

Date Reviewed

October 2020

Course

[Law Studies 12](#)

Topic

The Indian Act: Assimilation by Legislation

Big Idea

Laws are interpreted, and these interpretations may evolve over time as a society's values and worldviews change.

Essential Question

How does the Indian Act promote assimilation?

Learning Standards**Content:**

Students are expected to know the following:

- Canadian legislation concerning First Peoples

Curricular Competencies

Students are expected to be able to do the following:

- Assess the development and impact of legal systems or codes (cause and consequence)
- Make reasoned ethical judgments about legal systems or codes (ethical judgment)

Core Competencies

[Communication](#) - I can describe the worldview of the Canadian government that resulted in the Indian Act

[Thinking](#) - I can analyze three main sections of the Indian Act: the reserve system, residential schools, and Indian status.

[Personal and Social](#) - I can recognize the long-term consequences of assimilationist policies and legislation on the First Peoples of Canada

First People's Principles of Learning

Learning involves recognizing the consequences of one's actions.

Introduction

- Explain that we are going to take a 2-minute walk through Canada's colonial history, exploring the events relevant to the relationship between Aboriginals and non-Aboriginals.
- Show Wab Kinew's [500 years in 2 minutes](#), 8th Fire, CBC
- Have students describe this walk through history. What are the major events? What legal documents are particularly significant?
- Provide students with the following quote:
"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change."
– John A Macdonald, 1887
- Explain that since its inception, the purpose of the Indian Act was to forcibly assimilate First Nations into colonial life. Amnesty International, the United Nations, and the CHRC still consider the Indian Act a human rights abuse.

Pre-Assessment

- Have students list everything they know about the Indian Act and its impact on the First Nations of Canada.
- Then have them list the questions they still have.

Interactive Learning Activities

Part 1: Land Treaty of 1871

- Show CBC Docs: [Canadians have been breaking their promises to indigenous peoples](#) (6min)
- Discuss: Why did the government of Canada want the Cree to sign a treaty? Why did the Cree agree to sign Treaty 6? What strategies did the government use to control the Cree? What strategies did the Cree use to resist?
- Explain that Treaty 1 was the first of 11 Numbered Treaties negotiated between 1871 and 1921. Treaty 1 was signed August 3, 1871 between Canada and the Anishinabek and Swampy Cree of southern Manitoba.
- Have students work in small groups to read Treaty No.1 and complete Land Treaty 1, 1871 Worksheet

Part 2: The Indian Act (1876)

- Show Sun News, [Shareable facts: The Indian Act Explained](#), 2013 (2min)
- Have students list ways that the Indian Act limits the Rights and Freedoms of Status Indians.
- Show Concordia University Presents The Walrus Talks Disruption in Toronto. [Tanya Talaga on the Indian Act](#), 2018 (7min)
- Discuss: Why was the Indian Act (1876) created by the Government of Canada? What were some of the controls placed on Status Indians as a result of the Indian Act? Why do some Indigenous People want to see an end to the Indian Act?
- In small groups, have students complete the Indian Act of 1876 Worksheet.

Part 3: Residential Schools

- Project [images of Thomas Moore Keesick](#), before and after. Explain that these two photographs first appeared in the Department of Indian Affairs 1904 Annual Report. The first photo was taken when he was admitted to the Regina Indian Industrial School and the second was taken after his time at the school.
- Discuss: Why would the Department of Indian Affairs choose these photos for their report? What is the message? How does this relate to the purpose of residential schools?
- Show NFB trailer [We were Children](#), 2012 (1:40)
- Explain that the residential school system involved:
 - the removal by consent or by force of tens of thousands of indigenous children from their homes, some as young as two or four years of age
 - the attempts to deprive these children of any connections with their parents
 - the institution of an underfunded, willfully neglectful system where thousands of students perished from malnutrition, poor medical care, and diseases
 - the creation of an education system where child labour was a norm and where academic achievements were severely compromised
 - the consistent lack of oversight and accountability in a system where physical and sexual abuse were rampant
- Explain that in 1920, the Indian Act was amended to make school attendance compulsory for all First Nations children under 15 years of age.
- Provide students with the following quote:
“I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone . . . Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department, that is the whole object of this Bill.”
--Duncan Campbell Scott, Department of Indian Affairs, 1920
- Discuss: According to the quotation from Duncan Campbell Scott, what was the purpose of the residential schools? What vision of Canadian society is reflected in this quote?

Post-Assessment

- Have students analyse The Indian Act and its amendments and conduct research into how and why this legislation was used to oppress and assimilate the First Nations of Canada.
- Students will present their findings in a formal research essay. Have students organize the body of their paper into three sections:
 - Reservation system and powerlessness over the land
 - Residential school system and the banning of culture
 - Indian status and systemic disenfranchisement

Extension Activities

- Introduce concepts of Social Darwinism and Eugenics by showing [political cartoon](#) from the Detroit Journal, 1898. Have students discuss the meaning of “White Man’s Burden” and how this worldview influenced the Indian Act.
- Show CBC’s [Colonization Road](#), 2016 (44min)

Additional References

“21 Things You May Not Have Known About The Indian Act.” 2015. *Indigenous Corporate Training*. <https://www.ictinc.ca/blog/21-things-you-may-not-have-known-about-the-indian-act->

Canada. *Indian Act* (R.S.C., 1985, c. I-5). Justice Laws Website. <https://laws-lois.justice.gc.ca/eng/acts/i-5/fulltext.html>

Canada. 2019. “Indian Residential Schools.” <https://www.rcaanc-cirnac.gc.ca/eng/1100100015576/1571581687074>

“The Indian Act: Can it be Abolished?” 2015. *LawNow*. <https://www.lawnow.org/the-indian-act-can-it-be-abolished/>

Montpetit, Isabelle. 2011. “Background: The Indian Act.” *CBC News*. <https://www.cbc.ca/news/canada/background-the-indian-act-1.1056988>

Treaty Relations Commission of Manitoba. [n.d.] “Treaty No. 1” <http://www.trcm.ca/treaties/treaties-in-manitoba/treaty-no-1/>

UBC. 2009. “The Indian Act.” *Indigenous Foundations Arts*. https://indigenousfoundations.arts.ubc.ca/the_indian_act/

Union of British Columbia Indian Chiefs. [2010?] “Historical Timeline: 1700s to the Present.” <https://www.ubcic.bc.ca/timeline>

Materials and Resources (see next pages)

TREATIES 1
BETWEEN HER MAJESTY THE QUEEN AND THE CHIPPEWA AND CREE INDIANS OF
MANITOBA AND COUNTRY ADJACENT WITH ADHESIONS

Treaty No. 1

ARTICLES OF A TREATY made and concluded this third day of August in the year of Our Lord one thousand eight hundred and seventy-one, between Her Most Gracious Majesty the Queen of Great Britain and Ireland by Her Commissioner, Wemyss M. Simpson, Esquire, of the one part, and the Chippewa and Swampy Cree Tribes of Indians, inhabitants of the country within the limits hereinafter defined and described, by their Chiefs chosen and named as hereinafter mentioned, of the other part.

Whereas all the Indians inhabiting the said country have pursuant to an appointment made by the said Commissioner, been convened at a meeting at the Stone Fort, otherwise called Lower Fort Garry, to deliberate upon certain matters of interest to Her Most Gracious Majesty, of the one part, and to the said Indians of the other, and whereas the said Indians have been notified and informed by Her Majesty's said Commissioner that it is the **desire of Her Majesty to open up to settlement and immigration a tract of country** bounded and described as hereinafter mentioned, and **to obtain the consent thereto of her Indian subjects** inhabiting the said tract, and to make a treaty and arrangements with them **so that there may be peace and good will** between them and Her Majesty, and that they may **know and be assured of what allowance they are to count upon and receive year by year** from Her Majesty's bounty and benevolence.

And whereas the Indians of the said tract, duly convened in council as aforesaid, and being requested by Her **Majesty's said Commissioner to name certain Chiefs and Headmen who should be authorized on their behalf to conduct such negotiations and sign any treaty to be founded thereon, and to become responsible to Her Majesty for the faithful performance by their respective bands of such obligations as should be assumed by them, the said** Indians have thereupon named the following persons for that purpose, that is to say:

Mis-koo-kenew or Red Eagle (Henry Prince), Ka-ke-ka-penais, or Bird for ever, Na-sha-ke-penais, or Flying down bird, Na-na-wa-nanaw, or Centre of Bird's Tail, Ke-we-tayash, or Flying round, Wa-ko-wush, or Whip-poor-will, Oo-za-we-kwun, or Yellow Quill,—and thereupon in open council the different bands have presented their respective Chiefs to His Excellency the Lieutenant Governor of the Province of Manitoba and of the North-West Territory being present at such council, and to the said Commissioner, as the Chiefs and Headman for the purposes aforesaid of the respective bands of Indians inhabiting the said district hereinafter described; and whereas the said Lieutenant Governor and the said Commissioner then and there received and acknowledged the persons so presented as Chiefs and Headmen for the purpose aforesaid; and whereas the said Commissioner has proceeded to negotiate a treaty with the said Indians, and the same has finally been agreed upon and concluded as follows, that is to say:

The Chippewa and Swampy Cree Tribes of Indians and all other the Indians inhabiting the district hereinafter described and defined do hereby cede, release, surrender and yield up to Her Majesty the Queen and successors forever all the lands included within the following limits,

that is to say: Beginning at the international boundary line near its junction with the Lake of the Woods, at a point due north from the centre of Roseau Lake; thence to run due north to the centre of Roseau Lake; thence northward to the centre of White Mouth Lake, otherwise called White Mud Lake; thence by the middle of the lake and the middle of the river issuing there from to the mouth thereof in Winnipeg River; thence by the Winnipeg River to its mouth; thence westwardly, including all the islands near the south end of the lake, across the lake to the mouth of Drunken River; thence westwardly to a point on Lake Manitoba half way between Oak Point and the mouth of Swan Creek; thence across Lake Manitoba in a line due west to its western shore; thence in a straight line to the crossing of the rapids on the Assiniboine; thence due south to the international boundary line; and thence eastwardly by the said line to the place of beginning. **To have and to hold the same to Her said Majesty the Queen and Her successors for ever;** and Her Majesty the Queen hereby agrees and undertakes to lay aside and reserve for the sole and exclusive use of the Indians the following tracts of land, that is to say: For the use of the Indians belonging to the band of which Henry Prince, otherwise called Mis-koo-ke-new is the Chief, so **much of land on both sides of the Red River**, beginning at the south line of St. Peter's Parish, as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families; and for the use of the Indians of whom Na-sha-ke-penais, Na-na-wa-nanaw, Ke-we-tayash and Wa-ko-wush are the Chiefs, so much land on the Roseau River as will furnish **one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families**, beginning from the mouth of the river; and for the use of the Indians of which Ka-ke-ka-penais is the Chief, so much land on the Winnipeg River above Fort Alexander as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, beginning at a distance of a mile or thereabout above the Fort; and for the use of the Indians of whom Oo-za-we-kwun is Chief, so much land on the south and east side of the Assiniboine, about twenty miles above the Portage, as will furnish one hundred and sixty acres for each family of five, or in that proportion for larger or smaller families, **reserving also a further tract enclosing said reserve to comprise an equivalent to twenty-five square miles of equal breadth, to be laid out round the reserve, it being understood, however, that if, at the date of the execution of this treaty, there are any settlers within the bounds of any lands reserved by any band, Her Majesty reserves the right to deal with such settlers as She shall deem just, so as not to diminish the extent of land allotted to the Indians.**

And with a view to show the satisfaction of Her Majesty with the behaviour and good conduct of Her Indians parties to this treaty, She hereby, through Her Commissioner, makes them a **present of three dollars for each Indian man, woman and child belonging to the bands here represented.**

And further, Her Majesty agrees to **maintain a school on each reserve** hereby made whenever the Indians of the reserve should desire it.

Within the boundary of Indian reserves, until otherwise enacted by the proper legislative authority, no **intoxicating liquor shall be allowed to be introduced or sold**, and all laws now in force or hereafter to be enacted to preserve Her Majesty's Indian subjects inhabiting the reserves or living elsewhere from the **evil influence of the use of intoxicating liquors shall be strictly enforced.**

Her Majesty's Commissioner shall, as soon as possible after the execution of this treaty, cause to be taken an **accurate census of all the Indians inhabiting the district above described**, distributing

them in families, and shall in every year ensuing the date hereof, at some period during the month of July in each year, to be duly notified to the Indians and at or near their respective reserves, **pay to each Indian family of five persons the sum of fifteen dollars Canadian currency**, or in like proportion for a larger or smaller family, **such payment to be made in such articles as the Indians shall require of blankets, clothing, prints (assorted colours), twine or traps, at the current cost price in Montreal, or otherwise, if Her Majesty shall deem the same desirable in the interests of Her Indian people, in cash.**

And the **undersigned Chiefs do hereby bind and pledge themselves and their people** strictly to observe this treaty and to **maintain perpetual peace** between themselves and Her Majesty's white subjects, and **not to interfere with the property or in any way molest the persons of Her Majesty's white or other subjects.**

*Memorandum of **things outside of the Treaty which were promised at the Treaty at the Lower Fort**, signed the third day of August, A.D. 1871.*

- For each Chief who signed the treaty, a dress distinguishing him as Chief.
- For braves and for councillors of each Chief a dress; it being supposed that the braves and councillors will be two for each Chief.
- For each Chief, except Yellow Quill, a buggy.
- For the braves and councillors of each Chief, except Yellow Quill, a buggy.
- In lieu of a yoke of oxen for each reserve, a bull for each, and a cow for each Chief; a boar for each reserve and a sow for each Chief, and a male and female of each kind of animal raised by farmers, these when the Indians are prepared to receive them.
- A plough and a harrow for each settler cultivating the ground.
- These animals and their issue to be Government property, but to be allowed for the use of the Indians, under the superintendence and control of the Indian Commissioner.
- The buggies to be the property of the Indians to whom they are given.
- The above contains an inventory of the terms concluded with the Indians.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 30th April, 1875.

On a memorandum dated 27th April, 1875, from the Honourable the Minister of the Interior, bringing under **consideration the very unsatisfactory state of affairs arising out of the so-called "outside promises"** in connection with the Indian Treaties Nos. 1 and 2, Manitoba and North-west Territories, concluded, the former on the 3rd August, 1871, and the latter on 21st of the same month, and recommending for the reasons stated:

1st. That the written memorandum attached to Treaty No. 1 be considered as part of that Treaty and of Treaty No. 2, and that the Indian Commissioner **be instructed to carry out the promises therein contained, in so far as they have not yet been carried out, and that the Commissioner be advised to inform the Indians that he has been authorized so to do.**

2nd. That the Indian Commissioner be instructed to inform the Indians, parties to Treaties Nos. 1 and 2, that, while **the Government cannot admit their claim to any thing which is not set forth in the treaty**, and in the memorandum attached thereto, which treaty is binding alike upon the Government and upon the Indians, yet, as there seems to have been some **misunderstanding** between the Indian Commissioner and the Indians in the matter of Treaties Nos. 1 and 2, the Government, out of **good feeling to the Indians** and as a matter of benevolence, is **willing to raise the annual payment** to each Indian under Treaties Nos. 1 and 2, from \$3 to \$5 per annum, and make payment over and above such sum of \$5, of **\$20 each and every year to each Chief**, and a suit of **clothing every three years to each Chief** and each Headman, allowing two Headmen to each band, on the express understanding, however, **that each Chief or other Indian who shall receive such increased annuity or annual payment shall be held to abandon all claim whatever against the Government in connection with the so-called "outside promises," other than those contained in the memorandum attached to the treaty.**

Land Treaty 1, 1871 Worksheet

Land Received by Manitoba Chippewa and Cree Nation:

Reason for the treaty according to the treaty:

Possible ulterior motives for the treaty:

Promised Gifts to the First Nations:

Restrictions on the First Nations:

What happens to settlers already in the limits of the reservation?:

Language of Note and Possible Meaning:

What is an "outside promise"?

What problems did the First Nations have with the execution of the treaty?

What solution did the Crown have for the “misunderstanding”? Under what restrictions?

Answer Key--Land Treaty 1, 1871 Worksheet

Land Received by Manitoba Chippewa and Cree Nation: 160 acres for each family of 5 (more for larger, less for smaller)

Reason for the treaty according to the treaty: for settlement, and peace and good between the Natives and the Crown.

Possible ulterior motives for the treaty: To put FN, and the land under legal control of the crown.

Promised Gifts to the First Nations: \$15 per family of 5 to be paid in either cash or goods of blankets, clothing, prints, twine, or traps

Restrictions on the First Nations: no alcohol, not allowed to interfere with the property or molest white people, and perpetual peace, can't ask for more “outside promises” or re-negotiate

What happens to settlers already in the limits of the reservation?: The Crown reserves the right to make them leave

Language of Note and Possible Meaning:

- Her Indians (implies subjugation) If you are signing a land treaty, does that not imply TWO nations?
- Types of gifts (residential schools were promised here)
 - “As required” too vague and gives too much power to the Crown
- All chiefs who signed could not read, and marked an X (-- remind students that the FN relied on translators during the meetings. they can't read the document to check that what was promised orally was written down)
- And to not molest the persons of HM white subjects (too vague)
- No mention of the responsibilities for white people
- Government cannot admit their claim to anything which is not set forth in the treaty.

What is an “outside promise”? A verbal promise which is not legal. – Many gifts were promised such as farm equipment, animals, and buggies

What problems did the First Nations have with the execution of the treaty?

The Crown did not give anything they promised inside or outside of the treaty other than the land.

What solution did the Crown have for the “misunderstanding”? Under what restrictions?

Give the FN an extra payment of \$2 per year (5\$ instead of 3\$), and extra clothing to the chief. If the chief agrees their complaints about the verbal promises are nullified. Attached some of the verbal promises to the Treaty.

Indian Act of 1876 Worksheet

"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change."
- John A Macdonald, 1887

A Status Indian is one whose band signed a land treaty. In this document these are the ‘bands’. A Non-Status Indian is one whose band did not sign a land treaty. In this document these are the ‘irregular bands’. Remember, today we don’t use the word “Indian” to talk about Indigenous People.

1) Define the following terms:

- a. Annuities
- b. Illegitimate Child
- c. Cease
- d. Vested in
- e. Chattel
- f. Devolve
- g. Mortgages
- h. Void
- i. Revoke
- j. Trespasses
- k. Forfeit
- l. Arbitrator
- m. Trusteeship
- n. Liable

- o. Misdemeanor
 - p. Annuities
 - q. Incur
 - r. Acquisition
 - s. Enfranchisement
-
- 2) List the rights and responsibilities of the Superintendent General (modern Indian Agent)

 - 3) List the rights taken away from the First Nations

 - 4) How could someone lose their Indian Status?

 - 5) List any rights given to the First Nations

 - 6) What is the meaning of #38?

 - 7) See amendments #3 and 4 and discuss in your groups. Why would the Government deem it necessary to ban culture?

Answer Key--Indian Act of 1876 Worksheet

"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change."

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- s. Enfranchisement

2) List the rights and responsibilities of the Superintendent General (modern Indian Agent)

- Basically the IA gets to do whatever he wants.

- Can take away the membership of an Indigenous person from a tribe
- Determines who counts as an “Indian”, and who does not.
- Determined that no Indigenous person can have more than one lot of land on reserve
- Determines the value of lot land, and who gets what lot of land on reserve.
- Determines who gets what licences for hunting, timber, or quarry stone
- Control the will/inheritance
- Authorizes non band members to be able to enter the reservation
- Can fine or use jail time as punishment for non-compliance
- Doesn't have to write the names of Indigenous people on writs and orders. May describe them instead.
- The Superintendent-General shall name the arbitrator on behalf of the Indians, and the amount awarded shall be paid to the Receiver-General for the use of the band of Indians for whose benefit the reserve is held.

3) List the rights taken away from the First Nations

- Can't really do anything without the permission of the IA including:
 - Claiming inheritance,
 - Giving a gift
 - Leaving the reservation,
 - growing/selling food on your own lot of land
 - Chopping wood on your own lot of land
 - Making anything out of wood like a crib, or a raft
- Can't purchase property

4) How could someone lose their Indian Status?

- Living in a foreign country for more than 5 years
- Being an illegitimate child
- Indigenous woman marrying a non-indigenous man

- Going to university

5) List any rights given to the First Nations

- They can sue for debts

6) What is the meaning of #38?

- Can be put in jail for a month for being drunk
 - Key word is “MAY”, which makes it entirely up to the IA as to whether or not he thinks someone is drunk.

7) See amendments #3 and 4 and discuss in your groups. Why would the Government deem it necessary to ban culture?

- Link students back to the concept of White Man’s Burden (suggest you show them Kipling’s Poem), and Eugenics.

An Act to Amend and Consolidate the Laws Respecting Indians, April 12th, 1876 under provision of Section 91 (24) of the Constitution Act of 1867. (abridged)

<https://laws-lois.justice.gc.ca/eng/acts/i-5/>

1) The term “band” means any tribe, band or body of Indians who own or are interested in a reserve or in Indian lands of which the legal title is vested in the Crown, or who share in the distribution of any annuities or interest monies for which the Government of Canada is responsible

2) The term “irregular band” means any tribe, band, or body of persons of Indian blood who own no interest in any reserve lands, who possess no common fund managed by the Government of Canada, or who have no had any treaty relations with the Crown.

3) The term “Indian” means –

- a. Any male person of Indian blood reputed to belong to a particular band
- b. Any child of such person

- c. Any woman who is lawfully married to such person
- 4) Any illegitimate child unless having shared with the consent of the band in the distribution of moneys of such band for a period exceeding two years, may at any time be excluded from membership.
 - 5) Any Indian having for five years continuously resided in a foreign country shall with the sanction of the Superintendent-General, cease to be a member thereof and shall not be permitted to become again a member thereof or of any other band.
 - 6) Any Indian woman marrying any other than an Indian or a non-treaty Indian shall cease to be an Indian in any respect to this Act.
 - 7) No half-breed head of a family shall be accounted an Indian.
 - 8) The term “reserve” means any tract of land set apart by treaty for the use or benefit a particular band of Indians, of which the legal title is in the Crown, and includes all the trees, wood, timber, soil, stone, minerals, metals, or other valuables thereon or therein.
 - 9) The term “special reserve” means any tract of land and everything belonging thereto for the use or benefit of any band of Indians, the title of which is vested in a society, corporation, or community legally established and capable of suing and being sued, or in a person or persons of European decent, but which land is held in trust for or benevolently allowed to be used by such band of Indians
 - 10) The term “Indian Lands” means any reserve or portion of a reserve, which has been surrendered to the Crown.
 - 11) The term “person” means an individual other than an Indian.

Reservation Lands

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- 12) In a reserve subdivided into lots, by survey authorized by the Superintendent-General, no Indian shall be deemed to be lawfully in possession of one of more of such lots or part of a lot.
- 13) No Indian shall be dispossessed of any lot on which he has improvements without receiving compensation at a valuation to be approved by the Superintendent-General.
- 14) Upon the death of any Indian holding any lot or parcel of land, the right and interest of such deceased Indian shall together with his goods and chattels devolve one-third upon his widow and the remainder to his children equally. If he have no heir nearer than a cousin then the

same shall be vested in the Crown for the benefit of the band. The claimants shall not be held to legally in possession until they obtain a location ticket from the Superintendent-General.

15) No person or Indian other than an Indian of the band shall settle, reside, or hunt upon, occupy or use any land or marsh, or shall settle, reside upon or occupy any road or allowance for roads running through any reserve.

16) All mortgages given or consented to by any Indian, and all leases, contracts and agreements made by any Indian shall be absolutely void.

17) If any person or Indian other than an Indian of the band, without the license of the Superintendent-General (which license he may revoke at any time), settles, resides, or hunts upon or occupies or uses any such land or marsh, or settles resides upon or occupies any such roads or allowances for roads, or if any Indian is illegally in possession of any lot, the Superintendent-General or such authorized officer shall on complaint to him and on proof to his satisfaction, issue his warrant signed and sealed, directed to the sheriff of the proper county commanding him to remove from the said land every such person or Indian and his family so settled. Any expenses incurred shall be borne by the party removed or notified.

18) If any person or Indian after having been removed or notified as aforesaid, returns to, settles upon, resides or hunts on the land, the Superintendent-General or any authorized officer upon proof to his satisfaction shall direct and send his warrant to the sheriff commanding him to arrest such person or Indian and commit him to the common jail of the country for no more than thirty days.

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Reservation Resources

19) If any person or Indian other than an Indian of the band to which the reserve belongs, without the license in writing of the Superintendent-General, trespasses upon any of the said land, roads, or allowances for roads in the said reserve by cutting, carrying away, or removing any of the trees, saplings, shrubs, underwood, timber, or hay, or by removing any of the stone, soil, minerals, metals or other valuables off the said land, the person or Indian so trespassing shall for every tree he cuts, carries away, or removes, forfeit and pay the sum of twenty dollars. Upon the non-payment of the fine the Superintendent-General may order the party to be imprisoned in the common jail for a period not exceeding three months.

20) In all orders, writs, warrants, summonses, and proceedings made by the Superintendent-General it shall not be necessary for him or such officer to insert or express the name of the person or Indian summoned, arrested, or imprisoned, unless the name is truly given. He may describe the person or Indian if the name is not known.

21) If any railway, road, or public work passes through or causes injury to any reserve, or if any act occasioning damage to any reserve be done under the authority of any Act of Parliament, or of the Legislature of any Province, compensation shall be made to them in the same manner as is provided with respect to the lands of other persons. The Superintendent-General shall name the arbitrator on behalf of the Indians, and the amount awarded shall be paid to the Receiver-General for the use of the band of Indians for whose benefit the reserve is held.

22) On a special reserve, on the breaking up of any society, corporation, or community, or if by the death of any person without a legal succession of trusteeship, the said title becomes void in law and the legal title shall become vested in the Crown.

23) Indians residing upon any reserve and engaged in the pursuit of agriculture as their then principal means of support, shall be liable to perform labour on the public roads; and the Superintendent-General or appointed officer, shall have the like power to enforce the performance of all such labour by imprisonment or otherwise as may be done by any power under any law in the province. This work may be performed at the cost of such band either out of their annual allowances or otherwise.

24) No reserve or portion of a reserve may be sold or leased until it has been released or surrendered to the Crown.

25) The Superintendent-General may issue a license to any person or Indian to cut and remove trees, wood, timber, and hay, or to quarry and remove stone and gravel on and from the reserve. Provided he first obtain the consent of the band.

26) If any person before or at the time of the public sale of any Indian lands, by intimidation, combination, or unfair management, prevents or attempts to hinder any person from bidding upon or purchasing any lands shall be guilty of a misdemeanor, and on conviction shall be liable of a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding two years, or both.

27) The Superintendent-General may grant licenses to cut timber on reserves and ungranted Indian lands. Every license shall describe the lands upon which the timber may be cut, and shall confer on the nominee the right to take and keep exclusive possession of the land during the term of the license.

28) If any timber has been cut without authority on Indian lands, the Superintendent-General or appointed officer may seize the timber wherever it is found. If the timber has been made up into a crib, dram, or raft, or in any other manner has been so mixed up at the mills as to render it impossible to distinguish the timber so cut on reserves without license, the whole of the timber so mixed shall be seized until satisfactorily separated by the holder.

Legal Rights and Court Proceedings

29) Indians shall have the right to sue for debts due to them, or compel the performance of obligations contracted with them.

30) No presents given to Indians, nor any property purchased by means of annuities granted to Indians shall be liable to be taken for any debt or cause whatsoever. Any such sale, barter, exchange or gift shall be absolutely null and void unless with the written assent of the Superintendent-General. Any done without the consent of the Superintendent-General is guilty of a misdemeanor and is punishable by fine of no more than two hundred dollars or by imprisonment not exceeding six months.

31) Upon any inquest or enquiry into any matter involving a criminal charge, it shall be lawful for any court, judge or justice of the peace to receive the evidence of any Indian who is destitute of the knowledge of God and of any fixed clear belief in religion or in a future state of rewards and punishments. Upon his solemn affirmation or declaration to tell the truth, the whole truth, and nothing but the truth, the magistrate will caution every such Indian that he will be liable to incur punishment if he does not tell the truth

32) The substance of the information or evidence shall be reduced to writing and signed by the person, by mark if necessary.

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Intoxicants:

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33) Whoever sells, exchanges with, barter, supplies, or gives to any Indian in Canada any kind of intoxicant, or opens on any reserve or special reserve a tavern or building where any intoxicant is sold or given, or is found in possession of any intoxicant in the house, tent, or wigwam of any Indian, shall upon the evidence of one credible witness other than an informer, be liable to imprisonment for a period not less than one month nor exceeding six months, with or without hard labour, and be fined not less than fifty dollars, nor more than three hundred dollars, with the costs of prosecution. This fine will form part of the fund for the benefit of that body of Indians.

34) No penalty shall be incurred in case of sickness where the intoxicant is made use under the sanction of a medical man or under the directions of a minister or religion.

35) The keg, barrel, case, or receptacle whence any intoxicant has been sold or given and the remainder of the contents may be seized by any constable where-so-ever found on Indian land and cause the same to be destroyed.

36) When it is proved before any judge that any vessel, boat, or canoe is employed in carrying any intoxicant to be supplied to Indians such boat or vessel, may be seized and declared forfeited.

37) Every article, chattel, commodity or thing in the acquisition of an intoxicant shall be forfeited to Her Majesty and may be sold.

38) It shall be lawful for any constable with process of law, to arrest any Indian whom he may find in a state of intoxication, and to convey him to any common jail and to be kept there until he shall have become sober. If convicted in front of a judge, shall be liable to imprisonment in any common jail for any period not exceeding one month.

39) No prosecution, conviction, or commitment under this Act shall be invalid on account of want of form, so long as the same is according to the true meaning of this Act.

Amendments:

1) 1880 – Amended so that any Indian accepted to University becomes enfranchised as a British Subject.

2) 1881 -- Amended to make officers of the Indian Department, 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.

3) 1885 -- Amended to prohibit religious ceremonies (such as potlatches)

4) 1914 -- Amended to require western Indians to seek official permission before appearing in "aboriginal costume" in any "dance, show, exhibition, stampede or pageant."