of the Revised Statutes, is hereby repealed and the following is substituted therefor:--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 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 that 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 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."

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 The section substituted for section 38 of the said Act by section 1 of chapter 35 of the statutes of 1895, is hereby repealed and the following is substituted therefor:--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

3. Subsection (b) of section 39 of the said Act, as amended by section 2 of chapter 80 of 1891, is hereby repealed and the following is substituted therefor:--

"(b) The fact that such release or surrender has been assented to by the band at such council or meeting shall be 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 the Indian Commissioner for Manitoba and the North-West Territories, before the Indian some judge of a superior court, county or District court, Stipendiary Magistrate or Justice of the Peace, or, in case of reserve in Manitoba or the North-West Territories before the Indian commissioner for Manitoba and North-West Territories, and in the case or 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."

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 Section 56 of the said Act, is hereby repealed and the following is substituted therefor :--

"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 license 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 products thereof, if found in any action or suit against any wrongful possession 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."

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 Section 66 of the said Act is hereby repealed and the following is substituted therefor:--

"**66.** All trees, log, timber or other products 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."

6. The section substituted for section 70 of the said Act by section 2 of chapter 85 of the statutes of 1895, is hereby repealed and the following is substituted therefor:--

"**70.** The Governor in Council may, subject to the provisions to 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 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 watercourses on such reserves or lands, for the construction of school buildings, and by way of contribution to schools attended by such Indians."

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:--

"**72.** The Superintendent-General may stop the payments of the annuity and interest money of, as well as deprive of any participation in the real property of the band, and Indian who is proved, to the satisfaction of the Superintendent-General, guilty of deserting his family, or of conduct justify 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."

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:--

"**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."

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:-

"75. Whenever the Governor in Council deems it advisable for the government of a band, to introduce the elective system of chiefs 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 headmen 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.

"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 shall not exercise powers as such unless elected under the provision aforesaid.

"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 practiced at the said election; and every Indian who is proved guilty of such fraud or irregularity, of 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.

"4. Any elected or life chief and any councillors or headmen, 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 disposed 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."