

12-13 GEORGE V.

CHAP. 26.

An Act to amend the Indian Act.

[Assented to 28th June, 1922.]

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

1. Subsection one of section one hundred and seven of the *Indian Act*, Revised Statutes of Canada, 1906, chapter eighty-one, as enacted by chapter fifty of the statutes of 1920, is repealed, and the following is substituted therefor:-

“107. (1) Upon the application of an Indian of any band, or upon the application of a band on a vote of a majority of the male members of such band of the full age of twenty-one years at a meeting or council thereof summoned for that purpose, according to the rules of the band and held in the presence of the Superintendent General or of an officer duly authorized to attend such council, by the Governor in Council or by the Superintendent General, a Board may be appointed by the Superintendent General to consist of two officers of the Department of Indian Affairs and a member of the band to which the Indian or Indians under investigation belongs, to make enquiry and report as to the fitness of any Indian or Indians to be enfranchised. The Indian member of the Board shall be nominated by the council of the band, within thirty days after the date of notice having been given to the council, and in default of such nomination, the appointment shall be made by the Superintendent General. In the course of such enquiry it shall be the duty of the Board to take into consideration and report upon the attitude of any such Indian towards his enfranchisement, which attitude shall be a factor in determining the question of fitness. Such report shall contain a description of the land occupied by each Indian, the amount thereof and the improvements thereon, the names, ages and sex of every Indian whose interests it is anticipated will be affected, and such other information as the Superintendent General may direct such Board to obtain”.

2. Section one hundred and ninety-seven of the said Act, as enacted by chapter fifty-six of the statutes of 1919 (first session), is repealed, and the following is substituted therefor:-

“197. The Deputy Superintendent General may acquire for a settler who is an Indian, land as well without as within and Indian reserve, and shall have authority to set apart for such settler a portion of the common lands of the band without the consent of the council of the band. In the event of land being so acquired or set apart on an Indian reserve, the Deputy Superintendent General shall have power to take the said land as security for any advances made to such settler, and the provisions of *The Soldier Settlement Act, 1919*, shall, as far as applicable, apply to such transactions. It shall, however, be only the individual Indian interest in such lands that is being acquired or given as security, and the interest of the band in such lands shall not be in any way affected by such transactions.”