

# The Indian Act, 1876

Most 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 1876 Indian Act condensed all laws regarding Indigenous People into one definitive law. Among other things, the act defined who the Government of Canada would recognize as an “Indian”:

<b>Indians.</b>	<p>3. The term “Indian” means</p> <p><i>First.</i> Any male person of Indian blood reputed to belong to a particular band;</p> <p><i>Secondly.</i> Any child of such person;</p> <p><i>Thirdly.</i> Any woman who is or was lawfully married to such person:</p>
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What was the effect of creating a legal term such as “Indian” to act as an identifier for a diverse group of people?

As well as defining “Indians” the 1876 Indian Act also provided the definition for a “person” under the act:

<b>Person.</b>	<p>12. The term “person” means an individual other than an Indian, unless the context clearly requires another construction.</p>
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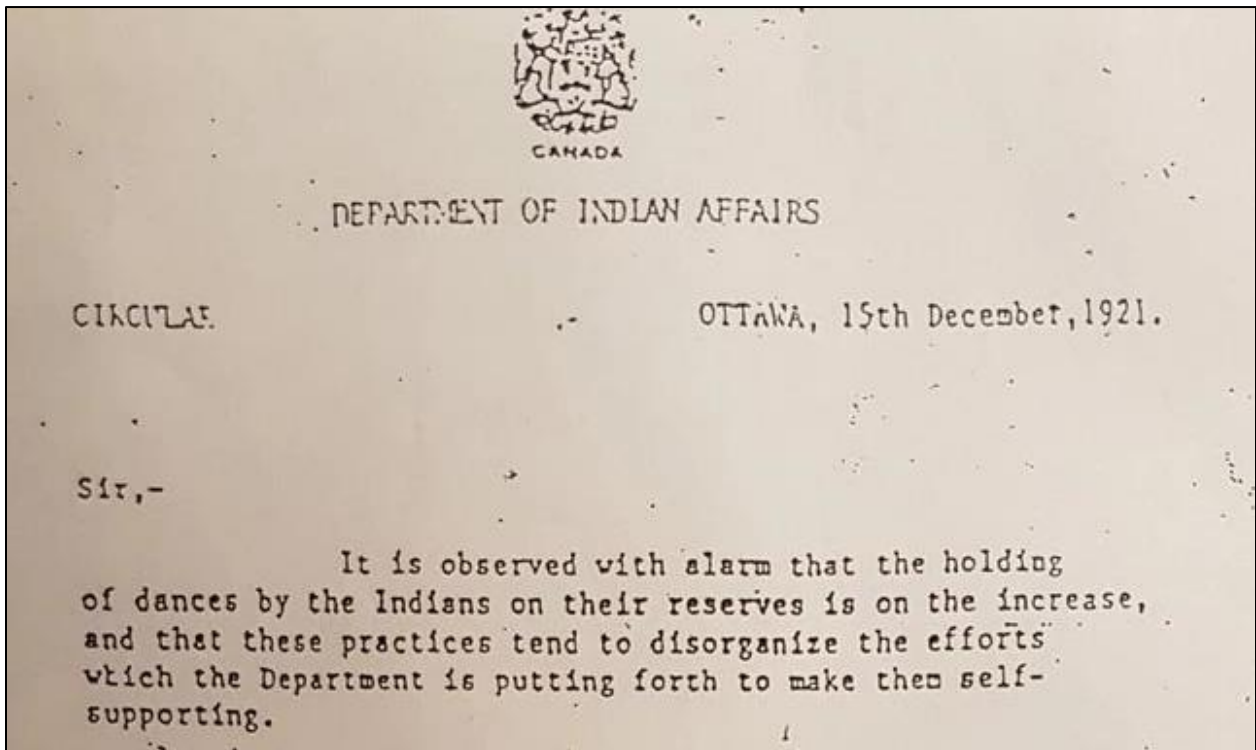
What is the effect of such a definition?

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

1. to “civilize” Indigenous people;
2. to manage Indigenous people and their lands; and
3. to define who was and was not a “Status Indian.”

In your opinion, what was the real goal of the Indian Act?

- Christianity was imposed on Indigenous 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 Indigenous 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 a Status Indian 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 Status Indians people to vote. An Indigenous person could now be both a Status Indian and a Canadian citizen at the same time.

## Reserves

"reserve" « réserve »	"reserve"  (a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and
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2012 version of the Indian Act

What does this definition mean?

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.

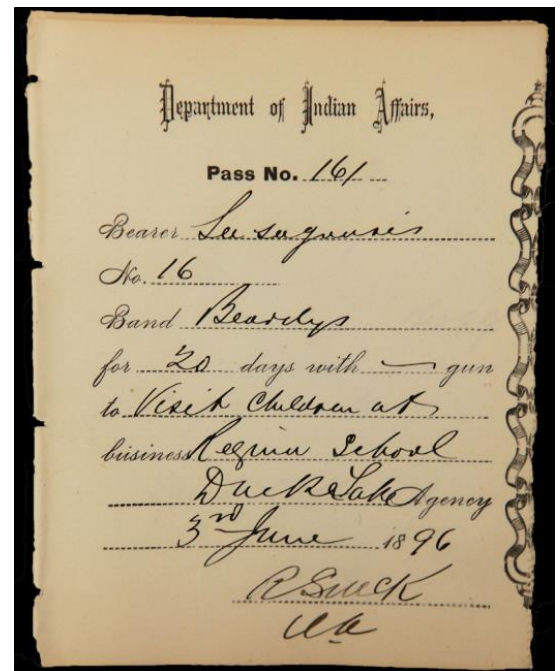
## The Permit System

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

Status 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.