Appendix

Sections 11 and 12 of the Amended 1951 Indian Act.

11. (1) Subject to Section 12, a person is entitled to be registered if that person
   a) on the 26th day of May 1874 was, for the purposes of 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, being chapter 42 of the Statutes of
      Canada, 1868, as amended by chapter 6 of section 6 of the Statutes of Canada,
      1869, and section 8 of chapter 21 of the Statutes of Canada, 1874, considered to
      be entitled to hold, use or enjoy the lands and other immovable property
      belonging to or appropriated to the use of the various tribes, bands or bodies of
      Indians in Canada;
   b) is a member of a band
      i. for whose use and benefit, in common, lands have been set apart or
      since the 26th of May 1874, have been agreed by treaty to be set apart, or
      ii. that has been declared by the Governor in Council to be a band for the
          purposes of this Act;
   c) is a male person who is a direct descendant in a male line of a male person
      described in paragraph (a) or (b);
   d) is the legitimate child of
      i. a male person described in paragraph (a) or (b), or
      ii. a person described in paragraph (c);
   e) is the illegitimate child of a female person described in paragraph (a), (b) or (d);
   or
   f) is the wife or widow of a person who is entitled to be registered by virtue of
      paragraph (a), (b), (c), (d) or (e).

12. (1) The following persons are not to be registered, namely,

   a) a person who
      i. has received or has been allotted half-breed lands or money scrip,
      ii. is a descendant of a person described in sub-paragraph (i),
      iii. is enfranchised, or
      iv. is a person born of a marriage entered into after the 4th day of
          September 1951 and has attained the age of twenty-one years, whose
          mother and whose father’s mother are not persons described in
paragraph 11(1) (a), (b) or (d) or entitled to be registered by virtue of paragraph 11(1) (e), unless, being a woman, that person is a wife or widow of a person described in section 11.

(2) The addition to a Band List of the name of an illegitimate child described in paragraph 11(1) (e) may be protested at any time within twelve months after the addition, and if upon request it is decided that the father of the child was not an Indian, the child is not entitled to be registered under that paragraph.

(3) The Minister may issue to any Indian to whom this Act ceases to apply, a certificate to that effect.

(4) Subparagraphs (1) (a) (i) and (ii) do not apply to a person who

a. pursuant to this Act is registered as an Indian on the 13th day of August 1958,
   or
b. is a descendant of a person described in paragraph (a) of this subsection.

(5) Subsection (2) applies only to persons born after the 13th day of August 1956.

Notes

i Imai and Hawley 1995:34-35, emphasis mine.

References

Imai, Shin and Donna Lea Hawley
Scarborough, ON: Carswell.

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