TO INDIAN AGENTS,—

These instructions are issued in brief and practical form as an aid to the efficient management of the agencies under the care of Indian Agents in Canada. For detailed instructions on particular points and for further information, application should be made to headquarters.

The officers of the Department are reminded of their responsibilities as guardians of the Indians entrusted to their immediate care. It is felt that the very nature of this relation should have the effect of calling forth an Agent's most conscientious endeavours.

While the duty of an Agent is first of all to protect the interests of the Indians under his charge, the rights of citizens should be respected and the courtesy which is due to the public should always be observed.

DUNCAN C. SCOTT,
Deputy Superintendent General of Indian Affairs.

Dept. of Indian Affairs,
TO IMPRING AGENCY: 

These instructions are issued to fulfil any previous request made as to the method of operation required for the arrangement which the Agency is considering for the Agency's operation. The Agency, in consultation with the Authorized Purchaser, will provide an opportunity for further discussion and provision of information pertaining to the Agency's operation.

The Agency has determined the operation and coordination of the service requirements in order to ensure the most effective utilization of available resources. It is not the intent to alter the Agency's current plans and procedures.

\[Signatures\]

Director of Employment
Department of Public Assistance

[Information Added]
GENERAL INSTRUCTIONS TO INDIAN AGENTS IN CANADA.

1. The term ‘Agent’ or ‘Indian Agent’ is defined in sub-section (b) of section 2 of the Indian Act.

2. The term ‘Indian’ is defined in sub-section (f) of section 2 of the Indian Act; and Indian enfranchisement is dealt with in sections 107 to 123 of the same Act.

3. The Minister of the Interior is also Minister (Superintendent General) of Indian Affairs. See section 4 of the Indian Act.

4. The Indian Act comprises Chapter 81, Revised Statutes of Canada, 1906. A copy of the Act, in pamphlet form, is furnished to each Indian Agent by the Department of Indian Affairs.

5. It may be stated, as a first principle, that it is the policy of the Department to promote self-support among the Indians and not to provide gratuitous assistance to those Indians who can provide for themselves.

6. The Indians of Canada are subject to the ordinary law, both civil and criminal, except in so far as the Indian Act makes special provision for their exemption.

7. No Agent for the sale of Indian lands shall, within his division, directly or indirectly, except under an Order of the Governor in Council, purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency; and every such purchase or interest shall be void. See sections 57 and 134 of the Indian Act. See also circular of 24th Jan., 1910, which provides
that no officer of the Department of Indian Affairs, or his wife, or any one dependent upon him, shall, directly or indirectly, purchase any Indian land, or become proprietor of, or interested in, any such lands.

8. Indian Agents, as well as any other officials connected with the Department of Indian Affairs, are prohibited, except with the special license of the Superintendent General, from trading with the Indians, or selling to them directly or indirectly any goods or supplies, cattle, or other animals. See sections 42 and 131 of the Indian Act.

9. The suppression of vice of all kinds and of the liquor traffic among his Indians is an important duty of an Indian Agent.

Magisterial Jurisdiction.

10. Under the provisions of sections 161 and 162 of the Indian Act, Indian Agents are given certain magisterial powers. For the purposes mentioned in section 161 an Indian Agent in Nova Scotia, New Brunswick, Prince Edward Island, Quebec or Ontario, is, under that section, ex-officio a justice of the peace, and has the power and authority of two justices of the peace anywhere within the territorial limits of his jurisdiction as defined in the Order in Council appointing him; and, for the same purposes as mentioned in section 161, an Indian Agent in Manitoba, Saskatchewan, Alberta, British Columbia or the Territories, is, under section 162, ex-officio a justice of the peace and has the power and authority of two justices of the peace anywhere in the said Territories and the four last mentioned Provinces.

11. Sub-sections (a) and (b) of section 161 of the Indian Act apply to offences committed by either Indians or white people, while sub-section (c) applies to offences committed by Indians only.
12. With respect to those offences under section 161 which the Criminal Code designates as indictable, the Indian Agent can hold the preliminary investigation only; and, if he thinks that a prima facie case has been made out, he should commit the accused for trial; but, if not, should dismiss the case.

13. An Indian Agent is, of course, competent to try any case of infraction of the sections of the Indian Act regarding the liquor traffic within the territorial limits referred to in paragraph No. 10 of these instructions.

14. Sections 124 to 150 (both inclusive) of the Indian Act provide for penalties for violation of that Act. Sections 135 to 140 (both inclusive) deal particularly with the liquor traffic.

15. It will be observed that the penalties which may be imposed for violation of the provisions of the Indian Act relating to the liquor traffic are fine or imprisonment, and, in certain cases, both. It is considered that, where the penalty sections provide therefore, imprisonment without the option of a fine would be a greater deterrent than the imposition of a fine alone. In some cases, where there is provision therefore, it might be advisable to inflict both fine and imprisonment.

16. It may be remarked that the Department has no objection to Agents or other outside officers of the Department acting as informers in cases of prosecutions under the Indian Act, nor to their receiving the moiety of the fine allowed the informer in successful cases.

Employment of Counsel.

17. In the event of any matter arising which would appear to necessitate the employment of a lawyer, it is necessary for the Agent, before seeking legal advice or assistance, to
communicate the facts to the Department. Should there not be time to write, he may wire for instructions.

Sanitary.

18. It is important for the health of the Indians that their premises should be kept clean. Personal cleanliness and proper ventilation of their houses, etc., are, of course, very important. Indians should be advised to destroy all refuse and to select drinking water from unpolluted sources, and generally to live in a sanitary manner. On the 1st of March of each year a circular containing definite instructions is sent to Agents in this connection.

19. It being desirable that Agents should be fully informed as to the requirements of the Animal Contagious Disease Act and the Regulations thereunder, copies of the Act and Regulations have been sent with a circular to all Agents.

Trading with Indians.

20. No official or employee connected with the inside or outside service of the Department of Indian Affairs, and no missionary in the employ of any religious denomination, or otherwise employed in mission work among Indians, and no school teacher on an Indian reserve, shall, without the special license in writing of the Superintendent General, trade with any Indian, or sell to him directly or indirectly, any goods or supplies, cattle or other animals. See sections 42 and 131 of the Indian Act.

21. In Manitoba, Alberta, Saskatchewan or the Territories, no one is allowed to go on a reserve to trade without the special license in writing of the Superintendent General. See sections 43 and 131 of the Indian Act.

22. As regards the other provinces, the policy of the Department is against allowing
entry upon reserves by traders without authority. See paragraph No. 23 regarding trespass.

Trespass on Reserves.

23. The attention of Indian Agents is drawn to section 33 of the Indian Act, which provides that no person, or Indian other than an Indian of the band, shall, without the authority of the Department, reside or hunt upon, occupy, or use, any land or marsh, or reside upon or occupy any road, or allowance for road, running through any reserve belonging to or occupied by such band. See section 124 of the Indian Act, providing penalty for infractions; and paragraphs 74 and 80 with regard to timber cutting.

24. The entry of a survey party upon a reserve is not a trespass. See the paragraphs of those instructions relative to Surveys for Rights of Way, etc., Nos. 71, 72 and 78.

Occupations of Indians.

25. The Indians should be encouraged to settle on their reserves, and, where feasible, to engage in farming, stock-raising, etc. At any rate they should, in most cases, cultivate small gardens in which to raise potatoes, turnips, etc., for their own use. Those who cultivate the soil should be impressed with the advisability of saving enough seed to plant their land the next spring.

26. In whatever occupations the Indians are engaged, they should be encouraged in habits of industry and thrift.

Education.

27. Educational advantages are provided for the Indians in day, boarding and industrial schools. The Annual Report of the Department shows where these institutions are situated, and from the statements thus published an Agent may observe whether any are within
the boundaries of his agency. Earnest attention should be given by Agents to the administration of the schools, and efforts should be made to increase their efficiency. A lively interest on the part of the Agent in all the operations of the various classes of schools will do much to advance the standard of the work and its results. If day schools only are maintained in an agency, the Agent should visit them not less than once a month when practicable and should assist the teacher, and the truant officer if such has been appointed, in maintaining regular attendance.

28. The Agent should report monthly on the work of such school, using the form provided for the purpose.

29. Attention is particularly drawn to circular of 4th December, 1912, which sets forth an Agent's duties in recruiting for boarding or industrial schools. He should familiarize himself with the regulations relating to the education of Indian children, approved by the Governor General in Council on the 6th August, 1908. Attention is drawn particularly to that portion of the above mentioned circular which deals with orphan children and those who are neglected.

30. It is also the policy of the Department to assist deserving ex-pupils of boarding and industrial schools on their discharge from the schools. This policy forms the subject matter of a circular issued 2nd July, 1909, a copy of which circular will be found on page 437, Part II of the Annual Report of this Department for 1911, but a copy will be furnished to any Agent if it is not otherwise available. Agents should govern themselves in this matter by the provisions of the circular, and it will be the duty of Agents and of the subordinates acting under their instructions to give great attention to the welfare of Indian youths, of both sexes, who have been educated in the schools.
31. Agents should endeavour by advice and supervision to enable these young people to make use to the fullest extent of the training which they have received.

32. The Department would like to receive, from time to time, suggestions from Agents as to the improvement of the schools in their agencies.

**Chiefs and Councillors.**

33. It would be well for Agents to make themselves familiar with the system by which the positions of chief and councillor are filled in their respective agencies, so that when action becomes necessary, whether on account of vacancies that have already occurred or that will occur at a certain date, they may be in proper time to advise the Department and obtain authority for filling such vacancies.

See sections 93 to 96 of the Indian Act regarding the office of chief or councillor; sections 97 and 98 as to regulations which may be passed by chiefs, affecting the government of a band; and sections 166 and 167 relative to consent of chiefs or councillors on behalf of band.

**Financial.**

34. Agents are required to forward to the Department annually, promptly on the date called for, an estimate of the requirements for the ensuing year. Every item that is not of an ordinary authorized character should be fully explained; otherwise it will not be considered. Nothing that the Indians can procure for themselves should be asked for.

35. The appropriations for Indian expenditures are based on the reasonable needs of the service, and when suggestions as to expenditure are made, they should be very carefully
considered and the cost of carrying the same into effect brought to the lowest possible figure consistent with efficiency.

36. No expenditure is to be made without the authority of the Department.

37. All public moneys or Indian funds passing through an Agent's hands should be entered in the cash book, and a copy of the latter should be forwarded to the Department each month.

38. A separate bank account must be opened for all funds pertaining to Indians or the Department, and no deposit of private funds or withdrawals for private purposes from this account will be allowed.

39. Moneys voted for the current fiscal year are not available for the ensuing fiscal year and any unexpended balance remaining in an agent's hands should be refunded to the Department.

40. In order to minimize drafts upon public funds, the needs of bands having moneys standing at their credit should be met, as far as possible, from band funds.

41. All vouchers for expenditure should be forwarded by the Agent to the Department for payment. The vouchers should be signed in duplicate, certified as follows, as the case may be, when not presented on the regular form of voucher furnished by the Department:

"Work performed, prices fair and just." Or
"Material supplied, prices fair and just."

42. When the expenditure is incurred under contract the following should be added to the above certificate, "and according to contract."

43. Agents' accounts for contingencies, such as postage, etc., which should contain full details of expenditure, supported by receipts for cash disbursements, should be forwarded to the Department in duplicate.

44. Salaries.—Requisitions for payment of
salaries of employees should be made monthly or quarterly, according to usage or special instructions.

45. Destitution. — The Department will be willing to provide the actual necessaries of life to sick and aged Indians, or orphans and widows who are unable to work and have no means or no friends able to support them, upon the facts being fully represented by the Indian Agent. In order to prevent suffering, it may be necessary for an Agent to furnish a small amount of provisions without reporting, but in any such case the Agent should lose no time in laying all the facts before the Department and obtaining instructions as to further procedure. The Indians, however, must be trained to rely upon their own exertions.

46. Medical Attendance. — The Department's policy — as referred to in paragraph No. 5 of these instructions — of developing self-dependence in the Indian, is to be borne in mind when medical attendance becomes necessary; no gratuitous attendance is to be given Indians who are able to pay for a physician's services or for medicines.

47. When physicians are employed and paid by salary or fees to attend indigent Indians gratuitously, it shall be the duty of the Agent to see that the attendance is faithfully given and that medicines are prescribed and issued free — any failure in this duty on the part of such physician, should at once be reported.

48. Payment of Treaty Annuities and Interest Moneys. — Once a year, at a time to be arranged (generally in the spring or summer) between the Department and such Agents as preside over agencies situated within treaty territory, payments of treaty moneys are made to the Indians. The following instructions are to be observed in connection therewith:
49. (Note.—Indian Agents in Prince Edward Island, Nova Scotia, New Brunswick, Quebec or British Columbia are not required to make annuity payments).

50. Pay-sheets should be made in triplicate, two copies to be sent to the Department duly certified and bearing declarations made by the Indian Agent and his clerk, the third copy to be retained by the Agent.

51. Only Indians whose names appear on the pay-sheets and who are entitled thereto according to treaty and the Indian Act, are paid annuity or interest moneys.

52. Payment should be made to the head of a family, or to his or her proper representative.

53. No money should be paid to any Indian other than the one entitled thereto except upon presentation of a written order, which should be attached to the pay-list.

54. When a male adult marries, he should be given a new number on the pay-list instead of being paid, as previously, under his father’s number.

55. No new families should be taken into treaty until their applications are submitted to and approved of by the Department.

56. When a number is cancelled by transfer or owing to the family being extinct, the number should be dropped out and not be given to another family. The reason for cancellation should always be given.

57. When payments of arrearages are made, the years for which payments are made should be mentioned in the pay-list.

58. In case of an Indian woman marrying other than an Indian or a non-treaty Indian, she may be allowed to commute her annuity at ten years’ purchase, in accordance with section 14 of the Indian Act; but before taking her application the Agent must satisfy himself of the occupation of the husband and ascertain if he is capable of supporting her.
wife and family. A voucher should be sent to the Department with the application, as should also the consent of the band; and a certificate should be written on the face of the voucher that the husband is capable of supporting his wife, and stating what his occupation is.

59. Indian Agents are prohibited from intervening to collect debts due by Indians, and are not on any account to accept orders on money due to Indians. Agents should inform merchants and others who would be likely to have any transaction with Indians that the Department will not recognize such orders and will not be responsible for their payment. Collectors are not to be permitted to be present at the pay table or in the pay-room, when payments are being made.

60. The column for remarks on the pay-sheet should contain, opposite the names of the Indians concerned, clear explanations of all increases or decreases in the families.

61. All payments should be made by the Agent in the presence of his clerk, or, if there is no clerk, in the presence of the Chief or other responsible member of the band.

62. At the end of the pay-list, the clerk, or his substitute, should sign an affidavit to the following effect,—

'I certify that the payments after which I have placed my initials were properly made in my presence.'

63. A cash statement should accompany the Agent's pay-sheet.

64. All doubtful cases of membership, etc., should be submitted to the Department, with the evidence, for consideration.

65. Expenditure of Band Capital.—Agents whose bands have capital funds at their credit in the hands of the Department are referred to sections 89 and 90 of the Indian Act. Any proposed expenditure must be referred to the Department, in order that it may
be submitted to the Governor in Council for consideration. The Agent's own recommendation for or against the expenditure should always be forwarded to the Department, and the amount should be definitely stated. While, under sub-section 2 of section 89, the consent of the band in council or of the council of the band (see sections 166 and 167 of the Indian Act) is not actually necessary as regards an expenditure for any of the purposes referred to in that sub-section, nevertheless it is advisable to obtain the Indians' consent where possible. For an expenditure under section 90, the consent of the Indians is always necessary, the consent being given in the form of a resolution.

66. Indian Land Sales.—Agents who are entrusted with the sale of Indian lands, should, where collections on account of such lands have been made during the month, fill out and sign, in duplicate, a land return on form No. 81 and forward the same to the Department promptly at the close of each month. This return will be examined by the Department, and, if found to be incorrect in any particular, may be returned to the Agent for correction, or may be corrected by the Department, as the case may be. A correct copy will then be sent to the Agent to be kept of record in his office. In the event, however, of no collections being made during the month, one copy of such land return form, marked 'Nil' and signed by the Agent, will be sufficient to forward to the Department at the end of the month.

67. Transfer of Membership.—Transfers of Indians from one band or reserve to another should be discouraged as much as possible, and any transfer must first be covered by a resolution of the band and be authorized by the Department.
Indian Marriage and Divorce.

68. The matter of Indian marriage and divorce is dealt with in a departmental circular of 19th June, 1906.

Indian Dances.

69. Agents in the West should in every way possible discourage gatherings which tend to destroy the civilizing influence of the education imparted to Indian children at the schools, and which work against the proper influence of agents and farming instructors.

70. Dances involving the giving away features and the wounding or mutilation of bodies are forbidden by law. See section 149 of the Indian Act.

Surveys for Rights of Way for Railways, etc.

71. Surveyors in general, and the engineers of railway companies and other corporations, acting under proper authority, may be allowed to make necessary surveys across Indian Reserves; but no work of construction is to be allowed until the Indian Agent has been notified by the Department to allow the same to be proceeded with.

72. In the event of land being required in an Indian reserve for the purpose of any railway or public work, the Indian Agent should notify the Department of the fact, when he will be instructed how to act in the matter, especially as regards valuations of the land and the improvements affected.

Departmental Surveys.

73. Agents should render all the assistance in their power to enable any of the surveyors of the Department to execute surveys or other works in the agencies.
74. With regard to timber matters, Agents should read carefully sections 73 to 86 of the Indian Act, also sections 127 and 128, which provide for penalties in cases of trespass.

75. The Department requires that the timber on Indian reserves shall be conserved as much as possible, and Agents should inculcate this principle in the minds of the Indians in order to minimize destruction of timber by fire, cutting beyond actual requirements, and waste.

76. Under the said section 128 of the Indian Act an Indian has the implied right to cut timber on a reserve without a license, for building, fencing and fuel; but, in cases where larger quantities are applied for, it would be desirable to have the consent of the band in council by way of resolution.

77. All applications made by Indians to cut timber on reserves or locations for sale should be made to the band in council, and such applications as are agreed to by the band should be covered by resolutions requesting that the Department authorize the Indian Agent to issue written permits to the applicants for such kinds and quantities as have been applied for. Copies of such resolutions should be transmitted to the Department with the Agent's report thereon and with his recommendation for or against the same.

78. Crown dues at tariff rates are payable on all timber cut by Indians for sale; and, in cases where it is cut adjoining existing clearances with a view to clearing and cultivating the land cut over, the dues collected from the purchaser will be refunded upon a certificate being furnished by the Indian Agent that the area has been cleared, fenced, and put under cultivation, or that sufficient grass and clover seed has been sown thereon to prevent the growth of noxious weeds.
79. The area which an Indian may cut upon should not exceed two acres in any season; and two seasons following may be allowed for the work of clearing, etc., as above referred to.

80. In cases of trespass, it is not necessary to apply to the Department for authority to seize timber so cut. The Indian Act gives Indian Agents the right to act in such cases, and all seizures should be reported to the Department without delay, or as soon as may be found practicable. Timber seized should be placed in charge of a guardian wherever this can be done; but no remuneration should be fixed for such services without reference to the Department.

81. Monthly returns of collections of timber dues should be sent to the Department immediately after the end of each month; and, in cases where no collections have been made, a 'nil' return should be sent.

82. All timber returns and specifications of measurements should be carefully examined, checked and certified as correct before transmission to the Department. If there are no transactions during the month, a return marked 'nil' should be sent to the Department.

83. Doyle's rule is used in computing contents of sawlogs of 18 feet in length and under, and the contents of logs of greater lengths should be computed by the table on page 65 of Scribner's Lumber and Log Book, Rochester Edition, which gives the contents of logs in cubic form.

84. Timber Licenses.—Licensees cannot lawfully cut trees covered by their licenses under 10 inches in diameter where cut, which shall be at a distance of not less than 15 inches from the ground.

General.

85. Once a year each Agent should prepare a report for publication in the Annual Report of the Department of Indian Affairs. It should
cover and include a reference to all matters of interest between the first of April of one year and the thirty-first of March of the next year, upon which latter date the Dominion fiscal year closes. A circular containing full instructions in this connection is sent to Agents in due time for the preparation of their report.

86. A monthly report should be made to the Department by each Agent, noting everything of interest concerning the Indians and the work of his agency.

87. Agents are required to keep a brief official diary on the forms supplied them, one copy of which should be forwarded to the Department monthly.

88. A circular is sent to each Agent in due time with regard to the preparation of the annual census returns and the agricultural statistics.

89. It is important that all Agents should familiarize themselves with the provisions of the Indian Act and any circulars, etc., sent them by the Department.

90. In corresponding with the Department, Agents are required to confine themselves to one subject in each letter and to quote the Department’s file number and date of letter when replying to communications. All Agents and other officials are required to give prompt attention to letters from the Department.

91. Stationery for official use is supplied to Agents on application to the Department therefor.

92. Letters to the Department should be addressed as follows, and no postage is required thereon:

The Assistant Deputy and Secretary,
Department of Indian Affairs,
Ottawa.

Department of Indian Affairs,
Ottawa, 25th October, 1913.