

1 EDWARD VIII.

CHAP. 20.

An Act to amend the Indian Act.

[Assented to 2nd June, 1936.]

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;
1930, o. 25;
1932-33, c. 42;
1934, c. 29.

1. Subsection three of section twenty-five of the *Indian Act*, chapter ninety-eight of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:-

"(3) No one who is not entitled to reside on the reserve shall by reason of any devise or bequest or by reason of any intestacy be entitled to hold land in a reserve, but any land in a reserve devised by will or devolving on an intestacy, to some one not entitled to reside on the reserve, shall be sold by the Superintendent General to the band or to some member of the band and the proceeds thereof shall be paid to such devisee or heir."

Land devised
or
bequeathed
to non-
resident, to
be sold.

2. Section sixty-nine of the said Act is repealed and the following is substituted therefor:-

"69. (1) The Superintendent General, subject to the approval of the Governor in Council, may, as in this section provided, make regulations which, upon publication thereof in the *Canada Gazette*, shall apply with the same force as if the terms of such regulations had been herein enacted.

Regulations.

(2) The regulations may provide for appropriate penalties, not exceeding, as to imprisonment, three months and not exceeding as to fine, one hundred dollars, for violation or non-observance of any provision of any regulation.

Penalties.

(3) Without restricting the generality of the provisions of subsection one of this section, the regulations may provide, *inter alia*, for the incorporation by reference, as part of such regulations, of any specific and indicated law or regulation of and in force within any province of Canada, and in particular, and whether or not by way of the incorporation by reference of provincial laws or regulations, such regulations may provide-

Laws and
regulations
incorporated
by reference.

Laws relating to game.

(a) with relation to Indians within the province of Manitoba, Saskatchewan or Alberta or within the Territories, as the case may be, or to Indians in such parts of such provinces and Territories as to him seems expedient, that laws either in the same terms as, or in like terms to, or in other terms than, those in force in such provinces and territories, respectively, with relation to game in general or to specific game, shall apply, upon publication thereof in the *Canada Gazette*, with the same force as if enacted in this Act, to such Indians as such regulations shall prescribe;

Laws for preventing plant diseases.

(b) for the destruction of noxious weeds and the prevention of the breeding, spreading or prevalence of any insect, pest or disease which may or might be destructive of or injurious to vegetation on Indian Reserves;

Laws respecting motor vehicles.

(c) governing the speed and operation of vehicles on highways within Indian Reserves.

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

Power of Governor in Council over expenditure of capital.

"(1) The Governor in Council may, with the consent of a band, authorize and direct the expenditure of any capital moneys standing at the credit of such land, in the purchase of land as a reserve for the band or as an addition to its reserve, or the possessory rights of a member of the band in respect of any particular parcel of land on the reserve, or in the purchase of cattle, implements or machinery for the band, or in the construction of permanent improvements upon the reserve of the band, or such works thereon or in connection therewith as, in his opinion, will be of permanent value to the band, or will, when completed, properly represent capital, or in the making of loans to members of the band to promote progress, no such loan, however, to exceed in amount one-half of the appraised value of the interest of the borrower in the lands held by him."

4. Section ninety-six of the said Act is amended by adding thereto the following subsection:-

In case of an equality of votes.

"(5) In any case of an equality of votes at any such election the agent or person presiding thereat shall have the casting vote.

5. The said Act is amended by inserting the following section immediately after section ninety-nine thereof:-

"99A. (1) At meetings of the council the agent for the reserve, or his deputy appointed for the purpose with the consent of the Superintendent General, shall

Duties of the agent at meetings of the council.

- (a) preside, and record the proceedings;
- (b) control and regulate all matters of procedure and form, and adjourn the meeting to a time named or *sine die*;
- (c) report and certify all by-laws and other acts and proceedings of the council to the Superintendent General;
- (d) address the council and explain and advise the members thereof upon their powers and duties.

(2) No such agent or deputy shall vote on any question to be decided by the council."

Not to vote.

6. Paragraph (c) of subsection one of section one hundred and twenty-six of the said Act is repealed and the following substituted therefor:-

"(c) is found in possession of any intoxicant in the house, room, tent, wigwam, or place of abode of any Indian or non-treaty Indian whether on or off a reserve, or of any person on any reserve or special reserve, or on any other part of any reserve or special reserve; or"

Having intoxicants in his possession.

7. Subsection two of section one hundred and twenty-six of the said Act is repealed.

Selling intoxicants.

8. Subsection two of section one hundred and twenty-seven of the said Act is repealed.

Commander of vessel where intoxicants are sold.
Intoxicants

9. Subsection one of section one hundred and thirty of the said Act is amended by striking out the words "half of which pecuniary penalty shall belong to the informer."

10. Subsection two of section one hundred and thirty of the said Act is amended by striking out the words "half of which pecuniary penalty shall belong to the informer."

Gambling, drinking, etc.

11. Subsection; four of section one hundred and thirty-one of the said Act is repealed.

Kegs for intoxicants, etc.

12. Subsection two of section one hundred and thirty-four of the said Act is repealed.

Intoxicants at council or meeting.

13. Section one hundred and seventy-four of the said Act is repealed and the following substituted therefor:-

Who shall
be deemed
elected.

"**174.** One or more members to represent each section of the reserve, as provided in such Order in Council, shall be elected by the electors resident in each section, and the Indian or Indians, as the case may be, having the votes of the greatest number of electors for each section, shall be the councillor or councillors, as the case may be, therefor, provided he or they are respectively possessed of a house on, and living on, the reserve."

OTTAWA: Printed by JOSEPH OSCAR PATENAUDE, I.S.O., Law Printer to the
King's Most Excellent Majesty.