

20-21 GEORGE V.

CHAP. 25.

An Act to amend the Indian Act.

[Assented to 10th April, 1930.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:- R.S., c. 98.

1. Subsection two of section four of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, is repealed. Eskimo affairs.

2. Subsection six of section nine of the said Act is repealed and the following substituted therefor:-

"(6) The Superintendent General may apply the whole or any part of the annuities and interest moneys of Indian children attending an industrial or boarding school to the maintenance of such children." Annuities and interest applied to maintenance

3. Subsection one of section ten of the said Act is repealed and the following substituted therefor:-

"10. (1) Every Indian child between the full ages of seven and sixteen years who is physically able shall attend such day, industrial or boarding school as may be designated by the Superintendent General for the full periods during which such school is open each year; provided that where it has been made to appear to the satisfaction of the Superintendent General that it would be detrimental to any particular Indian child to have it discharged from school on attaining the full age of sixteen years, the Superintendent General may direct that such child be detained at school for such further period as may seem to be advisable, but not beyond the full age of eighteen years, and in such case the provisions of this section with respect to truancy shall apply to such child and its parents, guardians or persons with whom such child resides during such further period of school attendance." Children from seven to sixteen to attend school.

4. Paragraph "b" of subsection four of section thirty-five of the said Act is repealed and the following substituted therefor:-

Removal of
cattle.

"(b) to remove any cattle or other animals owned by him or in his charge from such land or marsh."

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 Section forty of the said Act is repealed and the following substituted therefor:-

Consent of
agent required
for sale
or barter.

"40. No person shall buy or otherwise acquire from any band or irregular band of Indians or from any Indian any cattle or other animals of any kind from any reserve in the Province of Manitoba, Saskatchewan or Alberta or the Territories without the written consent of the Indian agent."

6. Section forty-one of the said Act is repealed and the following substituted therefor:-

Buying of
produce
prohibited.

"41. No person shall buy or otherwise acquire from any hand or irregular band of Indians, or from any Indian, any grain, root crops, or other produce from upon any reserve in the Province of Manitoba, Saskatchewan or Alberta, or the Territories without the written consent of the Indian agent."

7. Section forty-two of the said Act is repealed and the following substituted therefor:-

Superinten-
dent General
may order
seizure of
produce
unlawfully
possessed by
any person.

"42. If any such cattle or other animals or such grain, root crops, or other produce, as aforesaid, are unlawfully in the possession of any person within the intent and meaning of this part, any person acting under the authority, either general or special, of the Superintendent General, may with such assistance in that behalf as he thinks necessary, seize and take possession of the same and he shall deal therewith as the Superintendent General or any officer or person thereunto by him authorized, directs."

8. The said Act is amended by inserting therein the following section:-

Farms on
Indian
Reserves for
instruction and
supply of
seeds.

"94A. The Superintendent General may operate farms on Indian Reserves, employing such persons as may be considered necessary, for the purpose of instructing the Indians in farming and for the supply of pure seed for Indian farmers and may from time to time apply any profits arising therefrom in the extension of such operations or in making loans to Indians to enable them to engage in farming or other operations or apply such proceeds in any other way for their progress and development."

9. Subsection one of section one hundred and one of the said Act is amended by adding thereto the following paragraph: -

"(j) Controlling or prohibiting participation in, or attendance at, public games, sports, races, athletic contests or other such amusements on the Sabbath." Amusements on the Sabbath.

10. Section one hundred and five of the said Act is repealed and the following section substituted therefor: -

"**105.** No one other than an Indian or non-treaty Indian shall take any security or otherwise obtain any lien or charge, whether by mortgage, judgment or otherwise, upon real or personal property of any Indian or non-treaty Indian, except on real or personal property subject to taxation under the last three preceding sections: Provided that any person selling any article to an Indian or non-treaty Indian may take security on such article for any part of the price thereof which is unpaid." Lien or charge on property of Indians.

11. Paragraph (b) of section one hundred and sixteen of the said Act is repealed and the following substituted therefor: -

"(b) to remove any cattle or other animals owned by him or in his charge from such land or marsh." Removal of animals.

12. Section one hundred and twenty of the said Act is repealed and the following substituted therefor: -

"**120.** Every person who buys or otherwise acquires from any Indian or band or irregular band of Indians in the province of Manitoba, Saskatchewan, or Alberta, or the Territories any cattle or other animals or any grain, root crops or other produce or sells to any such Indian any goods or supplies, cattle or other animals contrary to the provisions of this Act, shall, on summary conviction, be liable to a penalty not exceeding one hundred dollars, or to imprisonment for a term not exceeding three months, or to both." Baying from Indians contrary to this Act. Penalty.

13. Subsection two of section one hundred and twenty-six of the said Act is repealed and the following substituted therefor: -

"(2) A moiety of every such penalty shall belong to the informer or prosecutor." Application of penalty.

14. Section one hundred and thirty-two of the said Act is repealed and the following substituted therefor: -

132. If it is proved before any judge, police magistrate, stipendiary magistrate or two justices of the peace or Indian agent that any vehicle, motor car, automobile, vessel, boat, canoe or conveyance of any description is employed in carrying any intoxicant to be supplied to Indians or non-treaty Indians, such vehicle, motor car, automobile, vessel, boat, canoe or conveyance so employed may be seized and declared forfeited, as in the last preceding section mentioned and sold, and the proceeds thereof paid to His Majesty for the purpose hereinbefore mentioned." Vehicles, vessels, etc., used in carrying intoxicants for Indians, to be forfeited and sold.

15. Subsection two of section one hundred and thirty-seven of the said Act is- repealed and the following substituted therefor:-

Certificate of analyst to be accepted as *prima facie* evidence.

"(2) In any prosecution under this Act, a certificate of analysis signed or purporting to be signed by a provincial or dominion analyst, shall be accepted as *prima facie* evidence of the facts stated therein, as to the analysis or the alcoholic or narcotic content of the sample or preparation therein referred to as having been analysed, and of the authority of the person signing such certificate without any proof of appointment or signature."

16. The said Act is amended by inserting therein section 140A as follows:-

Indian wasting his time in a poolroom.

"**140A.** Where it is made to appear in open court that any Indian, summoned before such court, by inordinate frequenting of a poolroom either on or off an Indian reserve, misspends or wastes his time or means to the detriment of himself, his family or household, of which he is a member, the police magistrate, stipendiary magistrate, Indian agent, or two justices of the peace holding such court, shall, by writing under his or their hand or hands forbid the owner or person in charge of a poolroom which such Indian is in the habit of frequenting to allow such Indian to enter such poolroom for the space of one year from the date of such notice.

Allowing certain Indians to enter a poolroom.

Any owner or person in charge of a poolroom who allows an Indian to enter a poolroom in violation of such notice, and any Indian who enters a poolroom where his admission has been so forbidden, shall be liable on summary conviction to a penalty not exceeding twenty-five dollars and costs or to imprisonment for a term not exceeding thirty days."

17. Subsection two of section one hundred and eighty-five of the said Act is amended by adding thereto after paragraph (j) thereof the following paragraph:-

Control of public games on the Sabbath.

"(jj) Controlling or prohibiting participation in, or attendance at, public games, sports, races, athletic contests or other such amusements on the Sabbath."