

## Chap. 28.

### Ac Act to amend the Indian Act.

[Assented to 4<sup>th</sup> may, 1910]

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

1. *The Indian Act*, chapter 81 of the Revised Statutes, 1906, is amended by inserting the following heading and section immediately after section 37 thereof:--

"Recovery of Possession of Reserves.

"37A. If the possession of any lands reserved or claimed to be reserved for the Indians withheld, or if any such lands are adversely occupied or claimed by any person, or if any trespass is committed thereon, the possession may be recovered, in an action at the suit of His Majesty on behalf of the Indians, or of the declaration, relief, or damage claimed.

"2. The Exchequer Court of Canada shall have jurisdiction to hear and determine any such action.

"3. Any such action may be instituted by information of the Attorney General of Canada upon the instructions of the Superintendent-General of Indian affairs.

"4. Nothing in this section shall impair, abridge or in anywise affect any existing remedy or mode of procedure provided for cases, or any of them, to which this section applies."

2. Section 87 of the said Act is amended by adding thereto the following subsection:--

"2. No contract or agreement binding or purporting to bind, or in any way dealing with the moneys or securities referred to in this section, or with any moneys appropriated by Parliament for the benefit of Indians or by the members of the said band, other than and except as authorized by and for the purposes of this Part of the Act, shall be valid or of any force or effect, unless and until it has been approved in writing by the Superintendent-General."

3. Subsection 1 of section 105 of the said Act is repealed and following is substituted therefore:--

"105. No presents given to Indians or non-treaty Indians, and no annuities or interest on funds, and no moneys appropriated by Parliament, held for any band of Indians, and no property purchased or acquired with or by means any such annuities or income or moneys, and whether in the possession of any band of such Indians or of any Indian of any band or irregular band or not, shall be liable to be taken, seized, distrained, attached or in any way made the subject of judicial process for any debt, matter or cause whatsoever."