

1920-1927 Indian Act Becomes More Restrictive

Monarch: King George V

Prime Minister: Robert Borden (to July 1920) Arthur Meighen (1920-1921) William Lyon Mackenzie King (1921-)

Premier: John Oliver

Federal Ministry: Department of the Interior

In the News

1920	Indian Act amendment makes Day or Residential School attendance compulsory.
1922	Dr. Peter Bryce publishes <i>The Story of a National Crime</i> .
1923 April	Insulin becomes generally available for diabetics.
1924	BC government approves McKenna-McBride recommendations, including cut-off lands.
1924 January	King Tut's tomb uncovered in Egypt.
1924 April	The Royal Canadian Air Force is formed.
1924 June	In the US, Native Americans are proclaimed US citizens.
1925	Ku Klux Klan sets up a local branch in Vancouver.
1925 July	"Monkey Trial" ends; John Scopes found guilty of teaching Darwinism (evolution).
1927	Indian Act amendment prohibits raising money or hiring lawyers to pursue land claims (to 1951).

Background

In the 1920s, First Nations people, far from being satisfied with the results of the McKenna-McBride Commission, continued to press for Aboriginal Rights and Title, and formed larger inter-tribal organizations such as the Allied Indian Tribes. Parents continued to pull their children out of the Industrial and Boarding Schools. The government's reaction to protests, largely under the advice of Duncan Campbell Scott, was to further tighten control over First Nations people by amending the Indian Act.

In Ottawa a Special Committee on the Indian Act held hearings to consider suggestions for changing the Act. At the same time federal and provincial governments were attempting to settle the land issues arising out of the McKenna-McBride Commission.

In 1920 the Indian Act was amended to make it compulsory for Status Indian children to attend either an Indian Residential school or a Day School. The problem was that often there were no Day Schools available for students, so the only options were Residential school or no school at all.

In 1923, the Allied Indian Tribes met with federal politicians and bureaucrats to discuss ongoing concerns over the McKenna McBride Royal Commission. They tried to convince the governments to reject the findings of the Commission and to settle the broader issue of Aboriginal Rights and Title.

Four years later the Special Joint Committee of the House of Commons and Senate on Indian Affairs heard representations from a number of organizations, including the Allied Tribes.

They submitted a petition in June, 1926, resulting in a Special Committee of the Senate and House of Commons to inquire into the Claims of the Allied Indian tribes of British Columbia. The committee concluded "that the claims of the Indians were not well founded, and that no Aboriginal title, as alleged, had ever existed."

In 1927 Canada amended the Indian Act to make it illegal to obtain funds or legal counsel to advance Aboriginal Title cases. This ended the Allied Tribes' hope of having a case heard at the Privy Council in London and the Allied Tribes dissolved. Indigenous resistance moved underground.

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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 continuously 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. This 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 very earliest enactments was to provide for the enfranchisement of the Indians. So it is written in our law that the Indian was eventually to become enfranchised.

... 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.

Remarks made to the Special Committee on the Indian Act, 1920

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BILL RELATING TO INDIAN LANDS

Minister of Interior Introduces Measure Dealing With British Columbia Reserves—Indian Deputation to Ottawa

OTTAWA, March 12.—Hon. Arthur Meighen, Minister of the Interior, introduced a bill this afternoon respecting Indian lands in British Columbia. In 1912 a royal commission was appointed to report on differences between the Governments of the Dominion and British Columbia in respect to Indian lands. It has been found impossible, Mr. Meighen said, to ratify the findings of the commission. The bill was to enable the Government to negotiate with the Government of British Columbia and reach a conclusion on the basis of the commission's findings with certain modifications. Similar legislation was being introduced in the Legislature of British Columbia.

Mr. Meighen also introduced a bill amending the Indian Act. The bill, he said, looks to a more ready enfranchisement of the Indians—that was to say, the elevation of Indians to a full status of citizenship.

It also provided for the compulsory education of Indian children, and made other minor changes in the Indian Act. The bill was read a first time.

WINNIPEG, March 12.—In an endeavor to get the Dominion Government to take a more reasonable view of the question of Indian reserves in British Columbia, and in order to get an equitable settlement of the whole matter, outside the courts if possible, a delegation representing the allied tribes of British Columbia is on its way to Ottawa, and the matter will be taken up with the Federal Government.

Victoria Daily Colonist March 13, 1920

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COMPLAINTS MADE BY B.C. INDIANS

**Restoration of Land, Fishing
and Hunting Rights Is De-
manded—Proposed Amend-
ment of Act Is Not Wanted**

OTTAWA, April 22.—The high cost of living formed a basis for a vehement argument by the British Columbia Indians today before the committee on the proposed amendments to the Indian Act.

"Our Heavenly Father gave us food long before the white man came, by placing salmon in our rivers. Now the white men millionaires who can afford better food and want to make a little more money, come and take our food away from us," said George Matheson, of Sardis, B.C.

Indians had been arrested for taking their winter's food supply from the rivers running through their own reserve.

Matheson, along with other braves, declared that the Indians would never be at peace until their land, fishing and hunting rights were fully restored to them. Other matters, such as education and enfranchisement, could wait.

D. C. Scott, Deputy Minister, sympathized with the Indians, but other foods had been substituted. This was not satisfactory. The prohibitory order was necessary to preserve the salmon industry.

Henry Jackson, president of the Grand General Indian Council of Ontario, asked that the bill be set aside to give his association an opportunity to examine it. This closed the evidence, and the committee will now sit to consider the actual terms of the bill. The committee will reconvene next Tuesday.

Peter Calder, a stalwart brave of the Nishge tribe of British Columbians, told the committee that unless the Government looked fully into the land rights and gave satisfactory settlements the members of the band would ignore any new legislation as now proposed. Through an interpreter, Calder pleaded with the committee to settle the dispute without the expense or worry of law proceedings. He had learned of this when a boy, and after he was gone his children would carry on until the tribe was satisfied.

Calder was unwilling to discuss enfranchisement or educational matters until the land question was settled.

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ENFRANCHISEMENT OF INDIANS.

The enfranchisement of Indians is one of the proposals in the bill to amend the Indian Act now before Parliament, but the provisions as drafted are causing some uneasiness among those whom the Government assumes to benefit. Three thousand of them enlisted during the war, and the offer of the franchise might be taken as a recognition of their services, but the bill appears to force this privilege upon them with consequences for which perhaps they are not yet prepared.

One section of the bill reads: "The Superintendent-General may appoint an officer or person to make inquiry and report as to the fitness of any Indian or Indians to be enfranchised," and the next section reads: "On the report of the Superintendent-General that any Indian, male or female, over the age of twenty-one years is fit for enfranchisement, the Governor in Council may, by order, enfranchise such Indian." The bill does not appear to leave any choice to the Indian, but if the Superintendent-General reports that he is fit for enfranchisement the provisions of the Indian Act will no longer apply to him or to his children. Provision is made for the payment to enfranchised Indians of their share of the common interest of the band in the lands of the reserve, and when a whole band, or the majority of the members of the band, is thus enfranchised on reports from the Superintendent-General the common land or other public property of the band may be sold and the proceeds placed to their credit.

The people of Canada have endeavored to treat the Indians fairly, and have set aside for them reserves of land where they have been encouraged to grow self-reliant, and to that end they have been given a certain measure of self-government. But another bill to amend the Indian Act which was passed last session authorized the Deputy Superintendent-General to grant to an Indian settler "a location ticket for common lands of a band without the consent of the Council of the band," and the effect of this is to thrust upon one band of Indians certain other Indians who may not be acceptable. The administration of the Indian Act is attended with difficulties, but more attention to their wishes would render administration easier. The present bill contemplates the extinction of the system of reserves, and it is doubtful whether the country or the Indians themselves are prepared for this departure from traditional policy.

Toronto Globe April 1920

Victoria Daily Colonist April 23, 1920

SESSIONAL PAPER No. 27

AMENDMENTS TO THE INDIAN ACT

Important amendments to the Indian Act with regard to the subject of enfranchisement and education were passed at the 1920 session of Parliament.

The amendments repealed sections 107 and 122. These clauses had been upon the statutes since 1857 and under them it was found possible to enfranchise only 65 Indian families of 102 persons since Confederation or during a period of 53 years. As the ultimate object of our Indian policy is to merge the natives in the citizenship of the country, it will be seen that these clauses were inadequate. Under these clauses, it took six years for an Indian to become enfranchised, and the applicant was wearied by this additional six years of tutelage before he was deemed fit to handle his own property and take his place among the citizens of the country.

At the session of 1918, Parliament passed an amendment to the Indian Act, which enables the Governor General in Council to enfranchise, on application, all Indians who have no land on reserves and who are willing to accept their share of the funds of the band and to give up any title to the lands on the reserve. This amendment has served to show that numbers of Indians desire to take the final step towards citizenship, as to date the department enfranchised 97 families of 258 individuals under its provisions. There is further evidence bearing in the same direction, consisting of individual applications for enfranchisement from Indians who are holders of property on reserves.

The new sections passed at the session of 1920 give the Superintendent General power to make inquiry and report from time to time as to the fitness of any Indian or Indians for enfranchisement, and they give the Governor General in Council authority, acting on such reports, to enfranchise an Indian and his wife and minor unmarried children forthwith. The clauses provide adequately for the protection of the individual interests in the lands and moneys of the band.

The amendment provides for the repeal of sections 9, 10 and 11 of the Act, and the substitution of the sections drafted. The department is thus enabled to establish a system of compulsory education at both day and residential schools. Prior to the passing of these amendments the Act did not give the Governor in Council power to make regulations enforcing the residence and attendance of Indian children at residential schools, as the department could only commit to a residential school when a day school is provided, and the child does not attend.

The recent amendments give the department control and remove from the Indian parent the responsibility for the care and education of his child, and the best interests of the Indians are promoted and fully protected. The clauses apply to every Indian child over the age of seven and under the age of fifteen.

If a day school is in effective operation, as is the case on many of the reserves in the eastern provinces, there will be no interruption of such parental sway as exists. Where a day school cannot be properly operated, the child may be assigned to the nearest available industrial or boarding school. All such schools are open to inspection and must be conducted according to a standard already in existence. A regular summer vacation is provided for, and the transportation expenses of the children are paid by the department.

Department of Indian Affairs Annual Report for 1920. Canada Sessional Papers 1921, p. 13

In another hundred years civilization will have reached all peoples except those that have no resources worth stealing.	ing at eve 7 the
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Vancouver Sun, June 24, 1925

CONFERENCE of Dr. Duncan C. Scott, Deputy Superintendent-General of Indian Affairs of the Dominion of Canada, W.E. Ditchburn, Chief Inspector of Indian Agencies of British Columbia,

WITH THE EXECUTIVE COMMITTEE OF THE ALLIED INDIAN TRIBES OF BRITISH COLUMBIA:

Held at Victoria, B.C. beginning on Tues. August 7th, 1923, at 11 A.M.

The following being present, composing the said Executive Committee:-

Rev. P. R. Kelly, of the Haida Tribe, Chairman,

Andrew Paul, of the Squamish Tribe, Secretary

Ambrose Reid, of the United Tribes of Northern B.C.

Alec. Leonard, Kamloops Tribes,)

Thos. Adolph, Fountain Tribes,) Representing Interior

Narcisse Batiste, Okanagan Tribes,) of British Columbia

Stephen Bataskat, Lillooet Tribes,)

Geo. Matheson, Lower Fraser Tribes,

Simon Pierre, Lower Fraser Tribes,

Chris. Paul, Saanich Tribes,

John Elliot, Cowichan Tribes,

Mrs. Cook, Kwawkewlth,

A. E. O'Meara, of Victoria, General Counsel of the Allied Tribes

(Proceedings reported by Mr. Justin Gilbert, Victoria)

MR. KELLY: We are under the impression, and I think it is a correct one, that the Commission deals with just the Reserves—nothing else but the reserves.

DR. SCOTT: Nothing but the reserves.

MR. KELLY: It does not touch any question in connection with the Indian land question. And I think we have pointed out, that we have been a little cautious in making that binding, because, as I think I pointed out in my speech in Vancouver, we have no rights, apart from our aboriginal rights—which of course is in the lands of this Province. By agreeing with the Royal Commission, which does away with all our land rights, it seems we would have surrendered everything, without having received what we would like to have included in the terms of the settlement. Our idea has been to discuss what we may call the terms of settlement, in a very full way [...] come to an understanding along general lines of settlement before we accept the report of the Royal Commission. [...]

DR. SCOTT: Mr. Kelly, my understanding is that I am not here with powers to accept; I am only here with power to report to the Government, or the Honourable Superintendent-General. Of course, while we want full discussion, the reserve question is one of paramount importance; and it is not, I think the intention of the

Minister that you should be asked to definitely state that you accept or do not accept the final settlement of the report of the Royal Commission. [...]

MR. KELLY: You can understand how it was necessary for us to be very careful that we did not jeopardize the Indian position by agreeing to anything that we were not absolutely certain about. As we have pointed out time and again, although we were assured that the Royal Commission dealt with nothing but reserves, yet the order-in-council under which that Commission was appointed, said in so many words that, resulting from the Commission's work it would be the final settlement of all the matters relating to the Indian affairs. Now those words must have been ambiguous. If those words said, all matters relating to Indian Reserves, then the matter would have been clear. But you can understand, gentleman, that having those words before us, I think we could not draw any other conclusion than the one we did. It was a dangerous suggestion for us to agree to. That is exactly the stumbling block in the whole thing. [...] If you were not confused we were confused, because those words were so distinct, you see, that at once we protested it — you know the history of that just as well as I do — but we vigorously protested against that.

ON HEALTH

DR. SCOTT: There are some valuable provisions in the Indian Act now with reference to the health of Indians, and the treatment of communicable diseases, which no doubt you are aware of. But in British Columbia, unfortunately we have not the hospital accommodation necessary to deal with such a prevalent disease as tuberculosis. Under the Act we would have the right to—I don't want to use the word incarcerate—to take an Indian as having tuberculosis or any communicable disease and place him in a hospital. We simply have to make a recommendation to that effect, and any Indian in Canada can be taken against his will, just as if he was arrested, so to speak,—but of course a beneficial arrest, and placed in a hospital. In other parts of the country, while in some districts we have our own hospitals, we usually make use of the hospitals established for white persons. And upon the whole I think that is the best policy, where they can accommodate the Indians who require treatment. I am sure that this question will receive the very earnest attention of the Minister.

MR. REID: I might state, Doctor, that the Indians being placed in what we will call a white man's hospital, that is intermixed in the hospital, they do not get very satisfactory treatment there. That is the Indians themselves say so. Some Indians that we know of have been in these, what we are pleased to call white man's hospitals, and they come out and they have gone into the hospitals that are solely for Indians, and they think that they get better treatment in their own hospital than what they do in the white man's hospital. [...] What I am meaning is this, it is in the northern district that I speak of as the Indian hospital, because there are mostly Indians in there. They think if there was a hospital set aside for their own particular use, it would be better than having to go to hospitals where they are mixed up with the other patients.

MRS COOK: My experience of the matters has been that. That is the policy of the Indian Department, that when an Indian needs medical attention, and it is a bad case, he will be sent to a hospital near by. And there is a grant given to that hospital; and the Indians pay for

themselves in most cases. But we have found that they are not wanted there. They are not wanted in those hospitals; they may take them in for a few days, but after a few days they are told well, you can go home as soon as you like—and of course if you tell an Indian they are well enough to go home they will go home right away. But they are made to feel they are not wanted there and it is better for them to go home. I speak from experience as we have a hospital at Alert Bay under the Coast Mission there. And we have found, and the doctors that have been in that hospital have told me repeatedly, Mrs. Cook, the only way you can do is to ask the Indian Department to put up a little hospital, it does not matter how small, even cottages, that will take in these Indians, because I cannot find nurses that will come in here and are willing to nurse the Indians in these hospitals. And another thing, he says, we find that the white people, you see—that is [the] central hospital in that locality—the white people coming in there are afraid of these contagious diseases that the Indians might have. And another things is that they have to take in so many maternity cases, and the maternity cases are afraid knowing that there are Indians in the hospital. And so they find that difficulty. [...]

MR. ELLIOTT: I wish to confirm what my lady friend has said. I took sick one time of Typhoid fever, and I was sent to the Nanaimo Hospital. [...] When I was able to get out of bed I was sent to the ward. I was told by the Doctor he thought I was able now to get along without his aid, and I was to go home. Now I was only three days out of the other ward, and could not hardly stand on my feet. I believe it was God's power that put me on my feet. I was turned out of that hospital, out to the station, taken out in the buggy and dumped out at the station; I had hardly strength enough to get my ticket to come home. [...] Now we want different treatment from that. Honourable sir, I thank my lady friend for her stand; and in view of what she says, it ought to be attended to; and I think we ought to have hospitals on the Indian reserves.

ON EDUCATION

MR. KELLY: Connected up with this very important matter of medical attention, which we have been speaking of, education naturally comes as the next order of things. [...]

We beg to maintain that, as important as the work that has been done in the past is, it is not altogether sufficient to qualify the Indian to meet the conditions that he is called upon to meet at the present time. To be able to read and to write and do elementary kinds of arithmetic I do not think is quite enough. He has been brought to realize that if he is going to compete with his white brethren, with his white neighbours, he must have certain qualifications, he must have certain trainings. [...]

We would like to have an institution where our young men and women would be so fitted that they will be able to take their place in the larger public life of this country, and feel that they are equal to any life. Now I do not see why that should not be. We stress that because we think it is a necessity.

DR. SCOTT: If anybody else would like to make a concrete statement as to education, it will be well; but I think practically enough has been said; although I would like it placed, as you did the fishing question, in a more concrete form.

MR. KELLY: I think it could be done.

DR. SCOTT: For instance, on a half a page of foolscap the Minister could get your mind on the question of education.

Beyond that, I am not aware that there is anything left, except a few general things.

MR. KELLY: Well, we will agree to an adjournment.

DR. SCOTT: And it will be a definite arrangement that we will close tomorrow. I think we can clean the plate tomorrow.

MR. KELLY: We will strive to do that.

Friday August 10 1923 at 2pm

DR. SCOTT: I think we were discussing the question of education when we adjourned. Are you prepared to go on with that subject now?

MR. KELLY: Yesterday we discussed in a general way educational matters. We realize that today we must

confine ourselves to something definite; but at the same time until actual negotiations are entered into, we find it a little difficult to talk about all the details of an adequate system of education. Anyone who gives that a thought can see that point at once. But we realized this, there are certain defects in the present system of education as it affects the Indians in this Province. [...]

It was brought to our notice this morning by one of the Executive Members that in one section of the Province during the past two years several pupils were passed into the High School, and after they were passed into the High School, it was found in those particular localities that they could not continue their studies. This happened when they were about fifteen and sixteen years of age. Although their parents, when they entered those schools signed an agreement that they would be there until they are eighteen, because they passed into the High School earlier, there was no provision made at all for the continuation of their study in that place. The result was that they had to go out. And as far as making provision is concerned for the studies of those pupils, it is ended, unless their parents are in position to send them down to the centres where there are High Schools. [...]

Now I want to illustrate what I want to bring out. I have been through the Chilliwack Industrial School, and know at least in my time the things that obtained there. I came from a country where farming is not a necessity, we did not have land for farms, and farming was a useless thing for myself; but for three years I went out—I don't say it did me any harm, I think it did me good, I admit that—for three years I used to go out there half a day, and pretty much during the whole summer, work out in the fields. [...] What I am saying is this: instead of that time being occupied in a thing that is not an absolute necessity, it would be a grand thing if provision were made for those pupils to spend their time on something that will fit them for the battle of life. [...]

I think it is generally conceded that the educational system not only of B.C. but the general education system of our country is rather defective; and instead of scattering their energies over things that are not altogether considered necessary, bend all their training towards something, so that when they come out they will be prepared to take their place, and put their hands to the wheel; and feel that they are equal to stand side by side with other men and women. Now that is what we would like to see done.