



The Indian Act, 1876

Information taken from Government of Saskatchewan First Nations and Métis Relations Website

The Indian Act was legislation which created sharp distinctions between Indian and Métis people. Métis people were not recognized under this legislation until January 8th, 2013.

The Indian Act was legislation which allowed for the administration of almost every aspect of an Indian person's life.

Throughout its history, the Indian Act had three main principles:

- to civilize Indian people;
- to manage Indian people and their lands; and
- to define who was and was not an Indian.

Christianity was imposed on Indian people as a means of "civilizing" them. Potlatches and Sun Dances were outlawed in 1884. Persons who were caught celebrating these events could be imprisoned. Banning these traditional gatherings assisted missionaries in their attempts to replace Indian spiritual beliefs with Christian beliefs.



"No Trespassing" signs were posted on the boundaries of Reserves.

Enfranchisement (getting the right to vote) for the purposes of assimilation was a constant feature of the Indian Act. If an Indian person became enfranchised (accepted the right to vote) he or she had to relinquish their Indian Status.

To this day, the provisions of the Indian Act allow for the administration of Indians on Reserves in areas such as: education, taxation, management of land, and membership.

In 1960, the Federal Elections Act was amended to allow Indian people to vote. An Indian person could now be both an Indian and a Canadian citizen at the same time.

Reserves

Reserve clusters were kept far enough apart to discourage Bands from forming alliances against the government.

Indian Agents and Farm Instructors were sent to Reserves. Life on the Reserves centred around them -- they lived on Reserves and made all decisions:

- they provided family and marriage counselling;
- they married and buried people;
- they kept law and order;
- they did the work of the public health nurse;
- sometimes they filled in as the teacher.

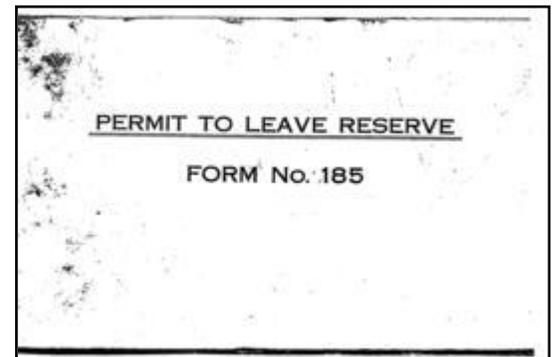
The Permit System

The Department of Indian Affairs had control over the financial transactions of Indian people. Sales and purchase transactions were strictly monitored under the Permit system.

Indian people needed a permit to:

- sell cattle and grain;
- sell a load of hay, firewood, lime, charcoal;
- sell produce grown on the Reserve; and
- buy groceries or clothes.

As Bands began to adopt elected forms of governments in the 1950's and 60's they began to acquire more authority and eventually superseded the Indian Agent.



The Permit system gradually disappeared. However, it remained in the Indian Act until 1995.

Some Amendments 1881–1951

1881: Amended to make officers of the Indian Department, including Indian Agents, legal justices of the peace, able to enforce regulations. The following year they were granted the same legal power as magistrates. Further amended to prohibit the sale of agricultural produce by Indians in Prairie Provinces without an appropriate permit from an Indian agent. This prohibition is, as of 2008, still included in the Indian Act, though it is not enforced.

1885: Amended to prohibit religious ceremonies (such as potlatches) and dances (such as Tamanawas dances).

1894: Amended to remove band control of non-natives living on reserve. This power now rested exclusively in the hands of the Superintendent-General of Indian Affairs.

1895: Amended to outlaw all dances, ceremonies and festivals that involved the wounding of animals or humans, or the giving away of money or goods.

1905: Amended to allow aboriginal people to be removed from reserves near towns with more than 8,000 residents.

1911: Amended to allow municipalities and companies to expropriate portions of reserves, without surrender, for roads, railways, and other public works. Further amended to allow a judge to move an entire reserve away from a municipality if it was deemed "expedient." These amendments were also known as the Oliver Act.

1914: Amended to require western Indians to seek official permission before appearing in "aboriginal costume" in any "dance, show, exhibition, stampede or pageant."

1918: Amended to allow the Superintendent-General to lease out uncultivated reserve lands to non-aboriginals if the new lease-holder used it for farming or pasture.

1920: Amended to make it mandatory for aboriginal parents to send their children to Indian residential school. Also amended to allow the Department of Indian Affairs to ban hereditary rule of bands. Further amended to allow for the involuntary enfranchisement (and loss of treaty rights) of any status Indian considered fit by the Department of Indian Affairs, without the possession of land previously required for those living off reserve. Repealed two years later but reintroduced in a modified form in 1933.

1927: Amended to prevent anyone (aboriginal or otherwise) from soliciting funds for Indian legal claims without a special license from the Superintendent-General. This effectively prevented any First Nation from pursuing aboriginal land claims.

1930: Amended to prevent a pool hall owner from allowing entrance to an Indian who "by inordinate frequenting of a pool room either on or off an Indian reserve misspends or wastes his time or means to the detriment of himself, his family or household". The owner could face a fine or a one-month jail term.

1936: Amended to allow Indian agents to direct band council meetings, and to cast a deciding vote in the event of a tie.

1951: Amended to allow the sale and slaughter of livestock without an Indian Agent permit. Status women are allowed to vote in band elections. Attempts to pursue land claims and the use of religious ceremonies (such as potlatches) are no longer prohibited by law. Further amended for the compulsory "enfranchisement" of First Nations women who married non-status men (including Métis, Inuit and non-status Indian, as well as non-aboriginal men), thus causing them to lose their status, and denying Indian status to any children from the marriage.