

CHAP. 42.

An Act to amend the Indian Act

[Assented to 23^d May, 1933.]

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

Section ten of the Indian Act, chapter ninety-eight of the Revised Statutes of Canada, 1927, is amended by adding thereto the following subsection:-

"(6) For the purposes of this section, every member of the Royal Canadian Mounted Police Force and any special constable appointed for police duty on an Indian reserve, shall be a truant officer."

Section twenty-eight of the said Act is amended by adding thereto the following subsection:-

"(2) The Superintendent General may remove an executor of an estate who neglects or refuses to carry out the terms of the will in such time as may be considered reasonable by the Superintendent General and appoint some one in the place of such executor."

Section forty of the said Act, as enacted by section five of chapter twenty-five of the statutes of 1930, is repealed and the following is substituted therefor:-

"40. No person shall buy or otherwise acquire from any band or irregular band of Indians or from any Indian and no Indian shall sell or otherwise dispose of to any one other than a member of the band, 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."

Section forty-one of the said Act, as enacted by section six of chapter twenty-five of the statutes of 1930, is repealed and the following is substituted therefor:-

"41. No person shall buy or otherwise acquire from any band or irregular band of Indians, or from any Indian, and no Indian shall sell or otherwise dispose of to any one other than a member of the band, 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."

Section forty-seven of the said Act is amended by adding thereto the following subsection:-

"(3) The Superintendent General shall have the authority to determine where roads shall be established on a reserve."

6. Section one hundred and one of the said Act is amended by adding thereto the following paragraph:-

"(k) Regulating the operations of hawkers, peddlers or others coming in the reserve to sell, or take orders for, ware and merchandise."

7. Section one hundred and ten of the said Act is amended by adding thereto the following subsection:-

"(14) In respect of an Indian or Indians of any band who has not or have not made application for enfranchisement under this section or under section one hundred and fourteen of this Act, the Superintendent General may appoint a Board to consist of any judge of any superior court or any judge of any circuit, district or county court, as officer of the Department and a member of the band to be selected by the band to which the Indian or Indians under investigation belongs or belong, or, failing the selection of such member for a period of thirty days after the date of notice having been given to the Council, the member shall be appointed by the Superintendent General, to make enquiry and report as to the fitness

of any Indian or Indians to be enfranchised, and such report shall have the same force and effect and shall be dealt with in the same manner as if the same had been made upon the application of an Indian or Indians under this section: Provided that no enfranchisement of any Indian or Indians shall be made under this subsection in violation of the terms of any treaty, agreement or undertaking that may have been entered into or made between or by the Crown and the Indians of the band in question."

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

"113. Every person or Indian other than an Indian of the band, who, without the authority of the Superintendent General, resides or hunts upon, occupies or used any land or marsh, or who resides upon or occupies any road or allowance for road, running through any reserve belonging to or occupied by such band, or who is found on the reserve and is unable to prove that he is there or some legitimate purpose, shall be liable, upon summary conviction, to imprisonment for a term not exceeding one month or to a penalty not exceeding ten dollars and not less than five dollars, with costs of prosecution, half of which penalty shall belong to the informer."

9. Section one hundred and twenty of the said Act, as enacted by section twelve of chapter twenty-five of the statutes of 1930, is repealed and the following is substituted therefor:-

"120. Every person who buys or otherwise acquires from any Indian or band or irregular band of Indian in the Province of Manitoba, Saskatchewan, or Alberta, or the Territories, or sell to any such Indian, any cattle or other animals or any grain, root crops or other produce, and every Indian who sell any cattle or other animals or any grain, root crops or other produce, contrary to the provisions of this Act, shall on summary conviction be liable to a penalty not exceeding fifty dollars or to imprisonment for a term not exceeding thirty days, or to both."

10. Subsection three of section one hundred and forty of the said Act is amended by striking out the words "in aboriginal costume" in the fifth line thereof.

11. Subsection two of section one hundred and eight-five of the said Act is amended by adding thereto the following paragraph:-

"(n) Regulating the operation of hawkers, peddlers or others coming on the Reserve to sell, or take orders for wares and merchandise."