

Facilitator Resource 5.1: The Gradual Civilization Act (1857)²

In 1857 the Gradual Civilization Act was passed by the Parliament of the Province of Canada. (This consisted of the colonies of Upper and Lower Canada/Ontario and Quebec. Canada did not become a country until July 1, 1867.)

The purpose of this act was to encourage Indigenous peoples to voluntarily remove themselves from their traditional culture and community to become “full British Citizens”.

In 1880 amendments to the act made enfranchisement compulsory under a variety of circumstances, including military service, post secondary education, and in pursuing certain professions or careers.

Some provisions included in the act were that the “Enfranchised Indian” would receive for personal ownership 50 acres of the reserve land originally owned communally by the band, a new “Christian” name and surname, and some of the rights and benefits of British citizenship in exchange for giving up Indian status and any associated rights or benefits.

² Source: <https://signatoryindian.tripod.com/routingusedtoenslavethesovereignindigenouspeoples/id10.html>

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Commencement of this Act.

X This Act shall take effect on and from the first day of August next.

C A P . X X V I .

An Act to encourage the gradual Civilization of the Indian Tribes in this Province, and to amend the Laws respecting Indians.

[Assented to 10th June, 1857.]

Preamble

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 the rights accompanying it, by such Individual Members of the said Tribes as shall be found to desire such encouragement and to have deserved it: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

To what persons only section 3 of 13, 14 V. c. 74, shall apply.

I. The third section of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, chaptered seventy-four and intitled, *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*, shall apply only to Indians or persons of Indian blood or intermarried with Indians, who shall be acknowledged as members of Indian Tribes or Bands residing upon lands which have never been surrendered to the Crown (or which having been so surrendered have been set apart or shall then be reserved for the use of any Tribe or Band of Indians in common) and who shall themselves reside upon such lands, and shall not have been exempted from the operation of the said section, under the provisions of this Act; and such persons and such persons only shall be deemed Indians within the meaning of any provision of the said Act or of any other Act or Law in force in any part of this Province by which any legal distinction is made between the rights and liabilities of Indians and those of Her Majesty's other Canadian Subjects.

Such persons only to be deemed Indians for certain purposes.

II.