

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1845. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1845.

8 Victoria – Chapter 47 (1844)

An Act to regulate the management and disposal of the Indian Reserves in this Province. Passed 14th April 1844.

Whereas the extensive Tracts of valuable Land reserved for the Indians in various parts of this Province tend greatly to retard the settlement of the Country, while large portions of them are not, in their present neglected state, productive of any benefit to the people, for whose use they were reserved: And whereas it is desirable that these Lands should be put upon such a footing as to render them not only beneficial to the Indians but conducive to the settlement of the Country;

I. Be it enacted by His Excellency the Lieutenant Governor, Legislative Council and Assembly, That from and after the passing of this Act it shall and may be lawful for His Excellency the Lieutenant Governor or person administering the Government for the time being, by and with the advice of Her Majesty's Executive Council, from time to time to cause surveys to be made of the Indian Reserves in the respective Counties of this Province where such Reserves are situate, or of such portion or parts thereof as His Excellency the Lieutenant Governor, by and with the advice aforesaid, may deem expedient; such surveys to distinguish the improved from the unimproved lands in the respective Reserves, and the green forests from the burnt lands, and the lands fit for settlement from those unfit for that purpose, with such other information as His Excellency the Lieutenant Governor may deem it desirable to obtain.

II. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor or person administering the Government for the time being, by and with the advice aforesaid, to cause such Indian Reserves or any part or parts thereof, under the direction and superintendence of the Local Commissioners to be appointed under the provisions of this Act, to be leased or sold to the highest bidder by Public Auction, in the Shire Town of the County wherein such Reserves are situate, giving sixty days previous notice thereof in the Royal Gazette, and by posting hand bills in three of the most public places in the County where such Reserves are situate, upon such terms and conditions, and in case of leases subject to such reserved rent, and for such term not exceeding fifty years, as His Excellency the Lieutenant Governor, by and with the advice aforesaid, may deem expedient for the best interest of the Indians and the settlement of the Country.

III. And be it enacted, The better to carry into effect the object of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor or person administering the Government, by and with the advice aforesaid, to appoint one or more Commissioners, not exceeding three for each County in which such Reserves are situate, for the purpose of looking after the Reserves in their respective Counties, and superintending the survey and sale thereof, or such part or parts thereof as may from time to time be directed by the Lieutenant Governor to be sold under the provisions of this Act, and also to look after the interest of the Indians generally of the Counties in which such Reserves are situate, and to prevent trespassing thereon.

8 Victoria – Chapter 47 (1844)

IV. And be it enacted, That it shall be the duty of the said Commissioners of the respective Counties, and they are hereby required well and faithfully to attend to and execute the services required of them under the provisions of this Act, and to keep a regular and correct account of all the lands leased and sold under their supervision, and the proceeds of such sales and leases, and all other monies coming into their hands under the provisions or any of the provisions of this Act for behoof of the Indians, whether from the proceeds of such sales and leases, or from the rents, issues and profits of such Reserves, or from any other source, and to make semi-annual returns of their doings, receipts and expenditures under oath, with the necessary vouchers, to His Excellency the Lieutenant Governor.

V. And be it enacted, That all the monies arising or that shall arise from the sales and leases of the Indian Reserves in the respective Counties, together with the rents, issues and profits of such Reserves, shall be paid into the hands of the local Commissioner or Commissioners of the County, who are hereby required to receive the same, and to pay over such monies semi-annually into the hands of the Provincial Treasurer, less a Commission of five per centum on all such monies received and paid by them for their trouble, and also less the costs of survey and other necessary expenses incurred in and about the carrying out the provisions of this Act.

VI. And be it enacted, That it shall be the duty of the said Treasurer, and he is hereby required to keep a distinct and separate account of all monies so paid into his hands by such Commissioners, shewing the amount received from each County.

VII. And be it enacted, That the monies annually arising from the sale and leasing of the said Reserves, and also from the rents, issues and profits thereof, after payment of expenses aforesaid, shall be applied to the exclusive benefit of the Indians, having regard as far as practicable to applying the proceeds of the several Reserves in accordance with the terms in which such Reserves have been made, in the following manner, viz:—First, towards the relief of the indigent and infirm Indians of the several Tribes: Second, towards procuring seeds, implements of husbandry, and domestic animals, in such manner and proportion as His Excellency the Lieutenant Governor shall direct; which money shall be drawn from the Treasury by Warrant under the hand and seal of His Excellency the Lieutenant Governor, in favor of the local Commissioner or Commissioners, as required for the purposes aforesaid: Provided always, that the amount to be annually drawn from the Treasury of these monies, shall not exceed the amount of the rent, issues and profits realized from the Reserves the preceding year, and the annual interest of the purchase money of the lands sold and placed in the hands of the Treasurer, under the provisions of this Act.

VIII. And be it enacted, That all the monies so paid into the hands of the Treasurer shall be on Interest from one month after they are so paid into the Treasurer's hands until they are again paid out, which Interest shall be provided for by an annual grant of the Legislature.

IX. And be it enacted, That in the leasing, sale and disposal of the Indian lands or portions thereof, due regard shall in all cases be had to the improvements made by the person or persons, who may be in possession of the lands to be sold, whether under sale or lease from the Indians or

otherwise, so as to secure to the person or persons who shall have made such improvements, a fair and just remuneration for the same.

X. And be it enacted, That it shall and may be lawful for the local Commissioners, or the major part of them, under the direction of His Excellency the Lieutenant Governor, to lay off any Tract or Tracts of the Indian Reserves, or any part or parts of the same, into Villages or Town Plots for the exclusive benefit of the Indians of the County in which such Town Plot shall be situate, and to apportion such Villages or Town Plots into allotments of not more than fifty nor less than five acres, Location Tickets of which shall be granted from time to time by His Excellency the Lieutenant Governor to such Indians as His Excellency may deem fit objects for such exclusive appropriations, and to any or all of whom it shall and may be lawful for His Excellency the Lieutenant Governor, by and with the advice aforesaid, to make absolute Grants after the Indians to whom such Location Tickets have issued shall have resided upon and improved the same for a period of not less than ten years.

XI. And be it enacted, That all Grants and Location Tickets made under the provisions of this Act shall issue to the parties free of expense.

XII. And be it enacted, That in order to cause proper surveys to be made, and otherwise to carry into effect the provisions of this Act, it shall and may be lawful for His Excellency the Lieutenant Governor or Administrator of the Government, to draw by Warrant from the Treasury a sum not exceeding one hundred and fifty pounds, to be refunded to the Treasury from the proceeds of the Indian Lands.

XIII. And be it enacted, That this Act shall not come into operation until Her Majesty's Royal approbation shall be thereunto first had and declared.

[This Act was finally enacted, ratified and confirmed by Order of Her Majesty in Council, dated 3d September, 1844, and published and declared in the Province on the 25th day of September, 1844.]