

Excerpts From:

Report of the Royal Commission on Aboriginal Peoples (1991)

- The *Indian Act*...passed originally in 1876 under Parliament's constitutional responsibility for Indians and Indian lands, it is based on Indian policies developed in the nineteenth century and has come down through the years in roughly the same form in which it was first passed. Until the 1982 amendments to the constitution, it was the single most prominent reflection of the distinctive place of Indian peoples within the Canadian federation.
- Until recently, North American history has been presented as the story of the arrival of discoverers, explorers, soldiers and settlers from Europe to a new world of forest, lake and wilderness. Indian peoples have been portrayed as scattered bands of nomadic hunters and few in number. Their lands have been depicted as virtually empty — *terra nullius*, a wilderness to be settled and turned to more productive pursuits by the superior civilization of the new arrivals. This unflattering, self-serving and ultimately racist view coincided with the desire of British and colonial officials to acquire Indian lands for settlement with the minimum of legal or diplomatic formalities. The view prevailed throughout the nineteenth century when the foundations for the *Indian Act* were laid.
- For example, the measured separation between tribal nations and the settler society implied by Crown protection of tribal lands and Indian autonomy merged almost effortlessly for non-Indian officials into the related goal of 'civilizing' the Indians. The transition was aided by the fact that Indian people often requested or consented to official assistance in acquiring tools to adapt to the growing presence of non-Indian settlements around them.... for these officials, the transition was aided by the fact that Indian people often requested or consented to official assistance in acquiring tools to adapt to the growing presence of non-Indian settlements around them.... for these officials, the transition to a policy of encouraging and even forcing Indian people to assimilate into colonial and later Canadian society was a short step from the civilizing policy. Often the churches and humanitarian societies— both of which called for measures to alleviate the often desperately poor conditions of Indian

people and communities — assisted this transition, seeing in it the only way to save Indian peoples from what appeared, at the time, to be their eventual and inevitable destruction....by the social and economic forces of mainstream colonial society.

- New ideas were sweeping the British Empire. Missionaries and humanitarians, appalled at the deterioration in living conditions in areas where settlements were devastating traditional Aboriginal cultures and economies, called for action to save them. But imperial and colonial officials, imbued with notions of racial superiority, preferred new policies to assist Indian people to evolve on a European model and to become 'civilized' farmers and tradesmen.
- The lieutenant governor of Upper Canada, Sir Francis Bond Head..... seemed to assume that, left to their own devices, Indians were inherently unable to respond to the new economic and social climate of British North America.
- Established by Governor General Sir Charles Bagot, the commission reported in 1844. Generally, the commissioners found that there were serious problems with squatters on Indian lands, poor records of land sales or leases, and inept official administration of band funds; that the wildlife necessary for subsistence was fast disappearing from settled areas; and that Indians generally were suffering from alcohol abuse.....To bring order to the development of Indian policy and to end the varying practices in the different colonies, centralization of control over all Indian matters was recommended.
- Indians were to be encouraged to take up farming and other trades and were to be given the training and tools required for this purpose in lieu of treaty gifts and payments. Education was considered key to the entire enterprise; thus boarding schools were recommended as a way of countering the effects on young Indians of exposure to the more traditional Indian values of their parents. Christianity was to be fostered.
- ...the Bagot Commission issued its report and formed the heart of the Indian status, band membership and enfranchisement provisions of the *Indian Act*....The Bagot Commission recommended a far-

reaching and ambitious program that is still in operation today. Many of the current provisions in the *Indian Act* can trace their origins to these early recommendations.

- The first *Indian Act* as such was passed in 1876 as a consolidation of previous Indian legislation. Indian policy was now firmly fixed on a national foundation based unashamedly on the notion that Indian cultures and societies were clearly inferior to settler society. The annual report of the department of the interior for the year 1876 expressed the prevailing philosophy that Indians were children of the state:

Our Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State...the true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship.