

8 - 9 GEORGE V.

CHAP. 26.

An Act to amend the Indian Act.

[Assented to 24th May, 1918.]

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:-

1. (1) Section twenty-five of the *Indian Act*, chapter eighty-one of the Revised Statutes of Canada, 1906, is amended by striking out the words "no devise or bequest of land in a reserve or of any interest therein unless to the daughter, sister or grandchildren of the testator, shall be made to any one not entitled to reside on such reserve, and that."

(2) Section twenty-five of the said Act is further amended by adding thereto the following subsection:-

"(2) 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 some member of the band and the proceeds thereof shall be paid to such devisee or heir."

2. Subsection three of section forty-nine of the said Act is amended by striking out all of the subsection after the word "before" in the sixth line thereof and substituting therefor the words "any person having authority to take affidavits and having jurisdiction within the place where the oath is administered."

3. (1) Section sixty-seven of the said Act is amended by inserting the words "or Indian" immediately after the word "person" in the third line thereof.

(2) Subsection two of section sixty-seven is amended by adding the words "or Indian" immediately after the word "person" in the first and sixth lines thereof.

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

"(2) In the event of a band refusing to consent to the expenditure of such capital moneys as the Superintendent General may consider advisable for any of the purposes mentioned in subsection one of this section, and it appearing to the Superintendent General that such refusal is detrimental to the progress or welfare of the band, the Governor in Council may, without the consent of the band, authorize and direct the expenditure of such capital for such of the said purposes as may be considered reasonable and proper,

"(3) Whenever any land in a reserve whether held in common or by an individual Indian is uncultivated and the band or individual is unable or neglects to cultivate the same, the Superintendent General, notwithstanding anything in this Act to the contrary, may, without a surrender, grant a lease of such lands for agricultural or grazing purposes for the benefit of the band or individual, or may employ such persons as may be considered necessary to improve or cultivate such lands during the pleasure of the Superintendent General, and may authorize and direct the expenditure of so much of the capital funds of the band as may be considered necessary for the improvements of such land, or for the purchase of such stock, machinery, material or labour as may be considered necessary for the cultivation or grazing of the same, and in such case all the

proceeds derived from such lands, except a reasonable rent to be paid for any individual holding, shall be placed to the credit of the band: Provided that in the event of improvements being made on the lands of an individual the Superintendent General may deduct the value of such improvements from the rental payable for such lands."

5. (1) Section ninety-two of the said Act, as amended by section six of chapter thirty-five of the statutes of 1914, is amended by adding thereto the following paragraph:-

"(f) May make by-laws for the taxation, control and destruction of dogs and for the protection of sheep, and such by-laws may be applied to such reserves or parts thereof from time to time as the Superintendent General may direct."

(2) The said section is further amended by adding thereto the following subsection:-

"(3) In any regulations or by-laws made under the provisions of this section, the Superintendent General may provide for the imposition of a fine not exceeding thirty dollars or imprisonment not exceeding thirty days, for the violation of any of the provisions thereof."

6. The following section is inserted immediately after section one hundred and twenty-two:-

"122A.(1) If an Indian who holds no land in a reserve, does not reside on a reserve and does not follow the Indian mode of life, makes application to be enfranchised, and satisfies the Superintendent General that he is self-supporting and fit to be enfranchised, and surrenders all claims whatsoever to any interest in the lands of the band to which he belongs, and accepts his share of the funds at the credit of the band including the principal of the annuities of the band, to which share he would have been entitled had he been enfranchised under the foregoing sections of the Act, in full of all claims to the property of the band, or in case the band to which he belongs has no funds or principal of annuities, surrenders all claim whatsoever to any property of the band, the Governor in Council may order that such Indian be enfranchised and paid his said share if any, and from the date of such order such Indian, together with his wife and unmarried minor children, shall be held to be enfranchised.

"(2) Any unmarried Indian woman of the age of twenty-one years, and any Indian widow and her minor unmarried children, may be enfranchised in the like manner in every respect as a male Indian and his said children.

"(3) This section shall apply to the Indians in any part of Canada."

7. Section one hundred and forty-nine of the said Act is amended by striking out the word "indictable" in the tenth line thereof, and by inserting after the word "liable" in the eleventh line the words "on summary conviction."