# Create as many words as possible from each of the following words:

Paternalism

Confederation

Sovereign

Magistrate

## THE INDIAN ACT, 1876

#### What is it?

- Consolidated and amended previous laws concerning First Nations
- Created to regulate the lives of the First Nations of Canada.

 Designed to formalize the assimilation of First Nations



#### What did it do?

- Provided government administration of reserves and treaty rights across the country.
- Turned Aboriginals into wards of the state.
- A ward is a minor (child) under the care of a guardian.

Collection of Criminal Statistics, &c. Chaps. 13, 18.

7. All schedules transmitted under this Act shall be Forms to be approved by the Gov-growen in an optimization of the Governor in Council, and published in the Canada Gazette.

8. The statistics collected by the Minister of Agriculture, Statistic to or such other Minister as aforesaid, under this Act shall be be abstracted abstracted and registered, and the results thereof shall be yearly.

printed and published in an annual report. 9. The word "Judge" in the first section of this Act interpreta-includes any Recorder, District, Stipendiary, or other Magis-trate, or other functionary presiding over any court or tribunal administering criminal justice.

#### CHAP. 18.

An Act to amend and consolidate the laws respecting

[Assented to 12th April, 1876.]

WHEREAS it is expedient to amend and consolidate the Preamble. laws respecting Indians: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :-

- This Act shall be known and may be cited as "The Short title Indian Act, 1876;" and shall apply to all the Provinces, and add extent of Act. to the North-West Territories, including the Territory of Keewatin.
- 2. The Minister of the Interior shall be Superintendent superintendentender in the deat General supervision of the said affairs, and in the control and management of the reserves, lands, moneys, and property of Indians in Canada by the provisions of this Act.

- 3. The following terms contained in this Act shall be held Meanings asto have the meaning hereinafter assigned to them, unless such terms in this meaning be repugnant to the subject or inconsistent with Act. the context :-
- The term "band" means any tribe, band or body of Band. Indians who own or are interested in a reserve or in Indian lands, in common, of which the legal title is vested in the Crown, or who share alike in the distribution of any annuities

## A "Paternalistic" Document

- Paternalistic = an attitude based on a family hierarchy the "father" makes decisions on behalf of the "children".
- Government = Father; First
  Nations = children

#### Rationale of the Indian Act

- "an explicit vision of assimilation"
- Government duty to "protect and civilize"
- "every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence....through education and other means, to prepare him for a higher civilization"

#### Rational cont.

- "Indigenous communities and government were incapable of managing their affairs, that the nation sought eventually to integrate indigenous cultures into the Canadian mainstream, and that the First Peoples had to be separated from the rest of Canadian society until they were ready for the transition."
  - Ken Coates "The Indian Act and the Future of Aboriginal Governance in Canada"

## Major Features

- Status
- Enfranchisement
- "Self-government"
- Use of reserve land
- Protection

## Defining "Status Indian"

- any male of Indian blood reputed to belong to a particular band
- 2. Any child of such person
- Any woman who is/was married to such a person
- It did not include the Metis of Manitoba (until the 1980's)

## Enfranchisement.

- "granting someone the rights and protection of a citizen of a particular country"
- It meant a loss of Indian status in exchange for citizenship
- Could occur voluntarily or involuntarily

## Voluntary Enfranchisement

- Occurred when the individual started the process and applied for enfranchisement.
- Successful applicants needed to be:
  - Able to speak French or English "readily"
  - Of sober and industrious habits
  - Free from debt
  - Sufficiently intelligent
- An overwhelming LACK of interest in voluntary enfranchisement.

## Involuntary Enfranchisement

- Lack of interest, led to more stringent measures:
- And involuntary (government forced) enfranchisement resulted.
- You could lose Indian status and "gain" citizenship through the following means:
  - A university degree
  - Marrying a white man (Indian woman)
  - Becoming a doctor, lawyer, clergyman

## "self-government" on reserves:

- Traditionally the leadership within band was determined by heredity.
- In order to exert further influence First Nations peoples, the government-selected chiefs and band leaders.

However, many "continued to respect and follow the directions set by hereditary chiefs and traditional political systems, even when all of the official authority and government program funding flowed through the band councils created and managed under the Indian Act."

#### Reserve land:

- Not allowed to buy and sell land
- Had to have permission to leave and enter reserves
  - Must get pass from Indian agent
  - Had to carry an identity card.
- Structured into individual plots (to eliminate the communal nature of First Nations culture)
- No alcohol

#### Protection

- No taxation (federal or provincial) on reserves
- Only an "Indian of the Band" could live on or use reserve lands without license.
- No Aboriginal property could be seized for debt

## Some Notable Amendments.

- Amend: to alter, modify, rephrase, or add to or subtract from (a motion, bill, constitution, etc.) by formal procedure
- Youth on reserves forced to attend school (1884)
- Religious ceremonies, dances and gatherings prohibited (1885)
- Municipalities & companies able to use reserves for roads, railways and other public works without surrender (1911)
- Required permission before appearing in "aboriginal costume" (1914)
- Mandatory to send all children to residential schools (1920)
- Prevention of soliciting funds for Indian legal claims without special license (1927)

## Why not abolish it?

- Historically and legally significant
- It distinguishes between First Nations and other Canadians.
- It recognizes that the government has a unique relationship with, and obligation to First Nations.

## Harold Cardinal, 1969

• "We do not want the Indian Act retained because it is a good piece of legislation. It isn't. It is discriminatory from start to finish...but we would rather continue to live in bondage under the inequitable Indian Act than surrender our sacred rights. Any time the government wants to honour its obligations to us we are more than happy to help devise new Indian legislation"