THE HISTORICAL DEVELOPMENT OF THE INDIAN ACT

POLICY, PLANNING AND RESEARCH BRANCH,
DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS

JANUARY, 1975

PREFACE

During a Policy Planning and Research Branch meeting in the fall of 1973, the incumbent Chief of Research made what was to him a disquieting discovery. He noted, that while the Indian Act had been on the statute books for nearly 100 years and was based on other statutes dating from the pre-Confederation period, there was no document that presented, in a straight-forward fashion, the Act's history or evolution. There were several slender volumes on the history or development of Indian Affairs policy and a few, even more slender volumes, explaining the existing legislation. But there was nothing to chronicle the changes in legislation leading to the present act.

In view of the fact that there was talk of amending, or at least discussing amendments to, the Indian Act, the then Chief of Research considered the time was appropriate for a short paper on how the Act evolved. This present paper is the result of that decision. It seeks to trace, as briefly as possible, the evolutionary line of legislation respecting Indians beginning with the earliest proclamations and royal instructions and ending with the 1951 Revision of the Indian Act. In tracing this development, each change, as far as possible, was documented by direct quotation from a contemporary source. In only a few instances were any other sources used for documentation, though the bibliography will reveal that a number of such works were consulted.

A certain amount of selectivity was involved in choosing the documents to be quoted and, particularly for the later years, for every word quoted in the text, 10,000 were consulted. The principal criterion upon which the selection was based was "does the quotation reflect accurately the attitudes,

values and objectives of the person making the statement?" In other words, there was an attempt to show the picture as the actors saw it and not in terms of consequences that, in some cases, would not become known for several generations. Or to put it bluntly, to call the Manitoulin Experiment of 1836 "early apartheid", as one author has, is valid only if the intentions, values and attitudes of Sir Bond Head, the patron of the experiment, are ignored.

In addition, it is necessary that there be an explanation of what this paper is and what it is not. It is, first of all, intended to provide information on the development of the Indian Act; it is not intended to be the definitive work on the subject nor even a 'history' in the sense of the word as it would be used by a historiographer. In short, this paper was written to fill a gap in knowledge left by the academic historians, a gap which it is hoped, they will not be long in filling.

Secondly, this report has been prepared to provide information to the staff of the Department of Indian Affairs and Northern Development. It has not been prepared for wide dissemination in its present form and readers should be aware that is essentially an internal report and not an official publication.

THE PRE-CONFEDERATION PERIOD

The relationship between the non-Indian and Indian communities in the years prior to Confederation developed in three successive stages. There was an inevitable overlap between these stages. First there was the evolution of a set of attitudes toward Indians in which they were seen as a separate and special group which had to be dealt with in certain specific ways. Second, was the development of a policy to define and conduct the relationship between the two communities, Third, was the creation of legislation which reflected both the attitudes toward Indians and the policy.

Indian policy began with the military alliances which sought from Indians their aid in warfare, and their friendship in times of peace. Though it sought to do little else, it was for many years an entirely satisfactory policy, and created the precedent of treating with the Indians as quasi-sovereign nations who dealt, in matters concerning their lands, directly with the Crown - a custom which prevails to this very day. After the War of 1812, however, the great influx of settlers, the destruction of the subsistence base of Indian society, the emergence of provincial governments with goals often quite at odds with those of the Colonial Office, and most importantly, the end of the need to maintain military preparedness in North America, caused the administrators to consider a sharp change of course. The total abandonment of the Indians and the abolition of the Indian Department was proposed. The alternative was to continue the Department but to redefine its goals. In accord with the ideological climate of the times, a philanthropic policy of redeeming the Indians from 'savagery' and gradually raising them to the 'level of civilization' of the dominant society, was adopted. This policy continued until Confederation.

Changes in policy accompanied, and were to a large extent directed by, changes in attitudes. By the end of the period the general view of those concerned with Indian Affairs - the officers of the Department, members of the Provincial Legislatures, members of religious and philanthropic organizations, adopted an almost fatherly obligation to those whom they quite often addressed as 'children'. Nowhere is this attitude better typified than in the Civilization and Enfranchisement Acts. There was a genuine belief in the desirability of the Indians assuming the full rights and responsibilities of citizens and in their ability to do so. There was also a genuine belief that the restrictive measures contained in the legislation were justified by the benefits that it would eventually confer, just as any good parent of that period genuinely believed that sparing the rod would spoil the child.

Such prevailing attitudes and goals found expression in the 1850's legislation respecting Indians. Before that time, the legislation, such as it was, had been incomplete, enacted in a piecemeal way and was virtually unenforceable. By the 1850's, two objectives were beginning to emerge (1) the protection of the Indians from the destructive elements of the dominant society until Christianity and education had raised them to the level of their neighbours and (2) the protection of the lands reserved for Indians for their exclusive use until such time as the Indians were able to occupy and protect them in the same way as other citizens. To these ends, the 1850 Land Acts and the 1857 and 1859 Civilization and Enfranchisement Acts were passed, acts so carefully framed that their main provisions, in intent if not always in letter, formed the basis of all the succeeding Indian Acts. Thus, the framework of what was to become the Act was already in place, and its principal supporting actions, on the status of Indians, in their property or lands, and their form of organization, were already beginning to emerge in outline.

CHAPTER I

1670-1830

The first statement of policy relating to Indian Affairs, the basis of subsequent legislative and administrative action, was made in the 1670 instructions of Charles II to the Governor of the North American colonies. The salient points of these instructions are as follows:

1. Forasmuch as most of our Colonies do border upon the Indians, and peace is not to be expected without the due observance and preservation of justice to them, you are in our name to command all the Governors that they at no time give any just provocation to any of the said Indians that are at peace with us.

2. ...and that they (the Governors) do employ some persons, to learn the languages of them, and that they do not only carefully protect and defend them from adversaries, but that they more especially take care that none of our own subjects, nor any of their servants, do any way harm them.

3. And you are to consider how the Indians...may be best instructed and invited to the Christian religion, it being both for the honour of the Crown and of the Protestant religion itself, that all persons within any of our territories, though never so remote, should be taught the knowledge of God and be made acquainted with the mysteries of salvation. (JLAC. 1844-45 APP.EEE.)

Contained in these instructions are the essential elements of British Policy regarding the Indians. The Indians were acknowledged to possess at least a usufructuary right to the lands not hitherto granted. They were to be kept free from provocation and were, by means of presents and promises, to be maintained as allies for which purposes the Indian Department was to be established. As well, the governors were instructed to discover the best means of bringing the 'knowledge of God' to the Indians at a time when Christianity was the prerequisite of civilization. These elements were to be an undercurrent to the conduct of Indian Affairs during the military

period, cynical as the latter may have been at times. In the words of Sir William Johnson:

> Now as the Indians who possess these countries are by numbers considerable, by inclination warlike and by disposition covetous..., I find on all hands that they will never be content without possessing the frontier, unless we settle limits with them, and make it worth their while, and without which should they make peace tomorrow they would break the same the first opportunity...They desire to be considered as Allies and Friends, and such we may make them at a reasonable expense and thereby occupy our outposts, and carry on a trade in safety until in a few years we shall become so formidable throughout the country as to be able to protect ourselves and abate that charge...
>
> (in D.C. Scott, vol 4. p. 699)

Early French policy, according to D.C. Scott, differed only in one important respect; there was no recognition of any sort of the Indians' possession or rights to the conquered territory. In his words:

> French discovery meant conquest so far as the Indian was concerned. Whatever interest was to be shown, whatever favours were to be granted, flowed from the clemency of the crown; the Indian in himself had no title in the soil demanding recognition, nor in his inferior position as a savage, had he any rights which could become the subject of treaty or negotiation. When the French standard was set up the Indian passed at once from undisputed possession of his ancestral domain to a mere precarious occupation.
>
> (D.C. Scott. "Indian Affairs 1763-1841" in Canada and its Province, 1913. Vol. 4. p. 696).

In Old Quebec, the Indian's lands and hunting territories were surveyed and granted, not only without his consent, but also without any feeling that consent was required. Policy took the form of setting aside small tracts of land for the Indians in the name of the Jesuits who were to christianize, educate and civilize them. When it was expedient, the Indians were also engaged as allies in the numerous conflicts of that period and were mentioned in the Articles of Capitulation following the fall of New France:

> (#40) The Savage or Indian allies of his most Christian Majesty, shall be maintained in the lands they inhabit; if they choose to remain there; they shall not be molested on any pretence whatsoever, for having carried arms, and served his most Christian Majesty; they shall have, as well as the French, liberty of religion, and shall keep their missionaries. (Constitutional Documents 1759-1791. Vol. 1., Pt. 2 Sessional Paper #18, 1907).

In the meantime, British relations with the Indians had been carried on through an Indian Department consisting of officers appointed as commissioners to the various tribes who carried out a policy best described by the one who formulated it:

> We should employ men acquainted with their manners to put forth measures adapted to win upon their affections, to coincide with their genius and dispositions, to discover all their designs, to prevent frauds and injustice, to redress grievances, to remove their jealousies and apprehensions, whilst by annual or other stated congresses, as practised among themselves, we mutually repeat our engagement, refreshing the memories of those who have no other records to trust to - this would soon produce most salutory effects, their apprehensions removed, their attachment to us would acquire a solidity not to be shaken whilst time, intercourse with us and instruction in religion and learning would create such a change in their manners and sentiments as the present generation might live to see; together with an end to the expense and attention which are as yet so indispensably necessary to attain these great purposes and to promote the safety, extend the settlements and increase the commerce of this country.
>
> (Wm Johnson to Shelburne, January 15, 1767, quoted in D.C. Scott in Canada and its Province, 1913. Vol. 4 p. 698).

As well, the Proclamation of 1763, provided what amounts to legislation recognizing the rights to usufruct of their traditional hunting grounds[1] by the Indians and set up a system of acquiring lands from the Indian occupants and regulating white interaction with them, though the intent of the

---

1. But only "beyond the bounds of their the colonies respective Governments..."

proclamation was not, it has been argued, to protect the Indians in their lands. Rather it was purportedly designed to effect a land freeze in the colonies in order that expansion would take place northward into Quebec rather than westward. In addition, it has been suggested that the secondary intent was to assert the monopoly of the Crown in land transactions. From the military point of view, the Proclamation was a re-affirmation of the earlier proposal for the creation of an Indian 'buffer zone' between, at that time, the British and the French and after 1763, between the British colonies of the Atlantic seaboard and Louisiana. Shortly afterwards, still in 1763, Governor Murray was given the following instructions:

> 60. And whereas Our Province of Quebec is in part inhabited and possessed by several Nations and Tribes of Indians, with whom it is both necessary and expedient to cultivate and maintain a strict Friendship and good Correspondence, so that they may be induced by Degrees, not only to be good neighbours to Our Subjects, but likewise themselves to become good Subjects to Us. You are therefore, as soon as you conveniently can, to appoint a proper Person or Persons to assemble, and treat with the said Indians, promising and assuring them of Protection and Friendship on Our Part, and delivering them such Presents, as shall be sent to you for that purpose.
>
> 61. And you are to inform yourself with the greatest Exactness of the Number, Nature and Disposition of the several Bodies or Tribes of Indians, of the manner of their lives, and the Rules and Constitutions, by which they are governed or regulated. And you are upon no account to molest or disturb them in the Possession of such Parts of the said Province, as they at present occupy or possess; but to use the best means you can for conciliating their Affections and uniting them to Our Government, reporting to Us, by our Commissioners for Trade and Plantations, whatever Information you can collect with respect to these People, and the whole of your Proceedings with them.
>
> 62. Whereas We have, by our Proclamation dated the seventh day of October in the Third Year of Our Region, strictly forbidden, on pain of Our Displeasure, all Our Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the lands reserved to the Several Nations of Indians, with whom We are connected, and who live under Our Protection, with Our especial leave for that Purpose first obtained; it is Our express Will and Pleasure, that you take the most

> effectual Care that Our Royal Directions herein be punctually complied with, and that the Trade with such of the said Indians as depend upon your Government be carried on in the Manner, and under the Regulations prescribed in Our said Proclamation. (Constitutional Documents 1959-91. Vol. 1 Pt. 1. Sessional Papers No. 18 1907).

Three important points are reiterated in these instructions; 1. that the Indians are not 'good subjects' of the Crown though steps were to be taken to make them so; 2. that their goodwill was to be gained by making payments and gifts to them and refraining from doing anything that may harm them; and 3. that the Indian were nevertheless under the protection of the Crown and that their lands and goods were to be protected from usurpation by the white settlers.

Clearly, however, the instructions were not explicit enough for in 1775 in the Instructions to Governor Carleton, an outline of an administrative structure was provided as well as further elaboration of the principal policies. For purposes of Indian Affairs, a hierarchy of Superintendents, Deputy Superintendents, Commissaries, Interpreters, Smith and Missionaries was to be established and a clearly defined set of duties and powers together with a system of management was articulated. The essential points of the latter include:

> 14th That the said Agents of Superintendants shall by themselves or sufficient Deputies visit the several Posts or Tribes of Indians within their respective Districts once in every year or oftener as occasion shall require to enquire into and take on account of the conduct and behavior of the subordinate officers at the said Posts and in the Country belonging to the said Tribes to hear appeals and redress all complaints of the Indians make the proper presents and transact all affairs relative to the said Indians.
>
> 15th That ... the said Agents or Superintendants as also the Commissaries at each Post and in the Country belonging to each Tribe, be empowered to act as Justices of the peace ...

16th That ... the evidence of Indians under proper regulations and restrictions be admitted in all criminal as well as civil causes ...

17th That the said Agents and Superintendants shall have power to confer such honours and rewards on the Indians as shall be necessary and of granting Commissions to the principal Indians in their respective Districts, to be War Captains or Officers of other Military Distinctions.

18th That the Indians of each Town in every Tribe in the southern District, shall choose a beloved man, to be approved of by the Agent of Superintendant for such District, to take care of the mutual interests both of the Indians and Traders in such Town; and that such beloved men so elected and approved in the several Towns shall elect a Chief for the whole Tribe who shall constantly reside with the Commissary in the Country of each Tribe, or occasionally attend upon the said Agent or Superintendant as Guardian for the Indians and protector of their Rights with liberty to the said Chief to be present at all meetings and upon all hearings or tryals relative to the Indians before the Agent or Superintendants or before the Commissaries and to give his opinion on all matters under consideration at such meetings or hearings.

19th That the like establishments be made for the northern Districts as far as the nature of the civil constitution of the Indians in this District and the manner of administering their civil Affairs will admit.

23rd That for the better regulations of the Trade with the said Indians, conformable to their own requests and to prevent those Frauds and Abuses which have been so long and so loudly complained of in the manner of carrying on such Trade, all Trade with the Indians in each District be carried on under the Direction and Inspection of the Agents or Superintendants, and other subordinate Officers.

24th That all persons intending to trade with the Indians shall take out licences for that purpose under the hand and Seal of the Colony from which they intend to carry on such Trade ...

38th That no Trader shall sell or otherwise supply the Indians with Rum, or other spirituous liquors, swan shot or rifled barrelled guns.

39th That in Trade with the Indians no credit shall be given them for goods in value beyond the sum of fifty shillings and no debt beyond that sum shall be recoverable by law or equity.

41st That no private person, Society Corporation or Colony be capable of acquiring any property in lands belonging to the Indians either by purchase of or grant or conveyance from the said Indians excepting only where the lands lye within the limits of any colony the soil of which has been vested in proprietors of corporations by grants from the Crown in which cases such proprietaries or corporations only shall be capable of acquiring such property by purchase or grant from the Indians.

42nd That proper measures be taken with the consent and concurrence of the Indians to ascertain and define the precise and exact boundary and limits of the lands which it may be proper to reserve to them and where no settlement whatever shall be allowed.

43rd That no purchases of lands belonging to the Indians whether in the name and for the use of the Crown or in the name and for the use of proprietaries of Colonies be made but at some general meeting at which the principal Chiefs of each Tribe claiming a property in such lands are present ...

(Constitutional Documents, 1759-1791. Vol. 1. Pt. 1. Sessional Papers No. 18, 1907.)

This comprehensive set of instructions did indeed provide the basis of Imperial Policy regarding Indians for nearly sixty years. The context in which they were given to some extent explains their elaborateness. The previous year had been one of increasing disquietude among the Indians occasioned by the friction between the Americans and the Imperial Government. The revolutionaries had approached the Indians to seek, if not their assistance, perhaps their neutrality in the inevitable conflict. What the Imperial Government sought to accomplish through the Instructions was the maintainance of the Indians as allies of the crown. This was to be achieved by preventing the Americans from having easy access to the Indians for purposes of fomenting rebellion and by ensuring that no offense be offered to the Indians by anyone associated with the British, particularly in regard to their lands. In other words, the 1775 Instructions elaborated a system of effecting the ends sought by the Proclamation

of 1763, the 'Pain of His Majesty's displeasure' having failed as a sufficient threat to keep the colonists out of the Indian lands. However, by empowering the superintendent to 'transact all affairs relative to Indians', they left little room for action by the legislatures, particularly in Upper Canada. Consequently, legislation relating to Indians for many years afterwards was confined to single, special-purpose statutes having to do with liquor and trade. That this arrangement was not deemed suitable is amply demonstrated in the extensive correspondence issuing from Simcoe's office, a part of which is illustrative of the whole;

> The Members of the Legislature therefore, as well as the People of the Province will not see with secret satisfaction and confidence the lives and properties of themselves and of their families at this momentous period, dependent on the discretionary conduct of the Indian Department. The legislature also, can alone prevent improper Encroachments being made upon the lands of the Indians. It can alone regulate the Traders and prevent their Vices from being materially injurious to the Welfare of the Province; and it will in all probability exert its authority, as seems most just, to effect these popular objects. The legislature alone, can give due efficiency to those general principles of Policy which his Majesty shall think proper to adopt in respect to the Indians, and which the Lieutenant Governor or Person administering the Government of Upper Canada, the Confidential Servant of the Crown in the Province, can alone carry into execution with safety, Vigilance and promptitude.
>
> (Constitutional Documents, 1907
> Simcoe to Dorchester, 9 March, 1795.)

Following Simcoe's complaints and the retirement of Dorchester as Governor-General, additional instructions were issued by George III causing the Indian Department to be placed under the management of the Lieutenant Governor (George III 37, December 15, 1796) with a view to ending what was described as a 'Want of Mutual Concert and arrangement' between the Indian Department and the Civil Government, though not without some dispute in 1799

and 1800 when the Commander-in-Chief, the Duke of Kent, attempted to appoint his choice to the position of Deputy Superintendent General, Royal decrees notwithstanding, though ultimately with no success. The point is that while the Indian Department was under military control, policy was directed almost exclusively towards the maintenance of the Indians as allies or stipendaries. While civil authority was lacking in the department, little was done to ease relations between the Indians and the white settlers. In the words of the Commissioners of 1844-45,[2] the situation in 1830 had been as follows:

> Officers were appointed at the principal Indian settlements, to enforce these laws, and to communicate between the tribes and the Government; to attend to the distribution of their presents and annuities; to prevent dissension; and generally, to maintain the authority of the Government among the tribes.
>
> Little was done by the Government to raise their mental and moral condition. In Lower Canada, the Roman Catholic Missionaries, originally appointed by the Jesuits, were maintained. In Upper Canada, until a very late period, neither Missionary nor Schoolmaster was appointed. The omission was in later years supplied by various religious Societies whose efforts have in many instances met with signal success, and within a still more recent period, the Government has directed its attention to the same object.
>
> As the Indian Lands were held in common, and the title to them was vested in the Crown, as their Guardian, the Indians were excluded from all political rights, the tenure of which depended upon an extent of interest not conferred upon them by the Crown. Their inability also to compete with their white brethren debarred them, in a great measure, from the enjoyment of civil rights, while the policy of the Government led to the belief that they did not in fact possess them. (JLAC 1844-45, AppEEE)

Or, more concisely still:

> It appears to me that the course which has hitherto been taken in dealing with these people, has had reference to the advantages which

---

2. Rawson, Davidson and Hepburn, commissioned by Governor Bagot, 10 October, 1842. Their report, in several volumes, has no page numbers.

> might be derived from their friendship in time of war, rather than to any settled purpose of gradually reclaiming them from a state of barbarism, and of introducing amongst them the industrious and peaceful habits of civilized live.
>
> (G. Murray to J. Kempt
> 25 Jan. 1830 Parl Paper 617)

The Indian Department remained under more or less rigid military control until 1830, when, under Sir George Murray, the department was divided into units for each of the two Canadas and placed under the civil administration. As well, 1830 marked a change in the policy of the government, partly in response to pressures from various philanthropic organizations, the Aborigines Protection Society for one, and partly as a result of the report submitted by General Darling two years before. Presents and alliances were to give way to the "...purpose of gradually reclaiming the Indians from a state of barbarism, and introducing amongst them the industrious and peaceful habits of civilized life." (25 June, 1830, Parl. Paper 617).

CHAPTER II

1830-1850

With the change from military to civil control came a change in philosophy. The aims of the Indian department were no longer to keep the Indians at bay but to educate and civilize them and, by means of treaties, to pave the way for the orderly settlement of the colony while protecting the Indians' rights to occupy certain parcels of land.

The changing philosophical base of the Indian Department and the policies implemented by it may best be viewed in the several reports on Indian Affairs beginning with General Darling's report of 24 July, 1828. This report was the result of an enquiry into Indian Affairs ordered with a view to determining the practicality of the abolition of the Indian Department. Darling was ordered to make a tour through both Canadas and having done so to describe the Indians, recommend any alterations that would be advantageous and comment on the possibility of reducing the number of officers. The salient points of the report are as follows:

> In the affairs of the Indian generally in these provinces so many considerations are involved, that were I to enter upon all the points in which the active interposition of the Government is urgently called for on behalf of these helpless individuals, whose landed possessions (where they have any assigned to them) are daily plundered by their designing and more enlightened white brethren, I should greatly exceed, perhaps, the expected limits of the report now called for; I shall therefore touch on the subject as briefly as possible, consistently with the object of your Lordship's instructions.
>
> Of the greatest part of these possessions they have of late years been most cruelly deprived of by intrigue and oppression of various designing individuals who, under a variety of pleas, have got hold of nearly the whole of their properties; insomuch, that I feel it my duty most respectfully, but most urgently,

property and maintained no fixed abode, whether Indian or white or any other race, were not full members of civilized society. From the 1830's period onwards, the civilization of the Indian become the goal of the Indian Department and, while no legislation to that effect was passed until much later, it was felt to be a goal that could easily be met in the next generation or so. The same optimism pervades the recommendations of the 1844-45, 1847 Commission.

A Commission to enquire into Indian Affairs was established in 1839 and reported in 1840. After the Act of Union which united Upper and Lower Canada in 1841, in which the Indians were not mentioned, a major inquiry was commenced to decide whether the Indian Department should be continued and, if so, whether special legislation respecting Indians was required.

Among the evidence heard was the following bleak description of the condition of the Indian people:

> ...though the land be equally fertile, women alone are seen in the field attending to the scanty crops, which in the intervals of dissipation have been put in; some of the men are hunting, some idly stretched before their miserable camps, smoking and eagerly awaiting the return of the messenger gone to the neighboring trader for "fire water". He arrives, they flock together, and then commences the scene of dissipation and drunkenness; all labor is forsaken, the wailing infant neglected, and men and women drunk "a l'ecria l'un a l'autre," battles commenced, the night is spent in debauch, which if the store be not exhausted, continues until it is. When over feverish and sickened, they hardly crawl about in search of food, and thus to the pains of intoxication are added the pangs of hunger. Such scenes are of frequent occurrence, despite all the precautions taken to prevent the sale of ardent spirits. Then the sick bed of the dying Indian receives not the comforts of religion, no zealous Minister of the Gospel breathes to the departing the deep consolations of Christianity, and smoothes his painful passage into that eternity he has been taught to acknowledge; the conjuror alone, with his medicines and idols, rocks himself to and fro, before his uneasy couch; painted and grotesquely attired, he drawls out the propitiatory songs to

> his spirits, and strikes his deer-skin drum, models of turtles, snakes, etc. are around him, the presents he has received as his fee, and most likely a keg of rum, of which he frequently partakes. The inspiration becomes greater, louder and louder sounds the drum and song, and at last declares the grand object accomplished, and that the spirit of sickness has been expelled. Then comes the trance, he falls back exhausted from the conflict which he assures you he has carried on with the powerful spirit of evil within the suffering patient, though in reality from the effects of drink and fatigue. When recovered he gathers up his booty and stalks away, whilst the unfortunate victim rendered worse by the incessant din, breathes away his miserable existence. I have seen several similar death beds, and in one case the Indian expired in the midst of the feast given for his recovery. There he lay dead whilst they were drunk, a ghastly corpse in the midst of merriment, and this continued for two days, when he was hastily committed to his kindred earth.
>
> (JLAC 1847: APP.T. Minutes of Evidence)

Just a few years before Sir J. Kempt, Lieutenant-Govenor of Lower Canada, had submitted suggested means of coping with these conditions to the Governor, Sir George Murray, and the following were approved:

1. To collect the Indians and settle them in villages with a portion of land for their cultivation and support.

2. To make provision for their religious improvement, education and instruction in husbandry.

3. To give assistance in building their houses, rations and such seed and agricultural implements as may be necessary, commuting a portion of their presents for this purpose.

(Kempt to Murray, 16 May 1829
JLAC 1844-45 App EEE)

Sir Francis Bond Head, Lieutenant Governor of Upper Canada, at that time felt it was hopeless to attempt to civilize the Indians for the following reasons:

1. That an attempt to make farmers of the Red men has been generally speaking a complete failure.

2. That congregating them for the purpose of civilization has implanted many more vices than it has eradicated, and consequently.

3. That the greatest kindness we can perform towards these intelligent, simple-minded people is to remove and fortify them as much as possible from all communication with the whites.

(JLAC 1844-45 App EEE)

Along the same vein, Lord Sydenham in 1841 pointed out that any attempt to intermingle the two races leads only to embarrassment to the government, expense to the Crown, a waste of the resources of the Province and worst of all, injury to the Indians themselves.

> ... the Indian loses all the good qualities of his wild state, and acquires nothing but the vices of civilization. He does not become a good settler or an agriculturist or a mechanic.
>
> (Sydenham to Russell, 22 July 1841
> JLAC 1844-45 App EEE)

The Commissioners realized that the Indians could no longer lead a wild and roving life in the midst of the rapidly increasing white population. Their hunting grounds were broken up by settlements; the game was exhausted; their hunting and trapping resources were cut off; want and disease spead rapidly among them and gradually reduced their numbers. To survive they had to settle and cultivate the land for a livelihood. Many did settle within the inhabited parts of Canada but when left to themselves, they became exposed to a new class of evils. They held large blocks of valuable land, which they could neither occupy nor protect against the encroachments of white squatters with whom, in the vain attempt to guard their lands, they were brought into a state of constant hostility and conflict.

It was almost impossible to prevent close communication between whites and Indians although laws had been passed to prevent whites from settling in their villages, to protect them from squatters, and to restrain the sale of liquor among them. These enactments were disregarded or evaded. There was, therefore, one course left and that was to educate and train them to the level of the whites. There were two schools of thought regarding the process through which this elevation was to take place; first, by settling the Indians among whites of good reputation from whom they might learn the ways of civilization, in the meantime closely regulating interaction with all persons of lower character; or second, by isolating the Indians from all whites until such a time that the influences of the teacher, the agent, and the missionary had prepared them for full assimilation. Both schemes were, at one time or another, attempted. There was no disagreement, however, about the need to put an end to the traditional Indian economy. In the well-chosen words of a contemporary;

> It has passed into a proverb, that a fisher seldom thrives, a shooter never, and that a huntsman dies a jovial beggar. How then is it to be expected that the Indian, who can have no motive to a settled and laborious agricultural life, but the persuasions of the Missionary and Superintendent, will, in favorable situations for success, relinquish his former employments of hunting and fishing, for those which are less profitable to him, and attended with, to him, much greater fatigue.
>
> It is necessary the Indian youth should be prevented becoming hunters or fishers, and this can be alone done by locating the village where there are no facilities for either.
>
> (JLAC 1847 App.T., Evidence of Rev. James Coleman, App. 34.)

In 1830 an experiment was attempted at Coldwater and Narrows reserve, a tract of land on the northwest shore of Lake Simcoe, under the guidance of Captain T.G. Anderson. The aim was to have the Indians living near white

settlers and through constant intercourse with the white race, to eventually assimilate the Indians. This was unsuccessful because it suffered from a chronic shortage of funds, the departmental machinery moved too slowly, Anderson was overworked, rival religious groups on the reserve confused the Indians, and the personnel were inexperienced.

The experiment was abandoned in 1837 for a new experiment at Manitoulin Island where it was decided that total seclusion of the Indians from the influence of the white settlers would help the Indians progress at their own rate to a level comparable to their white neighbours and then they could be assimilated. This too failed. The chief weakness was the expectation of rapid results which rested on two basic assumptions. First, that the Indians would move to the island; secondly, that the leadership would provide inspiration and invite imitation by the Indians. In the end problems similar to those found at Coldwater combined to thwart this grand experiment on Manitoulin. What had started out as a settlement of fine houses, workshops, school and church ended by being described as follows:

> Many of the Inhabitants have emigrated ... Manitowaning ... now contains not more than 22 houses, and this probably includes those occupied by the officers in charge of the settlement, as well as the school house, and may be taken as the outside limit of the number of houses now standing. There are also 2 barns, 6 stables and 4 out houses; all the buildings are constructed of logs - many of them are deserted and ruinous - the school house is dilapitated and untenantable, and the workshops from which the Mechanics are withdrawn, are destitute of tools, deserted by the Indians who formerly worked there, and in an utter state of decay. The church is in tolerable repair, but we found no Indians attending the services. The School Returns show 20 children as receiving instruction, but the greatest number of days during the last quarter, on which any one child attended school was 14 and 10 of the children do not appear to have been present for a single day.

> The condition of the farms near the Settlement was in keeping with that of the village itself; fields without fences, and gardens lying uncultivated, presented a picture of complete neglect and indifference. (Report ... 1858)

The Commissioners made extensive inquiries on the condition of the Indians by sending out questionnaires to the resident Superintendents and other persons employed by the Indian Department. There were inquiries into the Indians' moral and religious character, habits of industry since they have been under the charge of the Department, amount of land cultivated, the system of land subdivision and selection, how well their agricultural stock and implements were taken care of, was their fondness for fishing and hunting as great as formerly, had their living habits improved since their conversion to Christianity, did they realize the improvements in their condition, were they desirous of advancing, did the children attend schools regularly, did they show any aptness for mechanical arts, was the health of Indians improving, was the number of the race increasing, did the men and women intermarry with the whites, what was the proportion of half-breeds and Indians, in the case of intermarriage, did the condition of the Indian improve, did the women frequently live with white men without being married, did the birth of illegitimate children frequently occur and how did the Indians view this, did the Indians have the knowledge and ability to exercise civil and political rights, did they have any suggestions for the improvement of the condition of the Indians, and did the Indians have any suggestions for the better administration of the duties of the Indian Department.

In any case, after exhaustively examining documentary evidence and the testimony of nearly one hundred concerned individuals, the Commissioners (1847) were able to make recommendations regarding the conduct of Indian Affairs

in the following areas; presents, lands, annuities and the department itself. More importantly, however, the Commissioners concluded.

> That as long as the Indian tribes continue to require special protections and guidance of the government, they should remain under the immediate control of the representative of the Crown within the province, and not under that of the provincial authorities.
>
> (JLAC 1847 APP.T.)

The reason was that a local legislature, if properly constituted, should act largely in the interests of and represent the feelings of the mass of the people they represent. The settlers in almost every colony had disputes with the Indians and therefore should not be the judges in these conflicts. The Commissioners also recommended:

1. That measures should be adopted to introduce and confirm Christianity among all the Indians within the province, and to establish them in settlements.

2. That the efforts of the Government should be directed to educating the young, and to weaning those advanced in life from their feelings and habits of dependence.

3. That for this purpose schools should be established and missionaries and teachers be supported at each settlement, and that their efficiency should be carefully watched over.

4. That in addition to Common Schools, as many Manual labour or industrial schools, should be established, as the funds applicable to such a purpose will admit.

5. That the cooperation of the various religious societies, whose exertions have already proved very beneficial among the Indians, should be invited in carrying out the measures of the Government, particularly among the tribes which do not belong to the Church of England. The Secretary of State, Sir George Murray, has expressly discouraged the limitation of the channels through which the blessings of civilization should flow among the Indians. The Government of the United States has experienced much advantage from this assistance, in the establishment of the Missouri Conference School.

6. That steps should be taken to establish schools among the Indians of Lower Canada, and to avert that opposition, on the part of the Missionaries, which has hitherto prevented their successful operation in that part of the province.

7. That every practicable measure be adopted to familiarize the adult Indians with the management of property, with the outlay of money, and with the exercise of such offices among themselves as they are qualified to fill, such as rangers, pathmasters, and other offices, for ordinary township purposes. Several proposals to this effect will presently be submitted, in connection with their lands and annuities.

8. That the Indian be employed, as far as possible, in the erection of buildings, and in the performance of their services for their own benefit, and that, with the same view, the employment of dissipated or ill-conducted contractors or workmen among them be not permitted. It has been a matter of complaint, that contractors have introduced drunken workmen, and exhibited a pernicious example among them.

9. That institutions calculated to promote economy, such as savings banks, be established among them.

(JLAC; 1847 APP.T.)

With respect to presents, their distribution had been one of the earliest consequences of the relations between the British Government and the Indians, and was the chief reason why a separate department for the Indian service was maintained. The Commissioners recommended that the practice of distribution of presents to Indians be eventually discontinued in spite of many arguments both pro and con. Lord Glenelg, in an address to the Governors of the provinces in 1836 had stated that this practice should be continued for the following reasons:

> It appears, that although no formal obligations can be cited for such issues, there is yet ample evidence that on every occasion wher this country has been engaged in war, on the North American Continent, the cooperation of the Indian tribes has been anxiously sought and has been obtained. This was particularly the case in the year 1777, and 1812, and I am inclined to believe that it is from these periods respectively

> that the present annual supplies date their commencement....It is sufficient to observe that the custom has now existed through a long series of years that even in the absence of any original obligation a prescriptive title has been thus created; that this title has been practically admitted by all who have been officially cognizant of the matter, and that all agree in stating that its sudden abrogation would lead to great discontent among the Indians, and perhaps to consequences of a very serious nature.
>
> (JLAC; 1847: APP.T.)

He was, however, prepared to admit that they should not be continued indefinitely. The opinion of Mr. Anderson, one of the most experienced Indian Department officers, was very strong on the point of continuing the practice of distributing presents because otherwise it would:

> heap misery on wretchedness, but ere long, deprive them of existence. They have no annuity as a resource, the game is almost entirely destroyed; they have scarcely any furs to offer the trader (the only article he anxiously seeks, in barter or exchange for clothing) -- and they gain only a precarious subsistence by fishing, trapping hares, and shooting a few wild fowl. It is therefore undeniable that, if the Indian thus situated is deprived for one or two years of even his blanket, his naked body must be exposed to the inclemency of the weather, he cannot face the storm to procure fish, and he will consequently perish.
>
> (JLAC; 1847: APP.T.)

Anderson also felt that ultimately it would be possible to do away with the practice, but that it must be done cautiously and only after they have been civilized and educated, and no longer need the presents.

The main reasons for the attempt by the Government to discontinue the distributing of presents were the expense of the presents and difficulties in delivering them to the Indians.

On the question of how Indian lands should be held, the recommendations made in 1847 led to the Land Acts of 1850.

Although the Crown claims the territorial estate and eminent domain in Canada, it always conceded to the Indians the right of occupancy of their old hunting grounds, and their claim to compensation for their surrender, retaining the exclusive right of dealing with them for the surrender or purchase of any portions of the land, as laid down in the Royal Proclamation of 1763. Title to lands, however, differed in Upper Canada and Lower Canada.

> In Lower Canada, their territorial possessions had at that time become circumscribed within defined limits, and in many instances were held by patents under the French Crown, or individual Seigneurs. Of these reserves, the several Tribes still retain possession, and there is only one section of the country, viz: on the Ottawa, in which the Indians have been dispossessed of their ancient hunting grounds without compensation.
>
> (JLAC. 1847: APP.T.)

New France had a fur trade economy as opposed to the agricultural economy of Upper Canada. In the fur trade the Indians and French became economic partners in the commercial activity of the colony. Settlements were very small and demands on land were limited. The Indians were hunting and not making intense use of the land. The French made limited demands in terms of extent of land and there were never any treaties with Indians. Indian policy was a matter of church, not secular authority. The earliest reserves were established by the religious orders who requested the land from the King of France to be used for the civilization of the Indians.

In Upper Canada on the other hand,

> ...where at the time of the Conquest, the Indians were the chief occupants of the territory where they were all pagans and uncivilized; it became necessary, as the settlement of the country advanced, to make successive agreements with them for the peaceable surrender of portions of their hunting grounds.
>
> (JLAC. 1847: APP.T.)

According to the terms of the Royal Proclamation, a special method was set up whereby only the Crown could purchase reserved land in Upper Canada there was a uniform pattern of treaties for the surrender of Indian lands consistent with the Royal Proclamation. The terms were sometimes for a certain amount of presents or for an annual payment in perpetuity either in money or presents. These agreements sometimes contain reserves of a part of the land agreements for such reserves have been made, or the reserves have been established by their being omitted from the surrender, and in those instances the Indians held onto their original title of occupancy. In some instances the Indians purchased land for themselves with the proceeds of their annuities. In all these cases, the power of alienation was distinctly withheld from the Indians and reserved to the Crown.

The Indians held and still hold their land in common. Every member had an equal right with the sanction of the chiefs, to choose and mark off a plot of land for himself in any unoccupied part of the reserve, and to occupy as much as he could cultivate. They were never disturbed in the possession of their land and were generally allowed to dispose of it, during their lifetime or by bequest, to any other member legally entitled to hold land on that reserve. This mode of tenure and the uncertainty of the title caused great

uneasiness among the more enlightened Indians in Upper Canada. In 1837 the Rev. Peter Jones, an Indian Missionary among the Mississaga tribe of River Credit had stated in a representation to Lord Glenelg:

> It is the desire of my tribe to obtain from Her Most Gracious Majesty, the Queen, a written assurance or Title Deed, securing to them, and their posterity, forever, the lands on which they have commmenced improving. So long as they hold no written document, from the British Government, to shew that the land is theirs, they fear that the white man may at some future day take their lands away from them; and this apprehension is constantly cherished by observing the policy pursued by the United States Government towards the Indians in that country, in forcing them to leave their territories and the bones of their fathers; and I regret to say that this fear acts as a powerful drawback upon the industry and improvement of our Indian tribes.
>
> (JLAC. 1847: APP.T.)

Also by a decision of the majority of the tribe, the lands could be surrendered to the Government and so there was no real security for their property and no encouragement to make improvements. To overcome this insecurity Lord Glenelg suggested that although it would not be advisable to grant to the Indians the title deeds to their lands those deeds should be drawn up in writing and duly recorded, and should be open for their inspection, and that,

> if the Indians, or any individual among them, should at any time desire to sell or exchange their land, the Government would be ready to listen to their applications, and to take such measures as should be most consistent with their welfare and feelings.
>
> (JLAC. 1847: APP.T.)

The risk of exposing the Indian's land to taxation, to loss for debt and to the designs of fraudulent whites was pointed out by Mr. Jarvis, the Chief Superintendent, who was averse to giving titles to the Indians for the following reasons:

> If alienable titles should now be given to any one, it would be difficult to avoid the necessity of conferring them on all. The majority are decidedly unfit to receive them, and would most clearly comprehend the propriety of their being withheld, or of a distinction being made.
>
> Those who are now competent to receive titles might entertain a desire to dispose of them, and how provident however they may be, they may become subject to prosecution. I cannot see in such a case how the advantages expected to be imparted to the less civilized, by keeping them from too great proximity with white men can be secured, for thus white men might enter upon these lands, and no power whatever, in such case, could remove them.
>
> The only plan which appears to me practicable is to give to the most deserving, as a reward for industry, license of occupation in perpetuity to them and their children, but not transferable to a white man, which, retaining the fee in the Crown, would protect them from alienation, and I think satisfy fully the desire of the Indians themselves.

The recommendations of the Commissioners were as follows:

1. That all the title deeds for Indian lands should be recorded in the office of the Provincial Registrar, and be open as any other public documents to inspection.

2. That where no title deeds exist, they should be supplied and recorded in the same manner.

3. That these title deeds, so recorded should be considered by the government as equally binding with any other similar document, and should preclude all power of resumption, without the consent of the Indians concerned.

4. That when the reserve has not been surveyed, or any doubt exist as to its proper limits, steps should be forthwith taken to supply the information, which ought to be kept in the Indian Office for inspection with diagrams of the reserves. This measure was to facilitate the endeavours of the Government to prevent intrusion upon the Indian lands.

5. That the several tribes be encouraged to divide their reserves among themselves, and to appropriate a portion, not exceeding 100 acres, to each family or member, surrendering to the Government the remainder in trust to be sold for their benefit.

6. That in all instances of such division, or of individual members of a tribe adopting a fixed location with the consent of the tribe, a limited title deed be granted - securing to the holder and his heirs the possession of such separate portion of the reserve, with the power of transferring or devising the same, to any member of his family or of his tribe, but not to a white man, and protecting him in its possession in the event of any surrender of the reserve by the rest. That upon the issue of such a deed a gratuity in agricultural implements, stock, furniture, or other useful articles, be given in commutation of all further claim to presents.

7. That the Government should be prepared to entertain any application for the exchange or sale of these licences in favour of any Indian belonging to another tribe, but not in favour of a white.

8. That upon a report from an officer of the Department that an Indian is qualified by education, knowledge of the arts and customs of civilized life and habits of industry and prudence, to protect his own interests, and to maintain himself as an independent member of the general community, the government shall be prepared to grant him a patent for the land in his actual cultivation or occupation, and for as much more as he may be entitled to upon an equitable division of the reserve of his tribe, not exceeding in any instance 200 acres. That upon the issue of this patent full further claims to share in the presents be relinquished; but that any title to share in an annuity or other property of the tribe be retained.

(JLAC. 1847: APP.T.)

The final proposition was based upon the belief that it was desirable to release the Indians from their state of tutelage as soon as they were able to take care of themselves, but that it would have been more effectual to do this when the whole group were advanced to that stage, and that holding out the privileges of citizenship to them as an incentive would make the Indians exert themselves to reach this goal.

The inability of the Indians to protect their lands and property from the encroachments and frauds of the whites first led the Crown to assume the position as their guardians and the Indians became accustomed to depend

entirely upon the protection and involvement of the Government. As the Crown retained the fee simple of all the lands occupied by the Indians in Upper Canada, all persons intruding upon any Indian lands without permission were trespassers and subject to ejection. In Lower Canada, the tenure of Indian reserves being different a special enactment was passed in 1777 to restrain persons from intruding upon them.

As these were some of the most valuable lands in the province, they attracted more and more land speculators and surveillance by the Crown became more difficult. The main evils encountered were (1) intrusion of squatters; (who were generally of a bad character and corrupt example) (2) the abstraction of timber both by settlers and speculators; and (3) the destruction of the game and fisheries.

With respect to squatters, the opinion of the Commissioners of 1840 was that,

> they should be divided into two classes -- first, of those who, although in illegal possession of the land, were un-objectionable occupants, and had improved the land by clearing, cultivating, and building on it; and secondly, of those whose illegal possession was accompanied by circumstances of a still more objectionable nature, such as cutting the timber, selling liquors, and plundering, and encouraging vice among the Indians.
>
> The first are entitled to considering, as they not only have enhanced the value of their own and surrounding land, but their improvements offered "a security for their ultimately making the Indians full compensation for their temporary usurpation."
>
> (JLAC. 1847: APP.T.)

The rule which was followed was to have the land valued with the improvements, and to give the squatters the right of pre-emption at the price fixed by the Government. The second class of squatters the Commissioners felt were

entitled to no consideration and they recommended that the law should be properly enforced against them. With respect to the illegal cutting of timber, they suggested steps be taken to foster a lawful trade by empowering the Deputies of the Crown Land Department to issue licenses for these purpose, the proceeds going into the Indian Funds.

The question of annuities was considered by the Commissioners. Annuities were payments made by the Government to certain tribes in Upper Canada for lands surrendered by them to the Crown either in the form of goods or in money. Before 1829 the custom was to pay these annuities in goods of the same description as the annual presents; clothes, blankets, tools and the like. At that time, Sir John Colborne decided to put a stop to that system and in order to promote the settlement and civilization of the Indians, obtained permission from the Secretary of State to apply the annuities towards building houses and purchasing agricultural implements and stock for those Indians who wished to farm in the province. Within two or three years the settlements at Coldwater, the Narrows, St. Clair and Muncytown were established by using these funds and later several other settlements were formed or enlarged. The Indians themselves were willing to devote a considerable portion of their annuities to the establishment of schools and other institutions of learning.

CHAPTER III

1850-1860

Arising in part out of the recommendations made in 1847, and in part from a growing awareness of the inadequacy of the laws regarding Indians to that point, two important acts were passed in 1850. Previous to this, there had been no legislation to protect Indian lands as such from trespass and imposition. It had been a matter of policy to do so but the legislation empowering action to prevent their occurence was lacking. The Upper Canada statute of 1839 included Indian lands with Crown lands in protection against trespass and damage. Other legislation having to do with trespass was contained in the acts respecting the sale of liquor to the Indians, of which the earliest was given assent in 1764, but generally provided for removal of only those trespassers selling liquor or committing some other nuisance without a licence. Even with these limited powers, the sympathies of the enforcing body more often lay with the white trespasser than with the Indians, instances having been recorded where squatters were not only permitted to remain on their unlawfully occupied holdings, but also were able to induce the government to seek a surrender of the Indian lands they were on.

In any case the continued depredations led to two acts on 10th August, 1850, "An Act for the better protection of the Lands and Property of the Indians in Lower Canada" and "An Act for the protection of the Indians in Upper Canada from imposition, and the property occupied or enjoyed by them from trespass and injury". The former was a rather limited ordinance vesting all Indian lands and property in a Commissioner of Indian Lands who was empowered to exercise

and defend all rights pertaining to a landowner. As well, the Commissioner was given full power to lease lands and collect rents. What is noteworthy, a legal definition of an Indian was made. Indians were:

> 1st All persons of Indian blood, reputed to belong to the particular Body or Tribe of Indians interested in such lands, and their descendants.
>
> 2nd All persons intermarried with any such Indians such residing amongst them, and the descendants of all such persons.
>
> 3rd All persons residing among such Indians, whose parents on either side were or are Indians of such Body or Tribe, or entitled to be considered as such: And
>
> 4th All persons adopted in infancy by any such Indians, and residing in the Village or upon the lands of such tribe or Body of Indians and their descendants. (13 & 14 Vic C. 42)

What is important here is the requirement that the person belong to a Body or Tribe (Band) in order to have legal status even though the intermarriage and descent clauses were non-exclusive.

The Upper Canada statute was of far greater range. It reaffirmed the previous policy of permitting no conveyance of Indian Land without the consent of the Crown and provided for penalties for any such conveyance. In addition, it provided that no debts could be collected from Indians unless the Indian was possessed of real estate to the value of twenty-five pounds or more. Taxes were not to be levied "...upon any Indian or any person intermarried with any Indian for or in respect of any of the said Indian Lands..." (13 & 14 Vic. C. 74). Indians engaged in agriculture were liable to statute labour provided that no more was required of them than of other "inhabitants of Upper Canada." It was further affirmed that no liquor be sold

or given in any way to Indians, with penalties provided for non-compliance, and that pawns not be taken for liquor. As well, Paragraph VIII provided for the protection of property derived from presents and annuities. In doing so, it reiterated the goals of the legislators:

> And whereas certain tribes of Indians in Upper Canada receive annuities and presents, which annuities or portions thereof, are expended for and applied to the common use and benefit of the said tribes, more especially for the encouragement of agriculture and other civilizing pursuits among them... (13 & 14 Vic C.74)

The rest of the Act deals with trespass and penalties for trespass. For purposes of the Act, only certain people were not trespassers:

> That it shall not be lawful for any person or persons other than Indians and those who may be intermarried with Indians, to settle, reside upon or occupy any lands or roads or allowances for roads running through any lands belonging to or occupied by any portion or Tribe of Indians within Upper Canada... (13 & 14 Vic C. 74)

Under the general heading of damage to lands, provision was made for the orderly and licensed removal of timber with penalties and a system of enforcement for non-compliance.

The following year, the Lower Canada Act was amended (14 & 15 Vic C.59) to make the definition of an Indian more exclusive by disentitling non-Indian males intermarried with Indians.

> And be it declared and enacted, that for the purpose of determining what persons are entitled to hold, use or enjoy the lands and other immoveable property belonging to or appropriated to the use of the various tribes or Bodies of Indians in Lower Canada, the following persons and classes of persons, and none other, shall be considered as Indians belonging to the Tribe or Body of Indians interested in any such lands or immoveable property:

1st All persons of Indian blood, reputed to belong to the particular tribe or Body of Indians interested in such lands or immoveable property, and their descendants:

2nd All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians, or an Indian reputed to belong to the particular Tribe or Body of Indians interested in such lands or immoveable property, and the descendants of all such persons: And

3rd All women, now or hereafter to be lawfully married to any of the persons included in the several classes hereinbefore designated, the children issue of such marriages, and their descendants. (14 & 15 Vic C. 59).

In 1857 "An Act to encourage the gradual Civilization of the Indian tribes in this Province, and to amend the laws respecting Indians" was given assent. The preamble to the act provides an insight to the motives of the legislators:

> Whereas it is desirable to encourage the progress of Civilization among the Indian Tribes in this Province, and the gradual removal of all legal distinctions between them and her Majesty's other Canadian Subjects, and to facilitate the acquisition of property and of rights accompanying it, by such Individual Members of said Tribe as shall be found to desire such encouragement and to have deserved it...(20 Vic C 26).

In essence the Act provided for an orderly system of integrating Indians into the dominant society. The tone of the Act suggests that enfranchisement was to be valued, for penalties were provided for Indians falsely representing themselves as enfranchised. The inducements were an allotment of land in fee simple and the payment equal to the principal of the enfranchisee's share of the annuities and other income of the tribe to which he belonged. Dependents were automatically enfranchised on a similar basis regarding commutation of payments.

Later the same year, the Special Commissioners, appointed 8 September 1856, to investigate Indian Affairs in Canada, made their report. The failure of the various experiments, the depressingly slow progress towards the goals first expressed as a definite policy a generation before, and the deep sense of disquietude shared by Indians and whites alike with the conditions of the former required their investigation.

The Commissioners were to inquire into and report upon two points:

> 1st As to the best means of securing the future progress and civilization of the Indian Tribes in Canada.
>
> 2nd As to the best mode of so managing the Indian property as to secure its full benefit to the Indians, without impeding the settlement of the country. (Report ... 1858)

In so doing, they made the following observation on the activities of the Imperial Government regarding Indians:

> The position in which the Imperial Government stand with regard to the Indians of Canada, has changed very materially within the last fifteen years. The alteration however, is rather the working out of a system of policy previously determined on, than any adoption of new views on the part of the English Cabinet.
>
> As the object of this system was gradually to wean the Indians from perpetual dependence upon the Crown, successive years show an increasing loosening of the ties to which the Aborigines clung. Many of the officers appointed to watch over their interests were removed, vacancies were not filled up, the annual presents were first commuted, and subsequently withdrawn and the Indian Department is being gradually left to its own resources.
>
> (Report ... 1858)

They proceeded to describe the present condition of the Indians of Canada and note in passing, that the Manitoulin Island experiment, "was practically a failure".

The descriptions of the other settlements were generally not so bleak though there was apparently little change in the years since the 1844-45 Report. Nevertheless, the Commissioners remained optimistic about both the eventual civilization and assimilation of the Indians and the end of the Indian department. How this would come about and the beliefs that underlay their thinking may best be discovered in their own words. About the claims of the Indians on the Crown, they remarked;

> The claims of the Indians in respect to their former territorial possessions have been justly said, to be properly resolved at the present day into an equitable right to be compensated for the loss of the land from which in former times they derived their subsistence, and which may have been taken by Government for the purposes of settlement. It has also been argued with truth that the measure of such compensation should be to place and maintain them in a condition of at least equal advantage with that which they would have enjoyed in their former state. But the aborigines have other and stronger claims on the Government than those which would be compensated by payment for their land. The years, which have passed, during which so little was done for their religious, intellectual and social improvement, have seen many generations perish; but the youth of the present day are still susceptible of instruction, and we think should not be forgotten.
>
> (Report ... 1858)

To justify the employment of the means recommended later, the Commissioners observed that;

> The attentive eye will observe a progress, slow it is true, but not the less steady towards improvement: They have all a greater or lesser appreciation of the blessings of civilization, and even those who prefer for themselves the wild freedom of a savage life, are anxious that their children should be educated like the white man. There is a growing desire for a settled interest in their land, and confirmed titles to their respective clearings are beginning to be sought for.
>
> We consider that it may fairly be assumed to be established that there is no inherent defect in the organization of the Indians, which disqualifies them from being reclaimed from their savage state. (Report ... 1858)

This reclamation, however, was no longer considered to be likely to occur in the next generation or two, as had been supposed by previous writers;

> With sorrow however we must confess that any hope of raising the Indians as a body to the social or political level of their white neighbours, is yet but a glimmering and distant spark. We believe that any general amelioration or marked advance towards civilization must be the result of long and patient labour, and the development of many years. (Report ... 1858)

Arising from this preamble were a series of recommendations, many of which dealt with the conduct and funding of the Indian Department and are of marginal interest to the present study. One important issue raised, however, was the question of separation of the Indians from the whites.

> Various schemes have from time to time been proposed for the apportionment of land to the Indians. An examination of these several suggestions will show that they may be divided at once into two classes, the one advising the total seclusion of the Aborigines from contamination by the white settlers, the other hoping by constant intercourse to assimilate the habits of the two races. (Report ... 1858)

The examples of Manitoulin Island and certain similar experiences in the U.S. were drawn upon for evidence and led to the conclusion that separation was not by and of itself a desirable policy;

> ... as a general rule we believe the 'separatist' system to be inadvisable in the settled districts of Canada, we are of opinion that it might be beneficially carried out in the wild districts bordering on Lakes Huron and Superior. Nature has provided a refuge for the wandering Tribes of that section on the Great Manitoulin Island.
>
> We believe then that the preferable course to be adopted in Canada must partake both of the separatist system, and also that in which the Indians are located with the white population. Which of these elements will predominate must depend upon the locality of the band. (Report ... 1858)

A second important recommendation concerned the management of Indian lands, which the Commissioners felt were too great in extent for the limited use being made of them and improvements to the land being, in effect, discouraged by the form of communal ownership that prevailed. To prevent this evil in the as yet unsettled parts of Canada, the Commissioners recommended as follows:

> To aid this growing desire to exchange their lands for lasting annuities derived from the proceeds of the sales, we earnestly recommend in all cases in Western Canada, where a final location of a band shall be determined upon that each head of a family shall be allotted a farm not exceeding 25 acres in extent, including an allowance of woodland where they may obtain fuel; that for such farm he shall receive a license giving exclusive occupation of the same to him and his heirs for ever, on condition of clearing a certain number of acres in a given time. These documents should be so drawn up as to prevent the Indians from disposing of their interest in the land, except with the consent of the government. (Report ... 1858)

In Lower Canada, because of the small holdings, no change in Indian land policy was recommended. However, it was felt that even in the settled parts of Upper Canada, the reserves were too large for the populations occupying them. To the diminution of them, the commissioners did;

> ... submit to Your Excellency, in case the Imperial Cabinet decline to continue even a modified grant for the support of the Indian office, the propriety of obtaining from the Colonial Legislature an Act authorizing the Indian Department to deal with the unpatented reserves in Upper Canada in the manner proposed above, namely, to oblige the rightful occupants to accept lots of the sort previously described, and to cede the remainder to the Province in the terms we have detailed. (Report ... 1858)

In terms of legislation, the Commissioners regarded the existing legislation as adequate, requiring only consolidation;

> We believe that at the present moment ... no further change as regards Legislative Enactments respecting the Indians is desirable, beyond the consolidation of the existing laws.
>
> Some of them appear to be inconsistent one with another, inasmuch as some subsequent Acts, without directly repealing the former law, make provisions irreconcileable with those previously sanctioned, while other enactments are directly over-ridden by those passed at a later date. A clear and succinct digest, combined with a short but lucid commentary of the Statutes now governing the Indian Estate would be of incalculable service at once to the Officers of the Department and the Country at large. (Report ... 1858)

Finally, the commissioners recommended that steps be taken for "the gradual destruction of the tribal organization" and the substitution of municipal forms for it. They recommend that a stipulation similar to that employed in United States treaties be made to effect this change. The U.S. article was as follows:

> Article 5th - The Tribal organization ... except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved, and if at anytime hereafter, further negotiations with the United States, in reference to any matters contained herein should become necessary, no general convention of the Indians shall be called, but such as reside in the vicinity of any usual place of payment or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively and with the same effect in every respect as if all were represented. (Report ... 1858)

Perhaps as a result of the recommendations of the commissioners, in 1859, "An Act respecting Civilization and Enfranchisement of certain Indians" (22 Vic C.9) was passed. This act embodied the 1857 act (20 Vic C.26) as well as four sections of the 1851 Upper Canada land act (13 & 14 Vic C.74) without expressly repealing the other sections of the latter having to do with trespass on and alienation of Indian Lands. In a sense, this act

consolidated the legislation having to do with Indians but not lands reserved for Indians. Specifically, the sections dealing with debt, liquor, pawns for liquor and presents were added to the enfranchisement Act. An amendment to the 1859 Act in 1860 (23 Vic C.38) extended the liquor provision, which had originally applied only to Upper Canada, to all Canada.

Finally, the 1860 "Act respecting the Management of the Indian Lands and Property" (23 Vic. C.151) vested the superindendance of Indian Affairs in the Commissioner of Crown Lands and reiterated the provision of the 1851 act respecting lands. As well, the process by which lands were to be surrendered was formalized.

THE POST-CONFEDERATION PERIOD

Most of the changes in the Indian Act during the Post-Confederation period were based on the underlying assumption that Indians could be integrated with the majority community. Legislative changes then, reflected the prime interests of white society, rather than the chief concerns of the Indian people.

The most important development was the consolidation of all laws respecting Indians into the 1876 Indian Act. The act itself could be said to derive its authority from that section of the BNA Act which gave to the federal legislative power over "Indians and the lands reserved for the Indians". In practice, the Act coincided with the extension of federal government jurisdiction, first to the Maritimes and later to the West. The Act made plain the three principal areas of concern. These were lands, membership, and local government. Though the need to protect the interests it also reflects the enormous interest of an expanding frontier society in land ownership and its regularization. The emphasis on enfranchisement as a kind of reward for Indian acceptance of civic responsibility as serious citizens is typical of the 19th century belief in progress. The development of local government was regarded by white society as a mark of progress and great emphasis was placed upon the adoption by Indians of the democratic electoral process.

In the last two decades of the 19th century, the Indian Affairs Department was concerned primarily with the extension of its work to western Canada. Officials soon found that Eastern customs and procedures were not always applicable. Hence, a great many changes were introduced on that account in the Indian Act, and these culminated eventually in the 1880 Act. Canada was then an agricultural country and it would have been highly unusual if the stress laid on agriculture as a way of life was not reflected in the Indian Act and the amendments made to it. Officials believed that Indians lacked only the opportunity to become good farmers. Education of the Indians was expected to work wonders. There was little or no realization that the values of a community directed or tribal people were not conducive to the pursuit of the goals of a free enterprise society.

In the last years of the century, the Indian Advancement Act was perhaps the most interesting legislation adopted by the Government. It provided for a limited form of self-government for bands which had demonstrated their capacity to assume greater responsibility for the conduct of their own affairs. It was regarded as a kind of privilege to be earned by bands who had acquired additional education, knowledge and skills. In the same way a Franchise Act was passed in 1885 which gave all male Indians the vote. This Act was eventually repealed because of the objections of white society that as Indians were not property owners, and did not pay taxes, they could hardly be regarded as responsible or serious-minded people.

During this period, the basic structure of the Indian Act was put together. Though many changes took place in the Act after 1900, these were for the most part changes of degree, in that the main structural lines were already drawn. It is also significant that during this period when a primarily agricultural society believed strongly in the perfectability of man that the Indian Affairs Department should have been guided by the essentially sceptical and conservative mind of Sir John A. McDonald. Without his guidance, one is tempted to think that there would have been much more interference and experimentation, with the Indian way of life and a much greater impetus toward integration than was the case.

CHAPTER IV

1860-1876

Rather than being an abrupt demarcation point, Confederation, in the case of Indian Affairs, was characterized by an easy transition. Section 91(24) of the British North America Act gave the federal government legislative power over 'Indians, and lands reserved for the Indians'. It was a simple matter, then, to extend, with few changes, the activities of the Province of Canada Indian Affairs Department to Nova Scotia and New Brunswick. Three major areas of concern manifested themselves in the legislation up to and including the 1876 Indian Act. Land and land tenure were accorded great weight reflecting the preoccupation of the late nineteenth century with property and the exploitation of property. Indeed, until 1876, Indian lands were the subject of a separate statute. As well, the definition of who was an Indian and the rights and disabilities of those designated as such received enormous elaboration. Included in the definition of Indian status was a large body of legislation aimed at putting an end to that separate status, enfranchisement, the principal subject of the 1869 legislation. Finally a start was made towards extending to the Indians the responsibility for managing their own local affairs.

While the 1868 & 1869 Acts (about which more will be said) taken together constituted a consolidation and elaboration on the best parts of the 1850's legislation, they still did not deal satisfactorily with the problems of Indian Affairs. For one thing, they applied only to Canada and were not in force in Manitoba and the Northwest Territories after the acquisition of the latter of 1870; "...the Act organizing the Department of the Secretary of State, and which defines the status of Indians does not apply to this part of Canada..." (Provencher to Liard, 31 Dec. 1873 PAC RG 10 BR 3608).

This difficulty was met in 1874 with an amendment to the laws respecting Indians (37 Vic. C. 21) which extended the Acts to British Columbia, Manitoba and the Northwest Territories. Interestingly enough, they were not extended to Prince Edward Island though they were to have been in the original draft of the bill which was "...to be known and cited as the Indian Act of 1874" (PAC RG 10 3605). As well, the 1874 amendments made no provision for dealing with the problem of the Manitoba half-breeds though the draft bill stated;

> It is enacted that persons of the half-blood, and none of a less degree of Indian blood shall be regarded as Indians; and that within one year from the making of any treaty made or to be made with the Crown, with any Tribe of Indians, or touching Indians or Indian lands, it shall be required of every male half-breed, of the age of 21 years that he make known to the Visiting Superintendent of the Band with which by relationship he is connected whether he elects to be regarded by the law, as an Indian or not. (PAC RG 10 3605).

The suggested 'Indian Act of 1874' was not proceeded with for reasons not now known and the 1874 Amendments merely extended the previous legislation to the new parts of Canada and expanded the section dealing with the sale of intoxicants to Indians to plug the numerous loopholes that the more enterprising liquor dealers had discovered. The basis for the liquor amendments was Chap. XVI. Statutes of Minnesota, 1866 Revision, which, in that place, had brought about an almost complete halt to abuse of liquor by the Indians. (Dawson to Liard, 2 March 1974 PAC RG 10 B 3, Vol. 1923, file 3007).

Lands and Land Management

In 1868, "An Act providing for the organization of the Department of the Secretary of State, and for the management of Indian and Ordinance Lands," (31 Vic. C. 42) was given assent. It established a department, outlined its duties and specifically repealed the Nova Scotia and New Brunswick legislation

respecting Indians. In intent it was not substantially different from the 1860 'Land Management Act' (23 Vic. C. 151). It provided for the protection of "...the lands and property of the Indians in Canada," by means of clearly stated regulations concerning the alienation or surrender of land, the removal of timber or any other resource from Indian lands, and which persons were entitled to settle on Indian lands. Along these lines also, provisions were made for protecting some of the moveable property of the Indians from being pawned for debt or seized and sold for recovery of debt, an extension of government into what seemed a private concern. The principal difference between the 1868 and the 1860 Acts was that the system of enforcement and penalties was much more clearly articulated. Also, a section of the Act established the Secretary of State as the representative of the Indians in land dealings other than surrenders:

> 25. If any Railway, road or public work passes through or causes injury to any land belonging to or in possession of any tribe, band or body of Indians, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other persons; the Secretary of State shall act for them in any matter relating to the settlement in any case shall be paid to the Receiver General for the use of the tribe, band or body of Indians for whose benefit the lands are held.
>
> (31 Vic. C. 42)

The general intent of the 1868 Act was to increase the protective powers of the government over Indian lands and property and to decrease the possibility of encroachment and damage. As well, the land legislation reflected the major concern of Canadian society at that time: the operation of the free enterprise system based on the acquisition and transfer of property, including land. The Government transferred this basic assumption to the legislation respecting Indians. Since the Indian system was based on communal ownership of property,

in conflict with the societal norm, legislation gradually evolved towards a system of weaning the Indians away from communal forms of tenure to individual ownership. Certainly, the emphasis, indeed almost the insistence, on residents of reserved lands taking up individual allotment under location tickets was directed to this end. In addition, the inheritability of location tickets, provided that the heir was a member of the band, sought to increase the attachment of the individual Indian to his property in like manner to the attachment of the white settler to his individual homestead.

No changes were found necessary in legislation respecting Indian lands until An Act to amend and consolidate the laws respecting Indians to be known and cited as 'The Indian Act, 1876' was passed. In introducing it, David Laird, Minister of the Interior and Superintendent-General of Indian Affairs said:

> The principal object of this Bill is to consolidate the several laws relating to Indians now on the statute books of the Dominion and the old Provinces of Upper and Lower Canada. We find that there are three different statutes on the Dominion law books, as well as portions of several Acts that were in operation under the laws of Old Canada, which are still in operation. It is advisable to have these consolidated in the interests of the Indian population throughout the Dominion, and have it applied to all the Provinces. (Commons Debates, 2 March, 1876).

The importance that attached to the 1876 Act does not derive from any sort of uniqueness or radical departure from previous legislation but from its gathering together in one Act all the laws respecting Indians. The artificial distinction that hitherto had been made between Indians and their lands in the statute book was removed. As well it marked the creation of a department of Indian Affairs which dealt with every aspect of the life of its clientele.

A specific item of interest in the new Act was Section 3. 'Terms' in which, for the first time, exhaustive definitions were provided for the language of the Act. 'Bands', 'Indians', 'Non-Treaty Indians', 'Enfranchised Indians' 'reserves' and 'Indian lands' were clearly defined for purposes of the Act:

1. The term "band" means any tribe, band or body of 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 or interest moneys for which the Government of Canada is responsible; the term "the band" means the band to which the context relates; and the term "band", when action is being taken by the band as such, means the band in council.

2. The term "irregular band" means any tribe, band or body of persons of Indian blood who own no interest in any reserve or lands of which the legal title is vested in the Crown, who possess no common fund managed by the Government of Canada, or who have not had any treaty relations with the Crown.

3. The term "Indian" means,

   1st Any male person of Indian blood reputed to belong to a particular band;

   2nd Any child of such person;

   3rd Any woman who is or was lawfully married to such person:

6. The term "reserve" means any tract or tracts of land set apart by treaty or otherwise for the use or benefit of or granted to a particular band of Indians, of which the legal title is in the Crown, but which is unsurrendered, and includes all the trees, wood, timber, soil, stone, minerals, metals, or other valuables thereon or therein.

7. The term "special reserve" means any tract of tracts of land and everything belonging thereto set apart for the use or benefit of any band or irregular 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 descent, but which land is held in trust for, or benevolently allowed to be used by, such band or irregular band of Indians.

8. The term "Indian lands" means any reserve or portion of a reserve which has been surrendered to the Crown.

9. The term "intoxicants" means and includes all spirits, strong waters, spiritous liquors, wines, or fermented or compounded liquors or intoxicating drink of any kind whatsoever, and any intoxicating liquor or fluid, as also opium and any preparation thereof, whether liquid or solid, and any other intoxicating drug or substance, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxicating drugs, spirits or substances, and whether the same or any of them be liquid or solid.

10. The term "Superintendent-General" means the Superintendent-General of Indian Affairs.

11. The term "agent" means a commissioner, superintendent, agent, or other officer acting under the instructions of the Superintendent-General.

12. The term "person" means an individual other than an Indian, unless the context clearly requires another construction.

(39 Vic. C. 18)

Regarding reserves, the belief that improvement could be expected only when the Indians had at least a life interest in their plot of land, a belief that had been expressed frequently since 1830, was implemented by a policy of issuing inheritable location tickets (sections 5 to 9 of the 1876 Act) to the lots on reserves, the use of which could not be denied without compensation and the approval of the Superintendent-General.

Descent of property was also dealt with to specifically prevent estates of Indians holding land from passing it to people not entitled to hold land reserved for Indians and to enforce a system of descent that would tend to maintain the property in the family, in the first instance, and in the band, in the second.

9. Upon the death of any Indian holding under location or other duly recognized title any lot or parcel of land, the right and interest therein of such deceased Indian shall, together with his goods and chattels, devolve one-third upon his widow, and the remainder upon his children equally; and such children shall have a like estate in such land as their father; but should such Indian die without issue but leaving a widow, such lot or parcel of land and his goods and chattels shall be vested in her, and if he leaves no widow, then in the Indian nearest akin to the deceased, but if he have no heir nearer than a cousin, then the same shall be vested in the Crown for the benefit of the band.

Sections 11 to 20 dealt with the protection of reserves from encroachment and damage. It was made absolutely clear that, "No person, or Indian other than an Indian of the band, shall settle, reside or hunt upon or occupy or use any land or marsh..." (39 Vic. C.18). Strict penalties were provided for trespass into the lands and it was re-asserted that the Superintendent-General was to act as agent for the Indians in compensation for expropriation. (Section 20).

20. If any railway, road, or public work passes through or causes injury to any reserve belonging to or in possession of any band of Indians, 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 therefor in the same manner as is provided with respect to the lands or rights of other persons; the Superintendent-General shall in any case in which an arbitration may be had, name the arbitrator on behalf of the Indians, and shall act for them in any matter relating to the settlement of such compensation; and the amount awarded in any case shall be paid to the Receiver General for the use of the band of Indians for whose benefit the reserve is held, and for the benefit of any Indian having Improvements thereon.

(39 Vic. C. 18)

The terms of land surrender were made much clearer than in previous legislation. Section 25, for example, leaves no room for interpretation:

25. No reserve or portion of a reserve shall be sold, alienated or leased until it has been released or surrendered to the Crown for the purposes of this Act.

(39 Vic. C.18)

Surrenders, to be valid, required the assent of the majority of the male members of the band over the age of 21 who habitually lived on or near the reserve on the grounds that all band members had an interest in the land and such assent had to be certified by oath.

1. The release or surrender shall be assented to by a majority of the male members of the band of the full age of twenty-one years, at a meeting or council thereof summoned for that purpose according to their rules, and held in the presence of the Superintendent-General, or of an officer duly authorized to attend such council by the Governor in Council or by the Superintendent-General; provided, that no Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near and is interested in the reserve in question;

2. The fact that such release or surrender has been assented to by the band at such council or meeting, shall be certified on oath before some judge of a superior, country or district court, or stipendary magistrate, by the Superintendent-General or by the officer authorized by him to attend such council or meeting, and by some one of the chief or principal men present thereat and entitled to vote, and when so certified as aforesaid shall be submitted to the Governor in Council for acceptance or refusal;

(39 Vic. C. 18)

The management and sale of Indian lands was clarified by rewriting and elaborating on Sections 8 and 10 of the 1868 Act to arrive at no less than 15 Sections in which the process was clearly articulated and penalties for fraud and misdemeanour were set out. Similarly, two sections of the 1868 Act

(7 and 30) regarding the management and sale of timber were rewritten in no less then 13 sections in the 1876 Act, the better part of them dealing with licences, dues and penalties. The Superintendent-General was given exclusive power regarding the disposition of timber from Indian lands.

In several cases the sections of the 1876 Act having to do with the protection of the lands and resources situated on reserves were taken verbatim from the 1850 Upper and Lower Canada statutes. The principal differences were (1) the inheritability of location tickets; (2) the provision of stricter penalties for any form of trespass; and (3) in response to the demands of treaty-making activity in the West, the terms of land surrender were greatly elaborated upon.

Status and Enfranchisement

A major concern in respect to status was to develop an orderly system of ending Indian status through enfranchisement. To effect this, in 1869 "An Act for the gradual enfranchisement of Indians, the better management of Indian Affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42." was passed. The words of Langevin, Secretary of State, provide an insight into the objectives of this legislation;

> Experience, he said had shown that many Indians, by their good conduct, had proved themselves worthy of all the privileges of white men. By the law, as it now stands in the provinces of Ontario and Quebec, the process of enfranchisement is attended with great difficulty, and this Bill proposed to make that process more simple. Provision was also made to regulate the succession of property among the Indians, as in the case where an Indian died without willing his farm to his oldest son, the property would be divided among his heirs according to the laws of succession prevailing in the province where the property was situated.

> The great object was to civilize the Indian, and every precaution should be taken to protect him in the effort. The Bill also proposed to allow the Indian settlements to pass municipal by-laws, under certain restrictions, and subject to the approval of the Governor in Council. It was also proposed to enact that when an Indian woman married to a person not of Indian blood she should have to leave her tribe with her husband, and her offspring would not be accounted Indians.
>
> (Commons Debates; 7 June 1869)

In terms of the definition of an Indian, the 1868 Act defined the following persons and classes of persons were to be considered as Indians over whom Parliament could exercise legislative jurisdiction:

> 1st All persons of Indian blood, reputed to belong to the particular tribe, band or body of Indians interested in such lands or immoveable property, and their descendants;
>
> 2nd All persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians or an Indian reputed to belong to the particular tribe, band or body of Indians interested in such lands or immoveable property, and the descendants of all such persons; and
>
> 3rd All women lawfully married to any of the persons included in the several classes hereinbefore designated; the children issue of such marriages, and their descendants.
>
> (31 Vic. C. 42)

This was similar to the 1850 Act but excluded adopted persons from becoming Indians.

In the 1869 Enfranchisement Act the blood quantum proviso was added:

> 4. In the division among the members of any tribe, band, or body of Indians, of any annuity money, interest money or rents, no persons of less than one-fourth Indian blood born after the passing of this Act, shall

> be deemed entitled to share in any annuity, interest or rents, after a certificate to that effect is given by the Chief or Chiefs of the band or tribe in Council, and sanctioned by the Superintendent-General of Indian Affairs.
>
> (32 & 33 Vic. C. 6)

The main reason for this clause was to make sure that those persons entitled to Indian status were of Indian ancestry. If entitlement was strictly through the male line, it was possible, if all the males married white women, eventually to have persons who were of Indian status with practically no Indian blood. A similar provision is in the present Indian Act (section 12(1)(a)(iv).

The 1869 Act stated for the first time that when an Indian woman married a person not of Indian blood, she had to dispose of her property, leave her tribe with her husband, her offspring would not be considered Indians, and she was to receive no further annuities.

Regarding voluntary enfranchisement, the term as used in the 1869 legislation was a technical one, meaning the legal loss of Indian status by an individual, including removal of his rights to Indian lands and other privileges and prerogatives which went with Indian status. It did not refer necessarily to the electoral franchise. By the law, as it stood prior to Confederation in the Provinces of Ontario and Quebec, the process of enfranchisement was difficult and the 1869 Bill proposed to make that process simpler. The sixteenth clause of the 1869 Act provided for the duties of the enfranchised Indian and effect on him;

> Every such Indians shall, before the issue of the letters patent mentioned in the thirteenth section of this Act, declare to the Superintendent-General of Indian Affairs, the name and surname by which he wishes to be enfranchised and thereafter known, and on his receiving such letters

> patent, in such name and surname, he shall be held to be also enfranchised, and he shall thereafter be known by such name and surname, and his wife, and minor unmarried children, shall be held to be enfranchised; and from the date of such letters patent, the provisions of any Act, or law making any distinction between the legal rights and liabilities of Indians and those of Her Majesty's other subjects shall cease to apply to any Indian, his wife or minor children as aforesaid, so declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as their right to participate in the annuities and interest money and rents, of the tribe, band or body of Indians to which they belonged is concerned; except that the twelfth, thirteenth and fourteenth sections of the Act thirty-first Victoria, shall apply to such Indian, his wife and children. (32-33.Vic. C.6)

The law was seldom used. By 1876, only one Indian had sought to obtain this privilege under it, but then he had secured it, no patent deed to reserve lands was granted to him as the law provided. (Common Debates, 31 March 1876). In the 1876 Act a number of important changes related to status and enfranchisement were made. Provisions was made for excluding illegitimates, absentees and women marrying someone other than an Indian. For the first time, a clause was included that any illegimate child, unless having been in the band for two years or more could be excluded from membership with the sanction of the Superintendent-General. (Section 3.3(a)). If the mother has status, the child could be registered but could be excluded from membership if it was found that the father was not Indian.

In addition the Bill proposed that an Indian absent five years from his reserve lose his status and annuities. It was practice of some Indians to go to the United States and share the annuities there, and then return to Canada long enough to draw their annuities here. Sir John A. Macdonald understood that it would be convenient for the Department to have this arrangement and that the Indians would approve of it, because the fewer there were in the band, the more its members would receive. Still it was

argued that their right to their annuities was their birth-right, and they should not be deprived of it because they spend a portion of their time in another country. (Commons Debates, 31 March 1876).

The bill was therefore, amended so that any Indian having left the country for five years would cease to be a member and no longer receive annuities, unless he had the consent of the band with the approval of the Superintendent-General or his agent. (Section 3.3(b).

In the Commons Debates Paterson (South Brant) considered it unwise to impose a penalty on an Indian woman for marrying a white man by cutting her off entirely from her former rights to status and annuities. He also felt that it would be more beneficial to the country to encourage such inter-marriages. An amendment was proposed by Laird, Minister of the Interior, that an Indian woman who married a white man may retain her annuity moneys during her lifetime, and if she wished to receive the capital sum, she could do so by drawing ten years' purchase of annuity money. (Commons Debates, 28 March, 1876). She and her husband would then cease to have any connection with the band, and their children would not be considered at all. (Section 3.3(d)

As to half-breeds, (a legal term in the 1876 Act) those in Manitoba who had shared in the distribution of half-breed lands could not be counted as Indians or admitted into any Indian treaty. (Section 3.3. (e)). The distinction between half-breeds and Indians was not made on a rigid racial criterion. Many Indians took half-breed scrip and half-breeds became Indians.

Even after the first Northwest Rebellion, the status of the estimated 50,000 Indians in the Northwest Territories and Manitoba was not defined because the Act did not apply to that part of Canada. Consequently, many of the 10,000

or so half-breeds were on the treaty pay lists and also shared in the lands specially set apart for half-breeds and there was no authorization to have their names excluded. The Manitoba Act had recognized the claims of the half-breeds to a form of compensation for loss of land. The Indian department did not wish to involve itself in this matter and therefore acted to create a rigid distinction between the Indians of the Northwest and whoever else was there. The first step was to exclude those who preferred to regard themselves as non-Indians from lands reserved for Indians. The double participation in Indian lands and public grants that had been engaged in by some of the half-breeds was considered an abuse of the law and the 1876 legislation was introduced to prevent this. (Provencher; Report on Indian Affairs in Manitoba and Northwest Territories, 1873. PAC RG 10 3608).

The term "non-treaty Indian" was introduced to include wandering bands and meant,

> 4. Any person of Indian blood who is reputed to belong to an irregular band, or who follows the Indian mode of life even though such persons be only a temporary resident in Canada.

Non-treaty Indians, most of whom had had not recognized interest in lands situated in Canadian territory obviously could not sign treaties which involved the surrender of rights to land. In the Northwest, Sioux roamed both sides of the boundary line and some of them had to be received into Canadian legislation, particularly the refugees from the 1862 Minnesota Massacre. The Sioux in Canada have no treaty rights, but in other respects their affairs are administered as other registered Indians.

Finally, Sections 86 to 94 of the 1876 Act were related to enfranchisement. Under Section 86, any Indian who was "sober and industrious" could go to one of the agents appointed for that purpose, to see whether he was qualified for the franchise or not. If qualified, he received a ticket for land, and after three years was entitled to receive a patent (title deed) for it which would give him absolute control of the land for his own use during his life and he could will it to whomever he chose. At the same time he retained his share in the band funds. After three year period, he could make application and gain possession of his share of the invested funds of the band after a further three year waiting period. Thus after six years of good behaviour he would cease in every respect to be an Indian according to the laws of Canada and would then be an ordinary subject of Her Majesty. (Laird, Commons Debates, 28 March 1876).

Under the 1869 legislation after getting consent of the band, and after three years of probation, the Indian obtained full title to his property. He retained his right to his annuities, interest money and rents of the tribe. He could sell it at any time, and white men purchasing it might intrude on the reserve. For this reason the consent of a band to the enfranchisement of an Indian could seldom be obtained. At the same time, if a restriction was placed on alienability, than the enfranchised Indian could scarcely be deemed to stand on an equal footing with his white neighbours. In addition, the amount of land involved in many reserves was scarcely worth the trouble of seeking enfranchisement.

> The Six Nations will not avail themselves of the Enfranchisement Clauses as they now should:
>
> 1st Because the Chiefs will never give their consent to any member of the Band becoming enfranchised.

> 2nd The individual allotment of land at the Tuscarora Reserve would be only fifteen acres. Not many would give up his present right to from 100 to 200 acres to obtain the fee simple for 15 acres per head for each member of his family.
>
> (Ashton to Christie, 21 March 1876, PAC RG 10 B3, Vol. 6808).

Accordingly, the enfranchisement sections were amended so that when the majority of the tribe refused to allow one of their members to become enfranchised, he could have the right of appeal to the Superintendent-General. (Patterson, Common Debates 4 April 1876).

As well as enfranchising women who married non-Indians and those who sought enfranchisement voluntarily, the Act provided for the automatic enfranchisement of Indian persons admitted to university degrees.

Finally, the 1876 Act provided for the enfranchisement of all the members of a band at the request of the band and with the consent of the Superintendent-General. The consent of at least a majority of the members of the Band was required, subject to numerous qualifications such as exemplary good conduct, ability to manage property, character, integrity, morality and sobriety (Section 93).

The Government thought that many Indian bands would like to seek enfranchisement. The Caughnawaga band did apply for enfranchisement in 1876:

> "Mr. Minister, for several days we have assembled in Council, examined the Act, and have come to the conclusion, for reasons known to use, that its passing will prove prejudicial to us, and we would much prefer to be immediately emancipated and no longer be under the tutorship of the Government, to whom we have caused so much trouble. That we would like to enjoy by Europeans, and wish that our Reserve be equally divided into

> lots according to the population, and amongst such members of the Band, and their descendants, as have in their veins not less than a quarter of Indian blood...That all debt or mortgages contracted prior to the emancipation shall not be levied from our landed property. That the whole or our revenue money as well as land, be transferred, to us, as we shall no more require any Chiefs.
>
> Hoping, M. le Ministre, that you will use your best influence with your colleagues and secure a favourable consideration of our Petition.
>
> ("Chiefs of Caughnawaga to Laird, March 1876" PAC RG 10 B3, Vol. 6808).

Laird's answer to the Caughnawaga enfranchisement petition was:

> "Acknowledge receipt of petition from the Chiefs of Caughnawaga and inform them that their request cannot be complied with".
>
> (Laird, 31 March 1876. PAC RG 10 B3, 6808).

However, one band was granted the privilege of enfranchisement in the nineteenth century.

> The Wyandottes of Anderdon, a band of Huron stock, were enfranchised in 1881. By education and intermarriage they had become civilized. They were self-supporting and the experiment of enfranchising the whole bands in both provinces are ripe for like treatment, but it is not the present policy of the government to force Indians into full citizenship. When by amendment of the Indian Act it has become possible to enfranchise Indians without unnecessary and tedious formality, numbers of those who now subsist apart from the reserves will embrace full citizenship.
>
> (D.C. Scott, in Canada and Its Provinces, Vol. VI, p.606-7).

The status provisions of the legislation regarding Indians derive from the situation in which there are restricted rights to residency on or ownership of certain land, or jurisdiction over specific groups within a society. Whenever this obtains there was a need for a status definition

system. In Canada those persons entitled to use reserve lands form a charter group and the status definition is in part a kinship system: members of the charter group have status; a woman takes the status of her husband on marriage; all children of status parents have membership; and non-members have no rights.

There are also consequences to status whether the person lives on a reserve or not. The person may exercise hunting, fishing and trapping rights on the reserve, and to the extent that such rights are protected by treaty, the person can hunt, fish and trap off the reserve; however, these rights, whether on or off reserves, can be limited by federal legislation but for the most part not by provincial legislation. The person is entitled to annuity payments, if there is a treaty covering his band which so provides, and to any other benefits promised in the treaty. Finally the person has an individed share in the assets of the band. All of these elements were present in the 1876 Indian Act.

Local Government

Regarding the third major theme -- local government - the 1869 Act, repeated in the 1876 Act, gave the Indians more control over their local affairs. Though the concept was poorly developed at this time, it was to receive more and more attention and arouse more and more debate and eventually to be given full articulation in subsequent legislation.

Very important in this regard was the changing role of the Superintendent-General of Indian Affairs. The 1868 Act had firmly established the equivalence of the Minister of the Department of the Secretary of State and the Superintendent-General of Indian Affairs. The same individual held both offices in 1873, when the Department was placed under the Department of the Interior though the dual role of Minister/Superintendent-General was maintained. During this same period,

a gradual increase in the discretionary power of the Superintendent-General took place. In earlier legislation, the power had rested in the office of Superintendent-General with the approval of the Governor-in-Council. By 1876, however, few powers remained in the hands of the Governor. The official reason for granting such large powers to the Superintendent-General and his officers was because the Indians, as wards of the state, were not capable of protecting themselves. On the other hand, if the Superintendent-General decided to make a decision depriving an Indian or Indian Band of rights or property there was no recourse except to the Governor in Council. Later amendments to the Act made it possible to make an appeal to a court of law. The Superintendent-General was given this discretionary power, and the legislation was written to allow a loose interpretation, perhaps in order to make the Act, to some extent, subject to the wishes of the Bands and, in the less settled regions of the country, to facilitate the attainment of the goal of rapid assimilation.

This granting of such power is, given the circumstances, entirely logical. The title to all reserve land is vested, through the Crown, in the office of the Superintendent-General. He is responsible and accountable for the lands over which he has control. Whenever the Indians assume ownership of their land (and this is ultimately what enfranchisement means) the Superintendent-General/Minister is no longer responsible.

Thus there was established the unusual office of Minister responsible for Indian Affairs. The incumbent was placed in a position of almost absolute control over the life of his clientele (appeal was seldom allowed in a decision made by him). A clientele which, lacking the franchise, could not influence the decisions made by the Minister except in informal ways. Added to this situation was the difficult problem of the Minister/Superintendent-

General having to share his attention with two concerns 1) that of the management of Indian Affairs and 2) his constituency. A decision made in order to ameliorate the condition of the Indians may conflict with the interests of the general office. Examples of this conflict are not lacking.

In any case, the 1869 Act provided for a form of local government involving election of chiefs to "...the proportion of one Chief and two Second Chief for every two hundred people," (32-33 Vic. C. 6). The chiefs were to arrange for the construction and maintenance of roads, bridges, ditches and fences within the Reserve. As well, they were empowered to frame, subject to approval by the Governor in Council, rules and regulations respecting the following subjects:

1. The care of the public health.
2. The observance of order and decorum at assemblies of the people in General Council, or on other occasions.
3. The repression of intemperance and profligacy.
4. The prevention of trespass by cattle.
5. The maintenance of roads, bridges, ditches and fences.
6. The construction of and maintaining in repair of school houses, council houses and other Indian public buildings.
7. The establishment of pounds and the appointment of pound-keepers.

(32-33 Vic. C.6 s. 12)

The general sentiment that lay behind this section was that the process of assimilation would be accelerated by the substitution of limited forms of municipal government for the existing tribal organization, precisely in the same way that the issue of location tickets was intended to suppress the continuation of tribal forms of land tenure. That this substitution could not be effected at once was recognized in the proviso to Section 10;

> Provided always that all life Chiefs now living shall continue as such until death or resignation, or until their removal by the Governor for dishonesty, intemperance or immorality. (32-33 Vic. C. 6; s. 10).

General Provisions

The exemption from taxation, which had been omitted from the 1869 Act was re-instated in essentially the same form as it had first appeared in the 1850 Upper Canada Land Act. (13 & 14 Vic. C. 74). Section 66, regarding mortgages, was re-enacted though it aroused some debate:

> Mr. Fleming said this clause (s.66) was unfair to the Indians and the system of tutelage in which they were kept deprived them of the spirit of self-reliance and independence. Honourable Laird said the Indians could purchase all the implements they needed with their annuity money. In 1869 a clause similar to this one was inadvertently repealed. The Indian Agents considered it was highly necessary, and that was why he proposed to re-enact it now. Unfortunately, the Indians seemed to get too much credit already...
>
> (Commons Debates; 30 March, 1876).

In the category of "Disabilities and Penalties" were section 70, excluding Indians from taking homesteads in Manitoba and the Northwest Territories and sections 71 and 72, refusing payment of annuities to convicted criminals and wife deserters. Section 70 was construed by some members of the Commons as being discriminatory:

> Mr. Fleming did not see why an Indian had not as good a right to emigrate to Manitoba and get a homestead as a white man.
>
> Mr. Schultz said it seemed to be held by the Government that because they gave the Indians an annuity of $5 per head the latter were to be deprived of every right and privilege which a white man holds dear. He did not see why the Indians of the Northwest, when they became as intelligent as those in Brant, should not have the right to get homesteads for themselves.
>
> (Commons Debates; 30 March, 1876).

The intent of section 70, it seems fairly clear, was to prevent Indians who had signed treaties from claiming both a share of a reserve and also a homestead. From the point of view of the government, one took land in one place or the other just as one was either an Indian or was not.

In the case of Section 71, providing for stopping annuity payments to convicted Indians undergoing punishment by imprisonment, similar objections were raised:

> Mr. Paterson said he could see no reason why an Indian who is subject to the same laws as white men should be punished with greater severity for infractions of the law. A white man when convicted and imprisoned for the perpetation of a crime does not forfeit his income; but the Indian for a similar offence, not only undergoes the same punishment, but loses his income while his term of imprisonment lasts.
>
> (Commons Debates; 30 March, 1876)

The provision of penalties beyond those provided by the Criminal Code demonstrates paternalism -- the view seemed to be that indiscretion and immorality by the Indians should be punished in the same way that a father punishes a child by withholding his allowance. (Commons Debates, 30 March, 1876). Such provisions were aimed at strengthening the government's ability to control Indians' lives and encourage assimilation.

Sections 74 to 78 'Evidence of Non-Christian Indians' were inserted to deal with the Western Indians who had not been exposed to the work of missionaries. Interestingly enough, these sections elaborate on the 10th paragraph of the 1775 'Plan for the Future Management of Indian Affairs' in which similar provisions were made.

The 1874 Amendments regarding the sale of intoxicants to Indians were included without material alteration. The penalties provided were extremely severe though in line with the prevailing opinion of the Government.

> Sir John A. Macdonald observed that it (Section 79) applied to Lambton as well as to Manitoba. He quite agreed with the Premier that no punishment could be too excessive for the description of persons to whom the hon. gentleman had alluded (the American whiskey traders), for whom hanging, indeed, would not be too severe a punishment.
>
> (Commons Debates; 30 March, 1876)

In addition, the form of trial and right of appeal were severely restricted to overcome the generally indifferent attitude of juries towards infractions of the Indian Act. Accordingly, in offenses against the liquor sections of the Act, no jury was permitted:

> 84. No appeal shall lie from any conviction under the five next preceding sections of this Act, except to a Judge of any superior court of law, county, or circuit, or district court, or to the Chairman or Judge of the Court of the Sessions of the Peace, having jurisdiction where the conviction was had, and such appeal shall be heard, tried, and adjudicated upon by such judge without the intervention of a jury; and no such appeal shall be brought after the expiration of thirty days from the convinction.
>
> (39 Vic. C. 13).

CHAPTER V

1876-1880

The 1876 consolidation of laws respecting Indians was found to be inadequate in a very short time. Amended slightly in 1879, it was re-enacted in 1880. In introducing the new Bill, Sir John A. Macdonald outlined its intent:

> It is a consideration of the laws relating to Indians, including a system for newly organizing the Department and creating the Indian Branch into a separate and distinct Department, under the control of the hon. the Minister of the Interior. My worthy subordinates agree with me that the duties of the Indian Branch are so onerous, that instead of being a sub-branch, it should be a separate Department under one Minister. (Commons Debates; 5 May, 1880.)

The issue that most preoccupied the legislators and the members of the Indian Department was the plight of the Indians in the West. The Indians of the old Provinces, it was felt, were much better able to protect themselves than those of the west. They had more or less settled into the lifestyle of the dominant society-agriculture - and lived more or less the same as the surrounding whites. In Manitoba and the Northwest Territories, however, the work of the Indian Affairs Branch had only begun. Several years before, the situation it would have to face had been described as follows:

> What is to be done with our Western Plain Indians. In four or five years there will not be a Buffalo in a Dominion Territory. The Plain Indians live on the Buffalo and on them alone.
> In the Western Country the game is being killed and much faster than is generally supposed, and the hunters are increasing in number every year they are coming into the "hunting ground" from all quarters.
> French and English half-breeds from Manitoba who have located about Carleton and the Qu'Appelle Lakes and American outlaws from the Missouri are now forming settlements and building forts on the Bow and Belly.
> The Americans on the Bow and Belly Rivers are passing very

> high prices in whiskey, poison, etc., for all kinds of furs but particularly for Buffalo robes, and it is known that the Indians are killing a great many buffalo for the hides alone.
> When it is remembered that the Plain tribes live on the Buffalo alone, it may be seen at a glance where this slaughtering will end, which is to come first. Reservation or Extermination? The latter will soon come, if measures are not taken at once to render the Indians independence of the chase for their living; it will be next to impossible to make such warlike tribes as the Blackfeet and the Crees settle down at once on Reserves, without a struggle, and if they once resisted it would end in extermination.
> If the different countries of the tribes are formed into large temporary reservations, taking in all the hunting ground as they are at present and kept as such till the game disappears then the final reserves, of say 50 or 75 acres to each Indian or each "head of a family" can be made and this will be within 5 years.
>
> (Charles H. Bell to Laird; Commissioner of Indian Affairs, N.W.T., April 9, 1874 PAC, MG 27 ID 10).

By 1878 this situation had, if anything, worsened, and a confidential report to Macdonald made a number of suggestions regarding its amelioration:

> The undersigned regards the state of affairs in the Territories in relation to the Indians and Half-Breeds as calling for the serious consideration of the Government, in view of additional complications which are not unlikely to arise owing to the presence on our soil of large numbers of armed Indians, refugees, for the time being, from the state of war in the adjoining territory. He is of opinion that further measures whould be adopted to cultivate and maintain relations with our Indians and Half-Breed populations calculated to attach them to us, and to convince them that the Government is desirous of fulfilling its obligations to them in the utmost good faith. In no way could we more advantageously or more certainly effect this important object than by affording facilities for instructing them in farming, cattle raising, and especially in the mechanical trades, thus preparing them to become self-supporting when their present means of subsistence -- the buffalo -- shall be no longer available, and paving the way for their emancipation from tribal government, and for their final absorption into the general community.
>
> The only way to obtain this desirable result would appear to the undersigned to be by means of industrial schools. Numbers of such institutions have been put into operation by the

> Government of the United States among its loyal Indians, and with the happiest possible results. It may be stated, too, that although the Indians have shown themselves apt and quick in picking up a knowledge of the use of farm implements, they are specially well adapted to succeed in raising cattle, for which the climate, and abundance of nutritious grasses in the territory, affords every encouragement, moreover they have a natural bent in the direction of mechanical work, in which, with a moderate degree of instruction, they would become proficient. One or two such schools, established at convenient points in the Territories, where a certain number of young Indians and Half-Breeds, intelligent and willing, selected from the different tribes or bands, would be taught -- some practical farming, some the care of stock, and others the various more useful trades -- would prove most powerful aids to the Government, both morally and materially, in their efforts to improve the conditions of those people, and to gradually lead them to a state of civilization. The expense of such schools would be trifling compared with the value of the results which would be obtained from them. In fact, the opinion of the undersigned is: that in a short time they might, by good management, be rendered to a considerable extent self-sustaining institutions, and he respectfully but strongly recommends the scheme to the favourable consideration of the Minister.
>
> (Colonel Denis' Report 20 Dec. 1878
> Macdonald Papers, PAC MG 26 A.,
> Vol. 304 p. 138986, 138987.

In order to prevent collisions between the various Indian bands and possibly between the Indians and the whites;

> It was therefore necessary that the Indians should be induced by every possible means to settle down on the reserves, and take to agricultural pursuits, and those tribes which were purely nomadic, and which might be for the present considered incapable of settling down to such pursuits, at all events should be induced to become herdsmen, and have flocks and herds. The Department had carefully selected practical farmers, who were now being sent out to the country to induce the Indians to take to agriculture. Of course this would be followed by the Indians in a very rude and inefficient style, but when they settled down on the reserves and found that there were no buffalo and no game, they would, by degrees, it was to be hoped, take to farming, as was done in Ontario and Quebec,

> and the older portions of the Dominion, and become farmers to a certain extend. Of course, there would be a great many disappointments, and a good deal of money expended. They would find that the cattle bought for the Indians would sometimes become the food of the proprietor instead of being used for the purposes intended. But yet the Government must put up patiently with all this kind of disappointment, in the hope that in no great length of time these people would leave their wild life and settle down.
>
> (Commons Debates; 1 May, 1879)

The condition of the western Indians continued to deteriorate. In addition to the problems of ensuring an adequate food supply had to be added the problems attendant upon the arrival in the west of large numbers of settlers and railroad builders among whom were sharpers, whiskey traders and other bad actors. Liquor, prostitution and other vices continued to to be introduced among the Indians.

Two new sections of the 1880 Act actually introduced as amendments in 1879 provided for the protection of Indian women from prostituting themselves. The way in which the penalties were provided, that is, by punishing the keeper of the house in which such activity was or appeared to be taking place and not the Indian woman engaged in such activity, emphasized the paternalistic role that the Government had seen fit to adopt. (Sections 95 and 96).

> 95. If any person, being the keeper of any house allows or suffers any Indian woman to be or remain in such house, knowing, or having probable cause for believing, that such Indian woman is in or remains in such house with the intention of prostituting herself therein, such person shall be deemed guilty of an offence against this Act, and shall, on conviction thereof, in a summary way, before any Stipendiary Magistrate, police magistrate or justice of the peace, be liable to a fine of not less than ten dollars, or more than one hundred dollars, or to

> imprisonment in any gaol or place of confinement other than a penitentiary, for a term not exceeding six months.
>
> 96. Any person who appears, acts or behaves as master or mistress, or as the person having the care, government or management of any house in which any Indian woman is, or remains for the purpose of prostituting herself therein, shall be deemed and taken to be the keeper thereof, notwithstanding he or she may not in fact be the real keeper thereof.

The same attitudes pervade the numerous sections having to do with the sale and consumption of liquor. For example;

> ...if any Indian or non-treaty Indian...refuses upon examination to state or give information of the person, place and time from whom, where and when, he procured such intoxicant, and if from any other Indian or non-treaty Indian, then, if within his knowledge, from whom, where and when such intoxicant was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days.
>
> (43 Vic. c 28: 94).

At the same time one opinion regarding what should be done was as follows:

> Let us have Christianity and civilization to leaven the mass of heathenism and paganism among the Indian tribes; let us have a wise and paternal Government faithfully carrying out the provisions of our treaties, and doing its utmost to help and elevate the Indian population, who have been cast upon out care, and we will have peace, progress, and concord among them in the Northwest; and instead of the Indian melting away, as one of them in older Canada, tersly put in, 'as snow before the sun,' we will see our Indian population, loyal subjects of the Crown, happy, prosperous and self-sustaining, and Canada will be enabled to feel, that in a truly patriotic spirit, our country has done its duty by the red men of the Northwest, and thereby to herself.
>
> (Morris; 1880, 298)

Macdonald speaking along the same lines clearly explained the attitudes and intentions of the Government:

> Sir John A. Macdonald: The hon. gentleman made an appeal to the House about the necessity of advancing the interests of the Indians, civilizing them and putting them in the condition of white men. After all, I am afraid that the hon. gentleman's views are affected by the influence of party. Disguise it as we may wherever there is an Indian settlement the whites in the vicinity are very naturally anxious -- when they see the slovenly, unfarming like way of which the Indian lands are cultivated especially if the lands be very good -- to get rid of the red men, believing, and perhaps, truly, that the progress of the locality is retarded by them, and that the sooner they are enfranchised, or deprived of their lands, and allowed to shift for themselves, the better. I dare say it would be better. If the Indians were to disappear from the continent, the Indian question would cease to exist. But we must remember that they are the original owners of the soil, of which they have been dispossessed by the covetousness and ambition of our ancestors. Perhaps, if Columbus had not discovered this continent -- had left them alone -- they would have worked out a tolerable civilization of their own. At all events, the Indians have been great sufferers by the discovery of America, and the transfer to it of a large white population. We are bound to protect them.
>
> (Commons Debates; 5 May, 1880).

Indian Policy even at its most local level, reflected the ultimate end of making farmers of the Indians.

> You should by every means in your power endeavour to persuade the Indians within your district to pursue industrial employment by cultivating the soil etc. for a living; and no encouragement should be given by you to idleness by gratuitous aid being furnished to able bodied Indians.
>
> (Vankougenet to Agent at Shubenacadie, 27 April, 1880 Deputy-Supt.-General's Letterbrooks, RG 10 B 3, Vol. 4423).

The 1880 Act, it was hoped, would enable the Government to achieve the objectives it had set itself. A discordant note however, was sounded by Paterson, member for South Brant, who objected to any action on the bill, arguing that as it stood it would merely continue the miserable record of the Indian Affairs Branch in achieving what most regarded as the eventual objectives of that branch. He argued;

> The whole Indian law discourages, the assimilation of the whites and the Indians, and the solution of the Indian problem can only be found in wiping out the distinction which exists between the races, in giving the red man all the liberties and rights enjoyed by the white man, and entailing upon him all the responsibilities which attach to those responsibilities rights and privileges. For those reasons I am opposed to the discussion of this subject at the present time. The Indian question is the question of the country. It means, as we know from the Estimates brought down yearly, the expenditure of millions for the maintenance of the Indians -- it means one of the most pressing and vital questions of the hour, and I warn the House, as I warn the hon. the First Minister, that legislation in the direction proposed, old-time legislation, simply means that it will entail upon the people, year after year, and for all time to come, the voting annually to hundreds of thousands of dollars to keep the Indians in the low, degraded state in which they are at present. What I advocate in this: That we should have an Indian policy, which will not only tend to relieve us from these heavy burdens, but will give to the Indians more rights than they now possess, and wipe out the race distinctions that now exist. The policy adopted by this Government, whether mistaken or not, has had in view the object that the Indian should not have a wrong done him. We have endeavoured to show ourselves superior to our neighbours in the management of those men.
>
> (Commons Debates, 5 May, 1880)

In spite of the vigourous debate over the 1880 Act, very few changes were in fact made. In response to the organizational needs of the Indian Affairs Branch, it was accorded the status of a Department though still

under the Minister of the Interior. As well, the clauses having to do with the descent of property on reserves were slightly elaborated upon. The Superintendent-General was given greater powers for the regulation of descent and the appointment of guardians and tutors for minor children.

Minor changes were made in the sections dealing with local government (72 to 74) to enable them to conform more closely to prevailing opinion:

> (Mr. Mills)...I think there should also be a provision made to introduce among the various Indian bands, a system of municipal government. I do not say that the Indians could be incorporated with the municipalities in which the reservations are situated, but I think they should be required to take an active part in the administration of their own affairs.
>
> Municipal institutions of a simple character should be given them, such as the election of a council, to impose taxation, to a limited extent, for certain specified purposes; to require them to perform statute labour; to require them to contribute from the products of their industry towards the maintenance of schools among themselves. I am satisfied such a change would be greatly to the benefit of the Indians.
>
> (Commons Debates; 5 May, 1880)

The actual changes that were made were of a limited sort. The situation of hereditary chiefs under the electoral system was clarified. Instead of 'life' chiefs remaining as such until they died or were removed "for dishonesty, intemperance, immorality or incompetency" they "...shall not exercise the powers of chiefs unless elected...". In addition, the powers of the chiefs in council were extended. As well as continuing to have authority to make regulations on the subject outlined in the 1869 Act, they were empowered to frame rules regarding the following new subjects:

1. As to what denomination the teacher of the school established on the reserve shall belong to; provided always, that he shall be of the same denomination as the majority of the band; and provided that the Catholic or Protestant minority and likewise have a separate school with the approval of and under regulations to be made by the Governor in Council:

10. The repression of noxious weeds;
11. The imposition of punishment, by fine or penalty, or by imprisonment, or both, for infraction of any such rules or regulations; the fine or penalty in no case to exceed thirty dollars, and the imprisonment in no case to exceed thirty days; the proceedings for the imposition of such punishment to be taken in the usual summary way before a Justice of the Peace, following the usual procedure on summary trials before a justice out of session.

(43 Vic. c.28)

The question as to who was or was not an Indian became a difficult one to decide in the Northwest. Many whose forefathers were whites followed the customs and habits of the Indians and had always been recognized as Indians. A second class had little to distinguish them from the former, but had more or less gone their own way. A third class followed the ways of the whites more than those of the Indians and had never been recognized, or accounted themselves as anything but half-breeds. (Sessional Papers (no. 11) 1877).

The Indian Act of 1876 which defined that an "Indian shall be any male person of Indian blood reputed to belong to any particular Band" or "any child of such person" did not provide a clear-cut definition applicable to the Northwest. Under the strict interpretation of the law, as it was understood, many who were of pure Indian blood would be excluded as they had never belonged to "any particular Band". On the other hand numerous people who had never regarded themselves as anything but half-breeds received treaty. This was sanctioned

by the 1868 Act, 31 Vict. Chap. 42, Section 15, which provided that "all persons residing among such Indians, whose parents were or are, or either of them was or is, descended on either side from Indians or an Indian reputed to belong to the particular tribe, band or body of Indians interested in such lands or immoveable property, and the descendants of all such persons shall be accounted Indians. They could not be refused their annuities since they belonged to a Band, and they were accordingly paid. (Sessional Papers (No. 11) 1877).

Accordingly, in 1879, "An Act to amend the Indian Act, 1876" (42 Vict. Chap. 34) was passed with an addition to Section 3.3.(e) with regard to "Half-breeds":

> ...and any half-breed who may have been admitted into a treaty shall be allowed to withdraw therefrom on refunding all annuity money received by him or her under the said treaty or suffering a corresponding reduction in the quantity of any land, or scrip, which such half-breed as such may be entitled to receive from the government.
>
> (42 Vict. Chap. 34).

The main principle of the addition was that any half-breeds admitted under the treaty might be allowed to withdraw on refunding all the moneys received under it.

In 1880 the "Act to amend and consolidate the laws respecting Indians" (42 Vict. Chap. 28) was passed. The membership and enfranchisement sections changed very little except for the additions to the sections concerning women who married non-treaty Indians and Indians with university degrees.

In the 1876 Act a woman who married a non-treaty Indian ceased to be a member of the band to which she formerly belonged, and became a member

of the band or irregular band of her husband. In the 1880 Act, there was added:

> ...but should she marry a non-treaty Indian, while becoming a member of the irregular band of which her husband is a member, she shall be entitled to share equally with the members of the band of which she was formerly a member in the distribution of their moneys; but this income may be commuted to her at any time at ten years' purchase with the consent of the band.
>
> (Section 13, 43 Vict. Chap. 28).

She could chose between accepting the moneys of her band or that of her husband.

The provision for the ipso facto enfranchisement of those Indians with university degrees was changed:

> ...shall upon petition to the Superintendent-General, ipso facto become enfranchised under this Act, and he shall then be entitled to all the rights and privileges to which any other member of the band to which he belongs would be entitled were be enfranchised under the provisions of this Act; and the Superintendent-General may give him a suitable allotment of land from the lands belonging to the band of which he is a member.

Upon attaining a university degree, he was no longer automatically enfranchised, but had to petition the Superintendent-General, and was entitled to an allotment of reserve land.

In the 1880 Act, the provision that the sections on enfranchisement did not apply to Indians to British Columbia, Northwest Territories or Keewatin was carried over from the 1876 Act.

> ...save in so far as the said sections may, by proclamation of the Governor-General, be from time to time extended, as they may be, to any band of Indians in any of the said provinces or territories.
>
> (Sec. 107, 43 Vict. Chap. 28).

This was in view of the different condition of the Indians of the Northwest as compared with those of the older Provinces where the Indians were semi-civilized. (Common Debates, April 4, 1876, p. 1039).

In any case the legislation providing for the enfranchisement of Indians had been on the Statute-book since 1857, but as one parliamentarian observed, had failed to accomplish what it had set out to do as quickly as originally intended:

> "Some fifty-seven persons, including children, out of the 90,000 Indians of the Dominion, have been enfranchised. At this rate, five persons every two years, it would take 36,000 years to enfranchise the Indian population of Canada."
>
> (Commons Debates, 1880, p.1689-97).

One reason for this state of affairs was that enfranchisement tampered with the Indian identity:

> Enfranchisement was made contingent on the breaking up and parcelling out of the Reserves. An Indian could not become enfranchised unless he separated his holding from the common property of the band. The object of the Act was to break up the tribal system, but that system was endeared to the Indians by many associations, and it was the last remaining protection which they had against the capacity of the white man. They were attached to it because it was inherited from their ancestors, because it had become a part of their very nature and entered, in all its ramifications, into their everyday life. They would never cease to adhere to the tribal system until they ceased to be Indians.
>
> (Commons Debates; 31 March, 1879)

CHAPTER VI

The Indian Advancement Act and the Franchise Act

After passage of the 1880 Indian Act, the concern of the legislators shifted briefly from an emphasis on the protection of Indians and their property to new methods by which the Indians might more readily be induced to take up the behaviour of the dominant society. As one of the underlying assumptions about membership in Canadian society was that full members had what may be called 'civic responsibility' that is, they paid taxes, owned property, were liable for duty on juries and the militia and exercised the vote in elections - these attempts to integrate the Indians centred around involving them in such activities. Two Acts were eventually passed, the Indian Advancement Act (1884, 47 Vic. C. 28 Revised 1886, 49 Vic. C. 44) and the Franchise Act (1885). Both had the intention outlined above - to encourage the 'civilization' of the Indians.

The Indian Advancement Act provided for relatively limited forms of local self-government. In its specific provisions, it differed but little from the sections (72 to 74) of the 1880 Indian Act dealing with the election of chiefs and their duties. The powers were much the same as were the limitations on action imposed by the Superintendent-General and the Governor-General-in-Council. The Act was not intended to apply to all bands of Indians but only to those who applied and whom the Governor-General-in-Council declared fit to have the Act apply to them. By itself, then, the Act seemed to do little more than repeat in a slightly elaborated form, legislation already on the statute-book.

When the Indian Advancement Act was introduced; it was entitled "An Act for conferring certain privileges on the more advanced bands of the Indians of Canada, with view of training them for the exercise of municipal powers". Of it, Sir John A. Macdonald had the following statement to make:

> "...this Act is merely an experimental one, for the purpose of enabling the Indians to do by an elective council what the chiefs, by the Statute of 1880, have already the power to do. In some of the tribes or bands, those chiefs are elected now, in others the office is hereditary, and other bands there is a mixture of both systems. This Bill is to provide that in those larger reserves where the Indians are more advanced in education, and feel more self-confident, more willing to undertake power and self-government, they shall elect their councils much the same as the whites do in the neighbouring townships."
>
> (Commons Debates, 26 Feb. 1884)

The Act provided for the election of councillors for a one-year-term who in council would have the power to

> "...make by-laws, rules and regulations, which, if approved and confirmed by the Superintendent-General shall have force as law within and with respect to the reserve, and the Indians residing thereon, upon all or any of the following subjects, that is to say:
>
> 4. The religious denomination to which the teacher or teachers of the school or schools established on the reserve shall belong, as being that of the majority of the Indians resident on the reserve; but the Protestant or Roman Catholic minority on the reserve may also have a separate school or schools, with the approval of and under regulations made by the Governor in Council;
>
> (b) The care of the public health;
> (c) The observance of order and decorum at elections of councillors, meetings of the council, and assemblies of Indians on other occasions, or generally, on the reserve, by the appointment of constables and erection of lock-up houses, or by the adoption of other legitimate means;

(d) The repression of intemperance and profligacy;

(e) The sub-division of the land in the reserve; and the distribution of the same amongst the members of the band; also the setting apart, for common use, or woodland and land for other purposes;

(f) The protection of and the prevention of trespass by cattle, sheep, horses, mules and other domesticated animals; and the establishment of pounds, the appointment of pound-keepers and the regulation of their duties, fees and charges;

(g) The construction and repair of school houses, council houses and other buildings for the use of the Indians on the reserve, and the attendance at school of children between the ages of six and fifteen years;

(h) The construction, maintenance and improvement of roads and bridges, and the contributions, in money or labor, and other duties of residents on the reserve, in respect thereof; and the appointment of road masters and fence viewers, and their powers and duties;

(i) The construction and maintenance of water courses, the destruction and repression of noxious weeds and the preservation of the wood on the various holdings, or elsewhere, in the reserve;

(j) The removal and punishment of persons trespassing upon the reserve, or frequenting it for improper purposes;

(k) The raising of money for any or all of the purposes for which the council may make by-laws, as aforesaid, by assessment and taxation on the lands of Indians enfranchised, or in possession of lands by location ticket in the reserve, the valuation for assessment being made yearly, in such manner and at such times as are appointed by the by-law in that behalf, and being subject to revision and correction by the agent for the reserve, and in force only after it has been submitted to him and corrected, if, and as he thinks justice requires, and approved by him, - the tax to be imposed for the year in which the by-law is made, and not to exceed one-half of one per cent on the assessed value of the land on which it is to be paid; and if such tax is not paid at the time prescribed by the by-law,

the amount thereof, with the addition of one-half of one per cent thereon, may be paid by the Superintendent-General to the treasurer out of the shape of the Indian in default in any moneys of the band; or if such share is insufficient to pay the same, the defaulter shall, for violation of the by-law imposing the tax, be liable to a penalty equal to the deficiency caused by such default: Provided always, that any Indian deeming himself aggrieved by the decision of the agent, made as hereinbefore provided, may appeal to the Superintendent-General, whose decision in the matter shall be final;

(l) The appropriation and payment to the local agent, as treasurer, by the Superintendent-General, of so much of the moneys of the band as are required for defraying expenses necessary for carrying out the by-laws made by the council, including those incurred for assistance absolutely necessary for enabling the council or the agent to perform the duties assigned to them;

(m) The imposition of punishment by penalty or by imprisonment, or by both, for any violation of or disobedience to any by-law, rule or regulation made under this Act, committed by any Indian of the reserve; but such penalty shall, in no case, except for non-payment of taxes, exceed thirty dollars, nor the imprisonment thirty days; the proceedings for the imposition of such punishment may be taken before one justice of the peace, under the "Act respecting summary proceedings before Justice of the Peace;" and the amount of any such penalty shall be paid over to the treasurer of the band to which the Indian incurring it belongs, for the use of such band;

(n) The amendment, repeal or re-enactment of any such by-law, by a subsequent by-law, made and approved as hereinbefore provided.

(47 Vic. C. 28, s.10)

The important differences between the foregoing items and Section 74 of the 1880 Act were found in (c), (g), (h), (j), (k), (l), (m), (n) and in most cases revolved around the elected council being provided with the power to see

that the by-laws were enforced as in the case of sub-section (c). In the 1880 Act (74.3), the chiefs were empowered to frame rules relating simply to "the observance of order and decorum at assemblies of the Indians in general council, or on other occasions. Similary, (75.6) permits the council to make by-laws concerning "the construction and maintenance of water-courses, roads, bridges, ditches and fences". In the 1884 legislation, however, the council was enabled to appoint a constable, erect lock-ups or adopt other legitimate means to ensure that order and decorum were observed. In the matter of roads and bridges, the concil could exact money or statute labour to ensure that roads and bridges were maintained and it could appoint officials to supervise these public work. Along the same lines, the council was enabled to make laws compelling attendance at school and removing and punishing trespassers.

As well, it was the object of the Advancement Act to confer a degree of fiscal responsibility on the elected council. It had the power to assess and tax the lands of enfranchised Indians on the reserve and lands held under a location ticket for all the purposes for which it was empowered to frame by-laws.

In addition the Indian Advancement Act endorsed and enlarged the powers of the council in matters concerning the allocation of land on reserves. Under the 1880 Act, the chiefs were enabled to make regulations respecting "The locating of the land in their reserves, and the establishment of a register of such locations" (43 Vic. C. 28 s. 74.9). To this the 1884 legislation added the power to set aside woodlots and other grounds. That it did not go further and dictate the method by which reserves were to be sub-divided was a matter of some debate.

> Mr. Paterson (Brant). One of the most difficult questions in the advancement of the Indian and in fitting him to assume the duties of citizenship and manhood, is to be found in the sub-division of those reserves. The Government of the hon. gentleman many years ago tried to advance the law in this respect, but there has been no progress made, and I think the sub-division of a reserve a great difficulty. The intelligent Indian will, by thrift and industry, acquire the possession of 100 to 200 acres, while others will lose their land. Those frugal Indians are the class fitted to assume the duties of manhood, so they reply: we do not want the privileges of citizenship, which simply mean the power to tax us and involve a surrender of more than half the possessions that we have. I certainly cannot find fault with the Minister for anything he has done, for, if he asked me how the remedy was to be brought about, I could not tell him, and I should not like to find fault with him unless I could suggest a remedy. But here is the difficulty of dealing with the matter. Whether this will remedy it or not I do not know. If the Indians can do it among themselves, that would be desirable; but, on the other hand, it would have to be guarded so that any rights which might have been acquired, whether legally or not, but rights recognized on the reserve for years and years, should be protected. It would never do to give any six men the power to go and arbitrarily change the bounds, although, I presume, the safety of that will be found in the fact that it will have to have the sanction of the Superintendent in Council before it is done, and that they would see that no injustice was done to any one.
>
> (Commons Debates, 26 Feb. 1884)

Allowing the elected councils to sub-divide the reserve might perpetuate communal forms of tenure, Macdonald admitted, but this risk had to be taken if the councils were to be training grounds for municipal government. He added:

> The Indians are being now very well educated. I think the hon. gentlemen would say that the Indians in his vicinity are an educated people on the whole, and there must be some time when they will cease to be in state of tutelage, and will be obliged to assume the responsibilities of civilized men. This measure, however, does not affect that. The clause about the division of the estate is simply to introduce a system among the council. If we can get the Council to pass some general law under this Bill, which is now before the Committee, by which the houses and improvements of individual Indians are recognized and

> protected, it will be a great step. There will be no forced rules, and, if the Indians in any given tribe have immemorially some arbitrary mode of sub-division, or a termination of the occupancy, we cannot help that. It would be very unwise to try to force white ideas on the red men prematurely. This is merely to make an attempt to encourage them to do it, if they will.
>
> (Commons Debates 26 Feb. 1884)

Finally, Section 11 of the Advancement Act, relating to the fitness of the elected council for office (which became a serious issue a few years later) aroused a spirited interchange.

> Mr. Blake. Why should not this be extended to the whites? It is an admirable clause: "Any member of a council elected under the provisions of this Act who shall be proved to be a habitual drunkard, or to be living in immorality, or to have accepted a bribe, or to have been guilty of dishonesty, or of malfeasance of office, shall be disqualified from acting as a member of the council."
>
> Sir John A. Macdonald. It would be a very good clause for the whites.
>
> Mr. Blake. Why should we be more moral with our Indian friends than with ourselves?
>
> Sir John A. Macdonald. It might diminish the members of the Opposition.
>
> (Commons Debates 26 Feb. 1884)

Once the Act had been passed, an attempt was made to put it in operation. For the Advancement Act to apply it had to be both requested by the band and permitted by Order-in-Council. Accordingly, a circular letter was dispatched to all Agents, instructing them to inform the bands under their supervision of the new legislation, sound their opinion on it and recommend which bands desiring the Act to apply to them should have it apply. The tone of the letter reflects the views of the department at that time.

> The Dept. has no desire to force the adoption of the provisions of this Act upon any Band of Indians; but it considers that it will be in the interests of such as are capable of intelligently conforming to the provisions thereof, that they should agree to have the same made applicable to them.
>
> You will be good enough, therefore, to bring this matter under the consideration of such of the Indian Bands within your Superintendency (or Agency) as you may consider sufficiently advanced in civilization and intelligence to have the provisions of the Act applied to them should they decide upon adopting the same. You should explain fully each of the provisions of the Act to the Band, and inform them at the same time that the object of the Dept. is to endeavour to promote their advancement in civilization and intelligence with a view to their eventually attaining to an equality in those respects with the White portion of the population of the country.
>
> (Circular re: Advancement Act, 16 Jan. 1885, PAC RG 10 B3, Vol. 2283, File 56883).

The general response was by no means encouraging: A sampling of the replies will suffice to show that for the most part, neither the Indians nor the officials of the department favoured adoption of the Act.

> From Chatham, N.B.:
>
> "I may state that I do not consider any of the bands within any superintendency capable of comprising to the provisions of the Act. All of the bands are Micmacs, and I do not think as a general thing they are as capable of self-government as many other tribes. I cannot think that at the present time, the provisions of the Act can be made applicable to them."
>
> (Reply to Vankoughnet, 2 Feb. 1885: PAC RE 10 B3 Vol. 2283, File 18222)

> From Fredericton, N.B.:
>
> "In reply I beg to inform you that while there may be a few Indians amongst the different bands of this district who might be easily instructed in matters of this kind yet for various reasons I think it would be very difficult to enforce an observance of the by-laws requisite for the proper administration of the different subjects contained therein."
>
> (Reply to Vankoughnet, 23 Jan. 1885: PAC RG 10 B3, Vol. 2283, File 18029)

At Wallaceburg, Ont.

> "I explained the provisions of the act to them giving them all information with regard to it and after full discussion they decided that they would remain as they are for the present."
>
> (Reply to Vankoughnet, 11 May 1885: PAC RG 10 B3, Vil 2283, File 59676)

Elsewhere,

> "At a meeting of the male members of the Alnwick Band of Indians, 32 members present it was moved by Peter Crow and seconded by Francis Beaver that this band is not at Present prepared to adopt the Indian Advancement Act of 1884 and that the Local Agent be requested to forward a copy of this resolution to the Department Carried unanimously."
>
> (Band Council Resolution, 11 April 1885: PAC RG 10 B3 Vol. 2283 File 58982)

Even when in the opinion of the Agent the Band was suitable for the adoption of the Act, the band had the option to refuse to be brought under it.

> "...the only Bands that could safely be trusted to carry out this Act are the Parry Island and Gibson Bands. I met the former on the 24th instant on the occasion of the election of their chief and brought the matter under their notice. They declined to adopt the Act."
>
> (Reply to Vankoughnet, 27 Jan. 1885: PAC RG 10 B3 Vol. 2283, File 57266)

While in the West the Act was deemed capable of application to few bands, it was regarded as a step in the right direction:

> "I am most favourably impressed with the scheme proposed, for it is a gigantic step towards inculcating and developing the principles of self-reliance and self-government in our dependent Aborigines, and the only practical system to adopt calculated to elevate them to the intellectual stature of their white brethren. It may at first be abused, but I have every confidence in its ultimate success, and it meets my hearty and unqualified approbation."
>
> (McColl to Vankoughnet, 1 Dec. 1885: PAC RG 10 B3, Vol. 3815, File 56883)

In any case, the Indian Advancement Act (1884) was adopted by a few of the bands in Canada and the trickle of by-laws for approval in Ottawa began. A survey shows that while most of them dealt with public health, domestic animals running at large and the attendance of children at school, some went beyond these concerns and addressed themselves to the question of the public morals:

> "Resolved: That any Cowichan Indian seducing or taking the wife of another Indian and living with her shall on conviction therof be liable to a fine of not more than thirty dollars together with costs of prosecution for each such offence or in default of payment shall be liable to imprisonment with or without hard labor, for a period of not more than thirty days."
>
> (Cowichan by-law, 28 July 1886:
> PAC RG 10 B3, Vol. 6811, File 470-2-9)

Almost as soon as the Act was given assent, certain minor amendments were advised principally dealing with definitions of terms. In 1887, the issue was raised of the powers of the chief councillors vis-a-vis the Indian Agent, who, by section 9 of the Act was to "...provide and record the proceedings (of the council meetings), and shall have full power to control and regulate all matters of procedure and form, and to adjourn the meeting at a time named or sine die, and to report and certify all by-laws and other acts and proceedings of the council to the Superintendent-General "(47 Vic c. 28). The Agent had been alloted these duties because the object of the Act had been to 'train the Indians in the exercise of municipal government'. Peter Jones of the Mississauga Band suggested that the powers of the Agent should be extended to the Chief Councillors:

> It was moved by Chief Joseph Fisher seconded by Chief John Henry and resolved that the Supt. Genl. be requested to so alter Section 9 of the Ind. Adv. Act that the Chief

> Councillors as well as the agent shall have the power to call councils to preside over them and record the proceedings.
>
> (Jones to Macdonald, 5 Jan. 1887: Macdonald Paper, PAC MG 26A; Vol. 152, p. 62360)

This suggestion was summarily disposed of by Vankoughnet as likely to "...to attended with mischievous results", (Vankoughnet to Macdonald, 28 March, 1887, Macdonald Papers PAC MG 26A, Vol. 152 p. 62344) and was not proceeded with. In 1890, as a result of a controversy at Caughnawaga to which reserve the Act applied, amendments were proposed in the House of Commons. The Department's view was that the Caughnawaga elected council had been rendered inoperative by the obstructive behavior of some of the councillors, who refused to attend meetings and vote because they had failed in their attempt dismiss the band constable and appoint one who was described by the Vankoughnet as "...a man who is notorious for drinking to excess at times, and who has lost several positions on account thereof..." (Vankoughnet to Dewdney, 3 February, 1890: PAC RG10B3 Vol. 2523, File 107382). Consequently, the proposed amendment was to permit the dissolution of the Caughnawaga council:

> 2. Section eleven of the said Act is hereby repealed, and the following substituted therefor:-
>
> 11. Every member of a council elected under the provisions of this Act, who is proved to be a habitual drunkard, or to be living in immorality, or to have accepted a bribe, or to have been guilty of dishonesty or of malfeasance of office of any kind, or who neglects or refuses, without reasonable cause, to attend meetings of the council when notified thereof in the manner required by this Act, or who refrains from taking part in the proceedings by at least voting when present at such a meeting, or who either himself obstructs or

> induces any other person to obstruct the business of any such meeting, shall, on proof of the fact to the satisfaction of the Superintendent General, be disqualified from acting as a member of the council, and shall, on being notified, cease forthwith so to act; and the vacancy occasioned thereby shall be filed in the manner hereinbefore provided.
>
> (Bill No. 132 4th Session, 6th Par 6. 53 Vic., 1890)

Such bitter debate followed the introduction of the Bill in the House that the proposed amendment was dropped. A few amendments in wording were made in 1890 and 1892 and then the Indian Advancement Act was incorporated into the Indian Act as Part II of the latter where it remained as a distinct section until the 1951 Amendments. What had begun as a milestone statute relating to the the local government of Indians became the basis of Sections 74 to 86 of the present Indian Act.

THE FRANCHISE ACT 1885

In 1960 when the Government extended the federal franchise to status Indians it was acclaimed as a great advance in social justice. Few were aware, however, that as early as 1885 male Indians who lived on reserves had been given the right to vote in the same way as other male British subjects living in Canada and that they had exercised the right until 1898.

The British North America Act of 1867 provided that all electoral matters in the first Dominion election were to be governed by existing provincial laws. The law was that every man who had a vote in his own province prior to Confederation should have a vote in choosing a representative to the first Federal Parliament. After eighteen years of inactivity on this score, the Macdonald government acted to provide a uniform franchise for federal elections.

Macdonald felt that the elective franchise should not be at the mercy of provincial legislatures and for that reason the Electoral Franchise Act establishing a Federal franchise was passed on July 4th 1885. By this Act the Indians of Canada, except for the Indians of Manitoba, British Columbia, Keewatin and the Northwest Territories were allowed to vote in Federal elections. The Act extended the franchise to all adult male persons (including Indians but excluding Chinese) who were British subjects by birth or naturalization with certain minimal property qualifications.

> 11. The following persons shall be disqualified and incompetent to vote at any election to which this Act applies...
>
> (e) Indians in Manitoba, British Columbia, Keewatin and the Northwest Territories, and any Indian on any reserve elsewhere in Canada who is not in possession and occupation of a separate and distinct tract of land in such reserve, and whose improvements on such separate tract are not of the value of at least one hundred and fifty dollars, and who is not otherwise possessed of the qualifications entitling him to be registered on the list of voters under this Act.
>
> (48-49 Vict. Cap. 40, Sec. 11(c))

The effect of the Bill was to enfranchise the Indian population whether they were still under the tutelage of the Government or not, so long as the property in their actual possession was sufficient, even though it was not purchasable property, to be estimated equal to the value required according to the provisions of the Franchise Act. The Bill did not confer the rights and obligations of citizenship on the Indian, as that could be done only through the machinery provided in the enfranchisement clauses of the Indian Act. The Bill simply gave Indian males over twenty-one years of age a vote.

The debate on the Franchise Bill must be considered in the light of the situation in the Canadian North West at the time. The Bill was introduced on the afternoon of 19th March 1885 and the Second North-West Rebellion began four days later which explains in part the intemperate language used by some of the opposition. They feared that the Act would give the vote to the Indians in Eastern Canada and also be extended to include the same western Indian who had been involved in the insurrection. A hysteria existed in the country which was reflected in the outrage over giving the vote to those "wild hordes" of Indians in the North-West; it would enfranchise Poundmaker, Strike-him-on-the-back, and all the 'celebrities of the North-West':

> "Mr. MILLS. What we are anxious to know is, whether the hon. gentleman proposes to give other than enfranchised Indians votes.
>
> "Sir JOHN A. MACDONALD. Yes.
>
> "Mr. MILLS. Indians residing on a reservation?
>
> "Sir JOHN A. MACDONALD. Yes, if they have the necessary property qualification.
>
> "Mr. MILLS. An Indian who cannot make a contract for himself, who can neither buy nor sell anything without the consent of the Superintendent General--an Indian who is not enfranchised?
>
> "Sir JOHN A. MACDONALD. Whether he is enfranchised or not.
>
> "Mr. MILLS. This will include Indians in Manitoba and British Columbia?
>
> "Sir JOHN A. MACDONALD. Yes.
>
> "Mr. MILLS. Poundmaker and Big Bear?
>
> "Sir JOHN A. MACDONALD. Yes.
>
> "Mr. MILLS. So that they can go from a scalping party to the polls."
>
> (Commons Debates, 4 May 1885)

There were heated debates over the fact that a people who are under the supervision of the government, with no property rights, whose every action must be sanctioned by the Superintendent-General or his agents, who were not subject to property seizure, did not pay taxes, and who did not have any responsibility for the welfare of the country should be able to vote on a basis of equality with the white man. The Indians were unable to manage their own affairs, as the Macdonald government freely admitted, but they were being given the privilege of taking part in the management of the affairs of the white population.

The motives of the government in giving the federal franchise to the Indians were political. The Macdonald government was under fire over their mishandling of the North-West Rebellion and the opposition was making hay of this issue. Similarly, the staggering cost of the Canadian Pacific Railway and the government's frequent aid in its construction was a powerful issue before the House. The Conservative Government was a minority government and in many constituencies there were reserves. The Macdonald government presumed that the Indians would vote for them.

The opposition argument was that the Indians had always been improvident, had not shown that they could intelligently manage their affairs, were not yet civilized and had never assumed any responsibility. To extend the franchise to them was outrageous and monstrous. Sir John A. Macdonald's answer to this was:

> Sir John A. Macdonald. Yes; and perhaps the Indians are liable to loose their money in gambling. Then there was Sheridan and William Pitt, and other great men, who not only exercised the electoral franchise but governed nations victoriously. They were incapable, however, of attending

as individuals to matters of their own concern. And so it is with particular races. In my own country there are two great nations, the Lowland Scotchmen and the Highlanders. The Lowland Scotchmen are known to be saving and industrious. The Highlanders are impulsive, not so industrious and certainly not so saving; but equally intelligent, equally possessing a right to vote as freemen, and equally exercising that right. So I say that the Indians living in the older Provinces who have gone to school -- and they all go to school -- who are educated, who associate with white men, who are acquainted with all the principles of civilisation, who carry out all the practices of civilisation, who have accumulated round themselves property, who have good houses, and well furnished houses, who educate their children, who contribute to the public treasury in the same was as the whites do, should possess the franchise. They do not, certainly in the Province of Ontario, and I believe in the Province of Quebec as well, I cannot speak confidently as to the other Provinces, contribute to the general assessment of the country in which they live; but they have their own assessment and their own system of taxation in their own reserves in those portions of the country where they reside. They pay their own taxes, they make their own bridges and roads, they build their own school houses; they carry on the whole system in their own way, but it is in the Indian way, and it is an efficient way. They carry out all the obligations of civilised men. If you go to any of the reserves in the older Provinces you will find that the Indians have good houses, that they and their families are well clad, the education of their children is well attended, their morals are good, their strong religious feeling is evident. You will find as good churches and as regular church goors among the red men as among the white men. You will find that in every respect they have a right to be considered as equal with the whites. In the newer Provinces, in the North-West and in Manitoba, perhaps in British Columbia, they are not yet ready for the franchise; and it is my intention, when we come to the right place, to move an amendment in that direction. But as regards the Indian, the educated Indian of the old Provinces, our brethren living in the some Province with us, under the same laws, and carrying out the same laws as efficiently as we do - they do not fill our prisons in as large a proportion to their numbers as the whites do; in fact we seldom hear, comparatively speaking, of Indian crime. You find them steady, respectable, law abiding and God fearing people, and I do not see why they should not have the vote.

(Commons Debates, 4 May 1805)

The Liberal position was that it was wrong to enfranchise the Indians of eastern Canada since the Indians were legally considered wards of the government and this status would interfere with the Indians' ability to cast their votes freely and therefore they could be influenced to vote for Conservative candidates.

The argument was mainly over whether 'Indian' men were persons, that is 'citizens'. As defined in the Indian Act, the Indian was not a 'person' unless he became enfranchised. The Franchise Bill would introduce into the electorate of the country men who are not 'persons', who are not citizens for all purposes, who, like women (also not 'persons' at that time) were not subject to many of the responsibilities of citizenship; conscription, juries, debts, and the like.

Whatever the effect of granting the vote to Indians, it was short-lived. With the Liberal Government being returned in 1896, the Franchise Act was amended, (13 June, 1898) and provincial voting qualifications were made the prerequisite of the Dominion Vote. Only the Indians of Nova Scotia had the vote until 1960 when all Indians were given the privilege.

In any case, voting by Indians, even after the franchise was extended to veterans and their families, was limited. In 1947, T.R.L. MacInnes, Secretary of Indian Affairs Branch made this comment about why Indians were opposed to being given the franchise or did not exercise their right to vote:

> It is true that some groups of Indians themselves are opposed to the granting of the right to vote to Indians. Their objection probably is based upon the fear that the rights and obligations of citizenship might take away exemption from taxation on real and personal

property on reserves and their special privileges but as a matter of fact this does not necessarily follow. In addition to this consideration, there is the psychological factor. Indians living on reserves have developed a dependency complex. It is true that they do not have to live on reserves if they do not want to, but the mere fact that they can go to reserves where they do not have the ordinary responsibilities of taxable citizens is sufficient to create a dependency complex.

Even Indians who have been successful in business have told me that they were like children and should not be subject to ordinary laws especially those relating to taxation. They are like people in hospitals who get well but are afraid to go out or even like long term prisoners in jail who dread release.

It would be good for their children to have to vote whether they, in the present generation, want it or not. There is no danger to the State from granting the vote to any of its inhabitants but there is always danger from withholding the vote from any group, particularly on racial lines.

(Memo, MacInnes, 25 Feb. 1947,
PAC RG 10B3,11/3-3-15 Vol. 1)

CHAPTER VII

Amendments 1881-1906

The 1880 Consolidation of legislation respecting Indians was to remain in force until 1951; that is, the basic framework remained the same for 70 years. To this framework, there were a number of additions made and some alterations. Amendments to the Indian Act appeared before Parliament almost annually, in each case reflecting either new problems arising in the management of Indian Affairs, a changing relationship between the Indians and the majority society or new policies vis-a-vis the Indians.

44 VIC. CHAP. 17, 21 March, 1881

The major changes instituted in 1881 related to the North-West and were introduced to provide, first of all, for the better administration of Indian Affairs there and secondly, to ensure the success of the department's policy of settling the Indians on reserves and instructing them in farming. To the former end, officers of the Indian Department were made ex-offico Justices of the Peace, the jurisdiction of magistrates in towns and cities was extended to the reserves and the Governor was empowered to appoint a number of Assistant Indian Commissioners the better to co-ordinate the activities of the increased number of officials in the area. In terms of facilitating the farm instruction program, instituted two years before, the Governor was empowered to make regulations respecting the sale of the produce of reserve farms since the Indians, as Sir John A. Macdonald put it, "...might sell their produce to traders for spirits, and the consequence would be that their maintenance during the ensuing winter would devolve on the Government." (Commons Debates, 17 March 1881, p. 1426).

Along the same lines, the Governor was empowered to pass regulations preventing "...Thriftless Indians (from cutting) down valuable sugar bushes for fire-wood..." (Commons Debates, 17 March 1881; p. 1426)

45 VIC. CHAP. 30, 17 May, 1882

The 1882 Amendments were principally slight changes in wording to remove ambiguities that had had attention drawn to them since the previous year. In addition, complaints about the Indians' fondness for litigation, according to Vankoughnet, compelled a slight amendment:

> The proposed addition to Section 78 of the Indian Act 1880 is advisable as Indians are fond of litigation and will go to law with each other for the most frivolous offenses and will apply to a Magistrate for redress. The defendent will then employ a lawyer who often for a small fee is only too ready to appear whether his client is right or wrong. Generally the friends of the contending parties will attend to watch the proceedings. Thus loss of time is entailed and frequently all get the worse of liquor. An appeal from the decision of the court is almost certain provided the funds are forth-coming. A repetition of the same irregularities on the part of the contestants and their friends attends the appeal case.
>
> (Brief to Macdonald by Vankoughnet, 1882, PAC RG 10 B3, Vol. 2112).

The amendment proposed and passed removed the Indians' right of appeal in cases involving less then ten dollars.

47 VIC. CHAP. 27, 19 April 1884

Within two years, the Indian Act 1880 was amended, again in response to difficulties and potential disturbances in the North-West. The main provision sought to enable the government to go beyond the Criminal Code in supressing disorder, making incitement of Indians to riot an offense under the Act.

The second amendment in the direction of preventing violence in the Northwest was what was known as the Ammunition clause and forbade the supplying of "fixed ammunition or ball catridge" to the Indians of Manitoba and the North-West without the written consent of the Superintendent-General. In fact, the sale of ammunition had previously been controlled by the North-West Mounted Police but the building of the C.P.R. had increased the number of outlets to such an extent that the policy had to be given the force of law. (PAC RG 10 B3, Vol. 2378).

In connection with the goal of 'civilizing' the Indians, the department, which had hitherto been content to rely on the missionaries to provide guidance and had itself addressed itself to matters concerning the property and persons of the Indians, felt it necessary to forbid the observance of certain customs.

> Every Indian or other person who engages or assists in celebrating the Indian festival known as the "Potlach" or in the Indian dance known as the "Tamanawas" is guilty of a misdemeanour, and shall be liable to imprisonment for a term of not more than six nor less than two months in any gaol or other place of confinement; and any Indian or other person who encourages, either directly or indirectly, an Indian or Indians to get up such a festival or dance, or to celebrate the same, or who shall assist in the celebration of the same is guilty of a like offence, and shall be liable to the same punishment. (47 Vic. C.27).

The amendment was proposed in response to the complaint of some B.C. missionaries that they had not been able to suppress the 'barbaric' customs. It appears, however, that the incompatibility of the Potlach, involving as it did the giving away or destruction of property, some of it acquired in trade for furs and other produce, with the prevailing notions regarding thrift and acquisitiveness, rather than the irreligiousness of the feasts as such, was the motive for passing such a measure. In a sense, this was a landmark

amendment for it represented the first of a long series of attempts by the legislature to protect the Indians from themselves as well as from unscrupulous whites, as the liquor and morals sections did.

A further amendment, carried out in response to the wishes of the Indians, enabled them to devise their property by will. Up to this time, the estates of deceased Indians were dealt with according to a formula that gave the widow one-third and the remainder in equal shares to the children. In the case of minor children, the Superintendent-General had the authority to appoint a trustee and also the "...power to decide all questions which may arise respecting the distribution, among those entitled, of the land and goods and chattels of a deceased Indian; also to do whatever he may, under circumstances, think will best give to each claimant his or her share, according to the true meaning and spirit of this Act..." (43 Vic. C.28). In other words the disposition of the estate, if the formula was not applied, was at the discretion of the Superintendent-General. The 1884 amendment made three main changes in the estates sections; 1) it enabled an Indian to devise his property by will; 2) it gave the band part of the authority for ensuring the orderly descent of property in the form of making the consent of the band a prerequisite of the validity of the will; and 3) it provided that anyone who was further removed than second cousin or a person not entitled to live on the reserve of the deceased Indian or the widow, if in the judgement of the Superintendent-General she was not "...a woman of good moral character...living with her husband at the date of his death...", was excluded from sharing in the estate. However, in the case of an Indian dying intestate, the old formula was retained with no consent of the band required.

An amendment was made to the section dealing with the withdrawal of half-breeds from treaty. Prior to this the half-breed was compelled to repay any annuity moneys he may have received before being permitted to withdraw. Under the new law, no repayment was required, withdrawal being accomplished by his;

> "signifying in writing his or her desire so to do, which signification in writing shall be signed by him or her in the presence of two witnesses, who shall certify the same on oath before some person authorized by law to administer same".
>
> (45 Vict. Chap. 30).

Experience had shown that many Indians had been prevented from taking advantage of the enfranchisement clauses because of fear of being subjected to taxation, and so section 75 of the 1880 Act was amended by adding the following words:

> "and no taxes shall be levied on the real property of any Indian, acquired under the enfranchisement clauses of this Act, until the same has been declared liable to taxation by a proclamation of the Governor General, published in the Canada Gazette."
>
> (45 Vict. Chap. 30)

One of the obstructions to enfranchisement was that the majority of the band generally opposed the enfranchisement of an Indian. In the 1880 Act, an Indian had to obtain the consent of his band to be enfranchised. In 1884 it was amendment to provide that the probationary ticket may issue on the authority of the Superintendent-General, after enquiry had been made as to his moral character and intelligence. (45 Vict. Chap. 30)

The remainder of the amendments were, with one exception, minor changes in wording or were additions intended to prevent the continued abuse of the law by enterprising whiskey traders and trespassers. A more important point

empowered the Governor-in-Council to set aside an election of chiefs in case of irregularities or fraud. On several occasions certain Indians had made a burlesque of the election of chiefs. The amendment empowered the Governor to depose elected chiefs in case of irregularities and to declare them ineligible for re-election for six years following.

50-51 VICT. CHAP. 33, 23 June 1887

The most important clause provided for the procedure for investigating the claim of a person to be entitled to be a member of the band of Indians.

> 1. The Superintendent-General, may, from time to time, upon the report of an officer, or other person specially appointed by him to make an inquiry, determine who is or who is not a member of any band of Indians entitled to share in the property and annuities of the band; and the decision of the Superintendent-General in any such matter shall be final and conclusive, subject to an appeal to the Governor-in-Council.
>
> (50-51 Vict. Chap. 33)

In previous legislation the Indian could appeal a decision to the Superintendent-General. This amendment gave right of further appeal to the Governor-in-Council.

51 VICT. CHAP. 22, 22 May 1888

A new section was enacted to clarify the distinction between the half-breeds and Indians and to prevent one from participating in the privileges of the other.

> 13. No half-breed in Manitoba who has shared in the distribution of half-breed lands shall be accounted an Indian; and no half-breed head of a family, except the widow of an Indian or a half-breed who has already been admitted into a treaty, shall, unless under very special circumstances, which shall be determined by the Superintendent-General or his agent, be accounted an Indian or entitled to be admitted into any Indian

> treaty; and any half-breed who has been admitted into a treaty shall on obtaining the consent in writing of the Indian Commissioner or in his absence the Assistant Indian Commissioner be allowed to withdraw therefrom on signifying in writing his desire so to do -- which signification in writing shall be signed by him in the presence of two witnesses, who shall certify the same on oath before some person authorized by law to administer the same; and such withdrawal shall include the minor unmarried children of such half-breed.
>
> (51 Vict. Chap. 22)

Many half-breeds had been considered as Indians because they had lived with a band for some time. When scrip was given to the half-breeds, many chose to declare themselves as such and accept it. Then they tried to get back into the band in order to get the annuities and supplies accruing to Indians. This provision was enacted to prevent the half-breeds from moving from one stage to another by providing that there had to be consent given in writing by the Indian Commissioner. The minor or unmarried children of such half-breeds also went with the parents. (Commons Debates, 19 April, 1888, p. 922).

53 VIC. CHAP. 29, 16 May 1890

Apart from the addition of three new sections to the Act, the amendments of this year dealt with slight changes in wording that did not reflect any change in policy. All three of the new sections related to problems that had arisen in the West. Officials of the Department, missionaries and teachers were prohibited from trading with the Indians and no person in the Northwest was permitted to trade on a reserve except with the licence of the Superintendent-General.

Another section empowered the Superintendent-General to cause the game laws of Manitoba and the Northwest Territories to apply to the Indians or any band of them. The treaties had provided that "... Indians shall have the right to pursue their avocation of hunting subject to such regulations as may, from time to time be made by the Government of Canada. (Hayter Reed, Indian Commissioner for Manitoba, to Vankoughnet, 20 December 1889, PAC RG 10 B3 Vol. 3832, File 64009). In some parts of the Northwest, the Indians were threatening certain game birds with extinction and had to be stopped from so doing by the application of the game laws. Yet in the more isolated parts, the application of the laws would constitute an unnecessary hardship. As well, hunting and fishing were not regarded as legitimate enterprises of a 'civilized' people and their pursuit in some areas led to the neglect of the farms. Accordingly, the section, as passed, gave the Superintendent-General the power to cause the selective application of the provincial and territorial game laws.

> 133. The Superintendent-General may, from time to time, by public notice, declare that, on and after a day therein named, the laws respecting game in force in the Province of Manitoba or the Western Territories or respecting such game as is specified in such notice, shall apply to Indians within the said Province or Territories, as the case may be, or to Indians in such parts thereof as to him seems expedient.
>
> (53 Vic. C.29)

54-55 VICT. CHAP. 30, 28 August, 1891

In spite of almost yearly amendments to the trespass sections of the Act, further changes providing a clearer definition of what constituted trespass and stricter penalties for non-compliance were passed in 1891. Another new section (136) was added relating to on-reserve shooting and fishing privileges leased to non-Indians.

57-58 VICT. CHAP. 32, 23 July, 1894

The amendments of this year were of greater scope than in the previous few years. The 1884 amendments relating to estates and the descent of property were revised to the extent of removing the necessity of the band approving the will of a deceased Indian. The reason for such a change was given in the Commons:

> Under the old law, the consent of the Band and of the Superintendent-General was necessary to a will made by an Indian. The approval of the band is done away with in this Bill, for the reason that it was found in a number of cases that some of the chiefs in council representing the band would take a pique and prevent the provisions of a man's will being carried out, simply because they had some ideas of their own on the subject.
>
> (Commons Debates, 9 July 1894, p. 5540)

The general direction of the 1894 amendments was towards an increase in the discretionary powers of the Superintendent-General. Section 21, respecting who may live on a reserve, was amended to place the control of occupation of reserve lands by non-members of the interested band solely in the hands of the Superintendent-General. Similarly the Superintendent-General was empowered to "...lease, for the benefit of Indians engaged in occupations which interfere with their cultivating land on the reserve, and of sick, infirm or aged Indians, and of widows and orphans or neglected children, lands to which they are entitled without the same being released as surrendered." (57-53 Vic. C. 32) In essence this amendment enabled the Superintendent-General to lease reserve lands without the consent of the band, consent which had not always been forthcoming in the past.

Again, three new sections were added, this time extending wide powers to the Governor in Council. He was empowered to make regulations compelling the attendance of children at school (S. 137) and to establish industrial or boarding schools for Indians (S 138). As well,

> The Governor in Council may make regulations, which shall have the force and law, for the committal by justices or Indian agents of children of Indian blood under the age of sixteen years, to such industrial school or boarding school, there to be kept, cared for and educated for a period not extending beyond the time at which such children shall reach the age of eighteen years.
>
> (57-58 Vic. C. 32 S. 138 ss2)

Voluntary attendance at school, particularly in the Northwest had been minimal and the new section enabled the Department to educate Indian children without either their consent or that of their parents.

58-59 VICT. CHAP. 35, 22 July, 1895

Eight amendments were made at this time, most of them minor rewordings of existing legislation. Though the changes were small, in one case the implications were not. Section 38, revised in 1894, regarding leasing of reserve lands, was amended to permit the Superintendent-General to lease, without surrender, the lands of "...any Indian, upon his application for that purpose, the land to which he is entitled..." (58-59 Vic. C.35) The change was necessary to overcome the difficulty occasioned by the band refusing "...through spite or pique..." (Commons Debates, 5 July 1895; p. 3933) to assent to a surrender for purposes of leasing the land. The 1895 amendment effectively removed the necessity for the assent of the band to any lease.

Section 70, respecting the management of Indian funds, was amended to permit the Government to apply funds to all, rather then just a few, public works and also towards the construction costs of schools.

Section 75, concerning local government was slightly amended to regulate the number of chiefs or headmen per band and to provide for the ineligibility for election for a period of six years of those chiefs who had fraudulently attained office.

In addition, the section prohibiting the potlach was reworded in more general terms and, by including the prohibition of "wounding or mutilation" included the Sun Dance of the Plains tribes.

The jurisdiction of Indian Agents as ex-officio justices of the peace was extended to include offenses against certain sections of the Criminal Code, particularly those relating to vagrancy.

Finally, two new sections were added to the Act. One (S. 140) provided for the transfer of the capital share of funds upon transfer of an Indian from one band to another. The other (S. 141) empowered the Governor-in-Council to reduce the purchase money and rents paid for Indian lands. This had been done before by Order-in-Council but had been declared illegal by the Department of Justice (Brief to Governor General, 24 July 1894, PAC RG 10 B3 Vol. 6806, File 2457) unless authority to do so were granted by Parliament. The need for such action had arisen as a result of buyers entering agreements for land that turned out to be unsuitable for agriculture.

61 VICT. CHAP. 34, 13 June, 1898

The revisions of this year were nine in number and continued the process of vesting more and more power in the offices of the Superintendent-General and the Governor-in-Council. Section 38, respecting leases and surrenders was amended once again to enable the Superintendent-General to dispose of "wild grass and dead or fallen timber" without the consent of the band. The reasons given for this provision differed but in his brief to the Minister, Sifton, D.C. Scott suggested:

> There is no permanent band interest in such perishable articles, and they often constitute a serious source of danger to the reserve from fire, while to dispose of them often affords industrious Indians the means to contribute to their own support...For example, a considerable amount of timber may be killed by fire, and in order to get anything like its value, it should be disposed of promptly before decay sets in. If a surrender be required, Indians of the suspicious and obstructive class may thwart the efforts of the Department in their own and its interests.
>
> (1897; PAC RG 10 B3, Vol. 6809)

When addressing the Commons, Sifton, on the other hand, described the reasons for the amendment as follows:

> I want to avoid going through the formality of getting the authority of the Indian council to sell dead timber or wild hay on a reserve.
>
> (Commons Debates, 23 May 1898: 5964)

with no mention of obstruction by the councils.

Section 70 was amended once again to further empower the Governor-in-Council to direct the expenditure of Indian funds, beyond public works and the support of schools, "...for surveys, for compensation to Indians

for improvements or any interest they have in lands taken from them..." (61 Vic. C. 24). The general intent of the almost yearly additions to the power of the Governor was to overcome the apparently increasing reluctance of band councils to do what the Department deemed desirable.

> The occasion might arise when most important improvements of a public character on an Indian Reserve might be opposed and altogether prevented by the Indians. In such a case I think the Governor General in Council should have power to authorize the expenditure without the consent of the Band. I think it advisable to submit expenditures for all purposes except those specially in the clause to the Band, as it will then be evident that the Superintendent-General or the Governor-in-Council do not wish to act in an arbitrary way; but in cases of special need, where a Band refuses to vote money in its own interests the Governor-in-Council should have power to take it without their, consent.
>
> (D.C. Scott to Sifton, PAC RG 10 B3 Vol. 6809)

Added to the 'Disabilities and Penalties' portion of the Act was provision for the Superintendent-General to "...stop the payment of the annuity and interest money of any Indian parent of an illegitimate child, and apply the same to the support of such child". (61 Vic. C. 39) As well, the deprivation of annuities, interest and participation in the real property of the band in case of desertion was extended equally to female as to male offenders.

6 Edward VII 30. 13 July, 1906

For the fourth time in twelve years, an amendment was made to the section empowering the Governor-in-Council to direct the management of Indian funds. The important change was in the proportion of the proceeds of sales that could be disbursed to the Indians at the time of surrenders. Previously it had been ten per cent;

> "...not exceeding ten per cent of the proceeds of any lands, timber as property, which may be agreed at the time of the surrender to be paid to the members of the band interested therein." (43 Vic. C. 28).

The remainder of the proceeds were to be invested for the benefit of the Indians. In the words of the Minister of the Interior,

> This we find, in practice, is very little inducement to them to deal for their lands and we find that there is a very considerable difficulty in securing their assent to any surrender. Some weeks ago, when the House was considering the estimates of the Indian Department, it was brought to the attention of the House by several members, especially from the Northwest, that there was a great and pressing need of effort being made to secure the utilization of the large areas of land held by Indians in their reserves without these reserves being of any value to the Indians and being a detriment to the settlers and to the prosperity and progress of the surrounding country. (Commons Debates; 1906; p. 5422)

Accordingly, the section was amended to provide for distribution of up to fifty per cent of the proceeds at the time of surrender.

As well, the section had, over the years, come to include a greater number of specific purposes for which money could be expended. The 1880 Act had provided for the Governor to direct;

> ...how the payments or assistance to which the Indians may be entitled shall be made or given, and may provide for the general management of such moneys and direct that percentage or proportion thereof shall be set apart from time to time, to cover the cost of and attendant upon the management of reserves, bands, property and moneys under the provisions of this Act, and for the construction or repair of roads passing through such reserves or lands, and by way of contribution to schools frequented by such Indians.
>
> (43 Vic. C. 28)

By contrast, the 1906 statute was as follows:

> ...how the payments or assistance to which the Indians are entitled shall be made or given; and he may provide for the general management of such moneys, and direct what percentage or proportion thereof shall be set apart, from time to time, to cover the cost of and incidental to the management of reserve, lands, property and moneys under the provisions of this Act, and may authorize and direct the expenditure of such moneys for surveys, for compensation to Indians for improvements or any interest they have in lands taken from them, for the construction or repairs of roads, bridges, ditches and watercourses on such reserves or lands, for the construction and repair of school buildings and charitable institutions, and by way of contribution to schools attended by such Indians.
>
> (6 Edward VII C. 20).

Revised Statutes of Canada 1906. Chap. 81

As early as 1893, complaints had been made that the 1880 Act with its numerous amendemnts had become too cumbersome for ready reference by Agents and others. Consolidation had been suggested every time an amendment was made without ever taking place. Finally in 1906, the Act was consolidated and the order in which the sections of the Act were presented was altered. As well, the Indian Advancement Act, 1886, was incorporated as Part II of the Indian Act. The statute consisted, therefore of one hundred and ninety-five sections in two parts and under thirty eight headings. Sub-sections of the previous legislation were, in many cases, re-written as sections. The distribution of sections cast some light on the tenor of the legislation. The largest category (26) was 'Offenses and Penalties'; the second largest (16) Enfranchisement. The sections and headings dealing with lands and timber taken together, were forty-six in number.

CHAPTER VIII

1906-1920

9-10 Edward VII Chap. 28, 4 May, 1910

The amendments of this year dealt with clarification of existing provisions having to do with the protection of lands, band funds and money received under treaty or in the form of annuities or interest. Though they were made on the advice of the Department of Justice (Commons Debates, 23 May 1910; p. 5922) no documentation could be found to explain the reasoning behind them.

1-2 George V Chap. 4, 19 May, 1911

The amendments of this year again dealt with lands and property, though in a much more radical manner. Section 46 relating to compensation for Reserve lands taken for public purposes, in the statutes since 1876, was amended to permit those companies and municipalities having statutory power to expropriate lands, to expropriate, with the approval of the Governor-in-Council, as much reserve land as necessary for the public works in question.

Along roughly the same lines, an important new section (49A) was added:

> In the case of an Indian reserve which adjoins or is situated wholly or partly within an incorporated town or city having a population of not less then eight thousand, and which reserve has not been released or surrendered by the Indians. The Governor-in-Council may, upon the recommendation of the Superintendent-General, refer to the judge of the Exchequer Court of Canada for inquiry and report the question as to whether it is expedient, having regard to the interest of the public and of the Indians of the band for whose use the reserve is held, that the Indians should be removed from the reserve or any part of it. (1-2 George C. 14)

Six sub-sections outlined the procedure for enquiry, the powers of the court, the determination of compensation, the procedure for approval by the

Governor-in-Council and Parliament, the distribution of the proceeds of the sale of the lands, and the powers of the Superintendent-General under the Expropriation Act for purposes of acquiring a new reserve.

The Minister, Oliver, recognized the policy implications of the Bill in his introduction:

> The second section is the most important; it contains a very radical departure from previous legislation in regard to Indian rights and Indian land. But, it is the belief of the government that, in the light of recent circumstances, and particularly, I may say, in the light of the circumstances surrounding the surrender on the Songhees reserve -- a Bill confirming which has just been consented to by parliament -- some such action as is suggested in the second clause of this Bill is necessary for the mutual protection of the actual rights of the Indians and the well-being of the white people. For while we believe that the Indian having a certain treaty right, is entitled ordinarily to stand upon that right and get the benefit of it, yet we believe also that there are certain circumstances and conditions in which the Indian by standing on his treaty rights does himself an ultimate injury as well as does an injury to the white people, whose interests are brought into immediate conjunction with the interests of the Indians. I have had the question of the Songhees' reserve under consideration for several years. It has been a difficult question to settle. The form of the settlement recently made has not been such as could be approved as a general principle. The settlement that was made could only be approved as a very exceptional case, and under exceptional conditions. The government believe that when such cases occur in the future, as they certainly will occur, it would be very much better that there should be a statutory provision having the sanction of parliament, that would adequately protect the material interests of the Indians, and at the same time would protect the interests and the welfare of the white community residing adjacent to the Indian reserve.
>
> (Commons Debates, 26 April, 1911, 7987).

The Songhees question referred to a bill passed only a few minutes before in which the unprecedented step of transferring title to a reserve to the Government of British Columbia was taken without compliance with the form

of surrender and assent of the band as prescribed by the Indian Act. The Songhees band, one hundred strong, had been granted a reserve of 100 acres in what by 1911 had become a very valuable piece of the waterfront of Victoria. According to Oliver, Minister of the Interior, the location of the reserve was causing difficulties for all concerned;

> ...their occupation constituted not only a bar to the progress of the city, and therefore, to the welfare of its inhabitants and to the enterprise of the transportation companies, but by reason of the Indians remaining in occupation of this land in the city of Victoria, they themselves were not only not benefited, but were absolutely injured; they were worse off by reason of living upon this land than they would be if they had been living in some other place. There was the question of title as between the provincial government and the Dominion government that seemed to complicate the case; but I need not discuss that now. But here was a case of 40 heads of families owning as well as occupying land that had a very great money value, but receiving absolutely no benefit from the ownership of that land beyond their mere occupation of it, and by reason of their occupation, the land being situated as it was, they themselves were suffering great moral deterioration. While we want to pay every respect to treaty right -- and I think nobody will accuse any government of Canada of doing otherwise than paying the fullest respect to treaty rights -- it is absolutely necessary, in a progressive country, that existing circumstances and existing conditions should be taken account of. It does not seem to us that the condition existing in regard to the Songhees reserve should be repeated, we wish to prevent it, and we have provided a remedy that we believe is contained in section 2 of the Bill.
>
> (Commons Debates, 26 April, 1911 p. 7988).

The existing sections of the Indian Act provided for the immediate payment of up to fifty per cent of the proceeds of the sale of a surrendered reserve, the rest to be invested for the benefit of the band, and for compensation for the improvements of individual Indians. However, under the Act, once the band surrendered their reserve they had no reserve within the meaning of the term in the interpretation section of the Act. If they applied

their money towards the purchase of land, they would get the land in fee simple, subject to taxation, seizure for debt and so on. The 'Act respecting the Songhees Indian Reserve' was a special enactment to overcome this special problem. Title was transferred to the province which in consideration of the transfer did four things:

1) Pay $10,000 to each head of a family (there were forty heads of families)

2) Pay the value of each Indians improvements plus the value of Band improvements divided among the family heads.

3) Convey a tract of land adjoining the Esquimalt Reserve to 'His Majesty the King, represented by the Superintendent-General' to be used as a reserve for the Songhees, all mineral rights included,

4) "Remove the dead together with all monuments and tombstones from the said Songhees reserve in the city of Victoria to the new reserve at Esquimalt, and there to re-inter and replace them in a manner satisfactory to the Superintendent-General, the whole at the cost of the Government of British Columbia." (1-2 George V. Chap. 24)

So that a similar enactment would not be required every time it was necessary to obtain possession of a reserve the surrender of which was not possible under the Indian Act, the 1911 Amendment was introduced. In essence, it enabled the government, under certain circumstances, and in certain prescribed ways, to rescind the treaties made with the Indians. While this was generally acceptable as a matter of necessity in certain cases, objections were raised to the procedure and even to the legislation enabling such an length.

> ...It must not be forgotten that this is a very extreme step and one altogether out of the path of tradition so far as the Canadian government is concerned. For the past two hundred years, it is our boast that the British government has scrupulously observed its contracts and treaties with the Indians, and the Indian has learned to know that he can look forward at all times with confidence to the sacred fulfilment of any treaty he makes with British Crown. It may be that the necessities arising out of the growth of this country, especially in the West should justify parliament in taking the extreme step now proposed, but I do not believe that this parliament or this government has any warrant to go about it in the wholesale way proposed by this Bill. The breaking of treaties with the Indians of this country -- because you cannot put it lower than that - is a thing that should not be entered on with precipitation. I have letters from men whose ancestors fought under the British flag in the war of the American Revolution, and came to this country under solemn treaty made with the British government at that time, and under these treaties, which are in force to-day, these men have been allotted lands in this country. When you ask parliament to pass a law under which treaties that have been sacredly observed for a hundred and fifty years shall be departed from at the instance of the Superintendent-General of Indian Affairs upon the order of a court, and without any right to the Indians so far as this legislation shows, to be represented on that proceeding, except by the Superintendent-General of Indian Affairs, you are proposing a very extreme step. The Indians in Canada have certain rights granted to them by treaties, and, heretofore, these treaties have never been departed from except with the consent of the Indians themselves. You treat the Indians as not being capable of dealing with their own affairs, you treat them as wards of the government, and you who are their guardians propose to judge for yourselves and through your own courts as to whether or not treaties, made with the Indians shall be departed from, and you do not purpose that that proposal shall come before the parliament of the nation every time a treaty is to be violated. On the contrary your purpose is to create a procedure and a practice by which every one of these treaties can, without the future sanction of parliament be departed from without any effective means being afforded the Indians to oppose the carrying out of any particular project in any particular instance.
>
> (Commons Debates, 26 April, 1911: 7992-3).

Another member, Bradbury, again recognizing the occasional need for the action that the legislation involved, objected that it gave the Superintendent-General powers that were far to arbitrary;

> The Indian Act provides how Indian lands shall be alienated. Clause 49 of that Act sets forth clearly that no land can be alienated from a band of Indians until the band have been called in council and a full majority of the male members of the band have voted in favour of the alienation. The present Bill seems to be a departure from the provisions of the Indian Act. It is a drastic change which I do not thing ought to be enacted at this time. I concur most fully in the suggestion that there should be a thorough investigation. I believe that it is quite proper for the minister to take power to have the matter investigated by the court; but after all the information has been obtained, I believe that information should be submitted to parliament, and parliament should say whether or not it is in the interest of the country and in the interest of the Indians themselves that their lands should be alienated and that they should be removed to some other reserve. I feel that the powers asked for in this Bill are altogether too arbitary. They would violate treaties made with the Indians by the Crown of Great Britain. We have always boasted of the manner in which we have treated the Indians in the Dominion contrasted with the treatment they have received in other parts of this continent; but if we enact this measure, we shall be taking power to violate every treaty that we have made with the Indians in British North America without consulting them. We shall be giving the Superintendent-General powers that I do not think any Superintendent-General or the Department of Indian Affairs ought to have. I think it would be just as reasonable for the minister to propose a Bill to do away with the dual language in Canada as one to deprive the Indians of their treaty rights, and if any man brought before this House a Bill for any such purpose, it would raise a howl in the country that would open the eyes of many people.
>
> (Commons Debates, 26 April, 1911, p. 7995-6).

As a result of the vigorous debate, the bill was amended to safeguard the rights of the Indians, principally in sub-section 5;

> The judge shall transmit his findings, with the evidence and a report of the proceedings, to the Governor-in-Council, who shall lay a full report of the proceedings, the evidence, and the findings before Parliament at the then current or next ensuing session thereof, and upon such findings being approved by resolution of Parliament the Governor-in-Council may thereupon give effect to the said findings and cause the reserve or any part thereof from which it is found expedient to remove the Indians, to be sold or leased by public auction after three months advertisement in the public press, upon the best terms which, in the opinion of the Governor-in-Council, may be obtained therefor. (1-2 Geo. V, C. 14).

4-5 George V. Chap. 35, 12 June 1914

The amendments of this date, nine in all, were relatively minor. The Governor-in-Council was empowered to 'expropriate' lands held under location ticket on a reserve for school purposes. This legislation was necessary, according to the brief accompanying the bill, to overcome a situation that had arisen at the Six Nations reserve at Brantford.

> Usually the Department is able to secure suitable sites from the occupiers of the land by mutual agreement, but recently when land was required to extend the grounds of a certain school in the Six Nations reserve the owner refused to sell the land for the purpose and, to make matters worse, he put up a building on the land within a few feet of the school building.
>
> (Draft Bill, 1914: PAC RG 10 B3 Vol. 6809: File 56,402)

To the powers of the Superintendent-General was added the right to make 'sanitary regulations' for the preventing of disease, the cleaning of streets, yards and houses, "the supplying of such medical aid, medicine and other articles and accommodation as the Superintendent-General may deem necessary for preventing or mitigating an outbreak of any communicable disease;" (4-5 Geo V. C. 35) and so on. A sub-section of this amendment provides that, "In the event of any conflict between any regulation made by the Superintendent-General and any sale or regulation made by any band, the regulations made by the Superintendent-General shall prevail" (4-5 Geo V. C. 35). The origin and purpose of the amendment was outlined in the brief:

> The proposed amendment, which is framed on the last health Act of the province of Ontario, is to enable the Superintendent-General to make such regulations as appear necessary for the preservation of the general health of the Indians, to control them in the event of an epidemic and to provide for compulsory treatment of tuberculosis.

> Under the amendment, regulations may be made for an effective quarantine. A particular difficulty the Department has experienced is in inducing diseased Indians to go to hospitals for treatment, the Superintendent-General not having authority to remove them to hospitals without their consent. This difficulty may be overcome by regulations under this amendment.
>
> (Draft Bill, 1914: PAC RG 10 B3 Vol. 6809: File 56,402)

A further clause made Indians liable to penalties for selling their livestock without the consent of the Agent. Hitherto, only the buyer had been liable.

As well, participation in dances, rodeos and exhibitions was made contingent on the consent of the Agent:

> Any Indians in the province of Manitoba, Saskatchewan, Alberta, British Columbia, or the Territories who participates in any Indian dance outside the bounds of his own reserve, or who participates in any show, exhibition, performance, stampede or pageant in aboriginal costume without the consent of the Superintendent-General or his authorized Agent...shall in summary conviction be liable to a penalty not exceeding twenty-five dollars, or to imprisonment for one month, or to both penalty and imprisonment. (4-5 Geo. C. 35).

The object of the amendment was explained in the brief:

> The preparation for and engagement in these celebrations takes many days and in some instances weeks of the Indians' time at a season of the year which should be spent in sowing or reaping their crops. The Inspectors and Agents have reported that owing to the pressure brought to bear by advance agents of stampedes and exhibitions the working Indians of the Reserves are becoming unsettled and the tendency is to neglect their stock and farms. These celebrations cannot but have a demoralizing effect upon the Indians who take part in them exposing them to temptation arising during the excitement of celebrations. It is not the intention of the Department absolutely to prohibit any Indians from taking part in these celebration but only to authorize the attendance of those whose interests will not suffer.
>
> (Draft Bill, 1914: PAC RG 10 B3, Vol. 6809: File 56,402)

Another amendment concerned the withdrawal of half-breeds from treaty. Sub-sections 4 of Section 16 of the Act was amended to include wife of a male half-breed in the withdrawal for the following reasons:

> For some years after the passing of this section the withdrawal of a half-breed from treaty was accompanied by the withdrawal of his wife as well as of his minor children, it being thought consistent that the wife should take the status of her husband. Some 800 or 900 withdrawals took place with this understanding, no question being raised as to the right of the wife to retain her membership of the band from which her husband had withdrawn.
>
> For some years past, however, it has been the practice to have a separate application made by the wife of a half-breed who makes application for withdrawal, but in case no application is made by the wife, she remains a member of the band. This remaining a member of the band is a very unsatisfactory situation, as it frequently results in the living apart of the husband and wife, or in the husband remaining on the reserve where he has no right to reside or in applications for re-admittance to the band.
>
> In view of the uncertainty as to the intention of the Section with respect to this matter, and of the confusion which follows from allowing the wife of the half-breed to remain in treaty after the withdrawal of her husband, it is considered advisable that this amendment should be made.
>
> In considering application for withdrawal, it has always been the practice for the Department to satisfy itself that the applicant is anxious to leave the reserve and that he has a prospect of improving his conditions.
>
> (PAC RG 10, Vol. 6809, p. 70,1914).

8-9 George V. Chap. 26, 24 May, 1918

This year saw amendments to the section regarding estates, a sub-section being added to provide, in the case of land being devised or devolving by reason of intestacy on someone not entitled to reside on a reserve, for the sale of the land to a member of the band.

An amendment to Section 90, relating to the Power of the Governor-in-Council to direct the expenditure of the capital of the Band, gave the Superintendent-General greatly enlarged control, both over expenditure of capital and over the disposition of lands on a reserve.

> (2) In the event of a band refusing to consent to the expenditure of such capital moneys as the Superintendent-General may consider advisable for any of the purposes mentioned in sub-section one of this section, and it appearing to the Superintendent-General that such refusal is detrimental to the progress or welfare of the band, authorize and direct the expenditure of such capital for such capital for such of the said purposes as may be considered reasonable and proper.
>
> (3) Whenever any land in a reserve whether held in common or by an individual Indian is uncultivated and the band or individual is unable or neglects to cultivate the same, the Superintendent-General, notwithstanding any thing in this Act to the contrary, may, without a surrender, grant a lease of such lands for agricultural or grazing purposes for the benefit of the band or individual, or may employ such persons as may be considered necessary to improve or cultivate such lands during the pleasure of the Superintendent-General, and may authorize and direct the expenditure of so much of the capital funds of the band as may be considered necessary for the improvements of such land, or for the purchase of such stock, machinery, material or labour as may be considered necessary for the cultivation or grazing of the same, and in such case all the proceeds derived from such lands, except a reasonable rent to be paid for any individual holding, shall be placed to the credit of the band: Provided that in the event of improvements being made on the lands of an individual the Superintendent-General may deduct the value of such improvements from the rental payable for such lands.
>
> (8-9 Geo V. C. 20)

That such apparently strong amendments in a direction of less Indian control of their lands and property were passed through the House was a result of the pressures of World War I on food production. As Meighen explained the law;

> It is putting it out of the power of what one may call reactionary or recalcitrant Indian bands to check their own progress by refusing consent to the utilization of their funds or vacant lands for their own advantage...It is necessary to do so now, particularly, in view of the production campaign that we have under way throughout the Indian Reserves of Western Canada. The Indian Reserves of Western Canada embrace very large areas of land far in excess of what they are utilizing now for productive purposes. We have well under way in that country a campaign for the utilization of those reserves, for stock raising, for grain production, and for the present, of course, in many cases, merely for summer following. But we do not want to have this campaign entirely at the mercy of the Indian bands themselves. We do not want to have those bands stand in our way and say to us: Notwithstanding the necessities of to-day, you must keep off all this vacant land unless we choose to give it up to you and ourselves forego the great privilege of roaming on it in its old, wild state. We want to be able to utilize that land in every case; but of course, the policy of the department will be to get the consent of the band wherever possible, and to meet the bands in such spirit and with such methods as will not alienate their sympathies from their guardian, the Government of Canada. We do not anticipate that we shall come into very serious conflict with any band. It is only the more backward bands that offer any objections at all to the utilization of their lands.
>
> (Commons Debates, 23 April, 1918; p. 1048).

And, more succinctly:

> We would be only too glad to have the Indian use this land if he would; production by him would be just as valuable as production by anybody else. But he will not cultivate this land, and we want to cultivate it; that is all. We shall not use it any longer than he shows a disinclination to cultivate the land himself.
>
> (Commons Debates; 23 April, 1918, p. 1051).

With regard to enfranchisement, before an Indian could have the privilege of establishing his right to enfranchisement he had to be a landed Indian. That is, he had to be in possession of a share of the land of the band. Many Indians were self-supporting, following various lines of life,

but had no land on the reserve, and so could not come within the provisions of the Act. The problem had arisen when a member of the Chippwas of the Thames Band made an application to the Department in 1902 to be enfranchised. His application was rejected because the band would not allot him the lands of the band. The agent, A.G. Chisholm, suggested an amendment to the act that it should be possible for an Indian who does not own lands to be enfranchised. (Chisholm to Pedley, 29 April, 1909, RG 10, Vol. 6809).

Accordingly an amendment was made to remove the restriction on alienation of land and the requirement of possession of a share of the lands of the band upon enfranchisement:

> 122A. (1) If an Indian who holds no land in a reserve, does not reside on a reserve and does not follow the Indian mode of life, makes application to be enfranchised, and satisfies the Superintendent-General that he is self-supporting and fit to be enfranchised, and surrenders all claims whatsoever to any interest in the lands of the band to which he belongs, and accepts his share of the funds at the credit of the band, including the principal of the annuities of the band, to which share he would have been entitled had he been enfranchised under the foregoing sections of the Act, in full of all claims to the property of the band, or in case the band to which he belongs has no funds or principal of annuities, surrenders all claim whatsoever to any property of the band, the Governor-in-Council may order that such Indians be enfranchised and paid his said share, if any, and from the date of such order such Indian, together with his wife and unmarried minor children, shall be held to be enfranchised.
>
> (8-9 George V. C. 26)

122A (1) and (2) applied to Indians in all parts of Canada, who had relinquished their ties with the reserve. However, Indians were still not applying for enfranchisement to the degree hoped for by the government,

and there was argument as whether it would be better to force Indians into enfranchisement.

> If the Superintendent-General had the power by a stroke of the pen to enfranchise an Indian, anyone who has had experience in dealing with Indians and Indian matters knows the demands which would be made upon the Department by Indians who desired to derive immediate benefit from such enfranchisement, without reference at all to their future status. It is a native characteristic that the Indian is willing to do almost anything for immediate return and the difficulties which hedge him about before he is allowed to become enfranchised are for his own protection and the protection of the members of his band.
>
> (PAC RG 10, Vol. 6809, p. 89, 1910 - 1917).

9-10 George V Chap. 56, 7 July 1919

The amendments of this year added a Part III to the Indian Act providing for the administration by the Superintendent-General of the Soldier Settlement Act 1919 in cases where the returned soldiers were Indians.

It was felt that the Department would be in a much better position "...to carry out a progressive policy of soldier settlement..." in the case of Indians than the Soldier Settlement Board. (Brief accompanying draft bill, 1919; PAC RG 10 B3, Vol. 6809).

10-11 George V 50, 1 July, 1920

Far reaching changes were made this year in the sections dealing with education. Previously, the Governor-in-Council had been empowered to make regulations to secure the attendance of children at school, for the establishment of industrial schools and the commital thereto of such children as were deemed likely to profit from attendance thereat. Moreover, the Governor was empowered to apply the annuities of the children towards their maintenance at the schools. Regulations of various kinds were made from time to time but it was not

until 1920 that they were incorporated into the Act and took on the force of law. As well, several of the powers of the Governor were transferred to the Superintendent-General. The Governor was empowered to establish day schools, industrial or boarding schools or to declare any school which had entered an agreement with the Superintendent-General to be an industrial school for purposes of the Act. The Superintendent-General was empowered to provide for the transport of children to schools, to prescribe standards and to apply to annuity and interest moneys of the children towards to their maintenance. (10-11 George II C. 50).

In addition, the Superintendent-General was empowered to enforce, by means of truant officers and penalties, the attendance of all Indian children from 7 to 15 years old at school.

A main feature of the 1920 bill was the power the Government was assuming to compulsorily enfranchise the Indians, a reflection on the government's growing impatience with the rate at which assimilation was taking place,

> 3. 107(1) The Superintendent-General may appoint a board to consist of two officers of the Department of Indian Affairs and a member of the Band to which the Indian or Indians under investigation belongs, to make enquiry and report as to the fitness of any Indian or Indians to be enfranchised. The Indian member of the Board shall be nominated by the council of the Band, within thirty days after the date of notice having been given to the council, and in default of such nomination, the appointment shall be made by the Superintendent-General. In the course of such enquiry it shall be the duty of the Board to take into consideration and report upon the attitude of any such Indian towards his enfranchisement, which attitude shall be a factor in determining the question of fitness. Such report

> shall contain a description of the land occupied by each Indian, the amount thereof and the improvement thereon, the names, ages and sex of every Indian whose interests it is anticipated will be affected, and such other information as the Superintendent-General may direct such Board to obtain.
>
> (10-11 George V, C. 50).

On the report of the Superintendent-General that any Indian over twenty-one years was fit for enfranchisement, the Governor-in-Council was enable to issue an order directing that such Indian was to be enfranchised at the end of two years from the date of the order. After that the provisions of the Indian Act or any other laws making a distinction between the rights of Indians and other citizens of Canada would no longer apply to the Indians, or to his or her minor unmarried children. (Sec. 107(2), 10-11 George V, C. 49).

Upon the issue of the order of enfranchisement, the Superintendent-General issued letters patent to any lands the Indian held on the reserve, provided that the Indian paid to the funds of the band the amount the Superintendent-General considered to be its value. He could also order the payment of the Indian's share of the funds and common interest of the band in the lands and of his share of the annuities. (Sec. 107(4) 10-11 George V, Chap. 49).

Compulsory enfranchisement was a radical departure from the educative and protectionist role hitherto played by the Indian Affairs Department. In theory it would enable the Department to effect the ends of what appears to have been the policy and attitudes under Duncan Campbell Scott.

> 'I want to get rid of the Indian problem; I do not think as a matter of fact, that this country ought to continously protect a class of people who are able to stand alone. That is my whole point. I do not want to pass into the citizens' class people who are paupers. That is not the intention of the Bill. But after one hundred years, after being in close

> contact with civilization it is enervating to the individual or to a band to continue in that state of tutelage, when he or they are able to take their position as British citizens or Canadian citizens, to support themselves, and stand alone. That has been the whole purpose of Indian education and advancement since the earliest times. One of the way earliest enactments was to provide for the enfranchisement of the Indian. So it is written in our law that the Indian was eventually to become enfranchised.
>
> (D.C. Scott, Evidence to Commons Committee to consider Bill 14, 1920 RG 10 B3 Vol. 6810, L-3)

Moreover,

> Our object 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.
>
> (D.C. Scott, Evidence to Commons Committee to consider Bill 14, 1920 RG 10 B3, Vol. 6810, N-3)

His attitude towards treaties and rights were explored as well,

> MR. LAPOINTE: There was an argument made here that this Bill constituted an infringement of the rights of the Six Nations under the Treaty.
>
> MR. SCOTT: They had no treaty. In fact I think their own people criticize that argument, there were two or three Indians who spoke here yesterday and said they were British subjects. They hold their reserve, they surrendered all their lands to the Crown except the reserve at Brantford, there are two townships there, everything else they surrendered to the Crown, because they mismanaged their lands so horribly when handling it themselves by issuing title which they had no right to. They squandered their property and in 1841 they surrendered it to the Government and asked us to administer it, which we have done as well as we could since that date, but the rights of the Six Nations are just like those of the other Indians. They are under the Indian Act, they are just as all the other Indians are in every other respect, there is no difference whatever, their rights are thoroughly safeguarded.
>
> (D.C. Scott, Evidence to Commons Committee to consider Bill 14, 920 RG 10 B3 Vol. 6810, N-3)

The Indian was to become a citizen whether he desired it or not. The Indians' fear of enfranchisement was expressed poignantly in the following letter from sub-chief Jos. Laurent of Odanak, Reserve, Quebec:

> I...pray you to not allow any change of the law so to endanger the situation of your children -- protegees, -- as would be if we were enfranchised. Now that we have here but 1,800 acres of land, to enfranchise us would be only to facilitate our neighbours, the french-canadians, to secure the remainder of our lands and destroy our community of tribe.
>
> As every other nation, the english, the french, etc. etc., like their nation, we do so love to be Abenakis, up to this time that we are dealt with fairly, with justice, as I always report to the Americans, in the United States, where I go every summer. So we like to remain your protegees.
>
> (Sub-chief Laurent to Hon. Frank Oliver Superintendent-General of Indian Affairs, 11 February 1907, PAC RG 10, Vol. 6809, p. 47).

A change was also required in one of the interpretation clauses of the Act in light of the new enfranchisement legislation. The definition of an enfranchised Indian had been follows:

> 'enfranchised Indian' means any Indian, his wife or minor unmarried child, who has received letters patent granting to him in fee simple any portion of reserve which has, upon his application for enfranchisement, been allotted to him, or to his wife and minor children, or any unmarried Indian who has received letters patent for an allotment of the reserve;

The change read as follows:

> 'enfranchised Indian' means any Indian head of a family and his wife and minor children, or other Indian male or female over the age of twenty-one years in respect of whom an order of enfranchisement has been made by the Governor in Council".
>
> (RG 10, Vol. 6810, 1920)

One injustice in the Indian Act noted by a Departmental employee concerned the distribution of band funds of an Indian woman upon marriage:

> An Indian woman, member of a band with large capital and estates marries an Indian of a band without capital and with small estate. She loses her birthright.
> If she marries a non-treaty Indian or a white man or other person, she does not lose her birthright.
>
> (Macrae to Deputy Superintendent-General 12 June 1904, RG 10, Vol. 6809, p. 92)

Until 1920 when an Indian woman married a non-Indian, she lost her status and could continue to receive her annuities or a commutation of her share of the band funds with the consent of the band. In 1920, this was amended so that the consent of the band was no longer required but required the approval of the Superintendent-General. (10-11 George V. Chap. 49, 1920).

The rationale for such a change was given:

> When an Indian woman marries outside the band, whether a non-treaty Indian or a white men, it is in the interests of the Department, and in her interests as well, to sever her connection wholly with the reserve and the Indian mode of life, and the purpose of this section was to enable us to commute her financial interests. The words "with the consent of the band" have in many cases been effectual in preventing this severence as some bands are selfishly interested in preventing the expenditure of their funds. The refusal to consent is only actuated by stupidity because the funds are not really in any way impaired. The amendment makes in the same direction as the proposed Enfranchisement Clauses, that is it takes away the power from unprogressive bands of preventing their members from advancing to full citizenship.
>
> (RG 10, Vol. 6810, 1920)

10-11 George V. Chap. 51, 1 July, 1920

Entitled "An Act to provide for the Settlement of Differences between the Governments of the Dominion of Canada and the Province of British Columbia respecting Indian lands and certain other Indian Affairs in the said Province," its principal relationship to the Indian Act was in giving the Governor the power to "...settle all differences between the said Governments..." which included the power to order..." reductions or cut-offs from reserves to be effected without surrenders of the same of the Indians, notwithstanding any provisions of the Indian Act to the contrary..." (10-11 George V. C. 51). In effect, it was legislation enabling the settlement of questions of reserve lands without reference to the protections afforded such lands by the Indian Act.

CHAPTER IX

1922-1941

12-13 GEORGE V. C. 26, 28 June 1922

The 1920 Act authorized the Superintendent-General of Indian Affairs to set in motion machinery for the enfranchisement of Indians without their specifically applying for it. In 1922 the compulsory aspect was amended so that the enfranchisement of Indians would take place only at the request of the Indian or of the band itself. This amendment resulted from the protests lodged by the Indians throughout the Dominion against forced enfranchisement. The Indians particularly detested the feature of compulsion, the unlimited and autocratic power which was conferred upon the Superintendent-General who could destroy the very existence of a tribe by enfranchising all its members. (Commons Debates, 28 June 1920, p. 776).

The Hon. Mr. Fouter opposed the amendment and argued;

> The Indians, particularly those of the Six Nations, claim they are not subjects of Canada, but are allies and therefore not subject to the laws of this country...The sooner they are taught that they are not allies of Canada, but subjects of Canada, and that they are Canadian Citizens, the better because we do not want this anomaly in this country. We have enough troubles about our immigration, without having contentions with our aboriginal inhabitants. It seems to me that the Indian Department has not handled these people with sufficient firmness.
>
> (Senate Debates,
> 23 June 1922, p. 556)

14-15 GEORGE VICT. CHAP. 47, 19 July, 1924

An important amendment, one which aroused considerable controversy, was to include Eskimo Affairs under the charge of the Superintendent-General of Indian Affairs. Up to this time the government had given small appropriations

for relief of distress among them in times of shortages of food and supplies. Other than that, no services similar to Indians were extended to them. The question arose whether there should be a substantive section in the Act declaring that the Eskimos were Indians for the purposes of administration, which raised the question of their status. As originally introduced, the amendment would have included Eskimo in the definition of Indian and would have extended to the Eskimo the provisions of the Indian Act.

The Honourable Arthur Meighen objected strongly to such a proposition:

> I object to nursing. I really think the nursing of our Indians had hurt them. The best policy we can adopt towards the Eskimos is to leave them alone...That simply means that hereafter the Eskimos are to be considered wards of the Dominion, with all the consequences of that relationship. For example, an Indian to-day cannot be sued; an Eskimo can. I do not suppose he ever is, but if this bill passes he never can be. The government is in possession of his property; the government has made him a child. The minister says that left to their own resources some of them are already pretty well off. Well, there are not any Indians very well off, or mighty few... After seventy-five years of tutelage and nursing, for the most part they are still helpless on our hands. (Commons Debates, 20 June, 1924; p. 3824-5).

Other members voiced similar sentiments with the consequence that the section as passed merely stated, "The Superintendent-General of Indian Affairs shall have charge of Eskimo Affairs". (14-15 Geo. V. C. 47) with no mention of property or the application of the Indian Act to the Eskimos.

Another amendment dealt with the problem of the distribution of the property of an Indian dying intestate with no issue, an eventuality not reckoned with in previous legislation. Yet another amendment clarified the process by which the Superintendent-General could cancel purchases or leases.

17 GEORGE V C. 32, 31 March 1927

Minor amendments were made, enabling the Governor-in-Council to dispose of small capital accounts for the benefit of the Indians. One band had capital of $9.17, the interest from which had to be managed and distributed among the band members even though it amounted to less than one cent per person annually.

Another change enabled the Superintendent-General to make regulations about poolrooms, dance halls and other places of amusement.

Finally, a new section was added to the Act prohibiting the acquisition and removal of grave houses, totem-poles and rock paintings from any reserve without the consent of the Superintendent-General.

Revised Statutes of Canada Chapter 48, 1927

The Indian Act and its amendments were consolidated with only slight changes in the order and more in wording. There were 190 sections in three parts, sixty-six pages in all.

20-21 GEORGE V. CHAP. 25, 10 April 1930

Apart from the removal of the control of Eskimo Affairs from the Indian Act by repeal of the relevent sub-section, there were no major amendments this year. The Eskimo were placed under the Department of the Interior for administrative convenience as there were no officials of the Department of Indian Affairs in the area occupied by the Eskimo.

Minor amendments were made to the education sections, the sale and barter of cattle and produce sections and to two sections relating to the sale of intoxicants.

A new section was added, which, while not important in itself, provided an insight into the prevailing attitudes of the time. The new section was in part as follows:

> Where it is made to appear in open court that any Indian, summoned before such court, by inordinately frequenting a poolroom either on or off an Indian reserve, misspends or wastes his time or means to the detriment of himself, his family household, of which he is a member, the police magistrate, stipendary magistrate, Indian agent, or two justices of the peace holding such court, shall, by writing under his or their hand or hands forbid the owner or person in charge of a poolroom which such Indians is in the habit of frequenting to allow such Indian to enter such poolroom for the space of one year from the date of such notice.
>
> (20-21 Geo. V. C. 25)

In response to the accusation that the law would "open the way for persecution", Stewart, the Superintendent-General replied that the law was necessary to control a serious situation from the standpoint of the department. "The proper place for an Indian is on a reserve or in a school. Neither the white man nor the Indian gets much good out of his association with a poolroom". (Commons Debates, 31 March, 1930: p. 1114). Another member, Coote, while agreeing in principle with the 'poolroom' amendment suggested that the real problem was more embracing:

> It is possibly because we have not completed our job of educating them, and have turned them lose from the schools without providing a place for them to go...My whole criticism is that our system does not go far enough. It does not carry the Indian up until he had reached the age of manhood or maturity.
>
> (Commons Debates,
> 31 March, 1930: p. 1114).

23-24 GEORGE V C. 42, 23 May, 1933

The Act was once again amended in minor ways by the addition of a sub-section here and a clause there to remove all doubt about the meaning of the law.

The 1933 amendment again introduced compulsory enfranchisement, but was provided with greater safeguards for the Indian than was done in the compulsory provision of 1920. The Ottawa Citizen reported the comments of the Honourable T.G. Murphy the Minister of Interior regarding the reasons of the amendment:

"MODERN INDIAN CUTE ENOUGH TO AVOID TAXATION"

> The Indian has gone modern, entering professions, graduating from universities and taking his place beside the white man in business and high finance, Hon. T.G. Murphy, minister of the Interior, told the House of Commons yesterday. But the Indian retains all his wiliness and adroitness -- he often refuses to become a nationalized Canadian, subject to legal action and taxes. The Indian as the ward of the Dominion, pays no taxes, has no vote, cannot he sued in a civil court, and is cute enough to want to stay that way."
>
> (Ottawa Citizen, 2 March 1933).

The Indians objected to compulsory enfranchisement for many reasons, among them was the fact that educated and capable Indians saw no advantage in giving up their status. Doing so, cut them off from their band and reserve thereby depriving them of any right to future permanent residence on the reserve and the right to retain reserve property which they may inherit. They might also have given up the opportunity to participate in wealth which may come to their band in the future through the development of some valuable resource on the reserve. In addition, by becoming enfranchised, they

cut themselves off from all sources of assistance from the Federal Government and would have to look elsewhere if they required assistance at a later time.

Finally, the Indian's own money was being used as a bribe to induce him to apply for enfranchisement; that is, the attraction held out was an immediate payment of his share of the capital funds of the band plus the commutation of his annuities, things he already owned or was entitled to receive.

In the 1933 amendment (formerly the initiative was taken by the Superintendent-General), it was necessary to have a board consisting of three members, two appointed by the Minister and one by the Indian band. Also, one of the members of the board had to be a judge. (Sec. 7, 23-24 Geo. V. Chap. 42).

In addition, treaty rights were recognized:

> Provided that no enfranchisement of any Indian or Indians shall be made under this sub-section in violation of the terms of any treaty, agreement or undertaking that may have been entered into or made between or by the Crown and the Indians of the band in question.
>
> (Sec. 7, 23-24 Geo. V, Chap. 42).

24-25 GEORGE V. CHAP. 29, 28 June, 1934

The Amendment had two sections, one declaring an Order-in-Council of 1906 applying the provisions of the Indian Advancement Act to the Caughnawaga Reserve valid and effective, the other amending the Indian Advancement Act, Part II of the Indian Act, to obviate the necessity of declaring further Orders-in-Council valid and effective. The Advancement Act

had provided for the division of the reserve in electoral sections while the Order-in-Council had declared Caughnawaga to be comprised in one section for which there was no statutory authority. The Act was therefore amended to permit a whole reserve to form one electoral section.

1 Edward VIII CHAP. 20, 2 June, 1936

For the most part, only minor changes were made. One section, however, empowered the Superintendent-General to make certain regulations or cause provincial laws to apply by publication in the Canada Gazette, that is, without further legislation. Three areas of regulation were provided for, game laws, laws for preventing plant diseases and laws concerning motor vehicles. Essentially, the Superintendent-General was given the power to apply existing provincial laws to reserves or particular reserves as he saw fit.

Another change empowered the Governor-in-Council, with the consent of the band, to make "loans to members of the band to promote progress" out of the capital moneys of the band.

1 Edward VIII CHAP. 33, 23 June, 1936

The Department of Indian Affairs under the Minister of the Interior was transferred to the Department of Mines and Resources of which it became a branch. The Minister of Mines and Resources became the Superintendent-General of Indian Affairs while the director of the Indian Affairs branch became the Deputy Superintendent-General.

2 GEORGE VI CHAP. 31, 24 June, 1938

Two amendments were made this year. The first empowered the Superintendent-General to issue leases on reserves for the prospecting for and mining of

minerals with or without a surrender as the case may be. Formerly the sub-section dealing with this matter had specified terms relating to compensation. The new sub-section provided only for "leases upon such terms as may be considered proper in the interest of the Indians and of any other lessee or license of surface rights" in effect allowing compensation not only to the Indians but to non-Indians leasing reserve land or removing, under license, timber or other product.

The second amendment, a new section, created a 'revolving loan fund' enabling the Superintendent-General,

> ...to make loans to Indian band, group or groups of Indians or individual Indians for the purchase of farm implements, machinery, livestock, fishing and other equipment, seed grain and materials to be used in native handicrafts and to expend and loan money for the carrying out of co-operative projects on behalf of the Indians.
>
> (2 Geo. VI, C. 31)

The maximum amount was fixed at $350,000. While the members of the Commons in general hailed the fund as a step in the right direction, towards independence and initiative, Senator Meighen, voiced grave doubts and pessimistic predictions.

> My guess is that the fund provided for by this Bill will revolve until the fund is exhausted, when the revolving will cease and the State will bear the loss of the whole amount. Unless a very extraordinary man is placed in charge of the fund, and unless he stays in charge of it for years to come, we may as well kiss good-bye to all the money right now. It will never come back. Government loans to white people, where the individual obligation always obtains, are not often repaid. How much slimmer are the prospects of repayment of money placed in a revolving fund for Indians, who are not individualists and who as a

> rule do not understand the meaning of an obligation! And those prospects are still slimmer when the loan is made to a group or tribe, and the obligation is a communal one, whatever that may mean. Surely the Government does not think that in these circumstances Indians will understand there is a real obligation.
>
> (Senate Debates,
> 9 June, 1938, p. 472)

4-5 GEORGE VII CHAP. 19, 14 June, 1941

A new section was added to enable the Governor-in-Council to make regulations concerning the trade in furs and wild meat. The provisions of the amendment followed the general lines of the law respecting trade in cattle and the produce of reserve farms though, in this case, they applied to all Indians, whether on reserves or not, and in all of Canada rather than the Prairie provinces and the Territories.

CHAPTER X

The Special Joint Committee of the Senate and the House of Commons appointed to examine and consider the Indian Act.

Established in 1946, the orders of reference of the Committee were as follows:

> That a joint committee of the Senate and House of Commons be appointed to examine and consider the Indian Act, Chapter 98, R.S.C. 1927, and amendments thereto and to suggest such amendments as they deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, the following matters:
>
> 1. Treaty rights and obligations.
> 2. Band membership.
> 3. Liability of Indians to pay taxes.
> 4. Enfranchisement of Indians both voluntary and involuntary.
> 5. Eligibility of Indians to vote at dominion elections.
> 6. The encroachment of white persons on Indian Reserves.
> 7. The operation of Indian Day and Residential Schools.
> 8. And any other matter or thing pertaining to the social and economic status of Indians and their advancement, which, is the opinion of such a committee should be incorporated in the revised Act.
>
> (SJC: 1946, p. IV)

The Committee sat for three sessions of parliament from 1946 to 1948 and heard the testimony of numerous government officials, respresentatives of Indian associations and other interested parties. That the activities of the committee were closely followed by the press demonstrated the new

interest in the problems of the Indians by the majority society, an interest which could not have flourished during the Depression and the war when the concerns of the society were directed elsewhere. Public concern, then, was one of the causes of parliamentary concern with the plight of the Indian. External factors also created concern. Mr. Blackmore, M.P., speaking about whether it was the proper psychological time to increase the budget of the Indian Affairs Branch, encapsulated the matter in a few sentences.

> The Indians now have confidence we are really going to do something for them, the Canadian people as a whole are interested in the problem of the Indians; they have become aware that the country has been negligent in the matter of looking after the Indians and they are anxious to remedy our shortcomings. Parliament and the country is "human rights" conscious. This is clearly shown, as we all know, by discussions in the House of Commons at the present time. Some nation, such as Russia, might rise in the United Nations Assembly on the matter of our treatment of our Indians. If that were to be done we would be put in a very awkward light. (SJC 1947: p. 1673)

The 1946 hearings had been intended to deal with the evidence of departmental officials. No Indian representation was requested, though some was made, since that was to be dealt with the following years.

The testimony of the officers of the Indian Affairs Branch revealed that their work was hampered by a deficiency of funds and a shortage of staff. It was revealed that the branch had 810 employees of whom only 71 were at Ottawa headquarters, and that even if more positions were allocated, the low salary scales would not attract the well qualified and highly motivated staff that the branch required. Robert Hoey, the director of Indian Affairs Branch, drew the attention of the committee to the fact that in 1918, there were 75 head-

(2) ...that, in addition to the payments made to Chiefs and Councillors under the various Treaty agreements, Chiefs receive One Hundred and Fifty ($150) per year, and Councillors receive One Hundred Dollars ($100) per year.

(3) ...that, at the request of any Band, an elective system for a term of Three Years be put into force.

(4) ...that Indians resident upon any Reserve and members of that Band be entitled to receive full royalty rights to any precious minerals discovered on those reserves.

(5) ...that all Treaty Indians of Canada be exempted by an amendment to the Indian Act from conscription for overseas service.

(6) ...that all rights and privileges guaranteed by Treaty be reaffirmed.

(SJC: 1946; 800-02)

As well, the Alberta brief made numerous suggestions regarding education, social and health services, and other matters.

The brief presented by the United Native Farmers' Organization of the Stuhlo Tribe, Sardis, B.C. recommended, among other things that the Indian Act be renamed the 'Native Canadian Act'.

The Songhees Indians suggested that health and education of Indians be placed under Provincial jurisdiction. As well, they were of opinion that delegates from among them be invited to attend the Special Joint Committee, the expense to be borne by the same.

The St. Regis hereditary chiefs took a negative position:

We, the Hereditary Chiefs of the St. Regis Reservation, and the Band, do not approve to be enfranchised, or the Revision of the Indian Act. We believe it will never promote our

> welfare as long as we are held on a double chain of pauperism and mental servitude. We the Chiefs, and the Band, would rather keep our Treaty Rights and privileges. (Sic)
>
> (SJC: 1946; p. 874)

They then enumerated the various treaties they felt applied to them adding that they were "...sincere and not acting as revolutionaries but on the grounds of national principles, and the rights of Free People." (SJC: 1946; p. 880).

Numerous short depositions were made by individual bands most of which opposed compulsory enfranchisement and taxation and favoured a strict adherence to the provisions of the various treaties.

Through the 1946 sittings, the Committee heard, in all, 16 witnesses during 25 meetings. The hearings "...disclosed the necessity for certain immediate administrative improvements which can be effected without the revision of any existing legislation..." (SJC: 1946; Appendices V). This referred to irregularities in staffing that had come to light through the evidence of departmental officials, irregularities which were handicapping the work of the department. The Committee recommended that it be reconstituted the following session to continue its consideration of the Indian Act and that ten members of the Committee be made a Commission of inquiry into Indian Affairs in the Maritimes and Quebec. It further recommended that the Indian Affairs Branch undertake to fill all vacant positions and immediately draft plans for the expansion and construction of Indian day schools.

In 1947 the Committee sat once again and heard numerous briefs from representatives of bands and associations including some of those who gave evidence the previous year. Whereas the 1946 hearings had only touched briefly

on the Indian Act, this year a greater emphasis was placed on the topic rather than on the administration of Indian Affairs generally.

John Callihoo, President of the Indian Association of Alberta made several recommendations:

> We believe as an association that the revised Indian Act must be upon broad principles of human justice. It must, we know, provide for the development of the Indian people of Canada. In the development of the people we believe that the new Act must place more and more responsibility upon our chiefs and councils to act as governing bodies. For example, the great and arbitrary powers of the superintendent-general must be limited and more opportunity for appeal from such decisions provided.
>
> (SJC: 1947; 541)

As well, he urged a number of changes in the conduct of education, including provision for vocational training, adult education and special courses to enable Indians to take positions in the Indian Affairs Branch. He noted that the permit system, the requirement of written permission to sell produce and livestock, should be relaxed; "A man must learn the value of his own work. He must learn the responsibility of doing business for himself and of taking new responsibility for his debts or his credits" (SJC: 1947, 541).

He added that the Association was opposed to enfranchisement, voluntary or involuntary. "Involuntary enfranchisement must be abolished", he said, "and those who had gone that route should be restored to the band lists". Continuing, he urged that the chiefs and headmen be given the right to make decisions of band membership:

> At the time of the treaties chiefs and headmen were judged to be competent to decide band membership. They should today, acting upon the expressed will of their bands, be the sole judges of who may, or who may not, be a member of their bands. We do not want to bring new people into treaty; we want to see those restored who have been deprived of their treaty rights in our province.
>
> (SJC: 1947, 542)

Chief Yellowfly, a spokeman for the unaffiliated Indians of Alberta presented his views on the relationship between the treaties and the Indian Act.

> The first question is why is there an Indian Act. In those early days a peculiar situation existed. The white man did not acquire the Indian and his lands through conquest, the white man acquired the now called Canadian Indian and their country by mutual agreement as is manifest in the Indian treaties.
>
> While the Indian certainly had a culture or civilization of his own (the terms are used loosely and synonymously) he had no codified customs or what we call laws. The white man, who was the immigrant, brought with him his culture, his codified customs or laws. In those early days the main problem, primarily was the "acculturation" of the Indians.
>
> In view of this our contentions are as follows. The Indian Act, apart from its relationship to the treaties, is in its simplest form and purpose a codified sociological affair. We believe that fundamentally the object of the Indian Act is twofold. Firstly, the Crown through the treaties made certain promises to the Indian people. In order to implement those promises it was necessary to legislate or create an Act respecting Indians, and the treaties. Secondly, to enact laws designed to protect and guide the Indian during the process of his adoption and assimilation of the culture which the Indian had to assume and accept.
>
> The assimilation by the Indian of this so-called western culture cannot be accomplished by regulation alone, but must be done in a sympathetic, understanding and qualified manner, treating the Indians as fellow Canadians with a problem to attack, not merely as a bunch of savages who must be subjugated and regimented in order to get them to do anything.

> To-day the conditions are different from what they were in those early days. To-day regimentation and economic frustration tend to create an attitude of dependency on the part of the Indian; this results in feelings of inferiority and inadequacy.
>
> (SJC: 1947, 548-9)

Based on his appreciation of the problem, he made several recommendations. He urged that a distinction be made between tribal and personal property and that the latter be under the control and management of the individual Indian to develop or squander as he saw fit.

Moreover, he questioned the much-voiced call for greater autonomy for elected band councils suggesting a number of situations which such automony might prove to be inadvisable. Finally, he questioned the value of teaching a non-Indian curriculum in Indian schools and of teaching the same curriculum throughout the country while the needs of various bands were quite different.

The minutes of the same date contained a report by Justice Macdonald of the Supreme Court of Alberta in which he observed that:

> An Indian treaty, or for that matter any formal arrangement entered into with a primitive and unlettered people, should not be construed according to strict or technical rules of construction. So far as it is reasonably possible, it should be read in the sense in which it is understood by the Indians themselves.
>
> (SJC: 1947, p. 559)

And,

> The Indian Act is loosely drawn and is replete with inconsistencies. I venture to say that flexibility rather than rigidity and elasticity rather than a strict and narrow view should govern its interpretation.
>
> (SJC: 1947, p. 559)

The Indian Association of Alberta submitted a long and elaborate brief which was appended to the minutes and which made 76 separate points, 35 of which dealt specifically with the Indian Act. The largest number of criticisms and recommendations explored the role of the Superintendent-General vis-a-vis the band government. One particular criticism analysed the role of the former;

> The position of the Superintendent-General is an especially anomalous one, in that the Act purports to require him to act as agent for the Crown, and also as representative of the Indians. It is true that theoretically, Indians are wards of the Crown, and as such, enjoy the benefits and advantages which the Crown may afford and extend to them through its agents. To this extent, the Superintendent-General, as agent of the Crown, may be deemed to be in a position in which he is able to extend such benefits. But there are cases in which a cestui que trust, i.e., the person to benefit from the existence of the trust (in the position of which the Indians may be deemed to be) are entitled to advice and services apart altogether from those extend to it by a trustee (in this case, the Crown). One of the principal difficulties appears to have arisen in Indian Affairs because the same person has sought to act and represent the interests of both the Crown and the Indians (the trustee and the cestui que trust). The result has been that the Superintendent-General, who has been placed in this inconsistent position, has found it impossible to advance the interested of both parties at the same time. He has, therefore, leaned heavily in favour of the Crown, it being the stronger, more vocal and the more affluent of the two parties.
>
> (SJC: 1947, 583)

The solution to this dilemma, the brief observed, was to remove the 'wide and unrestrained powers' of the Superintendent-General and vest them in the Chief and Councillors. These would include determination of the form of council, the regulations that it may pass, the determination of band membership, the partial management of the funds of the band and the management of

lands. As well, the power to make regulations respecting the sale of produce, the disposal of property and the descent of property should either pass to the band council or be so amended as to permit appeal to a court of law.

On the question of the franchise, the brief contained the following statement;

> This Organization does not favour the enfranchisement of Indians of Canada, but does not recognize the necessity of eventually assuming the responsibilities and duties of citizenship, as well as the rights thereof, but the franchise itself is a thing of which the Organization cannot approve as such. It is regarded, not as a desirable end in itself, but rather as only one of the indicia of full-fledged citizenship. The franchise, without the education and knowledge necessary to exercise it intelligently, and in the interest of the country, is an asset neither to the Indians who possess it nor to the nation of which such element is a part. Similarly, the franchise, without equality of economic opportunity simply disguises a system which perpetuates classes of freedom and bondsmen, and does not pretend to attack the inherent evils of such an order.
>
> It is the opinion of this Organization that the rights granted to Indians by their Treaties with the Crown are adequate to raise the standards of Indian life, provided that the Treaties are sympathetically interpreted and administered by men of good will, with cognizance of Indian problems, and the bona fides to assist in solving them. When that has been done and the matter of citizenship placed in its proper perspective as a choice to be made individually by every Indian for himself, the franchise will become meaningful to Canada's oldest people -- and her newest citizens. The franchise, therefore, is regarded by this Organization as the final affirmation of racial, religious, educational and economic liberty and equality, and it is only upon this basis that the franchise is desired. At present, it is not desired, in future, it may be regarded as valuable.
>
> (SJC: 1947, 598)

With respect to enfranchisement, the views of the Association were that enfranchisement must be voluntary, on an individual basis and only upon application by the individual; "The Indian's birthright is his preferred position

under the Treaty, and the rights deriving therefrom cannot and should not be interfered with, except upon the special application of the individual concerned". (SJC: 1947, 599)

Finally, the association recommended that the 'voice of the Indians should be heard' in all matters concerning them.

> The Indians of this Organization submit that nothing should be done by the Department or by the Indian Affairs Branch or by the Government of Canada which at any time will serve to sever the close relationship which has existed from the commencement of the Treaties between His Majesty and the Indian Nations who have concluded treaties with the Crown.
>
> Furthermore, all changes in the Indian Act and regulations pertaining to it should be made only after consultation with the authorized representatives of the Indian Nations of Canada in order that they may have a voice in stating such changes as they may think necessary or desirable.
>
> Lastly, it is recommended that in the staff of the Department dealing with Indian Affairs there should be placed progressively more and more Indians who themselves will have a real knowledge of Indian affairs and who will be able to administer their Indian affairs in a sympathetic and understanding manner. This is of utmost importance to the Indians of Canada in order that they may participate themselves in formulating the policies which govern them.
>
> (SJC: 1947, 599)

The submission of the Native Brotherhood of British Columbia represented by, Rev. P. Kelly, followed. It dealt with the questions in the terms of reference of the committee and made the following points:

1. That band membership be determined by the bands.
2. That there be no taxation without representation "the imposition of income tax and other taxation on the native people is viewed as unjust, as they have no voice in the affairs of the country; they are treated as wards and minors."

3. Enfranchisement should not be necessary for attaining the rights of citizenship. The example of the Maoris of New Zealand was cited.

4. Education should be undenominational and the system should be altered in such a way as to provide greater opportunities for Indian pupils to attend high school and university.

(SJC: 1947, 762-768)

As well, some twenty points dealt with the social and economic status of Indians generally and suggested that "there should be Indian representation to assist in the framing and drafting of the actual amendments deemed necessary." (SJC: 1947, 770)

The submission of the Union of Saskatchewan Indians contained 35 specific criticisms and recommendations regarding Indian affairs, a number of which were verbatim the same as those contained in the Association of Alberta Indians brief. As usual, treaty rights were strongly emphasised.

The various factions of the Six Nations Indians were represented as well and contended more or less firmly that they were not as other Indians in Canada, wards of the Crown, but independent 'allies and nations within a nation'. This situation derived, they maintained, from the form of the grant of lands made to them by Haldimand, a grant in fee simple instead of with title vested in the Crown that the department took over the management of the remainder of their lands in 1841 at the request of the Six Nations Indians was not mentioned. In any case, the representative of the hereditary chiefs demanded the abolition of the Indian Act. The representative of the elected council on the other hand urged certain amendments and changes in policy.

Other representatives of Ontario Indians were heard all of whom reiterated the need for honouring the treaties, band control of band membership, freedom from taxation. All were against enfranchisement and all urged greater expenditure on education, social assistance and development. Some presented detailed, section by section, recommendations while others addressed the problem in general terms. A split developed over the question of which level of government should have responsibility for education, provincial or federal, and whether or not education should continue to be provided in church-operated schools.

The submission of the Indian Association of Manitoba placed great emphasis on the stipulations of the treaties as did the brief presented in behalf of the Northwest Angle Treaty Indians. Both contended that their treaties had been violated. The Caughnawaga Indians also stressed treaty rights and demanded recognition as a sovereign nation, a 'primordial right' in their estimation. They regarded the Indian Act as being, "...too dictatorial and the powers vested in the Indian agent and superintendent-general are too arbitrary and autocratic, and binds our people on a double chain of pauperism and mental servitude. (SJC: 1947, p. 1708) They made no recommendations concerning amendments to the Act, rather, they called for its abolition.

The St. Regis Indians took a similar position;

> With one accord the chiefs and members of our tribe want the 'Indian Act' taken away from our reservation. This act for the compulsory enfranchisement of the Indians, not only violates our sacred agreements and treaties but while it stands -- there is no security of the Indian home.
>
> (SJC: 1949, p. 1743)

The Committee heard evidence from the Associate Commissioner of Indian Affairs of the United States, from the Director of Indian Health Services and from a large number of officials, interested parties, churchmen and unaffiliated Indians. As well, testimony was taken from the two leading anthropologists of Canada, Tom McIlwrath and Diamond Jenness. Neither of the latter made any specific recommendations regarding the Indian Act but both of them viewed the reserve system as the single greatest obstacle to the attainment of social and economic equality by the Indians. Dr. Jenness also presented a plan for achieving the latter end, drawing upon examples from New Zealand, the Eskimos of Greenland and Siberia and other groups to support his contention.

His plan was to abolish, within 25 years, "...the separate political and social status of the Indians..." (SJC, 1947 p. 310) and was based on the following points:

1. Change the present Indian educational system by abolishing separate Indian schools and placing Indian children in the regular provincial schools.

2. Include the Indians (and Eskimos) in all "Reconstruction" measures, e.g. those dealing with unemployment, public health, health insurance and other phases of social security.

3. Appoint immediately a commission of three to study the various Indian reservations throughout the Dominion and to advise on the best means of abolishing them, of enfranchising the inhabitants and giving them an economic status comparable with that of their white neighbours.

4. Increase the educational facilities of the migratory northern Indians...

During the 1947 session, the Committee held 67 meetings and heard 102 witnesses. A sub-committee had investigated the situation in the Maritimes. 153 written briefs were accepted and over 2000 pages of minutes were taken. At its last meeting it made 26 recommendations most of them relating to the

administration of the department. The questions of band membership and enfranchisement were to be left for further consideration during the 1948 Session when the committee would sit again. It did, however, recommend a means of dealing with the grievances of treaty Indians;

> 2. That a Commission, in the nature of Claims Commission, be set up with the least possible delay to enquire into the terms of all Indian treaties, in order to discover and determine such rights and obligations as may therein be involved, or any subsequent substitutions therefor, and to appraise and settle in a just and equitable manner any claims or grievances arising thereunder.
>
> (SJC: 1947, 2004)

As well, the committee recommended that the matter of education be given further consideration but that immediate steps be taken to place its management entirely under the Indian Affairs Branch and out of the hands of the churches. Moreover, it urged that hospitals and nursing stations be built at once in the northern areas and that statutory provision be made for the care of aged, infirm or blind Indians.

In 1948, the Committee was re-appointed with the same orders of reference as in 1946 and 1947. It held many fewer meetings and heard fewer witnesses, rather, the many recommendations and suggestions advanced during the previous sessions were considered. Most of the meetings were held in camera and the discussions were not printed in the minutes.

The committee made two substantive reports. The first, on 6 May, 1948 was as follows:

> Your committee recommends that voting privileges for the purpose of Dominion elections be granted to Indians on the same status as electors in urban centres.
>
> (SJC: 1948, 186)

The other report, 22 June, 1948, made a number of recommendations. It may be valuable to examine them at some length. Regarding the Indian Act, the report noted:

> Many anachronisms, anomalies, contradictions and divergencies were found in the Act.
>
> Your Committee deems it advisable that, with few exceptions, all sections of the Act be either repealed or amended. The Law Officers of the Crown would, of course, need to make other necessary and consequential revisions and rearrangements of the Act which, when thus revised, should be presented to Parliament as soon as possible, but not later than the next session.
>
> Your Committee recommends that immediately Parliament next reassembles a Special Joint Committee be constituted with powers similar to those granted your Committee on 9th February last and that there be referred to the said Special Committee the draft Bill to revise the Indian Act presently before the Law Officers of the Crown.
>
> (SJC: 1948, p. 186)

As well, it observed that the revisions were necessary. "...to make possible the gradual transition of Indians from wardship to citizenship and to help them to advance themselves." (SJC: 1948, p. 187) To this end, the report contained the following recommendations which, though they dealt with the Act, were not within the confine of the orders of reference of 1946:

(a) That the revised Act contain provisions to protect from injustice and exploitation such Indians as are not sufficiently advanced to manage their own affairs;

(b) That Indian women of the full age of 21 years be granted the right to vote for the purpose of electing Band Councillors and at such other times as the members of the band are required to decide a matter by voting thereon;

(c) That greater responsibility and more progressive measures of self government of Reserve and Band affairs be granted to Band Councils, to assume and carry out such responsibilities;

(d) That financial assistance be granted to Band Councils to enable them to undertake, under supervision, projects for the physical and economic betterment of the Band members;

(e) That such Reserves as become sufficiently advanced be then recommended for incorporation with the terms of the Municipal Acts of the province in which they are situate;

(f) That the offence and penalty sections of the Indian Act be made equitable and brought into conformity with similar sections in the Criminal Code or other statutes;

(g) That the Indians be accorded the same rights and be liable to the same penalties as others with regard to the consumption of intoxicating beverages on licensed premises, but there shall be no manufacture, sale or consumption, in or on a Reserve, of "intoxicants" within the meaning of the Indian Act;

(h) That it be the duty and responsibility of all officials dealing with Indians to assist them to attain the full rights and to assume the responsibilities of Canadian citizenship.

In terms of the orders of reference, recommendations of the following sort were made:

1. TREATY RIGHTS AND OBLIGATIONS

Your Committee recommends that a Commission in the nature of the Claims Commission be set up, with the least possible delay, to inquire into the terms of all Indians treaties in order to discover and determine, definitely and finally such rights and obligations as are therein involved and, further, to assess and settle finally and in a just and equitable manner all claims or grievances which have arisen thereunder.

2. BAND MEMBERSHIP

To replace the definition of "Indian" which has been statutory since 1876, there must be a new definition more in accord with present conditions. Parliament annually votes moneys to promote the welfare of Indians. This money should not be spent for the benefit of persons who are not legally members of an Indian Band.

Your Committee believes that a new definition of "Indian" and the amendment of those sections of the Act which deal with Band membership will obviate many problems.

Your Committee recommends that in the meantime, the Indian Affairs Branch should undertake the revision of existing Band membership lists.

3. LIABILITY OF INDIANS TO PAY TAXES

Your Committee recommends the clarification of those sections of the Act which deal with the exemption from taxation of an Indian's real and personal property on a reserve.

Your Committee, however, is of opinion that Indians should continue to pay taxes on any income earned by them off, i.e., away from their reserve, even though they do reside on or have an interest in a reserve.

4. ENFRANCHISEMENT OF INDIANS BOTH VOLUNTARY AND INVOLUNTARY

The revised Indian Act should, in the opinion of your Committee, contain provisions to clarify the present rules and regulations regarding enfranchisement.

5. ELIGIBILITY OF INDIANS TO VOTE AT DOMINION ELECTIONS

As part of the education and preparation of the Indian to assume his place in the Canadian body politic, your Committee recommended, on May 6 last, that "voting privileges for the purpose of Dominion electing be granted to Indians on the same status as electors in urban centres". This is a matter which, in the opinion of your Committee should be referred to a special committee on the Dominion Elections Act, with a view to early implementation of the recommendation.

It is realized that many Indians are not anxious to have or to use the franchise, under the misapprehension that, if they do exercise it, they will lose what they consider their rights and privileges.

Many Indians who do not have the right to vote at Dominion elections do pay taxes on income earned away from the reserve, together with sales tax, gasoline tax, excise tax, et cetera. This is taxation with representation.

It is the opinion of your Committee that it would encourage Indians, particularly the younger ones, to interest themselves in public affairs, if they were given the privilege already recommended. Your Committee is further of opinion that the public generally would be given a better appreciation of Indian affairs.

6. ENCHROACHMENT OF WHITE PERSONS ON INDIAN RESERVES

Your Committee recommends that the revised Act contain provisions to prevent persons other than Indians from trespassing upon or frequenting Indian Reserves for improper purposes.

7. THE OPERATION OF INDIAN SCHOOLS

Your Committee recommends the revision of those sections of the Act which pertain to education, in order to prepare Indian children to take their place as citizens.

Your Committee, therefore, recommends that wherever and whenever possible Indian children should be educated in association with other children.

8. SOCIAL AND ECONOMIC STATUS OF INDIANS AND THEIR ADVANCEMENT

Your Committee recommends that the Government consider the advisability of granting a pension to aged, blind or infirm Indians. This is in addition to recommendations previously made with regard to the social and economic advancement of Indians.

9. INDIAN ADMINISTRATION IN GENERAL

In 1946 and again in 1947 the Joint Committee on the Indian Act made recommendations with regard to administrative improvements which could be effected without the revision of existing legislation and which, when put into effect, would remove some of the causes out of which arise grievances and complaints of many Indians.

There are still some "administrative improvements" which your Committee deems advisable.

Your Committee, therefore, again recommends that the administration of all aspects of Indian affairs be placed under one ministerial head.

Your Committee reiterates the recommendations made by the 1947 Joint Committee on the Indian Act, viz:

> 10. The Director of the Indian Affairs Branch... should be named a Commissioner who shall have the rank of a Deputy Minister and shall have at least two Assistant Commissioners of whom one should be a Canadian of Indian descent.

10. PARLIAMENT INQUIRIES

Since 1867 there have been only two parliamentary inquiries into Indian affairs, each of which was very narrow in scope. One, in 1930, dealt with Bill No. 14, which contained amendments with regard to the adoption of the elective system of Chiefs and Coucillors; the other, in 1926, was a Joint Committee which inquired into the claims of the allied Indian tribes of British Columbia.

Your Committee recommends that the rules of the House of Commons be amended to provide for the appointment of a Select Standing Committee on Indian Affairs.

In the opinion of your Committee such a Committee will be necessary for a few sessions at least, to consider and report upon the working out of any Indian Act and regulations framed thereunder.

Your Committee considers a lapse of more than 20 years without parliamentary investigation too long to permit of that good administration of a Branch or Department of Department of Government which deals with such human problems as Indian Affairs.

11. ADVISORY BOARDS

Your Committee recommends that the Government consider the advisability of appointing such Advisory Boards or Committees as, from time to time, are deemed necessary for the carrying out of the provisions of the Indian Act.

12. OTHER COGNATE MATTERS

There are certain aspects of Indian affairs administration which, perforce, require co-operation between Dominion and Provincial officals, to bring about the future economic of Indians into the body politic of Canada.

Your Committee, therefore, recommends that the Government consider the desirability of placing on the agenda of the next Dominion-Provincial Conference for consideration by the Provinces, the following matters:-

(a) Education;
(b) Health and Social Services;
(c) Fur Conservation and Development and Indian traplines;
(d) Provincial Fish and Game laws;
(e) Provincial liquor legislation;
(f) Validity of marriage solemnized by Indians, on Indian reserves, according to tribal custom and ritual.

Your Committee realizes that the matters above enumerated are matters which, are dealt with under provincial legislative powers. However, it should be possible to arrive at such financial arrangements between the Dominion and Provincial governments as might bring Indians within the scope of such provincial legislation, in order that there be mutual and co-ordinated assistance to facilitate the Indians to become, in every respect, citizens proud of Canada and of the provinces in which they reside.

(SJC: 1948, pp. 187-190).

CHAPTER XI

The 1951 Indian Act

Acting on the recommendations of the Special Committee 1946-48, the Indian Affairs Branch drafted a new Indian Act, Bill No. 267. The minister, W.E. Harris, introduced it on 7 June, 1950 at which time copies were sent out to all agents and bands for their consideration and comment. As parliament was to prorogue by the end of June, it was obvious to many members and to the press that the promised consultation with the Indians was a sham. Two weeks was simply not enough time for them to read the bill, consider it and make suggestions. Even if it were, there certainly would not be time to incorporate the suggestions in the draft bill before the session ended.

The main points of Bill No. 267 were a new definition of 'Indian' and, the creation of a register of Indians and clarification of a catalogue of sections which had become extremely cumbersome over the years. These included the sections on land and money management, the administration of estates and local government. As well, some patently restrictive clauses in existing legislation were absent in the new bill particularly with respect to intoxicants. Finally, the enfranchisement sections were improved, as Harris, the minister, put it, "...for the purpose of facilitating enfranchisement for Indians." (Commons Debates, 21 June, 1950; p. 3938).

Both the Opposition and the Indians demanded that the bill be held over until the next session, Mr. Harkness, in particular, having called the consultation a joke, - though no joke as far as the Indians were concerned. (Commons Debates, 21 June, 1950, p. 3939). A much stronger debate ensued, however,

over the content of the bill itself and not over its introduction so late in the session. Mr. Blackmore (Lethbridge) attacked it at some length;

> When I come to examine the act, as a member of the Indian affairs committee, I find myself deeply disappointed. I spent three years of hard work on that Indian affairs committee, as did the other earnest members who were there. To think that, after all our efforts, the sum total of our reward is this contemptible thing we have before us today makes me wonder if I do not have to struggle to keep my faith in humanity. We were told that we were going to help the Indians to help themselves. I looked into the bill, but up to the present time I am sorry to say that I have found no evidence of anything in the bill to help the Indians to help themselves beyond what we had in the old act.
>
> (Commons Debates; 21 June, 1950, p. 3946).

Mr. Blackmore also raised a number of specific questions regarding the failure by the Minister to include what had been recommended by the Committee:

> ...where the non-sectarian education is that members of the committee almost to an individual decided the Indian should have. Where is it? I find no evidence of it in this bill.
>
> ...
>
> Where is the defining of the extent of the government's obligation to the Indians through treaties, promises, agreements, by sweeping specific agreements which have been made with the Indians for many years ever since our fathers first came here to deal with the Indians? We find no evidence in the bill, so far as I can see, of the setting up of a claims commission. We find no evidence of any statement made by the Minister that there is contemplated such a commission independent of the bill. But the time is far overdue when a claims commission should

> be set up to consider the injustices which the Indians have suffered from by reason of our failure to keep the treaty obligations that we solemnly entered into back in the years of long ago.
>
> Where is the formula for gradual but continous transition from wardship to citizenship which we all expected we would find in the bill? We had a right to expect it. Where is the formula? It simply is not in the bill. There should be at least this important provision in this bill.
>
> (Commons Debates, 21 June 1950, p. 3946-47)

Mr. J.A. Charlton (Brant-Wentworth) read comment from the newspapers into the record to demonstrate the inadvisability of proceeding with the bill.

From the Vancouver News-Herald, 17 June, 1950.

> Who is responsible for the shamefully inadequate piece of legislation that has been offered to the commons as a new Indian Act?

From the North Shore Review 16 June, 1950;

> If federal government plans to rush through its inept revision of the Indian Act are not checked, Prime Minister Louis St. Laurent will go down in history as an inglorious traitor to our native citizens.

From the Vancouver Sun, 19 June, 1950;

> The bill introduced into parliament by the government to revise the Indian Act is a vast disappointment to friends of the Indians. It should be withdrawn and given further consideration before it is submitted to the next session of parliament.

Finally Mr. Diefenbaker (Lake Centre) sprang into the fight. He denounced the bill as,

> ...merely an alteration of some of the provisions of the Indian Act intensified insofar as administrative officials

> are concerned to make them more powerful than they ever have been before under the Indian Act as it has existed since 1880.
>
> (Commons Debates, 21 June, 1950, p. 3973)

He continued his attack:

> In other words, at a time when throughout the world freedom is being challenged, when the very nature of democracy is being challenged, we have before us a bill that places shackles on a large part of the population of our country, numbering about 125,000. For three years that committee sat. Now the mountain brings forth a mouse. Here we have not what was recommended by the committee but what apparently meets the desires and the wishes of the administrative officials. In its present form of bill it is a perpetuation of bureaucracy over the Indian. It is a denial of his rights. It places him in the position of being a second class citizen under the law. It denies him freedom except with the consent of the minister or with the consent of some officials of the Indian department.
>
> (Commons Debates, 21 June, 1950, p. 3976)

Finally, he made his position regarding the vote for the bill entirely clear.

> I will take no part in the passing of a bill that goes contrary to the desires, the wishes, and the recommendations of a committee of this parliament. A Magna Carta for Indians! There is a redrafting of some sections, and a change in their numbers: but behind it all and through it all runs the thread of a subservience which I for one, knowing Indians and having acted for them on several occasions, will not join in supporting in this house, no matter what other members may do.
>
> (Commons Debates, 21 June, 1950, p. 3956).

Yet another member, O.L. Jones (Yale), going beyond the content of the bill itself, observed that while Canada was willing to go to war on account

of the violation of minority rights in other countries, it was turning a blind eye to its internal situation.

> Other nations have challenged our sincerity in regard to our own racial problems at some of the international conventions that have taken place in recent years. Our failure to accept our own Indians as full citizens has been thrown in our faces and will be thrown in our faces until we accept them as full citizens.
>
> (Commons Debates, 21 June, 1950, p. 3977)

In any case, Bill 267 was dropped with the intention of redrafting it and introducing a new Indian Act the following session. Plans were also made for a meeting with the representatives of the various Indian associations at the time of its re-introduction. This meeting finally took place in Ottawa between February 28 and March 3, 1951 and was attended by 19 representatives of Indian interests, five from Ontario, four from B.C., three from Saskatchewan, two from Manitoba, Alberta and Quebec and one from the Maritimes. In addition, the Minister and the deputy minister attended all the meetings. Of the proceedings the following statement was made;

> ...the conference noted that there was unanimous support for 103 sections of the bill. Opinions varied with respect to the remaining sections as will be explained in more detail later. However, the results of the discussions by those representatives favoring new legislation may be summarized as follows: of the 124 sections, 103 sections were unanimously supported: 113 sections were supported by the majority of those present; only six sections were opposed by a majority of the representatives and of these two were unanimously opposed.
>
> (Commons Debates, 16 March, 1957 Appendix B, p. 1364).

The sections unanimously opposed had to do with exemption from taxation (86) and enfranchisement (112). Of the six sections opposed by a majority, four of them dealt with the regulation of the sale of intoxicants.

> Regarding these sections, there were three views expressed -- (1) that the provisions dealing with intoxicants contained in the present act be continued; that is, complete prohibition; (2) that provincial liquor laws be made applicable to Indians; (3) a compromise measure, such as is contemplated by section 95, which would allow the Indians to consume intoxicants in public places in accordance with the laws of the provinces, but which would not permit them to be in possession of package goods nor to take liquor on a reserve.
>
> (Commons Debates, 16 March 1951, Appendix B, p. 1364).

Opposition by fewer than six of the nineteen representatives generally reflected regional or band interests.

> It was evident from the discussion that the problem of Indian affairs varied greatly from reserve to reserve. It was recognized that the Indians of the several provinces appeared to have differing rights and experiences, and that these differences accounted for the variety of viewpoints expressed towards particular sections of the bill.
>
> (Commons Debates, 16 March 1951, Appendix B, p. 1364).

Finally, the minister reported that while it was possible that changes might not be made in all respects where objections had been raised, nevertheless, the "...representations had been noted and would be drawn to the attention of the government and parliament during the later stages of the Indian bill. "(Commons Debates, 16 March 1951. Appendix B. p. 1364).

An important consideration was that these consultation meetings were the first ones ever held with the Indians. This fact was noted not only in the summary of the proceedings but also in the House.

> I believe the steps taken to obtain the views of the Indians were extremely important as far as the psychological effect upon the Indians themselves was concerned. They feel they are in on the thing now, that they have been consulted, and that some weight has been given their opinions. If any Indian act is to work I think one of the essentials is that the Indians themselves have some confidence in it, and are able to feel that they had a hand in framing it.
>
> (Harkness, Commons Debates, 2 April 1951, p. 1528).

In any case, a special committee was appointed to consider the new Indian Act (Bill No. 79) and sat between 12 April and 30 April, 1951. It made a few changes in the bill and disagreed on a number of issues. Instead of prolonging the debate over the disputed sections, the Committee reported the bill to the house with the following proviso:

> This Committee is of opinion that no further evidence is now required for our purposes, but that we recommend that further consideration be given to the Indian Act in two years time.
>
> (Minutes, Special Committee to consider Bill No. 79, 30 April 1951, p. 293).

Finally, on 17 May 1951 after three days of debate, the bill was passed and became the new Indian Act. In light of the legislation preceding it, it was apparent that the New Act differed in few respects either from Bill No. 267 of 1950 or the existing legislation. The intent of the 1951 Act was certainly exactly that of the former legislation though the wording in many cases was not. The essential elements of the earliest Dominion legislation, in that it

protected Indian lands from alienation, Indian property from depradation and provided for a form of local government and the system of ending Indian status, were preserved intact.

Since the earliest Dominion legislation, the restrictive elements of the Indian Act had been given great elaboration, particularly with respect to intoxicants. As well, Indians had been forbidden to perform certain aboriginal ceremonies and dances, sell their produce without the permission of the agent, and required permission to attend fairs and rodeos. These elements were absent in the 1951 Act. Similarly, the power to remove reserves, to utilize reserve land by leasing to non-Indians and to take reserve lands for on-reserve purposes, powers which had crept into the legislation between 1890 and 1918, were absent in the 1951 Act.

The Indian Advancement Act 1884 which had become Part II of the Indian Act in 1906 was combined with the main provisions regarding the election of chiefs and councils to become the local government portion of the 1951 Act. The powers accorded to local band councils contained in the Indian Advancement Act were extended to councils under the 1951 Act.

The sections having to do with estates and the descent of property, haphazardly enacted since 1880, were simplified and made not repugnant to provincial legislation. Their intent, however, was the same - to ensure that dependents were provided for and that no real property on a reserve could pass into the hands of a person not entitled to reside on the reserve.

For all the argument to the contrary, the powers of the Minister and Governor-in-Council remained formidable. Over half of the Act was at the

discretion of the Minister or Governor-in-Council while the latter official was empowered to declare any or all parts of the Act inapplicable to any band or individual Indian, subject only to any other statute or treaty.

With respect to enfranchisement, the arbitrary power of the Minister to petition the Governor to declare an Indian enfranchised without the consent of the Indian (enacted in 1920, repealed in 1924 and and re-enacted in 1933 in a milder form) was absent from the 1951 Act. In every other respect, the enfranchisement process remained the same.

If the Indian Act did indeed govern the relationship between the Indians and Canadian society at large, it would seem that little had changed in that relationship by 1951. At least, neither of the parties to the relationship acknowledged changes to the extent that radical or even new legislation was necessary to cope with them.

CONCLUSION

J.F. Hodgetts, in addressing himself to the history of the Department of Indian Affairs characterized Indian Affairs as 'the White Man's Albatross. He observed:

> Thus a policy devised in the 1830's was reiterated, elaborated and carried forward to Confederation. Almost intact it has served up to this day as the guiding star for administrators of Indian Affairs. Probably in no other sphere has such continuity or consistency or clarity of policy prevailed; probably in no other area has there been such a marked failure to realize ultimate objectives. (Hodgetts, 1955, p. 211)

Two questions arise from this. What has the policy been and why has it failed? In Hodgett's view (and this is apparent also in the changing legislation outlined in the preceding chapters) the policy developed after 1830 was to 'civilize' the Indians and 'assimilate' them into the white community. Throughout the history of the department 'civilizing' meant "...raising them to the moral and intellectual level of the white men and preparing them to undertake the offices and duties of citizens." (Hodgetts, 1955; p. 207). And once the 'civilizing' process had been carried out, assimilation, it was assumed, would be virtually automatic. The only perceptible change up to and including 1951 was a terminological one: the Indians were to be 'integrated' rather than assimilated, they were to be made first class citizens living in the 'mainstream' of Canadian society. For one hundred and forty years at regular intervals, essentially the same policy has been 're-discovered' and refurbished to serve government objectives. And for one hundred and forty years it has been characterized by a notable lack of success in accomplishing what it has set out to do, whatever the merits or evils of those goals may have been.

The principal reason, one may even say cause, of this failure has been the legislation respecting Indians, the statutes that over the years have come to be known as the Indian Act. The Indian Act exists to regulate and systematize the relationship between the Indians and the majority society. In order to do so it must define the parties to the relationship and declare what pertains to one party and what pertains to the other. Paradoxically, it seeks to operate as the mechanism of assimilation, of 'making the groups be the same' by declaring them different and apart. By virtue of declaring a category of people as being different from the rest of the citizens of Canada, it has isolated them from the rest of the citizens of Canada. By guarding the Indians' property the Act has made that property different from the rest of the property in the land. By creating a special department to deal with the Indians, the Indian Act has isolated them from the regular operations of the institutions of the Canadian community. This is no less true at the present than in 1876. In fact, the changes in the majority community since that time have far outstripped the changes in the Indian community. The differences have, if anything, become even more pronounced.

The changes observed in the Indian Act, from its legislative precedents of the 1850's to the present day have merely sought to kept pace with the changes in Canadian society. They have not modified the basic policy and the basic assumptions underlying that policy. When Canada was a sparsely settled agrarian society, few regulations were needed to govern the relationship between the Indians and the Canadian community. Indeed, few regulations of any sort were needed or felt to be needed. As Canadian society expanded, both geographically and in numbers, greater regulation, alike of the society and of its relationship to the Indians became necessary. And so the Indian Act became longer and more

complicated. At first it simply protected the lands from trespass, the property from seizure and the person from the deleterious effects of liquor. Shortly thereafter, it provided for a system of assimilating the Indians, enfranchisement. As the extent of the relationship between the Indians and the majority society grew with the growth of the country, the Act was enlarged to encompass more and more of the life and property of the Indians.

The Indian Act also reflected the attitudes of the majority society towards the Indians. In the Confederation era, the society wished to 'fairly protect' them until they chose to take their places in the society. To that end, every conceivable form of trespass and damage was provided for in the Act. By the turn of the century, society had grown impatient. It saw the Indians in possession of large tracts of land that were not fully utilized, the inalienable title to which was in many places a hindrance to the great expansion of Canada that was taking place. The protections in the Act were reduced, legal means were found to dispossess the Indians of their reserves, or failing that, to utilize them, the Indians' disinclination to do so notwithstanding. By 1920, the impatience has grown so great that the Act was made an instrument of declaring Indians no longer of Indian status, of enfranchising them whether they wanted to or not. Finally, after the second World War, at a time of great concern with 'Human rights', the Act was changed to remove most of the discriminatory and repressive provisions that had come to be included in it over two years. 1951 did not, however, see any material change in the underlying assumptions about the relationship between the majority society and the Indians.

In 1880, Sir John A. MacDonald declared that the government policy regarding the Indians was,

> ...to wean them by slow degrees, from their nomadic habits, which have almost become an instinct, and by slow degrees absorb them or settle them on the land. Meantime they must be fairly protected.
>
> (Commons Debates, 5 May, 1880)

In 1950, W.E. Harris, Minister responsible for Indian Affairs, reviewed past policy and announced the new:

> The ultimate goal of our Indian policy is the integration of the Indians into the general life and economy of the country. It is recognized, however, that during a temporary transition period of varying length, depending upon the circumstances and stage of development of different bands, special treatment and legislation are necessary.
>
> (Commons Debates, 29 June, 1950; p. 3938).

1665-1675	Col. Laws of N.Y., Vol. I, 1664-1719, pg. 40-42 The Duke of York Laws 1665-1675 Re Indians
1670	22 Charles II, pg. 1-22 Hudson's Bay Charter Incorporation
September 8, 1760	Const. Doc.(1759-1791) Vol. I, Part I, Sessional Paper No. 18, 6-7 Edward VII, 1907 Articles of Capitulation Article XL
1762	Imperial Statutes 2 George III, Chapter 3, pg. 78 An Act for preventing fraudulent dealings in the trade with the Indians
May 4, 1762	PAC Report 1894, CO217, Vol. 19, note B-1028(micro film A proclamation relating to Indians - included in a pricing correspondence dated July 2, 1762 - J. Belcher
August 5, 1763	Const. Doc.(1759-1791) Vol. I, Part I, Sessional Paper No. 18, 6-7 Edward VII, 1907 Protection of Indian Lands and Trade
October 8, 1763	Const. Doc.(1759-1791) Vol. I, Part I, Sessional Paper No. 18, 6-7 Edward VII, 1907 Proclamation of Indian Lands (by the king) (3 St. James
December 7, 1763	Const. Doc.(1759-1791) Vol. I, Part I, Sessional Paper No. 18, 6-7 Edward VII, 1907 Instructions to Governor Murray, Section 60, 61, 62
November 10, 1764	Statutes of L.C., 5th George III, pg. 33 Ordinance to prevent sale of liquor to Indians
1768	Const. Doc.(1759-1791) Vol. I, Part I, Sessional Paper No. 18, 6-7 Edward VII, 1907 Instructions to Carleton, Section 59, 60, 61
January 3, 1775	Const. Doc., Vol. I (1759-1791) Sessional Paper No. 18, Part II, 6-7 Edward VII, 1907 Plans for future Management of Indian Affairs
January 3, 1775	Const. Doc., Vol. I, (1759-1791) Sessional Paper No. 18, Part II, 6-7 Edward VII, 1907 Instructions to Governor Carleton, 1775, Section 32
March 29, 1777	Quebec Ordinance, 1763-1791) Sessional Paper No. 29 Act to Prevent Sale of Liquor to Indians
September 16, 1791	Const. Doc., Vol. II, Sessional Paper No. 18, 1791 3 George V Instructions to Lord Dorchester as Governor of lower Canada, Article 56, Trade
March 9, 1795	Const. Doc., Vol. II, Sessional Paper No. 29C, 4 George V, 1914 Simcoe to Dorchester Dep. for Superintendency of the Indian Nations (Presents, etc.)
September 3, 1795	Const. Doc., Vol. II, 1791-1818, Sessional Paper 29C, 4 George V, 1914 Portland to Simcoe also: Additional inst. Relating to Indian Dep.
December 15, 1796	37 George III Further Instructions to the Governor of the Colonies

February 21, 1800	Constitutional Document Vol. II (1791-1818) Sessional Paper 29c, 4 George V, 1914 Portland to York, also Additional instructions
June 18, 1801 June 20, 1801 June 22, 1801	J.L.A.C. - U.C. George III, 1801, Journal, 208 Sale of Liquor to Indians. Act to Present Persons from Buying Arms, etc. from Indians.
July 9, 1801	J.L.A.C. - U.C. George III, 1801, Journal 244 Sale of Liquor to Indians
February 4, 1803 February 18, 1803 February 21, 1803	J.L.A.C. - U.C. George III, 1803 Journal 335,360,370 Petition of Six Nations of Indians
February 18, 1804	Indian Department Six Nations Indians RG10 Vol. 717,34- Speech of Captain Jos. Brant at the Council at 36 Nigra
February 24, 1806	J.L.A.C. - U.C. George III, 1806. Journal 86, 87 Petition of Captain Joseph Brant.
February 18, 1808	J.L.A.C. - U.C. George III 1808, Journal 223, 224 Petition of Inhabitants of Township of Beasley Concerning Indian Drunkenness
July 18, 1808	Sessional Papers, 4th session, 10th Parliament 7-8 Edward VII, 13528-13533 Indian Lands
January 2, 1816	Indian Department Six Nations Indians RG10 Vol. 717,1 Letter from Mr. Goulkurn to Captain Norton: 16 "Six Nations Lands: Forbidding Attach on U.S."
November 17, 1818	J.L.A.C. - U.C. George III, 1818 Journal 70, 73, 81 Indian Presents
1821	Imperial Status 1,2 George IV, ch. 66, 422-424 An Act for Regulating the Fur Trade and Establishing a Criminal and Civil Jurisdiction within Certain Parts of North America
April 12, 1821	Status of Can. U.C. 2 George IV Chap. X, 313 Act to Issue Protection of Fisheries
January 7, 1822	J.L.A.C. - U.C. 1822 GeorgeIV Journal 155, 159 Sale of Liquor to Indians
January 9, 1822 January 10, 1822	J.L.A.C. - U.C. 1822 George IV Journal 165, 167 Sale of Liquor to Indians
January 14, 1822	J.L.A.C. - U.C. 1822 George Iv Journal 179 Sale of Liquor to Indians
January 27, 1823	J.L.A.C. - U.C. 1823 George IV Journal 279,282,284,28 Sale of Liquor to Indians 28
February 23, 1823 February 24, 1823 February 25, 1823	J.L.A.C. - U.C. 1823 George IV Journal 341, 346, 349 Sale of Liquor to Indians

February 24, 1823 February 25, 1823	J.L.A.C. - U.C. George IV, Journal 346,348,349,351 Indian Protection Bill (Liquor) 2nd and 3rd readings
March 4, 1823	J.L.A.C. - U.C. 1823 George IV, Journal 371 Sale of Liquor to Indians
December 15, 1823	J.L.A.C. - U.C., George IV, Journal 555 Mention of Bill to Improve Indian Tribes
January 3, 1826	J.L.A.C. - U.C. 5th George IV, Journal 55 Petition of Messisagua Indians at River Credit
December 20, 1826	J.L.A.C. - U.C. 7th George IV, Journal 20 Petitition of Mississaga Indians (Reading)
December 21, 1826	J.L.A.C. - U.C. 7th George IV, Journal 22 Petition of Thaddeus Osgood concerning Indian Schools
February 6, 1827	J.L.A.C. - U.C. 8th George IV, Journal 80 Reading of School Bill (not proceeded in)
March 17, 1828	J.L.A.C. - U.C. 9th George IV, Journal 108 Selling of Liquor to Indians
March 20, 1828	J.L.A.C. - U.C. 9th George IV, Journal 107 Indian Reservations-Townships of Charlottenburgh and Kenyon (not proceeded in)
January 27, 1829	J.L.A.C. - U.C. 9th George IV, 1829, Journal 22, 23 Petition of Rice Lake Indians
February 6, 1829	J.L.A.C. - U.C. 10thGeorge IV, Journal 30, 31 Petition of Mississaga Indians-River Credit
March 3, 1829	J.L.A.C. - U.C. 10th George IV, Journal 47, 50 Indian Lands - Moravian Indians
March 5, 1829	J.L.A.C. - U.C. 10th George IV, Appendix 32, 33, 34 Report of Select Committee on Petition of Mississagua Indians on River Credit, read March 5, 1829
March 5, 1829	J.L.A.C. - U.C. 10th George IV, Journal 49, 50 Indian Lands Mississaga Indians
March 13, 1829	J.L.A.C. - U.C. 10th George IV, 1829, Journal 62 Indian Lands
March 20, 1829	Stat. of U.C. 10th George IV, Chap. III Fishing and Hunting Rights Mississaga Indians
1830	Indian Department Six Nations Indians RG10 Vol. 717 94-97, 98-120 Questions for Samuel P. Jarvis, Chief Supt. of Indians re. duties, etc. Answers
January 2, 1830	J.L.A.C. - U.C. Appendix 192-193 Five Nations Trust Fund-Mr. Claus

January 25, 26, 1830	J.L.A.C. - U.C. Journal 1830 Protection of Indian Lands - Rice Lake Petition of George Pautosh
February 12, 1830	J.L.A.C. - U.C. Journal 1830 Indian Lands - Niagara-Mr. Claus
February 17, 1830	Indian Department-Six Nations Indians RG10 Vol. 717, 27-29 An Act for the Protection of the Interests of Certain Bodies of Indians in this Province
February 17, 1830	J.L.A.C. - U.C. Journal 1830 Indian Protection
February 20, 1830	J.L.A.C. - U.C. Journal 1830 Indian Agency
February 23, 1830	J.L.A.C. - U.C. Journal 1830 Protection of Indians
March 3, 1830	J.L.A.C. - U.C. Journal 1830 Rice Lake - Indian Protection
May 14, 1830	Indian Department-Six Nations Indians RG10 Vol. 717, 1-26 Report of Executive Council of History: State of Five Nations Trusts
1831	Statues of L.C. 1 Will. IV, Chap. 39 An Act to Extend to the Inhabitants of the Indian Reservation of Saint Regis and Dundee, the Rights, Privileges, and Advantages Enjoyed by the Other Inhabitants of this Province
February 2, 1831	J.L.A.C. - U.C. Journal 36, 38, 1st William IV, 1831 Lands-Petition of Captain Pautosh
December 26, 1831	J.L.A.C. - U.C. 2nd William IV, Journal 60 Bill to Prevent Sale of Liquor to Indians (not proceeded in)
December 22, 1832	J.L.A.C. - U.C. 3rd William IV, Journal 66 Indian Lands-Petition of Hamilton
January 19, 1833	J.L.A.C. - U.C. 3rd William IV, Journal 94 Indian Lands-Petition of Hamilton
November 26, 1833	J.L.A.C. - U.C. 4th William IV, Journal 14 Petition of Pautosh-Rice Lake
February 27, 1834	J.L.A.C. - U.C. 4th William IV, Journal 137 Committee on Indian Lands
March 19, 1834	Imperial Blue Books, Great Britain and Ireland on Affairs Relating to Can. Vol. 5, 1934, Paper No. 617 Aboriginal Tribes

January 26, 1835	J.L.A.C. - U.C. 5th William IV, Journal 53, 55 Petition of Pautosh and Read. Land Protection. Rice and Mud Lakes. Referred to Select Committee
February 2, 1835	J.L.A.C. - U.C. 5th William IV, Journal 93 Sale of Liquor to Indians. Petitions of Henry Brant, etc.
February 3, 1835	J.L.A.C. - U.C. 5th William IV, Journal 96 Sale of Liquor to Indians-Est. of a Committee to Report
February 25, 1835	J.L.A.C. - U.C. 5th William IV, Journal 178 Petition of Mississaga Indians-River Credit
March 14, 1835	J.L.A.C. - U.C. 5th William IV, Journal 242, 243 Liquor among Indians. Petitions of Wyandot Indians, Chippawa Indians
March 16, 1835	J.L.A.C. - U.C. 5th William IV, Journal 248 Sale of Liquor. Addition to Select Committee
March 17, 1835	J.L.A.C. - U.C. 5th William IV, Journal 251 Sale of Liquor to Indians. Petition of Harry Hunt
March 24, 1835	J.L.A.C. - U.C. 5th William IV, Journal 282, 285, 298 Sale of Liquor to Indians. Amendments to Act.
April 16, 1835	Stat. of U.C. 5th William IV, Chap. IX Act to Prevent Sale of Liquor to Indians
April 16, 1835	Stat. of U.C. 5th William IV, Chap. XXVII Protection of Hunting and Fishing Rights Mississagua Tribes
April 16, 1835	J.L.A.C. - U.C. 5th William IV, Journal 417 Protection of Mississaga Indian Fishing Rights Royal Assent
April 16, 1835	J.L.A.C. - U.C. 5th William IV, Journal 417 Act to Prevent Sale of Liquor to the Indians Royal Assent
January 25, 1836	J.L.A.C. - U.C. 6th William IV, Journal 57-58 Indian Lands. Petition of Nelson Cozens
January 28, 1836	J.L.A.C. - U.C. 6th William IV, Journal 75, 76 Indian Lands. Petition of T. Splitlog
January 28, 1836	J.L.A.C. - U.C. 6th William IV, Journal 78 Indian Lands. Petition of T. Splitlog referred to Committee
February 5, 1836	J.L.A.C. - U.C. 6th William IV, Journal 110 Indian Lands. Petition of N. Cozens referred to Committee

February 15, 1836	J.L.A.C. - U.C. 6th William IV, Journal 156, 157 Address on Splitlog Petition
February 17, 1836	J.L.A.C. - U.C. 6th William IV, Journall 177 Indian Lands re Petition of T. Splitlog
February 20, 1836	J.L.A.C. - U.C. 6 William IV, Journal 194, 195 Answer to Address on Splitlog's petition
May 28, 1836	J.L.A.C. - U.C. 6th William IV, App. 132 Message from Lieutenant Governor with Petition from Chiefs of Missassagua Tribes on River Credit
April 14, 1836	J.L.A.C. - U.C. 6th William IV, Appendix 37 Indian Lands. Report on Petition of N. Cozens read April 14, 1836
April 15, 1836	Br. Parliament Papers relating to Can. Vol. 7 (1833-36) Paper 212 Upper and Lower Canada. Indian Departments.
August 5, 1836	Br. Parliament Paper, 538 Report of Select Committee on Aborigines 1836 Extracts Relating to North America Index-S. Bannister, Suggestions to Committee 174-177 Captain David Buchan, Indian of Newfoundland 475-479 Mr. Richard King, Civilization of Indians Protection of their Rights, 639-642
December 17, 1836	J.L.A.C. - U.C. 7th William IV, Journal 175, 176 Indian Lands. Petition of Roi-tara-Kononti-L.C.
December 22, 1836	J.L.A.C. - U.C. 7th William IV, Journal 212 Indian Lands. Petition of Roi-tara-Kononti
January 13, 1837	J.L.A.C. - U.C. 7th William IV, Journal 274 Petition of W. Kerr. Inquiry into conduct William Hepburne - Trustee of Six Nations Indians
January 30, 1837	J.L.A.C. - U.C. 7th William IV, Journal 356, 357 Address on Claims for Indian Lands (Passed)
February, 1837	J.L.A.C. - U.C. 7th William IV, Appendix No. 53 Report of Select Committee on Petition of William Kerr
February 6, 1837	J.L.A.C. - U.C. 7th William IV, Journal 392-402 Examination of William Hepburn
February 22, 1837	J.L.A.C. - U.C. 9th William IV, Appendix No. 54 Report of Lieutenant Governor re Indian lands.
February 22, 1837	J.L.A.C. - U.C. 7th William IV, Journal 533 Indian Lands. Six Nations Indians

June 26, 1837	Br. Parliament Papers, No. 425 Report Aborigines, British Settlements. Extracts Relating to North America
1838	PAC microfilms Information respecting the Aborigines in the British North American Colonies, Circulated by the Direction of the Meeting for Sufferings. Pamphlet, Lond, 1838
January 29, 1838	J.L.A.C. - U.C. 1st Victoria, Appendix 180 Message from Lieutenant Governor. Despatches of Indian Affairs
1839	Report Indian Affair RG10 I Vol. 718 McCauley's Report re. Indian Affairs in Upper Canada
April 26, 1839	J.L.A.C. - U.C. 2nd Victoria, Journal 248 Amendments to Bill to Protect Indian Lands
April 29, 1839	J.L.A.C. - U.C. 2nd Victoria, Journal 263 Amendments to Indian Lands Protection Bill (Passed) (Royal Assent May 11, 1839)
May 9, 1839	J.L.A.C. 3rd Victoria, Appendix Vol. 2. Report on Public Departments Indian Affairs Committee No. 4
May 11, 1839	Stat. of U.C. 2nd Victoria 1839, Chap. XV Protection of Lands
June 2, 1839	Indian Affairs, Series I, Orders in Council, 1793-1872, 57 Order in Council re Indian's Debts to be Paid Out of Indian Funds
June 17, 1839	Br. Parliament Papers relating to Canada Vol. 12, 1839. Paper 323 Copies of Correspondence between Secretary of State for Colonies and the Governor of B.N.A. Respecting the Indians
February 10, 1840	Stat. of U.C. 3rd Victoria, Chap. XIII Amendment to Act Preventing Sale of Liquor to Indians
May 14, 1840	J.L.A.C. 9th Victoria, Journal 240 Address re Indian Presents to the Governor General
June 25, 1840	Statues of L.C. 4th Victoria, Chap. 44 Protection of Indians
September 7, 1840	Indian Department-Six Nations Indians RG10 Vol. 717, 166-185 Report of John W. Gwynne re. intruders on Six Nations sec. Book Fines, etc. 2nd Victoria Chap. 15, 31.

October 4, 1843	Indian Dept.-Six Nations Indians RG10 Vol. 717, 232-2 Report on Petition of Six Nations Chiefs re. lands, funds, trespassers, etc.
December 4, 1843	J.L.A.C. 7th Victoria, Appendix MM Report of Select Committee on Indian Lands Niagara and Gore Districts
1876-1846	Orders in Council RG10 Vol. 119 part 2 Orders in Council
April 16, 1846	J.L.A.C. 9th Victoria, Journal 100 Petition of W. Tegarehontie re Indian Allowances
April 20, 1846	J.L.A.C. 9th Victoria, Journal 137, 138 Address to Her Majesty re Petition concerning Indian allowances
July 30, 1846	J.L.A.C. 104 11th Victoria, Journal 54 Messages from Governor General re Indian Presents
July 12, 1847	J.L.A.C. 11th Victoria, Journal 126 Petition of F.J. Cheshire, re Indian lands Introduced
July 13, 1847	J.L.A.C. - U.C. 11th Victoria, Journal 135 Bill to Incorporate the Indian Tribes in Lower Canada (introduced)
July 21, 1847	J.L.A.C. - U.C. 11th Victoria, Journal 166 Indian Tribes Bill (Passed but not returned from Council)
July 28, 1847	J.L.A.C. 11th Victoria, Journal 213 Report of Petition of F.J. Cheshire re Indian Reserves
July 20, 1847	J.L.A.C. Vol 6, 1847 (11th Victoria) Appendix No. 3 VV Return to Governor General. Correspondence between His Excellency and Samuel Jarvis (Chief Superintendent of Indian Affairs) re Account of Indian Department
April 13, 1849	J.L.A.C. Vol 8, 1849 (12th Victoria) Appendix No. 3 MMMM Return to an Address from the Legislative Assembley of last Session, dated March 15, 1848, for certain documents relating to the Affairs of Samuel P. Jarvis, late Superintendent of Indian Affairs
June 28, 1850	J.L.A.C. 14th Victoria, Journal 106 Indian Tribes (L.C.) Property Bill (introduced)
July 26, 1850	J.L.A.C. 14th Victoria, Journal 194 Indians (U.C.) Protection Bill re Lands (introduced)

July 30, 1850	J.L.A.C. 15th Victoria, Journal 207 Indians (L.C.) Property Protection Bill (Appeal in part and amendments) (introduced) (Royal Assent - August 30, 1851)
August 9, 1850	J.L.A.C. 14th Victoria, Journal 276, 277 Indians (U.C.) Protection Bill Royal Assent August 10, 1850
August 10, 1850	J.L.A.C. 14th Victoria, Journal 282 Indian Tribes (L.C.) Property Bill (Royal Assent August 10, 1850)
August 10, 1850	Stat. of Can. 13th and 14th Victoria. Chap. 74 Protection of Indians - UC. Indian Lands
June 3, 1851	J.L.A.C. 14th Victoria, Journal 46 Indian Lands (LC) (introduced)
August 27, 1851	J.L.A.C. 15th Victoria, Journal 332 Indian Lands (LC) Grant to Indians (Royal Assent August 30, 1851)
August 30, 1851	Statues Canada 14th and 15th Victoria, Chap. 59 An Act to Repeal in Part and to Amend and Act, entitled 'An Act for the Better Protection of the Lands and Property of the Indians in Lower Canada'
August 30, 1851	Stat. of Can. 14th and 15th Victoria, Chap. 106 An Act to Authorize the Setting Apart of Lands for Use of Certain Indian Tribes in Lower Canada
April 27, 1853	J.L.A.C. 16th Victoria, Journal 786 Petition of Grand River Indians re. Land
April 28, 1853	J.L.A.C. 16th Victoria, Appendix EEEE Report on Petition of Grand River Settlers re. Indian Lands
February 21, 1856	Indian Affairs, Series I, Orders in Council 1793-1872, 151-156 Colonial Office to Governor Sir Edmund Head re. 'Direction of Indian Affairs'
June 2, 1856	C.O. Copies or Extracts of recent Correspondence respecting Alterations in the Organization of the Indian Department in Canada
September 8, 1856	J.L.A.C. 21st Victoria, Appendix 21 Report of the Special Commissioners to Investigate Indian Affairs in Canada
March 6, 1857	J.L.A.C. 20th Victoria, Journal 48 Gradual Civilization of Indian Tribes in Prov. (introduced)
May 22, 1857	J.L.A.C. 20th Victoria, Journal 473 Gradual Civilization of Indian Tribes Royal Assent June 10, 1857

June 10, 1857	Statues of Can. 20th Victoria, Chap. 26 Act to Encourage Civilization of Indian Tribes in Province
1859	Con. Statues Canda, 22nd Victoria, Chap. IX An Act respecting Civilization and Enfranchisement of Certain Indians
March 15, 1859	J.L.A.C. 22nd Victoria, Journal 199 Making and Maintenance of Roads through Indian Reserves LC (introduced) (Royal Assent May 4, 1859)
March 21, 1859	J.L.A.C. 22nd Victoria, Journal 228, 229 Address representing Abenakis Indians re. Lands
April 26, 1859	J.L.A.C. 22nd Victoria, Journal 504 Petition of J. Metsalabald Abenakis Tribe re. Lands
May 2, 1859	J.L.A.C. 22nd Victoria, Journal 563 Abenakis Tribe re. Lands
May 4, 1859	Statues of Can. 22nd Victoria, Chap. 60 Act to Authorize Making of Roads Through Indian Reserves in Lower Can.
April 18, 1860	J.L.A.C. 23 Victoria, Journal 210 Amendments to Act Respecting Civilization and Enfranchisement of certain Indians - introduced
May 1, 1860	J.L.A.C. 23rd Victoria, Journal 297 Amendments to Act Respecting Civilization and Enfranchisement of Certain Indians (passed) Royal Assent May 19, 1860
May 9, 1860	J.L.A.C. 23rd Victoria, Journal 354, 355 Management of Indian Lands and Property (Amended and Passed) Royal Assent 1861
May 19, 1860	Statues of Can. 23rd Victoria, Chap. 38 Amendment to Act Respecting Civilization and Enfrancisement of Certain Indians
June 30, 1860	Statues of Can. 23rd Victoria, Chap. 151 An Act Respecting the Management of the Indian Lands and Property
August 7, 1861	Indian Affairs, Series I, Orders in Council 1793-1872, p.328 23rd Victoria Chap. 2. 'Applying to Lands under Management of Comm. of Crown Lands'
September 10, 1861	Indian Affairs, Series I, Orders in Council 1793-1872, p.43-45 September 10, 1861 - Committee Report re. Manitoulin Island. August 29, 1861 - Manitoulin Island. Experiment a Failure

1864	Revised Statues of Nova Scotia 3rd Series 1864 Chap. 57 - 205-208 Revised Statutes of Indians
May 16, 1864 June 2, 1864 June 15, 1864	Can. Sessional Papers (No. 53) 27th Victoria Indian Lands-Manitoulin Island-Country of Lambton (Chippawas)
May 27, 1864	J.L.A.C. 27th Victoria, Journal 276 Huron Indians - Lorette Cutting of wood on reserve
June 30, 1864	Stat. of Can. 27th-28th Victoria, Chap. 59 An Act to Enable Huron Indians to regulate cutting of wood on their Reserve
August 10, 1866	J.L.A.C. 30th Victoria, Journal 335 Indian Lands (Royal Assent August 15, 1866)
August 15, 1866	Statues of Can. 29th-30th Victoria, Chap. 20 Act to Conform Title to Indian Lands
1867	The Laws of British Columbia 1877. Chap. 85-87 p. 295-300 Chap. 85-An Act to Amend Homestead Ordinance Chap. 86-An Ordinance to Prevent Violation of Indian Graves Chap 87-An Ordinance to assimilate and Amend the Law Prohibiting the Sale of Gift of Intoxicating Liquor to Indians
1867-1912	Canada and its Prov. (1913)Shortt & Doughty (ed) Vol. VII p. 592-626 Indian Affairs 1867-1912
March 15, 1867	The Laws of British Columbia 1877, chap. 71 An Ordinance to Provide for the Taking of Oaths and Admissions of Evidence
December 16, 1867	Sir John A. MacDonald Papers M620A, Vol. 101 part 2, p.40645 Address to Her Majesty the Queen from Senate: A. of C. of Dominion of Canada
December 9, 1867	Commons Debate, 1st session, 1st Parl. 1867 Indian Matters re. Money paid to Indian Dep. Indian Lands, TAxation of Indians
1868	Statutes of Canada 31st Victoria chap. 42 p.91-100 An Act for Management of Indian Lands
March, 1868	Commons Debates, 1st session, 1st Parl. Management of Indian Lands
May 22, 1868	Dep. of Se. of State, 31st Victoria, chap. 42 An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordinance Lands

1869	Sir John A. MacDonald Papers MG26A Vol. 101, part 2, p.40651 Deed of Surrender #14
1869	Statutes of Canada 32nd-33rd Victoria, chap. 6 p.22-27 An act for enfranchisement of Indians, etc.
1869	Sir John A. MacDonald papers MG26A Vol. 101, p.40318-40320 Agitation of half-breed regarding Government established
October 30, 1869	Sir John A. MacDonald Papers, MG26A Vol. 101 p.40324-40329 Dissatisfaction among the French half-breeds
1870	Sir John A. MacDonald Papers, MG26A Vol. 91 p.35381-35413 Report of the Indian Branch of the Department of the Secretary of State for the Provinces.
February 23, 1870	Commons Debates 3rd session, 1st Parl. 33rd Victoria p.198, 199 Re. Manitoulin Treaty which assured Indians their Land on the Island
February 24, 1870	Commons Debates 3rd session, 1st Parl. 33rd Victoria, 1870, p.201, 202, 203 Lands of Iroquois Indians
March 3, 1870	Commons Debates, 3rd session, 1st Parl. 33rd Victoria, 1870, p. 231, 232 Indian Lands
March 9, 1870	Sir John A. MacDonald Papers MG26A Vol. 101 p.40483-40485 The Transfer of Ruperts Land and the Concessions to be made to Half-Breed in that area
May 11, 1870	Commons Debate 3rd session, 1st Parl. 33rd Victoria p.1559 Indians in Northwest Territories
1871	Statutes of Canada 34th Victoria, chap.27 p.105 An Act to Prolong Rents on Indian Lands
March 8, 1871	Commons Debates, 3rd session, 1st Parl. 34th Victoria, 1870, p.341, 342 Statement regard transactions with Indians
April 10, 1871	Commons Debates 4th session, 1st Parl. 34th Victoria, 1871, p. 004, 1005 Question as to whether Government had assumed control of unsurrendered Indian land which should rest with local Government

1872-1875	Sir John A. MacDonald Papers PACMG26A Vol. 429, p.210027-210030 Origin of homes for Indian children in Canada
January 13, 1872	Sir John A. MacDonald Papers PACMG26A Vol. 245H, p.110691-110694 Governor McMacken to MacDonald re. half-breed lands
March 11, 1872	MacDonald Papers Letterbook Vol. 17, part 2, p.373 Surrenders
October 14, 1872	Sir John A. MacDonald Files PACMG26A Vol. 278 p.127642-127654 Indian policy in B.C.
1873	Sir John A. MacDonald Papers, PACMG26A Vol. 252 p.114034-114042 Laws for Half-breeds
1873-74	PACRG10 B3 Vol. 3281 Proposed Indian Act, printed draft
February 7, 1873	MacDonald Papers Letterbook Vol. 19, part 3 p.735-736 Seizure of Indian lands
November 27, 1873	Indian Affairs Files, Black Series, PACRG10 3605 p.2-10 Remarks on Indians of NW
December 31, 1873	Indian Commissioners Office, Winnipeg, Manitoba Report on Indian Affairs in Manitoba and Northwest Territories for year ending December 31, 1873
1874-75	PACRG1o B3 Vol. 1935 Report of Committees, Six Nations Indians
1874	Indian Affairs, Black Series, PACRG10 3605 Bill for government of Indian population of B.C.
1874	Statutes of Canada, 37th Victoria, chap. 21, p.142-147 An act to amend laws respecting Indians and to extend certain laws
1874	Statutes of Canada, Order in Council, 28th Victoria CLXXXIX-CXCII, CXCIII A proclamation to direct certain Acts concerning Indians
August 7, 1874	Indians Affairs, Black Series, PACRG10-3611 Extract from the World Newspapers: New York. Solution of the Indian
September 11, 1874	Sir John A. MacDonald Papers, Vol. 104, p.41989-42020 Half-breeds

1875 — Government Printer, Victoria
Papers connected with the Indian Land Question 1850-1875 (British Columbia)

February 22, 1875 — Commons Debates 2nd session, 3rd Parl. p.275-283
Indians of New Brunswick, re Government grants

March 1, 1875 — Commons Debates, 2nd session, 3rd Parl. p.399
Mississagua Indian Tribe re. government funds

March 4, 1875 — Commons Debates, 2nd session, 3rd Parl. p.499
Enfranchisement of the Indians

March 30, 1875 — Commons Debates, 2nd session, 3rd Parl. p.994, 995, 996
Money granting to Indians

March 31, 1875 — Commons Debates, 2nd session, 3rd Parl. p.1024-1027
Indian Schools in Manitoba (Committee of supply)

1876-1880 — Indian Affairs (Red series) PACRG10 p.2112 File No.20804
Amendments to the Indian Act 1880
Documents from which Act of 1880 was compiled

1876 — Indian Affairs, red series, Vol. 6808
Indian Act of 1876

1876 — Statutes of Canada, Orders in Council, 38th Victoria CXI-CXII
An order regarding Indian lands

March 2, 1876 — Commons Debates, 3rd session, 3rd Parl. p.342, 343
Introduction of Bill, An Act respecting the Indians of Canada

March 21, 1876 — Commons Debates, 3rd session, 3rd Parl. p.749-754
Debate on An Act to Amend and Consolidate the Laws respecting Indians

March 28, 1876 — Commons Debates, 3rd session, 3rd Parl. p.869-872
Further Debate on the Bill to amend and oonsolidate the Laws respecting Indians

March 30, 1876 — Commons Debates, 3rd session, 3rd Parl. p.926-935
Further Debates on An Act to Amend and Consolidate the Laws Respecting Indians

April 4, 1876 — Commons Debates, 3rd session, 3rd Parl. p.1036-1041
Further Debate on An Act to Amend and Consolidate the Laws Respecting Indians

April 12, 1876 — 39th Victoria, Cha. 18
An Act to Amend and Consolidate the Laws respecting Indians

1877 — Statutes of Canada, Orders in Council 1873-77
39-40 Victoria CXXVII
An order respecting Indian Lands

April 20, 1877 — Commons Debate, 4th session, 3rd Parl. 40th Victoria, p.1627-1628
First reading of Indian Act Amendment Bill

April 24, 1877 — Commons Debates, 4th session, 3rd Parl. 40th Victoria, p. 1764-1765
Second reading Indian Act Amendment Bill

April 25, 1877 — Commons Debates, 3rd session, 3rd Parl. 40th Victoria, p. 1824, 1825
Indian Act amendment Bill considered in Committee

April 26, 1877 — Commons Debates, 4th session, 3rd Parl. 40th Victoria, p.1840-41
Indian Act Amendment Bill (Bill withdrawn)

February 13, 1878 — Sir John A. MacDonald Papers, PACMG26A Vol. 104 p.42051-42060
Half-breed's Petition

March 18, 1878 — Sir John A. MacDonald Papers PACMG26A Vol.104 p.42048-42050
Letter to Lt. Governor of NWT from Mills

April 1, 1878 — Commons Debates, 5th session, 3rd Parl. 41st Victoria, p.1552-1554
Indian Agent at Tobique Reserve in New Brunswick

August 2, 1878 — Sir John A. MacDonald Papers PACMG26A Vol. 104 p.42067-42070
Resolution of NWT Council re half-breeds

December 20, 1878 — Sir John A. MacDonald Papers PACMG26A Vol. 304 p.138984-138987
Report on Half-breeds

1879 — Statutes of Canada 42nd Victoria, chap. 34, p.274-277
An Act to amend the Indian Act 1876

1879 — Sir John A. MacDonald Papers MG26A Vol. 293 p.133991-133995
Grandline for Indians

1879 — Sir John A. MacDonald Papers MG26A Vol.293 p.134018-134019
Amusement File

January 18, 1879 — Sir John A. MacDonald Papers, MG26A Vol. 104 p.42072-42091
Correspondence re: Remarks on the Conditioning of the Half-Breeds of the NWT

March 6, 1879 — Commons Debates 1st session, 4th Parliament 42nd Victoria, p.180
Treaties with Indians of Lakes Huron and Superior

March 14, 1879 — Sir John A. MacDonald Papers MG26A, Vol. 91 P.35428-25445
Indian Industrial Schools

March 31, 1879 — Commons Debates, 1st session, 4th Parliament
42nd Victoria, p. 844-845
Enfranchisement of Indians

April 27, 1879 — Commons Debates, 1st session, 4th Parliament
42nd Victoria, p.1292
Starving Indians at Lac Chapelle, NWT

May 1, 1879 — Commons Debates, 1st session, 4th Parliament
42nd Victoria p.1684-1691
Grants to Indians (Committee of Supply)

May 8, 1879 — Commons Debates, 1st sessession, 4th Parliament
42nd Victoria, p.1854-55-56
Grants to Indians Committee of Supply

May 9, 1879 — Indian Affairs, Debates of the Senate,
1879, p.534-540
Indian Act Amendment Bill, 2nd:3rd reading

May 13, 1879 — Commons Debates, 1st session, 4th Parliament
42nd Victoria, p.2003, 2004
Indian Act Amendment Bill. Introduced by
Sir John A. - April 25, 1879)
Second Reading - May 1, 1879) without discussion
Discussed - May 13, 1879)

June, 1879 — PACRG10 B3 Vol.2077
Six Nations, Minutes of Council re. Act

September 29, 1879 — Sir John A. MacDonald Papers, MG26A Vol. 293
p.134028
Band Management

1880 — Morris A.
Treaties of Canada with the Indians of the Northwest
Belfords, Clarke & Co.

March 15, 1880 — Indian Affairs, Debates of the Senate,p.154,155,156
Indian Laws Consolidaton, 2nd reading

April 14, 1880 — Letterbook PACRG10 -4423 p. 69-72
Vankoughnet to Getinson: Disposal of
Property Left in Will

April 16, 1880 — Sir John A. MacDonald Papers, PACMG26A, Vol. 367
p.170137-170138
Objections Against Certain Provisions of the
Indian Act 1880

April 21, 1880 — Commons Debates, 2nd session 4th Parliament
43rd Victoria, p.1633-37
British Columbia Indian Lands Allotment-
Motion for Return

April 27, 1880	Letterbook PACRG10 Vol.4423 p.446-453 Appt.:Instructions to Agent
May 5, 1880	Commons Debates, 2nd session, 4th Parliament 43rd Victoria, p.1689-97 Bill to amend and consolidate the laws respecting Indians (Introduced Sir John A. April 2, 1880-no discussion) Second and Third readings
May 7, 1880	43rd Victoria, Chap. 28 An Act to amend and consolidate the laws respecting Indians
June 14, 1880	PACRG10 B3 Vol. 2117 Six Nations, Minutes of Council re. Indian Act, June 14, 1880
July, 1880	Letterbook, PACRG10 4426 p.151-153 Vankoughnet to Chevrier re. "Breeds Rights to Reside in Caughnawaga"
July 9, 1880	Letterbook, PACRG10 4426 p.120,121 Vankoughnet to Davidson re: "By-Law Passed Observance of Sunday" under sec. 74 1880 Indian Act
July 16, 1880	Letterbook PACRG10 4426 p.333 Vankoughnet to Stene: re "Woman living Immorally off Paylist"
August 30, 1880	Letterbook PACRG10 4427, p.494-495 Sinclair to Otisu: "Liquor Given to Indians"
September 30, 1880	Letterbook PACRG10 4428, p.486 Vank. to Gilkinson re "Murder While Intoxicated"
October 1, 1880	Sir John A. MacDonald papers, PACMG26A Vol. 191, p.79806-79813 Letter Brydges re: "Lazy Indians"
October 8, 1880	Letterbook PACRG10 4428 p.640 Vank. to Powell re "Removal of Songhees from Victoria
October 11, 1880	Letterbook PACRG10 4429, p. 97, 98 Sale of House: Pig by Drunken Indians
October 13, 1880	Letterbook PACRG10 4429, p. 161-162 Teacher for St. Regis School
October 25, 1880	Letterbook, PACRG10 4429, p.403-404 Canadoe Reserve: re Powers of Indian Council to Abbot Property
November 4, 1880	Letterbook PACRG10 4429, p.634-639 Indian Title to Lands

November 4, 1880	Letterbook PACRG10 4429 p.634-639 Indian Title to Lands
November 11, 1880	Letterbook PACRG10 4430 p.73-74 Vankoughnet to Langevin: re. "Liquor Licenses in Maniwaki"
November 11, 1880	Letterbook PACRG10 4430 p.69-70 Vankoughnet to Arsenault re: "Exchange By An Indian of Cow for Horse" Section 80, 1880 Indian Act
November 16, 1880	Letterbook PACRG10 4430 p.173 Vankoughnet to Chevrier re: "White Labour in Caughnawaga"
November 17, 1880	Letterbook PACRG10 4430 p.186-187 Vankoughnet to Delorimier Re: "Employment of Whites in Caughnawaga"
November 17, 1880	Letterbook PACRG10 4430 p.197-199 Vanoughnet to Cersenault, section 17 & 18 1880 Act re: "Location Tickets Issued"
November 23, 1880	Letterbook PACRG10 4450 p.355-356 Vankoughnet to Chevrier re: "Application to have White Work in Caughnawaga"
December 7, 1880	Letterbook PACRG10 4430 p.640-641 Vankoughnet to Mills re: "Timber Carried off While Under Seizure"
December 7, 1880	Letterbook PACRG10 p.649, 650 Vankoughnet to Granham re: "Ten Indian Families Residing at the Manitoba Village"
December 29, 1880	Sir John A. MacDonald Papers PACMG26A Vol. 211 p.89991-89996 Dewdney to MacDonald re: Schools
March 17, 1881	Commons Debates 3rd session 4th parliament 44th Victoria p. 1426 Bill to amend the Indian Act of 1880 Second reading (First reading March 16-no discussion) 3rd reading and passed March 17)
March 21, 1881	44 Victoria, chapter 17 "An Act to Amend The Indian Act, 1880"
April 21, 1881	Letterbook PACRG10 4423 p.290-292 Re: Section 1 chapter 34, 42 Victoria Repayment to Government Upon Withdrawal from Reserve

June 16, 1881	Letterbook RG10 4425 p. 321 Letter to Caughnawaga Chiefs re: section 2 of 1880 Indian Act
July 25, 1881	Birch Bark Canadian Pacific Railway Contract Note to Governor General of Canada
August 19, 1881	Sir John A. MacDonald Papers, PACMG26A Vol. 295 p.134829-134832 Indian Affairs in N.W.
November 12, 1881	Sir John A. Macdonald Papers PACMG26A Vol. 296 p.135230-135231 Caughnawaga Indians
November 16, 1881	Indian Affairs, Black Series, PACRG10 3768 Report of Meeting between Indians of N.W. and Governor General
1882	Statutes of Canada 45 Victoria Orders in Council 1 ii, 1 iii Order protecting Timber or Indian Lands
1882	Sir John A. Macdonald Papers PACMG 26A Vol 211 p.89644-89647 Clippings from Saskatchewan Herald
January 25, 1882	Sir John A. Macdonald Papers Vol. 105 PACMG26A p.42127-42145 Indian Title-Half Breed Scrip
February 13, 1882	Sir John A. Macdonald Papers PACMG26A p.89640 Clipping: Memo-Daily Witness. Indian question-"very grave"
February 15, 1882	Commons Debates 4th session 4th parliament 45 Victoria p.39 Indians of Lakes Huron and Superior (Federal-Provincial Dispute)
April 3, 1882 May 15, 1882	Debates of the Senate 1882 p.237, 238, 239, 703, 704, 705 Sitting Bull's Removal. Caughnawaga Indians. 703, 704 Indian Act amendment Bill
May 3, 1882	Commons Debates 4th session, 4th Parliament 45 Victoria p.1290 Expenditure incurred in providing supplies to destitute Indians-Manitoba and Northwest Terrirories
May 16, 1882	Commons Debates 4th session 4th Parliament 45 Victoria p.1571 Further amendments to Indian Act 1880

May 17, 1882	Statutes of Canada 45 Victoria chapter 30 "An Act further to amend the Indian Act 1880"
December 23, 1882	Sir John A. Macdonald Paper, PACMG26A Vol. 289 p. 132494-132496 Crossing of the US Border
March 24, 1883	Sir John A. Macdonald Papers PACMG26A Vol. 280, p. 128338-128341 Desire of Indians of BC for Education
April 2, 1883	Sir John A. Macdonald Papers PACMG26A Vol. 249, p. 112570-112512 Father Leduc: Reserves for Half-Breeds
April 20, 1883	Commons Debates 1st session 5th Parliament 46 Victoria p. 746 Department of Indian Affairs. Committee for Supply
May 7, 1883	Commons Debates 1st session 5th Parliament 46 Victoria p. 1031-1034 Sale of Oak on Walpole Island. Indian Reservation.
May 9, 1883	Commons Debates 1st session 5th Parliament 46 Victoria p.1094-95 Annual Grant to Supplement Indian Fund (Committee of Supply)
May 9, 1883	Commons Debates 1st session 5th Parliament 46 Victoria p.1098-1110 Continued Discussion on Annual Grants to Supplement the Indian Fund
May 21, 1883	Debates of Senate, p.594-595 Department of the Interior: Indian Affairs Bill
May 22, 1883	Commons Debates 1st session 5th Parliament 46 Victoria p. 1376-78 Provision for the Establishment of Indian Industrial Schools, NWT
May 25, 1883	46 Victoria Chapter 6 An Act to amend the Act 36 Victoria, Chapter 4 entitled An Act to provide for the establishment of the Department of the Interior and to amend The Indian Act
September 2, 1883	Sir John A. Macdonald Papers PACMG26A Vol. 211 p.89876-89882 Dewdney to Macdonald
October 6, 1883	Sir John A. Macdonald Papers PACMG26A Vol.211 p. 89933-89941 Dewdney to Macdonald re: Suggested Policy
1884	PACRG10 B3 Vol. I-II Indian Act - chapter 28 Statutes of Canada

1884 — Sir John A. Macdonald Papers PACMG26A Vol.335A p. 151507-151509
Big Canoe Chief to Macdonald

January 15, 1884 — Sir John A. Macdonald Papers PACMG26A Vol.280 p.128665-128679
Suggestion re: "Indian Affairs Policy: Legislation

January 23, 1884 — Commons Debates 3rd session 5th Parliament 47 Victoria p.31
Indian Agent at Penetanguishene

January 25, 1884 — Commons Debates 2nd Session 5th Parliament 47 Victoria p.51-53
Cutting Timber on Indian Lands

January 29, 1884 — House of Commons Debates Vol XV p.67, 538-542
Common Debates-Self Government Among Indian Communities

February 1, 1884 — Commons Debates 2nd session 5th Parliament 47 Victoria p. 87, 88
Indian Lands in Lake Ontario

February 9, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 211, p.90009
Dewdney to Macdonald: enclosing letter from Rev. J. McLean

February 13, 1884 — Commons Debates 2nd session, 5th Parliament 47 Victoria p.269, 270, 271
Indian Agents Office in Toronto

February 14, 1884 — Commons Debates 2nd session 5th Parliament 47 Victoria p.294, 295
Further Debate on the Indian Agents Office in Toronto

February 15, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 211 p. 90039-90043
Dewdney to Macdonald re: Agents as Magistrates: enclosing letter from H. Reed

March, 1884 — Sir John A. Macdonald Papers Vol. 290 PACMG26A p. 132823-132828
Brief on the Amendments to Indian Act

March 4, 1884 — Sir John A. Macdonald Papers PACMG26A vol. 289 p.132807-132809
Trading with Indians

March 13, 1884 — Commons Debates 2nd session 5th Parliament 47 Victoria p. 840, 841
Department of Indian Affairs Committee of Supply

March 17, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 401 p.193504-193507
Letter protest "Indian Selection of Teachers" Mohawk Reserve (Church of England)

March 24, 1884 — Commons Debates 3rd session 5th Parliament
47 Victoria p.1063
Indian Act Amendment Second Reading
(1st reading February 12, 1884-no discussion)

March 24, 1884 — Commons Debates 2nd session 5th Parliament
47 Victoria p.1063
Indian Act amendment

April 1, 1884 — Commons Debates 2nd session 5th Parliament
47 Victoria p.1263-1270
Committee on Report of the Department of
Indian Affairs-Funds to Indian

April 7, 1884 — Commons Debates 2nd session 5th Parliament
47 Victoria p.1397-1404
Committee on Indian Act amendment

April 7, 1884 — Commons Debates 3rd session 5th Parliament
47 Victoria p.1397-1404
Indian Act Amendment (In Committee)

April 14, 1884 — Debates of Senate p.606, 607
Indians of Canada Privilege Bill

April 14, 1884 — Debates of Senate p.605
Indian Act Amendment Bill

April 15, 1884 — Debates of Senate p.620-625
Indian Act Amendment Bill

April 17, 1884 — Debates of Senate p.653-656
Indian Act Amendment Bill

April 17, 1884 — Debates of Senate p.656-657
Indians of Canada Privilege Bill

April 18, 1884 — Sir John A. McDonald Papers Vol. 290 PACMG26A
p.132846-132848
Amendment to Indian Act

April 18, 1884 — Commons Debates 2nd session 5th Parliament
47 Victoria p.1422
Amendments to Indian Act 1880

April 18, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 290
p. 132847-132848
Indian Act Amendments

April 19, 1884 — 47 Victoria chapter 27
An Act to further amend The Indian Act, 1880

May 24, 1884 — Sir John A. Macdonald PACMG26A Vol. 404
p.194925-194927
Letter to Sir John A. re timber rights
on Indian Reserve in Manitoulin Island

June 3, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 405
p.195239-195247
Vaccinating Indians at Caughnawaga

June 5, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 405 p.195269-195271
Indians: Indian Supply Farm

June 16, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 405 p.195533-195534
Hiring of Doctors for the Six Nations Reserve

June 19, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 295 p.134918
Great Agitation for an Uprising of the Half Breed

July 7, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 295 p.134906-134916
Half-Breed-Indian's attitude towards Government

July 7, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 295 p.134906-134916
Half Breeds in N.W.T.

July 22, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 212 p.90100-90108
Resolution Concerning Half-Breeds of the Council of the N.W.T.

September, 1884 — Sir John A. Macdonald Papers PACMG26A Vol.107 p.42879-42882
Indian Affairs at Carlton

September 3, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 105 p.42202-42208
Suggestions re: Half-Breeds

September 5, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 107 p.42864-42877
Letter from Hayther Reed re: "Position of Indian Affairs in the North"

September 10, 1884 — Sir John A. Macdonald PACMG26A Vol. 211 p. 90168-90175
Reed to Dewdney - Report on Indian Affairs

September 19, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 107 p.42897-42941
Report of Dewdney in Regina

September 20, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 252A p. 114479-114481
Indian Lands

September 22, 1884 — Sir John A. Macdonald Papers PACMG26A Vol. 107 p.42945-42952
Letters re Dewdney's visit to Edmonton

1885 — Sessional Papers No. 3 48 Victoria p.1-207
Report of Department of Indian Affairs

1885-1928 — Indian Affairs PACRG10 6809 File No. 470-2-3 Part 6 Vol. 11
Caughnawaga - Amendments to Indian Act

Correspondence 1885-1889	Indian Affairs PACRG10 Vol. 6811 File No. 470-2-9 Vol. 13 Indian Advancement Act-British Columbia
1885	Sir John A. Macdonald Papers PACMG26A Vol. 335A p.15133 Alnwich Band, Mississagua Tribe to Macdonald
January 16, 1885	Letterbook PACRG10 4500 p.731 "Circular - Indian Advancement Act: lists of names"
February 3, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 107 p.42962-42968 Dewdney's Report on Indian Affairs in the North
February 4, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 107 p.42977-42984 Correspondence re Investigation of Claims of the Half-Breeds
February 9, 1885	Commons Debates 3rd session 5th Parliament 48-49 Victoria p.61-62 Manitoba Indian Agency
February 9, 1885	Letterbook PACRG10 4502 p.81 Indians Father was American Indian-Ineligible for Annuities
February 10, 1885	Letterbook PACRG10 4502 p.269-270 Manitoulin Enfranchisement of Indians
February 13, 1885	Letterbook PACRG10 4502 p.423-428 Duties: Instructions to Indian Agent
February 13, 1885	Letterbook PACRG10 4502 p.456-457 Re enactment of Sec. 32. 1876 Act to Sec. 43 1880 Act on Assignment
February 14, 1885	Sir John A. Macdonald Papers PACMG27A Vol. 107 p.43001-43009 Indian: Half-Breed Matters
February 15, 1885	Letterbook PACRG10 4502 p.113-115 Instruction to Deal - Chiefs Big Bear & Little Pine. Sec. I 47 Victoria chapter 27
March 2, 1885	Commons Debates 3rd session 5th Parliament 48-49 Victoria p.304-305 Indian Troubles at Metlakatla
March 7, 1885	Letterbook PACRG10 4504 p.81 Indians giving Irregular Leases of their Lands to White People
March 11, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 107 p.43010-43013 Half-Breed Troubles

March 12, 1885	Letterbook PACRG10 Vol. 4503 p.558-570 Re: Duties of Agent
March 13, 1885	Letterbook PACRG10 Vol. 4503 p. 573-575 Re: Inciting Indians to riot
March 14, 1885	Letterbook PACRG10 Vol.4503 p.634, 635 Legislation to Prevent Indians from Killing Cattle
March 20, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 109 p.43877 Sask. Herald - "The Indian Policy"
March 20, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 107 p.43037-43042 Half-Breed Movements
March 24, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 15 p.61529, 61530 Indian Title
March 24, 1885	Letterbook PACRG10 4505 p.240 Copies of the 1880 Indian Act: Amendments in French
April 1, 1885	Commons Debates 3rd session 5th Parliament 48-49 Victoria p. 863-870 Indian Affairs in B.C.
April 3, 1885	Letterbook PACRG10 4506 p.164-166 Re: Bill to Prohibit Sale of Fixed Ammunition
April 10, 1885	Letterbook PACRG10 4506 p.281-282 Vankoughnet to Wilkinson re: Deficiences in the Indian Act
April 11, 1885	Dewdney Papers Northwest Rebellion 1883-1885 Jackson-Macdonald PACMG27 IC4, Vol. 3. p.1194-97 Letter Crowfoot to Macdonald re: "Pledging Loyalty to Great White Mother"
April 13, 1885	Dewdney Papers Northwest Rebellion 1883-1885 Jackson-McDonald MG27 IC4, Vol. 3, p.1204-1206 Letter Dewdney to Macdonald "Not to use Blackfeet"
April 21, 1885	Letterbook RG10 4507 p.210-211 Vank to Burbridge re: Magistrates Unwilling to Act in Liquor Cases 1880 Act
April 23, 1885	Letterbook RG10 4507 p.381-383 Vank. to Powell re: Request to Move Lt. Gov. Manitoba to Amend Game Law
April 25, 1885	Letterbook RGlo 4507 p.469-470 Surrender as Provided by Section 37 1880 Indian Act

April 25, 1885 — Letterbook PACRG10 4507 p.502
Vank. to McColl re: Land Claims Under Manitoba Act

April 27, 1885 — Letterbook PACRG10 4507 p.489-491
Vank. to Burbridge re: Proof of Land Claim - Right to Questions: Answer

April 27, 1885 — Sir John A. Macdonald Papers PACMG26A Vol. 414 p.200873-200878
Letter from a Concerned Citizen re: Indians

April 28, 1885 — Sir John A. Macdonald Papers PACMG26A Vol. 109 p.43880-43893
Sask. Herald-'Battleford Beleaguered'

April 30, 1885 — Letterbook PACRG10 4507 p.685-686
Vank. to Hill: Re Intoxicating Indians Eluding Justice

April 30, 1885 — Letterbook PACRG10 4507 p.691-693
Vank. to Abbott re: Election of Chiefs vs Hereditary Chief

April 30, 1885 — Letterbook PACRG10 4507 p.721
Vankoughnet to Taylor: re Annuity Claim

April 30, May 1 & 2, 1885 — Commons Debates 1885 Vol II 3rd session 5th Parliament p.1485-1565
The Franchise Act re: Indians

April 30, 1885 — The Debates of S bate 1885 Vol II, p.791-810
Treaties with the Indians in the N.W.

May 4, 1885 — Commons Debates 3rd session 5th Parliament 48-49 Victoria p.1568-1587
The Franchise Bill Committee of Enfranchisement of Indians

May 4, 1885 — Commons Debates 3rd session 5th Parliament 48-49 Victoria p.1568-1587
The Franchise Bill - committee on enfranchisement of Indians

May 5, 1885 — House of Commons Debates 1885 Vol II 3rd session, 5th Parliament p.1627-1628
The Franchise Act re: Indians

May 6, 1885 — Dewdney Papers Northwest Rebellion 1884-1885
McDonald-Murdoch PACMG 27 IC4 Vol 4 p.1658-1660
Re: "Forcing Indians to Stay On Reserves"

May 8, 1885 — Letterbook PACRG10 4508 p.445-447
Sinclair to Gordon: re. Department of Justice information re. rules and regulations passed by Oneidas

May 8, 1885 — Letterbook PACRG10 4508 p.387-388
Sinclair to McColl re: Indians killing Game Contrary to Manitoba Statute

May 17, 1885	Letterbook PACRG10 4508 p.321, 322 Vankoughnet to Burbridge re "Draft Bill re Possession in NWT of Arms: Ammunition"
May 18, 1885	Letterbook PACRG10 4508 p.727-728 Sinclair to Brosseau re: Caughnawaga Resolution re: Free running of Pigs
May 20 & 22, 1885	House of Commons Debates 1885 Vol II 3rd session 5th Parliament p.2007-2023, 2078-2074 The Franchise Act re: Indians
May 22, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 295 p.134924-134927 Letter from Mr. White - Poun denatuss Request for Terms of Surrender of Indians
May 26 & 27, 1885	Commons Debates 1885 Vol III, 3rd session 5th Parliament p.2103-2168 Franchise Act re: Indians
June 1, 1885	Letterbook PACRG10 4509 p.645-646 Enforcement of the Liquor Clauses of the Indian Act
June 3, 1885	Dewdney Papers-N.W. Rebellion. Nelson-Riel 1777-2172m PACMG27 IC4 Vol 5. p.1948-9 Letter Dewdney to Rae re: "Punishing Indians for Being Off Reserves"
June 8, 1885	Sir John A. Macdonald Papers PACMG26A Vol. 416 p.201672-201673 Anonymous letter re: Franchise Bill
June 8, 1885	House of Commons 1885 Vol III 3rd session 5th Parliament p.2367-2388 The Franchise Act re: Indians
June 13, 1885	Letterbook PACRG10 Vol. 4510 p.656 Re: Asking for Information on Provisions of Section I sub-section II of Act 47, Victoria Chapter 8
June 15, 1885	Letterbook PACRG10 Vol.4510 p.715,716 Re: Withdrawal of Half-Breeds who were admitted into Treaty in accordance with Section 14 of Indian Act
June 17, 1885	Letterbook PACRG10 - 4511 p.111 Vank. to Powell re: Half-Breed Educational Matters
June 20, 1885	Letterbook PACRG10 - 4511 p.294 Sinclair to Brosseau re: "Pigs Running at Large on the Caughnawaga Reserve"
July 2, 1885	Letterbook PACRG10 Vol. 4512 p.67-70 Vankoughnet to Vassal re: Prosecution of Woman Keeping House of Ill Fame

July 6, 1885 — Sir John A. Macdonald Papers PACMG26A Vol. 91 p. 35505-35510
Diversion of Money Paid to Indians

July 8, 1885 — Letterbook PACRG10 Vol. 4512 p.458
Six Nations - Entitlement to Annuity Ceased upon marriage to white

July 8, 1885 — Letterbook PACRG10 Vol. 4512 p. 497
Maniwaki: Dunter: Disorderly Conduct at Mutiny to Surrender Land

July 10, 1885 — Letterbook PACRG10 Vol. 4512 p.626
Annuity Paid to Deserted Wife

July 16, 1885 — Letterbook PACRG10 Vol. 4512 p.297-298
Provision to Replace Destroyed Fence

July 18, 1885 — Letterbook PACRG10 Vol. 4513 p.305-308
Amendment to Fisheries Act

July 20, 1885 — Letterbook PACRG10 Vol. 4513 p.475-476
Exclusion of Half-Breeds From Paylists

July 24, 1885 — Letterbook PACRG10 Vol. 4513 p.690-691
Prosecution for serving liquor to Indians under Indian Act whether money obtained or not

July 25, 1885 — Letterbook PACRG10 4514 p.56-58
Vankoughnet to Herchmer re: "Detention of Horses"

August 4, 1885 — Letterbook PACRG10 4514 p. 444
Vankoughnet to McBride re: "Refusal to Recognize ChiefOwing to Non-Residence on Reserve"

August 4, 1885 — Letterbook PACRG10 4514 p.450, 451
Vankoughnet to McColl re: "Indian Woman Who Married U.S. Indian 1874 Desires Reinstatement"

August 8, 1885 — Indian Affairs Red Series PACRG10 2309
Re: Agents as Justices of the Peace. Department of Justice Opinion

August 11, 1885 — Letterbook PACRG10 Vol. 4505 p.2
Indians can hunt out of season for food but prosecuted for trespassing on others property

August 12, 1885 — Sir John A. Macdonald Papers PACMG26A Vol. 40 p.16137-16146
Report on NW to Macdonald

August 12, 1885 — Letterbook PACRG10 4515 p.93-95
Insturction to Allow Indians to cut and sell cedarwood to clear land

August 15, 1885 — Letterbook PACRG10 4515 p.206
Punishment of Indians who desert their wives

August 10, 1885

Dewdney Papers-NW Rebellion 1882-1885
Daily Leader-Irvine PACMG27 IC4, Vol. 2 p.367-834
Sioux Ingratitude

August 16, 1885

Dewdney Papers-NW Rebellion Nelson-Reid 1777-2172 m
PACMG27 IC4 Vol. 5 p.2076-2087
Letter Reed to Dewdney re: enactment to keep
Indians on reserves

August 19, 1885

Letterbook PACRG10 Vol. 4505 p.294-295
Indian Agents are ex-officer J.P.'s for Purposes
of Indian Act

Augst 21 , 1885

Letterbook PACRG10 Vol. 4505 p.341-342
Notice Prohibiting Sale, Gift or Disposal to
Indians in N.W.T.'s of Fixed Ammunition

August 28, 1885

Letterbook PACRG10 Vol.4515 p.675-676
Re: Nearly All Persons On Michel's Reserve Have
Withdrawn From Treaty

August 29, 1885

Letterbook PAVRG10 Vol. 4515 p.649-653
Water Privileges re: Reserves Allotted by Indian
Reserve Commission in B.C.

August 29, 1885

Letterbook PACRG10 Vol. 4515 p.617-619
Re: Asking Agent if Still SElling Liquor to Indians
and Instructions Re: Collecting Debts.

August 29, 1885

Letterbook PACRG10 Vol. 4515 p.610-614
Re: Right of Department to Dispose of Water Lots
Fronting on Indian Reserves

August 31, 1885

Sir John A. Macdonald Papers MG26A Vol. 107 p.42233-4323
Feelings Amongst Indians at Blackfoot Crossing

August 31, 1885

Letterbook PACRG10 Vol. 4515 p.722-729
Common Report on Half Breed Withdrawal from
Treaty, Reason for Amendment

September, 1885

Sir John A. Macdonald Papers PACMG26A Vol. 107
p.43244-43251
Father Laemente's Suggestions

September 2, 1885

Letterbook PACRG10 4516 p.141
Instructing to Take Proceedings Under Indian
Act For Sale From A Boat of Whiskey to Indians
on the Serpent River Reserve

September 9, 1885

Sir John A. Macdonald Files PACMG26A Vol. 212
p.90342-90350
Problems and Reserves for Indians

September 17, 1885

Letterbook PACRG10 Vol. 4516 p.679
Information as to the Course to be Pursued
Regards to the Sale of Luquor to Indian Qualified
to vote under the New Franchise Act

September 24, 1885 — Letterbook PACRG10 4577 p.257
Hunting: Fishing on Reserve Land

September 28, 1885 — Letterbook PACRG10 4577 p.459, 460
Information, etc., re: the Election of Chiefs

September 30, 1885 — Letterbook PACRG10 4577 p.536-537
Memo to Council about Fines Collected for Violating Liquor Clauses of the Indian Act

September 30, 1885 — Letterbook PACRG10 4577, p.500-502
Request of Indians of the Selvet Tribe for some remedy to the Evils of Concubinage among their people

October 18, 1885 — Sir John A. Macdonald Papers PACMG26A Vol. 296 p.135459-135466
Survey of Lands for Half-Breeds near Prince Albert

October 23, 1885 — Letterbook PAVRG10 Vol. 4519 p.516-517
Noxious Weed Regulations. Confirmed by Government in Council

October 30, 1885 — Letterbook PACRG10 Vol. 4520 p.217
Re: Bands Willing the Indian Advancement Act of 1884 Applied to Them

November 14, 1885 — Letterbook PACRG10 Vol. 4521, p.207
Exerpt: Grand Jury's Request for Government Agent to Reside in Reserve to Deal with Cases Brought Under The Indian Act

November 23, 1885 — Letterbook PACRG10 Vol. 4521, p.658, 659
Punishment of Persons Guilty of Seducing Young Unmarried Women of the Rice Lake Band

November 26, 1885 — Letterbook PACRG10 4522, p.70-72
Vankoughnet to Burrows re: Draft of Subsection on Noxious Weeds

November 28, 1885 — Letterbook PACRG10 Vol. 4522, p.233-235
Vankoughnet to McKelveg re: Indian Consent to Shooting Lease Surrender

November 30, 1885 — Letterbook PACRG10 Vol. 4522, p.298-299
Vankoughnet to Tupper re: Illegal Agreement

December 2, 1885 — Letterbook PACRG10 Vol. 4522 p.363, 364
Vankoughnet to Crevier re: Withdrawal of Mission does not Invalidate Indian Title

December 2, 1885 — Letterbook PACRG10 Vol. 4522, p.415, 416.
Vankoughnet to Dewdney re: "Deposing Councillor for Immorality"

December 16, 1885 — Letterbook PACRG10 Vol. 4523, p.222-223
Vankoughnet to Cook re "Adoptions of Whites Not Allowed"

1665-75	Colonial Laws of New York Vol. 1 1664-1719, 40-42 The Duke of York Laws 1665-75 Re. Indians
1670	22 Charles II, 1-22 Hudson's Bay Company Charter Incorporation
September 8, 1760	Constitutional Document (1759-1791) Vol. I Part I Sessional Paper No. 18. 6-7 Edward VII, 1907 Articles of Capitulation Article XL
1762	Imperial Status 2 George III Cap. 3, 78 An Act for Preventing Fraudulent Dealings in the trade with the Indians
May 4, 1762	PAC Report 1894 C0127 Vol. 19. note B-1028(microfilm) A Proclamation Relating to Indians, J. Belcher
August 5, 1763	Constitutional Document (1759-1791) Vol. I Part I, Sessional Paper No. 18, 6-7 Edward VII, 1907 Protection of Indian Lands and Trade
October 8, 1763	Constitutional Document (1759-91) Vol. I Part I Sessional Paper No. 18, 6-7 Edward VII, 1907 Proclamation of Indian Lands (By the King) (3 St. James)
December 7, 1763	Constitutional Document (1759-91) Vol. I, Part I Sessional Papers No. 18, 6-7 Edward VII, 1907 Instruction to Governor Murray, Section 60, 61, 62.
November 10, 1764	Stat. of L.C. 5 George III, 33 Ordinance to Prevent Sale of Liquor to Indians
1768	Constitutional Document (1759-91) Vol. I, Part I, Sessional Paper No. 18, 6-7 Edward VII, 1907 Instructions to Carleton Section 59, 60, 61.
January 3, 1775	Constitutional Document Vol. I (1759-1791) Part II Sessional Paper No. 18, 6-7 Edward VII, 1907. Plans for Future Management of Indian Affairs.
January 3, 1775	Constitutional Document Vol. I (1759-1791) Part II Sessional Paper No. 18, 6-7 Edward VII, 1907.
September 16, 1791	Constitutional Documents Vol II, Sessional Paper No. 18 1791 3 George V Instructions to Lord Dorchester as Governor of Lower Canada. Art. 56. Trade.
March 9, 1795	Constitutional Document Vol II, Sessional Paper No. 29c, 4 George V, 1914 Simcoe to Dorchester Dep. for Superintendency of the Indian Nations (Presents, etc.)
September 3, 1795	Constitutional Document Vol II, 1791-1818, Sessional Paper 29c, 4 George V, 1914 Portland to Simcoe. Also Additional Inst. relating to Indian Department.

December 17, 1885 — Letterbook PACRG10 Vol. 4523, p. 239-244
Vankoughnet to Simpson re "Instructions on seizures for cutting timber illegally"

December 18, 1885 — Letterbook PACRG10 Vol. 4523, p. 367
Vankoughnet to Beausikeukl: Regulation re Running at Large of Pigs on Caughnawaga Reserve

December 21, 1885 — Letterbook RG10 Vol. 4523, p. 442-444
Vank to Gilkinson re: "Restoring Indians to Store Lists"

December 28, 1885 — Letterbook RG10 Vol. 4523, pg. 674
Vank to Green re "Selection of Chief"

December 28, 1885 — Letterbook RG10 Vol. 4523, pg. 634
Sinclair to Vassal re: "Reserves Not Amenable In Law to Municipal Regulations"

December 28, 1885 — Letterbook RG10 Vol. 4523, pg. 639-640
Sinclair to Gordon: re: "White Man Frequenting House of Questionable Repute"
Sec. 13 47 Vic Chapter 27

1886 — Indian Affairs, Red Series RG10 Vol. 2325
Proposed Amendments re: Seduction

1886 — 49 Vict, Chapter 44
The Indian Advancement Act

1886 — Sir John A. Macdonald Papers MG26A Vol. 429, pg. 210023-210024
E.J. Wilson's Request for an interview for himself i some Indian Boys. His work in Sault Ste. Marie

1886 — Indian Affairs, Black Series RG10 Vol. 3599, pg. 1511-1532
Report of Campbell, Indian Agent re: Pheasant Dump

April 1, 1886 — Commons Debates, 4th Session, 5th Parliament, 49 Vic., p. 449
Indian Voters

January 4, 1886 — Letterbook RG10 Vol. 4524, pg. 133-135
Re: Extinguishment of Indian Title in N.W.T.

January 12, 1886 — Sir John A. Macdonald Papers MG26A Vol. 110, pg. 44859-44861
Letter to Manitoban - "Indian Problem"

February 16, 1886 — Sir John A. Macdonald MG26A Vol. 213, pg. 90566-90568
Circular Letter to the Indians of N.W.T.

March 3, 1886 — Sir John A. Macdonald Papers MG26A Vol. 424, pg. 206163-206165
Re: Franchise Letter and Enclosure

March 8, 1886	Sir John A. Macdonald Papers MG26A Vol. 424, pg. 206304-206307 Band Gov't Problems
March 8, 1886	Commons Debates, 4th Session, 5th Parliament, 49 Vic., p. 62-65 Indians under the Robinson Treaty - Funds
March 23, 1886	Sir John A. Macdonald Papers MG26A Vol. 296, pg. 135526-135528 Indians Vote in John White's Constituency
April 1, 1886	Commons Debates, 4th Session, 5th Parliament, 49 Vic., p. 449 Indian Voters
April 15, 1886	Commons Debates, 4th Session, 5th Parliament, 49 Vic., p. 718-746 Indian Administration in the North-West - 718-738 - General - 739-746 - Health and Welfare
April 20, 1886	Commons Debates, 4th Session, 5th Parliament, 49 Vic., p. 809-841 Extinguishment of Indian Title
May 5, 1886	Sir John A. Macdonald Papers MG26A Vol. 110, pg. 44829-44830 Report on Incursion of American Indians into N.W.T.
May 31, 1886	Sir John A. Macdonald Papers MG26A Vol. 291, pg. 133410-133411 Vankoughnet Letter re: "Moneys of Enfranchisid Indians"
June 2, 1886	Commons Debates, 4th Session, 5th Parliament, 49 Vic., p. 1758-1762 Living Conditions of Indians - Health and Welfare
June 2, 1886	Statutes of Canada, 49 Vic., Chapter 7, p. 65 An Act to Expedite the Issue of Letters Patent for Indian Lands
June 8, 1886	Sir John A. Macdonald Papers MG26A Vol. 291, pg. 133430-133432 Giving of Flour to Indians
July, 1886	Sir John A. Macdonald Papers MG26A Vol. 248, pg. 209095-209096 Voting of Six Nations Indians
July 2, 1886	Sir John A. Macdonald Papers MG26A Vol. 291, pg. 133456 & 133458 Toronto - Globe "Traffic in Indian Girls"
August, 1886	Sir John A. Macdonald Papers MG26A Vol. 428, pg. 209761-209764 Indian Matters - "Schools on St. Peter's Reserve"

August 25, 1886	Sir John A. Macdonald Papers MG26A Vol. 335, Apt. 2, pg. 151903-151915 Petition of French Half-Breeds of Manitoba
August 26, 1886	Sir John A. Macdonald Papers MG26A Vol. 296, pg. 135599-135606 Part I re: Indian Vote
August 27, 1886	Sir John A. Macdonald Papers MG26A Vol. 335, Part 2, pg. 151921-151922 Fort William Band - Address to Macdonald
August 28, 1886	Sir John A. Macdonald Papers MG26A Vol. 428, pg. 209783-209784 Indian Voting
August 30, 1886	Sir John A. Macdonald Papers MG26A Vol. 428, pg. 209818-209820 Invitation to Indian Council
August 31, 1886	Sir John A. Macdonald Papers MG26A Vol. 296, Part I, pg. 135607-135609 Re: Haldinand
August 31, 1886	Sir John A. Macdonald Papers MG26A Vol. 295, pg. 134944-134945 Indian Prostitution
September, 1886	Sir John A. Macdonald Papers MG26A Vol. 429, pg. 210023, 210025 E.J. Wilson's Request for an Interview for Himself and some Indian boys re his Work in Sault Ste. Marie
September 3, 1886	Sir John A. Macdonald Papers MG26A Vol. 291, pg. 133476-133479 Letter Vankoughnet to Sir John A. re: Membership, protest six Nations
September 9, 1886	Sir John A. Macdonald Papers MG26A Vol. 429, pg. 210046-210051 Indian Vote
September 9, 1886	Sir John A. Macdonald Papers MG26A Vol. 429, pg. 210033-210035 Indians Vote
September 12, 1886	Sir John A. Macdonald Papers MG26A Vol. 110, pg. 44774 Ammunition to Indians
October 5, 1886	Sir John A. Macdonald Papers MG26A Vol. 430, pg. 210742-210744 Indian Funds

October 11, 1886	Sir John A. Macdonald Papers MG26A Vol. 325, pg. 146992-147066 "The Facts Requesting Indian Administration in the N.W.T. issued by DIA
October 19, 1886	Sir John A. Macdonald Papers MG26A Vol. 430, pg. 211113 Fishing Rights of Half-Breed
November 13, 1886	Sir John A. Macdonald Papers MG26A Vol. 113, pg. 45752-45753 Half-Breeds
November 15, 1886	Sir John A. Macdonald Papers MG26A Part 335A, Part 2, pg. 151946 Address of Cape Croker Indians
November 16, 1886	Sir John A. Macdonald Papers MG26A Vol. 431-432, pg. 211992-211995 Suggestions to Amend Indian Act by Peter Jones M.D.
1886	Indian Affairs, Black Series, RG10 Vol. 3599, pg. 1511-1532 Report of Campbell, Indian Agent re: Pheasant Dump
1886	49 Vict., Chapter 44 "The Indian Advancement Act"
1886	Indian Affairs, Red Series, RG10 Vol. 2325 Proposed Amendment re: Seduction
1886	49 Vict., Chapter 43 "An Act Respecting Indians"
1886	Sessional Papers, 49 Vic., pg. 1-224 Report of the Dept. of Indian Affairs
1887	Sir John A. Macdonald Papers MG26A Vol. 152, pg. 62352-62382 Proposed Amendments to the Indian Act
1887	Indian Affairs, Red Series, Vol. 6808, File No. 470-2-3- Vol. 10 Indian Act Amendments of 1887
1887	Sessional Papers, 1st Session, 6th Parliament, 50 Vic., pg. 1-204 Report of the Department of Indian Affairs
1887	Sir John A. Macdonald Papers MG26A Vol. 152, pg. 62383-62386(A) 62387-62390(B) An Act to Amend the Indian Act
1887	Sir John A. Macdonald Papers MG26A Vol. 325, pg. 146876-146884 E. Dewaney Letter M.P. Force to Kootenay

Correspondence 1887-1897	Indian Affairs, Black 1635, Con No. 3600 Indian Act Alterations Amendments of 1887
January, 1887	Sir John A. Macdonald Files MG26A Vol. 152 Indian Act
January, 1887	Sir John A. Macdonald Files MG26A Vol. 152, 153, 154 Indian Act
February 7, 1887	Sir John A. Macdonald Papers MG26A Vol. 436, pg. 215104-215106 Taxation In Case of Vote
February 11, 1887	Sir John A. Macdonald Papers MG26A Vol. 436, pg. 215413 Title Lands
March 5, 1887	Sir John A. Macdonald Papers MG26A Vol. 295, pg. 134958, 134959 Half Breeds @ Saskatchewan Landing - unsettled state
March 16, 1887	Sir John A. Macdonald Papers MG26A Vol. 295, pg. 134954, 134955 Half Breeds - Swift Current N.W.T.
March 28, 1887	Sir John A. Macdonald Papers MG26A Vol. 152, pg. 62344-62351 Suggested Amendments to Indian Act by P.E. Jones
March 28, 1887	Sir John A. Macdonald Papers MG26A Vol. 152, pg. 62344-62369 Draft of the Proposed Bill
April 17, 1887	Debates of Sentate 1884, pg. 656-657 Indians of Canada Privleges Bill
May 2, 1887	Commons Debates, 1st Session, 6th Parliament, 50-51 Vic., pg. 206-209 Special Committee on Indian Lands
May 11, 1887	Commons Debates, 1st Session, 6th Parliament, 50-51 Vic., pg. 381-382 Arrears due Chippewa Indians
May 11, 1887	Commons Debates, 1st Session, 6th Parliament, 50-51 Vic., pg. 379 Medical Treatment on Reserves
May 17, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133702-133704 Proposed Pension for Chiefs
May 25, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133712-133715 Amendments to Indian Act

June 13, 1887	Debates of Senate 1887, pg. 357-358 Indian Act Amendment Bill, 2nd rdg.
June 14, 1887	Debates of Senate 1887, pg. 398-400 The Indian Act Amendment Bill
June 15, 1887	Debates of Sentate 1887, pg. 417-124 Indian Act Amendment Bill, 3rd reading
June 15, 1887	Sir John A. Macdonald Papers MG26A Vol. 444, pg. 220416-220418 Indians in N.W.T.
June 15, 1887	Commons Debates Vol. 24, 1st Session, 6th Parliament, 50-51 Vic., pg. 1005,1006 Annuities to Indians
June 17, 1887	Commons Debates, 1st Session, 6th Parliament 50-51 Vic., pg. 1093-1110 Indian Funds
June 22, 1887	Commons Debates Vol. 24, 1st Session, 6th Parliament, 50-51 Vic., pg. 1228-1229 Committee to Amend the Indian Act
June 23, 1887	Statutes of Canada, 50-51 Vic., dr. 33 An Act to Amend the Indian Act
July 7, 1887	1-1G-10, Black 56883, Con. No. 3815 Circular Re: Indian Advancement Act
July 8, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133728-133730 Take Temogamique Reserve (Robinson Treaty)
August 19, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133749 133751 Indian Fare
September 6, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133763-133766 Appt. of Married Men as Agents
September 14, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133767-133768 Letter re: Aborigine Protection Society Protest Sale of Indian Girls
September 16, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133769 Letter re: Petition from Six Nations re: repeat of Franchise Act
September 20, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133771-133772 Letter re: Industrial School Under RC Control

October 11, 1887	Sir John A. Macdonald Papers MG26A Vol. 296, Part I, pg. 135814-135815 Letter re: Provinces taking over Indian Affairs
October 11, 1887	Sir John A. Macdonald Papers MG26A Vol. 296, Part I, pg. 135814-135816 Robsen, B.C. Matters
November 22, 1887	Macdonald Papers Letterbook, Vol. 24, Part 2, pg. 292 Provisions Applying to Reserves Under Mr. Robinson Treaty
December 8, 1887	Sir John A. Macdonald Papers MG26A Vol. 292, pg. 133788-133792 Letter re: Church Property Dispute Muskeg Sask.
1887-1907	PAC R710B3, Vol. 2389 Regulations - re Indian Lands
1888	Statutes of Canada, 51 Vic., Orders in Council, lxxxviii-ccvii Orders relating to sale of timber on Indian Lands
1888	Statutes of Canada, 51 Vic., Orders in Council, lxiv-lxxxviii Order controlling the use of minerals in Indian Lands
1888	Statutes of Canada, 51-52 Vic., Order In Council, xiv-xivii Protection of Indian Reserves
1888	Sessional Papers (No. 15) 2nd Session, 6th Parliament, 51 Vic., pg. 1-198 Annual Report of the Department of Indian Affairs
April 17, 1888	Commons Debates, 2nd Session, 6th Parliament, 51 Vic., pg. 899-902 Caughnawaga Indians - Status
April 19, 1888	Commons Debates, 2nd Session, 6th Parliament, 51 Vic., pg. 922 Indian Act Amendment
April 26, 1888	Commons Debates, 2nd Session, 6th Parliament, 51 Vic., pg. 1007-1011 Committee on Indian Act Amendment
May 12, 1888	Sir John A. Macdonald Papers MG26A Vol. 296, Part I, pg. 135850-135856 Indian Claims Made to Hon. Thomas White
May 17, 1888	Commons Debates, 2nd Session, 6th Parliament, 51 Vic., pg. 1514-1522 The Bresaylor Half-Breeds - Grievances - Reimbursement

May 21, 1888	Commons Debates, 2nd Session, 6th Parliament, 51 Vic., pg. 1680-1681 Caughnawaga Reserve Survey
May 22, 1888	Statutes of Canada, 51 Vic., Chapter 22, pg. 127-131 An Act further to amend the Indian Act
May 22, 1888	51 Viet., Chapter 22 "An Act to further amend "The Indian Act" Chapter 43 of the Revised Statutes
August 9, 1888	Statutes of Canada, 51-52 Vic., Order of Council
November 16, 1888	Indian Affairs, Red Series, RG10 Vol. 2436 Powers of Council under Indian Advancement Act
1889	Sessional Paper, 52 Vic., pg. 1-203 Annual Report of the Dept. of Indian Affairs
March 4, 1889	Commons Debates, 3rd Session, 6th Parliament, 52 Vic., pg.427 Caughnawaga Indians
March 4, 1889	Commons Debates, 3rd Session, 6th Parliament, 52 Vic., pg. 428 Six Nations Indian Lands
March 26, 1889	Commons Debates, 3rd Session, 6th Parliament, 52 Vic., pg. 841 Indian Treaties
April 1, 1889	Commons Debates, 2nd Session, 6th Parliament, 52 Vic., pg. 937-938 Arrears of Indian Annuities
May 17, 1889	Statutes of Canada, 52-53 Vic., Orders in Council, ixvi-ixvii Indian Chiefs interested in portions of land
October 23, 1889	Indian Affairs, Red Series, RG10 Vol. 2480, pg. 99735-99863 Voting Privledges Under the Franchise Act
December 2, 1889	Statutes of Canada, 52 & 53 Vic., Orders in Council, ixvii-ixviii Re: Indian Mining Regulations
December 18, 1889	Dewdney Papers, Dept. of Interior: Indian Affairs 1877-1898, MG27I, Chapter 4, Vol. 8, pg. 3177 Religion on Reserves and in Reserve Schools

December 18, 1889 — Dewdney Papers, Dept. of Interior and Indian Affairs, 1877-1898, MG27I, Chapter 4, Vol. 8, pg. 3177-3200
Religion on Reserves and in Reserve Schools

December 20, 1889 — RG-10, Black 64009, Con. 3832
Suggesting in Amending the Indian Act

1890 — Sessional Papers, 53 Vic., pg. 1-311
Annual Report of the Department of Indian Affairs

1890 — Statutes of Canada, 53 Vic., Chapter 30
Act to Amend the Indian Advancement Act

March 10, 1890 — Commons Debates, 4th Session, 6th Parliament, 53 Vic., pg. 1654
Bresaylor Half Breed's Claims

March 10, 1890 — Commons Debates, 4th Session, 6th Parliament, 53 Vic., 1890, pg. 1703-1704
Indians of Caughnawaga - Indemnity

March 31, 1890 — Commons Debates, 4th Session, 6th Parliament, 53 Vic., pg. 2718-2739
Indian Advancement Act Debate

April 12, 1890 — Sir John A. Macdonald Papers, MG26A Vol. 335, pg. 151359A-151361
Macdonald to Macdonald: re: N.W. Half Breeds

April 14, 1890 — Commons Debates, 4th Session, 6th Parliament, 53 Vic., pg. 3309-3315
Claims of Bresaylor Half Breeds

April 18, 1890 — Commons Debates, 4th Session, 6th Parliament, 53 Vic., pg. 3604-3621
3624-3626
4033-4034
Indian Advancement Act

May 5, 1890 — Debates of the Senate 1890, pg. 691,692
Indian Advancement Act Amendment Bill

May 5, 1890 — Debates of Senate 1890, pg. 692-695
Indian Act Amendment Bill 3rd Reading

May 6, 1890 — Debates of Senate 1890 Session, pg. 708-712
Indian Act Amendment Bill 3rd Reading

May 12, 1890 — Commons Debates, 4th Session, 6th Parliament, 53 Vic., pg. 4732-4761
Claims of Bresaylor Half Breeds - the Bremner Furs

May 14, 1890	Commons Debates, 4th Session, 6th Parliament, 53 Vic., pg. 4903-4905 Indian Act
May 16, 1890	Commons Debates, 4th Session, 6th Parliament, 53 Vic., pg. 4931-4934 Claims of Bresaylor Half Breeds - Payment of Claims on Brenner Furs
May 16, 1890	53 Vic., Chapter 29 "An Act to further amend "The Indian Act", Chapter 44 of the Revised Statutes"
June 11, 1890 June 12, 1890	Statutes of Canada, 52-53 Vic., Orders in Council ivi-iviii An Act to amend the Act respecting the duties of customs
September 16, 1890	Statutes of Canada, 55 Vic., Order in Council, ixxxiv An Order prohibiting the sale, barter exchange their root crops
October 1, 1890 Februrary 7, 1891 March 20, 1891	Statutes of Canada, 54-55 Vic., Orders in Council, ixxxiv-ixxxvii Re: Indian Industrial Schools
November 4, 1890	Statutes of Canada, 54-55 Vic., Orders in Council, ixxii An Act to amend the Act respecting the duties of customs on food
	Sessional Papers, 2nd Session, 11th Parliament, 55 Vic., Sessional Papers 14 year 1891 Annual Report of the Dept. of Indian Affairs
1891	Statutes of Canada, 54-55 Vic., Chapter 5 Act for settlement re: Indian lands
1891	RG10 2591 Indian Affairs Files, Red Series, Interpretation of Section 11 of the Act
1891	Statutes of Canada 54-55 Vic., Chapter 30 An Act further to amend the Indian Act
	RG10 3947 Indian Affairs Files, Black Series, Amendment: Indian Act 1891-93
January 1891	Sir John A. Macdonald Papers, MG26A Vol. 90, pg. 35259,35260 Blame on Sioux Indians at Frontier
January 13, 1891	Sessional Papers, 1st Session, 11th Parliament, 54 Vic., pg. 18-221 Annual Report

June 3, 1891	Commons Debates, 1st Session, 7th Parliament, 54-55 Vic., pg. 709 Indian Reservation - Bird Island
June 26, 1891	Commons Debates, 1st Session, 7th Parliament, 54-55 Vic., pg. 1403-1406 Sale of Papaphase Indian Reserve
July 14, 1891	Commons Debates, 1st Session, 7th Parliament, 54-55 Vic., pg. 2203-2204 Indian Act Amendment
August 7, 1891	Commons Debates, 1st Session, 7th Parliament, 54-55 Vic., pg. 3590-3593 The Indian Act
August 28, 1891	54-55 Vict., Chapter 30 "An Act to further amend, "The Indian Act"
August 31, 1891	Commons Debates, 1st Session, 7th Parliament, 54-55 Vic., pg. 4727-4744 Funding of Indians - Annuities
September 28, 1891	Commons Debates, 1st Session, 7th Parliament, 54-55 Vic., pg. 6274-6275 Bresaylor Half Breed claims - Payment of Bremner Furs
January 12, 1892	Statutes of Canada, 55-56 Vic., Orders in Council, xxxvii Orders pertaining to "The Indian Act", Chapter 43 sections 83-92
March 21, 1892	Commons Debates, 2nd Session, 7th Parliament, 55-56 Vic., pg. 289-290 B.C. Indians re Indian Act - enfranchisement
March 28, 1892	Commons Debates, 2nd Session, 7th Parliament, 55-56 Vic. pg. 511-524 Indian Reserves in B.C. - Lands
June 30, 1892	Sessional Papers, 3rd Session, 11th Parliament, 56 Vic., Sessional Paper 14 year 1893 Annual Report of the Dept. of Indian Affairs
October 14, 1892	Sir John A. Macdonald Files, MG26A Vol. 278, pg. 127642-127654 Indian Policy in B.C.
1892-1893	Indian Affairs, Black Series, RG10 3947 - Entire Box Amendments to Indian Act
1893	Statutes of Canada, 57-58 Vic., Orders in Council, cxiii-cxv 5 different orders in council for the additional land for Indians

1893	Statutes of Canada, 57-58 Vic., Orders in Council, cx Island in Lake St. Martin added to Faisford Indian Reserve
April 5, 1893	Statutes of Canada, 57-58 Vic., Orders in Council, cx Island in Lake St. Martin added to Faisford Indian Reserve
June 30, 1893	Sessional Papers, 4th Session, 7th Parliament, 57-58 Vic., Sessional Papers No. 14 year 1894 Annual Report of the Dept. of Indian Affairs
1893-1894	Indian Affairs RG106808, Red Series Amendments to Indian Act 1893-1894
May 9, 1894	Debates of the Senate 1894, pg. 343-347 Indian Act Amendment Bill
May 11, 1894	Debates of Senate 1894, pg. 361,362 Indian Act Amendment Bill
June 30, 1894	Sessional Papers, 5th Session, 11th Parliament, 58-59 Vic., Sessional Papers No. 14 year 1895 Annual Report of the Dept. of Indian Affairs
July 9, 1894	Commons Debates, 4th Session, 7th Parliament, 57-58 Vic., pg. 5540-5557 Amendments of the Indian Act in Committee
July 23, 1894	57-58 Vict., Chapter 32 "An Act further to amend "The Indian Act"
November 10, 1894	Statutes of Canada, 58-59 Vic., iiv-ivii The Education of Indian Children
1895-1896 Con't	Indian Affairs RG10 Vol. 6809, pg. 1-43 Amendments to Indian Act correspondence
1895-1920	Indian Affairs RG10 Vol. 6809, 4702-3, Part 6 Vol. 11 Amendments to Indian Act correspondence Indexed according to order in file according to alphabet A. 1901-1903 - pg. 1-92 B. 1899-1900 - pg. 1-78 C. 1898 - pg. 1-83 D. 1897 - pg. 1-82 E 1895-1896 - pg. 1-43 F 1914-1916 - pg. 1-52 G. 1910-1913 - pg. 1-58 H. 1904-1909 - pg. 1-94 I. 1914-1920 - pg. 1-88 J. 1919 - pg. 1-77 K. 1910-1917 - pg. 1-104 L. 1907-1908 - pg. 1-50 M. 1906 - pg. 1-116

1895	Statutes of Canada - Orders in Council, 59 Vic., ivii Fishing rights of Indians
1895	Indian Affairs, Red Series, C106808,File No. 470-2-3 Amendments to Indian Act
1895	Statutes of Canada - Orders in Council, 59 Vic., iii,iiii Indian Lands
May 27, 1895	Debates of Senate 1895, pg. 139-144 Indian Act Amendment Bill 2nd Reading
May 29, 1895	Debates of Senate, Session 1895, pg. 164-166 Indian Act Amendment Bill
May 31, 1895	Debates of Senate 1895, pg. 189-195 Indian Act Amendment Bill
June 4, 1895	Debates of Senate 1895 Session, pg. 199 Indian Act Amendment Bill 3rd Reading
June 30, 1895	Sessional Papers, 5th Session, 11th Parliament, 59 Vic., Sessional Paper No. 14, Year 1896 Annual Report of the Dept. of Indian Affairs
July 5, 1895	Commons Debates, 5th Session, 7th Parliament, 58-59viv, pg. 3933-3938 The Indian Act
July 8, 1895	Commons Debates, 5th Session, 7th Parliament, 58-59 Vic., pg. 4007-4011 Indians - Hunting and Fishing Rights
July 13, 1895	Statutes of Canada, 59 Vic., xxvi July 13, 1895 Land reserved for Indian Reserve at Sevan Lake 13 Nov. 1895 Approval of the 76th 2 Dec. 1895 Section of the "Indian Act" re: exemption of tax
July 22, 1895	Statutes of Canada, 58-59 Vic., Chapter 35, pg. 119-123 An Act further to amend the Indian Act
July 25, 1895	[2]Statutes of Canada - Orders in Council, 59 Vic., xivii Indian Lands
July 27, 1895	Statutes of Canada, 59 Vic., iviii Order in Council re: Indian Hunting and Fishing
1896	Statutes of Canada, Order in Council, 59 Vic., xivii Indian Lands 25 July 1895

1896	Statutes of Canada - Orders in Council, 59-60 Vic., pg. iix Indian lands
1896	Statutes of Canada, Order in Council, 59 Vic., iii,iiii Indian Lands
1896	Statutes of Canada, Orders in Council, 59 Vic., xxvi Department of Indian Affairs
1896	Statutes of Canada - Orders in Council, 59 Vic., xxvi Orders pertaining to the Indian Act
1896	Statutes of Canada - Orders in Council, 59-60 Vic., pg. iiv Department of Indian Affairs - Sale of timber on Indian land
1896	Statutes of Canada, Order in Council, 59 Vic., pg. iv Indian Lands
1896	Statutes of Canada, Order in Council, 59 Vic., pg. ivii Fishing Rights of Indians
June 30, 1896	Sessional Papers, 2nd Session, 8th Parliament, 60 Vic., Sessional Paper No. 14, Year 1897 Annual Report of the Dept. of Indian Affairs
October 14, 1896	Indian Affairs, Red Series, RG102848 Seizure of Property for Fines
December 23, 1896	Indian Affairs, Red Series, RG102887, pg. 180, 883-181,171 Reserves Memo
D 1897 Con'd	Indian Affairs RG10 Vol., 6809, pg. 1-182 Amendments to Indian Act (Correspondence)
1897	Statutes of Canada, Orders in Council, 59-60 Vic., pg. iiv Department of Indian Affairs
	Statutes of Canada, Orders in Council, 59-60 Vic., pg. iix Indian Lands
February 15, 1897	Commons Debates, 3rd Session, 8th Parliament, 61 Vic., pg. 516-518 Indian Lands, Qu'appelle Valley

March 30, 1898	Commons Debates, 3rd Session, 8th Parliament, 61 Vic., pg. 2817 Medical Treatment of Mohawk Indians
May 17, 1898	Commons Debates, 3rd Session, 8th Parliament, 61 Vic., pg. 5661-5662 Indian Act Amendment Bill
May 23, 1898	Commons Debates, 3rd Session, 8th Parliament, 61 Vic., pg. 5960-5965 The Indian Act Amendment Bill
1898 Con'd	Indian Affairs RG10 Vol. 6809, pg. 1-83 Amendments to Indian Act
June 3, 1898	Debates of Senate, 1898 Session, pg. 1070-1071 Indian Act Amendment Bill 3rd Reading
June 13, 1898	61 Vict., Chapter 34 "An Act further to amend the Indian Act"
June 18, 1898	Statutes of Canada, 61 Vic., Chapter 34, pg. 143-146 An Act further to amend the Indian Act
1899-1900 Cont'd in Folder	Indian Affairs RG10 Vol. 6809 470-2-3, Vol. II, Part 6, pg. 1-80 Indian Act Amendments (Correspondence)
May 1899	Indian Affairs, Red Series, RG10 2974, pg. 210,050-210,080 Consent of Band for Expenditures
1900	Revised Statutes of Ontario (1960) Vol. 2, F-L Chapters 129-225, pg. 501-2 Indian Welfare Services Act
A 1901-1903	Indian Affairs RG10 Vol. 6809,470-2-3, Part 6 Vol. II Amendments to Indian Act Correspondence
April 10, 1901	Commons Debates, 1st Session, 9th Parliament, 1 Edward VII pg. 2761-2762 Indian Annuities
April 10, 1901	Commons Debates, 1st Session, 9th Parliament, 1 Edward VII, pg. 2772-2774 Medical Attendance of Indians
April 18, 1902	House of Commons Debates, 2nd Session, 9th Parliament, Vol. II, pg. 3035-3059 Committee of Supply - Provinces - general information - Health - Education - Agriculture - Dept. of Indian Affairs administration

July 10, 1903	House of Commons Debates, 3rd Session, 9th Parliament, Vol. III pg. 6408-6426 Committee of Supply Provinces: - relief - health - education - reserves - Indian lands - agriculture
H 1904-1909 Cont'd	Indian Affairs RG10 Vol. 6809, pg.1-94 Amendments to Indian Act Correspondence
May 9, 1904	Commons Debates, 4th Session, 9th Parliament, 4 Edward VII, pg. 2831-2838 Indian Reserve in Roncaster
June 30, 1904	House of Commons Debates, 4th Session, 9th Parliament, Vol. III, pg. 5854-5859 Committee of Supply Provinces: - relief - health - payment of Robinson Treaty Annuity - liquor
July 18, 1904	House of Commons Debates, 4th Session, 9th Parliament, Vol. IV, pg. 6932-6969 Committee of Supply Provinces: - Indian lands - timber - salaries - relief - health medical attendance - agriculture - provisions - surveys
January 26, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 223-225 Medical and Relief Attendance
January 27, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 225-235 Indian Schools and Education
January 27, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 235-237 Indian Lands
May 25, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 6539-6550 Indian Livestock
May 25, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 6550-6552 Provisions for Indians
May 25, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII pg. 6552-6555 Indian Medical Attendance

May 25, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 6514-6539 Indian Medical and Relief Attendance
May 26, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 6556-6558 Indian Education
July 12, 1905	Commons Debates, 1st Session, 10th Parliament, 5 Edward VII, pg. 9335-9340 General Indian Subjects
R.S. 1906	Revised Statutes of Canada 1905 Vol. II, Chapter 81, pg. 1445-1499 Indian Act
M 1906	Indian Affairs RG10 Vol. 6809, pg. 1-116 Amendments to Indian Act correspondence re: Morals of Indians
March 19, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 331 Opening of Indian Reserve
March 27, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 717-722 Indian Education
March 27, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 723-726 Survey of Indian Reserves
March 27, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 726-734 Indian General Legal Expenses and Medical Attendance and Medicines
March 27, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 735-741 Indian Farming and Livestock
March 29, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 829 Indian Act - Amendment
March 30, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 968 Indian School Medicals
March 30, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 932-940 943-946 Indian Lands

March 30, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 947-960 Indian Lands
March 30, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 961-962 Indian School Expenses
April 2, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 996 Settlers on Riding Mountain Timber Reserve
April 3, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1078 Indian Offer Salaries at B.C.
April 3, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1079-1094 Indian Schools and Education
April 3, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1097-1098 Dept of Indian Affairs No. of employees
April 3, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1094-1095 Travel, Office, Steamboat running expenses
April 3, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1094-1095 Travel, office, steamboat running expenses
April 5, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1228 Yukon Indian Education
April 5, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII pg. 1228-1251 Indian Lands re: Timber
April 5, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1206-1228 Indians in Yukon Relief: medical attendance
April 18, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 1740-1741 Indian Land re: Timber
April 25, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 2069-2075 Indian Act Amendment

April 26, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 2079 Sale of Indian Land
April 30, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 2271 Questions Relating to the Yukon Indians
April 30, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 2273-2274 Indian Lands
May 2, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 2724 Sale of Indian Whitefish Reserve
May 2, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 2455-2456 Indian Population in Victoria, Nova Scotia
May 2, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 2454 Indian Whitefish Reserve
May 14, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 3249-3250 Indian Schools
June 6, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 4702 Cattle for Indian Agencies
June 14, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 5333-5343 Sale of Giant's Tomb Island
June 15, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 5422-5435 Indian Act Amendment
June 18, 1906	Commons Debates, 2nd Session, 6 Edward VII, pg. 5503 Surrender of Lands of Pasquah's Band
June 22, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 5985-5987 To provide a further amount for Indian Schools in Ontario and Quebec
June 22, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 5987-5989 To purchase additional land at Seven Island
June 22, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 5988-5990 Treaty No. 9 Indian Payment

June 22, 1906	Commons Debates, 2nd Session, 10th Parliament, 6 Edward VII, pg. 5990-5991 To provide further amount for boarding and Industrial Schools
July 13, 1906	6 Edward VII, Chapter 20 "An Act to Amend "The Indian Act"
L 1907-1908 Cont'd	Indian Affairs RG10 Vol. 6809 pg. Amendments to Indian Act (Correspondence)
April 20, 1907	Commons Debates, 3rd Session, 10th Parliament, 6-7 Edward, pg. 7279-7294 To provide further amounts for medical attendance, seed and relief
December 13, 1907	Commons Debates, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 623-635 Indian Lands
January 27, 1908	Commons Debates, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 1932-1933 Indian Funds
May 4, 1908	Commons Debates, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 7801-7808 Indian Lands
June 15 & 23, 1908	Indian Affairs, Red Series, RG10-3121 Advancement Act
June 22, 1908	Commons Debates, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 11022-11037 Supply Indian Affairs
July 11, 1908	Commons Debates, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 12729-12753 Indian Lands
July 15, 1908	Commons Debates, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 13095-13138 Indian Lands
July 15, 1908	Commons Debates, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 13170-13174 Indian Education
July 18, 1908	Sessional Papers, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 13528-13533 Indian Lands
July 18, 1908	Sessional Papers, 4th Session, 10th Parliament, 7-8 Edward VII, pg. 13528-13532 Indian Lands

February 12, 1909	Commons Debates, 1st Session, 11th Parliament, 9 Edward VII, pg. 976-986 Indian Education
February 12, 1909	Commons Debates, 1st Session, 11th Parliament, 9 Edward VII, pg. 989-1021 Committee of Supply Indian Affairs
March 16, 1909	Commons Debates, 1st Session, 11th Parliament, 9 Edward VII, pg. 1139-1172 Committee of Supply Indian Affairs
March 26, 1909	Commons Debates, 1st Session, 11th Parliament, 9 Edward VII, pg. 3461-3463 To provide further amounts for relief and medical attendance
May 17, 1909	Commons Debates, 1st Session, 11th Parliament, 9 Edward VII, pg. 6784-6786 Indian Lands
November 16, 1909	Commons Debates, 2nd Session, 11th Parliament, 9-19 Edward VII, pg. 119-122 Indian Lands
November 23, 1909	Commons Debates, 2nd Session, 11th Parliament, 9-10 Edward VII, pg. 344-376 Indian Lands
November 24, 1909	House of Commons Debates, 2nd Session, 11th Parliament, Vol. I (1909-1910) pg. 346-376 Indian Lands
1910-1917	Indian Affairs RG10 Vol. 6809, pg. 1-105 ✓ Amendments to Indian Act Correspondence
1910-1913	Indian Affairs RG10 Vol. 6809, pg. 1-58 ✓ Amendments to Indian Act (correspondence)
March 23, 1910	House of Commons Debates, 2nd Session, 11th Parliament, Vol. III and IV, pg. 5922-5927 Vol. III 5934 Vol IV Bill No. 141 To Amend the Indian Act
March 30, 1910	House of Commons Debates, 2nd Session, 11th Parliament, 1909-1910, Vol. IV, pg. 5931 Issue of Soap to Half-Breeds
April 22, 1910	Commons Debates, 2nd Session, 11th Parliament, 9-10 Edward VII, pg. 7835-7863 Indian Lands, Medical and Education
May 4, 1910	9-10 Edward VII, Chapter 28 "An Act to Amend the Indian Act"

November 22, 1910	Commons Debates, 2nd Session, 11th Parliament, 9-10 Edward VII, pg. vii Indian Lands
January 19, 1911	House of Commons Debates, 3rd Session, 11th Parliament, Vol. II, pg. 1969 Indian Act Amendment - Line Fences Bill No. 95 - 1st rdg.
March 22, 1911	Commons Debates, 3rd Session, 11th Parliament, 1-2 Geo., pg. 5837-5911 Indian Lands
March 24, 1911	Commons Debates, 3rd Session, 11th Parliament, 1-2 Geo. V. pg. 6035-6047 Medical Attendance
April 26, 1911	Commons Debates, 3rd Session, 11th Parliament, pg. 7983-8028 Indian Act Amendment Bill No. 177
May 2, 1911	Commons Debates, 3rd Session, 11th Parliament, 1-2 Geo. V, pg. 8109-8111 Indian Lands
May 11, 1911	House of Commons Debates, 3rd Session, 11th Parliament, Vol. 5 (1910-1911) pg. 8884-8886 Annuities for Indians - Manitoba, Saskatchewan
May 19, 1911	1-2 Geo. V, Chapter 14 "An Act to Amend the Indian Act"
May 19, 1911	Statutes of Canada 1911, Vol. I-II, 1-2 Geo. V, Chapter 24, pg. 225-227 An Act Respecting the Songhees *
April 24, 1913	Commons Debates, 2nd Session, 12th Parliament, 3-4 George V, pg. 8465-8499 Indian Land
April 28, 1913	Commons Debates, 2nd Session, 12th Parliament, 3-4 George V. pg. 8642-8643 Indian Lands
June 2, 1913	Commons Debates, 2nd Session, 12th Parliament, 3-4 George V, pg. 11563-11565 Indian Lands
	The Administration of Indian Affairs in Canada 1914
	The Administration of Indian Affairs in Canada 1914

1914-1920 Cont'd	Indian Affairs, RG10 Vol. 6809, File No. 470-2-3, pg. 1-52 Amendments to Indian Act Correspondence
1914-1916 Cont'd (F)	Indian Affairs RG10 Vol. 6809, pg. 1-88 Amendment to Indian Act Correspondence
March 19, 1914	Commons Debates, 3rd Session, 12th Parliament, 4-5 George V, pg. 1817 Indian Act Amendment
April 3, 1914	Commons Debates, 3rd Session, 12th Parliament, 4-5 George V, pg. 2394-2397 Indian Act Amendment
April 6, 1914	Commons Debates, 3rd Session, 12th Parliament, 4-5 George V, pg. 2471-2481 Indian Relief Medical and Education
April 6, 1914	House of Commons Debates, 3rd Session, 12th Parliament, Vol. III (1914) pg. 2471-2481 Committee of Supply Provinces: - Relief - Medical Attendance (Tuberculosis) - Roads - General Expenses - Agriculture - Building - Education
May 8, 1914	Commons Debates, 3rd Session, 12th Parliament, 4-5 George V, pg. 3481-3485 Indian Act Amendment
May 11, 1914	Commons Debates, 3rd Session, 12th Parliament, 4-5 George V, pg. 3532-3554 Indian Act Amendment
June 4, 1914	Commons Debates, 3rd Session, 12th Parliament, 4-5 George V, pg. 4830 Indian Act Amendment
June 10, 1914	Commons Debates, 3rd Session, 12th Parliament, 4-5 George V, pg. 5209-5210 To provide further amounts for miscellaneous
June 12, 1914	Statutes of Canada, 4-5 George V, Chapter 35 "An Act to amend the Indian Act"
February 15, 1915	Commons Debates, 5th Session, 12th Parliament, 5 George V, pg. 187-196 Indian Lands

March 22, 1915	Commons Debates, 5th Session, 12th Parliament, 5 George V, pg. 1306-1328 Indian Relief, Medical, and Miscellaneous
April 1, 1915	Commons Debates, 5th Session, 12th Parliament, 5 George V, pg. 1876-1893 Indian Affairs Supply
April 7, 1916	Commons Debates, 6th Session, 12th Parliament, 6-7 George V, pg. 2665-2690 Indian Relief, Medical and Lands
April 13, 1916	Commons Debates, 6th Session, 12th Parliament, 6-7 George V, pg. 2866-2867 Indian Affairs Expenditure
May 18, 1916	Statutes of Canada (1916) 6-7 George V, Chapter 24, pg. 119-120 An Act Relating to the St. Peter's Indian Reserve
May 29, 1916	Commons Debates, 6th Session, 12th Parliament, 6-7 George V, pg. 2316-2319 Indian Lands
1917-1937	Indian Affairs Files - 2390 Red Series Minerals other than coal
May 14, 1917	Commons Debates, 7th Session, 12th Parliament, 7-8 George V, pg. 1378-1379 Indian Lands
May 14, 1917	Commons Debates, 7th Session, 12th Parliament, 7-8 George V, pg. 1378-1379 Indian Lands
May 31, 1917	Commons Debates, 7th Session, 12th Parliament, 7-8 George V, pg. 1886-1912 Indian Relief and Medical Attendance
July 14, 1917	Commons Debates, 7th Session, 12th Parliament, 7-8 George V, pg. 2340-2353 Indian Relief and Education and Lands
July 21, 1917	Commons Debates, 7th Session, 12th Parliament, 7-8 George V, pg. 3663-3665 Indian Lands
April 19, 1918 April 23, 1918	Commons Debates, 1st Session, 13th Parliament, Indian Act Amendment Introduction of Bill No. 64 Enfranchisement 1. R., 932 2. R., 1046 Com 1046-1056 3. R., 1076

April 29, 1918
Debates of the Senate, Session 1918, pg. 353-354
Indian Act Amendment Bill

May 18, 1918
House of Commons Debates, 1st Session, 13th Parliament,
Vol. II, pg. 2232-2235
Committee of Supply
Salaries
Indian Act Section 42, 131
Indians of Provinces

May 24, 1918
8-9 George V, Chapter 26
"An Act to amend the Indian Act"

J 1919
Cont'd
Indian Affairs, RG10 Vol. 6809, pg. 1-77
Amendments to Indian Act Correspondence
Soldier Settlement Act

June 25, 1919
House of Commons Debates, 2nd Session, 13th Parliament,
Vol. pg. 4058-4063
Re: Committee of Supply Roads Provinces:
- medical attendance
- liquor
- education
- farming
Indian Affairs Administration

June 27, 1919
June 30, 1919
Commons Debates, 2nd Session, 13th Parliament,
Indian Act Amendment
Introduce Bill No. 163
Minister to administer Soldier's Settlement Act
1. R., 4171
2. R., Com 4254
3. R., 4257

July 3, 1919
Debates of the Senate, Session 1919, pg. 866, 867
Indian Act Amendment Bill 2nd Reading

July 4, 1919
Debates of Senate, 1919 Session, pg. 875
Indian Act Amendment Bill 3rd Reading

September 26, 1919
House of Commons Debates, 3rd Session, 13th Parliament,
Vol. I 1919, pg. 611
Dominion By - Elections Act Amdt. 1919 (re Indians)

1920
Indian Affairs , Red Series, RG10 Vol. 6810
Amendments to Indian Act (Bill 14 Enfranchisement
Education of Indians

1920-1930	Indian Affairs RG10 6810 Red Series Amendments to Indian Act
1920	Indian Affairs RG10 6810 Red Series Amendments to Indian Act Bill 14 Enfranchisement Education of Indian
January 14, 1920	Letterbook RG10 5794, pg. 303 Matters of Half-Breeds
January 20, 1920	Letterbook RG10 5794, pg. 634 Time Limit Within Which to Bring An Action for Violation of the Provisions of the Indian Act
January 23, 1920	Letterbook RG10 5794, pg. 764 Re: Sale of Intoxicants to Indians and Indian Girls entering Town
January 24, 1920	Letterbook RG10 Vol. 5796, pg. 144 Woman Deserting Husband, not Entitled to Interest or Land Surrender Money
January 26, 1920	Letterbook RG10 Vol. 5796, pg. 107 Disposing of Cases Under the Indian Act
January 28, 1920	Letterbook RG10 Vol. 5796, pg. 273 Instructions re: trading on reserve and use of intoxicants
January 28, 1920	Debates of Senate, Session 1920, pg. 773-782 Indian Bill (Bill No. 14 - an Act to Amend the Indian Act) 2nd, 3rd reading
January 29, 1920	Letterbook RG10 Vol. 5796, pg. 330 Dept. Positions Not Open to Non-British Subject
January 31, 1920	Letterbook RG10 Vol. 5796, pg. 391 Amusement File Is Florida Water An Intoxicating Beverage?
February 6, 1920	Letterbook RG10 Vol. 5798, pg. 81 Conviction of Pot Laching
February 6, 1920	Letterbook RG10 Vol. 5796, pg. 671 Re: Estate of late Dr. Patten of Caughnawaga
February 6, 1920	Letterbook RG10 Vol. 5796, pg. 674 Section 139 - Indian Act
February 9, 1920	Letterbook RG10 Vol. 5798, pg. 118 Jurisdiction Re Vaccinations and T.B.

February 17, 1920	Letterbook RG10 Vol. 5798, pg. 463 Admission of Illegitimates to Bands
February 21, 1920	Letterbook RG10 Vol. 5798, pg. 612 Burial Expenses of Indians
February 23, 1920	Letterbook RG10 Vol. 5798 , pg. 704 Lost Status: Rights Through 5 Year Residence in U.S, and Agent's Permission
March 3, 1920	Letterbook RG10 Vol. 5800, pg. 352 Re: Attendance at School
March 12, 1920	Commons Debates, 4 Session, 13th Parliament, Indian Act Amendment Introduce Bill No. 14 Enfranchisement 1st reading
March 15, 1920	Letterbook RG10 pg. 178-180 Selling of Liquor to Indians
March 16, 1920	Letterbook RG10 Vol. 5802, pg. 185 Re: Payment of Income Tax by Indians
March 23, 1920	Letterbook RG10 pg. 584 Resolutions of Six Nations School Board re: School Attendance of Indians and Whites on the Reserve
March 25, 1920	Commons Debates, 4th Session, 13th Parliament, Indian Act Amendment Enfranchisement Bill No. 14 2nd reading: ref. to special Com. 704,795 Rpt. of Com. 3617-3618; 4021
March 29, 1920	Letterbook RG10 Vol. 5804, pg. 75 Re: Wills to non Indians
March 29, 1920	House of Commons Debates, 4th Session, 13th Parliament, Vol. I, pg. 807 Indian Tribes - Emuncipation
April 8, 1920	Letterbook RG10 Vol. 5804, pg. 597 and 598 Re: Attending at Fairs
April 8, 1920	Letterbook RG10 Vol. 5804, pg. 460 Desertion Under Indian Act and Criminal Code
June 5, 1920	4th Session, 13th Parliament, Indian Act Amendment Report of special committee on 13th and 14th
June 24, 1920	Commons Debates, 4th Session, 13th Parliament, Indian Act Amendment 3rd Reading Bill No. 14 4137, 4173

June 28, 1920	Debates of Senate, Session 1920, pg. 773-782 Indian Bill (Bill 14 - an act to amend the Indian Act) 2nd and 3rd Reading
July 1, 1920	Statutes of Canada 1919-1920, 3rd Session, 10 George V, Chapter 50, 51 Chapter 50 - An Act to Amend the Indian Act Chapter 51 - An Act to Provide for Settlement of Differences between the Government of Dominion of Canada and the Province of British Columbia respecting Indian lands and certain other Indian Affairs in the said Province
July 15, 1920	Statutes 10-11 George V, Chapter 49 Amendments to Indian Act
for year ending March 31, 1921	Sessional Papers, Vol. 8, 1922 (12 George V) No. 27 Report of Deputy of Superintendent General of Indian Affairs
for year ending March 31, 1921	Sessional Papers, 12 George V 1922 Report of Deputy of Superintendent General of Indian Affairs
April 15, 1921	House of Commons Debates, 5th Session, 13th Parliament, Vol. III, pg. 2171-2174 Committee of Supply: Provinces: general information - Education - Agriculture - Lands - Estimates
May 26, 1921	House of Commons Debates, 5th Session, 13th Parliament, Vol. IV, pg. 3907-3908 Indian Women
	1st Session, 14th Parliament 1922 Indian Act Amendment Bill Enfranchisement of Indians: Ownership of Land
March 16, 1922	House of Commons Debates, 1st Session, 14th Parliament, Vol. I, pg. 148-149 Half-Breed Scrip Frauds
April 27, 1922	House of Commons Debates, 1st Session, 14th Parliament, Vol. II, pg. 1214-1232, Vol. IV pg. 3536-3537 Committee of Supply: Provinces: Agents Agitation and Unrest Education - pg. 3536-3537 Vol. IV Expenditure Hospital and Medical Attention

June, 1922

Debates of the Senate, 1922 Session, pg. 557-562 611-612 613-617
Indian Bill (Bill 142) an act to amend the Indian Act

June 15, 1922

1st Session, 14th Parliament
Indian Act Amendment Bill 142
1. Enfranchisement of Indians
2. Land: Soldier's Settlement Act 1st Reading-2991

June 15, 1922

Commons Debates, 1st Session, 14th Parliament, pg. 2991
Indian Act re: 1. Enfranchisement
2. Land Soldier's Settlement Act

June 19, 1922

1st Session, 14th Parliament
Indian Act Amendment Bill 142

June 19, 1922

Commons Debates, 1st Session, 14th Parliament, pg. 3191-3194
Indian Act Amendment Land Bill 142 2nd and 3rd Reading

June 28, 1922

Statutes Canada, 12-13 George V, Chapter 26
An Act to Amend the Indian Act

March 23, 1923

Indian Affairs, Red Series, RG10 Vol. 3231, pg. 579,853, 582, 042
Re: Indians on Juries

April 24, 1923

House of Commons Debates, 2nd Session, 14th Parliament, Vol. III, pg. 2145-2165
Committee of Supply
re Provinces: Agents
Education, Farming
Hunting
Hospitals
Reserves
Indian Affairs Department

June 10, 1924

3rd Session, 14th Parliament
Indian Act Amendment Bill 172
1. Disposal of property of income people
2. Control of Eskimos under the Act
1st Reading

June 30, 1924 ✓

3rd Session, 14th Parliament
Indian Act Amendment Bill 172
2nd Reading

July 8, 1924 ✓

House of Commons Debate, 3rd Session, 14th Parliament, Vol. V, pg. 4172-4178
Indian Act - Indian Reserves Lands Bill No. 191

July 14, 1924 — 3rd Session, 14th Parliament
Indian Act Amendment Bill 172
3rd Reading

July 16, 1924 — Debates of Senate, 1924 Session, pg. 808-810
791-996
Bill 172 - An Act To Amend the Indian Act
2nd and 3rd Reading

July 17, 1924 — House of Commons Debates, 3rd Session, 14th Parliament, Vol. IV, pg. 3311-3319
Committee of Supply
Provinces: Education
Medical Attention
Violation of Treaties
Agriculture
General Expenses
Relief
League of Nations

July 17, 1924 — House of Commons Debates, 3rd Session, 14th Parliament, Vol. V, pg. 4698-4708
Committee of Supply:
Provinces: Agriculture
Lands

July 19, 1924 — Statutes Canada, 14-15 George V, Chapter 47
An Act to Amend the Indian Act

February 24, 1925 — 4th Session, 14th Parliament
Indian Act Amendment Bill No. 9
Re: Leasing of Indian Land 1st Reading

February 26, 1925 — 4th Session, 14th Parliament
Indian Act Amendment Bill No. 9
Re: Leasing of Indian Land 2nd Reading

June 26, 1925 — House of Commons Debates, 4th Session, 14th Parliament, Vol. V, pg. 4979-4994
Committee of Supply
Provinces: population
elective system
treaties
lands
agriculture
roads
medical attendance

June 14, 1926 — Debates of Senate, 1926 Session, pg. 230-232
Allied Indian Tribes of British Columbia

1927 — R.S. c. 81, s. 1
An Act Respecting Indians

February 10, 1927
1st Session, 16th Parliament
Indian Act Amendment Bill No. 56
Amusements on Reserves 1st Reading

February 15, 1927
1st Session, 16th Parliament
Indian Act Amendment Bill No. 56
Amusements on Reserves 2nd Reading

February 18, 1927
1st Session, 16th Parliament
Indian Act Amendment Bill No. 56
3rd Reading - Passed

R.S. 1927
Statutes - Canada 1927, Chapter 98
Indian Act

1927
Revised Statutes of Canada 1927, Vol. II,
Chapter 98, pg. 2167-2232
Indian Act

1927
Revised Statutes of Canada (1927) Vol. IV,
Chapter 188, pg. 864
Soldier Settlement - "Indian Lands"

March 27, 1928
House of Commons Debates, 2nd Session, 16th Parliament, Vol. II, pg. 1742-1744
Committee of Supply
Provinces: Relief
Medical Attendance
Roads
Destitute Indians

June 6, 1928
House of Commons Debates, 2nd Session, 16th Parliament, Vol. III, pg. 3822-3828
Committee of Supply
Provinces: Salaries
Contigencies
Land
Hunting
Agriculture
Education

1930-1938
Indian Affairs RG10 Vol. 6810, Red Series
Amendments to Indian Act

March 5, 1930
4th Session, 16th Parliament
Indian Act Amendment Bill No. 22
Extending of School Age
Selling cattle without consent of agent
1st Reading 292

March 28, 1930
House of Commons Debates, 4th Session, 16th Parliament, Vol. III, pg. 2762-2774
Committee of Supply: General information

March 31, 1930	Indian Affairs RG10 6810, Red Series House of Commons Debates Indian Act Amendment (Bill No. 22)
March 31, 1930	4th Session, 16th Parliament, pg. 1091-1119 Indian Act Amendment Bill No. 22 2nd Reading 1091
April 1, 1930	4th Session, 16th Parliament Indian Act Amendment Bill No. 22 3rd Reading
April 4, 8, 1930	Debates of Senate, 1930 Session, pg. 147,148 155,156 Bill 22 - An Act to Amend the Indian Act
April 10, 1930	20-21 George V, Chapter 25 "An Act to Amend the Indian Act"
May 28, 1930	House of Commons Debates, 4th Session, 16th Parliament, Vol. III, pg. 2762-2774 Committee of Supply: General information
May 30, 1930	Statutes of Canada 1930, 20-21 George V, Chapter 37, pg. 307 The Railway Belt and Peace River Block Act - Indian Reserves
May 30, 1930	Statutes of Canada, 20-21 George V, Chapter 41 pg. 326 The Saskatchewan Natural Reserves Act - Indian Reserves
May 30, 1930	Statutes of Canada (1930) 20-21 George V, Parts I-II, pg. 250 The Manitoba Natural Reserves Act - Indian Reserves
June 29, 1930	Commons Debates, 3rd Session, 18th Parliament, Vol. IV, pg. 4425-4430 Committee of Supply Provinces: (Indians) - Medical Attention - Hospital - General Care of Indians
February 8, 1931	House of Commons Debates, 2nd Session, 18th Parliament, Vol. I, pg. 673-674 Trapping Conditions - Improvements
August 3, 1931	House of Commons Debates, 2nd Session, 17th Parliament, Vol. IV, pg. 4537-4543 Committee of Supply Provinces: supplies education agriculture trapping population

February 9, 1933	4th Session, 17th Parliament Indian Act Amendment Bill No. 21 appointment of Truancy officers appointment of Executors of estates sale of cattle, field crops residing or hunting upon reserves enfranchisement 1st Reading
February 14, 1933	4th Session, 17th Parliament, pg. 2078-2090 Indian Act Amendment Bill No. 21 2nd Reading
March 1, 1933	Commons Debates, 4th Session, 17th Parliament Indian Act Amendment Bill No. 21 Truancy officers, Executors of estates, Sale of Cattle, field crops
May, 1933	Debates of Senate, 1933 Session, pg. 493-496 504-505 522-526 Bill No. 21 - An Act to Amend the Indian Act - 2nd, 3rd Reading
May 9, 1933	4th Session, 17th Parliament, pg. 4746 Indian Act Amendment Bill No. 21 3rd Reading - Passed
May 23, 1933	23-24 George V, Chapter 42 "An Act to Amend the Indian Act"
May 23, 1933	Statutes of Canada (1932-1933), 23-24 George V, Chapter 42, pg. 223-226 An Act to Amend the Indian Act
April 20, 1934	House of Commons Debates, 5th Session, 17th Parliament, Vol. III, pg. 2412-2418 Committee of Supply: Six Nations Situation
May 3, 1934	House of Commons Debates, 5th Session, 17th Parliament, Vol. III, pg. 2770-2781 Committee of Supply Provinces: Salaries Supplies Relief Medical Attendance, Hospital Dwellings Agriculture Roads Education
June 1, 1934	5th Session, 17th Parliament Indian Act Amendment Bill No. 90 (Respecting the Caughnawaga Indian Reserve and to amend the Indian Act) 1st Reading

June 4, 1934	5th Session, 17th Parliament Indian Act Amendment Bill No. 90 2nd and 3rd Reading
June 6, 1934	Debates of Senate, 1934 Session, pg. 467 Indian Bill (Caughnawaga Reserve) 2nd, 3rd Reading
June 28, 1934	24-25 George V, Chapter 29 "An Act Respecting the Caughnawaga Indian Reserve and to Amend the Indian Act"
April 9, 1935	Commons Debates, 6th Session, 17th Parliament, Vol. III, pg. 2580-2581 British Columbia Agents - Neglect of Work
February 13, 1936	1st Session, 18th Parliament Indian Act Amendment Bill No. 4 Disposal of property of an Indian Council meetings of Indians, regulations to Control Potluck on Vancouver Island 1st Reading
February 25, 1936	Commons Debates, 1st Session, 18th Parliament, Vol. I, pg. 530-541 Committee of Supply: Provinces: (Indians) Salaries Supplies Relief Medical Attendance, Hospital Dwellings Agriculture Surveys Roads Indian Problems
March 20, 1936	1st Session, 18th Parliament, pg. 1292-1301 Indian Act Amendment Bill No. 4 2nd, 3rd Reading
April, 1936	Debates of Senate 1936, pg. 213, 214, 235, 237, 257 Bill No. 4 - An Act to Amend the Indian Act 2nd, 3rd Reading
April 23, 1936	Commons Debates, 1st Session, 18th Parliament Indian Act Amendment Bill No. 4 Disposal of property Council Meetings Pot Luck Vancouver Island
May 12, 1936	Debates of Senate, 1936 Session, pg. 285-286 Indian Reserves - Police Supervision
June 2, 1936	i Edward VIII, Chapter 20 "An Act to Amend the Indian Act"
June 23, 1936	1 Edward VIII, Chapter 33 "An Act Respecting the Department of Mines and Resources"

February 8, 1937	House of Commons Debates, 2nd Session, 18th Parliament, Vol. I, pg. 673-674 Trapping Conditions - Improvements
April 9, 1937	House of Commons Debates, 2nd Session, 18th Parliament, Vol. III 1937, pg. 2859-2875 Committee of Supply: - Disease esp. Tuberculosis - Aiming Indians
1938-1944	Indian Affairs RG10 Vol. 6810, Red Series Amendments to Indian Act and Observations: criticism of Indian Act by Indian Agents
1938-1940	PAC RG10 B3 Vol. 2390 Indian Act - timber regulations, Dominion and Provincial
June, 1938	Debates of Senate, 1938 Session, pg. 471-474 503-504 Bill No. 138 - An Act to Amend the Indian Act
June 3, 1938 June 6, 1938 June 7, 1938	Commons Debates, 3rd Session, 18th Parliament, pg. 3509-3531 3565-3567 3605 Indian Act Amendment Bill No. 138 Lease of mineral area 2nd, 3rd Reading
June 3, 1938 June 6, 1938 June 7, 1938	Commons Debates, 3rd Session, 18th Parliament, pg. 3509-3530 3565-3567 3606 Indian Act Amendment Bill No. 138 Lease of mineral area
June 13, 1938	Commons Debates, 3rd Session, 18th Parliament, Vol. IV, pg. 3792-3815 Committee of Supply: Administrative Practice and Respect to Indians
June 24, 1938	2 George VI, Chapter 31 "An Act to Amend the Indian Act"
June 29, 1938	Commons Debates, 3rd Session, 18th Parliament, Vol. IV, pg. 4425-4430 Committee of Supply: Provinces: (Indians) Medical Attention Hospital General Care of Indians
June 30, 1938	Commons Debates, 3rd Session, 18th Parliament, Vol. IV, pg. 4496-4498 Committee of Supply: Education of Indians Chart of Residential Schools

1939	Report and Indian Affairs, U. Canada, RG10 Vol. 718, pg. 300-446 McCauleys Report re: Indian Affairs in Upper Canada (C)
1939	Report Indian Affairs, Upper Canada, RG10 Vol. 178, Index and pg. 1-129 McCauleys Report re: Indian Affairs in Upper Canada (A) cont'd
May 29, 1939	Commons Debates, 4th Session, 18th Parliament, Vol. IV, pg. 4712-4718 Committee of Supply: Provinces: (Indians) Welfare and training Education Agriculture Buildings Grants Medical Attention Fur Conservation
1941	Indian Affairs RG10 Vol. 6811, File No. 470-2-7 Vol. 13 pg. Aquisition: Purchase of Furs - General Regulations Bill No. 42 - Indian Act
March 27, 1941	2nd Session, 19th Parliament, pg. 1904-1905 Indian Act Amendment Bill 24 Regulations controlling the Buying of wild animals and skins for Indians 1st Reading
April 3, 1941	Commons Debates, 2nd Session, 19th Parliament, Vol. II, pg. 2158-2160 Committee of Supply: Indian Hospitals: General Care
May 27, 1941	2nd Session, 19th Parliament Indian Act Amendment Bill 24
June, 1941	Debates of Senate, 1941 Session, pg. 167-170 176, 185 Bill No. 24 - An Act to Amend the Indian Act
June 14, 1941	4-5 George Vi, Chapter 19 "An Act to Amend the Indian Act"
July 31, 1942	Commons Debates, 3rd Session, 19th Parliament, Vol. V, pg. 5102-5107 Committee of Supply: Indian Problem
July 23, 1943	Commons Debates, 4th Session, 19th Parliament, Vol. V, pg. 5307-5319 Committee of Supply (Indians) re: Military Service Act Indian Hospitals General Care of Indians

1944-1946	Indian Affairs RG10 Vol. 6811, File No. 470-2-7 Vol. 13 Amendments to Indian Act (General Correspondence)
1946-1947	Indian Affairs RG10 Vol. 6811, File No. 470-3-7, pg. 1-100 A 101-215 B Newspaper Clippings re: Special Joint Committee of Senate: House of Commons
August 14, 1944	House of Commons Debates, Vol. LXXXII No. 123 RG10 File No. 6809 Indians re: Medical Assistance Education, Agriculture, Land, Hunting, Poverty, Labour
October 24, 1945	Commons Debates, 1st Session, 20th Parliament, Vol. II (1945) pg. 1446-65 Old Age Pensions - (Indians)
December 14, 1945	House of Commons Debates, 1st Session, 20th Parliament, Vol. III, pg. 3514-3524 Committee of Supply: re: Treatment of Indians Indian Act (sections) Hospital: General Care of Indians Agriculture Lands Hunting Family Allowance etc.
Correspondence 1946	Indian Affairs RG10 Vol. 6811, File No. 470-2-8 Vol. 13, pg. Letter from Minister to Indian Agents and Indian Agents Response to letter re: Indians
February - November 1946	Can J of Ec. and Pol. Sc., Vol. XII, The History of Indian Administration in Canada The Goal of Indian Assimilation
April 12, 1946	Commons Debates, 2nd Session, 20th Parliament, Vol. 1, 1946 pg. 811 Revision of Indian Act - Consideration by House Committee
May, 1946	Debates of Senate, 1946 Session, pg. 233, 251, 351 Joint Committee of Senate: House of Commons to study Indian Act, Chapter 98 R.S.C. 1927
May 13, 1946	2nd Session, 20th Parliament, pg. 1446-1468 Joint Committee to Consider Amendments to Act and Indian Administration Generally

May 28, 1946	2nd Session, 20th Parliament, ISTRD6, pg. 1978 Joint Committee to study the Act etc. Report of Committee Indian Act - concurrence in first Report
June 4, 1946	Commons Debates, 2nd Session, 20th Parliament Indian Act Second Report of joint committee
August 1946	The Canadian Journal of Economics and Political Science History of Indian Administration in Canada T.R.L. Mac Innes
August 15, 1946	2nd Session, 20th Parliament, 3rd Report, pg. 4816 Third Report - special Joint Committee of Senate and House of Commons to examine and consider Indian Act - Mr. Brown
August 17, 1946	2nd Session, 20th Parliament, pg. 4965 Indian Act Concurrence in third Report of special Joint Committee of both Houses
August 27, 1946	Commons Debates, 2nd Session, 20th Parliament, Vol. V, pg. 5483-5490 Committee of Supply - Responsibility of Canadian People towards Indians - Education
1947 A Cont'd	Indian Affairs RG10 Vol. 6811, File No. 470-3-6 Vol. 2, A pg 1-113 B pg 114-213 Proposal of interested organizations to species Joint Committee of the Senate House of Commons
1947 B	Indian Affairs RG10 Vol. 6811, File No. 470-3-6 Vol. 2, A pg 1-113 B pg 114-213 (Restricted until 1977) Proposals of interested organizations particularly Indians to special Joint Committee of the Senate: House of Commons
February 7, 1947	Commons Debates, 3rd Session, 20th Parliament Vol. I, pg. 220-222 Conditions of Reserve (Liquor Traffic)
February 13, 1947	3rd Session, 20th Parliament, pg. 371-372 Indian Affairs Joint Committee to consider amendments to Act and Indian administration Generally
March 6, 1947	3rd Session, 20th Parliament, pg. 1061 Indian Affairs Concurrence in First Report of special committee

	3rd Session, 20th Parliament, 1947 Indian Act Committee to consider amendments to act and Indian Administration generally
March 26, 1947	3rd Session, 20th Parliament, pg. 1750 Indian Affairs Second Report of Joint Committee
April 18, 1947	Commons Debates, 3rd Session, 20th Parliament, Vol. III, pg. 2172-2173 Indian Act - Conviction of British War Bude Under Liquor Regulations
May 1947 June 1947	Debates of Senate, 1947 Session, pg. 302, 583-585, 637-647 Report of Joint Committee (Chapter 98 R.S.C. 1927)
June 26, 1947 July 1, 1947	Commons Debates, 3rd Session, 20th Parliament, Vol. V, pg. 4725-4742, 4893-4897 Indians (Old Age Pensions)
July 10, 1947	3rd Session, 20th Parliament, pg. 5343-5345 Indian Affairs Concurrence in fourth Report of Joint Committee
February 9, 1948	4th Session, 20th Parliament Indian Affairs Joint Committee to consider amendments to Act and Indian administration
February 19, 1948	4th Session, 20th Parliament Indian Affairs Concurrence in first Report of special Committee 1st Report P. 1381 Vol. 2 2nd Report P. 1863 3rd Report P. 3651 4th Report P. 5628 Vol. VI Concurrence in fourth Report of special Joint Committee
April 26, 1948	Commons Debates, 4th Session, 20th Parliament, Vol. IV, pg. 3315-3318 Indians: Franchise
June 1948	Debates of Senate, 1948 Session, pg. 133,190, 481, 482, 629, 630, 681, 682, 690, 691 Reports of Joint Committee (Chapter 98 R.S.C.1927)
June 15, 1948	Commons Debates, 4th Session, 20th Parliament, Vol. VI, pg. 5259-5265 Dominion Elections Act: re Indians

June 23, 1948 June 24, 1948	Commons Debates, 4th Session, 20th Parliament, Vol. VI, pg. 5755-5762, 5768-5775 Committee of Supply Condition Among Indians Indian Act- Franchise pg. 5155-5162 Discussion on Indian Affairs pg. 5768-5775
March 8, 1949	Commons Debates, 5th Session, 20th Parliament, Vol. II, pg. 1256-1258 Education of Indians
September 26, 1949 September 29, 1949	Commons Debates, 1st Session, 21st Parliament, Vol. I, 1949 (2nd Session) pg. 358, 359 Joint Committee re Indian Act
October 25, 1949	Commons Debates, 1st Session, 21st Parliament, Vol. 2, (2nd Session) pg. 1148 Liquor to Indians
November 25, 1949	Commons Debates, 1st Session, 21st Parliament, pg. 2275-2276 Indians: Citizenship Education
December 2, 1949	Commons Debates, 1st Session, 21st Parliament, Vol. II, pg. 2601-2602 Nfld - Indian Act
April 21, 1950	Commons Debates, 4th Session, 21st Parliament Questions Raised by MP on Revision of the Act
June 7, 1950	2nd Session, 21st Parliament Indian Act Consolidation and Clarification - Band Funds and expenditures
June 8, 1950	Debates of Senate, 1950 Session, pg. 428-429 Indian Bill Inquiry
June 16, 1950	Commons Debates, 2nd Session, 21st Parliament, Vol. IV, pg. 3709-3716 Committee of Supply: Indian - Enfranchisement - Education - Relief - Old Age Pension - Rights - Health Services - Fur Conservation
June 21, 1950	2nd Session, 21st Parliament Indian Act Consolidation and Clarification - Band Funds and Expenditures 2nd Reading pg. 3936

June 21, 1950	2nd Session, 21st Parliament Indian Act Bill No. 267 Consolidation and Clarification - Band Funds and Expenditures, etc. 1st Reading 2nd Reading posponed for 6 months
February 2, 1951	4th Session, 21st Parliament, pg. 50-51 Indian Bill No. 79 Amendment and Consolidation - Provisions with respect to Band Funds
February 27, 1951	4th Session, 21st Parliament, pg. 713-734 Indian Act Bill No. 79 Amendment and Consolidation - Provisions with respect to Band Funds
March 16, 1951	4th Session, 21st Parliament, pg. 1350-1360 Appendix pg. 1364-1367 Indian Act Bill No. 79 2nd Reading
April 2, 1951	4th Session, 21st Parliament, pg. 1522-1537 Indian Act Bill No. 79 resume 2nd Reading
May, 1951	Debates of Senate, 1951 Session, pg. 456-465 509, 510, 483-485 Bill No. 79 - An Act Respecting Indians 2nd, 3rd Reading
May 15, 1951	4th Session, 21st Parliament, pg. 3039-3050, 3059-3074 Indian Act House resumed consideration in Committee of Bill No. 79 - respecting Indians
May 16, 1951	4th Session, 21st Parliament, pg. 3082-3085 Indian Act The House resumed consideration in Committee of Bill No. 79
May 17, 1951	4th Session, 21st Parliament, pg. 3106-3112 Indian Act Bill No. 79 3rd Reading
June 7, 1951	Commons Debates, 4th Session, 21st Parliament Indian Act Sentate Amendment of Bill No. 79
June 20, 1951	15 George VI, Chapter 29 "The Indian Act"
March, 1952	Canadian Forum, M.C. Randle "The New Indian Act"

June 4, 1953	Canadian Journal of Economic and Political Science, Vol. 20 No. 1, February, 1954, pg. 95-100 Canada's Indians Yesterday What of Today? (Diamond Jenness)
May, 1957	Annuals of the American Academy of Political and Social Science, pg. 31-70 The Role of the Bureau of Indian Affairs since 1933 Termination of Federal Supervision: Disintegration and the American Indians The Indian Claims Commission Act
May, 1957	Annuals of the American Academy of Political and Social Science, pg. 12-22 The Legal Aspects of Indian Affairs from 1887 to 1957 (T.H. Haas)
May, 1957	Annuals of the American Academy of Political and Social Science The Role of the Bureau of Indian Affairs since 1933 (W. Zimmerman) Termination of Federal Supervision The Indian Claims Commission Act
1960	Revised Statutes of Ontario, Vol. 2, FL Chapter 129-225, pg. 501-502 Indian Welfare Services Act
1962	Queen's Printer B.N.A. Acts and selected statutes 1867-1962 Details of agreement between Dominion and H.B.C. 31 May 1869
1962	Queen's Printer British North American Acts and Selected Statutes 1867-1962
	D.C. Scott in Canada and its provinces, Vol. 4, 1913 "Indian Affairs, 1963-1841"
July 25, 1968 July 26, 1968 July 27, 1968	Report Dept. of Indian Affairs, pg. 1-33 (Secondary Sources) Report of the Indian Act Consultation Meeting Yellowknife, N.W.T.
July 29-31, 1968	Report of the Indian Act Consultation Meeting Moncton, N.B.

August 16-19, 1968	Report of Dept. of Indian Affairs, pg. 1-74 (Secondary Sources) Report of the Indian Act Consultation Meeting Fort William, Ontario
August 21-23, 1968	Report of Dept. of Indian Affairs, pg. 1-75 (Secondary Sources) Report of the Indian Act Consultation Meeting Sudbury, Ontario
September 16-20, 1968	Report of Dept. of Indian Affairs, pg. 1-111 (Secondary Sources) Indian Act Consultation Meeting Regina, Saskatchewan
September 30 - October 4, 1968	Report of Dept. of Indian Affairs, pg. 1-98 (Secondary Sources) Report of the Indian Act Consultation Meeting Quebec City - Addendum to meeting - English and French translation
October 1-4 1968	Report of Dept. of Indian Affairs, pg. 1-72 (Secondary Sources) Compte Rendu de reunion de consultation au sujet de la loi sur les Indiens Courville, Québec
October 14-18 1968	Report of Dept. of Indian Affairs, pg. 1-173 (Secondary Sources) Report of the Indian Act Consultation Meeting Prince George, B.C.
October 21-23 1968	Report of Dept. of Indian Affairs, pg. 1-53 (Secondary Sources) Report of the Indian Act Consultation Meeting Whitehorse, Yukon Territory
October 24-28 1968	Report of Dept. of Indian Affairs, pg. 1-72 (Secondary Sources) Report of the Indian Act Consultation Meeting Terrace, B.C.
October 30 - November 1, 1968	Report of Dept. of Indian Affairs, pg. 1-77 (Secondary Sources) Report of the Indian Act Consultation Meeting Nanaimo B.C.
November 12-16 1968	Report of Dept. of Indian Affairs, pg. 1-115 (Secondary Sources) Report of the Indian Act Consultation Meeting November 12-16 1968 Kelowna, B.C.

November 18-22 1968	Report of Dept. of Indian Affairs, 18-22 November 1968, pg. 1-142 (Secondary Sources) Report of the Indian Act Consultation Meeting Chilliwack, B.C.
December 12-13 1968	Report of Dept. of Indian Affairs, pg. 1-95 (Secondary Sources) Report of the Indian Act Consultation Meeting Edmonton, Alberta
December 18-20 1968	Report of Dept. of Indian Affairs, pg. 1-52 (Secondary Sources) Report of the Indian Act Consultation Meeting Winnipeg, Manitoba
January 20-24 1969	Report of Dept. of Indian Affairs, pg. 1-88 (Secondary Sources) Report of the Indian Act Consultation Meeting Toronto, Ontario
January 27-28 1969	Report of Dept. of Indian Affairs, pg. 1-57 (Secondary Sources) Report of the Indian Act Consultation Meeting Terrace, B.C.
June 25, 1969	Report of Dept. of Indian Affairs, pg. 1-98 (Secondary Sources) Government statement on Indian Policy Comparison with remarks recorded at consultation meetings on the Indian Act
	PAC pg. 285-297 Treaties of Canada with the Indians of the Northwest - Administration of the Treaties - Movies published 1971
January 5, 1971	Factum An Appeal from the Court of Appeal for the province of Manitoba
November 8, 1971	General Information The Indian Reserve System
1973	Journal of Canadian Studies, November 1973, Vol. VIII, No. 4, (LFS Upton) The Origins of Canadian Indian Policy
March 7, 1973	Factum of the Intervenants The National Indian Brotherhood The Manitoba Indian Brotherhood Supreme Court of Canada Dtw The Attorney General of Canada WM. Barber Rees and Flora Canard (Indian Act)

PAC RG10 2497
Amendments to the Indian Act 1880

Sir John A. MacDonald Papers MG26A Vol. 109, pg. 43852
Complaints of White Settlers in N.W.T.

Revised Status, Chapter 43 Session 1
An Act Respecting Indians

Sir John A. MacDonald Papers MG26A Vol. 101, pg. 40641, 40642
Land Compensation to Half Breed Families

Sir John A. MacDonald Papers MG26A Vol. 109, pg. 43825
The North-West Half Breed Question

Sir John A. MacDonald Papers MG26A Vol. 109, pg. 43852
Complaints of White Settlers in N.W.T.

RG10 2591 Indian Affairs Files, Red Series
Interpretation of Section 11 of the Act 1891

Harper Articles

Sir John A. MacDonald Papers MG26A Vol. 109, pg. 43825
The North-West Half Breed Question

RG10 2262 Indian Affairs Files, Red Series
Indian Act of 1880, not clear an power of Indian Agents to Commit convicted person to goal, Dept. of Justice Opinion

RG10 2136 Indian Affairs, Red Series
Draft Bill of an Act to Amend Indian Act of 1880-1881

RG10 Indian Affairs Files, Red Series
Amendments to Indian Advancement Act 1884-1889

RG10 2389 Indian Affairs Files, Red Series
Regulations Governing the Disposal of Indian lands containing minerals other than coal

Sir John A. MacDonald Papers MG26A Vol. 101, pg. 4064, 40642
Land Compensation to Half Breed Families

RG10 2525 Indian Affairs Files, Red Series
Amendments to Indian Advancement Act 1884-1889

RG10 2283 Indian Affairs Files, Red Series
Circular re Indian Advancement Act, 1884-1889

Indian Dept. Six Nations Indians, RG10 Vol. 717,
pg. 94-97, pg. 98-120
pg. 94-97 Questions for Samuel P. Jarvis
pg. 98-120 answers

Commons Debates, 4th Session, 21st Parliament,
pg. 1776, 1777
Question Raised by M.P. in Revision of the Act

Indian Affairs Files, Black Series, RG10 3947
Amendments: Indian Act 1891-1893

PAC RG10 2497
Amendments to the Indian Act 1880

1952
1953
1956

R.S. 1952 Chapter 149, 1-2 Elizabeth II, Chapter 41
(Assented 14 May 1953 (amendment) - 4-5 Elizabeth II,
Chapter 40, 14 August 1956 (amendment)

Canadian Journal of Economics and Political
Science, Vol. XII, February-November 1946
The History of Indian Administration in Canada
The Goal of Indian Assimilation

Justice Dept. Opinions

Summary of Discussions and Recommendations of
the Regional Advisory Councils or the Indian Act