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No. J. R. 1470-36.

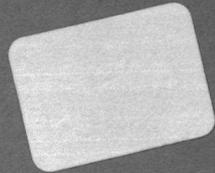
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SEE BACK COVER
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Date 6-3-36.

REGISTRY

Department of Justice

PERMANENT RETENTION
IN 2011



From DEPT. OF INDIAN AFFAIRS.

SUBJECT:

BILL TO AMEND THE INDIAN ACT.

Charged to P.M.A.

REMARKS:

CROSS REFERENCE:

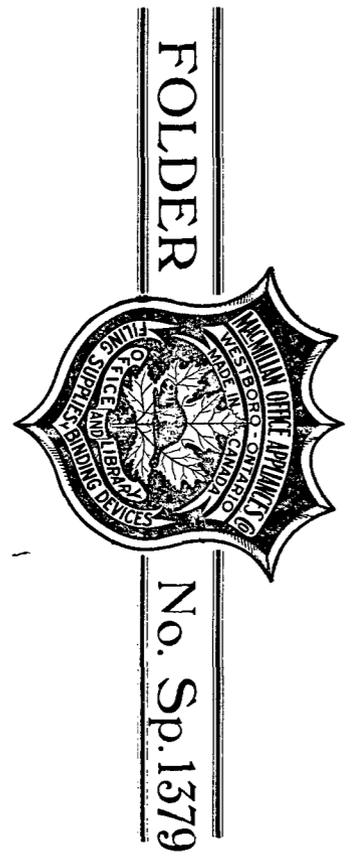
MPV / DSUU ON FILE / SUR DOSSIER
YES/OUI () NO/NON (✓)

ABTRACTOR / REDACTEUR: _____

DJ.

DATE: 4-4-85

No. J.R. 1470-36.





Department of Justice

Ministère de la Justice

FORM "A" / FORMULAIRE "A"

MUST BE COMPLETED ON CLOSING THE FILE BY THE APPROPRIATE OFFICER.

DOIT ÊTRE COMPLÉTÉ À LA FERMETURE DU DOSSIER PAR LE FONCTIONNAIRE CONCERNÉ.

I PLEASE INDICATE:
VEUILLEZ INDIQUER:

A) Department / Ministère _____

B) File No. / N° du dossier 136523

II PLEASE CHECK THE APPROPRIATE SQUARES:
VEUILLEZ COCHER À L'ENDROIT APPROPRIÉ:

This file contains material of precedential value
Ce dossier contient des documents susceptibles d'utilisation ultérieure

Yes Oui

No Non

Send to the Justice Opinion Library.
Envoyez au Répertoire d'opinions juridiques.

Send to the Files Control Center.
Envoyez au Centre de contrôle des dossiers.

DEFINITION

Material of precedential value – letters, memoranda or judgments containing opinions, research or studies which may be useful in other future matters.

Documents susceptibles d'utilisation ultérieure – lettres, notes ou jugements contenant des opinions études ou recherches pouvant servir dans d'autres cas.

III JUSTICE OPINION LIBRARY PLEASE INDEX THE FOLLOWING MATERIAL:

RÉPERTOIRE D'OPINIONS JURIDIQUES VEUILLEZ RÉPERTORIER LES DOCUMENTS SUIVANTS:

- A) Letter dated: 6-5-36/5 18-3-36/5
Date de la lettre: _____
- B) Memorandum dated: 18-2-36/5 _____
Date de la note: _____
- C) Judgment dated: _____
Date du jugement: _____
- D) Other material dated: _____
Date des autres documents: _____

DATE: _____

Signature _____

IV FOR FILE RETIREMENT SECTION ONLY:

POUR LA SECTION CHARGÉE DE LA DISPOSITION DES DOSSIERS SEULEMENT:

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PAC Approval No. Approbation des APC No.		Transfer to Historical Branch of P.A.C.* Dépôt à la division historique des A.P.C.*	
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*P.A.R.C.: Public Archives Records Centre – D.C.A.P.: Dépôt Central des Archives Publiques

*P.A.C.: Public Archives of Canada – A.P.C.: Archives Publiques du Canada

Signature Para McCullough

To be kept in chronological order as per this date:
À être gardé en ordre chronologique selon cette date: June 15, 77

À CONSERVER DANS CE DOSSIER

TO BE KEPT IN THIS FILE

4.

First Session, Eighteenth Parliament, 1 Edward VIII, 1936

THE HOUSE OF COMMONS OF CANADA.

BILL 4. — 1936, c. 20,

An Act to amend the Indian Act.

First reading, February 13, 1936.

The SUPERINTENDENT GENERAL OF INDIAN AFFAIRS.

OTTAWA.

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

12439

1936

000005

1st Session, 18th Parliament, 1 Edward VIII, 1936

THE HOUSE OF COMMONS OF CANADA

BILL 4.

An Act to amend the Indian Act.

R.S., c. 98;
1930, c. 25;
1932-33, c. 42;
1934, c. 29.

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

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:—

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

“(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.”

2. Section sixty-nine of the said Act, is amended by adding thereto the following subsections:—

Laws for preventing diseases.

“(2) The Superintendent General may from time to time by public notice declare that the regulations in force in any province for preventing the spread of any insect, pest, or disease destructive to vegetation, and all that such regulations may prescribe, shall apply to Indians and Indian reserves within such province or such parts thereof as to him seems expedient.

Laws respecting motor vehicles.

(3) The Superintendent General may from time to time by public notice declare that the laws in force in any province with respect to the rate of speed of motor vehicles and the character of motor traffic on the highways shall apply to Indian reserves within such province or such parts thereof as to him seems expedient.”

Regulations 95 and include right to make who or part of prov. regulations applicable

EXPLANATORY NOTES

1. Subsection three of section twenty-five of the Act provides that the land on a reserve devised to, or devolving on, any one not entitled to reside on the reserve, shall be sold by the Superintendent General to a member of the band and the proceeds paid to such devisee or heir. As a usual thing there is no member of the band who is in a position to purchase at a reasonable value. The proposed amendment enables the Superintendent General to sell to the band as well as to a member.

This section is being brought into accord with the proposed amendment to subsection three of section ninety-three of the Act.

The only change consists in adding to this subsection the words "to the band or" underlined on the opposite page.

2. Section sixty-nine at present refers only to game laws.

(2) This amendment is to enable the Superintendent General to make applicable to reserves, the provincial regulations with respect to the prevention and spread of insect, pest or disease destructive to vegetation with particular reference to the spraying of Indian orchards. These orchards in some localities have become a menace to commercial orchards in their vicinity.

(3) A question has been raised as to whether the provincial Motor Vehicle Act, and in particular the provisions relating to the speed and character of motor traffic, applies on roads through Indian reserves. In order to remove any doubt it is proposed in this amendment to enable the Superintendent General, to declare such provisions applicable to reserves.

Power of
Governor in
Council over
expenditure
of capital.

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

“(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 band, 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 or 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.”

In case of
an equality
of votes.

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

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

Duties of
the agent
at meetings
of the council.

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

- (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.

Not to vote.

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

Having
intoxicants
in his
possession.

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”

3. In section number one of these amendments it is proposed to enable the Superintendent General to sell the possessory right and title of a deceased Indian under certain circumstances to the band, and the amendment proposed in this section three is to enable a band to which such sale is made to make the purchases from their capital funds.

The only change in the subsection consists in the inserting of the words underlined on the opposite page.

4. Section 96 provides for the election of chiefs.

It occasionally happens in the election of chiefs that there is an equality of votes and in such cases it has been the practice for the agent to give the casting vote. This practice has, however, been questioned and this amendment is to make specific provision for such a situation.

5. This proposed section is identical with section 178 in Part II of the Act, otherwise known as the Indian Advancement part, under which bands elect councillors annually and have more extensive powers with respect to by-laws.

Section 99A comes within part I of the Act under which bands elect chiefs once in three years. The duties of the agent in respect of the meetings of the chiefs are not expressly defined and as differences arise as to just what authority the agent has in respect of the meetings of the chiefs, it is considered advisable to define the agent's duties and to bring part I in conformity with part II in this respect.

6. It has been held that paragraph (c) of subsection one of section one hundred and twenty-six does not apply to the abode of an Indian or non-treaty Indian off a reserve. Much trouble has resulted in connection with Indian abodes off the reserve especially in towns and cities situated near reserves. This amendment is to make the provisions of said paragraph (c) with respect to Indian abodes apply off, as well as on, the reserve.

The only changes made in the paragraph consist in the addition of the words "room" and "whether on or off a reserve" underlined on the opposite page.

Selling
intoxicants.

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

Commander
of vessel
where
intoxicants
are sold.

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

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." 5

Gambling,
drinking,
etc.

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." 10

Kegs for
intoxicants,
etc.

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

Intoxicants
at council
or meeting.

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

13. Subsection one of section one hundred and forty of the said Act is repealed and the following substituted therefor:—

Celebrating
festivities,
dances or
ceremonies
at which
presents
are made,
or bodies
mutilated.

"140. (1) Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, or who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, or who saves, stores up or accumulates, any goods or articles for the purpose of giving away or paying or giving back the same, or any of the same, before, after or at such celebration, is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months and not less than two months. 20 25 30

Search
warrants
for goods.

Any goods or articles of any sort suspected of being about to be given away or paid or given back or of being or having been given away or paid or given back in connection with such Indian festival, dance or other ceremony, may be searched for under a search warrant in that behalf granted by any judge, magistrate, justice of the peace or Indian agent, and, if found, seized by any constable, Indian agent or other officer or employee connected with the Department. 35 40

Seizure.

7-12. The amendments as contained in these sections, repeal the provisions giving a moiety of the fines imposed to the informer. Various requests have been made to the Department for the repeal of these provisions. It is claimed that informers are likely to be over zealous in undertaking prosecutions having in view the prospect of some monetary interest, which lessens respect for the impartial administration of the law. It is realized that while such provisions may have been considered necessary to ensure vigilance for the enforcement of the provisions of the Act, such provisions are generally considered objectionable. With the increased police supervision now prevailing, it is not considered that such provisions are longer required.

13. Subsection one of section one hundred and forty of the Act prohibits what is known as the "Potlatch", a ceremony peculiar to the Indians of the West Coast of British Columbia. This subsection in one form or another has been in the *Indian Act* for over fifty years, and was introduced at the request of the Indians themselves, particularly the more progressive elements. This practice has now been practically abandoned by the Indians except those of the Kwawkwelth agency, Alert Bay, where they persist in celebrating the potlatch in defiance of the statute. The proposed amendment has been suggested as a means of discouraging further attempts to engage in this ceremony. The words underlined on the opposite page are new.

Forfeiture.

On complaint before any judge, magistrate, justice of the peace or Indian agent, he may on evidence that this section has been violated, declare any such goods or articles forfeited, in which event they shall be disposed of as the Superintendent General may direct."

5

14. 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."

15

14. Under the section which it is proposed to repeal a councillor in order to qualify has to be possessed of a house on the reserve and has to live in that particular house. The proposed amendment is to enable the councillor to qualify on being possessed of a house on the reserve and living on the reserve without having to live in that particular house.

The words "of a house on, and living on, the reserve", underlined on the opposite page are substituted for the words "and living on, the reserve". Otherwise there is no change.

DEPARTMENT OF JUSTICE

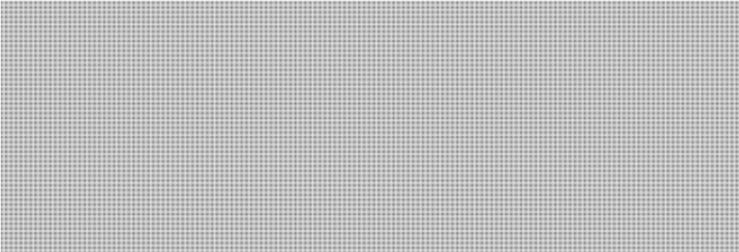
ORIGINAL AND FILE No. <i>memo.</i> MEMORANDUM SENT TO THE MINISTER OF JUSTICE. <i>apr. 6th</i> 1936

FOR THE MINISTER OF JUSTICE:

s.23

J.R. 1470-36
Re: Bill 4 - An Act to
amend the Indian Act

I submit the attached
memorandum of Mr. Anderson, 



May 6th, 1936.

000014

PMA/CV

6th May,

6

s.23

MEMORANDUM FOR MR. EDWARDS

J. R. 1470-36

Re: Bill 4 - An Act to amend the
Indian Act

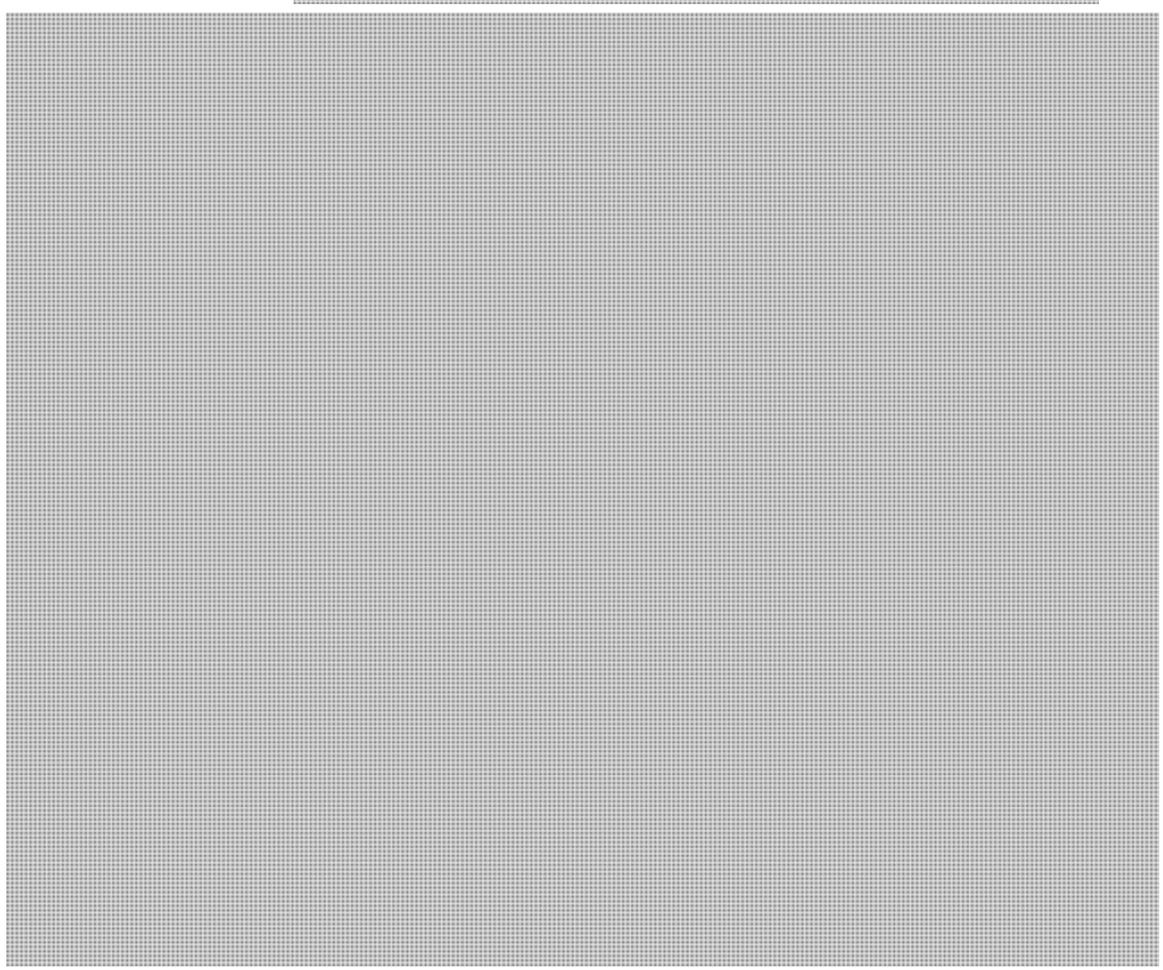
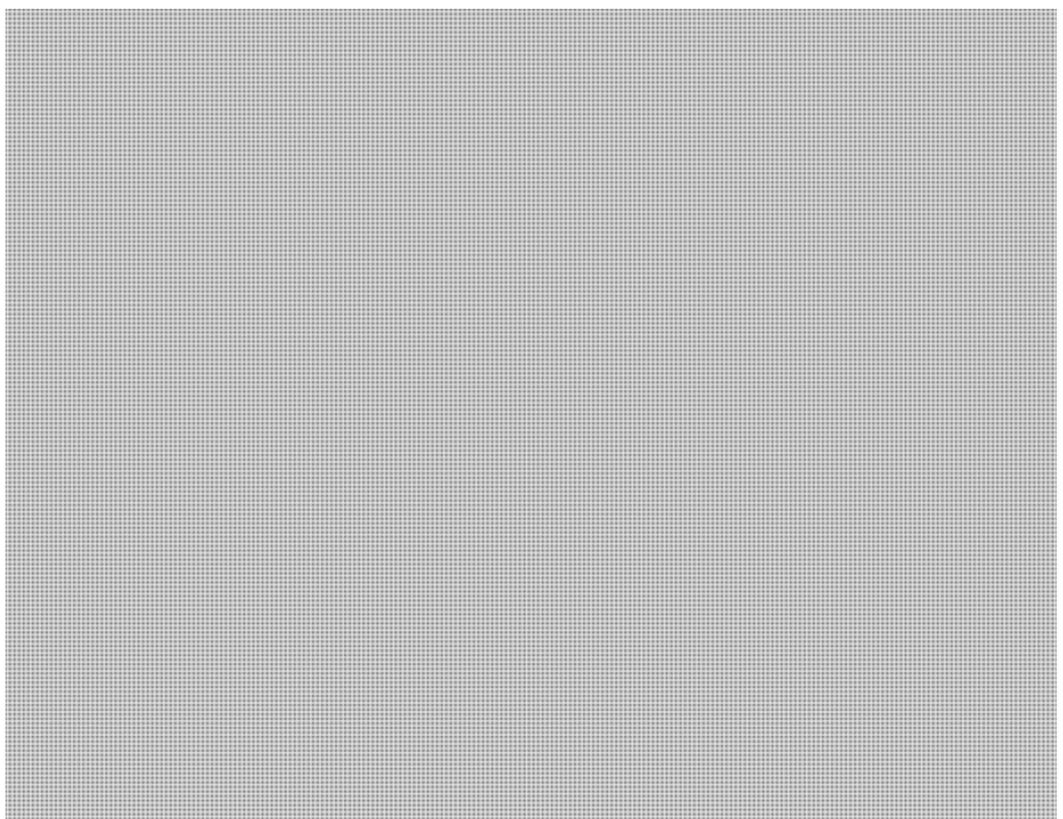
Clause 2 of the above Bill was submitted to this Department before the Bill was dealt with in the House of Commons and it was suggested by letter of the 18th of March last to the Deputy Superintendent General of Indian Affairs that this clause be re-drafted as follows:

"3. Subsection one of section ninety-five of the said Act is amended by adding thereto the following paragraphs:

- (h) Make regulations for the destruction of noxious weeds and for preventing the spreading of any insect, pest or disease destructive to vegetation on Indian Reserves;
- (i) May make regulations governing the speed and operation of vehicles on highways within Indian Reserves and may in such regulations provide for the imposition of a fine not exceeding one hundred dollars or imprisonment not exceeding three months for the violation of any of the provisions of such regulations."

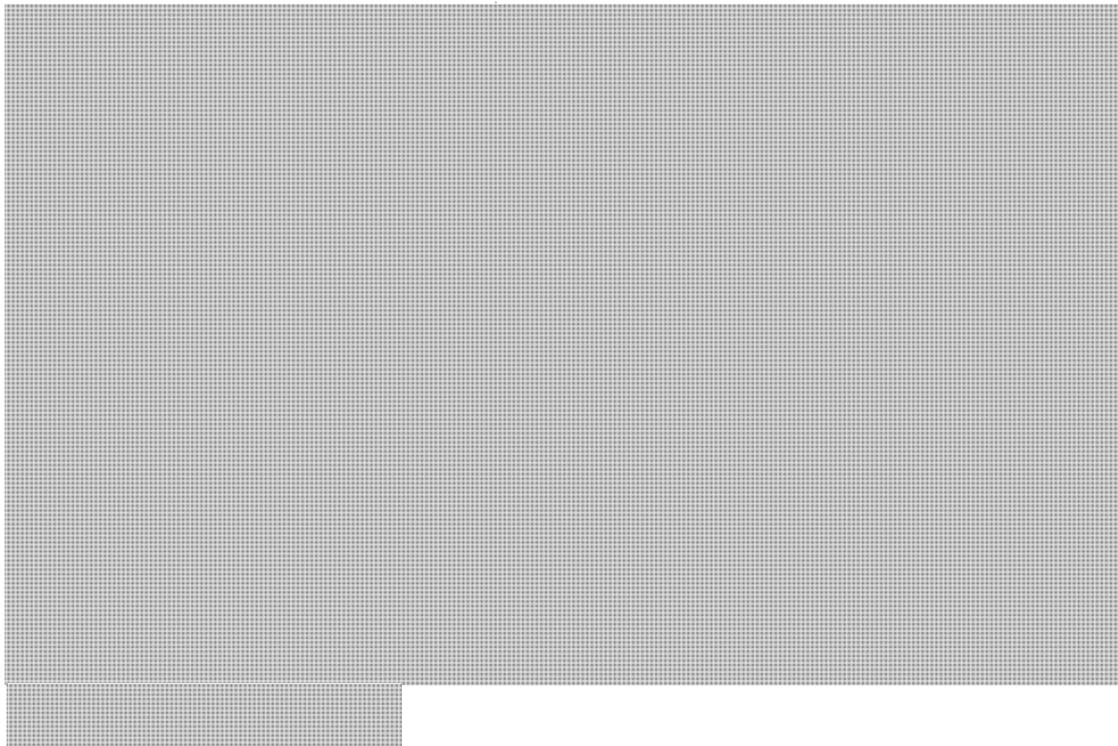
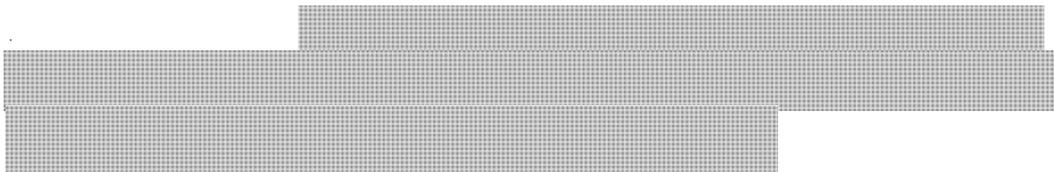
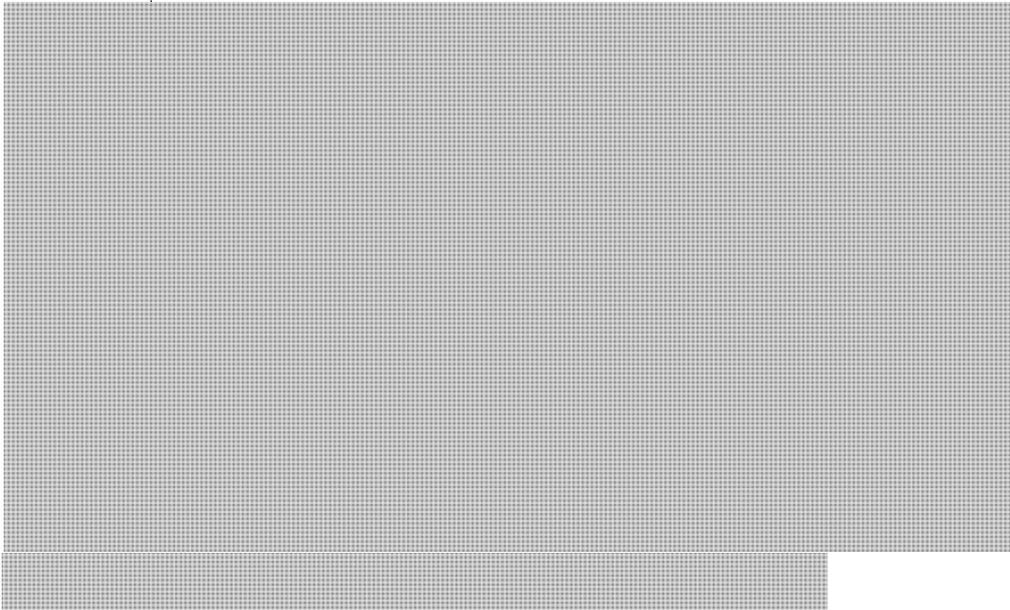
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s.23

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P. M. A.

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s.23

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PMA/CV

OTTAWA, 18th March, 1936

MEMORANDUM FOR MR. EDWARDS

J. R. 1470-36

Re: Bill 4 - An Act to amend the
Indian Act

It is suggested that clause two be struck out and that a new clause be inserted after the present clause three as follows:

3. Subsection one of section ninety-five of the said Act is amended by adding thereto the following paragraphs:

- (h) Make regulations for the destruction of noxious weeds and for preventing the spreading of any insect, pest or disease destructive to vegetation on Indian Reserves;
- (i) May make regulations governing the speed and operation of vehicles on highways within Indian Reserves and may in such regulations provide for the imposition of a fine not exceeding one hundred dollars or imprisonment not exceeding three months for the violation of any of the provisions of such regulations.

With reference to memorandum dealing with clause thirteen of this Bill forwarded to Mr.

-2-

Williams under date of February 19th last, as there are already subsections to section one hundred and forty, I would suggest that subsection one and the two subsections suggested in the said memorandum should be lettered, (a), (b) and (c) respectively of subsection one instead of being separate subsections.

P. M. A.

PMA/CV

OTTAWA,.....7th March,.....1936.....

s.23

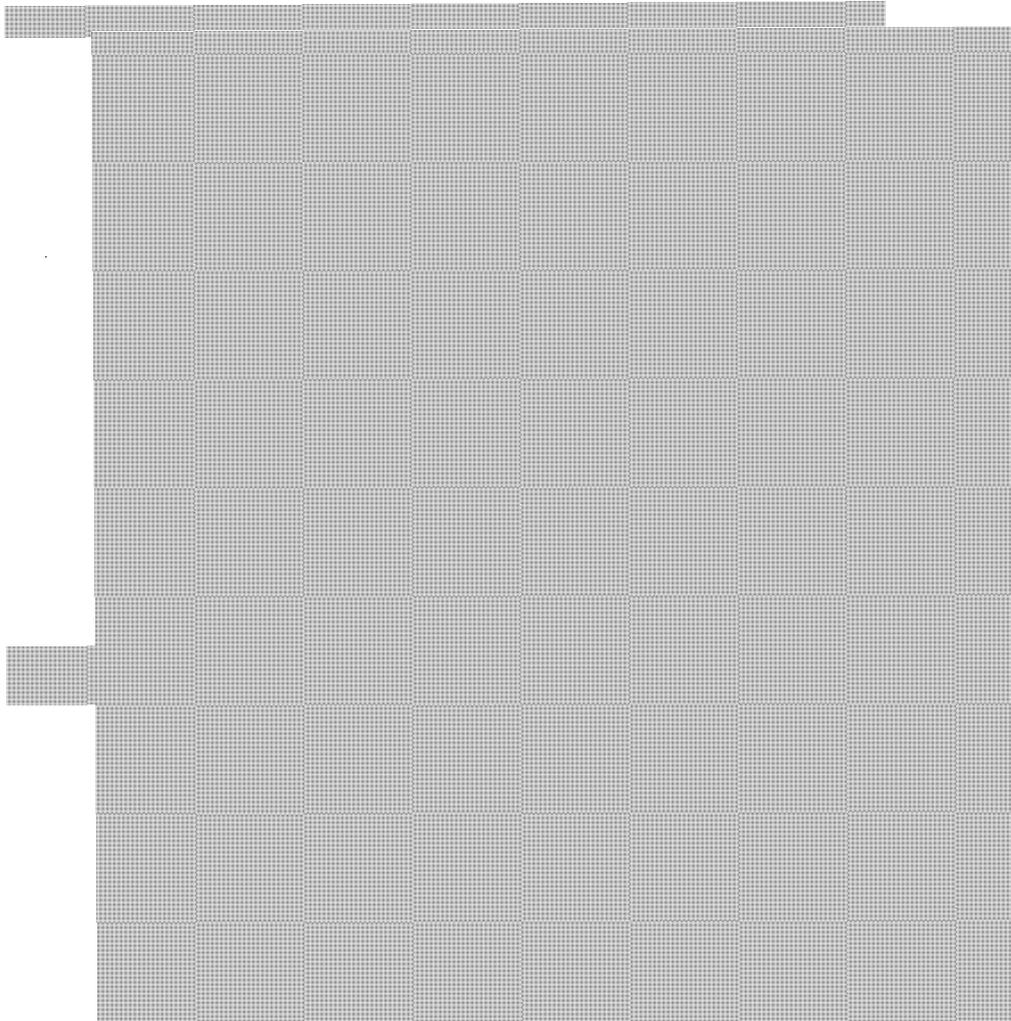
MEMORANDUM FOR MR. EDWARDS

J. R. 1470-36

Re: Bill 4 - An Act to amend the
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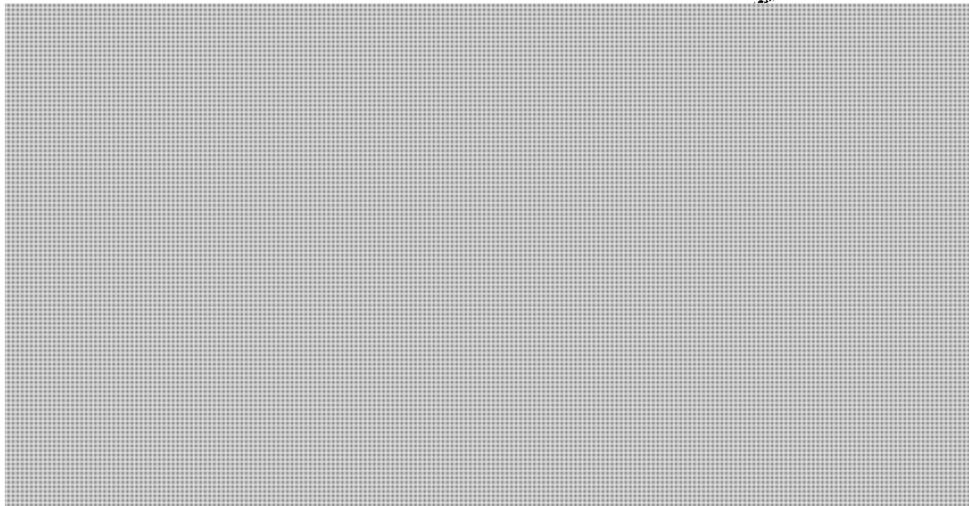
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s.23

-2-



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P. M. A.

000022

a.



DEPARTMENT OF INDIAN AFFAIRS
CANADA



OFFICE OF THE
DEPUTY SUPERINTENDENT GENERAL
OTTAWA

March 6, 1936.

Dear Sir:-

I am enclosing a copy of Bill 4, an Act to amend the Indian Act.

Under Section 2 of the Bill it is proposed to add subsections (2) and (3) to Section sixty-nine of the Act. It is now proposed to add subsection (4) enabling the Superintendent General to declare that the Provincial Statutes providing for the destruction of noxious weeds, shall apply to Indian Reserves. It does not appear that such Provincial Statutes could apply in every particular. For instance, in these Provincial Statutes, it is generally provided that in default of destruction of noxious weeds by the occupant or owner of the land, the work may be done on instructions of a municipal weed inspector, and charged against the land in the way of taxes. Neither the municipality nor the Superintendent General could apparently tax the lands on a reserve. However, the Superintendent General might be enabled, in case of default, to have the weeds cut and to pay for the same out of any annuity or interest money coming to the Indian or band in default as the case may be. I should be glad to have you draft the required amendment.

I should be glad to have you consider also whether proposed subsections (2) and (3) under Section 2 of the Bill are in terms satisfactory for the purpose or whether they should be recast.

Yours very truly,

Deputy Superintendent General.

The Deputy Minister,
Department of Justice,
O T T A W A.

PIA/CV

71.

February 19, 36

Dear Sir,

Re: Bill to Amend the Indian Act -
Clause 13

With reference to conversations with respect to Clause 13 of the above Bill, I enclose herewith copy of memorandum suggesting certain changes in this Clause for your consideration.

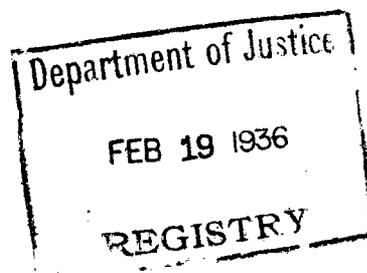
Yours truly,

W. Stuart Edwards

Deputy Minister of Justice

By hand.

Encl.



A. S. Williams, Esq.,
Assistant Deputy Superintendent General,
Department of Indian Affairs,
O t t a w a .

000024

PHA/CV

February 18, 1936

BILL TO AMEND THE INDIAN ACT - Clause 13

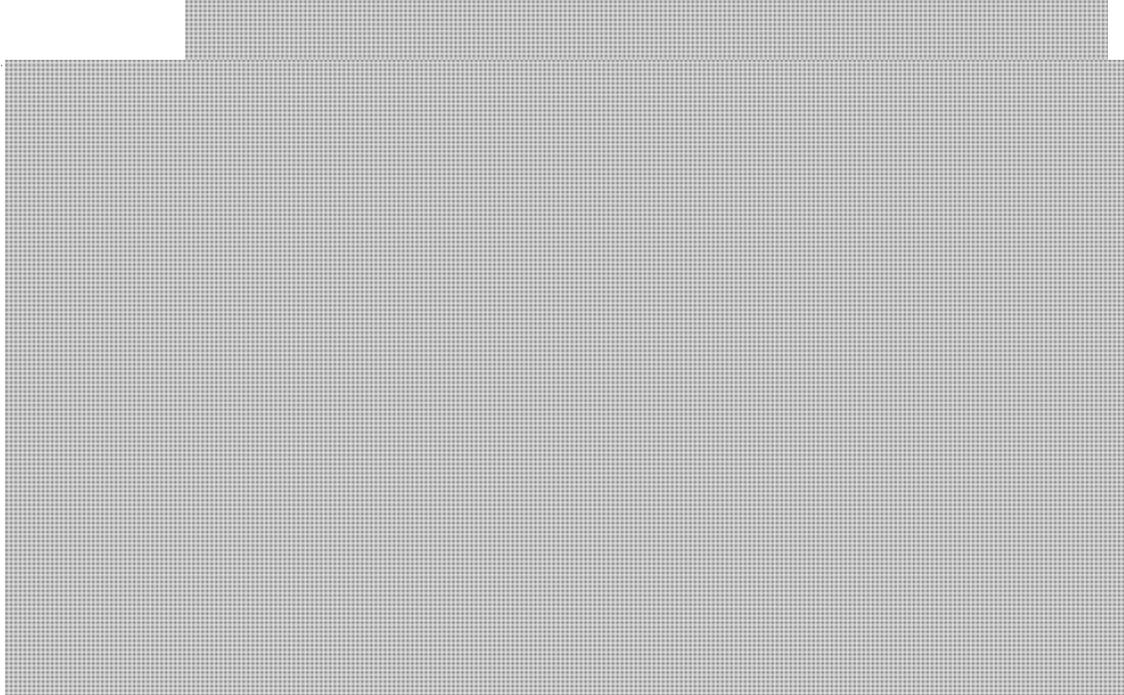
Section 140 might be divided into three subsections. Subsections (2) and (3) might read as follows:

(2) Any Judge, Magistrate, Justice of the Peace or Indian Agent, who is satisfied by information upon oath that there is reasonable ground for believing that there are in any building or place, any goods or articles of any sort in respect of which any offense against this section has been committed, may issue a warrant under his hand authorizing some constable or other person named therein to search such building or place for any such goods or articles and if found to seize and carry such goods or articles before the person issuing the warrant or some other Judge, Magistrate, Justice of the Peace or Indian Agent of the same territorial division to be by him dealt with according to law.

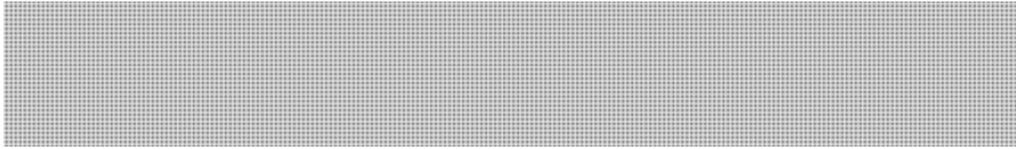
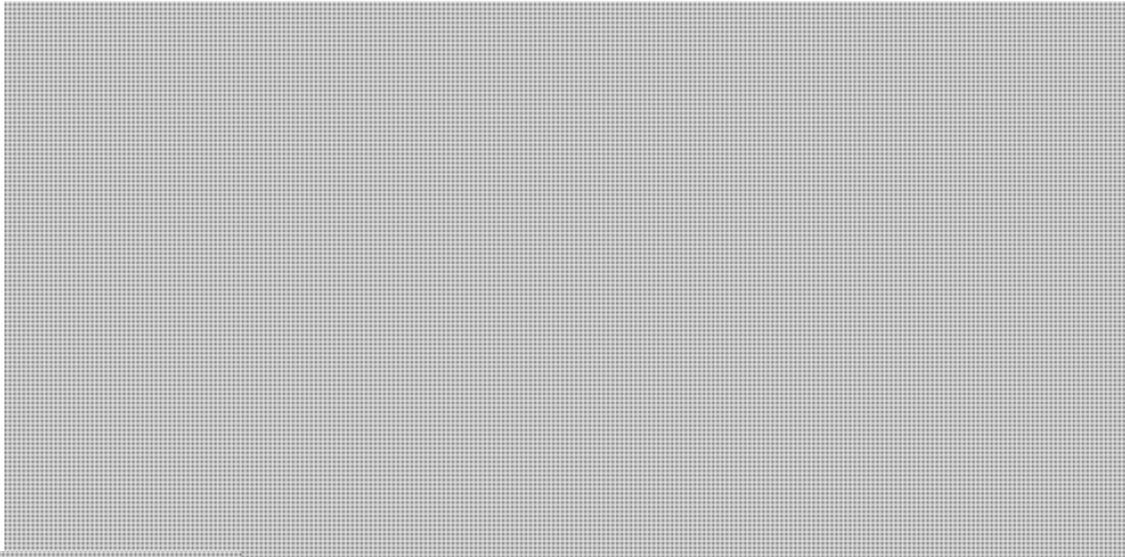
(3) When any such goods or articles are seized and brought before a Judge, Magistrate, Justice of the Peace or Indian Agent he may, upon conviction for an offense against the provisions of this section, declare such goods or articles forfeited. All such goods or articles so forfeited shall be disposed of as the Superintendent General may direct.



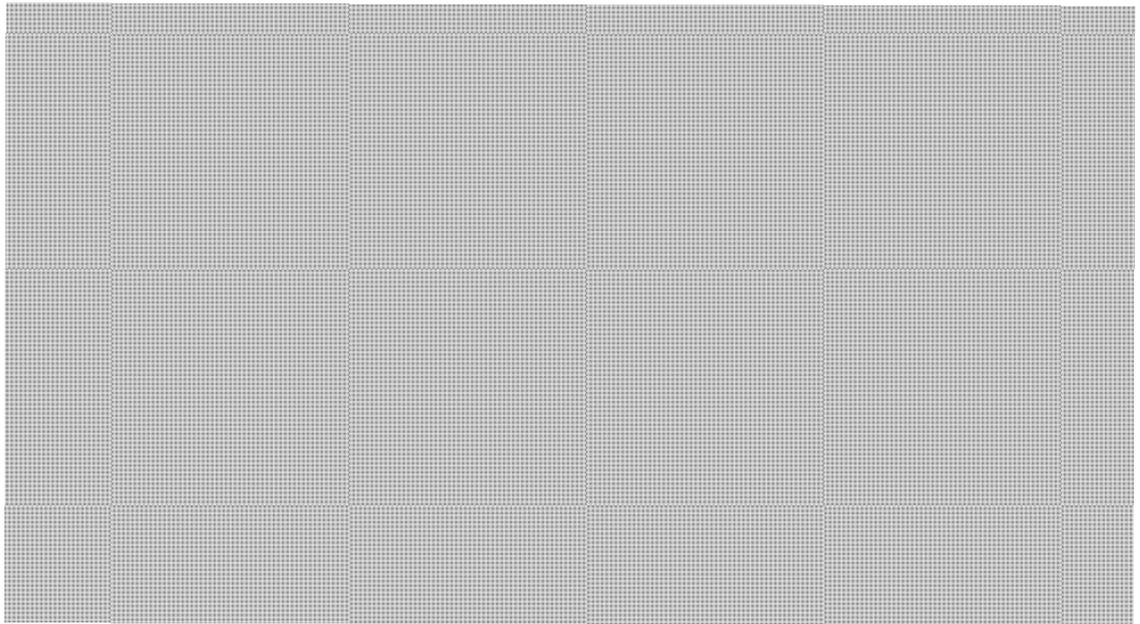
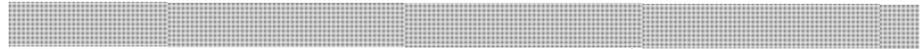
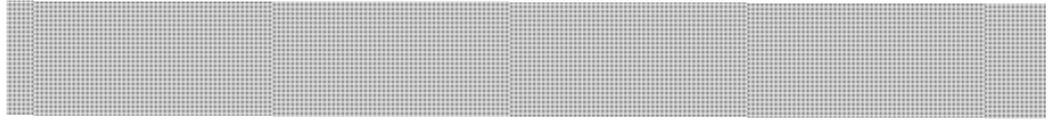
s.23



s.23

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s.23



679 Cole

First Session, Eighteenth Parliament, 1 Edward VIII, 1936.

THE HOUSE OF COMMONS, OF CANADA.

BILL

An Act to amend the Indian Act.

First reading, February , 1936.

The SUPERINTENDENT GENERAL OF INDIAN AFFAIRS.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1st Session, 18th Parliament, 1 Edward VIII, 1936

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BILL

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1934, c. 29.

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2. Section sixty-nine of the said Act, is amended by 15 adding thereto the following subsections:—

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Laws
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motor
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“(3) The Superintendent General may from time to time by public notice declare that the laws in force in any province with respect to the rate of speed of motor vehicles and the character of motor traffic on the highways shall apply to Indian reserves within such province or such parts thereof as to him seems expedient.” 25

EXPLANATORY NOTES

1. Subsection three of section twenty-five of the Act provides that the land on a reserve devised to, or devolving on, any one not entitled to reside on the reserve, shall be sold by the Superintendent General to a member of the band and the proceeds paid to such devisee or heir. As a usual thing there is no member of the band who is in a position to purchase at a reasonable value. The proposed amendment enables the Superintendent General to sell to the band as well as to a member.

This section is being brought into accord with the proposed amendment to subsection three of section ninety-three of the Act.

The only change consists in adding to this subsection the words "to the band or" underlined on the opposite page.

2. Section sixty-nine at present refers only to game laws.

(2) This amendment is to enable the Superintendent General to make applicable to reserves, the provincial regulations with respect to the prevention and spread of insect, pest or disease destructive to vegetation with particular reference to the spraying of Indian orchards. These orchards in some localities have become a menace to commercial orchards in their vicinity.

(3) A question has been raised as to whether the provincial Motor Vehicle Act, and in particular the provisions relating to the speed and character of motor traffic, applies on roads through Indian reserves. In order to remove any doubt it is proposed in this amendment to enable the Superintendent General, to declare such provisions applicable to 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 band, 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 or 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:—

Duties of the agent at meetings of the council.

"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

- (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.

Not to vote.

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

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

Having intoxicants in his possession.

"(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"

3. In section number one of these amendments it is proposed to enable the Superintendent General to sell the possessory right and title of a deceased Indian under certain circumstances to the band, and the amendment proposed in this section three is to enable a band to which such sale is made to make the purchases from their capital funds.

The only change in the subsection consists in the inserting of the words underlined on the opposite page.

4. Section 96 provides for the election of chiefs.

It occasionally happens in the election of chiefs that there is an equality of votes and in such cases it has been the practice for the agent to give the casting vote. This practice has, however, been questioned and this amendment is to make specific provision for such a situation.

5. This proposed section is identical with section 178 in Part II of the Act, otherwise known as the Indian Advancement part, under which bands elect councillors annually and have more extensive powers with respect to by-laws.

Section 99A comes within part I of the Act under which bands elect chiefs once in three years. The duties of the agent in respect of the meetings of the chiefs are not expressly defined and as differences arise as to just what authority the agent has in respect of the meetings of the chiefs, it is considered advisable to define the agent's duties and to bring part I in conformity with part II in this respect.

6. It has been held that paragraph (c) of subsection one of section one hundred and twenty-six does not apply to the abode of an Indian or non-treaty Indian off a reserve. Much trouble has resulted in connection with Indian abodes off the reserve especially in towns and cities situated near reserves. This amendment is to make the provisions of said paragraph (c) with respect to Indian abodes apply off, as well as on, the reserve.

The only changes made in the paragraph consist in the addition of the words "room" and "whether on or off a reserve" underlined on the opposite page.

Selling
intoxicants.

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

Commander
of vessel
where
intoxicants
are sold.

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

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." 5

Gambling,
drinking,
etc.

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." 10

Kegs for
intoxicants,
etc.

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

Intoxicants
at council
or meeting.

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

13. Subsection one of section one hundred and forty of the said Act is repealed and the following substituted therefor:—

Celebrating
festivities,
dances or
ceremonies
at which
presents
are made,
or bodies
mutilated.

"140. (1) Every Indian or other person who engages in, or assists in celebrating or encourages either directly or indirectly another to celebrate any Indian festival, dance or other ceremony of which the giving away or paying or giving back of money, goods or articles of any sort forms a part, or is a feature, whether such gift of money, goods or articles takes place before, at, or after the celebration of the same, or who engages or assists in any celebration or dance of which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, or who saves, stores up or accumulates, any goods or articles for the purpose of giving away or paying or giving back the same, or any of the same, before, after or at such celebration, is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding six months and not less than two months. 25 30

Search
warrants
for goods.

Any goods or articles of any sort suspected of being about to be given away or paid or given back or of being or having been given away or paid or given back in connection with such Indian festival, dance or other ceremony, may be searched for under a search warrant in that behalf granted by any judge, magistrate, justice of the peace or Indian agent, and, if found, seized by any constable, Indian agent or other officer or employee connected with the Department. 35 40

Seizure.

7-12. The amendments as contained in these sections, repeal the provisions giving a moiety of the fines imposed to the informer. Various requests have been made to the Department for the repeal of these provisions. It is claimed that informers are likely to be over zealous in undertaking prosecutions having in view the prospect of some monetary interest, which lessens respect for the impartial administration of the law. It is realized that while such provisions may have been considered necessary to ensure vigilance for the enforcement of the provisions of the Act, such provisions are generally considered objectionable. With the increased police supervision now prevailing, it is not considered that such provisions are longer required.

13. Subsection one of section one hundred and forty of the Act prohibits what is known as the "Potlatch", a ceremony peculiar to the Indians of the West Coast of British Columbia. This subsection in one form or another has been in the *Indian Act* for over fifty years, and was introduced at the request of the Indians themselves, particularly the more progressive elements. This practice has now been practically abandoned by the Indians except those of the Kwawkwelth agency, Alert Bay, where they persist in celebrating the potlatch in defiance of the statute. The proposed amendment has been suggested as a means of discouraging further attempts to engage in this ceremony. The words underlined on the opposite page are new.

Forfeiture.

On complaint before any judge, magistrate, justice of the peace or Indian agent, he may on evidence that this section has been violated, declare any such goods or articles forfeited, in which event they shall be disposed of as the Superintendent General may direct."

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'14. 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."

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14. Under the section which it is proposed to repeal a councillor in order to qualify has to be possessed of a house on the reserve and has to live in that particular house. The proposed amendment is to enable the councillor to qualify on being possessed of a house on the reserve and living on the reserve without having to live in that particular house.

The words "of a house on, and living on, the reserve", underlined on the opposite page are substituted for the words "and living on, the reserve". Otherwise there is no change.