

## 2. GLOSSARY OF TERMS

This glossary is an alphabetical list of terms commonly used in reference to the *Indian Act*. In the case of *child* and *Indian*, the legal definitions have changed over time. These definitions are listed in chronological order.

### **BAND**

A group of persons recognized for the purposes of the *Indian Act* because this group holds reserve land, or has funds held for it by the federal government, or has been declared a band by the Governor-in-Council.

### **BAND LIST**

A list of persons who are members of a particular band.

- Band-controlled Band List: a list maintained by a band.
- Departmental Band List: a list maintained by the Department.

### **CHILD**

1876: The child of an Indian male reputed to belong to a particular band.

- Emphasized male lineage.
- The illegitimate child of an unmarried Indian woman would not be considered an Indian unless his/her father was an Indian. However, if a child shared, with band consent, in distribution moneys of the band for over two years, the child's status and membership were confirmed.

1951: The child or legally adopted Indian child of a male who is registered as an Indian.

- The child had to have prior eligibility for Indian status in order to have eligibility after the adoption.

1985: A child born in or out of wedlock to an Indian parent, a legally adopted child, and a child adopted in accordance with Indian customs.

- The distinction between legitimacy and illegitimacy is eliminated.
- An adopted child can now acquire Indian status through adoption by an Indian parent.
- Adoption by Indian custom is now recognised.

## **DOUBLE-MOTHER CLAUSE**

An Indian born of a marriage entered into on or after September 4, 1951 lost entitlement to registration at the age of 21 years if his/her mother and paternal grandmother were not recognized as Indians before their marriages. This clause first appeared in 1951 legislation and was eliminated in the 1985 *Indian Act*.

## **ENFRANCHISEMENT**

A process by which an Indian gave up Indian status and band membership. Enfranchisement was abolished in the 1985 *Indian Act*.

## **GENERAL LIST**

A list of all persons registered as Indians in the Indian Register who are not members of a band.

## **HALF-BREED**

A person of mixed European and Indian ancestry who, normally, was not registered or eligible for registration. Persons in this category were also referred to as Metis.

## **ILLEGITIMATE**

A child born to parents who are not married to each other.

## **INDIAN**

1850: Any person deemed to be aboriginal by birth or blood, any person reputed to belong to a particular band or body of Indians; and any person who married an Indian or was adopted by Indians.

- A broad definition with no emphasis on male lineage.
- Linked Indian status to band membership.

1876: Any male person of Indian blood reputed to belong to a particular band; any child of such person; any woman who is or was lawfully married to such person.

- Emphasized male lineage.
- If an Indian woman married a non-Indian, she lost status.

1951: A person who is registered or entitled to be registered in the Indian Register.

- The establishment of the Indian Register as a means of conferring Indian status resulted in a complex set of eligibility rules.
- Generally, Indians who had been members of a band were entitled to registration.
- The emphasis on male lineage was maintained and many persons lost status because of rules discriminatory toward women and illegitimate children.

**INDIAN (cont'd)**

1985: A person who is registered or entitled to be registered in the Indian Register.

- The rules for eligibility in the 1951 legislation were significantly altered so that many Indians who had lost status due to discrimination are now eligible for registration.

**INDIAN REGISTER**

A centralized record of all persons registered as Indians in Canada.

**INDIAN STATUS**

A term commonly applied to a person who is registered as an Indian under the *Indian Act*.

**LEGITIMATE**

A child born to parents who are married to each other.

**MEMBER OF A BAND**

A person whose name appears on a Band List.

**REGISTRAR**

The Departmental official who is in charge of the Indian Register and the Band Lists maintained in the Department.

**SCRIP**

A certificate, offered to persons of Indian ancestry primarily in the Northwest Territories and prairie provinces, as a one-time payment in money or land in exchange for their aboriginal rights in and to the land. Sometimes referred to in legislation as “half-breed lands and money scrip.” Persons who took scrip were not entitled to treaty rights.